Any interested person may appear at the public hearing and present written testimony, or speak in favor or against the matters scheduled on the agenda.

If you challenge these matters in court, you may be limited to raising only those issues you or someone else raised in oral or written testimony at or before the close of the hearing.

The meeting room is physically accessible. Services of an interpreter and additional accommodations such as assistive listening devices can be made available. Requests for accommodations should be made one week prior to the scheduled meeting. Please call Historic Preservation staff at 559-621-8520. The agenda and related staff reports are available on the historic preservation page of the City’s website www.fresno.gov.

The Historic Preservation Commission welcomes you to this meeting.

March 28, 2016 MONDAY 6:00 p.m.

CONFERENCE ROOM A
2nd Floor, City Hall

2600 FRESNO STREET

I. CALL TO ORDER AND ROLL CALL- 6:00 p.m.

II. APPROVE MEETING MINUTES
Historic Preservation Commission, March 28th, 2016


III. APPROVE AGENDA

IV. CONSENT CALENDAR

V. CONTINUED MATTERS
None

VI. COMMISSION ITEMS

A. Workshop: “Archaeology for Fun and Profit (and Preservation).” C. Kristina Roper, M.A.

Staff Recommendation: No action is required for this training.


Staff Recommendation: Discuss and provide comments as appropriate.

VII. CHAIRPERSON’S REPORT

VIII. UNSCHEDULED ITEMS

A. Members of the Commission

B. Staff

1. Update on Council Action on the Parkside Dairy/Golden State Company (Central Valley Cheese Buildings) located at 450 E. Belmont Avenue for the Local Register of Historic Resources.


C. General Public

IX. NEXT MEETING: April 25th, 2016 6 PM Conference Room A, City Hall.

X. ADJOURNMENT
Historic Preservation Commission Minutes

January 25, 2016

MONDAY 6:00 p.m.

CONFERENCE ROOM A
2nd Floor, City Hall

2600 FRESNO STREET

I. CALL TO ORDER AND ROLL CALL- 6:00 p.m.
The meeting was called to order by Chair Patrick Boyd at 6:01 PM


Commissioners Absent: Don Simmons Ph.D.

Staff Present: Karana Hattersley-Drayton, Casey Lauderdale, Talia Kolluri-Barbick (CAO) and Dan Zack (6:16 pm).

II. APPROVE MEETING MINUTES

A. Approve Minutes for December 21st, 2015.

The Commission meeting minutes were approved 4-0-2; motion by Hatwig, second by Roper; Goldbeck abstained, Simmons absent.

The minutes from the Joint Meeting with the Fulton Lowell also held on December 21st could not be approved due to a lack of a quorum for this meeting.

III. APPROVE AGENDA

The agenda was approved 5-0 with a motion by Kristina Roper and a second by Paul Halajian.

IV. CONSENT CALENDAR

V. CONTINUED MATTERS
None

VI. COMMISSION ITEMS

A. Consideration of Approval of Request by the Property Owner to Designate the California Merci Train Boxcar Located at 3509 N. First Street as a Heritage Property Pursuant to FMC 12-1612 (ACTION ITEM).
Staff Recommendation: Approve designation.

**Karana Hattersley-Drayton** gave a PowerPoint presentation on the history of the Merci boxcar and the process of designating heritage properties.

**Commissioner Halajian** asked if the operative words were “building” and “property” in the Ordinance.

**Hattersley-Drayton:** Explained that the benefit of listing the boxcar is to have flexibility under the California Historical Building Code* and our own zoning perks. For example, American Legion staff has been told that the setbacks don’t work, but under our zoning ordinance they would have the ability to have exemptions for any property development standards. [n.b. the CHBC would not apply to a new canopy structure over the boxcar, nor would it apply to the boxcar which is not a building but the zoning ordinance would apply.]

**Commissioner Roper** noted that the boxcar would be treated as an object.  

[n.b. Pursuant to the OHP Site Recording Manual, the boxcar is a “structure.”]

**Commissioner Goldbeck:** If we designate the boxcar, can it be moved?

**Hattersley-Drayton:** There is no restriction regarding location.

**Chair Boyd** opened the item to the public for testimony.

__________ Schwartz notes that the boxcar belongs to the people of California and the American Legion is just acting as the caretaker. It was originally filled with gifts (which all went to Sacramento). It is the American Legion’s property that was set aside for the site/location. Mr. Schwartz talks about past maintenance and restoration of the boxcar.

**Mildred S. Wright-Pearson:** Sheminot for District 3 for the 40 and 8, the organization that maintains the boxcar. The 40 and 8 was the “cream of the crop” of the American Legion. This group split off but worked with the American Legion to bring the boxcar to its current site at the American Legion property. Wright-Pearson reiterates that while the 40 and 8 group maintains the boxcar, it belongs to the people of California. The group has been attempting to construct a cover over the boxcar for some time. They are at risk of losing it so that’s why they need help in being a designated resource so that the boxcar get can be covered. The organization has volunteers ready to help build the cover.

**Hattersley-Drayton:** Notes that the Merci Boxcar is clearly eligible for the Local Register of Historic Resources. She intends to send the forms to the OHP in Sacramento as well. In the future when we have more Local Register nominations we can bring this back as well.

There ensues a conversation with **Ms. Pearson, Paul Halajian and Mr. Schwartz** about the benefits of listing the boxcar. American Legion representatives reiterate that they have had difficulties with the permit process of getting an approved covering, which in theory will be constructed on site with a pre-fab by volunteers. Ms. Person also feels that a benefit of listing the boxcar is to being additional public attention to this resource.

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Historic Preservation Commission Minutes, January 25, 2016

**Hattersley-Drayton:** Reiterates that it is the zoning perks that will be helpful. Also planning staff has already said they are willing to help and will reduce the application fees. A listed property also means that it is now OUR project and we can justify doing as much as we can to help out.

**Goldbeck:** She mentions that she is fascinated that California’s boxcar is here in Fresno and is enthused about keeping it here.

The application to designate the Merci Boxcar as a Heritage Property was approved 5-0 on a motion by Kristina Roper with a second by Robin Goldbeck.

B. Discuss Making a Formal Request to the Director of the Development and Resource Management Department for a 2017 Budget Line Item for a Low-Interest Loan Program for Historic Property Owners *(ACTION ITEM).*

Staff Recommendation: Hold discussion and make recommendation as appropriate.

**Karana Hattersley-Drayton:** The Historic Preservation Swat Team at its meeting in December asked that the HPC consider the option of asking for a line item in next year’s budget to fund the Low Interest Loan Program that is included in the Fresno Municipal Code. There has been no funding for this program since at least 2002. The Swat Team discussed overall incentives as well as “sticks,” thus how to help historic property owners maintain their properties but also not let them off the hook for maintenance. There are currently three possible options for funding for historic properties: 1) a fee attached to demolition permits that goes into a fund for restoration/rehabilitation; 2) the Mitigation Fee/off-set fund that is called out in both the General Plan as a policy and potential program (as well as in the mitigation for the Fulton Mall) and 3) funding for low-interest loans.

For this third item (already part of the Fresno Municipal Code but not funded) what is reasonable to ask for? What would be the process for a property owner to get a loan? This would be a complicated program to get initiated again but it’s worth discussing.

**Hatwig:** On the other side, he feels that we need to do more to go after and fine neglectful historic property owners. No one has been fined on the “historic” side, how do we strengthen this as well?

**Hattersley-Drayton:** Notes that several years back the Commission spent a couple of meetings reviewing drafts of a “Policy and Procedures Manual for Enforcing the Historic Preservation Ordinance.” This document had been prepared by the City Attorney’s office to help meld the HPO and Code protocols in order to actually implement the rather steep fines that are noted in our Ordinance for property owners who do not comply with the Minimum Maintenance provisions. Not only was there no actual mechanism (paperwork, protocols) in place but there are often notable differences between historic and code violations. For example, removing the original balustrade off a Queen Anne cottage will be a violation of the HPO but not necessarily a code (safety) violation.

She notes that when the Swat Team met the intention was to try to highlight a few best options for action, rather than trying to do it all. She refers to the agenda from the Swat Team meeting with highlighted sections.
Hatwig: Mentions again his concern with enforcement against non-historic property owners versus historic.

Hattersley-Drayton: So you are saying that there is a disconnect between historic and non-historic enforcement?

Hatwig: Yes, he uses the Craycroft Home as an example. He does not believe that they are in compliance with the Minimum Maintenance standards. I wonder if there was a loan program, if it would make a situation like the Craycroft Home different, or not.

Hattersley-Drayton: Maybe a loan program is not the best option? Maybe there is another better priority?

Halajian: So is it a policy or a funding problem?

Hattersley-Drayton: It is both.

Halajian: How do we solve it?

Hattersley-Drayton: What do you think?

Halajian: What about eminent domain?

Hattersley-Drayton: I believe the Council did just adopt a receivership program.

Hattersley-Drayton and Halajian continue to discuss the issue of demolition by neglect.

Hattersley-Drayton: Asks the Commission, what of these many potential ideas should we pursue?

Boyd: If we had a line-item in the budget, would the intent be to use it that year or could it function as an endowment?

Hattersley-Drayton: I don't know how the program was originally intended but usually city funds cannot be used as an endowment.

Hatwig: I think we have several good options. The loan program is a good option as is the mitigation fund, and the seizing of property (this happens with non-historic homes). It's time to consider all of these, both the policies and the funding.

Hattersley-Drayton: It may be that the best bang for our buck would be a grant program. If we had a mitigation fund, perhaps we could fund that initially for 5 or $10,000?

Halajian: That helps Mrs. Smith but not the absentee guy in Texas [as for example the owners of the streetcars on Cherry.]

Roper: That would be a different kind of stick.
Historic Preservation Commission Minutes, January 25, 2016

Zack: Grants can be easier to administer. When our [City] money is involved, that triggers prevailing wage issues. (....) Does the FMC specify loans vs. grants?

Hattersley-Drayton: Current protocols in the City's Fresno Municipal Code address low-interest loans. [The Preservation Mitigation policy is in the recently updated General Plan and is also a mitigation measure for the Fulton Mall.]

Halajian: The intention would have to be clear. Does it help the well-intentioned property owner, or save all buildings?

Roper: It would function as part of a package of incentives and disincentives.

Boyd: I would like the funding to be sustainable, as with the demolition fee and mitigation fee.

Hattersley-Drayton: One of the problems is that our department is no longer enterprise funded (rather it is funded through the General Fund). It would seem that mitigation funds could be tied easily to a demolition permit fee program. But the loan program [following further thought and discussion] does seem very complicated. [The low-interest loan program may well have existed as part of a larger Housing program.] Suggests that the group may want to mull these options over and decide the best way to proceed.

Boyd: Asks if any other city other than Ontario has a mitigation fund program?

Hattersley-Drayton: No, but I have all the information from them.

Boyd: How much are they getting?

Hattersley-Drayton: It's tiered and a pretty complicated formula. It is based on the percentage of the building(s) affected.

Boyd: In addition to this information, I would like to have more information about what we want to impact, number of properties, etc. I think we would need to ask for more than $10,000.

Hattersley-Drayton: The problem is the Historic Preservation program functions on a shoestring.

Boyd: But at least we'd have that information and could build it into the budget for next year.

Halajian: Is there a recommendation from the swat team?

Roper: We are going to meet and discuss this, but in the meantime we should be thinking about what other communities do.

Boyd: Asks about the specificity of the line item for the loan.

Hattersley-Drayton: The program is already included in the Fresno Municipal Code.

Hatwig: Dan [Zack] brought up a good point about the prevailing wage issue.
Zack: I administered a program in the past that was a storefront improvement program. It ended up costing the applicant more than NOT applying for the program and we had to make some adaptations.

Boyd: In previous conversations we have talked about partnering with schools on doing work. I think that might be difficult too with City funds.

The topic is opened to the public for discussion.

Brad R, 298 W. Fallbrook: $5-10,000 is chump change in the big picture. It might be easier to keep the funds outside the city; maybe a nonprofit could administer them. The developers can donate as a write-off, but the City would direct the use of the funds.

Hattersley-Drayton: Notes that we have used the Fresno Historical Society to handle funds for various events.

[Commissioners and staff wonder if having funds distributed for rehabilitation through a non-profit would bypass the requirement to use prevailing wage, or not.]

VII. CHAIRPERSON'S REPORT

There is no report from the Chair.

VIII. UNSCHEDULED ITEMS

A. Members of the Commission

B. Staff

1. Items for Council Hearing on January 28, 2016: Five Nominations for the Local Register of Historic Resources (from December 21, 2015 meeting) and Consideration of Delisting of the Craycroft Home, 10 AM.

Karana Hattersley-Drayton reviewed the five nominations that will be heard later this week by the Council. The one that is most problematic is the former dairy buildings owned by Producers Dairy. She mentions that she met recently with the Tower District Design Review Committee and they also support the preservation of the street elevations of these 1929-1932 buildings. She mentions the fact that there are new Council rules; apparently no staff presentation is allowed (!) and no Power Point images/presentation. She encourages Commissioners to attend if possible.

C. General Public

There are no additional comments or questions from the public.

IX. NEXT MEETING: February 22nd, 2016 6 PM Conference Room A, City Hall.

X. ADJOURNMENT

The meeting was adjourned at 7:10 PM by Chair Boyd.

DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

MINUTES OF A JOINT MEETING OF THE CITY OF FRESNO
HISTORIC PRESERVATION COMMISSION
AND THE FULTON-LOWELL DESIGN REVIEW COMMITTEE

Monday, February 22, 2016
5:00 pm
Conference Room “A” 2nd floor
Fresno City Hall, 2600 Fresno Street

Agenda

A. Call to Order, Roll Call and Introduction of Commission and Committee Members, Patrick Boyd, Chair HPC

The joint meeting was called to order by HPC Chair Patrick Boyd at 5:06 PM.

HPC Members in Attendance: Patrick Boyd, C. Kristina Roper, Robin Goldbeck, Jason Hatwig.
HPC Members Absent: Don Simmons, Paul Halajian [recused].
Fulton-Lowell Members Present: Becky Foore-Hayden (Chair), James Quinn, Steve Skibbie, Stacey Ruble, Roselyn Clark.
Staff Present: Karana Hattersley-Drayton, Casey Lauderdale, Will Tackett and Dan Zack.

B. Approval of Agenda and Minutes of December 21, 2015.

The minutes from the joint meeting of December 21, 2015 were approved by both review groups, 9-0 with a motion by Jason Hatwig and a second by Becky Foore-Hayden.

The agenda for the meeting was approved 9-0 with a motion by Kristina Roper and a second by Becky Foore-Hayden.

C. Review and Provide Comments on a Proposed 16-Unit Housing In-fill Project
Located at 1743 and 1745 L Street, S-15-108, Adjacent to the Helm Home (1901), HP#112 and the Long (Black) Home (1907) HP#113 Pursuant to FMC 12-1606(a)(2), 1606(b)(6) and to the Administrative Provisions of Section 10.0 of the Fulton Lowell Specific Plan (Fulton Lowell Design Guidelines).

Karana Hattersley-Drayton gave a Power Point which reviewed the protocols (ordinances and specific plan) that govern the two bodies regarding their authority to review this project. She then summarized the history of the site and the historic buildings in the immediate vicinity. She also noted the prior proposals for the parcel(s) and the comments provided by both the HPC and the
Fulton-Lowell at prior meetings. Staff comments on the current iteration include a requirement to use only wood sash windows on the principle elevation and to add additional articulation on the capitals of the façade piers. Staff recommendation is that with these changes the latest design appears to work for the parcel, but both groups need to offer their comments. The HPC may wish to adopt a motion of support for the staff report.

Becky Foore-Hayden: Asks if the images in the packet are the most recent design?

Hattersley-Drayton: No, it is the black and white version.

Tackett: The revisions came too late to include in the packets.

Hattersley-Drayton shows slide again of most recent revisions. Tackett points to changes on this elevation as requested by staff including the change on one ground level door.

Claudia Cazares (Granville Homes): In addition they added molding to the piers.

Foore-Hayden: Has the roofline been raised?

Cazares: Yes.

Foore-Hayden: Do you know how much taller the packet version is from the black and white.

Cazares: It's not very different from what's in your packet.

The Commissioners and Committee Members review the large-format drawings that have been provided.

Steve Skibbie: Is the back of the building cantilevered?

Hattersley-Drayton and Tackett: No, it's tucked under.

Cazares: We went back to the architect and pushed for a Spanish look. This design is more asymmetrical to fit better with the surrounding properties.

Hattersley-Drayton: And the roof has a cross-axis which is good.

Stacey Ruble: How tall are the adjacent buildings?

Hattersley-Drayton: We are not sure. But one of the historic properties on that side of L Street is actually one-story, so we were not too concerned about matching the roofline(s).

Cazares: Noted that they added porches on the second floor.

Hattersley-Drayton: Asks for the parking requirements.

Tackett: The minimum is seven spaces in accordance with the old and new zoning ordinance.
Chair Boyd asks if the applicants have a presentation they wish to give.

Darius Assemi (President, Granville Homes): Notes that they have been working on this project for almost a year and it has evolved nicely. They went from a more colonial design to Spanish style and they feel that the current design fits well. They are ready to submit their plans.

Ruble: Is the surface a flat stucco or textured finish?

Assemi: We have not gotten that far but it won’t be a smooth finish.

Hattersley-Drayton: Observes that the Helm Home [Mission Revival on the north side of the proposed project] has a very smooth stucco finish.

Assemi: The exterior stucco will be toweled.

Foore-Hayden: Asks Ms. Drayton if the doors are appropriate.

Hattersley-Drayton: Spanish Revival style doors typically are large and wood, but this is a multi-family complex so the doors as presented are acceptable.

Hatwig: Thanks the developers for taking their prior comments and incorporating changes. He notes that adding corbels or a decorative gate feature on the façade will be additional improvements, but “you are pretty much there.”

Goldbeck: Agrees that this design is a vast improvement and would not deter you from adding more texture.

Hatwig: The goal is NOT to make it a “historical” building but to fit in with the others.

Boyd: Agrees with Commissioner Hatwig and asks about possibility of using lighting as a feature.

Assemi: We don’t want to mix too many styles. We are looking at a little more trim...

Foore-Hayden: Asks if the project will return to the Committee.

Tackett: We are at a point where we’d like a decision.

The Fulton Lowell Committee on a vote of 5-0 approved the project with additional features as suggested by Commissioner Hatwig, Motion by Stacey Ruble, second by Roselyn Clark.

The Historic Preservation Commission on a vote of 4-0 approved a motion to support the staff recommendation (with additional suggestions of corbels from Hatwig), motion by Hatwig, second by Roper.
The applicant (Darius Assemi) asks about windows and reiterates their preference to use vinyl (as across the street). Both staff and Commissioners/Committee members are adamant on the use of wood sash on the façade which is incorporated into the conditions of approval. Commissioner Hatwig gives a personal example of how vinyl windows on his home have warped. Assemi feels the technology has improved. Foore-Hayden gives an example of how vinyl versus wood windows have comparable PGE bills.

A. Adjournment of Joint Meeting

The joint meeting is adjourned at 5:40 PM by HPC Chair Patrick Boyd.

Respectfully submitted:

Karana Hattersley-Drayton, M.A.
Historic Preservation Project Manager (Secretary, HPC)

Casey Lauderdale, Planner II
Recording Secretary, HPC
Melanie J. Gray,
Program Analyst, Office of Federal Advisory Committee Policy.
[FR Doc. 2016-04674 Filed 3-2-16; 8:45 am]
BILLING CODE 4140-01-P

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Notice of Proposed Policy Statement on Historic Preservation and Community Revitalization

AGENCY: Advisory Council on Historic Preservation.


SUMMARY: The Advisory Council on Historic Preservation (ACHP) is planning on issuing a "Policy Statement on Historic Preservation and Community Revitalization." A Working Group, comprised of ACHP members and other preservation organizations, has drafted a policy and invites your views and comments. The Working Group will use your comments to finalize the draft policy before it is presented to the full ACHP membership for consideration and adoption.

DATES: Submit comments on or before April 4, 2016.

ADDRESSES: Address all comments concerning this proposed policy to Charlene Dwin Vaughn, Assistant Director, Office of Federal Advisory Programs, Advisory Council on Historic Preservation, 401 F Street NW., Room 301, Washington, DC 20001. You may also submit comments by facsimile at 202-517-8384 or by electronic mail to ACHPRightsizing@achp.gov.

FOR FURTHER INFORMATION CONTACT: Charlene Dwin Vaughn, 202-517-0207

SUPPLEMENTARY INFORMATION: The Advisory Council on Historic Preservation (ACHP) is an independent federal agency, created by the National Historic Preservation Act that promotes the preservation, enhancement, and sustainable use of our nation’s diverse historic resources, and advises the President and Congress on national historic preservation policy.

Section 106 of the National Historic Preservation Act (Section 106), 54 U.S.C. 306108, requires federal agencies to consider the effects of their undertakings on historic properties and provide the ACHP a reasonable opportunity to comment with regard to such undertakings. The ACHP has issued the regulations that set forth the process through which federal agencies comply with these duties. These regulations are codified under 36 CFR part 800.

I. Background on the Draft Policy Statement

In March 2013, the ACHP issued a report entitled Managing Change: Preservation and Rightsizing in America. It can be accessed at http://www.achp.gov/RightsizingReport.pdf. The report focused on communities that were addressing rightsizing. The concept of rightsizing applied to communities undergoing substantial change due to economic decline, population loss, increased amounts of vacancy and abandonment, decline in local services, increased homelessness and poverty, declining educational opportunities, and systemic blight. Rightsizing has been occurring in communities around the Nation for decades as they respond to transformative events. The report contained the findings and recommendations of extensive research, on-site visits, and ACHP participation on panels and seminars during which stakeholders shared their views regarding the effect of rightsizing on the community.

The primary findings of the report included the following observations:

- Historic preservation tools are not used to maintain the historic integrity of rightsizing communities;
- Historic preservation needs to be better integrated in local planning and economic development;
- Federal programs that can support rightsizing in a manner that builds on community historic resources are not readily available;
- The early initiation of project review under Section 106 of the National Historic Preservation Act (NHPA) can facilitate the analysis of alternative redevelopment strategies that can integrate historic properties; and
- Federal programs that are targeted to extensive demolition in a community do not always reflect the preference of the residents in a community.

As the ACHP explored options to implement the recommendations in the report, it was concluded that the development of a policy statement would be appropriate to advance historic preservation.

In 2006, the ACHP adopted a “Policy Statement on Affordable Housing and Historic Preservation” to assist stakeholders in utilizing historic properties for affordable housing projects with minimal delays. It can be accessed at http://www.achp.gov/docs/fr7367.pdf. This Policy Statement was well received by stakeholders. The principles outlined in the document are still used when conducting historic preservation reviews for affordable housing projects.

The purpose of developing the Policy Statement on Historic Preservation and Community Revitalization in 2016 is to ensure that preservation is considered as a tool that will assist federal, state, and local governments plan and implement revitalization projects and programs in a manner that reuses and rehabilitates historic properties.

The Working Group convened by the ACHP to assist in developing the policy statement began meeting in December 2014. Representatives of the Working Group included, Brad White, Expert Member of the ACHP, as the Chairman, the US Department of Housing and Urban Development, US Department of Agriculture, the National Park Service, the National Trust for Historic Preservation, the American Assembly, Cleveland Restoration Society, Preservation Research Office, Historic Districts Council, Rightsizing Network, Michigan State Historic Preservation Office, and Indiana Historic Preservation Office. After consulting for approximately one year to discuss the major problem areas that needed to be addressed in right sizing and legacy cities, a working draft of the Policy Statement was drafted, and distributed to ACHP members for review.

The comments received from ACHP members resulted in revisions to the draft policy statement to achieve the following:

- Focus on rural and tribal communities as well as Legacy Cities;
- Emphasize the value of preparing local architectural and archeological surveys;
- Emphasize how the principles apply to Section 106 of the National Historic Preservation Act;
- Reference the role of field, regional, and state offices in preserving local assets;
- Address how Section 106 reviews can be expedited; and
- Define how creative mitigation measures can facilitate preservation in communities.

The ACHP invites comments from the public on the draft Policy Statement (see text at the end of this notice), particularly as it relates to the following questions:

1. How can the principles in the draft Policy Statement help communities balance the goal of historic preservation...
and the revitalization of neighborhoods and communities?

2. How will the principles in the draft Policy Statement establish a framework for decision making when communities receive federal funding to assist distressed neighborhoods?

3. How will State Historic Preservation Officers and Certified Local Governments apply the principles in their review of local revitalization programs?

4. Will the draft Policy Statement assist federal, state, and local officials, developers, residents, and other stakeholders to explore alternatives for preserving historic properties in planning revitalization projects?

5. How can the adoption of creative mitigation measures help a community to preserve its historic properties?

6. What data and guidance will be needed to implement the principles in this draft Policy Statement?

7. Are there any other major obstacles to using historic preservation tools in community revitalization projects that have not been addressed in this draft Policy Statement?

The ACHP appreciates receiving public input on the draft Policy Statement. Your comments will ensure that we have taken a holistic approach in advancing historic preservation as a viable tool that can help diverse communities who are recipients of federal, state, and local assistance.

II. Text of the Draft Policy

DRAFT ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP) POLICY STATEMENT ON HISTORIC PRESERVATION AND COMMUNITY REVITALIZATION (February 19, 2016)

Introduction. The 2010 US Census revealed that, as a result of the decline in the economy beginning in 2008, an estimated 19 million properties were abandoned throughout the nation. As a result of the economic downturn, many buildings, in particular historic properties, became vacant and abandoned, resulting in severe blight around the nation. Many economists compared the impacts of the economic downturn in 2008 to that of the Great Depression in the 1930s. Natural disasters, economic downturns, and the mortgage foreclosure crisis all occurred at the beginning of the 21st century and eroded urban, suburban, rural, and tribal communities. While these events resulted in significant economic impacts across the country, they accelerated declines in population, tax base, industry, jobs, and housing markets caused by structural changes to the economy in the Midwest, Northeast, and Mid-Atlantic regions. The estimated demolition of 200,000 properties annually during this period exemplified the extreme actions many communities took that resulted in the loss of homes, buildings, and even entire neighborhoods, many of which included older historic buildings that were listed in or eligible for listing in the National Register of Historic Places. Although older communities known as “legacy cities” have been confronted with these trends, research has revealed that suburban, rural, and tribal communities have dealt with similar problems.

One class of communities, many of which were located in industrial centers, was hit particularly hard, struggling with economic challenges that transcend market cycles such as the recent recession. These communities, marked by population loss exceeding 20 percent, require a holistic approach to bring about their revitalization. Many are older communities with historic architecture, social cohesiveness, and walkable neighborhoods—features which have increasingly grown more attractive in real estate markets that are in the process of recovering.

In 1966 when Congress passed the National Historic Preservation Act (NHPA), it determined that “the historical and cultural foundations of the nation should be preserved in order to give a sense of orientation to the American people.” Further, it stated that “in the process of expansion, extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs are inadequate to ensure future generations a genuine opportunity to appreciate and enjoy the nation’s rich heritage.”

The congressional findings in the NHPA remain as important and particularly since the economic crisis of 2008. The Advisory Council on Historic Preservation (ACHP), established by the NHPA to advise the President and Congress on matters relating to historic preservation, considers local community revitalization critical to stabilizing these economically depressed communities. In overseeing federal project reviews required by Section 106 of NHPA, patterns and trends noted that historic preservation reviews are often not completed before federal funds are allocated for redevelopment. Preservation options are not considered and opportunities to reuse existing public assets are missed. Communities, therefore, need guidance that illustrates how historic preservation can help them to determine the disposition of vacant and abandoned properties, promote rehabilitation, create affordable housing, direct growth to target areas that have infrastructure, use new infill construction to stabilize neighborhoods, and develop mixed use projects.

The ACHP issued a report entitled, Managing Change: Preservation and Rightsizing in America, in March 2013, which focused on communities addressing “rightsizing.” Rightsizing applies when communities have shrinking populations, vacancy and abandonment, and systemic blight issues. The report defined it as “the process of change confronting communities that have drastically reduced population and excess inventory, and which are not in planning context, in need of planning to recalibrate.” It also identified the role of historic preservation in rightsizing as well as noting relevant existing federal programs and policies. The extensive research, newspaper and journal articles, and organizational and institutional reports on rightsizing revealed that consideration of historic preservation issues in rightsizing decisions was often the exception. The ACHP report noted that rightsizing should include revitalization. Likewise, it noted that rightsizing is not uniquely an urban phenomenon. Rather, it encompasses diverse communities, including older suburbs and rural villages. All are in need of technical assistance, education, and outreach to help residents, developers, and local officials use historic preservation tools.

Purpose. In accordance with Section 202 of the NHPA, the ACHP is issuing this Policy Statement to provide federal agencies, the individuals, organizations, or governments that apply for federal assistance, and public and private partners with a flexible and creative approach to developing local revitalization plans that use historic properties. It is intended to help address the substantial challenges facing communities that have experienced significant population and job loss, as well as other communities revitalizing strategies that have occurred during the economic crisis of 2008. This policy statement is designed to assist federal agencies and their grantees and applicants, State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), Certified Local Governments (CLGs), and local governments in complying with the requirements of Section 106 of the NHPA. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment. With a predictable and consistent policy framework, federal agencies and communities will be encouraged to integrate historic preservation in revitalization strategies. The policy acknowledges that consideration of alternatives to avoid or minimize harm to historic properties is essential when planning revitalization projects. Further, by engaging diverse stakeholders in the planning process, revitalization projects can achieve multiple community goals.

Consistent with previous work completed by the ACHP, the purpose of this policy is to ensure that historic preservation is considered as a tool to stabilize and enhance communities that have suffered from massive structural changes to their economy. It also recognizes that other communities, under less severe economic distress, will benefit from implementing the strategies described in the principles below.

The policy addresses the value of local communities developing historic property surveys, including those located in older neighborhoods with historic districts, to use as a tool in community revitalization. Only when local officials are aware of the historic significance of properties in a community can they make informed decisions about treatment and reuse. The National Register is also used to determine whether federal activities must comply with Section 106. Likewise, a property must be listed on the National Register before it can qualify as a “certified historic structure” for receiving the 20 percent Federal Historic Preservation
Tax Credit for the rehabilitation of historic, income-producing buildings. Other tax incentives are often coupled with this credit to revitalize historic neighborhoods, such as the Federal Low-Income Housing Tax Credit and state historic preservation tax incentives. Recent studies have documented that these tax incentive programs contribute to economic development and job production. Further, they are one of the primary tools for revitalizing neighborhoods that were once considered blighted.

The NHPA was established in 1966 to ensure that local revitalization and economic development projects were responsive to historic preservation values. Unfortunately, the provisions of the NHPA requiring consideration of historic properties in project planning have not been applied consistently by federal, state, and local governments. This is particularly the case when federal funds are allocated to local communities to address substantial amounts of vacancies, abandonments, and the related blight afflicting communities. Historic properties should be viewed as community assets and their treatment should be informed by an analysis of alternatives, including stabilization, rehabilitation, new infill construction, decades of historic preservation projects affirm that historic assets can also revitalize a community. Therefore, historic preservation should be an integral part of planning the revitalization of neighborhoods, target areas, and communities in urban, rural, and tribal areas where there is considerable economic decline and blight.

III. Historic property surveys, including those in historic districts, are tools that should be used by communities to provide for federal, state, and local planning and revitalization efforts. Effective citizen engagement allows community residents to identify resources they care about and share their views on a neighborhood or target area. Federal agencies should prioritize assistance to communities for such planning, where possible. In addition, local agencies are encouraged to incorporate historic preservation survey information in local Geographic Information Systems to expedite regulatory reviews required before projects can be approved for funding.

IV. Effective citizen engagement allows community residents to identify resources they care about and share their views on local historic and cultural significance.
The consultation process under Section 106 should be designed to elicit effective and authentic engagement. Such engagement will help to identify places important to the community early in the consultation process. Special attention should be given to including communities that have not been involved in prior efforts to identify historic properties, as is often the case with those places associated with diverse populations that have minimal representation in the National Register. Such communities should be routinely sought by local officials when complying with Section 106 and evaluating properties for listing in the National Register or on state surveys. SHAPOs and CLG’s can assist in providing historic context statements for such properties. Involving local academic institutions, civic organizations, and professional associations in the work of local preservation commissions and architectural review boards can help ensure that the views of all segments of the community inform the identification and evaluation of historic properties. Citizen engagement is also critical in the analysis of project alternatives to deal with the effects of development on historic properties. Many of the outcomes from Section 106 reviews are shaped by recommendations from citizens that participate as consulting parties in the process. Federal and local officials, therefore, should provide guidance and technical assistance to facilitate citizen engagement in surveys and project planning.

V. Indian tribes may have an interest in urban and rural community revitalization projects that may affect sites of historic, religious, and cultural significance to them. As indigenous peoples of the Nation, Indian tribes have lived in many places before they became cities and towns. Accordingly, Indian tribes often have a stake in the effects of new development on their history and culture. It therefore is important to involve Indian tribes in the Section 106 review process in the identification and evaluation of historic properties and assessment of effects. Since Indian tribes are required to be invited to participate in Section 106 as consulting parties, federal and local officials should become familiar with those Indian tribes that have ancestral and historic associations with their communities. When planning projects and conducting Section 106 reviews, planners need to look beyond archaeologists in assessing potential development sites and involve Indian tribes to ensure that cultural resources important to them inform the siting and design of projects. Indian tribes can also contribute to local sustainability efforts based on their ecological and environmental knowledge of specific geographic areas to which they attach religious and cultural significance. Involving Indian tribes early in Section 106 consultations allows them to advise the federal agency on protocols that should be followed in the event of unanticipated discoveries of sites of traditional religious and cultural significance during project implementation. Similarly, Indian tribes can provide relevant input to the agency in developing mitigation measures when sites cannot be avoided.

VI. Private resources can contribute to local revitalization efforts and leverage public funds. Private resources are instrumental in ensuring community revitalization efforts are successful and transformative. Federal grant and loan programs can be used in conjunction with private resources for local revitalization efforts such as the Department of Transportation’s TIGER Program and the Environmental Protection Agency’s Brownfield Grants. These programs require local communities to provide matching funds, which are often solicited from the private sector. Local institutions such as universities, hospitals, foundations, banks, land banks, and local businesses frequently provide matching funds to local governments. In addition, they often partner with developers on multi-use historic properties that benefit the community as a whole. Banks and other institutions are able to get credit under the Community Reinvestment Act (CRA) Program when they contribute to local revitalization efforts. A bank’s CRA performance record is taken into account when evaluating their overall performance. Therefore, private investors are leveraged to stimulate local banking institutions to discuss strategies regarding loans for commercial and residential community revitalization project and point to environmental benefits and improve historic preservation results. The public interest in preservation projects is often clarified by plans and specifications developed for local preservation projects, which are often approved by the state historic preservation office (SHPO) or the National Park Service. After completing Part 1 of the federal HTC application, official officials and federal officials should be encouraged to work closely with federal HTCs and local officials to identify other vacant and abandoned buildings that are candidates for rehabilitation. By stabilizing an entire neighborhood, these sites can be used for affordable housing and transit oriented development projects.

VII. Text credits can be used to promote historic preservation projects that preserve local assets. Recent research conducted on the impacts of using Federal Historic Tax Credits has revealed that investments in historic rehabilitation have greater social benefits in terms of employment and local economic development. The use of federal Historic Tax Credits (HTC), Low Income Housing Tax Credits (LIHTC), and State Historic Tax Credits can be often combined to provide neighborhoods with financial, social, and economic benefits. Governments working closely with the National Park Service and the developer. After completing Part 1 of the federal HTC application, local officials should be encouraged to work closely with federal regional and field offices, land banks, SHPOs, and local officials to identify other vacant and abandoned buildings that are candidates for rehabilitation. By stabilizing an entire neighborhood, these sites can be used for affordable housing and transit oriented development projects. NPS and SHPOs can share case studies and best management practices on federal HTC and applicability of the Secretary of Interior’s Standards for the Treatment of Historic Properties, and more on the relationship between public, private, and non-profit actors to achieve local preservation objectives.

VIII. Early consideration of alternatives to avoid or minimize adverse effects to historic properties is essential to ensure proper integration of historic properties in revitalization plans. Effective utilization of historic properties to support community revitalization goals requires that preservation be an integral part of local planning from the outset. Strategic efforts to stabilize local neighborhoods in communities experiencing substantial population loss should consider alternatives that may have a positive impact.

Comprehensive neighborhood plans should disclose the criteria and processes local officials use to determine specific treatment for a building. SHPOs also provide technical assistance when resources are available. Likewise, communities that have SHPO’s that work closely with SHPOs can participate in local administrative reviews and provide advice regarding how historic properties may be affected by revitalization plans. SHPOs and CLG’s work closely with SHPOs can participate in local administrative reviews and provide advice regarding how historic properties may be affected by revitalization plans.

Revitalization projects with federal involvement require compliance with Section 106 and other federal environmental review laws. Frequently, programmatic solutions of the federal HTC and applicability of the Secretary of Interior’s Standards for the Treatment of Historic Properties, qualitatively simplified review and achieve desirable preservation results. The public interest in preservation projects is often clarified by plans and specifications developed for local preservation projects, which are often approved by the state historic preservation office (SHPO) or the National Park Service. After completing Part 1 of the federal HTC application, official officials and federal officials should be encouraged to work closely with federal regional and field offices, land banks, SHPOs, and local officials to identify other vacant and abandoned buildings that are candidates for rehabilitation. By stabilizing an entire neighborhood, these sites can be used for affordable housing and transit oriented development projects. NPS and SHPOs can share case studies and best management practices on federal HTC and applicability of the Secretary of Interior’s Standards for the Treatment of Historic Properties, and more on the relationship between public, private, and non-profit actors to achieve local preservation objectives.

X. Creative mitigation that can facilitate future preservation in communities. "Creative mitigation" is a concept that is used in environmental reviews when it is challenging, if not possible, to avoid adverse effects or offset them using standard mitigation approaches. In Section 106 reviews, standard mitigation measures are sometimes applied to the affected historic property and may include recordation, data recovery, or curtailment. The public benefit of using these strategies is minimal and mitigation funds might be better invested in other preservation activities. Because the Section 106 process does not...
prior to a preservation outcome for affected historic properties, federal and local officials should consider creative mitigation measures that promote historic preservation goals even though they do not minimize harm to the impacted historic resource. For example, a neighborhood stabilization project may call for selective demolition of contributing structures within a historic district. To offset the loss, the project planners might consider funds for the renovation of other buildings within the district or fund a historic resources survey of a nearby neighborhood as the basis for future preservation planning. The activities proposed in creative mitigation measures should leverage the federal assistance to allow for broader public benefits. Discussions about creative mitigation should be initiated early in the Section 106 review process when options can be objectively evaluated and include consulting parties, representatives of the affected areas, as well as local officials, to ensure all views are considered. A desirable goal of creative mitigation measures is to achieve community-wide preservation. They might include the development of local historic preservation ordinances, acquisition and relocation of historic properties to alternate sites in a historic district, or funding for landscaping and streetscape improvements in a district.

Federal, state, and local officials, applicants, and residents are encouraged to use these principles as plans are developed and Section 106 reviews coordinated. Please visit the ACHP's Web site, achp.gov, to view helpful forms and best management practices that can further expand your knowledge of historic preservation tools, and how they are being used to revitalize and stabilize communities throughout the Nation.

Authority: 54 U.S.C. 301102(a).


John M. Fowler,
Executive Director.

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DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection [1651-0080]

Agency Information Collection Activities: Deferral of Duty on Large Yachts Imported for Sale


ACTION: 30-Day notice and request for comments; Extension of an existing collection of information.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act: Deferral of Duty on Large Yachts Imported for Sale. This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended without change to the burden hours or to the information collected. This document is published to obtain comments from the public and affected agencies.

DATES: Written comments should be received on or before April 4, 2016 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this proposed information collection to Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to oira_submission@omb.eop.gov or faxed to (202) 395-5806.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 50 K Street NE., 10th Floor, Washington, DC 20229-1177, at 202-326-0265.

SUPPLEMENTARY INFORMATION: This proposed information collection was previously published in the Federal Register (80 FR 68326) on November 4, 2015, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10. CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104-13; 44 U.S.C. 3507). The comments should address: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency’s estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden, including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for OMB approval. All comments will become a matter of public record. In this document, CBP is soliciting comments concerning the following information collection:

Title: Deferral of Duty on Large Yachts Imported for Sale.

OMB Number: 1651-0080.

Abstract: This collection of information is required to ensure compliance with 19 U.S.C. 1484b which provides that an otherwise dutiable yacht that exceeds 79 feet in length, is used primarily for recreation or pleasure, and had been previously sold to a manufacturer or dealer to a retail customer, may be imported without the payment of duty if the yacht is imported with the intention to offer for sale at a boat show in the United States. The statute provides for the deferral of payment of duty until the yacht is sold but specifies that the duty deferral period may not exceed 6 months. This collection of information is provided for by 19 CFR 4.94a which requires the submission of information to CBP such as the name and address of the owner of the yacht, the dates of cruising in the waters of the United States, information about the yacht, and the ports of arrival and departure.

Action: CBP proposes to extend the expiration date of this information collection with no change to the estimated burden hours or to the information collected.

Type of Review: Extension (with no change).

Affected Public: Businesses and Individuals.

Estimated Number of Respondents: 50.

Estimated Number of Total Annual Responses: 50.

Estimated Time per Response: 1 hour.

Estimated Total Annual Burden Hours: 50.

Dated: February 24, 2016.

Tracey Denning,
Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2016-04747 Filed 3-2-16; 8:45 am]

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