

**OFFICE OF HISTORIC PRESERVATION
DEPARTMENT OF PARKS AND RECREATION**

P.O. BOX 942896
SACRAMENTO, CA 94296-0001
(916) 653-6624 Fax: (916) 653-9824
calshpo@parks.ca.gov



February 24, 2010

Randall Cooper
City of Fresno, Recreation and Community Services
2600 Fresno Street
Fresno, California 93721

RE: National Register of Historic Places Nomination for Fulton Mall

Dear Mr. Cooper:

I am pleased to inform you that the State Historical Resources Commission (SHRC) intends to consider and take action on the nomination of the above named property to the National Register of Historic Places (National Register). Details regarding the meeting are enclosed. The National Register is the United States' official list of historic properties worthy of preservation. Listing in the National Register provides recognition and assists in preserving California's heritage. Listing in the National Register assures review of federal projects that might adversely affect the character of the historic property. In addition, as of January 1, 1993, all National Register properties are now automatically listed in the California Register of Historical Resources (California Register) and afforded consideration during the State (CEQA) environmental review process. This includes properties formally determined eligible for the National Register. Listing in the National Register does not mean that the federal or state government will attach restrictive covenants to the property or try to acquire it. Public visitation rights are not required of owners. National Register listed properties may qualify for state and federal benefits. Additional information may be found at our website at www.ohp.parks.ca.gov.

You are invited to attend the SHRC meeting at which the nomination will be considered and acted upon by the SHRC. Written comments regarding the nomination may be submitted to California State Parks, Attn: Office of Historic Preservation, Milford Wayne Donaldson, FAIA, State Historic Preservation Officer, P.O. Box 94296, Sacramento, California 94296-0001. So that the SHRC may have adequate time to consider the comments, it is requested, but not required, that written comments be received by the Office of Historic Preservation fifteen (15) days in advance of the SHRC's meeting.

An electronic copy of the nomination is available in PDF format on our website at http://www.ohp.parks.ca.gov/?page_id=24368. Should you require a hard copy or have questions, please contact the Registration Unit at (916) 653-6624.

Sincerely,

A handwritten signature in black ink that reads "Milford Wayne Donaldson". The signature is written in a cursive style and is positioned above the typed name and title.

Milford Wayne Donaldson, FAIA
State Historic Preservation Officer

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MEETING NOTICE

FOR: State Historical Resources Commission Quarterly Meeting

DATE: April 30, 2010

TIME: 9:00 A.M.

PLACE: Historic City Hall
Historic Hearing Room
915 I Street, 2nd Floor
Sacramento, California 95814

This room is accessible to people with disabilities. Questions regarding the meeting should be directed to the Registration Unit (916) 653-6624

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**National Register of Historic Places Fact Sheet**

The National Register of Historic Places is the nation's official list of buildings, structures, objects, sites, and districts worthy of preservation. The National Register was established by the National Historic Preservation Act of 1966. The purposes of the Act are: to insure that properties significant in national, state, and local history are considered in the planning of federal undertakings; and to encourage historic preservation initiatives by state and local governments and the private sector.

The following benefits are associated with National Register listing:

1. Listed properties may use the State Historic Building Code, a more flexible alternative to the Uniform Building Code. The use of this code may save owners money when repairing or rehabilitating their properties.
2. Under the Tax Reform Act of 1986, a privately owned building that is listed in the National Register or is a contributing building in a National Register historic district may be eligible for a 20% federal income investment tax credit based on the costs of a qualified rehabilitation of the building. These credits apply only to income-producing, depreciable properties, including residential rental properties. The credits do not apply to owner-occupied residential properties. Plans for the rehabilitation are reviewed by the State Historic Preservation Office and the National Park Service, and work on the building must meet federal rehabilitation standards.
3. The Tax Treatment Extension Act of 1980 provides federal tax deductions for preservation easements that result in a decline of fair market value, when conservation restrictions are placed on the property by the owner.
4. All properties and districts listed in or eligible for listing in the National Register are considered in the planning of federal undertakings such as highway construction and Community Development Block Grant projects. "Federal undertakings" also include activities sponsored by state or local governments or private entities if they are licensed or partially funded by the federal government. "Federal undertakings" do not include loans made by banks insured by the FDIC or federal farm subsidies. National Register listing does not provide absolute protection from federal actions that may affect the property. It means that if a federal undertaking is in conflict with the preservation of a National Register property, the California Office of Historic Preservation will negotiate with the responsible federal agency in an effort to eliminate, minimize, or otherwise take into account the undertaking's effect on the historic property. This review procedure applies to properties that are determined eligible for the National Register in the day-to-day environmental review process, as well as those actually listed in the National Register.
5. In California, a local tax assessor may enter into contracts with property owners for property tax reductions through the Mills Act.
6. Qualification for grants when funds are available.

7. Listed properties are recognized for their architectural or historic worth, an intangible benefit that is nonetheless valuable. Listing in the Register is primarily an honor, meaning that a property has been researched and evaluated according to established procedures and determined to be worthy of preservation.
8. Properties listed in, or officially determined eligible for listing in the National Register are automatically listed in the California Register of Historical Resources.

The following may sometimes be regarded as restrictions on National Register listed properties:

1. A project receiving federal assistance such as Community Development Block Grant funds must be reviewed by the Office of Historic Preservation to determine and hopefully avoid or lessen any potentially adverse effects on National Register properties. Any work undertaken using federal funds must generally use the Secretary of the Interior's Standards for Rehabilitation Projects. Please note, however, that if a property is not listed, but is eligible for listing, the same requirements apply. In other words, actual listing does not increase the owner's responsibility under the law.
2. If a project is subject to the California Environmental Quality Act (CEQA), then the National Register designation of a property (or the determination of its eligibility) would indicate its significance and the need to take into account any effects of the project on the property. Note - this is not necessarily a drawback, depending on the point of view of the owner/local agency. Note also that significance can also be evidenced by other state or local designation, surveys, or other professional evaluation.
3. A local agency **may** tie listing in the National Register to restrictions imposed locally, such as design review. This does not come automatically with listing, however, but must come about as a result of separate local action. Check with your local government.
4. If a property is listed in the National Register, either individually or as a contributor in a National Register district, the owner may not take the 10% federal investment tax credit available for rehabilitation projects on commercial buildings constructed prior to 1936. By following the Secretary of the Interior's Standards, however, the owner may take the 20% tax credit.
5. Proposals to demolish or significantly alter a National Register property damaged in an earthquake or other natural disaster may be subject to review by the Office of Historic Preservation. (See Section 5028 of the Public Resources Code.)

There are some common misconceptions about the implications of listing:

1. It is not true that the federal, state, or local government assumes any property rights in the building as a result of listing. Owners are not required to open their homes to the public. If a project is not subject to CEQA, to local preservation ordinances, or to the other environmental regulations outlined above, owners are free to make changes to their property. It is possible that the property could be so altered, however, that it would be removed from the Register.
2. Unfortunately, it is also not true that there are large sums of money available to assist owners and local agencies in rehabilitating National Register properties. Funds are very limited, with the federal tax credits being the most generally available financial assistance.

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**NATIONAL REGISTER OF HISTORIC PLACES
HOW TO SUPPORT OR OBJECT TO LISTING**

Under federal law, a privately owned property may not be listed in the National Register over the objection of its owner or, in the case of a property with multiple owners, over the objection of a majority of owners. A district may not be listed in the National Register over the objection of a majority of owners of private property within the proposed district. Each owner or partial owner of private property has one vote regardless of what part of the property that person owns. Within a district, each owner has one vote regardless of how many buildings he or she owns.

If a majority of private property owners should object, the property or district will not be listed. However, in such cases, the State Historic Preservation Officer is required to submit the nomination to the Keeper of the National Register for a *determination of eligibility* for the National Register. If the property or district is determined *eligible* for listing, although not formally listed, it will be given the same protection as a listed property in the federal environmental review process. A property determined eligible for listing is not eligible for federal tax benefits until the objections are withdrawn and the property is actually listed. The laws and regulations regarding this process are covered in the National Historic Preservation Act Amendments of 1980 and in 36 CFR (Code of Federal Regulations), Part 60.

Supporting a National Register Nomination:

Private owners who seek National Register listing for their properties are not required to submit statements of concurrence. However, letters of support, from owners or any others, are welcomed and become a permanent part of the nomination file.

Objecting to a National Register Nomination:

If you object to the listing of your property, you will need to submit a notarized statement certifying that you are the sole or partial owner of the property, as appropriate, and that you object to the listing. Owners who wish to object are encouraged to submit statements of objection prior to the meeting of the State Historical Resources Commission at which the nomination is being considered. However, statements of objection may be submitted and will be counted up until the actual date of listing. Listing usually takes place 45 days after the nomination is mailed to the Keeper of the National Register following the State Historical Resources Commission meeting.

Send letters of support or objection to:

State Historic Preservation Officer
Office of Historic Preservation
P.O. Box 942896
Sacramento, CA 94296-0001