

Memo

To: Rick Otto, City Manager

From: William Crouch, Community Development Director

Date: 12/23/2020

Re: Certified Local Government

The Certified Local Government (CLG) program is a partnership between local governments, the State Office of Historic Preservation (OHP), and the National Park Service (NPS). It certifies that the local government's historic preservation program is consistent with federal and state standards. Becoming a CLG does not give regulatory authority to OHP or NPS. However, OHP may comment on any changes to local ordinances that affect historic resources, including changes to the duties and composition of a Historic Preservation Committee or methods and criteria for designating historic resources. OHP may also comment on project-specific treatments of historic resources, such as demolition or substantial remodeling. As a CLG, the City would not be obligated to accept OHP's comments, but a lack of response may result in decertification.

The CLG program provides access to technical assistance from OHP and the opportunity for grant funding to improve the historic preservation program. It also recognizes the achievements of the long-standing historic preservation program in Orange.

To better understand the obligations of the CLG program, staff contacted Tustin, San Clemente, and Los Angeles County for their observations on being CLGs. Los Angeles County was included because it is the most recent southern California applicant to the CLG program. Santa Ana was also contacted but has not responded by the date of this memo. Feedback from these jurisdictions is included throughout the memo and summarized in an attached table. In total, approximately 70 cities and counties are a CLG in California, including the three above noted cities in Orange County.

CLG Requirements

The requirements for becoming a CLG are:

- Enforce appropriate state and local laws and regulations for the designation and protection of historic properties.

To become a CLG, the existing Historic District Ordinance (OMC 17.17) would need to be updated to a Historic Preservation Ordinance. The update would create a local register of historic resources with criteria for designating individual historic properties in any part of the city. Designation of a property to the local register would be approved by a local historic preservation review commission. OHP and NPS would not have the ability to designate local historic resources.

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Creating a Historic Preservation Ordinance would require up-front staff time to write the ordinance, prior to the CLG application. It would also require on-going staff time to manage the local register.

It has been a longstanding goal of the Historic Preservation program to create a local register of historic resources to give communities outside of the historic districts the ability to recognize and protect their individual historic resources. The CLG program provides an opportunity to do so; however, this effort could also move forward without pursuing CLG status.

The Old Towne and Eichler Historic Districts already operate in conformance with federal and state standards for historic preservation. No changes would be required to the existing historic district programs.

- Establish an historic preservation review commission by local ordinance;

The Design Review Committee (DRC) operates partially as a local historic preservation review commission by reviewing development projects in historic districts, consistent with federal and state historic preservation standards. The DRC does not have the ability to designate historic resources, so the body is not fully a typical historic preservation review commission.

To become a CLG, a Historic Preservation Committee would need to be established. This could be accomplished by creating a joint Design Review/Historic Preservation Committee or a new, separate Historic Preservation Committee. The Committee's duties would include review of development projects involving historic properties or in historic districts, determinations on designations to a local historic register, and assistance in developing preservation policies.

All appointments to the Historic Preservation Committee would be made by City Council. OHP would not have the ability to appoint or remove members from the local Committee. However, for a CLG, the Historic Preservation Committee must have a minimum of five members, all with a demonstrated interest in historic preservation. At least two of the members should have professional experience in historic preservation or a related field, such as architecture, history, planning, archaeology, etc. All Committee Members must attend at least one training on historic preservation each year. A local government can be certified without this professional membership, if they can demonstrate a reasonable effort to fill the positions.

This would require staff time to prepare the ordinance to create the Historic Preservation Committee, solicit applications for new members if a separate Historic Preservation Committee is established, and staff the meetings. If the ordinance creates a separate Historic Preservation Committee and Design Review Committee, it could also require additional review time and an additional public meeting for development projects involving historic properties.

- Maintain a system for the survey and inventory of historic properties;

The City completed a focused survey of historic resources as part of the General Plan Update in 2010. The survey criteria were consistent with the National Register and

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California Register, in conformance with the requirements of the CLG program. As part of the CLG program, the City should develop a plan to regularly update the survey. An expanded survey program would benefit local property owners by decreasing the potential for the discovery of unsurveyed historic resources to affect proposed development projects. However, it would require additional staff time to complete and maintain the survey.

- Provide for public participation in the local preservation program.

The City currently provides for public participation through open DRC meetings with the ability for the public to comment on historic preservation projects, digital resources on the City website, including the historic resource surveys and design standards, and educational programs like the Plaza Walking Tour.

- Satisfactorily perform responsibilities delegated to it by the state.

Under this requirement, the City must have legal authority to fulfill the responsibilities described above. In some cases, these responsibilities are included in the existing Orange Municipal Code. Others, as described above, could be accomplished through ordinance amendments or resolutions by the City Council.

CLG Application

The CLG application requires compiling information on the historic preservation program, including ordinances, the Historic Preservation General Plan Element, surveys, and professional qualifications of historic preservation staff and review body members. It also requires a resolution by the City Council authorizing the application. If the application is approved, the City enters into a Certification Agreement with OHP. A sample Certification Agreement, describing the program obligations, is attached.

Los Angeles County indicated that their recent application required a significant amount of staff time to prepare and communicate with OHP. In retrospect, they believe it may have been more beneficial to focus staff time on more pressing local historic preservation concerns. However, they believe CLG status has improved public perception of the program and provided useful technical assistance.

OHP offers jurisdictions the ability to submit a pre-application. This is an informal review of the City's existing historic preservation policies and does not obligate the City to move forward with the formal application. With direction from Council, staff could submit a pre-application to assess the feasibility of a formal CLG application.

On-Going CLG Program Obligations and Benefits

CLGs are required to report annually to OHP on historic preservation activities in their jurisdictions. Staff from other cities indicate that the annual report takes approximately one day of staff time to complete.

The report includes any changes to local historic preservation ordinances or historic preservation review bodies. If OHP does not agree with the changes, the program may be decertified. There is no penalty for decertification; however, it may be damaging to public perception of the historic preservation program.

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In Tustin, the City Council recently moved to eliminate the separate Cultural Resources Advisory Committee and place historic preservation responsibilities with the Planning Commission to streamline the development review process. OHP objected to the change and indicated that Tustin may be decertified as a result. Public concern about the elimination of the Cultural Resources Advisory Committee may have prompted this attention from OHP. However, OHP did not move forward with decertification.

OHP is required to pass on at least ten percent of the federal Historic Preservation Fund allocation to CLGs. This pass-through is accomplished with a competitive annual grant program. Grants range from \$2,500 to \$25,000. The local jurisdiction is required to match 40 percent of the grant. Matching may be accomplished through staff or volunteer time. Grant funds must be spent within one year. If a consultant is hired through the grant, the Request for Proposals must meet the state's contracting requirements. Grants are generally given for the preparation of historic context statements, historic resources surveys, nominations to the National Register, design guidelines for historic properties, or information management, such as web applications for sharing preservation information with the public. Construction projects involving historic properties are not eligible.

San Clemente received a grant to designate their first historic district in 2019 and reported a positive experience with the process. Tustin and Los Angeles County both indicated that they had declined to apply for grants due to the time required for the application and grant reporting. Tustin had received small grants in the past but did not believe the amount was generally worth the staff time. In 2020, OHP did not receive enough applications for a competitive process. Instead, all CLGs in the state received \$5,000 for their preservation programs.

All contacted jurisdictions indicated that OHP and other CLG communities provided access to useful technical assistance.

Conclusion

In summary, the CLG program provides recognition of the City's historic preservation program at the state and national level, access to a modest level of grants for funding specific projects in the historic preservation program, and access to technical assistance from OHP and a community of other historic preservation programs across the state.

In exchange, the City is required to maintain a historic preservation program in good standing consistent with federal and state guidelines. This includes reporting historic preservation activities to OHP, which the City is not obligated to do currently. Our current historic preservation program is compliant with CLG requirements in many respects, but the City would likely be required to update specific elements of the program in order to apply for CLG status. These updates include creation of a local register of historic resources and the establishment of a Historic Preservation Committee. Some of these updates, such as the local register, are existing goals of the historic preservation program and could be pursued separate from the CLG application.

Attachments: Summary of CLG Feedback

Sample Certification Agreement

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Summary of CLG Feedback

	CLG Certification Date	Historic Preservation Review Body	Use of Grant Funding	Interaction with OHP
Tustin	1991	Planning Commission (formerly Cultural Resources Advisory Committee)	Received small grants in the past, but declined to apply in recent years due to effort required by application and reporting.	Tustin City Council recently moved to eliminate the separate Cultural Resources Advisory Committee and consolidate historic preservation duties with the Planning Commission to streamline project review process. OHP objected to the effort and initially indicated that Tustin would be decertified as a CLG. However, OHP did not pursue the decertification and Tustin moved forward with the consolidation. Public concern about the dissolution of the Cultural Resources Advisory Committee may have prompted the additional scrutiny from OHP.
San Clemente	1993	Planning Commission acts as Cultural Heritage Board	Received grant in 2019 to designate first historic district. Grant reporting requirements managed by analyst in Planning Division and required detailed tracking of staff and volunteer time for grant match. Positive experience	Technical assistance from OHP is helpful. No issues reported with changes to historic preservation program.

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			that allowed designation to move forward to National Register.	
Los Angeles County	2020	Historical Landmarks and Records Commission	Declined to apply because of limited size of grant funds and time required for application.	CLG application process was lengthy and required significant staff time. In retrospect, would focus staff time on more critical local efforts rather than CLG. Access to CLG email list is useful for technical guidance.
Santa Ana	2002	Historic Resources Commission	No response received to date	No response received to date