

8b. Cultural Resources - Historic

A. Definition of Issue

For purposes of this section, the term “*historical resources*” includes the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code Section S5024.1; Title 14 CCR, Section 4850 et. seq.).
2. A resource included in a local register of *historical resources*, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in an *historical resource* survey meeting the requirements, Section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an *historical resource*, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be historically significant if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code Section S5024.1; Title 14 CCR, Section 4852) including the following:
 - a. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - b. Is associated with the lives of persons important in our past;
 - c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d. Has yielded, or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of *historical resources* (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an *historical resources* survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an *historical resource* as defined in Public Resources Code Sections 5020.1(j) or 5024.1.
5. *Historical resource* includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. (Public Resources Code, Section 5020.1(j).)

B. Definition of Technical Terms

Mandatory Significance - A *historical resource* must be considered significant if it is on or eligible for listing on the National Register of Historic Places or the California Register of Historic Places.

Presumptive Significance - A *historical resource* is presumed to be significant if it is listed on a local register of historic resources unless the preponderance of the evidence demonstrates otherwise. In Ventura County this includes County Landmarks, Site of Merit, and Points of Interest. These are all noted on Permits Plus in the Planning Dept.

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Discretionary Significance - A *historical resource* may still be considered significant even if it is not on a federal, state or local list if substantial evidence demonstrates its significance. (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal. App. 4th 896.)

C. Applicable General Plan Goals and Policies

The following goals and policies of the Ventura County General Plan are applicable to this issue:

Countywide Goals, Policies and Programs:

Goals 1.8.1-1 & -2

Policies 1.8.2-1 through -6

El Rio/Del Norte Area Plan:

Goal 1.6.1-1

There are no supplemental policies.

Ojai Valley Area Plan:

Goals 1.7.1-1 through -3

Policies 1.7.2-1 & -2

Lake Sherwood/Hidden Valley Area Plan:

Goals 2.2.1-1 & -2

Policies 2.2.2-1 through -10

Piru Area Plan

Goals 1.4.1-1 & -2

Policies 1.4.2-1 through -3

Oak Park Area Plan:

Goals 1.5.1-1 & -2

Policies 1.5.2-1 & -2

Thousand Oaks Area Plan:

Goals 1.5.1-1 through -4

Policies 1.5.2-1 & -2

D. Threshold of Significance Criteria

A project with an effect that may cause a substantial adverse change in the *mandatory significance*, *presumptive significance* or *discretionary significance* of an *historical resource* is a project that may have a significant effect on the environment. Substantial adverse change in the significance of an *historical resource* means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an *historic resource* would be materially impaired. (CEQA Guidelines Section 15064.5.)

The significance of an *historic resource* is materially impaired when a project:

1. Demolishes or materially alters in an adverse manner those physical characteristics of an *historical resource* that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
2. Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of *historical resources* pursuant to Section 5020.1(k) of the Public Resources Act or its identification in a historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
3. Demolishes or materially alters in an adverse manner those physical characteristics of a *historical resource* that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.
4. Demolition, relocation, or alteration such that the significance of an *historical resource* would be impaired. (Public Resources Code, Sec. 5020(q))

E. Methodology

Step 1. Historic Significance

Examine the Project Site - If completion of the project involves physical changes in anything on the historic site (land, building, structure, object), the project reviewer must first determine

whether the item to be affected by the change has any historical merit. The project reviewer should walk over the site to see if there is a building or other resource on the property that looks old.

Search Existing Records – The project reviewer should first search the County’s records. The Planning Division currently has logged, by Assessor’s Parcel Number, all surveyed historic resources. These are all noted on Permits Plus, Notes section. Additionally, the actual relevant Survey pages for each site are found there. These known surveyed sites by no means cover all of the unincorporated area of the County. Planning staff to the Cultural Heritage Board (CHB) also has the printed surveys. However, it is important to know that most of the historic sites in the County are unknown or not listed.

Next, the project reviewer should contact the South Central Coastal Information Center (SCCIC):

Telephone: 714-278-5395

E-Mail: scsic@fullerton.edu

FAX: 714-278-5542

Address: SCCIC Department of Anthropology
CSU Fullerton
800 North State College Blvd.
Fullerton, CA 92834

The project reviewer should provide to the SCCIC a location map from the Resource Management Agency Geographic Information Systems Staff that shows the same information that a 1:24,000 7.5 USGS topographic quadrangle would show. The map must be a 1:1 copy (no reductions or enlargements). The project reviewer should submit the proper mailing address and provide the contact name, phone number, and billing address information. The SCCIC will return the form with comments and recommendations.

If a resource does not show on Permits Plus and there is a building or other resource on the property, the project reviewer should request documentation as to whether it is over 50 years old or not. This general information should be obtained from the applicant during the presubmittal process, or later as appropriate. It can be in the form of Assessor or Building and Safety records, etc. If over 50 years old, the project should be referred to the Cultural Heritage Program planner for the Ventura County Cultural Heritage Board (CHB) to complete the review process.

Historic Resources Report - The Ventura County Cultural Heritage Board Program Staff or the Board if necessary will determine whether a Historic Resources Report is needed. The Board may visit the site to gather evidence for the determination. If it is determined that a report is needed, a qualified architectural historian must conduct the research. The report will provide evidence as to whether the site is eligible as a County Landmark, Site of Merit, Point of Interest, State or Federal Register or Landmark.

The report, or a determination as to whether a report is needed if Staff has not requested one, will be referred to the Board, who will consider the need for a report or a finding as to whether the site is historically significant. This may entail a site visit by the Board.

The CHB currently meets as needed on the second and fourth Mondays of the month. The project planner should allow thirty days prior to the next meeting for staff to process the project. Following the meeting of the CHB, staff will forward a review document. The CHB, on some occasions, will require a site inspection and may take more than one meeting to deal with the project.

Step 2. Impact Analysis

If the site is determined to be a significant historic resource, the CHB will determine whether the project may cause a substantial change generating a significant effect on the environment. Board Staff will prepare a report for consideration at a public meeting.

Applicable General Plan Goals and Policies - The goals and policies of the General Plan listed in Section C above must be evaluated for applicability to the proposed project.

Cumulative Impact Analysis - An area 1/4 mile in radius (that used by the SCCIC) surrounding the site should be used to see if there have been any recent significant adverse impacts to any significant historic site. These then should be listed and cumulatively analyzed with any identified impacts on the project site.

Effect on Adjacent Sites - In determining whether the project might have an effect on the site/building/s, the reviewer must consider whether it might have an effect on the surroundings. This may also be a consideration when a new project is adjacent to a historic resource site. For example, construction of a new house in the midst of an entire block of historic homes in a documented historic area may be a significant impact. The compatibility of the design of the new house with its surroundings must be analyzed.

In complex, cases, the CHB may request that a consultant be hired to evaluate any of these issues.

Site Not Historically Significant - If a *historical resource* is deemed not significant, the effects of the project on that resource shall be considered a less than significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared, to address impacts on other resources, but they need not be considered further in the CEQA process.

Step 3. Mitigation

General – Avoidance is an excellent strategy and is preferable. A project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than significant impact on the *historical resource*. Close adherence to the Secretary of the Interior Standards is recommended.

The CHB shall identify feasible measures to mitigate significant adverse changes in the significance of an *historical resource*. The staff person responsible for administering the project shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.

Data recovery shall not be required for a *historical resource* if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the *historical resource*, provided that the determination is documented in the environmental document and that the studies are deposited with the SCCIC.

Demolitions - These constitute an IMPORTANT exception to rule above regarding full mitigation of adverse impacts on a significant *historical resource*. According to case law, demolition of a significant *historical resource* may not be mitigated to a less than significant level and an environmental impact report will be required. Mitigation is still required however, even though commonly used mitigations are no longer sufficient to fully offset the impact. These include:

- Preparation of a historic resources report
- Historic building survey
- Designing the replacement building to reflect the historic elements of the building
- A plaque or marker commemorating the building

Construction Effects - The County staff person responsible for conditioning the project should include conditions in the permit/entitlement for *historical resources* accidentally discovered during construction. These conditions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an *historical resource*, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be made a condition of approval. Work may continue on other parts of the building site while *historical resource* mitigation takes place.

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

Adopted by the Board of Supervisors on July 27, 2010

Attachments:

Attachment - Minimum Qualifications for Architectural Historian

Attachment

Minimum Qualifications for Architectural Historian

United States Secretary of the Interior's Historic Preservation Professional Qualifications Standards:

The federal professional qualification requirements are published in the "Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, 48 CFR 44716." They include the following educational requirements. Additionally, the Planning Division has established the following minimum qualifications for experience and local and state expertise. Prior to submitting assessments that are required as part of discretionary permits, architectural historians must first demonstrate that they meet the minimum qualifications for architectural historians as defined below.

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

Experience – At least five years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution or entity.

Local and State Expertise - Principal investigators must provide evidence of expertise and/or theoretical or descriptive interest in Ventura County and regional architectural history. A Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history is required.