

OFFICE OF HISTORIC PRESERVATION

DEPARTMENT OF PARKS AND RECREATION

P.O. BOX 942896

SACRAMENTO 94296-0001

(916) 653-6624

FAX: (916) 653-9824



March 31, 1995

Ms. Marion Mitchell-Wilson
Historic Preservation Manager
City of Riverside Planning Department
3900 Main Street
Riverside, CA 92522



Dear Ms. Mitchell-Wilson:

I want to congratulate the City of Riverside on becoming a Certified Local Government, which was approved by the National Park Service on March 16, 1995. This program is a very important partnership between this Office, local governments in the State, and federal historic preservation programs.

Enclosed is a copy of the letter from the National Park Service in which they make two suggestions. When these suggestions have been fulfilled, please let Sandy Elder, CLG Coordinator, know so that she can forward the information to the National Park Service's Western Regional Office.

Five copies of the Certification Agreement are enclosed for approval by the City of Riverside. Please return four copies of the Certification Agreement signed by the authorized city official. A fully executed copy of the agreement will be returned to the city after the State Historic Preservation Officer has signed the document.

As you know, participants in the CLG program are evaluated annually to assure that all CLG participants remain in conformance with Federal and State regulations. The CLG commission members are required to attend at least one OHP recognized informational or educational meeting, seminar, workshop, or conference per year that pertains directly to the work and functions of the commission.

Participation at the OHP sponsored training session is a reimbursable activity under the CLG program. Estimations of travel costs and registration fees should be included in your grant budget. In 1995 there will be three regional workshops. One of the regional workshops will be held on June 1 in conjunction with the annual preservation conference. You will be notified of the exact time and place.

We look forward to working with your office to meet the historic preservation goals of the City of Riverside and the State of California. Again, congratulations on becoming a Certified Local Government. Please do not hesitate to contact Sandra Elder of my staff at (916) 653-0877 should you have any questions or concerns.

Sincerely,

A handwritten signature in dark ink, appearing to read "Eugene Stogawa". The signature is fluid and cursive, with a long horizontal stroke at the end.

Cherilyn Widell
State Historic Preservation Officer

enclosures



United States Department of the Interior

RECEIVED

NATIONAL PARK SERVICE

Western Region
600 Harrison Street, Suite 600
San Francisco, California 94107-1372

MAR 22 1995

CLG 1000

IN REPLY REFER TO:

H36 (WR-RRP)

March 16, 1995

Ms. Cherilyn Widell
State Historic Preservation Officer
Office of Historic Preservation
Department of Parks and Recreation
P.O. Box 942896
Sacramento, California 94296-0001

Re: Certification of the City of Riverside, California, under
the Certified Local Government (CLG) Program

Dear Ms. Widell:

By this letter, we take no exception to the certification of the City of Riverside as a Certified Local Government (CLG). We note that the current city ordinance is adequate to the program; however, the proposed changes to the ordinance will strengthen it and bring it into closer conformance to both the State and Federal regulations. Additionally, we note that there is no one on the review board to meet the need for expertise in archaeology. The city should be encouraged to appoint such a person or seek the expertise on an as needed basis.

If you have any questions or need further assistance, please do not hesitate to consult Michael Crowe at (415) 744-3988.

Sincerely,

Margaret Pepin-Donat, Chief
National Register Programs
Western Region

cc:

WASO-IRD, S. Morris, CLG Coordinator

STATE OF CALIFORNIA
Department of Parks and Recreation
National Historic Preservation Act of 1966
Certified Local Government Program
CERTIFICATION AGREEMENT

Participant: City of Riverside

Recitals:

1) The Participant agrees to execute and administer a program for the identification and protection of historic architectural and archeological resources throughout its jurisdiction according to the terms contained in the State of California's "Procedures for Certified Local Government Historic Preservation Program" ("Procedures"), incorporated herein as Exhibit A, as approved by the National Park Service, Department of the Interior, according to the provisions of the National Historic Preservation Act of 1966, as amended in 1980 (16 USC 470; Public Laws 89-665 and 96-515).

2) This agreement shall begin on the date it is signed by the State Historic Preservation Officer (SHPO), and shall remain in effect unless the Participant requests decertification as a Certified Local Government or is decertified by the SHPO, pursuant to the Procedures.

3) The Participant shall meet the provisions of the Threshold Level of Participation delineated in the Procedures: enforce appropriate state and local legislation for the designation and protection of historic properties; establish an adequate and qualified historic preservation review commission ("Review Commission") by local law; maintain a system for the survey and inventory of historic properties; provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register of Historic Places ("National Register"); and satisfactorily perform the responsibilities delegated to it by the state.

1 4) The SHPO shall submit all recommendations for nominations to the National
2 Register for properties in the Participant's jurisdiction to the Participant for
3 review and comment by the Review Commission. The Participant agrees to ensure
4 that the professional technical expertise related to the subject of each
5 recommendation for nomination is either available on the Review Commission or is
6 obtained pursuant to the Procedures.

7 5) The Participant shall enforce its historic preservation ordinance, a copy
8 of which is incorporated herein as Exhibit B; the Participant shall obtain the
9 prior approval of the SHPO for any amendments to said ordinance.

10 6) The Participant and SHPO shall comply with all applicable laws, rules, and
11 regulations pertaining to the execution and administration of the terms of the
12 Procedures.

13 7) The SHPO shall inform the Participant of procedures for applying for grant
14 funds for which the Participant is eligible as a Certified Local Government.

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23 STATE OF CALIFORNIA

24 By *James A. Wright, Deputy*
State Historic Preservation Officer

PARTICIPANT City of Riverside

By *John E. Holmes*
Authorized Representative

25
26 Title City Manager

27 Date *2/22/96* Date MAR 1 1995

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PROCEDURES
for
CERTIFIED LOCAL GOVERNMENTS
in the
NATIONAL HISTORIC PRESERVATION PROGRAM

I N T R O D U C T I O N

The 1980 amendments to the National Historic Preservation Act of 1966 provide for the establishment of a Certified Local Government (CLG) Program. This program allows for direct local government participation in California's comprehensive statewide historic preservation plan.

The CLG Program encourages the preservation of significant cultural resources by promoting a partnership between local governments and the State of California. Local involvement in preservation issues permits a CLG to assume a leadership role in the preservation of the community's cultural heritage and to have a formal participation in the National Register nomination review process. Local interests and concerns are integrated into the official planning and decision-making processes at the earliest possible opportunity.

Preserving historic properties as important reflections of our American heritage became a national policy through passage of the Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966. In part, the National Historic Preservation Act of 1966 instructed the Federal Government to assist local governments to expand and accelerate their historic preservation programs and activities. Since enactment of the National Historic Preservation Act of 1966, the historic preservation expertise and activities of local governments have significantly increased. The act, however, provided no opportunity for local governments to be involved formally in the national historic preservation program administered by the Department of the Interior's National Park Service (NPS). Lack of formal participation by local governments often meant that historic preservation issues were not considered until development planning was well under way. This often resulted in preservation/land development conflicts causing project delays and increasing costs. In addition, opportunities frequently were lost for preservation-oriented development that could satisfy both preservation and development goals.

In recognition of the need to involve local governments in historic preservation, the 1980 amendments to the 1966 act provided a specific role for local governments in the national program. The Secretary of the Interior (Secretary) is required by the amended legislation to develop regulations for the certification of local governments and for the allocation of Historic Preservation Fund (HPF) monies by states to certified local governments. To qualify for certification, the amended legislation specifies that local governments must have certain administrative and legal capacities. This legislation directs states with approved state historic preservation programs to develop a mechanism for the certification of qualified local governments. Once certified, a local government will be included in the process of nominating properties to the National Register of Historic Places and will be eligible to apply to the state for a share of the state's annual HPF allocation.

At least ten percent (10%) of California's annual HPF allocation shall be designated for transfer to the CLGs. CLGs receiving HPF grants shall be considered subgrantees of the state. All CLGs shall be eligible to receive funds from the CLG share of the state's local annual HPF grant award. The state, however, is not required to award funds to all governments that are eligible to receive funds. At such time as Congress may appropriate more than \$65,000,000.00 to the HPF, a different distribution formula will be in effect, resulting in a proportionately larger share to the CLGs.

Historic Preservation Fund grants shall be awarded to CLGs on a 50/50 matching basis. The matching share is a requirement to maintain consistency with standard federal allocations to state and to ensure standard accountability in fiscal management. Local financial management systems shall be in accordance with the standards specified in the federal Office of Management and Budget (OMB) Circular A-128 and shall also be auditable pursuant to the federal General Accounting Office's "Standards for Audit of Governmental Organizations, Programs, Activities, and Functions."

The California CLG program offers local governments an opportunity for involvement in historic preservation at two levels of participation. A two-tier system of allocating HPF funds provides recognition for local governments capable of either assuming substantial responsibilities or opting for minimal participation in the program. Pass-through grant amounts shall be awarded commensurate with the level of participation by the CLG. Threshold level of participation requires the local government to satisfy the five minimum requirements identified in the Code of Federal Regulations, 36 CFR Part 61. Supplemental allocation of funds for expanded level of participation shall be contingent upon satisfying additional requirements. Responsibilities of the CLG shall be complementary to and carried out in coordination with those of the State Historic Preservation Office (SHPO) as outlined in 36 CFR 61.4(b).

THRESHOLD LEVEL OF PARTICIPATION

Any local government is eligible to apply for certification, with the exception of regional commissions and councils of governments. A local government is any general purpose political subdivision of California such as a city or a county. Local governments must:

1. Enforce appropriate state and local legislation for the designation and protection of historic properties,
2. Establish an adequate and qualified historic preservation review commission by local law,
3. Maintain a system for the survey and inventory of historic properties,
4. Provide for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register, and
5. Satisfactorily perform the responsibilities delegated to it by the state.

Local governments may be certified to participate in the CLG program at the threshold level of participation by complying with the following requirements:

- I. Enforce appropriate state or local legislation for the designation and protection of historic properties:
 - A. State enabling legislation provides for local jurisdictions to enact appropriate legislation. California Government Code Sections 65850, 25373, and 37361 enable city and county legislative bodies to provide for "the protection, enhancement, perpetuation, or use of places, sites, buildings, structures, works of art and other objects having a special character or special historical or aesthetic interest or value."
 - B. Local governments are encouraged to adopt local historic preservation ordinances with provisions for designation and protection of historic and archeological resources.
 - C. The appropriate legislation shall be consistent with the intent and purpose of the National Historic Preservation Act as amended in 1980.
- II. Establish an adequate and qualified historic preservation review commission by state or local law:
 - A. Local governments must establish an adequate historic preservation review commission by local law. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence, or knowledge in historic preservation.
 - B. Commission members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archeology, or other historic preservation-related disciplines, such as urban planning, American studies, American civilization, cultural geography, or cultural anthropology, to the extent that such professionals are available in the community. Commission membership shall also include lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural anthropology, cultural geography, or other historic preservation-related disciplines.
 - C. If a special expertise is not represented on the commission for the consideration of National Register nominations or other actions which are normally evaluated by a professional in such discipline, the local government shall obtain professional technical expertise from established organizations, institutions, public agencies, or other commissions, such as the State Office of Historic Preservation (OHP), State Historical Resources Commission, regional archeological information centers, colleges or universities, AIA preservation officers, private preservation consultants, or regional councils of governments.
 - D. The local government must demonstrate that it has made a reasonable effort to fill positions on the commission with professional and lay members as highly qualified, and representing as diverse a range of disciplines, as possible.

- E. Commission members shall be appointed by the chief elected local official and approved by the city council or board of supervisors. The chief elected local official shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of members of the commission. The appointing authority shall act within sixty (60) days to fill a vacancy. Terms of office of the commission members shall be staggered and of two (2) year minimum duration (except as provided in the initiation of the commission).
- F. The commission shall meet at least four (4) times per year, with meetings held at regular intervals, in a public place, advertised in advance, and open to the public, pursuant to the California Open Meeting Act. Written minutes of commission meetings shall be kept on file and available for public inspection.
- G. Each commission member is required to attend at least one informational or educational meeting, seminar, workshop, or conference per year that pertains directly to the work and functions of the commission and would be approvable by the state. The annual State Historic Preservation Conference, sponsored by OHP, provides special sessions devoted to the issues, objectives, and responsibilities of commissions.
- H. The commission shall publish procedural rules for registering historical properties identified in a local cultural resources survey program for the National Register of Historic Places, in accordance with the requirements in the National Historic Preservation Act, Section 101(c)(2). The procedural requirements must include standards and criteria for individual properties and districts with boundary identification, property owner notification, public meeting format, and appeal procedures in accordance with established National Register regulations. The CLG does not have the authority to nominate properties directly to the National Register.
- I. The commission shall be responsible for overseeing the compiling, recording, and updating of information on cultural resources within its jurisdiction. The information shall be based on a comprehensive survey which is conducted in conformance with state survey standards and procedures. Surveys completed prior to the certification of a local government must be done in accordance with state standards.
- J. An annual report of the activities of the commission shall be submitted to the state at the end of each calendar year. The reports shall include, but not be limited to, such information as appointments to the commission, resumes of commission members and staff, attendance records of members, official minutes of the commission meetings, revisions in the enabling ordinance if applicable, sponsorship of special programs such as educational workshops or conferences, summaries of environmental review cases requiring commission comments, new landmarks and historic districts designated, review of National Register nominations, cultural resources survey updates, and other pertinent activities performed by the commission.

III. Maintain a system for the survey and inventory of historic properties:

The CLG shall be responsible for organizing, developing, and administering an inventory of cultural resources within the entire spatial jurisdiction of the CLG.

A. The commission shall develop procedures for conducting an inventory of cultural resources. Survey activities shall be coordinated with and complementary to the state program to ensure that survey results produced by the CLG will be readily integrated into the statewide comprehensive historic preservation planning process.

1. As part of any ongoing survey effort, procedural requirements must allow for periodic update of survey results on an annual basis as buildings gain maturity and as new areas are incorporated or annexed by the CLG.

2. The commission must adopt state guidelines for conducting its inventory of historic properties. State-approved inventory forms (DPR 523), encoding sheets (DPR 660), and the California Historic Resources Inventory Survey Workbook shall be used to facilitate integration into the state electronic data system and for statewide comprehensive historic preservation planning purposes.

3. Procedural standards for evaluation of properties must be consistent with the National Register of Historic Places criteria.

B. The commission shall establish internal procedures to facilitate the use of survey results in the planning process by the CLG officials and departments. The commission shall submit survey results to the CLG. Copies of the survey must be on deposit at the local planning department and OHP. See IVB(2) below for public access requirements.

IV. Provide for adequate public participation in the local historic preservation program:

A. The CLG shall provide opportunities for public participation in all responsibilities delegated to the CLG, in accordance with appropriate regulations, standards, and guidelines.

B. The CLG shall encourage public participation in local historic preservation programs.

1. Public participation shall be fully encouraged in direct involvement on the local historic preservation commission as professional or lay members. Commission meetings shall be open to the public, with published agenda and minutes in accordance with the California Open Meeting Act. The published agenda shall be mailed in advance of meetings to individuals and citizen organizations interested in the commission's activities.

2. Public participation shall be fully encouraged in the performance of the historic survey program at all levels of completion to identify and inventory significant cultural resources in the jurisdiction of the CLG. Survey results shall be of public record and on file at a public institution, except in the case of sensitive resources, e.g., archeological sites subject to vandalism.
3. Public participation and comment shall be fully encouraged in the nomination process for the National Register of Historic Places program. The CLG shall publish the procedures by which assessments of potential National Register nominations will be administered.

V. Satisfactorily perform the responsibilities delegated to the CLG:

- A. The state shall monitor and evaluate the performance of the CLG for consistency with the identification, evaluation, and preservation priorities of the comprehensive state historic preservation planning process.
 1. The state shall conduct an annual review of CLGs to assure that each government continues to meet the minimal requirements and is satisfactorily performing its responsibilities. As part of this review, the state shall examine the annual reports submitted by the CLGs, records of the administration of funds allocated from the HPF, and other documents as necessary. The CLG shall make these records available to the state.
 2. If the state evaluation indicates that the CLG no longer meets the minimal requirements or that in any other way a CLG's performance is not satisfactory, the state shall document that assessment and recommend to the local government steps to bring its performance up to a satisfactory level. The CLG shall have a period of not less than 30 nor more than 180 days to implement improvements. If the state determines that sufficient improvement has not occurred, the state shall recommend decertification of the local government to the Secretary, citing specific reasons for the recommendation. Performance shall be deemed unsatisfactory if one or more of the following conditions exist or is applicable: a) the commission fails to perform its delegated responsibilities within established time periods; b) the CLG fails to coordinate its responsibilities with the state; c) the commission substantially fails to maintain consistency of its design review decisions with the Secretary's standards for historic preservation; d) the CLG fails to maintain a qualified historic preservation review commission membership or fails to acquire the appropriate expertise for review and comment; e) the CLG fails to enforce the provisions of the local preservation ordinance; f) the CLG fails to comply adequately with proper fiscal management of HPF grants in accordance with OMB Circular A-128, the Single Audit Act of 1984, and the National Register Programs Manual.
- B. The state shall conduct financial assistance close-out procedures pursuant to the National Register Programs Manual when a local government is decertified.

- C. CLGs may petition OHP to be decertified voluntarily and without prejudice.
- D. The State shall identify specific responsibilities delegated in common to all CLGs.
- E. The CLG may assume certain responsibilities of recommending properties identified in the CLG jurisdiction to the National Register of Historic Places.
 - 1. The SHPO shall have the sole responsibility of nominating National Register properties directly to the Secretary.
 - 2. Selection of properties for nomination to the National Register shall be based on the results of the local survey program.
 - 3. Procedural guidelines shall specify the process for accepting application requests, property owner notification, public hearing announcements, and coordination with the state.
 - 4. All meetings shall be open to the public at specified intervals and must be in accordance with the California Open Meeting Act. Published agenda and minutes of the public meetings shall be on file with the commission and the state.
 - 5. Decisions of the commission must be presented to the applicant, the property owner, and the state in writing with specific reference to the selected National Register criterion and the appropriate level of significance. The commission shall consider all National Register applications exclusively in accordance with the National Register criteria. Membership of the commission must include or have access to qualified experts knowledgeable in the subject area submitted for review.
 - 6. The CLG shall establish procedures for the National Register nomination process consistent with the requirements in the National Historic Preservation Act, Section 101(c)(2).
 - a. Subsection 101(c)(2)(A) states that "Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the State Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall

make the nomination pursuant to Section 101(a). The State may expedite such process with the concurrence of the certified local government."

- b. Subsection 191(c)(2)(B) states that "If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedure for making a nomination pursuant to Section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the state to the Secretary.
7. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.

EXPANDED LEVEL OF PARTICIPATION

Local governments may participate at the expanded level of participation by complying with all responsibilities required at the threshold level of participation. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.

Local governments may be certified to participate in the program at the expanded level of participation by fulfilling selected elements of the following requirements:

- I. State enabling legislation provides for local jurisdictions to enact appropriate legislation. The CLG shall adopt a historic preservation ordinance with the following provisions:
 - A. Declaration of Policy - A statement of purpose should clearly recite the reasons for enacting the ordinance and specifically contain a general welfare clause illustrating that historic preservation is in the public interest. The policy declaration shall also describe the public benefits possible for the CLG gained through educational, cultural, aesthetic, social, and economic enhancements from historic preservation.
 - B. Preservation Commission - The ordinance shall authorize the creation of a historic preservation commission. Provisions of the ordinance must include specific guidance in the membership composition, qualifications, compensation, appointments, powers, and terms of office of the commission. The commission staffing, budgeting, rule-making authority, and legal jurisdiction overseeing historic preservation activities must be well defined. The ordinance shall give the commission authority to promulgate its own operating rules (by-laws). Rules of procedure adopted by the commission shall be available for public inspection. The area of geographical authority for the commission shall be coterminous with the boundaries of the local jurisdiction.

- C. Historic Survey and Registration - The ordinance shall include provisions for the compiling, updating, and maintaining of an inventory of historic resources located within the jurisdiction of the CLG. The ordinance must also clearly delineate procedures for evaluating and registering both individual historic properties and historic districts.
 - D. Penalties and Severability - Strict criminal and civil penalty provisions must be included to ensure enforcement capability and credibility. Severability shall be included to protect against the disallowance of the total ordinance in the event that one section is determined to be unconstitutional or otherwise invalidated.
 - E. Operational Definitions - The ordinance shall include precise definitions of such terms as preservation commission, historic districts, eligibility criteria, alteration and improvement standards, demolition stays, and other preservation terminology to help clarify and define administrative procedures.
- II. The CLG may adopt a historical preservation element for the local jurisdiction's General Plan, as authorized by the California Government Code. The CLG, in conjunction with the state, shall establish procedures for implementation of the element.
 - III. The CLG shall participate in the environmental review of local projects in accordance with the requirements under the California Environmental Quality Act. The commission may review and comment on permit actions affecting significant listed historic properties and other resources eligible for listing, in accordance with local ordinance requirements and with the California Environmental Quality Act. Procedural guidelines should include standards for demolition stays, design review criteria, anti-neglect requirements, and appeal strategies.
 - IV. The CLG may participate in the review and comment on historic preservation certification applications for tax incentives. The CLG and state may establish procedures for implementation of the investment tax credit program at the local level in conformance with The Secretary of the Interior's Standards for Historic Preservation.
 - V. The CLG may develop educational programs promoting historic preservation at the local level such as, but not limited to, sponsorship of preservation workshops, publication of preservation information, organizing preservation fairs, conducting walking tours, and preparing preservation curricula for schools.
 - VI. Commission members may act in an advisory capacity to other officials and departments within the local government and act as a liaison on behalf of the CLG to individuals and organizations concerned with historic preservation.
 - VII. The CLG may participate in the Mills Act property-tax relief program for owners of historic properties.
 - VIII. The CLG may participate in the Marks Historical Rehabilitation Act for issuance of tax-exempt industrial development bonds, providing that the commission shall serve as all or part of the required citizen advisory board.

- IX. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.

CERTIFICATION OF LOCAL GOVERNMENTS

State shall provide a mechanism for certifying local governments to participate in the CLG program. Local governments may submit applications for certification at any time. Application requests shall be submitted by the chief elected local official.

1. The chief elected local official shall request certification from the state in writing, with specific reference to threshold or expanded level of participation. The official request for certification shall include:
 - A. A written assurance by the chief elected local official that the local government fulfills and shall fulfill all the requirements of the certification standards,
 - B. A copy of the local historic preservation legislation and a copy of the local government charter, with description of the boundaries administered by the local jurisdiction,
 - C. Resumes for each of the members of the historic preservation commission,
 - D. Names and resumes, where appropriate, of staff members responsible for administration of the historic preservation program for the commission or local government,
 - E. If begun, evidence of a cultural resources survey performed in the community, with information on the progress and future intent of the survey, and
 - F. A brief explanation of activities proposed by the local government to provide the state with preliminary information on suggested work functions.
2. The state shall respond to the chief elected local official within forty-five (45) days of receipt of an adequately documented written request.
3. A committee of SHPO staff members shall review the certification applications to determine the local government's ability to meet state requirements for the CLG program at either the threshold or expanded level of participation. SHPO concurrence shall be required for final approval of certification of a local government.
4. When a local government's certification request has been approved in accordance with the state's approved certification process, the state shall prepare a written certification agreement for presentation to the local government.
 - A. The certification agreement shall identify the minimum required responsibilities of the local government when certified. The agreement shall also include any additional responsibilities delegated to the CLG.

- B. State shall forward to the Secretary a copy of the approved request and the certification agreement.
- C. If the Secretary does not take exception to the request within fifteen (15) working days of receipt of the state's request, the local government shall be regarded as certified by the Secretary.
- D. The delegation of responsibilities assigned to the CLG may be modified by amending the certification agreement with approval of the Secretary.

TRANSFER OF GRANTS TO CERTIFIED LOCAL GOVERNMENTS

At least ten percent of California's annual HPF allocation shall be transferred to CLGs for implementation of eligible activities which promote the identification, evaluation, nomination, and preservation of their communities' significant cultural resources. Specific activities may include, but not be limited to, adoption of local preservation-related legislation, development of public education programs, establishment of comprehensive communitywide historic preservation plans, nomination of properties to the National Register, administration of a preservation revolving fund, implementation of a permanent administrative staff position responsible for preservation activities, and publication of literature on historic preservation. CLGs may not use HPF grants for the acquisition, development, maintenance, or operation of historic properties. In addition, transferred monies shall not be applied as matching share for any other federal grant or for lobbying purposes.

Any state-directed specific uses of HPF funds shall be for activities for which the state would be eligible for HPF funding, and which are consistent with the state comprehensive historic preservation planning process.

California shall make a reasonable effort to distribute HPF grants among the maximum number of eligible local governments consistent with 36 CFR 61.7(f)(1). Reasonable distribution of funds shall include a consideration of equitable allocations between urban and rural areas and among northern, southern, and central portions of the state. Equitable distribution discourages a disproportionate share of the allocation awarded to a single CLG.

The CLG's share of the HPF shall be of a sufficient amount to produce a specific impact and to generate effects directly as a result of the funds transfer. The state is not required to award funds to all governments that are eligible to receive grants. Program consistency and quality of standards require that the state not award grant funds to all eligible local governments if there is a risk of sacrificing positive, tangible results.

Eligible local governments shall adhere to the state's instructions for allocation of the CLG share of California's annual HPF.

The state shall periodically notify all CLGs of the funding availability of HPF grants to qualified local governments.

The CLG receiving a portion of the local share of the state's annual HPF must satisfy certain minimum requirements.

1. The CLG must maintain adequate financial management systems in accordance with the standards specified in the most recent OMB Circular A-128.
 - A. Local financial management systems shall be auditable pursuant to the General Accounting Office's Standards for Audit of Governmental Organizations, Programs, Activities, and Functions.
 - B. The state shall be responsible, through financial audit, for the proper accounting of CLG share monies in accordance with OMB Circular A-128, the Single Audit Act of 1984 (Public Law 98-502).
2. The CLG shall adhere to all requirements of the National Register Programs Manual, which sets forth administrative procedures and policies for HPF grants awarded by the Secretary.
3. Indirect costs may be charged as part of the CLG only if the CLG meets the requirements of the National Register Programs Manual and has a current indirect cost rate approved by the cognizant federal agency.
4. The CLG must adhere to any requirements mandated by Congress regarding the use of the HPF monies.
5. The CLG shall meet all certification eligibility requirements during the grant period, as specified in the written grant agreement between the state and the CLG.

The state shall award funds on a competitive basis to CLGs, contingent upon the following priorities and criteria.

1. The CLG demonstrates a clear understanding of state and local preservation programs contributing toward the identification, evaluation, and protection of significant cultural resources within the jurisdiction of the local government.
2. The CLG provides adequate matching local share (50%) as match for the federal grant-in-aid.
3. A CLG requesting expanded level of participation shall receive higher selection priority.
4. The CLG clearly presents specific goals and objectives that are realistically attainable within the funding period.

Within thirty (30) days after the state receives formal obligation of funds from the Department of the Interior, the state shall notify CLGs of the successful grant awards. The state shall submit the selected CLGs to the State Historical Resources Commission for concurrence. The state shall make available to the public, upon request, the rationale for the applicants selected and the amounts awarded.

APPENDIX

DEFINITIONS

For purposes of identification, the:

"Approved State Program" means a state historic preservation program that has been approved by the Secretary of the Interior.

"Certified Local Government" means a local government that has been certified to carry out the purposes of the National Historic Preservation Act, as amended.

"Chief Elected Local Official" means the elected head of a local government.

"CLG Share" means the funding authorized for transfer to local governments.

"Comprehensive Historic Preservation Planning" means an ongoing process that is consistent with technical standards issued by the Department of the Interior and which produces reliable, understandable, and up-to-date information for decision-making related to the identification, evaluation, and protection/treatment of historic resources.

"Comprehensive Statewide Historic Preservation Plan" means the part of the planning process that conforms to the Secretary's Standards for Preservation Planning and is approved as part of the State Program Approval Process. The comprehensive plan entails organizing a logical sequence of preservation information pertaining to identification, evaluation, registration, and treatment of historic properties, and setting priorities for accomplishing preservation activities.

"Historic Preservation Fund" means the monies accrued under the Outer Continental Shelf Lands Act, as amended, to support the program of matching grants-in-aid to the states for historic preservation programs and projects.

"Historic Preservation Review Commission" means a board, council, commission, or other similar collegial body.

"Local Government" means a city, county, parish, township, municipality or borough, or any other general-purpose political subdivision of any state.

"National Register of Historic Places" means the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture, maintained by the Secretary of the Interior.

"The National Register Programs Manual" means the manual that sets forth NPS administrative procedures and guidelines for activities concerning the federally-related historic preservation programs of the states, local governments, and the National Trust for Historic Preservation. This manual includes guidelines and procedures for the administration of the historic preservation grants-in-aid programs and supersedes the HPF Grants Management Manual.

"National Park Service" means the bureau of the Department of the Interior to which the Secretary of the Interior has delegated the authority and responsibility for administering the National Historic Preservation Program.

"Secretary" means the Secretary of the Interior. Unless otherwise stated in law or regulation, the Secretary has delegated the authority and responsibility for administering the National Historic Preservation Program to the National Park Service.

"Secretary's Standards and Guidelines" means the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. The standards and guidelines provide technical information about archeological and historic preservation activities and methods.

"State" means the State of California, as represented by the State Office of Historic Preservation.

"State Historic Preservation Officer" is the official within California who has been designated and appointed by the Governor to administer the state historic preservation program in California.

"State Program" means the state historic preservation program in California.

"Subgrantee" means the certified local government to which a subgrant is made by the state and which is accountable to the state for use of the funds provided.

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20.15.010 CULTURAL RESOURCES

(h) To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;

(i) To integrate the preservation of cultural resources and the extraction of relevant data from such resources into public and private land management and development processes;

(j) To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment. (Ord. 4782 § 1 (part), 1980).

Chapter 20.15

CULTURAL HERITAGE BOARD

Sections:

20.15.010 Created—Membership.

20.15.020 Powers and duties.

20.15.010 CREATED – MEMBERSHIP. Pursuant to the provisions of Article VII of the city Charter, there is created a cultural heritage board. The board shall be composed of nine members appointed by the mayor and the city council. Members of the board shall be selected and appointed as provided in the city Charter and shall have the duties and functions set forth in this title. Appointees to the board shall be persons knowledgeable in the history, and architectural and cultural traditions of the city and interested in the preservation of historic structures and sites. The city planning director and the redevelopment agency executive director, or their designated representatives, shall meet with and participate in the discussions of the cultural heritage board but shall not have a vote. The board shall elect officers and establish its own rules and regulations which shall be consistent with the Charter and the

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(b) The cultural heritage board may:

(1) Prepare and adopt plans for the preservation of landmarks, preservation districts, structures of merit and neighborhood conservation areas;

(2) Initiate zoning and general plan amendments for the purpose of preserving landmarks, preservation districts, structures of merit and neighborhood conservation areas. (Ord. 4782 § 1 (part), 1980).

Chapter 20.20

LANDMARKS AND STRUCTURES OF MERIT

Sections:

- 20.20.010 Landmark.
- 20.20.020 Initiation.
- 20.20.030 Hearing date.
- 20.20.040 Hearing notice.
- 20.20.050 Hearing.
- 20.20.060 Investigation.
- 20.20.070 Designation.
- 20.20.080 Resolution.
- 20.20.090 Notice of designation.
- 20.20.100 Appeal.
- 20.20.110 Duty to maintain.
- 20.20.120 Structures of merit.

20.20.010 **LANDMARK.** A landmark is any site, including significant trees or other significant permanent landscaping located thereon, place, building, structure, street, improvement, street furniture, sign, work of art, natural feature or other object having a special historical, archaeological, cultural, architectural, community, aesthetic or artistic value in the city

of public record or failure to receive any mailed notice shall not invalidate any proceedings in connection with the proposed designation. (Ord. 4782 § 1 (part), 1980)

20.20.050 HEARING. At the time and place so fixed and noticed, a public hearing shall be conducted before the cultural heritage board. The board may continue such hearing to a time and place certain when such action is deemed necessary or desirable. The board may establish rules for the conducting of public hearings, and the member of the board presiding at such hearings is empowered to administer oaths to any person testifying. (Ord. 4782 § 1 (part), 1980)

20.20.060 INVESTIGATION. The cultural heritage board shall cause to be made by any of its own members or by the museum department such investigation of facts bearing upon such application set for hearing as in the opinion of the board will serve to provide the necessary information to assure board action consistent with the intent and purpose of this title. (Ord. 4782 § 1 (part), 1980).

20.20.070 DESIGNATION. The board may designate a landmark in whole or in part of from the facts presented in the application, at the public hearing or by investigation, the board finds that the site, landscaping, place, buildings, structure, street, improvement, street furniture, sign, work of art, natural feature or other object has special historical, archaeological, cultural, architectural, community, aesthetic or artistic value in the city and that the purpose of this title is maintained by such designation. (Ord. 4782 § 1 (part), 1980).

20.20.080 RESOLUTION. A landmark shall be designated by a numbered resolution of the cultural heritage board which receives the affirmative votes of a majority of the members then

application and all other papers constituting the record upon which the action of the board was taken. The city clerk shall give notice of hearing upon the appeal in the same manner and time as is required in connection with an application before the board. The date of such hearing upon the appeal shall be not more than thirty days from the date of filing of the appeal. Upon the hearing of such appeal, the city council may by resolution affirm, reverse or modify the determination of the board. The provisions of this title regulating landmarks shall be effective from the date of designation as a landmark and shall become ineffective only after city council action or cultural heritage board action which reverses the determination of the cultural heritage board. (Ord. 4782 § 1 (part), 1980).

20.20.110 DUTY TO MAINTAIN. Every person in possession or control and every owner of a landmark and any appurtenant premises shall maintain and keep in good repair the exterior of such landmark and premises. Good repair is defined as that level of maintenance and repair which clearly insures the continued availability of such structure and premises for lawful reasonable uses and prevents deterioration, dilapidation and decay of such structures and premises. (Ord. 4782 § 1 (part), 1980).

20.20.120 STRUCTURES OF MERIT. The cultural heritage board may encourage the protection, enhancement, appreciation and use of structures of historical, archaeological, cultural, architectural, community or aesthetic value which have not been designated as landmarks but are deserving of recognition, by designating them as structures of merit so as to emphasize their importance in the past, present and future of the city. (Ord. 4782 § 1 (part), 1980).

information as may be required for that purpose by the cultural heritage board so as to assure the fullest practical presentation of the facts for proper consideration of the request. (Ord. 4782 § 1 (part), 1980).

20.25.030 HEARING DATE. Upon the filing of an application, the matter shall be set for public hearing thereon before the cultural heritage board. The date of such hearing shall be not more than fifty days from the date of filing of the application. (Ord. 4782 § 1 (part), 1980).

20.25.040 HEARING NOTICE. Notice of the date, time, place and purpose of the hearing before the cultural heritage board shall be given by at least one publication of a notice in a newspaper having general circulation in the city not less than ten days prior to the date of such hearing and by depositing in the United States mail, postage prepaid, at least ten days prior to the date of the hearing, notices addressed to the owners of all the property being considered for a preservation district. The last known name and address of each owner as shown on the records of the county assessor may be used for this notice. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record or failure to receive any mailed notice shall not invalidate any proceedings in connection with the proposed designation. (Ord. 4782 § 1 (part), 1980).

20.25.050 HEARING. At the time and place so fixed and noticed, a public hearing shall be conducted before the cultural heritage board. The board may continue such hearing to a time and place certain when such action is deemed necessary or desirable. The board may establish rules for the conducting of public hearings, and the member of the board presiding at such hearings is empowered to administer oaths to any person testifying. (Ord. 4782 § 1 (part), 1980).

department and division shall incorporate the notice of designation as a preservation district into its records, so that future decisions or permissions regarding or affecting any preservation district made by the city or an official of the city will have been made with the knowledge of the preservation district designation, and in accordance with the procedures set forth in this title. Whenever any project to be carried out by the city may have an impact on a designated preservation district, reasonable notice shall be given to the cultural heritage board by the city department or division responsible for the project, so that the cultural heritage board may review and make recommendations concerning the project early in the decisionmaking process. (Ord. 4782 § 1 (part), 1980).

20.25.100 APPEAL. Any person aggrieved or affected by a decision of the board in designating, repealing or modifying a preservation district may appeal to the city council from such decision at anytime within fifteen days after the date upon which the board announces its decision. An appeal may be taken from the inclusion of a lot or parcel within the district. An appeal to the city council shall be taken by filing a letter of appeal, in duplicate, with the museum department. Such letter of appeal shall set forth the grounds upon which the appeal is based. Within five days after the receipt of the letter of appeal, the museum shall transmit to the city council the letter of appeal, copies of the application and all other papers constituting the record upon which the action of the board was taken. The city clerk shall give notice of hearing upon the appeal in the same manner and time as is required in connection with an application before the board. The date of such hearing upon the appeal shall be not more than thirty days from the date of filing of the appeal. Upon the hearing of such appeal, the city council may by resolution affirm, reverse or modify the determination of the board. The provisions of this title regulating preservation

Chapter 20.30

PERMITS FOR RESTORATION, REHABILITATION,
ALTERATION, DEVELOPMENT AND DEMOLITION

Sections:

- 20.30.010 Required.
- 20.30.020 Application.
- 20.30.030 Review and standards.
- 20.30.040 Decision time limit.
- 20.30.050 Approval required.
- 20.30.060 Appeal.
- 20.30.070 Staff approval.

20.30.010 **REQUIRED.** No person, owner or other entity shall restore, rehabilitate, alter, develop, construct, demolish, remove or change the appearance of any landmark, landmark structure, landmark site, or any structure or site within a preservation district without first having applied for and been granted a permit to do so by the cultural heritage board or by the city council on appeal. (Ord. 4782 § 1 (part), 1980).

20.30.020 **APPLICATION.** The permit application shall be made on a form and in the manner specified by resolution of the cultural heritage board. The application shall be accompanied by such fee as is required by resolution of the city council. (Ord. 4782 § 1 (part), 1980).

20.30.030 **REVIEW AND STANDARDS.** (a) The cultural heritage board shall review the following when applicable to the permit applications:

- (1) Architectural design;
- (2) Scale and proportion;
- (3) Construction materials;

ten days following the conclusion of the hearing.

(b) When the application is for permission to demolish or remove any landmark, landmark structure, landmark site or any structure or site within a preservation district, the cultural heritage board may approve, conditionally approve or object to the proposed demolition or removal. The cultural heritage board shall render its decision within ten days following the conclusion of the hearing. In the event the board objects to the proposed demolition or removal, it shall file its objection with the city council. Upon the filing of objections, the cultural heritage board shall take such steps within the scope of its powers and duties as it determines are necessary for the preservation of the landmark, landmark structure, landmark site, or the structure or site within a preservation district. At the end of forty-five days the cultural heritage board shall report its progress to the city council. The council may, upon review of the progress report, withdraw and cancel the objection to the proposed demolition or removal and approve, conditionally approve or deny the application or it may grant an extension or extensions to the objection, each extension not to exceed ninety days. When the council determines that the granting of an extension or extensions is unlikely to assist in the preservation of the landmark, structure or site it shall deny the request for an extension and approve, conditionally approve or deny the application for demolition or removal. A decision to approve, conditionally approve or deny the application shall be made within one year from the date the application was accepted as complete. (Ord. 4782 § 1 (part), 1980).

20.30.050 APPROVAL REQUIRED. No city permit shall be issued for any purpose regulated by this title for a landmark, landmark structure, landmark site or a structure or site within a preservation district unless and until the proposed work or development has been approved or conditionally approved by

PERMITS FOR RESTORATION 20.30.070

heritage board. If such staff person does not approve the application it shall be processed as set forth in this chapter. (Ord. 4782 § 1 (part), 1980).

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People"

CITY OF RIVERSIDE

August 21, 1995

Michael Crowe
National Park Service
600 Harrison Street
San Francisco, CA 94107-1372

Subject: Certified Local Government: Professional Composition of Cultural Heritage Board

Dear Mr. Crowe:

The composition of the City of Riverside's Cultural Heritage Board met the professionalism requirements at the time the City was awarded Certified Local Government Status. Regrettably, board member, Dick Frick, a restoration architect whose knowledge and experience using *The Secretary of the Interior's Standards for Rehabilitation* is considerable has exhausted his term and all reappointment possibilities leaving a professional void on the Board. Unfortunately, there was no restoration architect in the pool of candidates during the City Council's last round of appointments to fill the vacancy.

As we discussed previously, the City has chosen to resolve this situation through Mr. Frick's generous offer to donate his services as a consulting preservation architect until the next round of Board appointments is made in March 1996. Enclosed you will find Mr. Frick's vitae project list which illustrates his qualifications and experience and a letter confirming his volunteer service. If you need anything further in this regard, please let me know at (909) 782-5713.

Also enclosed is a copy of the vitae for Mr. Fred Lynch, who was appointed by the City Council in the field of historian. Mr. Lynch's knowledge and professionalism has enhanced the Board. Thank you for updating our Certified Local Government file in this regard.

Sincerely,

Marion Mitchell-Wilson
Historic Preservation Manager

PLANNING DEPARTMENT

3900 MAIN STREET • RIVERSIDE, CALIFORNIA 92522 • (909) 782-5371
FAX: (909) 782-5622



CITY OF RIVERSIDE

"People Serving
People"

August 21, 1995

Sandra Elder
State Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001

Subject: Certified Local Government: Professional Composition of Cultural Heritage Board

Dear Mrs. Elder:

The composition of the City of Riverside's Cultural Heritage Board met the professionalism requirements at the time the City was awarded Certified Local Government Status. Regrettably, board member, Dick Frick, a restoration architect whose knowledge and experience using *The Secretary of the Interior's Standards for Rehabilitation* is considerable has exhausted his term and all reappointment possibilities leaving a professional void on the Board. Unfortunately, there was no restoration architect in the pool of candidates during the City Council's last round of appointments to fill the vacancy.

As we discussed previously, the City has chosen to resolve this situation through Mr. Frick's generous offer to donate his services as a consulting preservation architect until the next round of Board appointments is made in March 1996. Enclosed you will find Mr. Frick's vitae project list which illustrates his qualifications and experience and a letter confirming his volunteer service. If you need anything further in this regard, please let me know at (909) 782-5713.

Also enclosed is a copy of the vitae for Mr. Fred Lynch, who was appointed by the City Council in the field of historian. Mr. Lynch's knowledge and professionalism has enhanced the Board. Thank you for updating our Certified Local Government file in this regard.

Sincerely,

Marion Mitchell-Wilson
Historic Preservation Manager

cc: Michael Crowe

PLANNING DEPARTMENT

3900 MAIN STREET • RIVERSIDE, CALIFORNIA 92522 • (909) 782-5371
FAX: (909) 782-5622



"People Serving
People"

CITY OF RIVERSIDE

August 21, 1995

Richard Frick
Cole and Frick Architects
4195 Chestnut Street
Riverside, CA 92501

Subject: Volunteer Historic Preservation Architectural Review Services for the
Cultural Heritage Board

Dear Mr. Frick:

I have discussed your generous offer to serve as a volunteer historic preservation architectural consultant to the Cultural Heritage Board and its staff with both the Nation Park Service and the State Office of Historic Preservation. In the absence of any other immediately evident alternative, both agencies agree that with your knowledge and expertise regarding *The Secretary of the Interior's Standards for Rehabilitation*, this is a satisfactory approach to handling the professionalism requirements of the Certified Local Government Program. The purpose of this letter, therefore, is to confirm your offer to serve in this volunteer capacity.

So as not to overly burden you, we agree to only seek your advise on historic preservation design concepts and only for those projects which are formally submitted to the City of Riverside's Cultural Heritage Board or to its staff for administrative review.

Thank you again for helping the City retain its Certified Local Government Status. Your willingness to share your expertise with the Cultural Heritage Board, and its staff is greatly appreciated. If you have any questions, please call me at (909) 782-5713.

Sincerely,

Marion Mitchell-Wilson
Historic Preservation Manager

cc: Michael Crowe, National Park Service
Sandra Elder, State Office of Historic Preservation

PLANNING DEPARTMENT

3900 MAIN STREET • RIVERSIDE, CALIFORNIA 92522 • (909) 782-5371
FAX: (909) 782-5622

STATE OF CALIFORNIA
Department of Parks and Recreation

National Historic Preservation Act of 1966, a
Certified Local Government Program

CERTIFICATION AGREEMENT

Participant: CITY OF RIVERSIDE

Recitals:

1) The Participant agrees to execute and administer a program for the identification and protection of historic, architectural, and archeological resources throughout its jurisdiction according to the terms contained in the State of California's "Procedures for Certified Local Government Historic Preservation Program" (Procedures), incorporated herein as Exhibit A, as approved by the National Park Service, Department of the Interior, according to the provisions of the National Historic Preservation Act of 1966, as amended in 1980 (16 USC 470; Public Laws 89-665 and 96-515).

2) This agreement shall begin on the date it is signed by the State Historic Preservation Officer (SHPO), and shall remain in effect unless the Participant requests decertification as a Certified Local Government or is decertified by the SHPO, pursuant to the Procedures.

3) The Participant shall meet the provisions of the Threshold/Expanded/Level of Participation as delineated in the Procedures: enforce appropriate state and local legislation for the designation and protection of historic properties; establish an adequate and qualified historic preservation review commission (Review Commission) by local law; maintain a system for the survey and inventory of historic properties; provide for adequate public

1 participation in the local historic preservation program, including the
2 process of recommending properties for nomination to the National Register of
3 Historic Places (National Register), and satisfactorily perform the
4 responsibilities delegated to it by the State. Participant shall also perform
5 additional responsibilities mutually agreed to by the State.

6
7 4) The SHPO shall submit all recommendations for nominations to the
8 National Register for properties in the Participant's jurisdiction to the
9 Participant for review and comment by the Review Commission. The Participant
10 agrees to ensure that the professional technical expertise related to the
11 subject of each recommendation for nomination is either available on the
12 Review Commission or is obtained pursuant to the Procedures.

13
14 5) The Participant shall enforce its historic preservation ordinance, a
15 copy of which is incorporated herein as Exhibit B; the Participant shall
16 obtain the prior approval of the SHPO for any amendments to said ordinances.

17
18 6) The State shall monitor and evaluate the performance of CLGs in
19 accordance with 36 CFR 61.5(c)(5). Therefore, the Participant shall provide
20 the SHPO an annual report consistent with established guidelines in Exhibit C.

21
22 7) The Participant and the SHPO shall comply with all applicable laws,
23 rules, and regulations pertaining to the execution and administration of the
24 terms of the Procedures.

25 ---

26 ---

27 ---

1 8) The SHPO shall inform the Participant of procedures for applying for
2 grant funds for which the Participant is eligible as a Certified Local
3 Government.
4
5

6 STATE OF CALIFORNIA

PARTICIPANT

7 By _____

By _____

8 State Historic Preservation Officer

Authorized Representative

9 Date _____

Date _____

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