

# CEQA and Historic Preservation: A 360 Degree Review

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# CEQA and Historic Preservation

CEQA applies to non-exempt projects that may impact historic buildings, structures, objects, sites, and districts (including archaeological resources)

Presence of historical resource does not trigger specific level of environmental review



# CEQA and Historic Preservation

Two basics steps:

1. Identify what is historically / culturally significant
2. Establish what can be done to preserve historically / culturally significant resources

# CEQA and Historic Preservation

## CEQA Participants:

Public Agencies	<ul style="list-style-type: none"><li>• State and/or Local Agencies</li><li>• Lead Agency and Responsible Agency</li><li>• Decision Making Governmental Body – often City Council / Board of Supervisors</li><li>• Planning Department / Planning Commission</li><li>• Historic Preservation Commission / Landmarks Board</li><li>• Other relevant agencies - Public Works or Housing Dept</li></ul>
Project Applicants	<ul style="list-style-type: none"><li>• Project Proponents that Lead Agency is requiring to comply with CEQA</li></ul>
Consultants	<ul style="list-style-type: none"><li>• Professional Qualified Historians, Architectural Historians, Historic Architects, and Archaeologists (experts)</li></ul>
Public	<ul style="list-style-type: none"><li>• Historic preservation advocates</li><li>• Individuals interested in development and historic preservation</li></ul>

# CEQA and Historic Preservation

Step 1: What is historically significant?

Identify Historical Resource(s), as defined under CEQA

Step 2: Establish what can be done in support of historic preservation

Impacts assessment

Identification of avoidance and/or mitigation

Provide input in decision making process

# Identification of Historical Resources

Identification of what is historically / culturally significant

“Historical Resource” defined in:  
CEQA Guidelines §15064.5  
PRC 5020.1 and 5024.1

Historical resources can be:

Buildings

Structures

Objects

Sites

Districts

Archaeological Resources



*Lead Agency concludes whether resources are “historical resources”*

Historical Resources are:

- Resources listed in or eligible for listing in the California Register of Historical Resources (CRHR)
- Resources listed in, or determined to be eligible to be listed in CRHR by State Historical Resources Commission
- Unique archaeological resources (Section 21083.2)
- Resources automatically listed in CRHR:
  1. Resources listed in or formally determined eligible for listing in the National Register of Historic Places (NRHP)
  2. California State Landmark No. 770 and above

## Other historical resources:

- Resource listed in a qualified local register of historical resources
- Resource identified as significant in a qualified historic resource survey
  1. Survey is or will be included in the State Historic Resources Inventory
  2. Survey prepared in accordance with OHP procedures / requirements
  3. Resource evaluated and determined by OHP to have a significance rating of Category 1 to 5 on DPR 523 Form
  4. Surveys more than five years old need to be updated

**Lead Agency must treat these resources as significant, unless the preponderance of evidence demonstrates that such resources are not historically or culturally significant**

# California Register of Historical Resources



- NRHP Criteria and CRHR Criteria are very similar
- OHP guidance advises use of National Register Bulletin 15 for interpreting CRHR Criteria
- Resource must have historic significance and historic integrity
- Differences between NRHP and CRHR
  1. Interpretation of historic Integrity
  2. Special Considerations / Criteria Considerations



# California Register of Historical Resources

A resource must be significant at the national, state or local level and meet at least one of the following:

Criterion 1: associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States

Criterion 2: associated with the lives of persons important to local, California, or national history

Criterion 3: embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values

Criterion 4: has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation

Integrity: Location, Setting, Design, Materials, Workmanship, Association, and Feeling

Special Considerations – Moved Bldgs; Less than 50; Reconstructions

# Identification of Historical Resources

- Providing substantial evidence is crucial
- Applying criteria (for built environment) involves:
  1. Establishing appropriate historic context
  2. Providing justification about why resources is significant within that context
  3. Assessing whether resource has physical features that convey its significance, i.e. historic integrity
- Research / Inventory
  1. More than records search and reviewing previous reports
  2. Examine primary and secondary sources
  3. Consult interested parties
  4. Site visit / photographs
  5. Standard = preparation of DPR 523 forms (follow OHP instructions)
  6. Important to identify boundaries and character-defining features

# Impacts to Historical Resources

- Impact = substantial adverse change
- Analysis of impacts to historic integrity
  1. assessment of whether historical resource will be materially impaired
  2. physical demolition / destruction
  3. alteration of the resource or its immediate surroundings
- Assessment of project's conformance with Secretary of Interior's Standards for the Treatment of Historic Properties
- Impacts can be direct, indirect, or cumulative

Demolition of a historical resource cannot be mitigated to a level that is less than significant (requires EIR)

Destruction of archaeological site does not necessarily require EIR

# Reduce / Avoid / Mitigate Impacts to Historical Resources



- A project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties . . . shall be considered as mitigated to a level of less than a significant impact on the historical resource
- Lead Agency shall identify potentially feasible measures to mitigate significant adverse changes
- Adopted mitigation:
  1. fully enforceable through permit conditions, agreements, or other measures.
  2. reduces project impact

# Reduce / Avoid / Mitigate Impacts to Historical Resources

Some possible mitigation measures:

- Documentation – HABS / HAER, oral histories
- Resource interpretation – displays, signage, plaques
- Educational materials – exhibit, report, brochure, website
- De-construction and salvage
- Moving historical resource



**Documentation alone (historic narrative, photos, drawings) usually will not mitigate impacts to a level that is less than significant**

# Where is pertinent information?

Historical Resources information and analysis is in:

- IS Cultural Resources Section in Appendix G
- ND or MND Cultural Resources Section
- Draft EIR Cultural Resources Section
- Technical Reports regarding historical resources / archaeological resources
- Comments and Response to Comments in Final EIR



# Keep In Mind

For advocating historic preservation:

- Know location of pertinent information and analysis
  - Know what / when re: review and input opportunities
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CEQA is intended to:

1. Encourage open government / public involvement
2. Make projects less environmentally damaging
3. Ensure evidentiary basis for decisions



## CEQA downsides:

1. Project specific focus can avoid larger issues regarding long term outcomes for historical resources
  2. Projects that demolish historical resources can (and do) get approved – based on political support for historic preservation
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## OHP's role in CEQA is limited

1. OHP can comment, but this is advisory
2. SHPO's largest role is review of actions state agencies take affecting their own historical resources



When providing input regarding historical resources, consider:

- Adequacy of analysis and/or expertise
- Focus on relevant issues that decision makers will consider as support
- Examine alternatives
- Avoid irrelevant factors
  1. Unsubstantiated opinion
  2. Economic / social effects not related to physical effects
  3. Speculative physical changes to environment



# Questions / Comments

