

**AGENDA
CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
REGULAR PLANNING COMMISSION MEETING**

Location:	City Hall	Date:	February 22, 2012
	834 Main Street	Time:	7:00 p.m. Regular Meeting
	Ferndale CA 95536	Posted: 2/15/12	

The City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility please call 786-4224 24 hours prior to the meeting.

1.0	Open meeting / flag salute / roll call	
2.0	Ceremonial	
2.1	Oath of Office-Uffe Christiansen	
3.0	Update Agenda	
3.1	Proposed changes, modifications to agenda items	
3.2	Commissioners comments	
4.0	Approval of previous minutes –January 18, 2012.	Page 2
5.0	Public Comment	Page 3
6.0	Public Hearing	None
7.0	Business	
7.1	Historical and Cultural Resources Element Update.....	Page 5
7.2	Draft Background, Purpose and Scope-Sign Committee	Page 144
8.0	Correspondence and Oral Communications	Page 147
9.0	City Planner’s and Deputy City Clerk’s Staff Reports	Page 148
10.0	Design Review Minutes.....	None
11.0	Sign Committee Minutes	Page 151
12.0	Adjournment – Next regular meeting March 21, 2012	Page 152

City of Ferndale, Humboldt County, California USA
Minutes for Planning Commission Meeting of January 18, 2011

Call to Order: Chair Jorgen Von Frausing-Borch called the Planning Commission meeting to order at 7:15p.m. Commissioners Dan Brown, and Trevor Harper as well as staff Deputy City Clerk Brianna Smith and City Planner George Williamson were present. Commissioner Lino Moggi had an excused absence. Those in attendance pledged allegiance to the flag. MOTION: (Jorgen/Brown). The November 16 minutes were unanimously approved as amended. No public comment.

Interview Planning Commissioner Applicant(s): Planning Commissioners interviewed Planning Commission applicant Uffe Christiansen. MOTION: (Brown/Harper). Approve applicant to be forwarded to the City Council for approval. Unanimous.

Housing Element Update: City Planner George Williamson gave an update. MOTION: (Harper/Brown). Approve Housing Element Program I. Adequate Sites, #7, page 5-5 as requested by HCD and send to City Council for submittal to the Department of Housing and Community Development. Unanimous

Commissioner comments: Commissioner Von Frausing-Borch gave input on matters that should come before Planning Commission.

The next regular meeting will be February 15, 2012. The meeting was adjourned at 7:51 pm.

Respectfully submitted,

Brianna Smith
Deputy City Clerk

Section 2: CEREMONIAL

Oath of Office-Uffe Christiansen

Section 4: PUBLIC COMMENT

This time is for persons who wish to address the Commission on any matter not on this agenda and over which the Commission has jurisdiction.

Items requiring Commission action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rd of the Commission (three of the five members) that the item came up after the agenda was posted and is of an urgent nature requiring immediate action.

This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.

Please state your name and address for the record. (This is optional.)

Section 5: Public Hearing

Section 7: BUSINESS

Meeting Date:	February 15, 2012	Agenda Item Number	7.1
Agenda Item Title:	Historical & Cultural Resources Element Update		
Presented By:	George Williamson, Contract City Planner		
Type of Item:	x	Action	Discussion Information
Action Required:	Review Element and Make Recommendation		

RECOMMENDATION:

Review the Draft Historical & Cultural Resources Element revisions and recommend revised draft to City Council for adoption.

BACKGROUND:

The Historical and Cultural Resources Element of the City General Plan sets goals, policies and implementation strategies for the City's role in planning for the unique historical aspects of Ferndale and its regional cultural setting in the Eel River Valley. This Element is being made part of the General Plan to emphasize the importance of preserving Ferndale's community character, history, and architectural features.

DISCUSSION:

During Element preparation the Planning Commission held study sessions, conducted public outreach, and held public hearings. The draft Element was also circulated for public review and comment. The City received one set of comments from Design Review Committee (DRC) members. One DRC recommendation that was also supported by the Planning Commission required additional work beyond the scope of the current agreement. The additional work involved including a photograph representation from Ferndale of each architectural style described in Chapter 3 of the Element. The Planning Commission recommended a scope and budget amendment so staff could complete this work and incorporate it into the Element. Staff coordinated with the Ferndale Museum, including drawing upon their resources to obtain digital copies of pre-existing photographs of historic Ferndale buildings. Where the museum had no digital copy of a particular style, staff took pictures of existing Ferndale buildings as directed by Ferndale Museum's Head of Research, Ann Roberts. These images have been incorporated into the element, along with captions, additional citation, and an expanded list of figures in the Table of Contents.

In addition to enhancing the Element, staff has made revisions in response to comments from a concerned citizen. The two historic errors noted in the comments have been researched and corrected. Based on the comments, staff revised citation to comply with Council of Science Editors (CSE) citation standards, added additional citation as needed throughout the text, and revised the References section to accurately reflect sources cited in the Element. Two architectural styles were removed from Chapter 3 as no evidence in support of their existence in Ferndale was found. The revised list of styles is as follows: Gothic Revival, Italianate, Second Empire, Queen Anne, Neoclassical, Craftsman/ Bungalow, Mission, and Ranch Style. In the process of revising and enhancing the Element, staff also made minor revisions to language for clarity and correctness.

NEXT STEPS:

Once review is complete and Planning Commission has recommended the Element with revisions, it will be forwarded to City Council who will conduct their own public hearing and review prior to adopting the Element.



TRANSMITTAL

DATE: February 8, 2012
TO: Jay Parrish, City Manager
City of Ferndale
FROM: George Williamson AICP and Melanie Rheaume
SUBJECT: Historical & Cultural Resources Element Revised Submittal & Review

TRANSMITTAL ITEMS

1. The revised Historical & Cultural Resources Element

The purpose of the Historical and Cultural Resources Element is to preserve and enhance the community's historic resources for heritage tourism, economic development and a continued source of community identity and pride. This is an optional general plan element, which sets goals, policies, and implementation measures for managing historical resources important to the City. The Element also addresses review of new development to ensure compatibility with existing historical resources and encourages both public and private stewardship. This Element is intended to be part of the City's General Plan, because preserving community character, history, and architectural features is important to Ferndale. The Historical and Cultural Resources Element contains the following Chapters and goals:

Historical and Cultural Resources Element Contents:

Preface	
Chapter 1	Introduction
Chapter 2	Historical and Cultural Setting and Context
Chapter 3	Historical Resources and Design Review
Chapter 4	Goals, Policies, and Implementation Strategies
Chapter 5	References

GOAL 1 Preserve Ferndale's distinctive and valued historic district, structures, and sites representing various periods of the City's history.

GOAL 2 Highlight the City's historic resources for promoting heritage tourism as a means of economic development.

GOAL 3 Educate the community and visitors about the value of the City's historical resources through promotional materials.

GOAL 4 Guide new development design and context to be compatible with existing historic resources, community character and livability of Ferndale.

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During Element preparation the Ferndale Planning Commission held study sessions, conducted public outreach, and held public hearings. The draft Element was also circulated for public review and comment and was the subject of City Design Review Committee (DRC) discussions. As part of Planning Commission review, DRC comments were considered and the Commission made recommendations as to how DRC comments should be incorporated into the Element. The recommended comments have been incorporated into the attached February 2012 Draft Element.

One DRC recommendation supported by the Planning Commission required additional information be added to the element. This involved including a photograph representation from Ferndale of each architectural style described in H&CR Element Chapter 3. The Planning Commission recommended incorporating this information into the Element and the City Council concurred during their review in December 2011. Staff coordinated with the Ferndale Museum, including drawing upon their resources to obtain digital copies of pre-existing photographs of historic Ferndale buildings. Where the museum had no digital copy of a particular style, staff took pictures of existing Ferndale buildings as directed by Ferndale Museum's Head of Research, Ann Roberts.

These images have been incorporated into the element, along with captions, additional citation, and an expanded list of figures in the Table of Contents. Two architectural styles were removed from Chapter 3 as no evidence in support of their existence in Ferndale was found. The revised list of styles is as follows: Gothic Revival, Italianate, Second Empire, Queen Anne, Neoclassical, Craftsman/ Bungalow, Mission, and Ranch Style.

In addition to expanding the Element content through illustrations, staff has made revisions in response to community member comments. Descriptions of historic events noted as incorrect in the comments have been researched and corrected. Based on the comments, staff revised the form of citation to comply with Council of Science Editors (CSE) citation standards. The entire Element has been revised with added additional citation as needed throughout the text, and the References section revised to accurately reflect information sources cited in the Element.

In the process of revising and enhancing the Element, staff also made minor revisions to language for clarity and correctness.

Once the community member has reviewed the Element and Planning Commission has reviewed and recommended the Element with revisions, it will be forwarded to City Council who will conduct their own public hearing and review prior to adopting the Element.

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DRAFT

City of **FERNDALE**

Historical & Cultural Resources Element

January 2012



Cover Photos & Illustrations:

Top left - Shaw House Top right - Victorian Inn
Center - Main Street Illustration from City Letterhead
Bottom left - Ferndale Museum Bottom right - Gingerbread Mansion

City of Ferndale
Historical & Cultural Resources Element

City Council

Jeffrey Farley, Mayor
Stuart Titus, Vice Mayor
Niels Lorenzen
Ken Mierzwa
John Maxwell

Planning Commission

Jorgen Von Frausing-Borch, Chair
Daniel Brown
Trevor Harper
Lino Mogni

Design Review Committee

Daniel Brown, Chair
Lino Mogni
Michael Bailey
Dane Cowan
Michael Sweeney

City of Ferndale Staff

Jay Parrish, City Manager
Nancy Kaytis-Slocum, City Clerk

Prepared By

PLANWEST
PARTNERS, INC. 

City of Ferndale Historical & Cultural Resources Element

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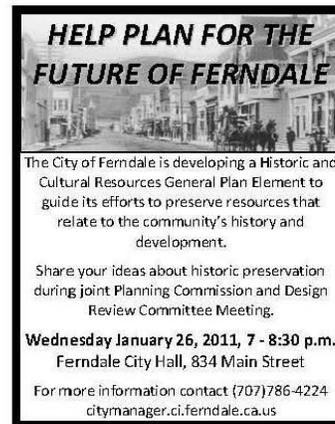
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PREFACE

Historical & Cultural Resources Element Preparation

Managing historical resources important to the City prompted the preparation of this element. Community engagement and participation during Element preparation and review was key to setting direction for preserving existing resources and maintaining the community's vision for the future. The Ferndale Planning Commission held a number of study sessions and public meetings with the Design Review Committee to gather input on historic preservation goals. Public meetings were advertised with notices in the Ferndale Enterprise, flyers, information posted on the City website, and public service announcements on a local radio station. The community was encouraged to participate in these meetings and to share their ideas about historic preservation.



The Planning Commission and Design Review Committee held a public meeting that began with an overview of the Element's purpose and outline presented by the City's Contract Planner (CP). Then the executive director of the Humboldt County Convention and Visitors Bureau spoke about the importance of tourism to the City and local economies and the reasons why tourists come to Ferndale. Next a Design Review Committee Member and historic restoration expert discussed the importance of maintaining materials and features of historic structures. Then the meeting was opened up to gather input from attendees about their historic preservation ideas. An overview of the next steps closed the meeting.

The CP and City staff worked with the Planning Commission, Design Review Committee, and public input to craft goals and policies to protect historical and cultural resources that will allow for the continued vitality of the town. The Draft Element was prepared based on relevant research and input received; and it will be presented to the Planning Commission for review and action at a public hearing. Planning Commission requested revisions will be incorporated and the Element will be forwarded to the City Council, who will conduct their own public hearings prior to adopting this Element and the associated California Environmental Quality Act document.

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1.0 INTRODUCTION

The Historical & Cultural Resources Element of the City's General Plan sets goals, policies and implementation strategies for the City's role in planning for the unique historical aspects of Ferndale and its regional cultural setting in the Eel River Valley. This Element is part of the City's General Plan because preserving community character, history, and architectural features is important to Ferndale. While not specifically mandated under state planning law, 126 California counties/cities have historic preservation general plan elements. Many of Ferndale's most defining features are its buildings and public spaces. Historical resources include individual structures, the National Register District along Main Street, and the architectural themes found throughout the City. This element also sets goals, policies, and implementation strategies for managing the qualifying historical resources and better defining historic district maintenance.

Purpose of Historical & Cultural Resources Element

The purpose of the Historical & Cultural Resources Element is to preserve and enhance the community's historic resources for heritage tourism, economic development and a continued source of community identity and pride. The Element also addresses new development to ensure compatibility with existing historical resources and encourages both public and private stewardship. Although the adopted General Plan contains historic preservation goals and polices, the City felt it is important to develop a long-term plan to integrate historic preservation within the context of land use development.

Historic Resources include sites, buildings, places, structures, objects, traditional cultural properties, landscapes, and districts containing a concentration of resources.

Historic preservation is the protection, rehabilitation, restoration, and reconstruction of historical and cultural resources. According to John Lawrence, Dean of the School of Architecture at Tulane University, the basic intent of preservation is "not to arrest time but to mediate sensitively with the forces of change, to understand the present as a product of the past and a modifier of the future" (Bernstein 2002, p 6). Ferndale retains many commercial and residential structures that are examples of the City's early history. These historic structures enhance community character and identity and are valued both individually and as part of the whole town; which is one aspect of why Ferndale is such a special place to both residents and visitors. Historic resource preservation is not only educational, but also supports economic development by attracting heritage tourists for its authentic streetscape.

Economic Development and Historic Preservation

Historic preservation is a sound investment, in that preserving a historic building or resource is often more efficient and profitable than new construction. Groupings of individual buildings increase value as well, through distinctive common characteristics

associated with architectural styles and time periods. Studies have shown that property values increase faster in historic districts than in non-historic areas (Bernstein 2002). Promoting districts, such as Ferndale's Main Street and distinctive individual buildings, complements and enhances individual and community property values. Voluntary preservation of historic and cultural resources can yield significant economic value to the Ferndale community and the region, through heritage tourism as well as an increase in property values.

The Element acknowledges that historic preservation requires a public and private partnership with both monetary and nonmonetary contributions from the participating parties. In economic terms, historic preservation has value in that the economic activity stimulates a range of goods and services for sale and trade along with real estate and tourism (Bernstein 2002). On the other hand, it is also a public good, with benefits for government or nonprofit groups. This Element provides the policy and strategy to maximize the value of these important resources, applying different methods for City government, other local agencies, and building and property owners to work collectively and cooperatively to build value for the community.

Relationship to the Rest of the General Plan

All general plan elements goals and policies must be internally consistent and are interdependent and related to each other. No single element of the plan should be used in isolation without consideration of all other component elements as an integrated general plan. The Historical & Cultural Resources Element goals and policies were reviewed for consistency with other general plan elements including but not limited to the following Land Use and Unique Resources Element goals and policies:

- To encourage the maintenance and preservation of structures having Victorian, historic, or unique architectural features (Goal 2510.4).
- To preserve and protect the existing architectural and historic features of Ferndale and its surroundings (Goal 2550.2).
- Any alteration of buildings or new construction in the Central Business District should be in keeping with the existing Victorian architecture and historic features (Policy 2540.5).
- Design control should be maintained for the portion of the City with Victorian structures and Main Street (Policy 2560.6).

The existing areas surrounding the City, as shown on the General Plan Land Use Map, are open agricultural/dairy lands to the north, east, and west and forested hillsides to the south. These types of land use patterns, along with the low density of development allowed outside the City boundary, help preserve historical and cultural resources by maintaining the historical use of the agricultural lands.

2.0 HISTORICAL & CULTURAL SETTING AND CONTEXT

Prior inhabitants, ancestors and historical figures have shaped the land and community of Ferndale. Documenting and acknowledging their contributions is an important part of preserving Ferndale's history.

Native American (pre-1852)

Prior to European-American settlement, the north coast of California was sparsely populated by Native Americans cultures. The most prominent tribe of the Humboldt Bay region and south to the Eel River Valley was the Wiyot people. The region supported a pre contact Wiyot population estimated at between 1,500 and 2,000 (Wiyot Tribe 2011). The abundant terrestrial, riverine, estuarine, and marine resources sustained the Wiyot people who lived in permanent villages along waterways which served as travel and trade routes.

Humboldt Bay was first visited by European-American settlers in 1849(Wiyot Tribe 2011). Wiyot contact with white explorers and fur trappers prior to the California gold rush changed the character of northwestern California forever and led to the decimation and displacement of the Wiyot. From 1850 to 1865, the territory of the Wiyots became the center for the largest concentration of European-Americans in California north of San Francisco. The Wiyot were forcibly relocated to reservations at Klamath, Hoopa, Smith River and Round Valley during this time period. Today, the Wiyots are, for the most part, associated with three Humboldt Bay area Rancherias. They are involved in various tribal economic projects and in the revitalization of cultural traditions such as languages, basket weaving, ceremonies, and reclaiming ancestral lands (Wiyot Tribe 2011).

Cultural resources can include: archeological sites, waterways, travel routes, and cultural landscapes. Many of these resources were lost before much was understood about the culture, or disturbed by commercial, industrial and residential development from the settlement period through the present day. No known significant Wiyot archaeological sites or artifacts have been found within the city limits of Ferndale. But their connection to, and influence on the development of the city, and its early residents, must be noted.

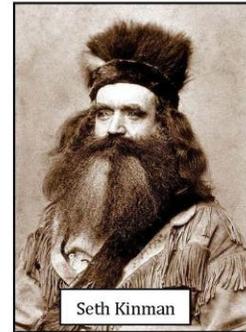
Early Settlement (1850-1870's)

The first European-American settlers to the Eel River Valley arrived around 1850. Within a few years the Gold Rush boom had subsided, and agricultural settlements were beginning to spread out over the open lands around Humboldt Bay and into the interior prairies and coastal valleys. The Eel River Valley was then characterized by small scattered settlements. A number of small settlements were already developed prior to Ferndale's initial establishment including Arlynda Corners, Port Kenyon, Grizzly Bluff, and Centerville. These small communities were situated in the outskirts of Ferndale and contributed to its development and prosperity.

The original vegetation of the lower Eel River valley consisted of dense thickets of alder, scattered forests of spruce and redwood, and fields of ferns, some taller than a man on a horse. It was formidable land to farm, but represented abundant opportunities for hard

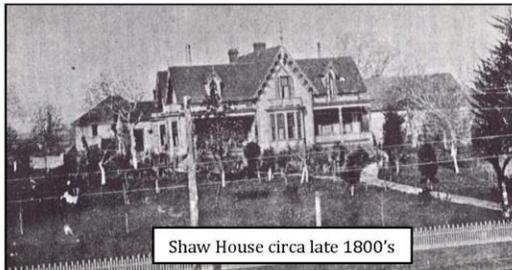
working immigrants (Ferndale Chamber of Commerce 2011). Many early settlers devoted their land to crops and orchards, but it became evident that the cleared land produced a lush, natural pasturage that made the land ideal for dairying or cattle raising.

Seth Kinman was one of the original 12 men (including the Shaw brothers discussed below) who in 1852-1853 spent the winter in what became known as Fern Dale due to the numerous huge ferns along Francis Creek. Kinman made his claim in the vicinity of where Fern Cottage now stands, and lived there until 1855 when he moved to Table Bluff. This is where he made his home until he died in 1888 (Anonymous 2010). Kinman was arguably the most nationally known resident of Humboldt County as he made several trips to the East Coast to personally present chairs he made from elk horns and grizzly bear skins to several presidents including James Buchanan, Abraham Lincoln, Andrew Johnson and Rutherford B. Hayes. At various times, Kinman operated a "museum of curiosities" in Eureka, San Francisco, Sacramento, and Los Angeles. In the 1880's he ran the Pioneer Saloon at the Table Bluff Hotel where he displayed his curiosities (Anonymous 2010). In 2010 the Ferndale Museum received a donation of several Kinman artifacts from his great-great granddaughter.



Seth Kinman

The reason for Ferndale's early prosperity was the same reason it came into being in the first place; namely, agriculture and farming. In the summer of 1852, Willard Allard, Seth Louis Shaw, and Stephen William Shaw were assessing the expanse of the Eel River Valley



Shaw House circa late 1800's

from atop Table Bluff. They located two claims in a level area at the base of the hills, and by winter had cleared several acres of land, built a road from the river, and constructed a crude cabin. In 1854 Seth Louis Shaw began construction on the first large house in the area, which was completed in 1866. In 1860 Shaw's house became Ferndale's first post office (Ferndale Chamber of Commerce 2011).

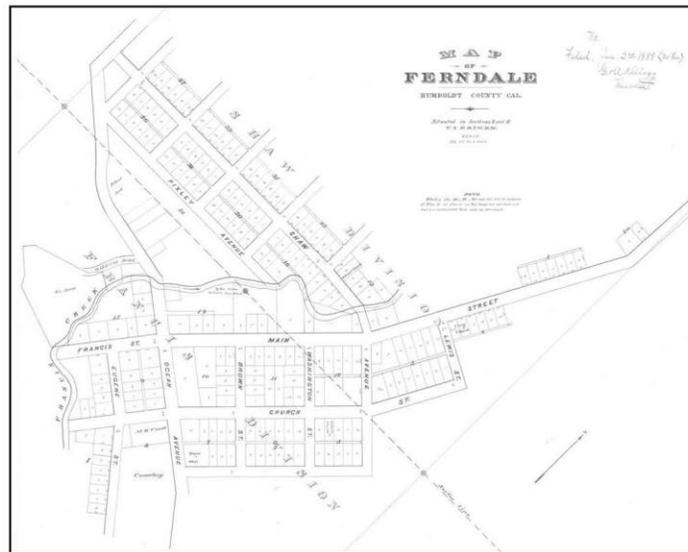
Dairy Farming and Incorporation (1870s- Present)

Between 1852 and 1915 Ferndale was populated by Danes, Swiss, Canadians, Americans, Italians, English, Chinese, Irish, Germans, Italian-Swiss, and Portuguese in various numbers. They all pursued their individual businesses - dairying, cattle and sheep ranching, crop growing, road building and the railroad. Dairy farming in the Eel River Valley began with the Danes who arrived in the 1870's and brought practices from their homeland. Each small neighborhood of dairymen formed its own cooperative creamery. By 1890 there were eleven separate creameries operating in the immediate Ferndale area (Ferndale Chamber of Commerce 2011).

Ferndale butter was considered the finest in the state, bringing premium prices in San Francisco. Ferndale acquired its first nickname, 'Cream City.' Shortly after 1900 many of the small creameries consolidated into larger creameries. The Central Creamery, located on north Main Street, became the mother plant of the Golden State Creamery, one of the largest in the state. Ferndale's pioneer creameries were responsible for a number of innovations in dairy processing and dairy management which helped revolutionize the dairy industry (Ferndale Chamber of Commerce 2011). Dairying is still one of the largest local industries.

Dairying gave Ferndale a stable industry, but it was not the sole reason for the town's growth and prosperity. During the last half of the 19th century, Ferndale became an important transportation center. It had its own port for sea-going vessels on the Salt River and was the terminus for stagecoach lines to the Bear River and Mattole regions to the south, with other daily stages going to Eureka and towns to the north and east (Ferndale Chamber of Commerce 2011).

The following figure shows an 1889 'Map of Ferndale' by J.N. Lentell which shows all of the streets, blocks and lots of the City at the time. Ferndale was incorporated in 1893. In 1911 Fernbridge was constructed, connecting Ferndale with the rest of the county. Prior to that the only way to cross the Eel River was by ferry or temporary bridges during the summer when the river was low.



Throughout the 20th century, the dairy industry remained strong and a mainstay of the local economy as it moved to produce more value added products such as ice cream, butter, and organic options.

During the Cold War Years following World War II, housing was developed by the Navy in support of the Centerville Naval Station. Many current residents of Ferndale were originally stationed at the naval base and returned to Ferndale upon exiting the military or retirement. Following closure of the Centerville base, the housing was utilized by the Coast Guard for several more years. Most recently, the community voted to accept the housing from the Navy and convert it to affordable housing for low and moderate income residents.

Over time the demographics of the Ferndale community have continued to change with many people moving to Ferndale from out of the area slowly adding to the multigenerational origins of native residents. Most recently, people of Hispanic origins have moved here to work on the dairy farms, in construction trades, and other fields adding many of their traditions (i.e., Cinco de Mayo) to the cultural diversity that makes up modern Ferndale.

Landscape

The regional landscape played a significant role in Ferndale's growth and development and continues to be an important piece of the City's character. Ferndale's unique cultural landscape represents the combined work of nature and humans. The City of Ferndale is located on the southern edge of the Eel River Valley, just above the historical flood limits of the Eel River. The City is situated on the alluvial plain created by Francis Creek, which runs through the heart of the City. Francis Creek originates in steep, mountainous terrain to the south and flows northerly to the Salt River. The City is surrounded by flat agricultural lands to the west, north, and east, and forested mountainsides to the south. Ferndale's rich cultural landscape includes not only the natural elements, but also agricultural features shaped by people over many generations including fields, barns, and homesteads.

Historic Preservation Law

Federal

The primary federal statute that addresses historic preservation is the National Historic Preservation Act (NHPA) 16 U.S.C. § 470 et seq. The NHPA sets forth a comprehensive program to carry out the national policy of protecting America's historic and cultural resources. It provides the authority for a number of activities that implement the federal historic preservation program, including (1) the National Register of Historic Places, (2) the matching grants-in-aid program, encouraging preservation activities at the state and local levels, (3) the Advisory Council on Historic Preservation, providing information on historic properties, and (4) the "section 106" review process.

State

Public Resources Code section 5020 et seq. is California's state historic preservation statute. This statute does not prohibit local control of historic properties. Rather, it assists local entities in encouraging historic preservation. Public Resources Code section 5020.1 established the California Register of Historic Resources, which is the authoritative listing and guide to be used by cities to identify existing historic resources deserving of protection. Once a historic site is included in the register, any project that may have an adverse impact

on the site is subject to heightened scrutiny under the California Environmental Quality Act (CEQA). CEQA defines historic resources more broadly than does federal law, and includes both procedural and substantive project review requirements and imposes stricter environmental review requirements than required for federal review under NEPA.

Historic Preservation Incentives

Effective preservation practices can have economic benefits for property owners, local businesses and residents, in addition to maintaining a city's distinctive character. A wide variety of incentives have been created at the Federal and State levels. These include federal tax credits for rehabilitation of qualified historical resources, property tax incentive programs, alternative building codes, and tax deductions for preservation easements.

Incentives for historic preservation include, but are not limited to: *Mills Act Property Tax Abatement Program* - The Mills Act is a state sponsored legislation that grants local governments the authority to participate in a locally based preservation incentive program. Private property owners receive property tax relief in exchange for agreeing to preserve, rehabilitate, and maintain their historic properties for a specified period. The City could create a Mills Act program by adopting an ordinance that meets State established program standards. Private property owners would receive property tax relief in exchange for agreeing by contract to preserve, rehabilitate, and maintain their historic properties for a specified period. In exchange for the reduction in property taxes, the Contract requires the property owner to agree to use the tax savings to finance certain property improvements. The Mills Act Contract is for an initial period of ten years and is automatically renewed annually. The Contract runs with the land and is transferred to future property owners. Although the Mills Act Property Tax Abatement Program allows for both residential and income producing properties to be eligible for tax relief, the City of Ferndale, in adopting the program, may establish specific criteria of eligibility. Rehabilitation projects must comply with the Secretary of the Interior's Standards for Rehabilitation.

Federal Rehabilitation Tax Cuts - This program fosters private sector rehabilitation of historic buildings and promotes economic revitalization by providing tax credits to property owners for qualified historic property rehabilitation projects. The Federal Historic Preservation Tax incentives are available for buildings that are National Historic Landmarks, that are listed in the National Register, and that contribute to National Register Historic Districts and certain local historic districts. Properties must be income producing and must be rehabilitated according to standards set by the Secretary of the Interior. 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, in partnership with the California State Office of Historic Preservation (OHP).

Charitable Contributions for Historic Preservation Purposes - The Tax Reform Act of 1986 retains the provisions established by Section 6 of the Tax Treatment Extension Act of 1980 (IRC Section 170) that permit income and estate tax deductions for charitable contributions of partial interest in historic property. 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 charitable contribution for conservation purposes. For purposes of the charitable contribution provisions only, a certified historic

structure need not be depreciable to qualify. It may be a structure other than a building and may also be a remnant of a building such as a façade, 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 (Code of Federal Regulations at 26 CFR 1.170A-1-(d)(5)) :

- Independently significant land areas including any related historic resources that meet National Register Criteria for Evaluation.
- Land areas within registered historic districts including any 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 contribute to the historic or cultural integrity of historic property.

California Heritage Fund Grant - This is a program of the California State Office of Historic Preservation. It provides grant funding for the acquisition, rehabilitation, restoration or interpretation of historic properties that are listed on, or formally determined eligible for listing in, the National Register of Historic Places or the California Register of Historical Resources.

State Historical Building Code - One of California's most valuable tools for the preservation of historic resources is the State Historical Building Code (SHBC). While the California Building Code (CBC, section 3403.5) makes provisions for the special treatment of qualified historic buildings, the SHBC codifies this protection under statutory law and regulation. The SHBC governs all other statutes or regulations as they may apply to qualified historical buildings (H&S 19956). The SHBC provides reasonable alternatives in situations where strict compliance with established statutes or regulations would impair the integrity or significance of a historic resource or jeopardize its economic viability.

Certified Local Government - This program is a preservation partnership between local governments, the State of California Office of Historic Preservation, and the Nation Park Service's National Historic Preservation Program focused on promoting historic preservation. The benefits of becoming a CLG include but are not limited to: credibility, technical assistance, streamlined environmental review, funding, and economic benefits. To become a Certified Local Government (CLG) a community must address the following minimum goals to demonstrate to the State and NPS that they are committed to historic preservation.

- Establish a qualified historic preservation commission.
- Enforce appropriate State or local legislation for the designation and protection of historic properties. In most cases this is done in the form of a local ordinance.
- Maintain a system for the survey and inventory of local historic resources.
- Provide for public participation in the local historic preservation program, including participation in the National Register process.
- Follow any addition requirements as outline in the State's Procedures for Certification.

3.0 HISTORICAL RESOURCES AND DESIGN REVIEW

Historical Resources

This section defines what is (and what is not) a historical resource. This type of resource can include sites, buildings, places, structures, objects, traditional cultural properties, landscapes, or even districts containing a concentration of many or all of the above.

Definition of Terms

Historical Resources - This term includes properties that are:

- Listed in, or determined eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources.
- Included in a public local register of historic resources.
- Determined by the City of Ferndale to be historically significant or significant in the architectural, engineering, scientific, economic, agriculture, educational, social, political, military, or cultural annals of California.
- That embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- Yields information important in the prehistory or history.

(See the United States Secretary of Interior *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* and the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for the Treatment of Cultural Landscapes*.)

Period of Significance - The date or span of time within which significant events transpired, or significant individuals made their important contributions.

Architectural Themes

Well known as the "Victorian Village," Ferndale also contains a variety of other architectural styles. Ferndale is known for well-preserved Victorian buildings, which are also known as "Butterfat Palaces" due to their construction during an epoch wherein considerable wealth was generated in the dairy industry, especially during the 1880s.

Victorian architecture refers collectively to several architectural styles employed predominantly during the middle and late 19th century (1860-1900). Gothic Revival and Italianate, while not uniquely Victorian, are part of revivals that began before the era; these styles are associated strongly with the 19th century due to the large number of examples that were erected during that period. A summary of the main architectural styles found in Ferndale and identifying features of each style follows (Paradis).

Early National and Romantic Styles

Gothic Revival (1840-1890's, Churches through 1940s) Identifying features include: steeply pitched roof, cross-gabled, decorated verge boards, pointed-arch windows, sometimes stained glass, like churches. Gothic window above entry, one-story porch with flattened, Gothic arches. The first appearance of picturesque (asymmetrical and unpredictable) floor plans, indicating the rise of the Romantic Era in America.



Figure 1 The Shaw House at 703 Main Street, Ferndale. Victorian Gothic Revival (Genzoli 1994).

Italianate (1850-1890) Identifying features include: 2 or 3 stories, rarely 1 story; low-pitched roof, widely overhanging eaves; large, decorative brackets beneath eaves; tall, narrow windows (most often on commercial buildings), commonly arched or curved above; some with square cupola or tower (campanile), elaborate wrap-around porch (or smaller entry porch) with decorative Italianate double columns and other details.



Figure 2 The Hart Home at 831 Main Street, Ferndale. Modified Italianate (Genzoli 1994).

Victorian-Era Styles

Second Empire (1860s - 1890s) Identifying features include: Italianate style/forms with Dormer windows, sometimes a square (not round) tower, decorative brackets, molded cornice, similar to Italianate detail on windows and doors, floor plan often includes pavilions: outward projection of a building's center or side.



Figure 3 The Alford-Nielson Home at 1299 Main Street, Ferndale. Second Empire French (Genzoli 1994).

Queen Anne, Eastlake-Stick, Shingle (1880s - 1905) Identifying features include: Steeply pitched, irregular roof shapes; dominant, front-facing gable; patterned shingles, bay windows, picturesque massing (see Gothic Revival), polychromatic and decorative ornamentation; partial or full-width porches of one story; multiple gables and dormers; occasional towers and turrets, rounded or square. Differing wall textures are their "hallmark." This is the most eclectic style of the Victorian era.



Figure 4 The Taubman Home at 1249 Rose Avenue, Ferndale. Queen Anne (Genzoli 1994).

Modern Styles

Neoclassical (1890-1940) Identifying features include: classical symmetry, full-height porch with columns and temple front, and various classical ornament such as dentil cornices. Basically, this is the revival of the Greek Revival style that dominated the first half of the 19th century.



Figure 5 Ferndale Bank Building at 394 Main Street, Ferndale. Neoclassical.

Craftsman/ Bungalow (1900-1930) Identifying features include: Low-pitched, gabled roof, wide overhang of eaves, exposed rafters (rafter tails) under eaves, decorative brackets (knee braces or corbels), incised porch (beneath main roof), tapered or square columns supporting roof or porch, 4-over-1 or 6-over-1 sash windows, hand-crafted stone or woodwork, often mixed materials throughout structure. Bungalows can either be front-gabled, side-gabled, or cross-gabled.



Figure 6 The Benemann House at 446 Eugene Street, Ferndale. Craftsman/ Bungalow.

Mission (1900-1940) The Mission style originated in southern California and was the first style to diffuse eastward from the West. The style includes Mission-shaped dormers and/or roof parapet; wide, overhanging eaves, exposed rafters, red-tiled roof, stucco walls, arched windows/doors on ground level.



Figure 7 The New Hart Building at 399-405 Main Street, Ferndale. Mission.

Ranch Style (1940-1970) The ranch house is noted for its long, close-to-the-ground profile, and minimal use of exterior and interior decoration. Features include: single story, low pitched gable roof, deep-set eaves, horizontal, rambling layout: Long, narrow, and low to the ground, rectangular, L-shaped, or U-shaped design, large windows: double-hung, sliding, and picture, sliding glass doors leading out to patio, attached garage, simple floor plans, emphasis on openness (few interior walls) and efficient use of space, and built from natural materials: Oak floors, wood or brick exterior.



Figure 8 Ranch Style Home at 1274 Van Ness, Ferndale. Ranch Style.

Over the years, in many towns, countless historic buildings have been destroyed by fire. A significant factor in the preservation of Ferndale's historic buildings is the fact that the fire station is located downtown enabling rapid response to fire hazard as witnessed by the recent fires in the Candy Stick and Nilsen's feed barn.

Churches and the Ferndale Cemetery

Ferndale is home to five churches which were constructed prior to 1940 and are still in use today; three of which were constructed before 1900. Each of these churches was established by a different group of immigrant based upon country and denomination.

- The First Congregational Church was built in the style of New England Congregational churches and was constructed in 1881. Over the years, this church has been the home of a variety of denominations to finally become a community church. It is known today as the Ferndale Community Church and is located on the corner of Main Street and Lewis Court (across Main Street from Shaw House).
- The Assumption Catholic Church was constructed in 1896 at its current location off the corner of Washington and Berding Streets.
- Our Savior's Lutheran Church was constructed in 1899 on Shaw Avenue near 4th Street and has an 80 foot tall steeple.
- Saint Mary's Episcopal Church was built in 1909 and is the oldest standing Episcopal structure between Garberville and the Oregon border. It is located on the corner of 4th Street and Shaw Avenue, across from Our Savior's Church.
- St. Mark's Lutheran Church was constructed in its present location on the corner of Berding and Fern Streets in 1938 after moving from its original location between 3rd and 4th Streets.



The **Ferndale Cemetery**, located on a hill in the southern part of the City, has historic markers dating back to the last century. Overlooking Ferndale and the Eel River valley to the east and the Pacific Ocean to the West, the Cemetery is a popular tourist attraction. **St Mary's Cemetery**, located east on Bluff Road from the Ferndale Cemetery, is dedicated to the Catholic Assumption Church.

Historic Designations

State Historic Landmark

The City of Ferndale was designated as a State Historic Landmark (No. 883) in 1975 by the California State Parks Office of Historic Preservation.

"[This] pioneer agricultural community, settled in 1852, helped feed the booming population of mid-century San Francisco. Long known as "Cream City" Ferndale made innovative and lasting contributions to the dairy industry. Local creameries and the town's role as a transportation and shipping center in the late 19th and early 20th centuries, fostered prosperity that produced Ferndale's outstanding Victorian Gothic residences and false-front commercial architecture."

Main Street Historic District

The City of Ferndale's Main Street was designated as a Historic District in 1994 by the National Park Service and placed on the National Register of Historic Places.

"Buildings within the City's Main Street Historic District represent two distinct architectural periods: 1) the late Victorian era of the 19th century (1880-1900) and the early Modernistic period in the 20th century (1920-1936). Other styles include Italianate, Queen Anne, Neo-Classic, Bungalow, and Mission."

The period of significance is 1872-1936 beginning with the construction of the earliest extant building, the 1877 Alford's Drug Store (Poppa Joe's). The Main Street Historic District includes 39 contributing buildings that best represent a particular architectural style or are the works of local architect T.J. Frost. 13 buildings are considered non-contributing. Since the Historic District was established in 1994, some of these non-contributing structures may now qualify as contributing (current Red Front Store, Lentz's Department Store among others) because they are older than 50 years.

Historic districts are a concentration of historic buildings, structures, objects, or sites within precise boundaries that share a common historical, cultural, or architectural background. (See Figure 1 for current boundaries.) Individual resources within an historic district may lack individual significance, but be considered a contributor to the significance of the historic district. In terms of this assessment, significant resources that are components of the district are referred to as "contributing." "Non-contributing" sites, although located in a district, do not possess integrity within the period of significance.

Currently, there are numerous historically significant structures (residential dwellings, barns, and other agricultural outbuildings) scattered throughout the City limits which are outside of the historic district and the Design Control Combining Zone (D-zone), but of historical interest nonetheless.

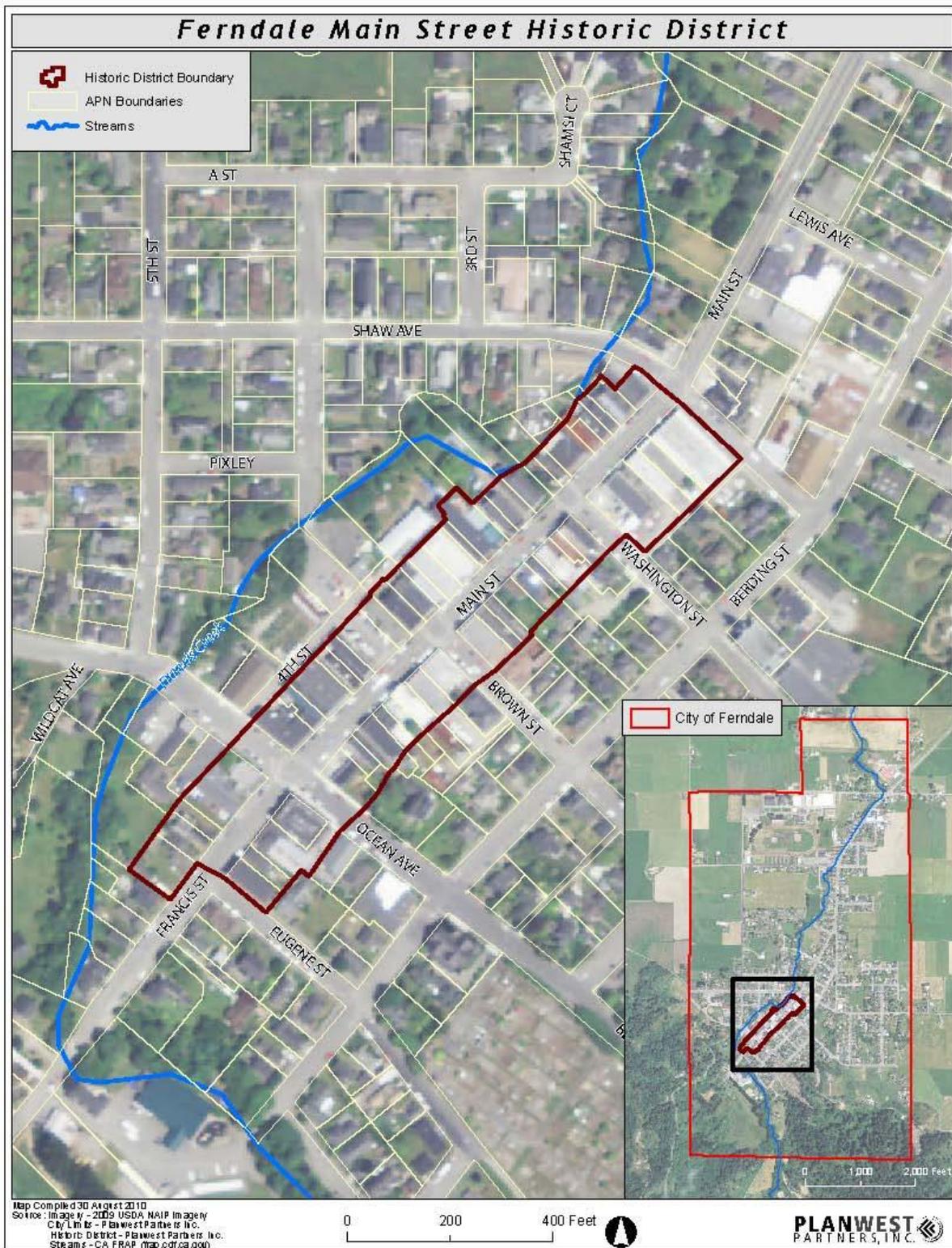


Table 1. Ferndale Main Street Historic District Contributing Buildings*

<i>Name</i>	<i>Address</i>	<i>Year Built</i>	<i>Architectural Style</i>	<i>Year Listed</i>
Alford House	207 Francis St	1884	Victorian- Second Empire	1994
Masonic Temple	212 Francis St	1891	Victorian - Eastlake-Stick	1994
Enterprise Office	219 Francis St	1881	Victorian - Commercial False Front	1994
Faulkner House	230 Francis St	1899	Bungalow	1994
Russ Bank Building	290 Francis St and 400 Ocean Ave	1891	Victorian - Eastlake-Stick	1994
Robert's Hotel/Ferndale Hotel	315 Main St.	1875	Victorian	1994
Taylor Building	325-327 Main St	1898	Victorian	1994
Enterprise Building	334 Main St	1923	Modernistic	1994
Post Office/ Drug Store Building	337 Main St	1889	Victorian - Commercial False Front	1994
M.H. Donnelly Building	341-353 Main St	1902	Victorian - Commercial False Front	1994
Loewenthal's Ferndale Reliable Store	344 Main St	1900	Victorian - Commercial False Front	1994
Brown's Office Building	350 Main St	1902	Victorian - Commercial False Front	1994
Rose Mullady's Millinery & Art Needle Store	358 Main St	1928	Victorian - Commercial False Front	1994
D.A. Bransetter Building	361 Main St	1902	Victorian - Commercial False Front	1994
Rings Pharmacy	362 Main St	1896	Victorian - Eastlake-Stick	1994
Russ & Sons Meet Market	376 Main St	1900	Victorian - Eastlake-Stick	1994
Town Clock	385 Main St	1923	n/a	1994
P.F. Hart Building	393 Main St	1896	Victorian - Eastlake-Stick	1994
Ferndale Bank	394 Main St	1911	Neoclassical	1994
New Hart Building	399-405 Main St	1924	Mission	1994
Alford's Drug/Michel Drug Store	409 Main St	1877	Italianate	1994
Mullady Building	424 Main St	1894	Victorian - Commercial False Front	1994

<i>Name</i>	<i>Address</i>	<i>Year Built</i>	<i>Architectural Style</i>	<i>Year Listed</i>
Masonic-Odd Fellows Hall	425-431 Main St	1875	Victorian - Commercial False Front	1994
Meng Building	430-436 Main St	1891	Victorian - Commercial False Front	1994
Hart Theatre	441-451 Main St	1920	Modernistic	1994
Gill House/Blackburn Building	444 Main St	1876	Commercial False Front	1994
Grangreen-Ward-Gill House	452 Main St	1870	Residence joined to storefront	1994
G.W. Williams Building	455 Main St	1888	Commercial False Front	1994
Eel River & Southern Telephone Co. Building	460 Main St	1924	Commercial False Front	1994
Dahlquist Plumbing & Electrical Shop	468 Main St	1936	Modernistic	1994
New York Cash Store/Red Star Clothing Store	475 Main St	1898	Victorian - Eastlake-Stick	1994
Gill Building/Hiller Building	476 Main St	1891	Commercial False Front	1994
Paine Building	484 Main St	1901	Victorian	1994
Old Red Front Store	505 Main St	1900	Italianate	1994
Kemp Building	513-525 Main St	1930	Mission	1994
Petersen's Service Station	524 Main St	1930	Modernistic	1994
R.H. Edwards Building	535 Main St	1901	Commercial False Front	1994
Hiram Hatch Building	543 Main St	1901	Commercial False Front	1994
Charles A. Doe Building	561-563 Main St	1901	Neoclassical	1994
S&E Garage and Ford Dealership	580 Main St	1927	Commercial False Front	1994

*According to Survey conducted for 1994 Main Street Historic District Designation

Other Listed Historic Landmarks in Ferndale**

Shaw House	703 Main St	1854	Gothic	1984
Berding House (Gum Drop Tree House)	455 Ocean Ave	1875	Gothic	1983
Catholic Church of the Assumption Rectory	563 Ocean Ave	1896	Queen Anne	1982
Ferndale Public Library	807 Main St	1909	Neoclassical	1990
Alford-Nielson House	1299 Main St	1874	Victorian - Second Empire	1986

** National Register of Historic Places

Design Review

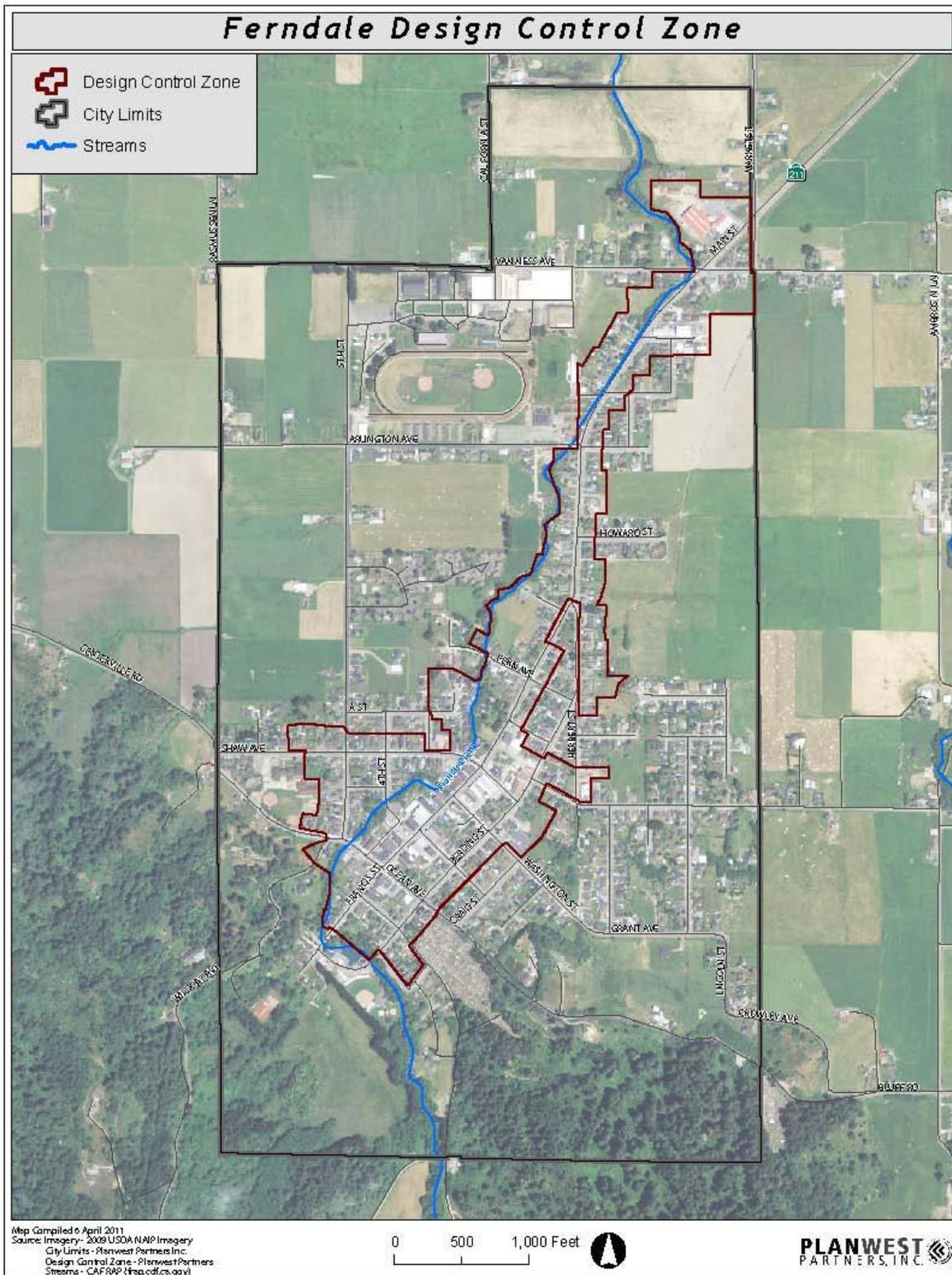
The City adopted provisions by ordinance to preserve the City's historic resources including defining a Design Control Combining Zone (D-zone) and creating a design review process. The D-zone is intended to be applied where the appearance and design of buildings and structures form a substantial contribution to the desirability of the area and to protect significant examples of early-California architecture and the overall Victorian appearance of the area by regulating the design of buildings and structures (Ferndale Zoning Ordinance Section 6.05). Design Review is required for external alterations to structures located in the City's Design Control Zone (Figure 2).

Design Review Use Permit applications are reviewed by the City's Design Review Committee members, which is made up of two Planning Commissioners and three community members appointed by the City Council.

The Design Review procedures are established to:

- Ensure that new structures and/or modification, alteration, enlargement of existing structures occur in a manner consistent with Ferndale General Plan policies.
- Preserve the natural beauty of the town's site and setting.
- Ensure that the architectural design of structures and their materials and colors are visually harmonious with and conceptually consistent in character and scale with surrounding area.
- Ensure that the design and location of signs and their material and colors are visually harmonious with surrounding development.
- Allow the City to make appropriate determination of environmental effects.

Design Review is currently guided by codes, ordinances, and procedures and could be improved with the preparation of a historic preservation design manual. A historic preservation design manual can include an illustrated guide of preservation codes and ordinances which can be an effective tool in the design process and can assist owners of historic properties in retaining the historic integrity of their properties. The format and instructions should be understandable to property owners, rather than contractors, developers or engineers. The manual could use local examples to help explain and resolve issues related to historic preservation. It could explain the benefits of historic designation and use photos and examples to explain in simple terms the Secretary of the Interior's Standards.



4.0 GOALS, POLICIES AND IMPLEMENTATION STRATEGIES

This section contains a resources preservation program for ongoing preservation, maintenance, and rehabilitation of historical and cultural resources in Ferndale. The goals, policies and strategies guide specific activities related to historic preservation and are intended to encourage voluntary community participation and education. City staff, Planning Commission, and Design Review Committee as applicable, are responsible for implementing the goals, policies, and strategies at the direction of the City Council.

Goals are end results toward which effort is directed. They are expressed in general terms and are timeless. In the context of this document goals are general statements of values or aspirations held by the community in relation to each issue area. They are the timeless ends toward which the community will address its efforts.

Policies are direction statements that guide future decisions with specific actions intended to realize a goal. In the context of this document policies are more precise expressions of the community's position on particular issues, or how particular goals will be interpreted or implemented. Policies may include guidelines, standards, objectives, maps, diagrams, or a combination of these components.

Implementation **Strategies** present specific actions and practices that the city will undertake to address policy issues and move closer to the community's goals. These might include ongoing programs sponsored by the city (e.g., a façade renovation program), discrete time-specific actions (e.g., adopt an ordinance), or further planning action (e.g., develop a specific plan).

GOAL 1

Preserve Ferndale's distinctive and valued historic district, structures, and sites representing various periods of the City's history.

Policy 1.1 - Use state recommended and federally established guidelines for designation of potential historic and cultural resources.

Policy 1.2 - Maintain a database of identified historic and cultural resources.

Policy 1.3 - Develop a program to identify and document historic buildings, structures, and sites. There shall be a clear process for both adding and removing identified resources.

Policy 1.4 - Encourage the use of the Secretary of Interior Standards and the State Historic Building Code as guidelines for the preservation and rehabilitation of historic properties.

Policy 1.5 - Encourage the City to apply for designation as a Certified Local Government.

Implementation Strategies

- Strategy 1.a - Maintain the City's existing archival databases of identified historic and cultural resources and update periodically.
- Strategy 1.b - Provide links on the City's website to historic preservation related websites including but not limited to the California State Office of Historic Preservation (<http://ohp.parks.ca.gov/>), the National Register of Historic Places (<http://www.cr.nps.gov/nr/index.htm>) and the California Preservation Foundation (<http://www.californiapreservation.org/>).
- Strategy 1.c - Provide links on the City's website to the State Historic Building Code (http://www.chris.ca.gov/?page_id=21410) and Secretary of Interior's Standards (http://www.nps.gov/history/local-law/arch_stnds_8_2.htm).
- Strategy 1.d - Conduct an annual Planning Commission and City Council study session to review the Element strategies and progress.
- Strategy 1.e - Review "non-contributing" buildings within the Historic District to determine their possible status as "contributing" buildings.

GOAL 2

Highlight the City's historic resources for promoting heritage tourism as a means of economic development.

- Policy 2.1 - Encourage the Ferndale Chamber of Commerce, Ferndale Museum, and other similar organizations to prepare informational materials related to Ferndale's most significant historical resources.
- Policy 2.2 - Recognize Ferndale's historic and cultural resources as an asset and encourage programs that preserve, protect and promote these resources.
- Policy 2.3 - Encourage the Ferndale Chamber of Commerce, Ferndale Museum, and other similar organizations to conduct events with heritage themes to attract tourists/ visitors to Ferndale.

Implementation Strategies

- Strategy 2.a - The Ferndale Chamber of Commerce and the Ferndale Museum could coordinate to produce a print color brochure to distribute to visitors. The brochure could be a combination of the Museum's website walking tour guide and the Ferndale Enterprise's print walking tour guide. Regularly scheduled docent-led walking tours of the downtown area could be offered and a DVD of the walking tour guide could be produced for sale.

- Strategy 2.b - Coordinate with the Ferndale Enterprise to start a "Historic Property of the Month" newspaper feature. The City would request that the Enterprise publish a monthly feature for little to no cost. The City would send out a request to historic property owners within the City for a photo and unique/little known facts about their property. The City would submit one property each month to be featured in the Enterprise and on City's website.
- Strategy 2.c - The Ferndale Chamber of Commerce and the Ferndale Museum could coordinate an annual event that emphasizes Ferndale's history and historic resources. The event could be a celebration of Ferndale's birthday (observance) and could coincide with the City's existing July 4th Parade and celebrations. The event could include historic home tours, historic car shows, and other similar activities.
- Strategy 2.d - Promote local participation in state and national events such as *Historic Preservation Week*, an annual event held in May created in 1971 by the National Trust for Historic Preservation, to foster public awareness of the historical significance of the City's historic resources.
- Strategy 2.e - Consider establishing a vintage equipment/ furniture/ clothing rummage sale with the opportunity for people to get their items appraised. This could be conducted in coordination with Bargain Lovers Weekend.

GOAL 3

Educate the community and visitors about the value of the City's historical resources through promotional materials.

- Policy 3.1 - Provide information and educational materials related to historic preservation to the public and work with other groups to sponsor preservation related trainings and workshops.
- Policy 3.2 - Support and encourage the creation and distribution of educational and interpretive materials related to historic preservation for residents and visitors.
- Policy 3.3 - Support the development and production of educational and interpretive materials that promote Ferndale's history and historic resources.
- Policy 3.4 - Encourage Ferndale Elementary and High School teachers and students to incorporate historic preservation in class instruction and assignments.

Implementation Strategies

- Strategy 3.a - Develop a list of speakers with knowledge about Ferndale's History and historic resources. The list could be distributed to local schools and civic organizations with the intent of educating students and the community about

Ferndale's history. Speakers who impersonate historic figures (for example Seth Kinman) could be included on the list.

Strategy 3.b - Coordinate with the College of the Redwoods Historic Preservation and Restoration Technology Program to assist in preservation related workshops and to bring their interpretive display and other educational materials to community events.

Strategy 3.c - Become a member of the California Preservation Foundation and budget for at least one Planning Commission member to attend one conference/workshop per year related to historic preservation.

Strategy 3.d - Obtain and/or develop informational brochures/ guides on preservation incentives, protection of historic resources, and the design review process to assist property owners.

GOAL 4

Guide new development design and context to be compatible with existing historic resources, community character and livability of Ferndale. This guidance will minimize potential for demolition of existing structures and sites through preservation practices.

Policy 4.1 - Support and encourage new construction that is compatible in scale and character with nearby cultural resources and historic districts.

Policy 4.2 - Effectively utilize the City's Design Review process when permitting projects in the Design control combining zone. This process includes clear review and appeal procedures.

Policy 4.3 - Evaluate the need for a demolition permitting process. Take into consideration potential impacts resulting from demolition of historic resources and potential added expense and regulatory delay in issuing demolition permits.

Implementation Strategies

Strategy 4.a - Develop guidelines for new construction within the Main Street Historic District.

Strategy 4.b - Review demolition history within the City and determine if a demolition permit process should be established. Set clear review standards and establish findings required for demolition approval within the Design control zone.

5.0 REFERENCES

[Anonymous]. 2010 July 25. Museum to receive Kinman artifacts. Times Standard, Eureka CA.

Bernstein, Richard A., editor. 2002. A guide to smart growth and cultural resource planning. Wisconsin Historical Society, Division of Historic Preservation. <<http://www.wisconsinhistory.org/hp/smartgrowth/SmartGrowthGuide.pdf>>. Accessed 2012 January 12.

Ferndale Chamber of Commerce. 2011. Heritage and history, Victorian village of Ferndale. <<http://www.victorianferndale.com/history.htm>>. Accessed March 14, 2011.

Genzoli, Marilyn. 1994. The Victorian homes of Ferndale. Ferndale: Ferndale Museum.

Paradis, Tom. Architectural styles of America. <<http://architecturestyles.org/author/twparadis/>>. Accessed March 29, 2011.

Wiyot Tribe. 2011. <<http://www.wiyot.com/cultural/>>. Accessed March 13, 2011.

Additional References

California Office of Historic Preservation. 2004. Incentives for historic preservation in California: Technical assistance series #15. California Department of Parks and Recreation. <<http://ohp.parks.ca.gov/pages/1054/files/IncentivesBulletin.pdf>>. Revised June 2009. Accessed March 2011.

City of Eureka. 2003. City of Eureka Historic Preservation Element.

City of Ferndale. 1986. City of Ferndale General Plan.

City of Fortuna. 2007. City of Fortuna General Plan Background Report.

Mason, Randall. 2005. Economics and historic preservation: A guide and review of the literature. University of Pennsylvania.

National Park Service. 1995. Secretary of the Interior's standards for the treatment of historic properties with guidelines for treatment of cultural landscapes. U.S. Department of the Interior, National Park Service.

Appendix A -

A Glossary of Terms as used in the California Register of Historical Resources (Title 14, Chapter 11.5, Appendix A)



A Glossary of Terms as used in the California Register of Historical Resources (Title 14, Chapter 11.5, Appendix A)

-A-

Archeological District. An area defined by a significant concentration, linkage, or continuity of sites.

Archeological Site. A bounded area of a resource containing archeological deposits or features that is defined in part by the character and location of such deposits or features.

The Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa). Provides for protection of terrestrial and submerged archeological resources. Authorizes criminal prosecution for the excavation, removal, or damage of archeological resources on public or Indian lands without appropriate permit. Governs the transportation of illegally obtained materials, access to information, and the permitting process.

-B-

Boundaries. Lines delineating the geographical extent or area of an historical resource.

Building. A resource, such as a house, barn, church, factory, hotel, or similar structure, created principally to shelter or assist in carrying out any form of human activity. Also, used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn.

-C-

California Historical Resources Information System (CHRIS). That collection of Site Records, Historic Resource Inventory Forms, and all information on historical resources which has been acquired and managed by the State Office of Historic Preservation since 1975. This shall include the State Historic Resources Inventory, the California Archaeological Site Inventory, properties listed in the National Register of Historic Places, California Registered Historical Landmarks, California Points of Historical Interest, and the California Register of Historical Resources.

Conservation Easement. A less than fee simple interest in real property recorded as a deed restriction which is designed to protect the historic, cultural, archeological, or ecological characteristics of a property. For purposes of the regulations in this chapter, it is interchangeable with the term "Preservation Easement."

Cultural Heritage. Pertaining to the sum total of traditions, body of knowledge, etc., inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.

Cultural Resource. See Historical Resource.

Culture. A linkage of people possessing shared values, beliefs, and historical associations coupling social institutions and physical materials necessary for collective survival.

-D-

Disclosure, archeological site. To make available any records that pertain to an archeological site. However, "archeological site disclosure" need not take place if the nomination of a resource to the California Register requires making known any records which relate to archeological site information when those records are maintained by either the Department of Parks and Recreation or the State Historical Resources Commission.

District. A geographic area which possesses a significant concentration, linkage, or continuity of sites, buildings, areas, structures, or objects which are united historically, culturally, or aesthetically by plan, history, or physical development. For purposes of the regulations in this chapter, this term is interchangeable with "Historic District."

DPR Form 422. Department of Parks and Recreation Archeological Resources Inventory Form Number 422.

DPR Form 523. Department of Parks and Recreation Historic Resources Inventory Form Number 523.

-E-

Evaluation. A process carried out by the State Historical Resource Commission whereby the significance and integrity of an historical resource is judged, thereby determining its eligibility for listing.

-F-

Footprint. The form or pattern made by the perimeter of a building or other resource. Often used in connection with sketch maps or boundaries. A sketch map may show the footprint of historic resources as they are found on a parcel of land.

Formally Determined Eligible for Listing. An historical resource shall be considered "formally determined eligible for listing" when the State Historical Resources Commission accepts the nomination of the historical resource and designates the property as eligible for listing in the California Register.

-G-

Geographical Area. An area of land containing historical or archeological resources that can be identified on a map and delineated by boundaries.

-H-

Historic Context. An organizing structure for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. The development of "historic context" is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historical resources based upon comparative historic significance.

Historic District. A geographic area which contains a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally. "Historic districts" are defined by precise geographic boundaries. Therefore, "historic districts" with unusual boundaries require a description of what lies immediately outside the area in order to define the edge of the district and to explain the exclusion of adjoining areas.

Historic Fabric. (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with the historic character of the district. (3) With regard to an archeological district, "historic fabric" means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.

Historic Integrity. The ability of a resource to convey its historical significance.

Historic Resources Inventory Form (DPR Form 523). A document which describes the characteristics and locations of buildings, structures, objects, and districts recorded for inclusion in an Historic Resources Inventory.

Historical Landmarks. See State Historical Landmark.

Historical Resource. Any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of California.

Historical Resources Inventory. A set of data, such as a list of historical resources, generated through an Historical Resources Survey.

Historical Resources Survey. The process of systematically identifying, researching, photographing, and documenting historical resources within a defined geographic area.

-I-

Identification. The process by which information is gathered regarding historical resources.

Information Center. See Regional Information Center.

-L-

Landscape, Cultural. A geographic area that (1) has been used, shaped, or modified by human activity, occupation, intervention; or (2) possesses significant value in the belief system of a culture or society.

Landscape, Designed. A geographic area that (1) has significance as a design or work of art; (2) was consciously designed and laid out by (a) a designer according to academic or professional design standards, theories, or philosophies of landscape architecture; or (b) by an amateur using a recognized style or tradition; (3) has an historical association with a significant person, trend, or event in landscape gardening or landscape architecture; or (4) has a significant relationship to the theory or practice of landscape architecture.

Landscape, Rural. A geographic area that (1) has historically been shaped or modified by human activity, occupancy, or intervention; (2) possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings or structures, roads or waterways, or natural features; or (3) provides a sense of place.

Listed. A California Register historical resource shall be considered "listed" when (1) the State Historical Resources Commission, after reviewing the nomination of the historical resource, accepts it for listing in the California Register; or (2) it has been automatically "listed" under Public Resources Code Section 5024.1 (d)(1) & (2).

Local government. A public agency with land-use control authority over a designated historical resource. Local governments may include special district, tribal, city, or county governments.

-M-

Manuscript. (1) Bodies or groups of personal papers. (2) Collections of documents acquired from various sources according to a plan. (3) Individual documents acquired by a manuscripts repository because of their special importance. (Society of American Archivists)

-N-

National Environmental Policy Act of 1969 (NEPA). (42 U.S.C. 4321-4347 (1969) (amended)). Created a process by which to analyze significant environmental impacts, including impacts to historical resources, for federally funded or licensed actions.

National Historic Preservation Act of 1966 (NHPA). (16 U.S.C. 470 (1966) (amended)). Established the National Register of Historic Places. Created a partnership between federal, state, and local agencies to extend the national historic preservation programs to properties of state and local significance.

National Register Criteria. The federally established standards for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

National Register of Historic Places, The. (16 U.S.C. 470a, 36 C.F.R. Parts 60, 63). The official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461-467 (1935))

(amended)) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 (1966) (amended)).

Nomination. A formal application, submitted to the State Historical Resources Commission, for listing an historical resource on the California Register of Historical Resources.

-O-

Object. Manifestations that are primarily artistic in nature, or are relatively small in scale and simply constructed. The "object" may be a fixture (real property) or movable (personal property). Although it may be movable by nature or design, an object must be associated with a specific setting or environment. The "object" should be in a setting appropriate to its significant historical use, role, or character; for example, a fountain or boundary marker.

Officer. The State Historic Preservation Officer (SHPO) is appointed by the Governor under the authority of Public Resources Code Section 5020.6. The SHPO serves as the Chief Administrative Officer of the Office of Historic Preservation and Executive Secretary of the State Historical Resources Commission. The SHPO administers state and federally mandated historic preservation programs under the authority of the National Historic Preservation Act of 1966, Section 101 (b)(3), (16 U.S.C. 470 (1966) (amended)) and Cal. Pub. Res. Code Section 5024.

Owner. Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee simple interests, including leaseholds.

-P-

Penal Code, Section 622.5. Provides misdemeanor penalties for every person, other than the owner, who injures or destroys objects of historical or archeological interest located on public or private lands.

Point of Historical Interest. The California Point of Historical Interest Program (Cal. Pub. Res. Code Section 5021) is a state historical resources registration program, established in 1965, which provides official recognition for historical resources that are significant at a county or regional level, but do not qualify for designation as California Registered Historical Landmarks.

Preservation (treatment). The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.

Preservation Commission. A city or county board of appointed citizens with assigned responsibilities for surveying, designating, and protecting historical resources. May also be called an historic review board, design review board, landmarks commission, or cultural heritage commission.

Primary Number. The number used to identify and retrieve records regarding a specific site in the California Historical Resources Information System. The Primary Number describes the location of a resource in the same manner as a Site Trinomial Number.

Protection (treatment). The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archeological resources, protective measures may be temporary or permanent.

Public Resources Code, Section 5097.5. Defines as a misdemeanor the unauthorized disturbance or removal of archeological, historical, or paleontological resources located on public lands.

-R-

Reconstruction (treatment). The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.

Recordation. Section 27288.2 of the Government Code and Section 5029 of the Public Resources Code require the County Recorder to record a certified resolution of historical resources designation containing the name of the current property owner, the historical resources registration program, the designating entity, the specific historical resources designation, and a legal description of the property.

Regional Information Center. An Information Center of the California Historical Resources Information System, under contract to the Office of Historic Preservation, which receives, manages, and provides information on historical and archeological resources. "An Information Center" may also provide training or technical assistance on a fee-for-service basis.

Registration. A program by which an historic resource is documented, evaluated, and determined eligible or nominated for listing as a type of historical resource. Such programs may be local, state, or national.

Rehabilitation (treatment). The act or 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 or features of the property which are significant to its historical, architectural, and cultural values.

Research Design. Reveals the logic that will be used to direct identification, documentation, investigation, analysis, or treatment of an historical resource that identifies the goals, methods and techniques, potential results, and the relationship of the potential results to other proposed activities or treatments.

Resource, Contributing. A resource which by location, design, setting materials, workmanship, feeling, and association adds to the sense of historical authenticity, historical development, or value of an historical resource.

Resource, Non Contributing. An historical resource which does not add to the sense of historical authenticity or evolution of an historic property or where the location, design, setting, materials, workmanship, history, and/or association of the historical resource have been so altered or deteriorated that the overall integrity of that resource has been irretrievably lost.

Restoration (treatment). The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

-S-

Secretary of Interior Standards. Identified in the **Secretary of the Interior Standards and Guidelines for Historic Preservation Projects** (36 C.F.R.67), with accompanying interpretive guidelines, which are utilized by federal agencies in the preservation of historical properties that are listed, or are eligible for listing, on the National Register. They are also used by some State Historic Preservation Offices in evaluating projects proposed as historical resources in accordance with federal regulations; or by local governments, organizations, and individuals in making decisions about the identification, evaluation, registration, or treatment of historic properties. The **Secretary of the Interior's Standards for Rehabilitation** is aimed at retaining and preserving those features and materials which are important in defining the historic character of an historical resource. Technical advice about archeological and historic preservation activities and methods is also included in the **Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation**.

Site. A location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing building, structure, or object. A "site" need not be marked by physical remains if it is the location of a prehistoric or historic event and if no buildings, structures, or objects marked it at

that time. Examples include trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs.

Site Record. A document which describes the characteristics and location of a site, and which has been completed for entry in the California Archaeological Site Inventory.

Site Trinomial Number. A site registration number assigned by the Office of Historic Preservation to a specific archeological resource under which all documentation for that resource will be recorded.

Stabilization (treatment). The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

State Historic Preservation Officer (SHPO). See Officer.

State Historic Resources Inventory. Compilation of all identified and evaluated historical resources maintained by the State Office of Historic Preservation. It includes all those historical resources evaluated in surveys that were conducted in accordance with criteria established by the Office (see Appendix B) and were thereafter determined eligible for, or listed in, the National Register of Historic Places or designated as California Registered Historical Landmarks, California Points of Historical Interest, or the California Register of Historical Resources.

State Historical Building Code (SHBC). The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified historic structures designated as historic buildings.

State Historical Landmarks. The California Registered Historical Landmarks Program (Cal. Pub. Res. Code Section 5021) is a state historical resources registration program which was created in 1949 to recognize historical resources with regional and statewide significance to the history of California.

State Historical Resources Commission (SHRC). Commission appointed by the Governor under Public Resources Code Section 5020.4 and 5020.5. The SHRC has broad responsibilities for the statewide historic preservation program that include conducting a statewide inventory of historical resources, establishing criteria for evaluating historical resources, and conducting public hearings to develop and review a statewide historical resources plan.

Statement of Significance. An organizational format which groups information about related historical resources based on theme, geographic units, and chronological period. The information should describe why the resource is significant within a relevant historic context.

Structure. A construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, bridges, and tunnels.

-T-

Tax Certification. A provision of federal tax law which, under certain conditions, allows money invested in capital rehabilitation to be deducted from income taxes owed. See those provisions for certified National Register structures which are included in the Economic Recovery Act of 1981 (Internal Revenue Code Sections 48, 168, 170, and 280B).

Traditional Cultural Properties. A geographic area or historical resource that embodies important cultural values. It may contain landscape characteristics that are the tangible evidence of the activities and habits of the people who occupied, developed, and shaped the land to serve their needs, or it may include several categories of properties. It may also contain, or consist primarily of, natural features which are important in a religious or belief system.

-U-

UTM Coordinates. A set of metric coordinates (easting and northing) that indicate a unique location according to the **Universal Transverse Mercator** grid appearing on maps of the United States Geological Survey.

Appendix B -

**Online Resources for Historic Preservation in California
(California OHP Technical Assistance Series #11)**



STATE OF CALIFORNIA – THE RESOURCES AGENCY

GRAY DAVIS, Governor

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@ohp.parks.ca.gov**California Office of Historic Preservation
Technical Assistance Series #11****Online Resources for Historic Preservation In California****State Agencies****California Environmental Quality Act (CEQA) Web****www.ceres.ca.gov/ceqa/**

The CEQA Web is a cooperative effort among the Resources Agency, its CERES and LUPIN programs (see below) and the Governor's Office of Planning and Research (see below). The site provides valuable information for planners, consultants, attorneys, and citizens with an interest in CEQA. Its offerings include CEQA Statute and Guidelines, an interactive process flow chart, a case law search, a directory of CEQA judges, answers to frequently asked questions, and more.

California Environmental Resources Evaluation System (CERES)**www.ceres.ca.gov**

CERES is an information system developed by the California Resources Agency to facilitate access to a variety of electronic data describing California's rich and diverse environments. The goal of CERES is to improve environmental analysis and planning by integrating natural and cultural resource information from multiple contributors and by making it available and useful to a wide variety of users. This site contains a wealth of environmental data, searchable by organization, geographical area, theme, and data type. It also contains information about environmental law and education.

California Historical Resources Information System (CHRIS)**www.ohp.parks.ca.gov/chris/index.htm**

CHRIS is a statewide system for managing information on the full range of historical resources identified in California. CHRIS is a cooperative partnership between the citizens of California, historic preservation professionals, eleven Information Centers, the CHRIS Hub, and various agencies. Information Centers provide archeological and historical resources information to local governments and individuals with environmental review responsibilities. This site contains a listing of the Information Centers and contact information for each as well as CHRIS publications, including the Information Center Procedural Manual.

California Land Use Planning Information Network (LUPIN)**www.ceres.ca.gov/planning/**

LUPIN, a program of the California Resources Agency, is an information service that supports and addresses land use and planning issues via the Internet. The site contains a listing of planning, zoning, and development laws, links to city and county zoning ordinances, and information on topics such as demographics.

California Main Street**commerce.ca.gov/business/community/mainstreet/**

In 1985, California joined a growing national movement to improve the quality of life in America's towns, cities and neighborhoods by restoring the economic health of Main Streets--historic, traditionally designed central business districts. Since its birth, California Main Street, a program of the California Trade and Commerce Agency, has provided superior state-level leadership on revitalization techniques using the *Main Street Approach* to revitalization. This site has a information on becoming a Main Street community, training opportunities, and other resources.

California Office of Historic Preservation (OHP)**www.ohp.parks.ca.gov**

The OHP is the governmental agency primarily responsible for the statewide administration of the historic preservation program in California. The OHP website contains useful information about OHP programs, such as survey and inventory, local government, registration programs, environmental review and compliance, incentives, and grants and funding sources. It also provides information about the State Historical Resources Commission and the California Historical Resources Information System (see above).

Division of the State Architect (DSA)/State Historical Building Safety Board (SHBSB)**www.dsa.ca.gov**

The DSA acts as California's policy leader for building design and construction and provides design and construction oversight for K-12 schools and community colleges. DSA also develops and maintains the accessibility standards and codes utilized in public and private buildings throughout California. DSA incorporates the offices of the independent SHBSB, caretaker of California's State Historical Building Code (SHBC). The DSA site contains inspector information, project tracking lists, code change updates, and more. The SHBC portion of the site also has reports on various aspects of the code, such as fire protection, public safety, additions and expansions, and seismic repair and upgrading.

Governor's Office of Planning & Research (OPR)/California State Clearinghouse (SCH)**www.opr.ca.gov/**

The OPR provides research staff to the Governor, conducts comprehensive statewide planning, facilitates interagency coordination, provides local agency planning assistance, and manages state environmental review processes. The SCH has three primary functions: coordination of state agency review of environmental documents; coordination of state and local review of federal grant applications; and technical assistance on land use planning and CEQA matters. This site contains the SCH's CEQAnet database, information on SCH's role in federal grant review processes, and information on other OPR programs, such as the Innovation in Government and Americorps programs.

Federal Agencies

Advisory Council on Historic Preservation (ACHP)/Section 106 Review
www.achp.gov/

The ACHP is an independent Federal agency that provides a forum for influencing Federal activities, programs, and policies as they affect historic resources. The goal of the National Historic Preservation Act, which established the ACHP in 1966, is to have Federal agencies act as responsible stewards of our Nation's resources when their actions affect historic properties. The ACHP is the only entity with the legal responsibility to balance historic preservation concerns with Federal project requirements. Section 106 of the National Historic Preservation Act of 1966 requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the ACHP. This site has news important to the ACHP and its constituents, information on the Section 106 process, training and education sources, a listing of publications, including Section 106 case law, and a listing of federal, state, and tribal program contacts.

Heritage Preservation Services

www2.cr.nps.gov/

Heritage Preservation Services, National Park Service, helps our nation's citizens and communities identify, evaluate, protect, and preserve historic properties for future generations of Americans. Located in Washington, D.C. within the National Center for Cultural Resources, the Division provides a broad range of products and services, financial assistance and incentives, educational guidance, and technical information in support of this mission. Its diverse partners include State Historic Preservation Offices, local governments, tribes, federal agencies, colleges, and non-profit organizations. This site is a wealth of information, including all you need to know about the Secretary's Standards, the rehabilitation tax credit program, the Certified Local Government program, and more (be sure to visit the HPS Classroom section). It also has many useful publications, including the Preservation Briefs series.

Historic American Building Survey/Historic American Engineering Record
(HABS/HAER)

www.cr.nps.gov/habshaer/

HABS/HAER is an integral component of the federal government's commitment to historic preservation. The program documents important architectural, engineering, and industrial sites throughout the United States and its territories. A complete set of HABS/HAER documentation, consisting of measured drawings, large-format photographs, and written history, plays a key role in accomplishing the mission of creating an archive of American architecture and engineering and in better understanding what historic resources tell us about America's diverse ethnic and cultural heritage. To ensure that such evidence is not lost to future generations, the HABS/HAER Collections are archived at the Library of Congress, where they are made available to the public. This site has information on highlighted projects, drawings and photographs, different levels of documentation, and more, as well as a collections list for previously documented buildings and structures.

National Environmental Policy Act (NEPA)
ceq.eh.doe.gov/nepa/nepanet.htm

NEPA is the nation's broadest environmental law, put in place in 1970. It establishes

environmental policy for the nation, provides an interdisciplinary framework for federal agencies to prevent environmental damage, and contains "action-forcing" procedures to ensure that federal agency decision-makers consider the effects their decisions will have on the environment. This site contains NEPA procedures, statute, and related executive orders, as well as information on the Council for Environmental Quality (CEQ), points of contact, and links to federal agency sites.

National Park Service (NPS)/Cultural Resources

www.cr.nps.gov/

The NPS preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The NPS cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world. The NPS site has a Tools for Learning section, a History in the Parks section, information on grants and assistance, and a host of other information sources.

National Register of Historic Places (NRHP)

www.cr.nps.gov/nr/

The NRHP is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, NRHP is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. The NRHP is administered by the National Park Service, which is part of the U.S. Department of the Interior. This site contains the NRHP listing of designated properties (National Register Information Service), travel itineraries, theme studies and information on the National Historic Landmark program, and the invaluable National Register bulletins, as well as other publications.

Advocacy and Professional Organizations

American Planning Association (APA)

www.planning.org/

The APA and its professional institute, the American Institute of Certified Planners (AICP), are organized to advance the art and science of planning and to foster the activity of planning -- physical, economic, and social -- at the local, regional, state, and national levels. The objective of the APA is to encourage planning that will contribute to public well-being by developing communities and environments that meet the needs of people and society more effectively. This site provides information on the AICP exam, federal planning legislation, educational opportunities, and much more.

California Chapter American Planning Association (CCAPA)

www.calapa.org/

The CCAPA links planners statewide and nationwide through the American Planning Association. Through this linkage, members obtain the latest information about planning, unite to influence legislative issues, and further professional expertise through conferences, meetings and workshops. The site has updates on the CCAPA annual conference, information on taking the American Institute of Certified Planners examination, planning legislation news, and a section for local news.

California Council for the Promotion of History (CCPH)

www.csus.edu/org/ccph/

CCPH is a statewide nonprofit organization founded in 1977. CCPH members represent almost every area of historical activity in California including historians working for public agencies, historians working in the private sector, academic historians, archivists, museum professionals, preservation specialists, teachers and students. The role of CCPH is to foster, facilitate, and coordinate efforts that advance the preservation, interpretation, and management of California's historical resources and to enhance the application of history skills in the public and private sectors. The site contains information about CCPH programs, including its annual conference, the Register of Professional Historians, a mini-grants program, awards, and more.

California Preservation Foundation (CPF)

www.californiapreservation.org

CPF is a statewide, non-profit organization dedicated to the preservation and enhancement of California's historic resources. CPF emerged in response to the need for a statewide organization that could focus on issues common to all and provide the cohesive and vital link between state, regional, and local preservation interests. CPF is a statewide network of its members: individuals, businesses, organizations, and local governments long committed to historic preservation. Through this network CPF serves as a clearinghouse for preservation ideas, technical information, and advice, available to all. The site contains information about CPF's programs, such as their annual conference and awards, and publications, whose topics range from building code issues, to disaster management, to award-winning design solutions.

National Alliance of Preservation Commissions (NAPC)

www.arches.uga.edu/~napc/index.htm

The NAPC builds strong local preservation programs through education, training, and advocacy. The NAPC is a private, non-profit 501(c)(3) corporation, governed by a Board of Directors whose members must have direct associations with preservation commissions. This site contains answers to frequently asked questions, information on the NAPC's educational programs, and updates on their bi-annual forum.

National Council of State Historic Preservation Officers (NCSHPO)

www.sso.org/ncshpo/

The NCSHPO is the professional association of the State government officials who carry out the national historic preservation program as delegates of the Secretary of the Interior pursuant to the National Historic Preservation Act (16 USC 470). The NCSHPO acts as a communications vehicle among the State Historic Preservation Officers and their staffs and represents the SHPOs with federal agencies and national preservation organizations. The National Historic Preservation Act names the NCSHPO as the point of contact for the State Historic Preservation Officers. The site has updates on the Historic Preservation Fund, which funds the programs mandated by the National Historic Preservation Act, a database of state preservation legislation, and a listing of State Historic Preservation Officers.

National Preservation Institute (NPI)

www.npi.org/

The NPI is a nonprofit organization offering specialized information, continuing education, and professional training for the management, development, and

preservation of historic, cultural, and environmental resources. Visit this site for an NPI seminars list, a helpful materials listing, and information on NEPA (see above).

National Trust for Historic Preservation (NTHP)

www.nthp.org

The NTHP provides leadership, education, and advocacy to save America's diverse historic places and revitalize our communities. The NTHP site has a wealth of information about the organization's programs, including the well-known 11 Most Endangered Places listing and the National Main Street Center, and publications, from books to reports to pamphlets.

Society for California Archaeology (SCA)

www.scanet.org/

SCA 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. This site contains valuable research links, legislative updates, educational opportunities, and information on SCA programs, including California Archaeology Month.

Appendix C -

Incentives for Historic Preservation in California (California OHP Technical Assistance Series #15)

NOTE: Preface and Table of Contents included here; the entire document is available for reference at Ferndale City Hall, 834 Main Street, Ferndale CA 95536 and on the City's website (<http://ci.ferndale.ca.us/index.html>)

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California Office of Historic Preservation
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INCENTIVES FOR HISTORIC PRESERVATION IN CALIFORNIA

CALIFORNIA OFFICE OF HISTORIC PRESERVATION
TECHNICAL ASSISTANCE SERIES #15

This publication has been financed in part with Federal funds from the National Park Service, Department of the Interior, under the National Historic Preservation Act of 1966, as amended, and administered by the California Office of Historic Preservation. The contents and opinions do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior. Under Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, the U.S. Department of the Interior strictly prohibits unlawful discrimination on the basis of race, color, national origin, age, or handicap in its federally- assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to Office for Equal Opportunity, U.S. Department of the Interior, National Park Service, Box 37127, Washington DC 20013-7127.

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Sacramento, California
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23 June 2004
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Preface

The programs listed in this document will assist anyone interested in the field of historic preservation to locate funding and incentives available to qualified historic properties. Some of the programs are incentive based while others rely on a designated funding source, or on a commitment from an overseeing jurisdiction. Certain program funding may be based on annual budgets at the federal, state, or local levels, while others are ongoing programs involving credits or abatements. Programs may also be regulatory or code driven.

This document includes the Worldwide Web addresses for each listed program. Readers are advised to visit the web sites for contact information including address, phone and fax numbers, in-depth background, and for up-to-date information on the listed incentives and programs.

OHP wishes to thank the following individuals for contributing to the compilation of this document. Staff members Jeanette Schulz, Bob Mackensen, Cheri Stanton, and Tim Brandt served as coordinators for formulation and content. Marie Nelson formatted the document for posting on the OHP web page. Additional OHP reviewers included Stephen Mikesell, Hans Kreuzberg, Eugene Itogawa, and Lucinda Woodward. Outside reviewers included Laura Westrup from the California State Parks Planning Division, Gail Ostergren from the Getty Conservation Institute, and Christine Fedukowski from the National Trust for Historic Preservation.

NOTE: Information provided is for general information only, and does not constitute legal advice or opinion in any way. As these laws and regulations change over time and may leave room for interpretation, you are urged to consult your attorney regarding specific legal questions you may have. Every effort has been made to provide up-to-date and correct information. If errors in text and/or content are found, please alert the Office of Historic Preservation (OHP) as soon as possible.

For more information or additional copies contact:

California Department of Parks and Recreation
Office of Historic Preservation
ATTN: Tax Incentives Program
P.O. Box 942896
Sacramento, California 94296-0001
(916) 653-6624
(916) 653-9824 fax
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ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Advisory Council on Historic Preservation (ACHP), an independent federal agency, has a mission to promote the preservation, enhancement, and productive use of our Nation's historic resources, and to advise the President and Congress on national historic preservation policy.

The ACHP was established by the National Historic Preservation Act of 1966 (NHPA), which encourages Federal agencies to be responsible stewards of the Nation's historic resources by including consideration of historic preservation in project requirements. As part of its duties as defined in the NHPA, ACHP is a policy advisor and recommends administrative and legislative actions to improve protection of our nation's heritage. It is the only entity with the legal responsibility to advocate for, and encourage full consideration of, historic values in federal decision making. One of its prime duties is the review of federal programs and policies to ensure they will be effective, coordinated, and consistent with national preservation policies.

PROGRAM AREAS

Federal Agency Programs administers the NHPA Section 106 review process and works to improve Federal agency consideration of historic preservation values in their programs.

Communications, Education, and Outreach conveys ACHP's vision and message to constituents and the general public through education, information, and recognition of historic preservation achievements.

Preservation Initiatives focuses on partnerships and program initiatives such as heritage tourism to promote preservation with local and state governments, Indian Tribes, and the private sector.

Preserve America Initiative promotes cultural and natural preservation and encourages a greater appreciation of national treasures, from monuments and buildings to landscapes and main streets. Emphasis is on retaining regional identities, supporting local pride in our cultural and natural heritage assets, and sustaining the economic vitality of our neighborhoods and communities.

Major components of the *Preserve America* initiative include:

- **Preserve America Presidential Awards** are annual awards given for: accomplishments in the sustainable use and preservation of cultural or natural heritage assets; demonstrated commitment to the protection and interpretation of America's cultural or natural heritage assets and the integration of these assets into contemporary community life; and a combination of innovative, creative, and responsible approaches to showcasing historic resources in communities.

- **Preserve America Communities** provides recognition and designation of communities that: protect and celebrate their heritage; use their historic assets for economic development and community revitalization; and encourage people to experience and appreciate local historic resources through education and heritage tourism programs.
- **Federal Support** provides technical and financial assistance to: bolster local preservation efforts; support better integration of heritage preservation and economic development; and foster and enhance intergovernmental and public-private partnerships to accomplish these goals.

FURTHER INFORMATION:

Web-Available Studies on the Economic Impacts of Historic Preservation

Advisory Council on Historic Preservation <http://www.achp.gov/index.html>

Heritage Tourism <http://www.achp.gov/heritagetourism.html>

Financial Assistance Sources <http://www.achp.gov/funding.html>

- General Historic Preservation
- Community and Economic Development
- Cultural and Arts Programs
- Disaster Response
- Natural Resource Conservation and Recreation Programs
- Specific Property Types
- State, Tribal and Local Government

Preserve America <http://www.preserveamerica.gov>

COMMUNITY DEVELOPMENT BLOCK GRANTS (CDBG)

The Community Development Block Grant (CDBG) Program is a program of the U. S. Department of Housing and Urban Development (HUD). Although it is a federal program that must conform to certain national HUD objectives, the allocation of the money within the community is at the discretion of local officials. Local governments use these annual direct grants from HUD to shape local programs that meet important objectives in community development.

The program is not a historic preservation program (its broad mission is to foster community development and to benefit low and moderate income persons), but it can fund particular activities that enhance and support historic preservation.

Community members and local officials who wish to make the most of CDBG grants will find a number of ways to link historic preservation to other community development and revitalization objectives. Historic preservation activities usually concentrate on rehabilitation, preservation, and restoration of public or privately owned properties. However, preservation activities may also be coordinated with new construction as well as with economic development, energy conservation and other objectives in a community's CDBG program.

A PARTIAL LIST OF ELIGIBLE CDBG ACTIVITIES WHICH MAY SUPPORT HISTORIC PRESERVATION

Planning

- Preparation of historic preservation elements of general plans
- Historic and archeological surveys of CDBG project areas
- Data collection, studies, analysis and the preparation of plans and implementing measures including budgets, codes, and ordinances
- Delineation of historic districts, including reuse plans and the preparation of ordinances and codes to assure preservation of the districts

Engineering and Design Costs

- Feasibility studies to assess the condition of structures, including historic properties
- Design improvements to the façade of structures, including historic buildings
- Removal of architectural barriers in older buildings, including historic buildings

Consultant Services

- Obtain professional assistance for program planning, including historic preservation

Acquisition

- Acquisition of properties, including historic properties, by a public agency or private not-for-profit entity
- Acquisition by purchase, lease, donation, or otherwise, of real property, including easements and facade easements

Clearance Activities

- Moving a historic structure from a project site
- Clearing incompatible structures from a historic site

Property Rehabilitation

- Includes privately owned residential buildings and improvements limited to facade and code requirements
- Publicly owned residential buildings
- Publicly owned nonresidential buildings
- Energy system improvements

Removal of Architectural Barriers**Payment of the non-Federal Match Required in Connection with a Federal Grant-in-Aid Program**

- CDBG funds can be used as match for grants under the federal Certified Local Government program administered by the Office of Historic Preservation

To find out if your community received CDBG funds, to determine what programs are assisted by CDBG funds, or to influence how CDBG funds are allocated in your community contact your local planning department, economic development department, community development department, or local redevelopment agency.

FURTHER INFORMATION:

The document *Historic Preservation in Housing and Community Development: Linking Historic Preservation to Community Development Block Grant Objectives* can be accessed this address:

<http://fpi.historicpreservation.gov/%7Bdvn.file%7D/4185b1d074e84730bdeb91c5f74636fe/Historic%20Preservation%20in%20Housing%20and%20Community%20Development%20Linking%20Historic%20Preservation%20to%20Community%20Development%20Block%20Grant%20Objectives.pdf>

Historic Preservation and Heritage Tourism in Housing and Community Development, a guide to using CDBG funds for historic preservation and heritage tourism, is now available online:

http://www.mainstreet.org/MediaLibrary/HUD_Historic_Pres_and_CDBG_Use.pdf

General information on the HUD Community Development Programs is available at:

<http://www.hud.gov/offices/cpd/communitydevelopment/programs/>

California CDBG Contacts and California Housing & Community Development:

<http://www.hcd.ca.gov/ca/cdbg/>

20% REHABILITATION TAX CREDIT Preservation Tax Incentives for Historic Buildings

Tax credits provide an important tool in the rehabilitation of historic properties. This federal program provides a dollar-for-dollar income tax reduction credit equal to 20% of qualified rehabilitation expenditures on income producing properties that are certified historic structures. Certified historic structures are either individually listed in the National Register of Historic Places (NRHP), or are contributors to a NRHP District. Properties not yet listed may apply for a preliminary determination of eligibility by filing a Part 1 form.

The property must be rehabilitated following the *Secretary of the Interior's Standards for Rehabilitation* (1990). The project costs must exceed either \$5000 or the adjusted basis of the building, whichever is higher. For larger projects, developers typically enter into a partnership with "tax credit investors" to more efficiently use the tax credit benefits. The developer serves as general partner with the tax credit investor being a limited partner, making an equity contribution to the project in exchange for the tax credit benefits. Under certain circumstances, non-profit organizations may also enter into such a partnership to allow their projects to benefit from the tax credit.

This is one of the most successful and cost-effective community revitalization programs which also attracts private investment in the historic cores of cities and towns. New jobs, enhanced property values, urban renewal, new municipal revenues, improved properties, and a lively, diverse and attractive community are other benefits realized from completed projects.

PROGRAM GUIDELINES

The Tax Incentives program is implemented by federal regulations under 36 CFR Part 67 and is a three-way partnership between the local state Office of Historic Preservation (SHPO), the National Park Service (NPS), and the Internal Revenue Service (IRS):

SHPO	NPS	IRS
<ul style="list-style-type: none"> • First point of contact • Provides forms, regulations, and other information • Maintains records of State's National Register properties • Processes forms for listing • Assists with information on appropriate rehabilitation treatments and materials 	<ul style="list-style-type: none"> • Processes program fees • Reviews all applications for conformance with the <i>Standards</i> • Issues all certifications (approval or denial) in writing to owner • Transmits copies of documents to the IRS • Develops and publishes program regulations, the <i>Standards</i>, other publications and maintains 	<ul style="list-style-type: none"> • Publishes regulations governing which rehabilitation expenses qualify for credits • Sets time periods for incurring expenses • Has procedural and legal oversight for claiming 20% and 10% credits • Publishes audit guide for financial and legal aspects

- Assists with tax credit applications and sends project review to NPS
- a web-site
- Insures that only qualified parties claim the credits

APPLICATION

- Contact the SHPO for forms and to determine whether your property is National Register eligible. Forms and information may be downloaded from the NPS website or the CA SHPO website link.
- File a Part 1 (Evaluation of Significance) to start the program (individually listed properties do not need to file a Part 1, unless the listing consists of more than one building. Photos and a location map are important components of the application.
- File the Part 2 (Description of Rehabilitation Work) to clearly describe all the project work and how historic fabric might be affected. One of the most critical parts of the Part 2 is photos of “before” conditions so the NPS may compare the building before and after work. Lack of such photos can result in denial of the project, as review cannot be completed without them. Drawings should accompany the Part 2 application.
- File the Part 3 (Request for Certification of Completed Work) after work is completed. Include photos of completed work, taken from the same locations as “before” photos. When filing the Part 3 be sure to contact your accountant or financial advisor for the details of claiming the credit. In certain instances, alternative minimum taxes and passive activity limitations may limit the use of the rehabilitation tax credits.
- All submissions should be submitted in duplicate form. OHP retains one original copy and forwards the second original copy to NPS.

Most tax incentive rehabilitation projects are completed in a two-year cycle and the credits are claimed when the Part 3 is filed. For complex projects, or those with complex financing, it is possible to request a five-year, phased program. This must be done at the time the Part 2 is filed and must be accompanied by a detailed explanation of the phases. Credits may be taken in increments during the five-year period by filing a Continuation Sheet explaining the completion of a work phase. It is important to be aware that the whole project is reviewed, and later work if not done in accordance with the *Standards*, may result in denial and recapture of the previous credits granted.

CHECKLIST

- Two sets of applications, photos and other documentation must be sent to the SHPO. **Do not bind applications**, as both the SHPO and NPS have archival file and storage standards that require applications to be unbound for processing.
- All cover sheets must have original owner signature(s) and date on both copies.
- Both the SHPO and NPS prefer actual photographs to digital images. If used, digital images should have a high resolution, providing the same clarity and level of detail as actual photographs. Unclear photographs could result in an inability to evaluate

the project and necessitate return of the application. In any case, images should be loose and not bound, labeled on the back, and keyed to a plan.

- The Part 2 application should reference all photos and drawing sheets for each item discussed.
- Do not send review fees to the SHPO. The NPS processes fees when the Part 2 is received in their office and sends a letter requesting payment. To expedite the fee request, a NPS credit card payment form may be completed and submitted to SHPO with the Part 2 and Part 3 application for forwarding to NPS with the completed review. The credit card form may be downloaded from the NPS website or the CA SHPO website link.
- Any change in a previously approved scope of work must be reported to the SHPO and the NPS, usually by an amendment to the Part 2, to be filed with the SHPO.
- Do not delay in contacting the SHPO with any questions during the course of the project. The SHPO's role is to assist in ensuring that the project meets the *Standards* and is successful.

FURTHER INFORMATION:

**Please see Appendix A for guidance in preparing a successful application.

NPS Heritage Preservation Services <http://www.nps.gov/history/hps/>

NPS technical preservation services: <http://www.nps.gov/history/hps/tps/index.htm>

Internal Revenue Service <http://www.nps.gov/history/HPS/tps/tax/IRS.htm>

Federal Regulations 36 CFR Part 67 <http://www.nps.gov/history/HPS/tps/tax/brochure1.htm>

36 CFR Part 67, see also: http://www.wbdg.org/references/code_regulations.php?i=290&r=1

10% REHABILITATION TAX CREDIT

Preservation Tax Incentives for Historic Buildings

A 10% rehabilitation tax credit is available for the rehabilitation of *non-historic buildings* that were built before 1936. The 10% credit applies only to buildings, not to ships, bridges or other structures.

PROGRAM GUIDELINES

- The rehabilitation must be *substantial*, exceeding either \$5,000 or the adjusted basis of the property, whichever is greater, and the property must be depreciable.
- Rehabilitation must be for *non-residential* uses. Rental housing does not qualify for the 10% credit. Hotels qualify as they are considered to be commercial use, not residential use.
- A building that was been moved *before* 1936 can be eligible for the 10% credit.

Projects undertaken for the 10% credit must meet a specific physical test for retention of external walls and internal structural framework:

- 50% or more of the building's existing walls must remain in place as external walls at the work's conclusion, and
- 75% or more of the building's existing external walls must remain in place as either external or internal walls, and
- 75% or more of the building's internal structural framework must also remain in place.

ELIGIBILITY AND RESTRICTIONS

The 20% and 10% credits are mutually exclusive. Only one may be applied to a given project. Which credit applies depends on the building, not on the owner's preference.

- Buildings listed individually or as district contributors in the National Register of Historic Places are not eligible for the 10% credit.
- Buildings located in certified State or local historic districts are presumed to be historic and are therefore not eligible for the 10% credit.
- Owners of buildings in National Register or certified State or local historic districts may claim the 10% credit *only* by filing a Part 1 of the Historic Preservation Certification Application with the SHPO and National Park Service and receive a determination that the building does *not* contribute to the district and is *not* a certified historic structure.
- Owners of historic buildings denied certification for the 20% credit may not claim the 10% credit.

CLAIMING THE 10% REHABILITATION TAX CREDIT

The tax credit must be claimed on IRS form 3468 for the tax year in which the rehabilitated building is placed in service. The owner files the 3468 form directly; there is no formal review process for rehabilitations of non-historic buildings.

FURTHER INFORMATION:

National Park Service
IRS Form 3468

<http://www.nps.gov/history/hps/tps/tax/brochure1.htm>
<http://www.irs.ustreas.gov/pub/irs-pdf/f3468.pdf>

**CHARITABLE CONTRIBUTIONS FOR HISTORIC PRESERVATION PURPOSES
(Conservation Easements)
Preservation Tax Incentives for Historic Buildings**

Internal Revenue Service Code Section 170(h) and Department of Treasury Regulations Section 1.170A-14 provide for income and estate deductions for charitable contributions of partial interests in historic property (principally easements). Valuations usually range from 10-15% of the structure's fair market value. To qualify, the gift of an easement for conservation purposes such as the preservation of the facade of a certified historic structure must be made to a holding entity and must be protected in perpetuity. Easements may be made for a facade, a building exterior (and its grounds), historically important building interiors, or for development rights for historically important land areas (open space agreements). Easements become part of the chain of title and bind present and future owners. However, establishment of such restrictions does not prevent the property owner from retaining possession and use of the property. Exterior work may need to be reviewed for appropriateness, but any interior modifications are at the discretion of the owner, unless the easement is for a significant interior.

ELIGIBILITY

The conservation easement donation can be from a structure that is used either for business or non-business. Personal residences as well as commercial properties may take advantage of this provision.

The property must only be a "certified historic structure," which is a property either:

- already listed individually in the National Register of Historic Places; or
- located in a National Register historic district and certified by the Secretary of the Interior as being of historic significance to the district (a "contributor").

Properties not yet listed may file if there is a preliminary determination that the property is National Register eligible and the nomination form will be filed and the property listed by the time federal taxes are due in the year following the donation (plus six months extension time).

PROGRAM GUIDELINES

- If the historic structure is not visible from a public way, arrangements must be included to permit regular viewing by the general public of its historic character and features; to the extent such viewing is consistent with the nature and condition of the property.
- If the property is subject to a mortgage, a special rule is that the mortgagee must agree to subordinate its rights to the property to the right of the donee to enforce the conservation purposes in perpetuity.
- If the value of the donation and deduction exceeds \$5000, the taxpayer must obtain a qualified appraisal and attach a full summary to the income tax return.
- A facade easement may be claimed for a qualified rehabilitated building. However, if the donation is made within the five year 20% Rehabilitation Tax Credit recapture period, the donation is considered a partial disposition of the property and will trigger recapture of all or part of the rehabilitation credits.

The donation is made only once, but the tax deduction may be distributed over a six year period and may usually be claimed on both federal and state tax returns.

FURTHER INFORMATION:

Historic Preservation Easements: A Directory of Historic Preservation Easement Holding Organizations, Claire Schofield, 2003: <http://www.nps.gov/hps/tps/tax/download/easements.pdf>

National Park Service – easements: <http://www.nps.gov/hps/TPS/tax/easement.htm>

NPS Heritage Preservation Services--IRS facades: *Facade Easement Contributions Removed, pending IRS revisions, July, 2007.*

In the Los Angeles area: LA Conservancy

<http://laconservancy.org/index.php4>

INVESTMENT CREDIT FOR LOW-INCOME HOUSING**Preservation Tax Incentives for Historic Buildings**

The Tax Reform Act of 1986 (IRC Section 42) 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 projects subsidized by tax-exempt bonds or below market federal loans. Through syndicated sale of this credit it can be possible to finance project construction costs at 30-60% of expenses.

This federal program is aimed at encouraging owners to develop and provide low-income housing to a community. While broader in scope than preservation, this credit can be used alone or concurrently with the Federal Historic Preservation Tax Incentive, which creates additional financial credits to make the low-cost housing project more viable. These credits are usually sold to individual or corporate investors through private or public syndication to create funding.

ELIGIBILITY

- Providing rental housing is the only eligible project for the low-income credits.
- Credits may be used for rehabilitation of existing properties or for new construction. Cost calculation is based on the depreciable costs of the property that is used in common areas.
- There are income threshold limits for initial occupants which cannot exceed 60% of the area median, adjusted for household size; requirements for cost per unit; limits on number of units; and financial commitment requirements for the owners.
- The credit allocations are factored on the eligible cost basis of the project, which encompass both hard and soft development costs. Land costs are excluded, but some acquisition costs can be part of the credit.
- Tax-exempt property may receive the credits. However, rental units must be leased to qualified low-income tenants and the rents must be restricted.
- Location of the property in either a qualified census tract (50% or more of households have incomes less than 60% of the area median gross income) or in a difficult development area may allow for an increase of the credit up to 130% of the construction or rehabilitation expenditures.
- The eligible basis for computing the low income credit must be reduced by the amount of any rehabilitation tax credit or any federal grants obtained.
- The credit is available after units are occupied by qualified tenants.
- Federal law sets a 15-year credit compliance period.
- Buildings must be maintained as affordable housing for a period of not less than 30 years. However, California's program generally requires maintaining affordability for 55 years.
- Credits are allocated by State housing credit agencies and are competitive.

The program is administered by the California Tax Credit Allocation Committee (TCAC) through the State Treasurer and the U.S. Internal Revenue Service. TCAC administers two low income housing tax credit programs, a federal program and a state program. Both programs were authorized to encourage private investment in rental housing for low and lower income families and individuals.

FURTHER INFORMATION:**Code References**

- Tax Reform Act of 1986; Internal Revenue Code Section 42
- California Code of Regulations, Title 4, Division 17, Sections 10300-10337

Federal Historic Preservation Tax Incentives - Topical Tax Brief – Comparison of the Historic Rehabilitation Tax Credit and the Low Income Housing Tax Credit:

http://www.nps.gov/history/hps/tps/tax/download/IRS_HRTC_LIHTC.pdf

California Tax Credit Allocation Committee:

<http://www.treasurer.ca.gov/ctcac/>

**TEA-21
THE TRANSPORTATION EQUITY ACT FOR THE 21ST CENTURY
UNITED STATES DEPARTMENT OF TRANSPORTATION**

TEA-21 enacted June 9, 1998, authorized federal surface transportation programs for highways, highway safety, and transit for the years 1998-2003. The TEA 21 Restoration Act, enacted July 22, 1998, provided technical corrections to the original law. In August 2003, the California Transportation Commission (CTC) integrated the Transportation Enhancements (TE) program into the State Transportation Improvement Program (STIP). The 2004 STIP Guidelines, adopted December 11th, further clarify and direct programming of TE funded projects or project enhancement elements, into the STIP.

The concept is to enhance, maintain, and preserve the existing transportation network while more creatively and sensitively integrating it into the surrounding communities. The goal is to create a "more-than-adequate" transportation experience that provides an aesthetic, pleasant and improved interface between a particular transportation mode and the people of the adjacent communities. Federal transportation funds are to be granted for use in capital improvement projects that enhance quality-of-life, in or around transportation facilities. Projects must be above and beyond regular mitigation and regular programs, and the proposed project must directly relate back to an existing transportation system. Several eligibility categories emphasize historic properties such as landscapes, buildings, and archeological sites and related resources. The program is overseen by the Federal Highway Administration. In California, the California Department of Transportation (CALTRANS) administers the program.

ELIGIBILITY AND SELECTION CRITERIA

There are three basic selection criteria that form the initial screening to determine whether a project fits the program. All three criteria must be met for the project to qualify.

1. The project must have at least one direct relationship to the surface transportation system (excluding aviation).
2. Enhancement activities must be above and beyond a normal project. Generally normal mitigation, standard landscaping, permitting, routine maintenance activities, and ADA compliance are not eligible.
3. The project must be encompassed under one or more of twelve activity categories. Only the activities listed in U.S. Code, Title 23 Section 101(a) are eligible and if the association is unclear, a detailed reasoning and explanation must be provided for a determination of eligibility by CALTRANS and the Federal Highway Administration.

The twelve categories are:

- Provision of facilities for pedestrians and bicycles.
- Provision of safety and educational activities for pedestrians and bicyclists.
- Acquisition of scenic easements and scenic or historic sites.

- Scenic or historic highway programs (including the provision of tourist and welcome center facilities).
- Landscaping and other scenic beautification.
- Historic preservation.
- Rehabilitation and operation of historic transportation buildings, structures or facilities (including historic railroad facilities and canals).
- Preservation of abandoned railway corridors (including the conversion and use thereof for pedestrian or bicycle trails).
- Control and removal of outdoor advertising.
- Archaeological planning and research.
- Mitigation of water pollution due to highway runoff or reduce vehicle-caused wildlife mortality while maintaining habitat connectivity.
- Establishment of transportation museums.

ADDITIONAL REQUIREMENTS

- TEA activities are reimbursable projects and applicants are expected to finance the project as it proceeds. Local funding share must be used in each phase.
- A match of approximately 12 match dollars to each 88 federal dollars for a total of 100 dollar units is required in each enhancement project phase.
- Administration agencies must receive an authorization to proceed before reimbursable work can begin in each phase.
- The project must be accomplished without an adverse effect on a cultural, historical, archaeological or environmental resource. Work must be done in compliance with the Secretary of the Interior's Standards for Archeology and Historic Preservation, the Secretary of the Interior's Standards for the Treatment of Historic Properties, or the California Historical Building Code and must be managed under the direction of cultural resource professionals meeting the education and experience standards published in the Code of Federal Regulations, 36 CFR, Part 61.
- In some circumstances, the cultural and sacred values of Native American or other ethnic community sites may require the inclusion of additional viewpoints. Evidence must be provided that appropriate representatives have been consulted.
- Responsibilities under the Americans with Disabilities Act (ADA) must be met.
- Provisions of the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), other permitting, and local regulations must also be considered and included in a reasonable schedule.
- The project must be consistent or "not inconsistent" with regional and local transportation plans.
- The project must have a public, political sponsor and administering agency supervision.

FURTHER INFORMATION:

U.S. Department of Transportation Federal Highway Administration (FHWA):

www.fhwa.dot.gov/tea21/index.htm

California Department of Transportation (CALTRANS) Program guidelines:

<http://www.dot.ca.gov/hq/TransEnhAct/test/index.htm>

CALTRANS local contact list:

<http://www.dot.ca.gov/hq/TransEnhAct/schedule.htm>

National Transportation Enhancement Clearinghouse:

<http://www.enhancements.org>

UNITED STATES SMALL BUSINESS ADMINISTRATION (SBA)

The mission of the SBA is to maintain and strengthen the nation's economy by aiding, counseling, assisting, and protecting the interests of small business and by helping families and businesses recover from national disasters.

On a regular basis, SBA makes direct business loans, pre-qualifies loans, guarantees bank loans to small businesses, makes micro-loans, and helps business owners with management plans, technical and contracting assistance, and business training. Financial assistance is usually in the form of loan guarantees and pre-qualification, as the SBA guarantees loans made by banks and other private lenders to small business clients. The SBA also assists in plans to raise capital, provides micro-loans, explains equity investments, provides guarantees for contract surety bonds for bids, payment, performance and ancillary needs, advocates for government contracting, and supports initiatives for special interests such as Women Entrepreneurs, Veterans, Native American affairs, and management and business magazines.

In partnership with the Federal Emergency Management Agency (FEMA), it also assists in recovery from natural disasters by offering loans to homeowners or renters to repair or replace damages to real estate or personal property. Businesses of any size may apply for loans to repair or replace disaster damages to real estate, machinery, equipment, inventory and supplies. Economic injury recovery loans provide working capital to assist through the initial recovery period and are only for applicants who lack other resources.

Business Loans

SBA defines a small business as one that is independently owned and operated and not dominant in its field. A small business must also meet the employment or sales standards developed by the Small Business Administration as based on the North American Industry Classification System (NAICS).

In general, SBA uses the following criteria to determine if a concern qualifies as a small business and is eligible for SBA loan assistance:

- **WHOLESALE:** Not more than 100 employees.
- **RETAIL or SERVICE :** Average (3 year) annual sales or receipts of not more than \$6 million to most retail and service industries, and up to \$29 million for others, depending on business type.
- **MANUFACTURING:** Generally not more than 500 employees, but in some cases up to 1,500 employees.
- **CONSTRUCTION:** Average (3 year) annual sales or receipts of not more than \$12 million to \$28.5 million, depending on the specific business type.
- **AGRICULTURAL INDUSTRIES:** \$0.75 million for most industries in this category.

All assistance is in the form of loans, and applicants must have the ability to repay the loans. Collateral is required for larger loans, but does not necessarily have to cover the full amount. Repayment scheduling is based on applicant's ability to pay for up to a maximum of 30 years.

Not eligible are: Real estate investors, lenders, pyramid sales plans, properties supporting illegal activities, general gambling (limited lottery ticket sales or other state licensed activities are not ordinarily restricted), and charitable, religious, or other non-profit institutions, government-owned corporations, consumer and marketing cooperatives, and churches and organizations promoting religious objectives.

Disaster Loans

The mission of SBA's Disaster Assistance Program is to offer financial assistance to those trying to rebuild their homes and businesses in the aftermath of a disaster. By offering low-interest loans, the SBA is committed to long-term recovery efforts.

Please note that the disaster that caused your damage must be an officially designated federal disaster in order for this program to take effect. In partnership with FEMA, the SBA will set up field offices to answer questions and process applications. SBA loans are not immediate emergency relief, as application processing usually takes seven to 21 days. The focus is on financing long-term rebuilding and repairing.

- **Home Disaster Loans:** Loans to homeowners or renters to replace damages to real estate or personal property. Renters may apply for personal property losses. Autos and mobile homes may also be eligible, but only for uninsured losses.
- **Business Physical Disaster Loans:** Loans to businesses to replace or repair damages to business property including real estate, machinery and equipment, inventory, and supplies. Note that businesses of any size are eligible for this disaster-related loan. In addition, non-profit organizations such as charities, churches, and private universities, etc. are also eligible.
- **Economic Injury Disaster Loans (EDIL):** Loans to provide working capital to small businesses and small agricultural cooperatives to assist with recovery. EDIL is for applicants with no credit available elsewhere; it is available only if the business and its owners cannot provide for their own recovery from non-government sources. Funds are intended to cover obligations as they mature and to pay ordinary and necessary operating expenses.

DISASTER LOANS PROGRAM REQUIREMENTS

- **Size:** Businesses must meet small business definitions for general loans. Disaster loans do not require a business "size limit," and private home owners and renters may also apply.
- **Location:** Disaster Relief applicants must be located in a declared and designated federal disaster area.

- **Repayment:** SBA's business loan and disaster relief assistance is in the form of loans. Applicants must show the ability to repay all loans.
- **Collateral:** Business loans over \$10,000 must be secured by the pledging of collateral to the extent that it is available. The SBA will however, make other arrangements if no collateral is available.

DISASTER LOANS LIMITATIONS

- Home loans are limited by regulation to a maximum of \$200,000 to repair or replace real estate and \$40,000 to repair or replace personal property. Actual amount is limited to the verified uninsured disaster loss.
- Business loans are limited by law to a maximum of \$1,500,000 for real estate, machinery and equipment, inventory and all other physical losses. Actual amount is limited to the verified uninsured disaster loss.
- Economic Injury loans are limited by law to a maximum of \$1,500,000 and reimburse only the actual economic injury as calculated by SBA and not covered by insurance, and otherwise beyond the ability of the business and its owners to provide.

SBA's business assistance and loans and the disaster recovery program can be very useful to help owners of small businesses housed in historic properties. The disaster recovery programs can assist private owners of historic properties conduct repairs and thus recover from natural disasters.

FURTHER INFORMATION:

U.S. Small Business Administration

<http://www.sba.gov>

CALIFORNIA HERITAGE FUND

Proposition 40

In 2002, voters approved the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002 (Proposition 40), which included \$267 million for historic and cultural resource preservation. The fund is administered by the California Cultural and Historical Endowment, located in the California State Library Office.

Proposition 40 was specified to fund a range of cultural and historic resource preservation programs and specified program grants for the acquisition, development, preservation, and interpretation of buildings, structures, sites, places, and artifacts that preserve and demonstrate culturally significant aspects of California's history.

Approximately \$128 million will be available to government entities and non-profit organizations through a competitive grant application process.

ELIGIBLE PROJECTS

Funds are to be used to support projects that help to preserve and demonstrate:

- Culturally significant aspects of life during various periods of California history including architecture, economic activities, art, recreation, and transportation
- Unique identifiable ethnic and other communities that have added significant elements to California's culture
- California industrial, commercial, and military history including the industries, technologies, and commercial activities that have characterized California's economic expansion and contribution to national defense
- Important paleontologic, oceanographic, and geologic sites and specimens

TIMING

The Endowment will be developing program guidelines and application materials. Public hearings are in process on the guidelines with public comment and review welcome. Information about the application process and draft guidelines will be posted on the Endowment's site when they are available.

FURTHER INFORMATION:

California State Library

California Cultural and Historical Endowment: <http://www.library.ca.gov/grants/cche/>

The Resources Agency has created a website where the public can obtain information about projects in their community funded by Proposition 40.

State of California Resources Agency: [Prop 40 Project Award Information](#)

CERTIFIED LOCAL GOVERNMENT GRANTS

In recognition of the need to involve local governments in historic preservation, the 1980 amendments to the National Historic Preservation Act provided a specific role for them in the national program by establishing the Certified Local Government (CLG) program. A CLG is a local government whose historic preservation program has been certified by the Office of Historic Preservation and the National Park Service. General requirements include a preservation ordinance, a qualified historic preservation review commission established by local law, a survey and inventory program, and adequate public participation in the local historic preservation program. 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.

In order to strengthen the federal/state/local partnership, the Historic Preservation Fund (HPF), a line item in the federal budget, provides an annual grant to each state historic preservation office. At least ten percent of the state's annual HPF allocation is passed through to CLGs on a competitive basis. HPF grants are awarded to CLGs on a 60/40 (federal/local) matching basis. It is worth noting that Community Development Block Grant (CDBG) funds, discussed elsewhere in this document, are federal funds that may be used as local match for federal grants such as CLG grants.

In California, CLG grants can be used for historic preservation planning activities, but not for bricks and mortar projects. Allowable projects include:

- Preservation Plans or Preservation Elements of General Plans
- Historic Preservation Ordinance Revisions
- Architectural, Historical and Archeological Surveys and Resurveys
- District Nominations to the National Register of Historic Places
- Archeological Preservation Plans
- Training Programs
- Historic Structure Reports
- Information Technology Projects
- Web Page Development

FURTHER INFORMATION:

California's CLG Program: http://www.ohp.parks.ca.gov/default.asp?page_id=1072

National CLG Program: <http://www.nps.gov/history/hps/clg/>

EARTHQUAKE RETROFIT PROGRAMS

EXISTING GOVERNMENT FINANCIAL INCENTIVE PROGRAMS

There are a variety of local, state and federally funded government programs that have provided, or are continuing to provide, financial incentives for owners of single family homes, mobile homes or apartments to structurally retrofit those buildings.

LOCAL GOVERNMENT PROGRAM EXAMPLES

(PROGRAMS ARE ON-GOING UNLESS OTHERWISE NOTED)

- Santa Cruz County – Brace for the Quake Program (1992-1996)
- City of Los Angeles – Seismic Mitigation Loan Program
- City of Oakland – Project SAFE
- City of Berkeley – Seismic Retrofitting Incentive Program
- Association of Bay Area Governments (ABAG) Finance Authority for Nonprofit Corporations, Affordable Housing Program
- City of San Leandro – Earthquake Retrofit Programs

STATE PROGRAMS

California Earthquake Authority – Residential Retrofit Program

CEA was established by State Legislature in 1996 as a privately funded, publicly managed entity to help California residents protect themselves against earthquake loss. In 1999, CEA launched SAFER (State Assistance for Earthquake Retrofits) in nine Bay Area counties. Enabling legislation can be found in the California Insurance Code, primarily in Sections 10089.5 through 10089.54.

California Department of Insurance – Grant and Loan Program

This grant program has operated since 1996. It is designed for low to moderate income homeowners, and pays for such retrofitting procedures as foundation anchoring, securing water heaters, installing automatic gas shut-off valves, and installing bracing for sheer walls. The maximum grant amount is \$8,000, or up to \$30,000 for foundation repair/replacement work. Grants are competitive and rated on need and income. This program is slated to end in December 2004, although it may be extended.

FURTHER INFORMATION:

Association of Bay Area Governments: Technical Appendix C, Existing Government Financial Incentive Programs for Earthquake Retrofit:

<http://www.abag.ca.gov/bayarea/eqmaps/nightmare/finance.pdf>

California Department of Insurance Earthquake Program:

<http://www.insurance.ca.gov/0100-consumers/0060-information-guides/0040-residential/earthquake-insurance.cfm>

California Earthquake Authority: <http://www.earthquakeauthority.com>

City of San Leandro: <http://www.ci.san-leandro.ca.us/CDEarthRetro.asp>

Saving Lives Through Earthquake Mitigation in Los Angeles, CALIFORNIA:

<http://www.huduser.org/publications/destech/bigone/sect1.html>

Two publications that discuss seismic safety improvements, *The Commercial Property Owner's Guide to Earthquake Safety, 2005 Edition* (CSSC Pub. No. 05-01) and *The Homeowner's Guide to Earthquake Safety 2006 Edition* (CSSC Pub. No. 06-02), are available from the Seismic Safety Commission. Both are available in downloadable form or copies may also be purchased.

Seismic Safety Commission--general publications: <http://www.seismic.ca.gov/pub.html>

MARKS HISTORICAL REHABILITATION ACT

The Marks Historical Rehabilitation Act of 1976 authorizes cities, counties, and redevelopment agencies to issue tax-exempt revenue bonds to finance the rehabilitation of significant historic buildings. The Act specifies the conditions and criteria under which the bonds can be issued.

The Marks Bond Act appears to have rarely been used due to the restriction that developers may not make capital expenditures of more than \$10 Million. Cities or counties are rarely willing to expend the time and money involved in issuing bonds for this small amount. If, however several major historic projects are undertaken in a jurisdiction at the same time and the collective costs and expenses total an amount high enough to justify staff time and fees to issue a bond, then the Marks Bond Act may prove to be a useful and desirable tool.

RELEVANT SECTIONS FROM CALIFORNIA HEALTH AND SAFETY CODE SECTION 10

NOTE: TEXT IS EXCERPTED, FOR FULL TEXT SEE LINK.

Chapter 1: General Provisions and Definitions (Sections 37600-37603)

Section 37601: Legislative Finding and Declarations

- State declaration that properties and structures of historical or architectural significance are an essential public resource and that it is necessary and essential that cities and counties be authorized to make long-term, low interest loans to finance the rehabilitation of properties of historic or architectural significance.
- Unless local agencies have the authority to provide loans for the rehabilitation of historic properties, many properties of historic or architectural significance will continue to deteriorate at an accelerated rate because loans from private sources are not sufficiently available for their rehabilitation.
- It shall be the policy of the state to preserve, protect, and restore the historical and architectural resources of the state.

Section 36602: Definitions

- **Bonds:** Any bonds, notes, interim certificates, debentures, or other obligations issued by a local agency pursuant to this part and which are payable exclusively from the revenues, as defined in subdivision (k), and from any other funds specified in this part upon which the bonds may be made a charge and from which they are payable.
- **Financing:** The lending of money or thing of value for the purpose of rehabilitation of historical properties and includes refinancing of outstanding indebtedness of the participating party with respect to property which is subject to historical rehabilitation, the acquisition of historical properties for the purpose of historical rehabilitation, or the acquisition of historical properties rehabilitated by a redevelopment agency functioning pursuant to Part 1 (commencing with Section 33000) of this division.
- **Historical rehabilitation:** The reconstruction, restoration, renovation, or repair of the interiors or exteriors of historical properties or their relocation for the purposes of

restoring or preserving their historical or architectural significance or authenticity, preventing their deterioration or destruction, continuing their use, providing for their feasible reuse, or providing for the safety of the occupants or passersby. Historical rehabilitation includes, but is not limited to, the repairing of architectural facades or ornamentation; removal of inappropriate additions or materials; replacement of facades, ornamentation or architectural elements previously removed; repairing of roofs, foundations, and other essential structural elements; installing parking areas, if required by local regulation or law for the use for which the property is intended after rehabilitation.

- **Historic rehabilitation area:** A geographic area, with specific boundaries, which is designated by a local agency as an area in which an historical rehabilitation financing program shall apply. It may encompass the entire jurisdiction of the local agency, or any portions thereof, including single parcels.
- **Historical property:** Any building of part thereof, object, structure, monument, or collection thereof deemed of importance to the history, architecture, or culture of an area as determined by an appropriate governmental agency. An appropriate governmental agency is a local official historic preservation board or commission, a legislative body of a local agency, or the State Historical Resources Commission. Historic property includes objects, buildings, structures, monuments, or collections thereof on existing national, state, or local historical registers of official inventories, such as the National Register of Historic Places and State Historical Landmarks.
- **Rehabilitation standards:** The applicable local or state standards for the rehabilitation of historical properties, including any higher standards adopted by the local agency as part of its historical rehabilitation financing program and including standards established pursuant to Part 2.7 (commencing with Section 18950) of Division 13, except that, for properties listed on or eligible for listing on the National Register of Historic Places, rehabilitation standards shall mean, at a minimum, those standards set forth by the United States Department of the Interior as *The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* as those standards may be applicable to any particular historical rehabilitation.

Chapter 2: Powers and Procedures (Section 37620-37631)

References the following information:

- Issuance of bonds for financing work.
- Fees, charges, interest rates and terms and conditions.
- Criteria for eligibility, standards, and citizen participation.

Chapter 3: Bond and Notes (Section 37640-37650)

References the following information:

- Issuance of negotiable bonds or notes for financing the rehabilitation of properties.
- Types of properties and types of bonds.

Chapter 4: Rehabilitation Loans (Section 37660-37662)

References the following information:

- Loan agreements and conditions.

Chapter 5: Construction and Effect (Section 37680-37682)

References the following information:

- General public welfare, jurisdiction and authority information.

Chapter 6: Supplemental and Additional Authority (Section 37683-37684)

References the following information:

- Supplemental and additional information.

FURTHER INFORMATION:

California Health and Safety Code, Part 10

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=37001-38000&file=37600-37603>

<http://www.leginfo.ca.gov>

MILLS ACT

California Property Tax Abatement Program

Since 1972 the Mills Act, sponsored by Senator James Mills of Coronado, has provided property tax relief to help preserve designated historic properties in California. It is a permissive program subject to approval and adaptation by city and county governments.

In order to help rehabilitate and maintain qualified historic properties, the Mills Act program allows for the voluntary creation of a contract between a private property owner and the city or county to provide a reduction in property taxes. The property tax relief is calculated by the capitalization of income method by the county assessor to reflect the Mills Act restrictions placed on the property. Mills Act properties are subject to annual reassessments by County Assessors which may result in slight increases in property taxes each year.

ELIGIBILITY

A property must be a "qualified historic property," which is a privately owned property (residential or commercial) not exempt from property taxation and is either:

- Listed individually in the National Register of Historic Places (NRHP) or as a contributor to a NRHP District; or
- Listed in any state, county, city, or city and county official register of historical or architecturally significant places, sites, or landmarks.

PROVISIONS

The following items must be included in the language of the Mills Act contract, although local historical ordinances may require other provisions:

- Contract is for a minimum of 10 years
- Any work to restore or rehabilitate the property must follow the Secretary of the Interior's Standards for Rehabilitation and the California Historical Building Code
- Inspections as may be necessary to assure compliance with the provisions of the contract
- Recognize that the contract is binding on successors in interest to the original owner
- Provisions for penalties for termination of contract

The local agency may charge a reasonable fee for administering the program. OHP must be notified in writing within six months of entering into a contract. Subsequent contract questions or cancellation may involve review by the California State Historical Resources Commission.

NOTE: City or county governments may apply a more limited definition of a qualified historic property. For example, in Los Angeles only locally designated properties or contributors to locally designated districts may participate.

FURTHER INFORMATION:

**OHP Technical
Assistance**

http://www.ohp.parks.ca.gov/default.asp?page_id=21412

Series #12

SEISMIC BOND ACT

California Revenue and Taxation Code (RTC) Sections 70(d) and 74.5

Section 70(d) implements Proposition 23, approved by the voters in 1984, and provides a 15-year new construction exclusion for improvements to **unreinforced masonry buildings (URMs)** undertaken to comply with local ordinances on seismic safety.

Section 74.5 implements Proposition 127, approved by the voters in 1990, and provides a new construction exclusion for seismic improvements and improvements utilizing earthquake hazard mitigation technologies. This exclusion applies only to existing buildings and structures. The provisions of section 74.5 do not apply to seismic safety reconstruction and improvements to URMs that qualify for exclusion provided in section 70(d).

Assembly Bill 184 (Chapter 330, Statutes of 2001) amended sections 70(d) and 74.5 of the Revenue and Taxation Code relating to new construction exclusions for certain seismic safety improvements. Specifically, Chapter 330 changed the filing deadlines and modified the definition of “improvements utilizing earthquake hazard mitigation technologies.” This legislation became effective on September 25, 2001.

UNREINFORCED MASONRY BUILDING IMPROVEMENTS (RTC Section 70)

- Section 70(d)(1) provides that locally mandated seismic safety related improvements or reconstruction to URMs will be excluded from new construction for 15 years following the commencement or completion of the reconstruction or improvements. If the property changes ownership during the 15-year period, a new base year value must be established and enrolled for the entire property.
- Section 70(d)(2) requires that in the 16th year following the required reconstruction or improvement, the assessor shall enroll the excluded property at its current full cash value. This means that the qualifying reconstruction may be exempted from assessment in the first tax year in which it exists, whether as construction in progress or as completed work, and in the following 14 tax years. It becomes taxable in the sixteenth tax year following the tax year in which the reconstruction or improvement was begun.

FILING REQUIREMENTS

- Section 70(d)(3) requires the governing body that enacted the local ordinance to issue a certificate of compliance upon the request of an owner who has reconstructed or improved a structure in accordance with the ordinance. To receive the new construction exclusion, the property owner must file the certificate with the assessor no later than six months after completion of the project. The failure to file a certificate of compliance within the prescribed filing period is deemed a waiver of the exclusion for that year. If the certificate is filed after the six-month filing period, the exclusion applies prospectively, starting with the lien date following the filing.

SEISMIC RETROFITTING IMPROVEMENTS and IMPROVEMENTS UTILIZING EARTHQUAKE HAZARD MITIGATION TECHNOLOGIES (RTC Section 74.5)

Section 74.5(b)(1) defines seismic retrofitting improvements. To exclude these improvements from assessment, they must fit into one of the following classifications:

- Retrofitting or reconstructing to abate falling hazards that pose serious danger
- Structural strengthening
- Improvements resisting seismic force levels during an earthquake to significantly reduce the hazards to life and safety and also provide safe entry and exit during and immediately after an earthquake

Seismic retrofitting also includes those items referenced in Appendix Chapters 5 and 6 of the Uniform Code for Building Conservation (UCBC) of the International Conference of Building Officials. UCBC Appendix Chapter 5 relates to the retrofit of concrete tilt-up buildings and provides requirements for wall anchors and diaphragm cross ties. UCBC Appendix Chapter 6 relates to prescriptive retrofit of residential cripple walls and foundation anchorage and provides prescriptive guidelines for bracing of cripple walls that can be implemented by the homeowner and/or contractor without requiring numerically based structural design.

IMPROVEMENT AMENDMENTS

Chapter 330 amends the definition of improvements utilizing earthquake hazard mitigation technologies in section 74.5(b)(2) to mean improvements to existing buildings identified by a local government as being hazardous to life during an earthquake. Improvements shall involve strategies for earthquake protection of structures and use technologies such as those referenced in Part 2 (commencing with section 101) of Title 24 of the California Building Code and similar seismic provisions in the Uniform Building Code.

Previously the definition of improvements utilizing earthquake hazard mitigation technologies was keyed to certain technologies approved by the State Architect. However, rather than adopting regulations referenced in Health and Safety Code section 16102, the State Architect instead developed guidelines and seismic performance standards to insure the seismic performance of buildings utilizing earthquake hazard mitigation technology.

FILING REQUIREMENTS

- Section 74.5 requires the property owner to notify the assessor prior to, or within 30 days of, completion of the project that the owner intends to claim the exclusion. In addition, all documents needed to support the claim must be filed no later than six months after completion of the project.
- It is the responsibility of the property owner, primary contractor, civil or structural engineer, or architect to certify to the building department those portions of the project that are either seismic retrofitting improvements or improvements utilizing earthquake hazard mitigation technologies.
- Upon completion of the project, the building department is to report to the county assessor the value of those portions of the project meeting either of these definitions.
- If the property changes ownership, the entire property, including the previously excluded new construction, is reappraised at its current full cash value as of the date of transfer. The new construction exclusion is available to the property owner who completes the construction; it is not passed along to subsequent owners.

CLAIM FORM

- Section 74.5(d) requires that the State Board of Equalization prescribe the manner and form for claiming the exclusion.

FURTHER INFORMATION:

California Revenue and Taxation Code Section 70-74.6

LINK: California Law/Revenue and Taxation Code/Division 1, Chapter 3, New Construction, 70-74.7:

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=rtc&group=00001-01000&file=70-74.7>

State Board of Equalization Letter to County Assessors: Seismic Safety New Construction Exclusions

<http://www.boe.ca.gov/proptaxes/pdf/lta01089.pdf>

Two publications that discuss seismic safety improvements, *The Commercial Property Owner's Guide to Earthquake Safety, 2005 Edition* (CSSC Pub. No. 05-01) and *The Homeowner's Guide to Earthquake Safety 2006 Edition* (CSSC Pub. No. 06-02), are available from the Seismic Safety Commission. Both are available in downloadable form or copies may also be purchased.

Seismic Safety Commission – general publications: <http://www.seismic.ca.gov/pub.html>

WILLIAMSON ACT PROGRAM

Enacted in 1965, the California Land Conservation Act, commonly referred to as the Williamson Act, allows local governments to enter into voluntary legal contracts (Land Conservation Contract) with private landowners in order to restrict specific parcels of land to agricultural or related open space use. In return, owners will receive lowered property tax assessments because the assessment will be based on farming and open space uses rather than speculative or full market value.

PROGRAM GUIDELINES

- The local jurisdiction creates an Agricultural Preserve with rules and restrictions stating the agricultural use. Only land located within the boundary of a Preserve is eligible for a contract.
- Government code requires that Agricultural Preserves be a minimum of 100 acres. However, more than one contiguous parcel may be combined to form the 100 plus acres and more than one owner may be involved. A smaller plot that cannot be combined but is unique in its agricultural characteristics and its designation is consistent with the general plan may be established as a special Preserve.
- Local planning departments have the application forms and instructions. The minimum term for a contract is 10 years, although a longer length can be agreed upon, and it runs with the land and is binding upon all successors. The contract is automatically renewed every year for the full 10 (or more) years.
- Either the landowner or local jurisdiction can file a notice of non-renewal that starts a nine-year non-renewal period. An owner may object to a local jurisdiction non-renewal filing. At the end of the nine-year process, the contract is terminated. If an owner initiates non-renewal, the property taxes will increase significantly during the first year of the process.

Since January 1, 1995 three principles of compatibility are mandatory in any contract:

- Long-term productive agricultural use and capability will not be compromised
- No impairment or displacement of agricultural activity will occur including harvesting, processing or shipping
- No adjacent contracted land will be removed from agricultural or open-space use

In addition to the Williamson Act, in 1995 the California Legislature passed the Agricultural Land Stewardship Program, now known as the California Farmland Conservancy Program, as an incentive to further protect productive agricultural land from encroaching development. In exchange for conservation easement rights, the owner receives a one-time payment purchasing the difference between development and agricultural value and then also obtains a reduction in property taxes. A local government or non-profit land trust may initiate the program on behalf of the owner.

FURTHER INFORMATION:

Williamson Act:

California Department of Conservation,
Division of Land Resource Protection

<http://www.consrv.ca.gov/DLRP/lca>

California Farmland Conservancy
Program:
California Department of Conservation,
Division of Land Resource Protection

<http://www.consrv.ca.gov/DLRP/cfcp/index.htm>

INTRODUCTION: LOCAL INCENTIVES

Local governments throughout California can preserve and promote their historic and cultural properties by providing financial incentives and removing disincentives to encourage owners to rehabilitate their buildings. Potential incentives include waiving or reducing building permit fees, waivers for zoning and parking requirements, low interest loans, grants, tax breaks, and special assessment districts to generate funds.

The formation of historic residential districts such as Historic Preservation Overlay Zones (HPOZs) has been proven to create economic value in neighborhoods. Other incentive could include business development zones and incentive zoning mapping. Opportunities for enterprise can include business improvement districts (BIDs), redevelopment project areas, enterprise zones, foreign trade zones, recycling market development zones and renewal community designation.

Community supported historic preservation organizations can be important components in the protection and preservation of their area's architectural legacy and cultural history. These organizations can provide educational programs, tours, lectures and workshops on history, architecture and the benefits of historic preservation. Assistance may be available to help building owners restore their historic properties with consultation and referral services. A neighborhood website may provide area contacts, services, and guidance for preservation, rehabilitation and maintenance projects.

Advocacy to save endangered buildings may include purchasing neglected properties and returning them to productive use. Such programs may involve grant programs for low-income homeowners.

NOTE

Local incentives wanted! Local jurisdictions are welcome to submit their own regulations, ordinances, and any other incentives that promote and preserve historic properties for incorporation into this section. Any submission should include appropriate links. As time and budget allows, this section will be expanded.

FURTHER INFORMATION:

The Getty Conservation Institute, *Incentives for the Preservation and Rehabilitation of Historic Homes in the City of Los Angeles: A Guidebook for Homeowners*, 2004.

http://www.getty.edu/conservation/field_projects/lasurvey/index.html

Los Angeles Conservancy, Incentives for Preserving Historic Buildings:

<http://www.laconservancy.org>

Pasadena Heritage:

<http://www.pasadenaheritage.org/>

San Diego Citywide Business Development and Incentive Zone Map

<http://www.sannet.gov/economic-development/business-assistance/mapping.shtml>

Northern California Chapter of the Earthquake Engineering Research Institute

<http://www.quake06.org>

ADAPTIVE REUSE ORDINANCES

Planning, zoning and construction incentives can streamline the permitting process and provide flexibility in meeting zoning and building code requirements for adaptive reuse projects that convert underutilized commercial buildings into more productive uses such as loft type residential uses.

potential benefits

- Coordination between city agencies to guide, assist and facilitate the adaptive reuse implementation through a project facilitating team that help the project through design, permitting and construction processes.
- Many non-compliant site conditions such as building height, parking, floor area and setbacks may be permitted without requiring a variance.
- Residential density requirement may be waived.
- Construction guidelines may provide some flexibility in meeting structural and fire and life safety compliance requirements.
- Conversion of existing buildings to privately-owned residential use may not necessarily trigger disabled access requirements in the residential use area, however disabled access would still be required in areas used by employees and that are open to the general public.

eligibility and restrictions

- Eligible areas may be restricted
- Typically all new floor areas, except for mezzanines, must comply with city zoning code
- Average dwelling unit size and minimum size requirements may apply

FURTHER INFORMATION:

City of Los Angeles Adaptive Reuse Ordinance #175588:

http://www.ladbs.org/rpt_code_pub/Ord175588_zaapproval.pdf

Los Angeles Conservancy:

<http://www.laconservancy.org>

BUSINESS IMPROVEMENT DISTRICTS

Business Improvement Districts (BIDs) are a type of assessment district in which business owners choose to assess a fee for use in promoting and improving the business area. In California, BIDs date to 1965 with the approval of Assembly Bill 103; The Parking and Business Improvement Area Law. Today there are approximately 200 BIDs in the state. BIDs are one of the most valuable and effective finance tools available to the small business community.

BENEFITS

- BIDs provide a business area with the resources to develop marketing campaigns, increase awareness and lobbying efforts, secure additional funding and enhance public improvement and beautification projects in partnership with a governing body.
- By pooling private resources, business owners in BIDs collectively pay for activities that they could not afford on an individual basis.
- BIDs can consistently enact programs and activities without relying on scarce public funding.
- An organized business community can work more effectively to create positive change and increase support for businesses in the area.
- BIDs can work closely with elected officials and city staff to voice collective concerns, monitor business regulations and obtain funding and support for their business development projects.
- Governing bodies may be able to assist BIDs to improve and diversify the economic base of the districts with market assessments, sales tax revenue assessments, business plans, property owner assistance, retail recruiting, and database collection to measure neighborhood economic activity.

MARKETING ACTIVITIES

BIDs may develop a variety of successful marketing activities that generate business for the district. Activities can include:

- Special events such as restaurant or art gallery tours, block parties, weekly farmers markets and holiday festivals
- Developing public relations and marketing materials
- Use of Internet, coupon books, cooperative advertising campaigns, and district brochures
- Marketing the district to potential businesses in order to reduce vacancies, provide a good mix of businesses, and to strengthen the BID

ADDITIONAL FUNDING

While BID assessments are typically used to leverage funding for a variety of projects, BIDs may also be able to receive additional funding through various local government agencies.

- BIDs may be eligible for matching funds, providing additional return on investment for individual small businesses and the BID as a whole.
- BIDS may be eligible to receive funds from governmental taxes or revenues such as transient occupancy tax or parking meter revenues.
- Corporate sponsorship may be available.
- Local government contributions may include streetscape improvements and redevelopment projects, or programs geared toward assisting individual businesses with matching grants to assist in storefront renovation costs.

FORMING A BID

A BID is typically initiated by local business owners petitioning a local governing body to establish a BID on their behalf. Usually public hearings are held, and a majority of business owners must support the BID.

FEES

The formula for establishing assessment fees is typically determined by the business organization that initiates the BID process. Assessments are usually based on the type, size, and location of the businesses, with assessment levied on the basis of relative benefit from the improvements and activities to be funded.

- The BID fee is a benefit assessment and not a tax
- The fee is collected on an annual basis, and included as a separate charge on the business tax certificate bill
- All assessment funds are returned to the BID through annual contract agreements

FURTHER INFORMATION:

City of San Diego, Economic Development, Small Business Assistance

<http://www.sannet.gov/economic-development/business-assistance/small-business/bids.shtml>

<http://www.sannet.gov/economic-development/business-assistance/mapping.shtml>

City of Palo Alto, Economic Development and Redevelopment:

<http://www.ci.east-palo-alto.ca.us/economicdev/index.html>

PLANNING AND ZONING INCENTIVES

Local municipal codes and ordinances can provide incentives to preserving and protecting historic properties within a community. Historic preservation ordinances, planning and zoning variances and exceptions can all recognize the importance of protecting historic resources while providing leeway in modern code requirements and developmental pressures. It should be noted that all qualifying historic properties may implement the alternative measures provided under the California Historical Building Code.

Potential Incentives

- Waiver, reduction, or reasonable alternatives to parking requirements
- Civil penalties to any person or entity who fails to maintain any qualified historic building
- Exclusion of basement and attics from floor area ratio calculations
- Transfer of development rights
- Density or floor area bonuses

Example	
<p>City of Palo Alto Economic Development and Redevelopment</p> <ul style="list-style-type: none"> • Density bonus for historic properties contained in Municipal Code 	<p>http://www.ci.east-palo-alto.ca.us/economicdev/index.html</p>

ADDITIONAL LOCAL INCENTIVES

Historic Preservation Plans

Components of historic preservation plans can provide powerful direction in the approach to preserving and protecting historic properties within a community. Such plans can call for:

- Requiring agencies to give priority consideration to using historic buildings in historic neighborhoods in downtown business areas

Grants

Grants may be available from a number of foundations for neighborhood and community development. A successful grant could potentially fund:

- Assistance to low to moderate income families in acquiring the capital toward home ownership
- Improving residents' lives and upgrading neighborhood conditions
- Financial and technical assistance to qualifying homeowners living in historic homes that need repair
- Workshops on the maintenance of historic properties
- Development of historic context statements, historic property research and documentation, and development of archeological site preservation and management plans
- Creating and strengthening local alliances among organizations committed to affordable housing

EXAMPLES	
Great Valley Center (California Central Valley area), Legaci Grants	http://www.greatvalley.org/legaci/index.aspx
Pasadena Heritage Housing	http://www.heritagehousingpartners.org/
The San Francisco Foundation, the Community Development Program:	http://www.sff.org/programs/community-development

Loans

Low interest loans are a great incentive to combat sprawl by encouraging residents to live and invest in their historic neighborhoods. Loans may be used for a variety of home maintenance and rehabilitation projects, provided the changes respect the

building’s historic character. Eligible projects may include typical repairs to building features such as roofs, windows and porches; painting; interior work; and potentially additions. Loan amounts and terms may vary. It should be noted that the program may take substantial staff time to operate and monitor.

EXAMPLE	
Cuyahoga County Heritage Home Loan Program (HHLP)	
http://treasurer.cuyahogacounty.us/homeimprove/default.htm	
Cleveland Restoration Society:	
http://www.clevelandrestoration.org/hopgeninfo.php	

Neighborhood Organizations

Word of mouth is sometimes the best source of finding a good craftsman, contractor or other historic preservation professional. Neighborhood and preservation organizations may be a good source for database lists and technical assistance guidelines and recommendations. Websites may include lists of architects, contractors and other professionals experienced with working on historic properties.

EXAMPLES	
Anaheim Colony	http://www.anaheimcolony.com/resources
City of San Jose, Historic Preservation Page	
http://www.sanjoseca.gov/planning/Historic/	

Preservation Revolving Funds

Preservation revolving funds help to preserve, restore, and maintain buildings and properties of historical and architectural importance within a specific area for the benefit of future generations. A fund empowers an organization to purchase endangered properties, take action to preserve the property, then resell the property, making the proceeds available to save the next building. A fund is a worthy preservation tool that saves historic resources, supports grassroots improvement efforts, enhances the quality of life in communities, and puts an organization in the real estate market with the developer.

PURPOSE

- To preserve buildings, sites and properties of historical or architectural importance.
- To acquire important threatened buildings.
- To enhance the original character and scale of a building through careful rehabilitation while improving livability for modern households and uses.

- To place protective easements, covenants, and legal restrictions on historic properties.
- To restore, lease, option, or resell historic properties.

<u>EXAMPLES</u>	
Save Our Heritage Organization:	www.sohosandiego.org
Others:	
Preservation North Carolina:	http://www.presnc.org/
Historic Boston, Inc:	http://www.historicboston.org/
Historic Landmarks of Indiana:	http://www.historiclandmarks.org/Resources/Pages/GrantsLoans.aspx

Programs for Low and Moderate Income Homebuyers and Homeowners

Creating affordable housing, revitalizing neighborhoods, and promoting homeownership for low to moderate income families can all benefit historic properties. Potential incentives include assistance in buying and/or rehabilitating an historic home.

<u>EXAMPLES</u>	
The Getty Conservation Institute, <i>Incentives for the Preservation and Rehabilitation of Historic Homes in the City of Los Angeles: A Guidebook for Homeowners</i> , 2004.	
http://www.getty.edu/conservation/field_projects/lasurvey/index.html	

AMERICANS WITH DISABILITIES ACT AND TAX INCENTIVES

With the passage of the American's with Disabilities Act (ADA) in 1990 (PL 101-336), access to properties open to the public is a civil right. Most historical buildings were not designed to be readily accessible for people with disabilities, yet accommodating people with disabilities could jeopardize the significance and integrity of the historic nature of the property. In 1997, this Act was amended to balance accessibility and historic preservation.

The Americans with Disabilities Act requires equal opportunity for persons with disabilities in employment, government programs, telecommunications, transportation, and places of public accommodations, and can be assumed to be all buildings within a downtown commercial district. To the greatest extent possible, historic properties must be made as accessible as non-historic properties.

Two tax incentives are available to businesses to help cover the cost of making access improvements:

DISABLED ACCESS TAX CREDIT (26 USC 44)

- This credit was created in 1990 specifically to help small businesses cover ADA related eligible access expenditures
- This credit cannot be used for new construction. Use is limited for adaptations to existing facilities that are required to comply with ADA
- The amount of the credit is equal to 50% of the eligible access expenditures in a year, up to a maximum expenditure of \$10,250. There is no credit for the first \$250 of expenditures. The maximum tax credit, therefore, is \$5,000.

EXPENDITURES TO REMOVE ARCHITECTURAL AND TRANSPORTATION BARRIERS TO THE HANDICAPPED AND ELDERLY (26 USC 190)

- This deduction was established under Section 190 to help businesses of any size with the removal of architectural or transportation barriers.
- The renovations under Section 190 must comply with applicable accessibility standards (Architectural and Transportation Barriers Compliance Board)
- The amount of the deduction is a maximum of \$15,000 per year.

ELIGIBLE PROJECTS

- The Disabled Access Credit can be used for architectural adaptations, equipment acquisitions, and services such as sign language interpreters. Other eligible expenditures include:
 - provision of readers for customers or employees with visual disabilities
 - provision of sign language interpreters
 - purchase of adaptive equipment

- production of accessible formats of printed materials (i.e., Braille, large print, audio tape, computer diskette)
- removal of architectural barriers in facilities or vehicles (alterations must comply with applicable accessibility standards)
- fees for consulting services (under certain circumstances)
- The Expenditures deduction can be used for architectural or transportation adaptations and include:
 - provisions to make any facility or public transportation vehicle owned or leased by the taxpayer for use in connection with his trade or business more accessible to, and usable by, handicapped and elderly individuals

ELIGIBLE ENTITIES

- The Disabled Access Credit: A business that for the previous tax year had either revenues of \$1,000,000 or less or 30 or fewer full-time workers
- The Expenditures deduction may be used by any business

ADDITIONAL NOTES

- Architectural barriers are physical features that limit or prevent people with disabilities from obtaining the goods or services that are offered. They can include narrow parking spaces, a step or steps to an entrance or sales area of a store, round doorknobs or other hardware difficult to grasp, narrow aisles, high counters, and fixed tables and chairs.
- A tax credit is subtracted from your tax liability after you calculate your taxes, while a tax deduction is subtracted from your total income before taxes, to establish your taxable income.
- Small businesses can use the incentives in combination if the expenditures incurred qualify under both Section 44 and Section 190. For example, a small business that spends \$20,000 for access adaptations may take a tax credit of \$5,000 (based on \$10,250 of expenditures), and a deduction of \$15,000. The deduction is equal to the difference between the total expenditures and the amount of the credit claimed.

Example: A small business' use of both tax credit and tax deduction

\$20,000	cost of access improvements (rest room, ramp, three doorways widened)
-\$5,000	maximum credit
\$15,000	remaining for deduction

- The tax credit and deduction can be used annually. Expenses cannot be carried over from one year to the next and a credit or deduction claimed for the portion that exceeded the expenditure limit the previous year. However, if the amount of the entitled credit exceeds the amount of taxes owed, the unused portion may be forwarded to the following year.
- The disabled access credit is claimed on IRS Form 8826
- For further details and information, these incentives should be reviewed with an accountant or discussed with a local IRS office or the contact below.

PUBLICATIONS

- ADA Guide for Small Businesses
- ADA Tax Incentive Packet for Businesses
- ADA Guide for Small Towns
- The ADA and City Governments: Common Problems
- Common ADA Errors and Omissions in New Construction and Alterations
- NOTE: Access tax pack site below for full listing of available publications

FURTHER INFORMATION:

ADA Home Page

<http://www.usdoj.gov/crt/ada>

ADA Tax Incentives Packet

<http://www.usdoj.gov/crt/ada/taxpack.htm>

This packet contains information on the disabled credit available for small businesses and the tax deduction available for businesses of any size to help offset costs improving accessibility for customers or employees with disabilities. It also contains IRS forms for claiming the credit, a list of ADA publications available free from the Department of Justice, and a list of telephone numbers and Internet sites for answers to ADA questions.

The established design criteria for the construction and alteration developed by the ADA Access Board are known as the ADA Accessibility Guidelines (ADAAG).

ADAAG

<http://www.access-board.gov/adaag/html/intro.htm>

The Internal Revenue Service provides information about tax code provisions including tax credits (Section 44) and deductions (Section 190) that can assist businesses in complying with the ADA.

Tax code - information about ADA tax incentives

800-829-1040 (voice)
800-829-4059 (TTY)

Tax code - legal questions about ADA tax incentives

202-622-3120 (voice)
TTY: use relay service

To help businesses with their compliance efforts, Congress established a technical assistance program to answer questions about the ADA.

The Department of Justice toll-free ADA Information Line

800-514-0301 (voice)
800-514-0383 (TDD)

NATIONAL ENDOWMENT FOR THE ARTS (NEA) GRANTS FOR ARTS PROJECTS

NEA offers grants that facilitate historic preservation through categories that support feasibility studies or historic rehabilitation planning. The following grant information is limited to specific funding for historic preservation activities, please note that each grant also funds other types of activities. Grants are not available for construction or acquisition.

Access to Artistic Excellence

This category offers Standard Review Grants that may be applicable for certain projects related to historic properties. Funded activities can be loosely divided into two areas: Innovation and Stewardship. Grants are generally for over \$10,000.

Innovation refers to activities that are design related and include competitions, commissions, workshops involving new projects, exhibitions of recent work, publications, and conferences or gatherings that promote innovation in design practice.

Stewardship refers to projects that protect, share, or celebrate our collective design heritage and include historic preservation activities, exhibitions and publications of the design of the past, education and outreach, and conferences and gatherings that promote the heritage and conservation of design.

- Funding is not available for construction, purchase, or renovation of facilities.
- Funding is available for predevelopment studies, design fees, and community planning.
- Grants also support events and activities related to cultural festivals, productions, or heritage tourism programs.

Challenge American Fast Track Review Grants

This program offers support to small and mid-sized organizations for projects that promote arts and related programs to underserved populations whose opportunities for art experience may have limits of geography, ethnicity, economics, or disability. Funded activities can be loosely divided into two areas: Arts in Community Development and Professional Arts Programming. Grants are for \$10,000 each.

ARTS IN COMMUNITY DEVELOPMENT ELIGIBLE ACTIVITIES

- Architectural studies, design completions, charrettes (design workshops), or feasibility plans for the renovation, restoration, or adaptive reuse of facilities or spaces for cultural activities.
- The revitalization or improvement of cultural districts through lighting, signage, or professionally managed promotional events.
- Festivals, particularly celebrations of local or regional cultural heritage.

- Promotion of arts events or cultural resources through the professional design and distribution of material such as calendars, Web sites, brochures, and souvenir programs. This may include projects that address cultural tourism efforts.
- Professionally directed public art projects such as murals, sculptures, or environmental art.

FURTHER INFORMATION:

National Endowment for the Arts (NEA)

<http://arts.endow.gov/grants/index.html>

<http://arts.endow.gov/grants/apply/Design.html>

NATIONAL ENDOWMENT FOR THE HUMANITIES (NEH) GRANTS

The National Endowment for the Humanities (NEH) Challenge Grants help institutions and organizations secure long-term improvements in and support for their humanities programs and resources. Eligible entities include any U.S. non-profit such as historical societies and historic sites, museums, public libraries, research institutions, scholarly associations, state humanities councils, colleges and universities, public television, radio stations, and other non-profit organizations. Grants may require significant matching funds.

Grants are most commonly used to establish endowments for ongoing humanities activities such as education, public programming, scholarly research, and preservation programs. Types of activities include faculty and staff positions, lectures or exhibition series, visiting scholars, publishing subventions, consultants, maintenance of facilities, acquisitions and preservation/conservation programs.

Consultation Grants for Museums, Libraries, and Special Projects

This grant program is designed to help groups such as historical organizations, community organizations, museums, and libraries create a new project or develop a new interpretive direction for an institution. Grants are up to \$10,000.

Projects should convey significant humanities ideas to the public, use creative formats to engage an audience, examine ideas and topics within a regional or national context and expand their impact and mission by involving new audiences or by serving as models to other organizations.

ELIGIBLE ACTIVITIES

- Historical organizations and museums projects that create interpretive exhibitions, interpret a historic site, and produce catalogs, public symposia and web sites to support the interpretation program.
- Libraries and archives projects that make collections accessible through reading or film discussion series, traveling exhibits, lectures, and public symposia. Curriculum materials, brochures, and websites are permissible support items for funding.
- Special projects that are usually sponsored by other groups than the above organizations. These are envisioned to be broad, inter-disciplinary formats to reach a regional or national audience at diverse venues and locales. Components may include a discussion series, lectures, or symposia, as well as related exhibits, publications, brochures or websites.

Implementation Grants for Museums and Historical Organizations

Similar to the consultation grants, this program supports the realization of long-term exhibits, historic site interpretation, and supporting materials such as symposia, publications, websites, and related programming. Grants are up to \$350,000.

Projects include final consultation with scholars or professional experts, final exhibit design, exhibit fabrication, crating and shipping, website development, publicity costs, public program presentation costs, and audience evaluation.

Preservation Assistance Grants

This grant program assists small and mid-sized institutions such as historical societies, museums, libraries, archival repositories, town and county records offices, smaller departments within colleges and universities, and other similar organizations, to improve their capability to care for their humanity-related collections. Such collections may consist of architectural and cartographic records, archeological and ethnographic artifacts, historical objects, decorative and fine arts, furniture, textiles, archives and manuscripts, books and journals, prints and photographs, moving images, and sound recordings.

Applicants must consult with specialists whose preservation and conservation skills and experiences are related to the types of collections and activities that are the focus of their projects.

ELIGIBLE ACTIVITIES

- Assessment and recommendations reports for management and collection needs
- Disaster preparedness and response plans
- Environmental monitoring programs, pest management, security or fire protection
- Lighting and storage studies
- Assessing conservation treatments for selected collection items and materials
- Permanent storage furniture and supplies, and monitoring equipment

We the People Challenge Grants in United States History, Institutions and Culture

To help Americans make sense of their history and the world around them, NEH has created an initiative "We the People," which encourages exploration of significant events and themes in our Nation's history and culture and which advances knowledge of the underlying principles that define America in their full historical and institutional context.

Support may be provided for strategic planning to improve a program by items for:

- Construction, renovation, and maintenance
- Preservation and conservation programs
- Acquisition of materials and equipment
- Direct expenditures through long-term depleting or bridging funds
- Establishing endowments which generate expendable earnings for program activities

FURTHER INFORMATION:

National Endowment for the Humanities
(NEH)

<http://www.neh.gov/grants/guidelines/challenge.html>

NATIONAL TRUST FOR HISTORIC PRESERVATION

The National Trust for Historic Preservation (NTHP) provides leadership, education, advocacy and resources to save America's diverse historic places and revitalize communities. Support for the National Trust is provided by membership dues, endowment funds, contributions, and grants.

COMMUNITY PARTNERS

Community Partners assists preservation organizations, local governments and community development corporations in revitalizing historic properties, central business districts and urban neighborhoods.

- National Main Street Center
- National Trust Loan Funds
- Preservation Development Initiative
- Banc of America Historic Tax Credit Fund
- National Trust Small Deal Fund

FORUM

- Cynthia Woods Mitchell Fund
- Johanna Favrot Fund
- Preservation Services Fund

ADDITIONAL NTHP RESOURCES

- Center for Preservation Leadership
- Heritage Tourism
- Preservation Leadership Training
- Your Town Design Workshops

FURTHER INFORMATION:

National Trust for Historic Preservation <http://www.preservationnation.org/>

The Trust's regional offices bring programs and tools of the National Trust to local communities. They offer technical assistance through consultations, field visits and financial assistance, primarily through small grants to help jump start local efforts. They convene educational preservation programs, and work to foster preservation-friendly public policies that affect historic places. They also provide leadership on issues that concern their particular region.

NTHP Western <http://www.preservationnation.org/about-us/regional-offices/western/>
Region Office

**National Main Street Center
National Trust for Historic Preservation**

The National Trust's Main Street Center offers a variety of consulting services that help communities identify revitalization issues and solutions and build or fine-tune local efforts. These services include basic and advanced training, analysis and consultation on a wide range of commercial district revitalization topics—all customized to local needs and resources.

The Center can assist your district with a comprehensive range of commercial district revitalization issues, including the following:

- Organizational Development
- Planning
- Business Retention/Recruitment
- Property Development
- Appearance of the District
- Transportation Planning
- Small Business Assistance
- Parking
- Funding for Revitalization
- Market Analysis
- Market-Driven Promotions

FURTHER INFORMATION:

National Main Street Center

<http://www.mainstreet.org>

National Trust Loan Funds (NTLF)

National Trust for Historic Preservation

NTLF have a 30-year record of lending to low-income historic districts and to specific endangered historic resources. The program consists of two preservation revolving funds. Combined asset base of these Funds has grown since 1994 from approximately \$4 million to a total of \$10 million.

- **INNER-CITY VENTURES FUND**
Finances community development projects that result in preserving historic properties that benefit low, moderate, or mixed income neighborhoods.
- **NATIONAL PRESERVATION LOAN PROGRAM**
Funding for a variety of preservation projects that may include establishing or expanding local and statewide preservation revolving funds, acquiring and/or rehabilitating historic buildings, sites, structures and districts, and preserving National Historic Landmarks.

ELIGIBLE PROJECTS

- **Acquisition, stabilization, rehabilitation and/or restoration of historic properties in conformance with the Secretary of the Interior's Standards for the Treatment of Historic Properties**

ELIGIBLE ENTITIES

- Tax-exempt non-profit organizations or local governments
- Eligible organizations may enter into a partnership or joint venture with another non-profit or for-profit entity, provided the other party is pivotal to the project

ELIGIBLE PROPERTIES

- Local, state, or nationally designated historic resources
- Contributing resources in a certified local, state or national historic district
- Resources eligible for listing on a local, state or national register

LOAN TERMS

- From \$50,000 to \$350,000 depending on use of funds
- Terms range from one to three years depending on the use of funds; repayment schedules are flexible
- Collateral is required
- Closing fees are charged

FURTHER INFORMATION:

National Trust for Historic Places:

<http://www.preservationnation.org/issues/community-revitalization/>

Preservation Development Initiative

Sources of Funding

National Trust for Historic Preservation

This program combines a comprehensive approach to preservation-based economic revitalization. PDI helps targeted city governments assess, develop, and realize the full economic potential of their historic sites, landmarks and districts. The breadth of historic preservation resources and opportunities is first identified through a comprehensive assessment. Cities then set priorities for follow-up program assistance from the National Trust's Main Street, Community Partners, Regional Office and Heritage Tourism programs. This may include, for instance, providing matching grants to create a historic real estate revolving fund or organizing a city-wide Main Street program.

To support economic and community development through historic preservation, the PDI office:

- Designs 'packages' of comprehensive technical and financial services for client communities;
- Develops preservation-based economic development strategies, financial incentive programs, and preservation development demonstration projects;
- Uses the broad array of National Trust expertise in interdisciplinary teams and programs; and
- Builds strategic partnerships.

FURTHER INFORMATION:

National Trust for Historic Preservation-Preservation Development Initiative Report:

http://www.preservationnation.org/resources/technical-assistance/PDI_portfolio.pdf

National Trust for Historic Preservation:

<http://www.preservationnation.org/>

National Trust for Historic Preservation Funds Application:

<http://www.preservationnation.org/resources/find-funding/grants/pf/National-Trust-Preservation-Funds-Application.doc>

National Trust for Historic Preservation-National Trust Loan Funds:

<http://www.preservationnation.org/resources/find-funding/loans/national-trust-loan-fund/>

National Trust for Historic Preservation – Find Funding:

<http://www.preservationnation.org/resources/find-funding/>

Tax Credit Equity Investments
National Trust for Historic Preservation
Banc of America Historic Tax Credit Fund

This fund is a partnership between the National Trust and Bank of America and managed by a subsidiary of the Trust that provides tax credit equity to for-profit and non-profit developers rehabilitating historic properties as well as New Markets Tax Credits. The Fund offers the National Trust's expertise in historic preservation, combined with the resources and financial strength of Bank of America. It is managed by the National Trust Community Investment Corporation, a for-profit subsidiary of the National Trust. The fund:

- Invests in projects eligible for the Federal and state historic rehabilitation tax credit.

ELIGIBLE PROJECTS

- Buildings listed, or eligible for listing, in the National Register of Historic Places
- Rehabilitations having National Park Service approved Parts 1, 2 (prior to investment), and 3 (upon project completion) of the Historic Preservation Certification Application
- Non-historic, non-residential buildings built before 1936

ELIGIBLE USES

- Multi-family rental housing
- Office and retail
- Mixed-use
- Special purpose buildings (performing arts facilities, museums, schools, community centers)

CREATING THE PARTNERSHIP

Call or email the National Trust to discuss your project with an acquisitions manager, including such items as:

- Support of local historic preservation organizations, the community, and public officials
- Development team and their experience with rehabilitation tax credits projects
- Development budget and sources of financing

The Banc of America Historic Credit Fund offers competitive pricing, flexible pay-in and reasonable deal terms and structuring. Developers also have access to Bank of America's full line of debt and equity products, as well as the nationwide resources of the National Trust.

FURTHER INFORMATION:

The ntcic funds website also contains a rehabilitation tax credit guide, and an interactive, online tutorial on qualifying, earning and redeeming the 10% and 20% rehabilitation tax credits.

Banc of America Historic Tax Credit Fund:

www.ntcicfunds.com

NTHP acquisitions manager email for inquiries:

Community_partners@nthp.org

Tax Credit Equity Investments
National Trust for Historic Preservation
National Trust Small Deal Fund

Is a partnership between Tax Credit Capital and a subsidiary of National Trust for Historic Preservation designed to help developers of historic properties that generate an equity investment of less than \$650,000 (total project costs of approximately \$4 million or less). The Fund operates on the belief that the most efficient way to get these smaller transactions done is to use a standard deal template. Using a set pay-in structure, standard documentation, and streamlined due diligence process, the Fund's closing costs are nominal (\$10,000). Developers are responsible for their own counsel, and are strongly encouraged to use counsel with tax credit experience.

The National Trust Small Deal Fund pays up to \$.89/\$1.00 of credits it receives. The equity is paid in installments. A nominal (\$100) contribution is made at closing, 85% is paid upon receipt of a Part III from the National Park Service, and the remaining 15% (less the initial \$100) is paid in at 6 months of breakeven operations.

FURTHER INFORMATION:

National Trust for Historic Preservation Small Deal Funds:

http://www.ntcicfunds.com/funds/small_deal_fund.html

Cynthia Woods Mitchell Fund National Trust for Historic Preservation Forum

NOTE: National Trust Forum membership is required in order to receive a grant.

Fund purpose is to assist in the preservation, restoration, and interpretation of historic interiors. Grants range from \$2,500 to \$10,000. It is anticipated that total grants of \$50,000 per year will be made. With rare exception, grants require a dollar-for-dollar match.

ELIGIBLE PROJECTS

- Consultant services with expertise in architecture, planning, paint analysis, archeology, fund raising, media relations, education, or graphic design
- Professional advice to strengthen management capabilities
- Designing, producing and marketing print and video communications materials
- Sponsoring preservation conferences and workshops
- Designing and implementing innovative preservation education programs

Acquisition of real property or objects, staff salaries, overhead costs, construction or other capitol improvement costs, expenses incurred prior to the award date, and bricks and mortar construction, repair, and rehabilitation are not eligible.

ELIGIBLE ENTITIES

- Non-profit organizations
- Government agencies
- Individuals and for-profit businesses if the project involves a National Historic Landmark

SELECTION CRITERIA

- Historic significance of the property
- Extent to which the requested assistance will act as seed money to make a difference in preserving, restoring or interpreting the historic interior, including what other funds might be leveraged by an award
- Effort which owners and local supporters are willing to commit to the project
- Potential of project to be a catalyst for further positive action to benefit other historic interiors, properties, neighborhoods, or communities
- Adequacy of plans for the future maintenance of the property or the continuation of the activity for which grant support is requested
- Ability and willingness of applicant to carry out proposed plans or activities

TIMING

- One funding round each year. Applications must be postmarked by February 1.

FURTHER INFORMATION:

NTHP Forum

<http://www.preservationnation.org/support-us/>

Cynthia Woods Mitchell Fund:

<http://www.preservationnation.org/resources/find-funding/grants/Cynthia-Woods-Mitchell-Fund-Application.doc>

Johanna Favrot Fund National Trust for Historic Preservation Forum

NOTE: National Trust Forum Membership is required in order to receive a grant.

Fund purpose is to save historic environments in order to foster appreciation of the nation's diverse cultural heritage and to preserve and revitalize the livability of the nation's communities. Grants range from \$2,500 to \$10,000. It is anticipated that total grants of \$50,000 per year will be made. Grants require a dollar-for-dollar match.

ELIGIBLE PROJECTS

- Consultant services with expertise in architecture, planning, economics, archeology, fund raising, media relations, education, or graphic design
- Professional advice to strengthen management capabilities
- Designing producing and marketing print and video communications materials
- Sponsoring preservation conferences and workshops
- Designing and implementing innovative preservation education programs

Acquisition of real property or objects, staff salaries, overhead costs, construction or other capitol improvement costs, expenses incurred prior to the award date, and bricks and mortar construction, repair, and rehabilitation are not eligible.

ELIGIBLE ENTITIES

- Non-profit organizations
- Government agencies
- Individuals and for-profit businesses if the project involves a National Historic Landmark

SELECTION CRITERIA

- Historic significance of the property, and the present or potential charm of the property, neighborhood, or community
- Extent to which the requested assistance will act as seed money to make a difference in preserving or rehabilitating an historic property, including what other funds might be leveraged by an award
- Effort which owners and local supporters are willing to commit to the project
- Potential of project to be a catalyst for further positive action to benefit other adjacent historic properties, neighborhoods, communities, or open space
- Adequacy of plans for the future maintenance of the property or the continuation of the activity for which grant support is requested
- Ability and willingness of applicant to carry out proposed plans or activities

TIMING

- One funding round each year. Applications must be postmarked by February 1.

FURTHER INFORMATION:

NTHP Forum

<http://www.preservationnation.org/support-us/>

Johanna Favrot Fund:

<http://www.preservationnation.org/resources/find-funding/grants/Johanna-Favrot-Fund-Application.doc>

Preservation Services Fund

National Trust for Historic Preservation Forum

NOTE: National Trust Forum Membership is required in order to receive a grant.

Fund purpose is to encourage preservation at the local level by providing seed money for preservation projects. Grants help stimulate public discussion, enable local groups to gain technical expertise needed for particular projects, introduce the public to preservation concepts and techniques, and encourage financial participation by the private sector. Grants range from \$500 to \$5,000. It is anticipated that total grants of \$50,000 per year will be made. Grants require a dollar-for-dollar match.

- Applications must be mailed to the appropriate National Trust regional office.
- Applicants must contact their regional offices to discuss the project before applying.

ELIGIBLE PROJECTS

Planning: Support for obtaining professional expertise in architecture, archeology, engineering, preservation planning, land-use planning, fund raising, organizational development and law.

- Hiring a preservation architect or landscape architect to produce an historic structures report or landscape master plan
- Hiring a preservation planner to produce design guidelines for an historic district
- Hiring an organizational development consultant to facilitate a strategic planning retreat for a preservation non-profit
- Hiring a real estate development consultant to develop an economic feasibility study for the reuse of a threatened structure
- Hiring a fund raising consultant to develop a capital campaign for a building rehabilitation
- Sponsoring a community forum to develop a shared vision for the future of an historic neighborhood

Education and Outreach: Support for preservation education activities to educate the public.

- Sponsoring a workshop on the preservation of burial grounds or cultural landscapes
- Underwriting travel costs or honoraria for a keynote speaker at a statewide preservation conference
- Preparing a manual on the use of transportation enhancement funds for preservation projects
- Developing curriculum on ethnic heritage of school children
- Hiring a media relations consultant to develop a media campaign for an endangered properties list

Acquisition of real property or objects, academic research, historic resource surveys, and building or other construction activities are not eligible.

ELIGIBLE ENTITIES

- Non-profit incorporated organizations or public agencies
- Capable of matching the grant amount dollar-for-dollar

ELIGIBLE SOURCES OF MATCHING FUNDS

- Cash contributions from private or public sources
- Earned income from registration fees or fund raising activities

Staff salaries and organizational overhead costs are not eligible.

SELECTION CRITERIA

- Critical and urgent need
- Uniqueness and significance
- Timetable
- Personnel qualifications
- Budget, Match, and Support
- Long Term Results
- Effects on other local preservation activities

CONDITIONS

- Grantees must be National Trust Forum members
- Consultants must be approved by the National Trust before grants funds are disbursed
- At least three competitive bids must be obtained for any procurement of services that exceeds \$10,000
- Applicants must agree not to discriminate against any employee or applicant for employment because of race, color, religion, sex, age, national origin or sexual orientation
- Grant recipients must include acknowledgement of National Trust financial support in all printed materials generated for the project
- All preservation work must conform to the Secretary of the Interior's Standards
- PSF grants or matching funds cannot be used to influence a member of Congress to favor or oppose any legislation or appropriation
- All work supported by previous PSF awards must have been satisfactorily completed and a final report and financial accounting of the grant approved.

TIMING

- Contact the National Trust regional office to obtain information regarding application deadlines

FURTHER INFORMATION:

NTHP Forum: <http://www.preservationnation.org/support-us/>

NTHP Western Office: <http://www.preservationnation.org/about-us/regional-offices/western/>

Additional Programs National Trust for Historic Preservation

- **CENTER FOR PRESERVATION LEADERSHIP:**
 - <http://www.preservationnation.org/resources/training/plf/>
 - <http://www.preservationnation.org/about-us/programs/programs.html>
 - <http://www.preservationnation.org/resources/training/>
 - Mission to strengthen and support a network of committed and informed preservation leaders by providing the tools and resources needed to carry out preservation activities in their own communities
 - Training is provided to increase the capacity of organizations and agencies working in the field of historic preservation
 - Programs include Preservation Leadership Training and the Better Boards workshop
-
- **HERITAGE TOURISM:**
 - <http://www.preservationnation.org/issues/heritage-tourism/>
 - The National Trust Heritage Tourism Program is a fee-for-service consultation that offers a network of partners and resources
 - Assists in assessing resources and creating plans for sustainable heritage tourism programs
 - Provides a national awareness and advocacy role
-
- ***PRESERVATION DEVELOPMENT INITIATIVE REPORT:***
 - http://www.preservationnation.org/resources/technical-assistance/PDI_portfolio.pdf
- **PDI will help local leaders make preservation a central part of their community's broader economic and community development strategy**
- Grant recipients will receive a range of assistance, including a comprehensive preservation development strategy
- Organizational capacity building, commercial revitalization programming, residential redevelopment and heritage tourism are a few areas where the PDI can help

- **RURAL HERITAGE PROGRAM:**

- <http://www.preservationnation.org/issues/rural-heritage/resources-rural-heritage.html>

- Self-funded program at the National Trust dedicated to the recognition and protection of rural historic and cultural resources
 - Supports efforts of rural communities through educational programs, publications, and technical assistance
 - Provides both fee and no-fee services

- **YOUR TOWN DESIGN WORKSHOPS**

- www.yourtowndesign.org/

- Leadership initiative, developed by the National Trust and the National Endowment for the Arts, that responds to the design need of small towns and rural areas
 - Addresses issues of community integrity and character through process of design in a participatory workshop

PARTNERS FOR SACRED PLACES (PARTNERS)

National Center for the Stewardship and Preservation of Historic Religious Properties

NOTE: No direct grants or funding is available from the Partners but they actively encourage development of fund-raising skills.

Partners is the only non-sectarian, national non-profit organization that is dedicated to assisting communities and their congregations retain and actively use historic and older sacred properties. It is also dedicated to promoting an understanding of how sacred places can sustain communities. Assistance includes an information clearing house, a publication center, professional referrals, and training workshops that explain how to promote your property for community support and fund raising.

- Founded in 1989 by a national task force of religious, historic preservation and philanthropic leaders. Has served over 100,000 locally based sacred places across the nation.
- In 1998, published the landmark study *Sacred Places at Risk*, which defines for the first time the pattern and intensity of community service programs operating in aging and culturally valued religious buildings.
This study has further defined the focus of the Partners program:
 - 90% or more of older congregations share their facilities with the larger community
 - 80% of beneficiaries are non-members of the congregation
 - More than 75% of congregations use their own facilities to house outreach programs
 - These facilities face hundreds of thousands of dollars in deferred maintenance and repairs for roofs or other structural problems that put the existing buildings and programs at risk

PROGRAM ASSISTANCE

- **Information Clearinghouse** is a unique, broad-ranged resource that makes available over 8000 sources on 250 different subject categories focused on the care and use of older sacred places.
- **Sacred Places Toolkit** is a compilation of workbooks, case studies, video, and web-based programs that assist congregations in defining their "public value" and describing it to policymakers, funders and other community partners.
- ***Open the Doors, See All the People: A Guide to Serving Families in Sacred Places*** explains creative ways to focus on providing services to children and families.
- **Sacred Trusts Conference** is a national conference with an audience of clergy, lay leaders, preservationists, community leaders and policymakers to discuss both care of buildings and outreach programs.
- **Advocacy Initiatives** actively carries the message of **Sacred Places at Risk** to civic leaders, funders, and policymakers to encourage creative ways to adopt broad support for older religious properties.

FURTHER INFORMATION:

Partners for Sacred Places:

[HTTP://WWW.SACREDPLACES.ORG/](http://www.sacredplaces.org/)

SAVE AMERICA'S TREASURES

Save America's Treasures is a public-private partnership between the National Park Service and the National Trust for Historic Preservation dedicated to identifying and rescuing the enduring symbols of American tradition that define the nation. Grants are administered by NPS in partnership with the National Endowment for the Arts, the National Endowment for the Humanities, the Institute of Museum and Library Services, and the President's Committee on the Arts and Humanities. Grants are awarded through a competitive process.

Grants require a dollar-for-dollar non-federal match, which can be cash or donated services. The grant and match must be used during the grant period to execute the project. The minimum grant request for collections projects is \$50,000, the minimum grant request for historic property projects is \$250,000. Maximum grant request for all projects is \$1 million.

ABOUT THE PARTNERSHIP

- The National Trust for Historic Preservation works to help official projects of SAT encourage local preservation efforts, and attract gifts to support community projects
- The National Endowment for the Arts pre-reviews applications for collections, artworks, and monuments and administers the arts-related grants
- The General Services Administration assists the NPS in initial application review and coordinating the expert panel
- All partners offer technical assistance and advice about the program

ELIGIBLE PROJECTS

Preservation and/or conservation work on nationally significant intellectual and cultural artifacts and nationally significant historic structures and sites. Intellectual and cultural artifacts include artifacts, collections, documents, sculpture and works of art. Historic structures and sites include historic districts, sites, buildings, structures and objects.

- A structure or building must be listed or considered eligible by the SHPO for listing on the National Register of Historic Places at the national level of significance.

ELIGIBLE ENTITIES

- Federal Agencies funded by the Department of the Interior and Related Agencies Appropriations Act
- Non-profit, tax-exempt 501(c) U.S. organizations
- Units of state or local government
- Federally recognized Indian Tribes
- Other federal agencies collaborating with a non-profit partner to preserve the historic properties or collections owned by the federal agency may submit applications through the non-profit partner
- Historic properties and collections associated with active religious organizations provided they meet the Grant Selection Criteria

Acquisition, surveys, inventories, cataloging, maintenance, curatorial work beyond the grant period, interpretive or training programs, reconstruction, moving buildings, new construction, and historic structures reports and condition assessments not part of a larger project, cash reserves, endowments, revolving funds, fund raising, work completed prior to announcement of the award are not eligible. Federal salaries, agency overhead or administrative costs for federal agency grantees are not eligible.

SELECTION CRITERIA

- Collections or historic properties must be nationally significant
- Collections or historic properties must be threatened, endangered or otherwise demonstrate an urgent preservation and/or conservation need
- Projects must address the threat and must have a clear public benefit
- Projects must be feasible, and the applicant must demonstrate ability to complete the project and match the federal funds

TIMING

- Application materials for the each grant cycle are available at the beginning of each year.

FURTHER INFORMATION:

NPS Save America's Treasures Information <http://www.nps.gov/history/hps/treasures/>
 List of Save America's Treasures CA projects (once on site, click on all projects "go"):
<http://www.saveameericastreasures.org/projsearch.htm>

Save America's Treasures Official Project list for California (Since January, 2001)	
1894 Carmel Fallon Building	San Francisco
Alcatraz Island Gardens	San Francisco
Amargosa Opera House and Hotel	Death Valley Junction
Angel Island Immigration Station	San Francisco
Anthropology Audio Visual Collection	Berkeley
Anthropology Collection, Santa Barbara Museum of Natural History	Santa Barbara

Bodie Historic Mining District	Bridgeport
Breed Street Shul (Congregation Talmud Torah)	Los Angeles
Bullocks Wilshire Building	Los Angeles
Calexico Carnegie Library	Calexico
Calfax Depot	Calfax
Campo de Cahuenga	North Hollywood
Captain Fletcher's Inn	Elk
Casa de Dana	San Luis Obispo
Casa Grande	Santa Clara Co.
Charles Connick's Stained Glass Windows, Grace Cathedral	San Francisco
Conservatory of Flowers	San Francisco
Cooper-Molera Adobe	Monterey
The Doheny Mansion	Los Angeles
Dr. John Marsh Stone House	Brentwood
The Ebell of Los Angeles, Historic Women's Club	Los Angeles
El Garces Train Depot	Needles
Emporium Building	San Francisco
Ennis-Brown House	Los Angeles
Estudillo Mansion	San Jacinto
Ferryboat <i>Berkeley</i>	San Diego
First Church of Christ, Scientist	Berkeley

Fox Theater	Stockton
Fremont Adobe	Monterey
Gamble House	Pasadena
Grabhorn Institute for the Printing Arts	San Francisco
Great Stone Church Monument, Mission San Juan Capistrano	San Juan Capistrano
Hearst Metronome Newsreel Collection	Hollywood
History of New American Music Preservation Project	Berkeley
Kelley House Museum	Mendocino
Keystone-Mast Stereographic Collection	Riverside
Knight Foundry Historic Water-Powered Iron Works	Sutter Creek
Leo Carillo Ranch	Carlsbad
Locke Historic Building House	Locke
Lopez Adobe	San Fernando
Manzanar Internment Camp Perimeter Fence, Manzanar National Historic Site	Independence
Maritime History Center of Working Families	Richmond
Mendocino Woodlands State Park	Mendocino
Mission San Luis Rey	Oceanside
Mission San Miguel	San Miguel
Monterey Jazz Festival Audio Collection	Stanford
Murray Schoolhouse	Dublin
Pasadena Playhouse State Theatre of California	Pasadena
Old Mint	San Francisco
Oroville Historic Site Theatre	Oroville
Peralta Hacienda Historical Park	Oakland
Pier 1, San Francisco Port of Embarkation, Golden Gate National Recreation Area	San Francisco

Plaza House and Vickrey-Brunswig Complex	Los Angeles
Rancho Los Cerritos Master Plan	Long Beach
R. Buckminster Fuller Recordings at Stanford University	Stanford
Rios Caledonia Adobe	San Miguel
<i>SS Jeremiah O'Brien</i>	San Francisco
San Diego Museum of Man	San Diego
San Francisco Examiner Photo Archive	San Francisco
Shafter Research Center	Shafter
Southwest Museum of the American Indian Collection	Los Angeles
Tachi-Yokut History and Cultural Center	Coalinga
Thomas Hansford William House, Gold Discovery Park Association	Coloma
Touro University School of Nursing	Vallejo
Tule Lake Interment Camp	Tule Lake
U.S. Borax Company Headquarters	San Francisco
<i>USS Hornet</i>	Alameda
Walker-Eisen Building	Los Angeles
Western Philatelic Library Stamp Collection	San Francisco
Whelan Ranch House and Barn	Oceanside

CALIFORNIA HISTORICAL BUILDING CODE (2001)

The purpose of the California Historical Building Code (CHBC) is to provide regulations for the preservation, restoration, rehabilitation, relocation or reconstruction of qualified historic buildings or properties. These regulations are intended to facilitate alternative solutions for such historic buildings or properties so as to preserve their original or restored architectural elements and features. At the same time, it provides for the safety of occupants, for the reasonable accommodation of people with disabilities, for a cost-effective approach to preservation, and for reasonable accommodation to the need for energy conservation.

- A "qualified historical building" is defined as any building, site, structure, object, district or collection of structures, and their associated sites, deemed of importance to the history, architecture or culture of an area by an appropriate local, state or federal government jurisdiction.

As defined in its purpose, the CHBC is a source of incentives for the preservation of a community's historic resources. And while these provisions are intended to maximize the protection and preservation of these resources, they also translate into cost-effectiveness:

- The "triggers" for full upgrading to current standards, with respect to length of vacancy, change of occupancy, or percentage of value of the work proposed, and which exist in other codes, are not recognized by the CHBC, which concentrates instead on the preservation-sensitive resolution of genuine safety considerations.
- Structural/Seismic upgrading issues are governed by the CHBC, permitting design based on real values of archaic materials, and solutions based on engineering principles and professional judgement, rather than solutions limited to codified prescriptive formulas. This flexibility usually translates into a higher degree of retention of historic fabric.
- Because most qualified historical buildings cannot conform to California's energy standards without the alteration or loss of historic features, they are categorically exempt from those standards. To the degree practicable, new construction associated with the historic resource should conform.
- With respect to qualified historical buildings, both ADA and the CHBC make provisions for reasonable levels of equivalency for, and under special circumstances exemption from, accessibility mandates.

The CHBC is the governing code for all qualified historical buildings, and is applicable in every jurisdiction. Responsibility for the CHBC resides within the statutorily established State Historical Building Safety Board (SHBSB). It is comprised of 21 members from the entire spectrum of the public, private and non-profit sectors related to the issue of historic buildings and is established to recommend rules and regulations associated with the CHBC and to hear appeals.

The CHBC is published as Chapter 34, Division II of the California Building Code. However it is a "stand-alone" document: Part 8 of Title 24 of the California Code of Regulations,

undergirded by Statute (Health & Safety Code 18950-18961, cited as the "State Historical Building Code"), and enacted into law by the California Legislature in 1975.

ACCESS AND HISTORIC RESOURCES

The protection and preservation of the Nation's cultural legacy is, like accessibility mandates, a reflection of the will of the people of the nation and the state. The ADA acknowledges the value of historic resources, and only for them does it make exceptions to its mandates. Recognizing this dual responsibility, we as a society are properly committed to provide the highest degree of accessibility for people with disabilities that can be reasonably achieved without peril to our historic resources.

The latitude provided by the Americans with Disabilities Act (ADA) and the California Historical Building Code (CHBC) provides guidance as to reasonable solutions on a case-by-case basis. This case-by-case approach both requires and permits us, within established parameters, to make modifications to facilitate people with disabilities, providing reasonable levels of equivalency where the letter of the law would exact too high a toll of the historic resource.

Compromises are something which must be accepted by ardent defenders of both accessibility and preservation; with the understanding that, while the "desires" of neither may be fully attainable, the "needs" of both usually are. The "Accessibility" section of the CHBC (Section 8-6) has been found, thus far, to be a reasonable exposition of the requirements of ADA. Use of the CHBC, especially when coupled with input from the local community of people with disabilities, has provided the foundation for successfully meshing the mandates for both preservation and accessibility.

FURTHER INFORMATION:

Division of the State Architect
Building Standards Commission
SHBSB

www.dsa.ca.gov
www.bsc.ca.gov
<http://www.dsa.dgs.ca.gov/SHBSB/default.htm>

FILING THE PART ONE – SOME COMMON CONCERNS

Federal Historic Preservation Tax Incentives Program

Getting your certification application smoothly through the process will help get your project into service, and profitability, as quickly as possible.

The application consists of three parts: Part 1 is an Evaluation of Significance; Part 2 is a Description of the Rehabilitation; and Part 3 is Request for Certification of Completed Work. The mechanics of the process involves sending two sets of fully completed applications with two sets of 35 mm color photos, labeled on the back, showing the interior and the exterior of the building (digital photos may be considered if they are individual prints, 4x6 inch in size, and the resolution for details is comparable to a standard 35mm print). Two sets of photos are needed for each Part 1, Part 2, and Part 3. Although it seems unnecessarily burdensome, there really is a reason why two sets of application materials are required. Tax credit applications are reviewed twice—once by the State Historic Preservation Office (SHPO) and again by the National Park Service (NPS). One set of materials is sent on to the NPS in Washington, D.C. and the other is retained by the SHPO.

Please don't overlook the guidance in the blue form itself (also on web as "instructions"). The Certification Application has very helpful and thorough instructions, and examples of how to complete the various sections.

The usual purpose of the Part 1 is to establish that a building is either a contributor to a listed National Register district or that a property not yet on the Register is individually eligible for listing. Generally, no Part 1 is required for a property that is already individually listed, unless the listing contains more than one building, such as a home and its carriage house or other outbuildings.

Buildings that are named as a contributor in a National Register district application are relatively easy to document. In most cases no additional research is necessary although the applicant should consult the district nomination, available at a California Historical Resources Information System regional center. The Part 1 should fully describe the building, both exterior and interior, and show that it basically retains its historic appearance during the district's period of significance. The applicant should also point out how the building relates to the significance of the district as a whole. For example, if the district were listed because of its historic importance as the commercial center of a community, a building's longtime use as a commercial building during the period of significance would establish that connection.

Similarly, if the district were listed because of its architectural qualities, the applicant should call out the important architectural aspects of the building that are consistent with the district's character. The Secretary of the Interior, with standards for virtually everything, has created Standards for Evaluating Significance within Registered Historic Districts: "A building contributing to the historic significance of a district is one which, by location, design, setting, materials, workmanship, feeling and association, adds to the district's sense of time and place and historical developments."

When a building is not within a listed district, the task is more complex and may require hiring a professional historian or architectural historian.

For a preliminary determination for individual listing, the Part 1 application must contain essentially the same documentation of the property's integrity and significance as that required in a National Register nomination form. Although many individuals have successfully documented their property, the services of a professional historian or architectural historian may be useful when the historic values of the property are related to important events or when there may be several periods of historical significance associated with the property.

Promptly completing the Tax Certification application can be critical. Recent rulings by the Internal Revenue Service require that an owner must submit the Part 1 before a rehabilitated building is placed into service. Owners who wait to file a Part 1 until after all work is complete and the building is placed into service will not qualify for the 20% credit, unless the building is already individually listed in the Register.

And in general, it is much better to apply for the Tax Certification before starting the rehabilitation. The SHPO can provide initial guidance, and help to ensure that the project meets the Secretary of the Interior's Standards for Rehabilitation. Since extensive pre-rehab photos are required of both the building's interior and exterior, owners may not have this necessary documentation after the project is complete.

The tax credit needs to be claimed for the tax year that the building is placed into service. An owner can go back and make a claim retroactively for a qualified rehab that took place in the past, but the tax year must be an "open" one. "Open" years are usually the three years following the date a tax return is due. For instance, for the tax year 2003, tax returns are due on April 15, 2004. Thus, 2003 tax returns may be amended until April 15, 2007.

While SHPO staff can provide information regarding National Register eligibility and the Secretary of the Interior's Standards for Rehabilitation, specific tax questions should be addressed to a qualified tax professional of the Internal Revenue Service. The NPS Tax Incentives web site has additional information in its "IRS Connection" page.

TIPS, HINTS, AND SUGGESTIONS FOR FILING YOUR PART 2 APPLICATION

Federal Historic Preservation Tax Incentives Program

The Historic Preservation Certification Application, Part 2--Description of Rehabilitation Work—must be completed by all owners of certified historic structures who want to have rehabilitations certified by the Secretary of the Interior as being consistent with a structure's historic character and, where applicable, the character of the district in which the structure is located, thus qualifying the project as a "certified rehabilitation."

Although many individuals have successfully completed the Part 2 application for smaller properties, owners of large buildings may want to use the services of a preservation consultant who is familiar with the process and with building architecture. In any case, the application *Instructions* should always be carefully read before filling out the forms.

Application Form

The Part 2 is the core of the Tax Incentives application process, as it is where the project work is described. Each feature affected and type of work proposed will be described in its own block. When describing the overall project it is helpful to use a consistent progression, such as exterior then interior, both for being inclusive in your descriptions and for the understanding of the reviewer. The sections of the Application focus on different aspects of the project.

- The cover page of the Part 2 contains important information about the owner, the building, the size of the rehabilitation, and indicates the project contact.
- The owner's original signature with date must be on both cover sheets, even if the second sheet is a photocopy. Do not photocopy owner signatures.
- Visual documentation, in the form of good photographs and drawings, is critical for the reviewer to understand both the building and the proposed work and thus help with a timely review. With all that will be invested in the project construction, this is not the place to be economical. The more confident the reviewer is in their understanding of the building and the proposed work, the faster the review.

Photographs and Drawings

Photographs and drawings are key elements in ensuring a smooth and timely review.

- Prior to the start of any work, take a set of good clear, 4x6 inch, 35 mm color photographs of the exterior and interior, in sufficient number to document all areas to be affected by work, and submit these with your Part 2 Application. Digital photos may be acceptable if they are submitted as individual 4x6 inch prints and the detail is virtually the same as a 35mm color print.
- Even if you have started work, you must have a set of photos of the building before work commenced. Without such documentation the National Park Service may not be able to evaluate the effects of the work and the certification may be denied for lack of information.

- Please understand that the reviewer may not be able to see the building in person and has to rely on the submitted pictures for a comprehensive model of the building. Therefore, close-ups should also be accompanied by a more general view of the exterior wall or interior room, so the reviewer may understand the overall effect of the work in its larger context.
- Photos taken from two different angles also help the reviewer understand the feature and the changes that may occur from proposed work.
- Photos that are too dark or that contain too many shadows are not helpful in visualizing the features of the building. It may be necessary to use a flash or additional lighting or to come at a different time of day to photograph a feature.
- Drawings or sketches should include both floor plans and elevations, and sections where necessary. Detail should include existing wall configuration and proposed changes and if reduced, should still be easily readable.

The more concise, organized and specific the project description blocks are, the easier it will be for the reviewer to process your project in a timely manner. There is a difference between “abbreviated” and “concise” though. Telling the reviewer that “all walls will be repaired in kind,” is too abbreviated for the reviewer to understand what work will be done. Concise is “All interior walls are original plaster over wood lath. Damaged areas will be cleaned of debris, then patched with matching plaster keyed to the wood lath, and then smoothed with a finish coat.” If the work is more complicated, then be sure the description explains clearly and in sufficient detail the work to be done.

- Typically, all exterior work is described first, then the interior. For buildings with multiple floors, start with the lowest floor and then work your way up.
- All portions of the project must be described, even work that will not directly affect historic features or fabric. The entire project is reviewed, not just sections of work.
- It is also acceptable to group certain types of work such as seismic, plumbing, and HVAC for instance, as these types of retrofit can affect both the exterior and multiple interior areas.
- On the other hand, do not combine distinctive work items. It is difficult for the reviewer to cross reference work if you are describing repair of the exterior windows and then mention that interior doors will also be repaired in the same block. Even if the same carpenter is doing all the work, the windows and doors need to be described separately so the extent of the work is understood.

General Comments

Remember that the Secretary of the Interior’s Standards for Rehabilitation emphasize fitting the new use to the historic building, and do not support modifying the building to serve the adaptive use. The credits are for rehabilitating the building while retaining the historically significant materials and features of the building; they are not intended for architectural improvement projects. Repair is always recommended over replacement.

Issues such as code requirements for fire exiting and ADA compliance are familiar concerns to the SHPO and NPS. They may often have advice for solutions that can achieve a compromise between retaining historic fabric and accommodating the new requirements. The California Historical Building Code often provides latitude in meeting these types of code requirements without compromising the safety or access desired.

Wholesale replacement of character-defining features such as windows, interior doors, interior finishes, or division of characteristic interior spaces are counter to the basic concern of saving as much historic fabric and character as possible. Be prepared to carefully document such proposals and be equally prepared that the SHPO will have heard all this before and will offer alternatives to such extensive work.

Historically finished surfaces are considered to be character-defining features, no matter that they are plain, abundant, and boring. Be prepared for the NPS to say no to any proposed trendy conversions of historically finished spaces that require removing finishes and exposing the raw structure beneath that was never intended to be seen during the building's period of significance.

Remember that the SHPO/NPS reviewers understand that a viable new use for a historic building is important in retaining it for future generations to enjoy. Also be aware however, that the historic preservation tax incentives were developed to encourage the preservation of the significant character of the building and that it is the responsibility of the SHPO/NPS to ensure that the public is presented with a finished product that keeps a building's historic character and values intact.

Additional

- State recommendations are generally followed, but by law all final certification decisions are made by the NPS on the behalf of the Secretary. Therefore it is important to keep in mind that the NPS decision may occasionally differ from that of the SHPO. Review is not complete until the NPS has replied in writing to the owner.
- Owners who undertake rehabilitation projects without prior approval from the NPS do so at their own risk that the work may be denied or need to be redone. That is why it is important to file as early as possible. Certification is based on whether the overall project meets the Standards.
- The underlying concern expressed in the *Standards* is the preservation of significant historic materials and features of a building in the process of rehabilitation.

**12 + 1 COMMON THINGS THAT WILL DELAY YOUR TAX INCENTIVES APPLICATION
(in no particular order)**

1. Not thoroughly reading the instructions that accompany the application forms.
 2. Not submitting properly formatted "before" photos of the building, both exterior and interior, taken prior to any work being done.
 3. Including only a few photographs or not photographing all the areas where work will be done, or not labeling the photos on the back, or not referencing the photos to the description of work blocks and to the drawings.
 4. Taking interior photos without sufficient lighting so that the prints are too dark, or taking photos of the exterior with strong shadows across the elevations.
 5. Providing only close-up photos and omitting overviews of the exterior walls or interior spaces where the close-ups are located.
 6. Submitting digital photos that are poorly printed or of such low resolution that details of the building are lost--35 mm photos are preferred for detail clarity.
 7. Omitting elevations or necessary sections when submitting the drawing sets.
 8. Not fully describing the work to be done so that the reviewer does not understand what will be affected and how.
 9. When there are questions, waiting until everyone on the design team has finalized (and committed to) their ideas and preferred alternative, and then calling the SHPO.
 10. Not filing an amendment when the previously approved description of work is altered or site discoveries require a revision of the scope of the project.
 11. Amendment or continuation sheets missing information such as the amendment number and a cover synopsis of the new work or proposed modifications being submitted.
 12. Binding the application forms and the supporting documentation, rather than submitting them as loose sheets. This is counter to NPS archival requirements.
- + 1. Forgetting to have the owner sign (and date) both copies of the Part 2 cover sheet (or the amendment or continuation sheet).

TEN REHABILITATION TAX PROJECTS CERTIFIED BY THE NATIONAL PARK SERVICE IN 2008

The National Park Service (NPS) in 2008 designated ten California projects as “certified rehabilitations.” These completed projects were determined to meet the Secretary of the Interior’s Standards for Rehabilitation and be consistent with the historic character of the property or district in which they were located. Represented building types included the rehabilitation and/or adaptive reuse of rental housing, loft conversions, retail and office space, restaurant and bar space, military installation structures, and several hotels throughout the state.

Widespread Economic Benefits

The Historic Preservation Tax Incentives Program, administered by (NPS) in partnership with the Internal Revenue Service (IRS) and State Historic Preservation Officers (SHPO), continues to be the nation’s most effective Federal program to promote urban and rural revitalization and to encourage private investment in rehabilitating historic buildings. The tax credit applies specifically to preserving income-producing historic properties and has generated over \$50 billion in historic preservation activity since its inception in 1976.

Each project approved by the NPS creates an average of 42 new jobs. Besides federal income tax generated from these new jobs, taxes generated from other activities involving these rehabilitations provide further tax revenues to federal, state and local governments. These projects also result in enhanced property values, augmented state and local revenues, and economic rejuvenation of older neighborhoods.

Enhanced Services to Program Users

Applicants are reminded that the NPS will not commence review of the Part 2 or 3 until the processing fee is paid. Applicants are encouraged to take advantage of an expedited fee payment system by including with their application an authorization for the NPS to charge the certification processing fee to their credit card. The authorization form is available on-line from the NPS web site. By not using the traditional billing procedures, the submitted applications avoid being placed on hold by the National Park Service until the processing fee is paid. This can significantly reduce the processing time before a decision regarding certification is made.

Photo-Documentation Tips

It should be noted that the most recent guidance update on the NPS tax incentives application process states that photo documentation should be in the

form of conventional **35 mm color photographs**. If digital prints are to be used, they must be printed individually on photo quality paper and at a resolution virtually indistinguishable from a conventional 35mm color photograph; NPS still prefers 35mm color prints because of clarity and detail. Poor quality photos may be returned if the OHP and NPS determine they are not useable for discerning details of features and building elements.

Photographs are to be loose individual prints, to be labeled on the back with the following information: address and building name (if applicable), view, and description. Photos must be numbered and keyed to the description of proposed work on the Part 2 form and keyed to a plan(s) of the building. For further tips contact:

http://www.nps.gov/hps/tps/tax/incentives/application_8.htm

As the NPS continually expands its website with updated information on the historic preservation tax incentives programs and technical guidance on the preservation and rehabilitation of historic properties, interested parties are reminded to view this site periodically. The Historic Preservation Certification Application and The Secretary of the Interior's Standards for Rehabilitation with Illustrated Guidelines for Rehabilitating Historic Buildings can also be found at this web site.

<http://www.nps.gov/hps/tps/tax/index.htm>

As the state SHPOs are the first point of contact for property owners wishing to use the rehabilitation tax credit, we look forward to working with you on tax credit projects in California. The office may also be available to provide technical guidance before a project begins to help make the process as fast, appropriate, and economical as possible.

Office of Historic Preservation Architectural Review Unit:

http://ohp.parks.ca.gov/?page_id=1074

**California Office of Historic Preservation
2008 Certified Tax Projects-(2007-08 Federal Fiscal Year)**

Project:	Ah Louis Store
Location:	San Luis Obispo, San Luis Obispo County
Owner:	William J. Watson, M.D.
Use:	Museum and Gift Shop
Certified:	December 10, 2007
Floor Area:	2,000 SF
Costs:	\$262,683
Project:	Judson Rives Building
Location:	Los Angeles, Los Angeles County
Owner:	424 South Broadway Lofts, LP
Use:	Apartments and Retail
Certified:	July 17, 2008
Floor Area:	72,146 SF
Costs:	\$16,200,000
Project:	Title Guarantee Building
Location:	Los Angeles, Los Angeles County
Owner:	Four-Eleven Associates
Use:	Apartments, Retail, Restaurant
Certified:	February 2, 2008
Fir Area:	? SF
Costs:	\$29, 500,000
Project:	423-429 Stevenson Street and 418-424 Jessie Street
Location:	San Francisco, San Francisco County
Owner:	418 Jessie St. & 424 Jessie St. Historic Properties LLCs
Use:	Apartments and Restaurant
Certified:	November 28, 2008
Floor Area:	? SF
Costs:	\$33,950,000
Project:	Ellis Martin House
Location:	Petaluma, Sonoma County
Owner:	ADR Architectural Design and Restoration, Inc.
Use:	Professional Offices, Commercial
Certified:	April 4, 2008
Floor Area:	2,730 SF
Costs:	\$150,130.31

2008 Certified Tax Projects

Project:	640 West 8 th Street – Four Plex
Location:	Long Beach, Los Angeles County
Owner:	Michael LaPoint
Use:	Apartments
Certified:	September 19, 2008
Flr Area:	3,580 SF
Costs:	\$84, 803.70
Project:	Pisgah Home District
Location:	Los Angeles, Los Angeles County
Owner:	Pisgah Village LP
Use:	Apartments, Religious, Community Services
Certified:	December 19, 2007
Flr Area:	? SF
Costs:	\$1, 083, 250
Project:	San Diego Naval Training Center Buildings 35, 175 & 176
Location:	San Diego, San Diego County
Owner:	NTC Foundation
Use:	Office, Retail, Dance/Music Studios
Certified:	September 19, 2008
Floor Area:	47,756 SF (SF less Building 35 which was not part of work scope)
Costs:	\$8,908,000
Project:	San Diego Naval Training Center Buildings 200, 201 & 202
Location:	San Diego, San Diego County
Owner:	NTC Foundation
Use:	Office, Retail, Dance/Music Studios
Certified:	April 1, 2008
Floor Area:	200-9,768 SF; 201-17,928 SF; 202-17, 928 SF = 45,624 SF
Costs:	\$2,261,622; \$3,916,958; \$3,631,920 = \$9,810,500
Project:	Railway Express Agency Building (REA Building)
Location:	Sacramento, Sacramento County
Owner:	REA Partners
Use:	Office and Retail
Certified:	December 12, 2007
Flr Area:	25,600 SF
Costs:	\$8,229,025
	NOTE: Costs reflect Part 3 application estimated costs attributed solely to the rehabilitation of the historic structure

Meeting Date:	February 22, 2012	Agenda Item Number	7.2
Agenda Item Title:	Sign Committee's Draft Background, Purpose and Scope.		
Presented By:	Jay Parrish, City Manager		
Type of Item:	<input checked="" type="checkbox"/>	Action	<input type="checkbox"/> Discussion <input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/>	Voice Vote <input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Approve the Sign Committee's Background, Purpose and Scope.

BACKGROUND:

The attached proposal was discussed at the Sign Committee's last couple meetings. Committee members Michael Sweeney and Michael Bailey have incorporated the comments from all of the committee members into the proposed statements for final approval.

Background Information:

The Victorian Village of Ferndale is known for a wealth of historic residential and commercial buildings representing a variety of architectural styles popular during the middle and late 19th century (1860-1900). More modern styles are equally represented including Neo-classical, Craftsman, and Mission. Collectively, the City of Ferndale was designated as a *State Historic Landmark* in 1975 by the California State Parks, Office of Historic Preservation. In 1994, the City's Main Street was designated as a *Historic District* by the National Park Service and placed on the National Register of Historic Places.

Residents and visitors alike are attracted to Ferndale to enjoy the opportunity to "step back in time" and enjoy the town's many architectural flavors. To this end the City has determined that commercial and non-commercial signs should be respectful of the major stylistic components of the individual historic buildings and overall character of the City of Ferndale's historic "streetscape." Accordingly, this sign ordinance is envisioned to address the placement, color, design and architectural character of commercial and non-commercial signs in order to maintain the overall visual quality of all areas of the City, while clearly communicating the intended information.

Purpose and Intent:

Signs have an obvious impact on the character and quality of life in this town, and the attractiveness and appearance of Ferndale's Historic District. As a prominent part of the scenery, they help attract or repel the viewing public and may affect the safety of vehicular or pedestrian traffic. Their suitability or appropriateness helps set the tone of the whole City.

Because signs strongly influence the perception of the establishment, building, street view, and the aesthetics of the historic district, there is a public interest in ensuring that signs are well designed, carefully placed and properly maintained in accordance with the overall desired character of Ferndale.

The purpose of these limitations and requirements are to create a legal framework for a comprehensive and balanced system to manage signage in a manner which will;

(A) **Protect** the interests of all sectors of the business community by providing a properly managed opportunity for effective advertising, identification and commercial communications through signage to match services with the needs of the public.

(B) **Maintain, protect and enhance** the historical aspects, aesthetics, property values; the City's unique character, its natural setting, its architecture, and the economic viability of the City's commercial corridor by promoting the use of aesthetically pleasing materials, colors, and types of signs and by implementing design review.

(C) **Delineate** the design, type, number, placement, location, illumination, aesthetic quality and physical dimensions of signs according to standards consistent with the types of establishments in each zoning district and those that contribute to the overall environment of the buildings, streets, and districts of Ferndale.

- (D) **Protect** residential districts adjoining non-residential districts from adverse impacts of excessive illumination and numbers or sizes of signs.
- (E) **Provide** for signs as an effective and pleasant channel of communication, while ensuring that signs are aesthetically proportioned to the structures to which they are associated with.
- (F) **Encourage** both renovation and proper maintenance of signs; through equal treatment, accurate record keeping and public information programs.
- (G) **Safeguard** motorists, bicyclists, and pedestrians and enhance the public health, and general welfare by requiring safe and effective signage while avoiding traffic safety hazards caused by visual clutter, distractions and obstructions.
- (H) **Enable** noncommercial signs such as real estate “for sale” signs and political signs that address advocacy on debatable issues.
- (I) **Defend and preserve** the rights of freedom of association, speech and expression in all matters pertaining to signage.

Further, it is the intent of the City that its commercial and industrial development remains in harmony with the residential community and the historical nature of Ferndale.

Scope:

The provisions of this Sign Ordinance provide for the installation, construction, alteration, repair, maintenance, enforcement and display of signage in all areas of the town of Ferndale with a major emphasis on the Historic District, the Design Control Combining Zone (-D-zone), and other residential, commercial, and public facility areas within the City. All signage regulated by this ordinance is under the direct control of the Planning Commission, while signage residing within the Ferndale Historic District and the -D-zone will require a use permit approved by the Design Review Committee, a subcommittee of the Planning Commission.

The term “signage” shall include all types of commercial, noncommercial, residential, governmental, public purpose and building address signs in public view from public or private byways. Any signage that can be displayed under the provisions of this ordinance may contain a noncommercial message. This ordinance shall not manage public purpose signs posted by state or local government agencies other than permitting their use.

When reading and using this document, the INTENT of each section should carry more weight in decision making than the specific wording of each section. An attempt is made to state the intent at the beginning of each section. This statement of intent should be used as a guide to interpretation of any specific paragraph, article or provision.

Section 8: CORRESPONDENCE

**Correspondence Files are available for review at City Hall during regular business hours,
Monday through Thursday, 9am to 4pm.**

Section 9: REPORTS

CITY PLANNER:

Meetings, Planning & Coordination

- Coordinated with City Manager, City Clerk, and Deputy City Clerk on planning and development projects.
- Responded to questions from a prospective Main Street property purchaser regarding design and setback requirements for additional buildings.
- Reviewed building permit application for foundation excavation and repair at 1057 5th Street.
- Attended 1/5 City Council meeting to present three agenda items. Prior to those items, contributed to Bear River Wind Project (BRWP). Heard presentations from Schatz Energy Research Center's Dr. Peter Lehman & Shell Wind Representative Pana Ratana. Relayed portion of City Manager staff report on rescoping and additional comments to County. Heard responses from County Planner Steve Warner on County permit processing as well as petitions and concerns of Ferndale residents and opposition groups.
- Bear River Wind Project – Discussed County scoping process for BRWP with City Manager and options for City to comment on permitting process. Discussed City actions that could be taken for going on record with County to have City concerns addressed in the BRWP EIR/EIS. Prepared a letter to the County requesting that they reevaluate the scope of the project. Prepared and presented staff report with three alternative actions. Council voted for alternatives A & B, authorizing the City Manager to send a letter to the County opposing the use of Ferndale city streets for the transport of turbine components and requesting that the County reevaluate the scope of the project.
- Attended 1/18 Planning Commission meeting and presented Housing Element Update. Responded to Commission questions regarding implementation programs, letters, and incentives. Planning Commission voted unanimously 3-0 to recommend implementation language presented by staff to City Council. Participated in interview process for new commissioner candidate, advising on selection process by Council and likely first hearing for new commissioner if appointed. Heard Chairman's input on matters that should come before Planning Commission.
- Initiated staff report for 2/2 City Council meeting to consider Housing Element Update and recommendation from the Planning Commission.
- Prepared and published public notices for 1/18 Planning Commission and 2/2 City Council meetings.

Projects

- General Plan Update – Housing Element Update – Received HCD expedited review of revised draft housing element. Revised language in the program to encourage and facilitate small lot development per HCD request (Housing Element Program I. Adequate Sites, #7, page 5-5). Submitted draft language to HCD for review. Presented staff report on 1/5 recommending that the City Council send HCD proposed implementation language to the Planning Commission for consideration and recommendation to the City Council at 1/18 PC hearing.
- General Plan Update—Historical & Cultural Resources (H&CR) Element—Edited draft in response to comments. Sent list of architectural styles to the Ferndale Museum to find photographic examples for inclusion in H&CR Element.

General Plan & Zoning Amendments (GP/ ZA) – Presented staff report to Council on 1/5 recommending the Second Reading of Ordinance 2012-01, “Amending Zoning Ordinance 02-02 by adding Section 6.07 Housing Combining Zone Overlay or –H Zone.” Ordinance 2012-01 unanimously approved by Council

DEPUTY CITY CLERK:

MEETINGS:

- Daily meetings with City Manager on various office issues
- City Council Meeting- 1/5/2012
- Planning Commission Meeting- 1/18/2012

PROJECTS:

- Coordinated with City Clerk and City Manager on assembling the City Council Packet- 1/5/2012
- Posted City Council Agenda-1/5/2012
- Typed Sign Committee Minutes-12/15/2012
- Answer phones/messages/emails/copies/counter work
- Community Center Rentals
- City Hall Rentals
- Dog Licenses
- Filled out application for Nuts & Bolts Scholarship
- Training w/ Finance Manger on paying first of the month bills
- Research on ERD agreement for City Manager.
- Sent out Parade Permits
- Training on Payroll w/Finance Manger
- Assembled Planning Commission Packet for the 1/18/2012 meeting
- Assembled Sign Committee Packet for the 1/19/2012 meeting
- Training on uploading CC & PC videos w/Demetrius
- Coordinated with City Clerk on things that need to be done while she is gone

- Sent Building Permit Valuations to Ben Bartallato
- Faxed December Building Permits to Assessor
- Set up tables and microphone for Village Club
- Set up for Planning Commission Meeting-1/18/2012
- Assembled Special City Council Packet.
- Research on Purchasing Order for Xerox machine
- Type Planning Commission Minutes for the 1/19/2012 meeting
- Start assembling Regular City Council meeting for 2/2/2012
- Various Filing
- Coordinated with Building Inspector on building permits

Building and Encroachment Permits Issued

B1201	244 Berding	Re-roof section over kitchen
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Section 10: Design Review

No meeting in January

Section 11: Sign Committee

City of Ferndale, Humboldt County, California USA
Sign Ordinance Committee Minutes for the January 19, 2012

Chairman Michael Bailey opened the meeting at 2:35 pm. Committee members Michael Sweeney, Phil Ostler, and Trevor Harper were present. Committee member Karen Pingitore was absent.

No public comment.

December 15, 2011 Minutes: MOTION: Approve minutes as presented. (Sweeney/Ostler). All in favor.

Background, Purpose, and Scope: Discussed the Background, Purpose, and Scope statement as amended from previous discussions at the 12/15/11 meeting. MOTION: Approve Background, Purpose, and Scope statement as presented and forward to City of Ferndale Planning Commission. (Sweeney/Ostler). All in favor.

Review, Add, and Revise Definitions: Chairman Bailey presented a draft list of definitions as they pertain to signage. The list was extensive and was assembled by reviewing the definitions of many other cities and including the ones that appeared applicable to the City of Ferndale. Special consideration was given to the definition of “what is considered a sign” and “what is not considered a sign.” As the list was somewhat unwieldy, discussion focused on how to categorize the situations in which the definitions would apply. Chairman Bailey presented a categorical matrix he had developed for discussion purposes. A Table listing the zoning classifications that appear in the City’s zoning code was also presented for discussion. In general, the committee believed that most of the signage issues, and correspondingly, sign regulations would apply to areas zoned commercial as well as areas included in the Design Control

Combining zone. In Residential zone areas, most signage other than temporary signs, are not allowed. Chairman Bailey believed and the Committee agreed that definitions of terms related to zoning classifications such as principle use, principally permitted use, conditional use permit, and special use permit be included in the list of definitions. Chairman Bailey will request staff to provide those definitions as they appear in the City zoning code and will have them available for the next meeting. Chairman Bailey requested that Committee members review the definition of “what is considered a sign,” and review the list of definitions in terms of adding, subtracting, or clarifying definitions by the next scheduled meeting. Also Committee members were requested to review the categories presented in the matrix and be able to add or subtract categories by the next scheduled meeting.

The next regular meeting will be February 16, 2012 at 2:30 pm. The meeting was adjourned at 4:30 pm.

Respectfully submitted by:

Michael Sweeney

Section 12: Adjourn