CREATIVE MITIGATION STRATEGIES FOR HISTORIC PROPERTIES
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- Regulatory Framework
- Get the Facts
- Set the Stage
- Bring it Together
- How to Write Feasible & Defensible Measures
- Mitigation Examples
CEQA Guidelines
[Title 14, Chapter 3, § 15064.5 (b)(2)(4)]

(4) A lead agency shall identify potentially feasible measures to mitigate adverse changes in the significance of an historical resources.
Mitigate:

verb (used with object), mitigated, mitigating.

1. to lessen in force or intensity, as wrath, grief, harshness, or pain; moderate.

2. to make less severe: to mitigate a punishment.

verb (used without object), mitigated, mitigating.

4. to become milder; lessen in severity.
(4-cont.) The lead agency shall ensure that any adopted measures to mitigate or avoid significance adverse changes are fully enforceable through permit conditions, agreements, or other measures.
CEQA HISTORIC RESOURCES ARE:

- Properties Listed on California Register
  - National Register - Listed or Determined Eligible
  - California Historical Landmarks # 770 & above

[Images of historical plaques]

This property has been placed on the National Register of Historic Places.

Italian Swiss Colony

Here in 1863, Italian Swiss immigrants established an agricultural colony. Choice wines, produced from grape plantings from the old world, soon brought wide acclaim. By 1895, ten gold medals were awarded these wines at international competitions.

Registered Historical Landmark No. 62.

Plaque placed by California State Park Commission, October 24, 1957.
CEQA Historic Resources Are:

- Properties Listed on California Register
  - National Register: Listed or Determined Eligible
  - California Historical Landmarks #770 & above
- Meeting Criteria of California Register
  - Associated with Significant Events or Persons
  - Embodies Type, Period, Method of Construction
  - Yield Important Information in History
CEQA HISTORIC RESOURCES ARE:

- Properties Listed on California Register
  - National Register - Listed or Determined Eligible
  - California Historical Landmarks
  - Meet Criteria of California Register
    - Associated with Significant Events or Persons
    - Embodies Type, Period, Method of Construction
    - Yield Important Information in History

- Included in a Local Register
  - Must Meet PRC Criteria 5020.1(g)
  - Presumed to Be Historically Significant
  - Public Agencies Must Treat them as Significant
CEQA Guidelines
[Title 14, Chapter 3, § 15126.4 (a)(1)]

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.
(2) Measures must be fully enforceable through permit conditions, agreements or other legally-binding instruments.
(3) Mitigation measures are not required for effects which are not found to be significant.
CEQA Guidelines
[Title 14, Chapter 3, § 15126.4 (a)(4)(A)]

(A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. (483US 825-1987)
CEQA Guidelines
[Title 14, Chapter 3, § 15126.4 (a)(4)(B)]

(B) The measures must be "roughly proportional" to the impacts on the project (512US 378-1994)
CEQA Guidelines
[Title 14, Chapter 3, § 15126.4 (b)(1)]

(1-cont.) the project’s impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.
GET THE FACTS
Define the Property: What are:
- The boundaries?
- Period of Significance?
- Contributing/Non-Contributing Features?
- Criteria?
Define the Property:

What are:

- How is the historic significance decided and who decides? National, State and local significance.
Define the Project:

- How will it affect the historic significance and essential physical fabric of the resource?
Focus on Foreseeable Significant Impacts Resulting From the Project:

CEQA AT 40
A LOOK BACK, AND AHEAD

Get the Facts
(A) The discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.
CEQA Guidelines
[Title 14, Chapter 3, §15126.4 (a)(1)(B)]

(B) Formulation of mitigation measures should not be deferred until a future time. May specify performance standards that could be accomplished in more than one way.
Use Impact Information to Identify Alternatives and Mitigation:

Get the Facts
CEQA Guidelines
[Title 14, Chapter 3, § 15126.4 (a)(1)(A)]

(A) The discussion of mitigation measures shall distinguish between what is proposed by project and measures imposed by the lead agencies (or others) through conditions
SET THE STAGE

Northgate Urban Center & Overlay District | Design Guidelines

Neighborhood Street Design Guidelines
An Oregon Guide for Reducing Street Widths

A Consensus Agreement by the Stakeholder Design Team
November 2000
CEQA Guidelines
[Title 14, Chapter 3, § 15126.4 (a)(2)]

(2-cont.) In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
Adopt Policy Level Guidance

- Develop policies that mandate historic preservation
- Prepare General Plan Preservation Element
- Expand policy guidance in community plans
- Set up Historical Resources Board or Commission
- Update Municipal Code with provisions for overlay zones
Establish Plan Level Impacts & Mitigation Programs

- Conduct Historic Surveys: opportunities & constraints analysis
- Identify Historic Properties
- Align Zoning Densities to minimize development pressure
Establish Plan Level Impacts & Mitigation Programs

- Identify potential receiver sites for density transfers & conservation areas for historic property mitigation
- Include Menu of Options for Unavoidable Impacts
Is Impact Significant under CEQA?

Project Alternatives

- Consider project objectives
- Consider other uses, locations and configurations
Is Impact Significant under CEQA?

Project Level Mitigation
(Over, Under, Around & Through)

- Avoidance
- Minimize Impacts
- Mitigate Impacts

(Use menu of options developed through Plan adoption)
Feasibility Analysis:

- Economics
- Market Conditions
- Timing
- Legality
- Enforceability

Statement of Overriding Considerations
HOW TO WRITE FEASIBLE AND DEFENSIBLE MITIGATION MEASURES
Philosophy:

- **Section 106 & CEQA mandate no particular outcome**
- Both are **processes** that identify, assess impacts and **consider alternatives** to avoid or reduce impacts
Feasible & Defensible Mitigation

- Mitigation is **Final Step**
- **Sliding Scale** Tailored to Resource type, size materials, location & significance
- Unavoidable loss of a public benefit **REQUIRES** mitigation
Good Mitigation:

- Directly addresses the loss of a historic resource.
- It is useful to the public.
- It is readily accessible to the public.
- It is engaging and mitigates (lessens) the loss of the historic property (memory).
CEQA Guidelines
[Title 14, Chapter 3, § 15064.5 (b)(2)(4)]

(4-cont.) The lead agency shall ensure that any adopted measures to mitigate or avoid significance adverse changes are fully enforceable through permit conditions, agreements, or other measures.
MITIGATION EXAMPLES
CEQA Guidelines [Title 14, Chapter 3, § 15126.4 (b)(1)]

(1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resource will be conducted in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties....
Avoidance Alternatives

- Retention in Place/Rehabilitate According to the Secretary of the Interior’s Standards
Avoidance Alternatives

- Retention in Place/“Mothball” According to the NPS Guidelines
Minimization - Relocation

- Relocate On-Site
- Relocate Off-Site
- Offer Building for Sale
Minimization - Architectural Design Guidelines in Historic Districts

- Compatible Infill
- Do not “replicate”
Minimization - Partial Retention

- Add onto building according to Secretary of the Interior’s Standards
Minimization - Partial Retention

- Retain and rehabilitate building (not necessarily to Secretary’s Standards)

- Retain a portion of property (more than 50%)
Mitigation - Salvage

- Retain portion of building - (<50%) - design around historic portion (e.g. façade-ism)
- Salvage and reuse architectural features (e.g. doors, windows, etc.)
Mitigation - Salvage

- Salvage and reuse portions/materials for new development on site (e.g. brick paving, public art)
- Donate or sell unused architectural features to museums, salvage yards, etc.
Mitigation - Documentation

- Large-format photography (HABS)
- Architectural Drawings
- Written Narrative
- Aerial Photography

Projects in Areas with Design Guidelines (Districts)
CEQA Guidelines
[Title 14, Chapter 3, § 15126.4 (b)(1)]

(1-cont.) the project’s impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.
Mitigation - Interpretation

- On-Site Interpretation
  - Resin-coated signage
  - Bronze Plaques
  - Blade Signs
Mitigation - On-Site Interpretation

- **Artifacts**/ Pieces of Historic Site (machinery, equipment, etc.)
- **Structures**, Sculpture, Play Equipment, etc.
Mitigation - Off-Site Interpretation

- Display at local museum, library, public building, airport, etc.
- Published books, pamphlets, walking tours, post-cards, puzzles, etc.
Multi-Media Interpretation

- Feature-length Documentary Film
- Short format film (lobby, internet)
- Electronic books, pamphlets, walking tours, telephone Aps, etc.
- Website
- Oral History Interviews

MITIGATION EXAMPLES
Mitigation - Commemoration

- Free-standing signage (tombstone)
- Commemorative Signage - streets, parks, neighborhoods, etc.
Mitigation - Remuneration

- Establish Mitigation Fund
- Establish Memorial Fund
MITIGATION CHECKLIST

- Is the resources’ significance clearly defined?
- Is there a strong nexus between the property’s significance and impact?
- Locate & quantify HOW the project will impair the physical integrity

- Conduct a Survey of Historic Properties
- Start Identifying Historic Properties NOW
- Establish a Process for Review
- Identify How Historic Properties Benefit You
- Make Preservation Benefit the Public
MITIGATION CHECKLIST

- Is the mitigation feasible? (economically/technically?)
- Will the responsible parties agree to the mitigation, cost, location, timeline?
- What are the parameters of the mitigation? (Where, when, how much, who?)

- Conduct a Survey of Historic Properties
- Start Identifying Historic Properties NOW
- Establish Process for Review
- Identify How Historic Properties Benefit You
- Make Preservation Benefit the Public
Are there mitigation plans that document resources prior to implementation?
Are there project monitoring and reporting?
Who is accountable?
Will the mitigation result in additional impacts?

- Conduct a Survey of Historic Properties
- Start Identifying Historic Properties NOW
- Establish Process for Review
- Identify How Historic Properties Benefit You
- Make Preservation Benefit the Public
MITIGATION CHECKLIST

- Are there Conditions of Approval that must be met?
- What are the penalties for non-performance?
- Who does final inspection and C of Completion?
- Is there a legally binding Agreement and Mitigation Plan?
- Conduct a Survey of Historic Properties
- Start Identifying Historic Properties NOW
- Establish Process for Review
- Identify How Historic Properties Benefit You
- Make Preservation Benefit the Public
NOW YOU HAVE ALL THE TOOLS FOR SUCCESS!

GOOD LUCK!
Questions?
Contact Us!

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