

CHAPTER 7

HISTORIC PRESERVATION



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INTRODUCTION

The City of Duarte is a city with a rich history. Although, not incorporated until 1957, the City's identity can be connected to its past through its physical elements, such as buildings and structures.

As an integral part of a comprehensive General Plan, the Historic Preservation Element is intended to help fuse the preservation and protection of historic resources into long-term planning goals. Through the broad goals outlined in this element, it provides continuity and guides the actions of City departments and commissions in preserving and protecting Duarte's resources that reflect the City's past.

Historic Preservation Element Statutory Requirements

Section 65303 of the California Government Code specifically includes historic preservation as an optional element of the general plan. It authorizes the preparation of an historic preservation element *"...for the identification, establishment and protection of sites and structures of architectural, historical, and archaeological or cultural significance..."* Although, the Historic Preservation Element is not one of the mandatory elements of a general plan, its inclusion implies the same level of importance as any other element of the City's general plan.

Relationship to other General Plan Elements and Program EIR

One of the primary goals of the Historic Preservation Element is to help fuse the preservation goals of the City with other goals and policies of the General Plan. Within the Land Use Element, the policies and patterns work in concert with the preservation objectives. Fiscal and development economics as well as planning principles often drive land use deliberations, and the land use decisions rendered will affect the City's built environment legacy just as much as they will affect new projects – so the Economic Development Element is strongly related also. As a resource, the Open Space Element bears on and/or mirrors the preservation issue. Each of these elements contains certain discussions on preservation-related matters. Timely identification of cultural and historic resources and the open discussion of policy alternatives related to preservation is consequently essential and is reflected in all elements of the General Plan.

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A Program Environmental Impact Report (EIR) will be part of the 2005-2020 Duarte General Plan. Policies within the Historic Preservation Element will also become mitigation measures within the Program EIR.

GOALS, OBJECTIVES AND POLICIES

This section provides draft Goals, Objectives, and Policies for the Historic Preservation Element of the Duarte General Plan. To preserve the historic built environment of the City of Duarte for future generations requires putting commitments into actions. These goals and objectives have been developed to provide direction for the future development of Duarte's historic preservation program. By adopting these goals and objectives as part of the General Plan, Duarte affirms its commitment to historic preservation.

Historic Preservation Goal 1: To make citizens and decision-makers aware of Duarte's history and historic built environment.

Objective 1.1 Create an educational program which focuses on providing information to allow residents and decision-makers to make informed decisions and supportable conclusions about the protection of historic resources.

Policies

HP 1.1.1 Establish and support all appropriate media for reaching all segments of the community to educate residents and decision-makers concerning the protection of historical resources.

HP 1.1.2 Encourage public outreach and access to historical information.

Objective 1.2 Promote the development of a comprehensive preservation program.

Policies

HP 1.2.1 Utilize creative funding sources to promote the development of a comprehensive historic preservation program for the City.

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Objective 1.3 Integrate historic preservation into the operations of the Community Development Department.

Policies

HP1.3.1 Encourage training of City staff related to the development and application of historic preservation.

HP1.3.2 Develop a database and update maps which identify potentially historical resources and designated resources.

Historic Preservation Goal 2: To maintain and update the City's inventory of historical resources.

Objective 2.1 Preserve Duarte's historical resources by supporting continued research related to the City's historic resources inventory.

Policies

HP 2.1.1 Encourage on-going research regarding the City's history and built environment.

Historic Preservation Goal 3: To promote the preservation of local historical resources.

Objective 3.1 Preserve the City's inventory of historical resources for future generations to enjoy.

Policies

HP 3.1.1 Encourage property owners to preserve the character defining features of historical resources.

Policies

HP 3.1.2 Promote the preservation of historic and cultural resources by providing incentives and technical assistance.

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RELATED AGENCIES, LAWS AND PLANS

National/Federal: National Historic Preservation Act of 1966

Enacted in 1966, the National Historic Preservation Act (NHPA) established the National Register of Historic Places program under the Secretary of the Interior, authorized funding for state programs with provisions for pass-through funding and participation by local governments, created the Advisory Council on Historic Preservation, and established a review process for protecting cultural resources. The NHPA provides the legal framework for most state and local preservation laws.

The National Register of Historic Places program is maintained by the Keeper of the National Register, within the National Park Service division. The National Register program also includes National Historic Landmarks, which is limited only to properties of significance to the nation.

State Historic Preservation Officers and programs in all states and U.S. Territories received federal funding to carry out the provisions of the National Historic Preservation Act. This funding comes from a yearly appropriation by the legislative branch of the federal government. The NHPA requires that at least 10 percent of funds to the state be passed through the Certified Local Governments.

The NHPA established the Section 106 review procedure to protect historic and archaeological resources listed in or eligible for listing in the National Register of Historic Places from the impact of projects by a federal agency or project funded or permitted by a federal agency. Federal Highway and HUD-funded Community Development Block grants projects are examples of those subject to Section 106 review.

State: California Environmental Quality Act (Public Resources Code 21000-21178)

The California Environmental Quality Act (CEQA) is a state law enacted in 1971. It requires state and local governmental agencies to consider the impact proposed projects have on the environment, including historic resources. The CEQA review identified potential significant impacts as well as alternatives or mitigation measures to avoid or reduce the impacts. Properties listed in or deemed eligible for listing for the California Register of Historical Resources are subject to the CEQA review process. The California Register also includes properties listed on the National Register of Historic Places.

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The State of California Office of Historic Preservation administers the California Register program. As a recipient of federal funding, that office meets the requirements of the National Historic Preservation Act with a State Historic Preservation Officer which enforces a designation and protection process, has a qualified historic preservation review commission, maintains a system for surveys and inventories, and provides for adequate public participation in its activities. Most nominations to the National Register of Historic Places are processed through the California State Historical Resources Commission.

Historic Preservation Ordinance

A historic preservation ordinance is the primary tool used by municipalities to protect historic resources in a community. Local governments in California have the authority to adopt a historic preservation ordinance to provide regulations regarding historic and cultural resources. Historic preservation ordinances are structured to address the particular needs and resources within a community. Though there is no standard historic preservation ordinance, a typical ordinance usually includes provisions regarding the following: (1) establishment of a local historic commission and the powers and responsibilities assigned to that commission (2) establishment of a local historic property register (3) establishment of criteria that can be used to designate historic resources and the process of designation (4) definition of the types of physical alterations that require design review and explanation of the design review process (5) guidelines for maintenance and appropriate treatment of a historic resource. Since historic preservation ordinances are designed to meet specific needs of a community, the City's ordinance may not include all the items described above.

Certified Local Government (CLG)

Local governments strengthen their local historic preservation efforts by achieving Certified Local Government (CLG) status from the National Park Service (NPS). NPS and state governments, through their State Historic Preservation Offices (SHPOs), provide valuable technical assistance and small matching grants to hundreds of diverse communities whose local governments are endeavoring to keep for future generations what is significant from their community's past. In turn, NPS and states gain the benefit of local government partnership in the national historic preservation program. Another incentive for participating in the CLG program is the pool of matching grant funds SHPOs set aside to fund CLG historic preservation sub-grant projects--at least 10% of the

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State's annual Historic Preservation Fund (HPF) grant allocation. Grant funds are distributed through the HPF grant program, administered by NPS and SHPOs.

The CLG Program integrates local governments with the national historic preservation program through activities that strengthen decision-making regarding historic places at the local level. Because local planning office staff often play key roles in CLG projects, the thread of historic preservation becomes woven into the fabric of local land-use policy. Local governments collect and analyze information on the location and significance of archeological and historic properties for use by preservation commissions and by local, county, and state agencies. Using grants awarded by SHPOs, CLGs may produce historic theme or context studies, cultural resource inventories, assessments of properties to determine their eligibility for local and National Register of Historic Places designation, building reuse and feasibility studies, design guidelines and conservation ordinances, and publications to educate the public about the benefits of historic preservation.

Historic Preservation Incentives

Incentives are important to the success of the City's newly formed comprehensive historic preservation program. In some cases they may help offset costs related to maintaining historical structures.

Mills Act

The Mills Act of 1972 (Government Code Section 50280 et seq.; Revenue and Taxation Code Section 739 et seq.) provides a reduction in the property taxes for owners of qualified properties. The owner must enter into a ten-year contract with the local government. In return, the owner agrees to rehabilitate and/or maintain the historical and architectural character of the structure. To implement the program, the local government is required to adopt enabling legislation.

Mills Act contracts offer several advantages to property owners. Participation by the property is completely voluntary. In areas where land value represents a large portion of the market value, such as high-density commercial and residential districts, the Mills Act method of valuation adjusts the property tax to reflect the actual use of the site. This results in a property tax reduction. In an event the property is sold, the Mills Act contract continues and the reduced property tax is passed on to a new owner.

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California Historical Building Code

The intent of the State Historical Building Code (SHBC) is to protect California's architectural heritage by recognizing the unique construction issues applicable to historical buildings and by providing an alternative code to deal with these issues. The SHBC is the prevailing code for application to qualified historical buildings in that the City can recognize the use of these codes as they apply to qualified historical buildings. In some cases, the owner may find that the alternative regulations resolve conflicts between complying with the city's building code and retaining the historic fabric as required for historical sites, Mills Act contracts, or historical resources under CEQA. In some circumstances, the SHBC serves as an economic incentive to owners by reducing the amount of work required for code compliance.

Proposition 40

On March 5, 2002, voters passed Proposition 40 by 56.8 percent, the 2.6 billion dollar "California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002" (2002 Resources Bond). The passage of Proposition 40 provided funds for local assistance grants, as provided for in Sections 5096.600 through 5096.683 of the Public Resources Code. The California Cultural and Historical Endowment was created to administer the Proposition 40 funds dedicated to preserving historic and cultural resources. The California Cultural and Historical Endowment (CCHE) is a new state agency that funds projects through a competitive grant process to tell the stories of California as a unified society and of the many groups of people that together comprise historic and modern California. The Endowment is located in the California State Library office. Approximately \$128 million will be available to government entities and non-profit organizations through a competitive grant application process.

OVERVIEW OF DUARTE'S HISTORICAL RESOURCES AND PAST RESEARCH EFFORTS

Previously Identified Preservation Issues

In 1997, a community vision process was completed over a six-month period, which resulted in the Duarte: Vision for the 21st Century Plan "Vision Plan". During this process, over 100 participants from throughout the Duarte community, worked on identifying and analyzing issues, which are critical to Duarte's continued ability to prosper over the next century.

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During this visioning process, the community proposed various strategies, which are consistent with the goals and purpose of a Historic Preservation Element:

- Enhance Duarte's existing cultural assets and continue to develop cultural opportunities, including a cultural event to put Duarte on the map (Vision Plan, Page 9).
- Develop a series of community events and programs that will promote the City's image and businesses outside the community (Vision Plan, Page 28).
- Market the unique qualities and services offered in Duarte (Vision Plan, Page 32).
- Expand community events and enhance sense of community through increased publicity and information resources (Vision Plan, Page 35).

Between 2001 through present, the City Council expressed concern regarding the preservation of remaining historical resources in the City of Duarte and the possible need to adopt a historic preservation ordinance to protect these resources. Staff was directed to research this matter further.

During the process, staff met with the Duarte Historical Society on several occasions to develop a recommendation to Council. In 2003, staff presented material related to adopting a historic preservation ordinance in Duarte. This Element of the General Plan is an opportunity to create a historic preservation program that is comprehensive, which also will address others tools essential for the preservation of Duarte's past.

Survey of Historic Resources

In October 2002, staff conducted a "windshield" survey. The project area for the survey included all properties within the City of Duarte. The windshield survey was completed by driving through all streets of the City. The survey focused on identifying buildings and structures which displayed architectural elements and structures that contribute to the historical fabric of Duarte. A couple of limitations of using this survey method include the difficulty in identifying properties that may have only historical significance or to date the structure. The results of the survey were illustrated on a map and presentation binder with photos.

On December 2002, the City Council approved to have students from Cal Poly Pomona complete an intensive research survey for each identified property in order to catalog the historical and architectural significance of each identified structure. Generally, intensive research is intended to confirm and record the

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historical/architectural significance of each structure. This research would also aid future nominations of structures for historical designation under a local historic preservation ordinance. There are various factors which affect the amount of time to research a single property. These factors include the type of structure, structure location, availability of research resources, and the importance or prominence of the property being researched. The basic research begins with an attempt to date the building and identify the architect/builder. If original building permits are available this step can be a more streamlined process. However, in other cases it may be necessary to research old property tax assessment books, periodicals such as newspapers and the Southwest Builder and Contractor, Sanborn Maps, and history books, which can be time consuming.



There were various factors which affected the quality and completeness of the product submitted by the Cal Poly students. These factors included time limitations and availability and access to archival resources. In many cases, the students were unable to find family associations with the properties. Therefore, the forms submitted by Cal Poly still require additional research to complete the evaluation of

architectural and historical associations. The results of the Cal Poly research is also available in a presentation binder.

IMPLEMENTATION MEASURES

Government Code 65400 requires the legislative body to consider and adopt reasonable and practical means for implementing the general plan. This is necessary so that the plan will serve as an effective guide for orderly growth and development, preservation and conservation of open-space land and natural resources, and the efficient expenditure of public funds relating to the subjects addressed in the general plan. The State also requires an annual report to the legislative body, State Department of Housing and Community Development (HCD) and State Office of Planning and Research on the status of the plan and

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progress in implementing the plan. HCD checks to see if the city is making progress in meeting its fair share of regional housing needs.

This section provides an implementation matrix for policies found in the Historic Preservation chapter. The matrix identifies the policy to be implemented, the implementation measure to be used for that policy, the responsible agency or department that will be implementing the measure, the funding source and the estimated timeframe to complete the implementation.

Responsible Agency:

All = All Departments
CD = Community Development
CM = City Manager

AS = Administrative Services
PS = Public Safety
P&R = Parks and Recreation

Funding Source:

GF = General Fund
RA = Redevelopment Agency
G = Grants
DF = Development Fees

SF = State funds
FF = Federal Funds
OF = Other Funds

Implementation Timeframe (or as resources provide):

ST = Short-term by 2009
MT = Mid-term by 2015

LT = Long Term by 2020
On = Ongoing

Table HP- 1
Historic Preservation Implementation Measures

Policy #	Implementation Measure(s)	Responsible Agency	Funding Source	Time-Frame
HP 1.1.1	Develop informational brochures which describe the history and architectural styles within the City.	CD	GF	On
	Develop the City's website to include information regarding the City's history and methods available for the protection of local historic resources including links to other websites.			
	Publish press releases/articles/notices in local media, including DCTV, to inform citizens of opportunities for participating in decision-making and opportunities to volunteer in developing a local inventory of historic resources.			

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Policy #	Implementation Measure(s)	Responsible Agency	Funding Source	Time-Frame
HP 1.1.2	<p>Work with the local Duarte Museum to increase public access to historic preservation related documents and local history collection at the Duarte Museum.</p> <p>Maintain correspondence and encourage outreach with local property owners whose properties have been identified as potentially historical.</p>	CD	G, SF	On
HP 1.2.1	<p>Pursue grants for developing the City's historic resources inventory and research documentation (through the State Office of Historic Preservation).</p> <p>Encourage staff to research benefits and actions necessary to meet the requirements for becoming a Certified Local Government which provides greater opportunity to receive grants for research and preservation program development.</p>	CD	G, SF	On
HP 1.3.1	<p>Provide training for City staff on the National Park Service, Secretary of Interior's Standards, preservation ordinances, the State Historical Building Code, and other preservation matters.</p> <p>Develop a database and update maps which identify potentially historical resources and designated resources.</p>	CD	GF, SF	On
HP 2.1.1	<p>Develop historic context statements, which describe the development and growth of the City.</p> <p>Establish a database which identifies resources for obtaining information on Duarte's historic resources.</p> <p>Inventory existing publications such as books, relating to Duarte's history.</p> <p>Update/reprint existing publications related to the history of Duarte, such as the book, "On the Duarte".</p>	CD	GF, SF	On

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Policy #	Implementation Measure(s)	Responsible Agency	Funding Source	Time-Frame
	Review and identify properties in the 2003 Cal Poly survey for historic significance.			
HP 3.1.1	<p>Prepare and adopt a comprehensive historic preservation ordinance that includes criteria for the designation and regulation of historic resources and provides incentives for historic preservation.</p> <p>Seek designation of resources under an adopted local preservation ordinance.</p> <p>Analyze all proposed additions or alterations to potentially historical properties prior to permit approval.</p> <p>Encourage adaptive reuse of structures, where appropriate.</p>	CD	GF, G	On
HP 3.1.2	<p>Prepare and implement an incentives and technical assistance program for the City.</p> <p>Seek grant opportunities for the development of a preservation incentives program in the City.</p> <p>Develop and promote a Mills Act Program which provides a tax reduction for property owners in return for maintenance and rehabilitation of the property.</p> <p>Establish a process with the Building and Safety Department which makes use of the State Historical Building Code.</p> <p>Develop literature that provides property owners with technical assistance for maintaining historical properties (i.e. maintenance of wood siding, repairing broken windows, etc.).</p>	CD	GF, SF	On