



PRESERVATION MATTERS

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Inside this issue:

Project Review: Forging Partnerships: Working with Tribal People	3 & 5
Local Government: One Size Does <u>Not</u> Fit all	4-5
New Developments in Heritage Tourism	6
CHRIS Fees	7-8
New Listings on the Registers	8-11
State Historic Preservation Grant Projects Buried in Deep Freeze	12
Architectural Review: The 1978 Solar Rights Act & Historic Resources	13-14
Upcoming Events	15

Countering the Dead Architects' Society

Milford Wayne Donaldson, FAIA

As members of the California historic preservation community know only too well, the National Park Service (NPS), the ultimate arbiter in the process of deciding which properties are accepted onto the National Register of Historic Places (National Register), has a long-standing policy that excludes properties associated with living persons. This prohibition is based on two major concerns: 1) that the person's active career was not over, so their achievements could not be evaluated in a fully-developed historic context; and 2) that instead of objectively recognizing and protecting the built environment, the National Register could become a means of honoring living individuals or of advertising or endorsing their work.

It is not difficult, however, to mount rebuttals to the foregoing concerns. Regardless of their profession, creative people don't retire. In addition, from a scholarly perspective, the test should be whether sufficient time has elapsed to assess both an artist's field and his or her contribution from an historic perspective; not death or retirement. Certainly by time a person's work can be considered significant for purposes of National Register eligibility, his reputation is already assured by awards, exhibitions, and scholarly evaluations. It thus seems unlikely that listing on the National Register could make much of an economic difference.

Exceptions to the exclusion of living persons have, however, been accepted by the National Register under some circumstances when specific requisites are met, usually a combination of the following factors:

- * The individual's productive career was effectively concluded;
- * The individual's career had been broken into phases by scholarly recognition, for early phases of work or for ultimate, culminating, and universally-recognized works;



Sam Maloof's Workshop, part of the Maloof Compound, San Bernardino County

- * The property has some significant association with different themes or contexts not directly associated with the living individual; and
- * The property's association with a specific individual rather than an active firm.

I had the pleasure of participating in a Preserve America Summit panel in Washington, DC sponsored by the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers (NCSHPO) in September of 2006 with the provocative focus: *Determining What's Important*. The group was highly diverse, representing a number of disciplines. There was universal agreement among panel members that the National Register needs to become more representative of the American people. Living persons credited with designing these eligible properties should be treated as "living treasures" as they are in many other countries. We also agreed on

(Continued on page 2)

Countering the Dead Architects' Society (Continued)

(Continued from page 1)



Architect Richard Neutra at the VDL Research House at Silver Lake, Los Angeles, designed by Neutra and son Dion

the need to rethink the dynamic evolution of many properties and the policy guidelines applicable to resources associated with living architects, designers, or other persons. Longer life spans have made the restrictions on listing properties associated with living architects and designers problematic in many cases. The design community currently acknowledges film, music, sculpture, architecture and other highly creative works of art not only of living persons but without reference to their long-term contributions.

Recent challenges for nomination to the National Register have been frustrating. The 1963 VDL Research House at Silver Lake, Los Angeles by Richard and Dion Neutra was returned by NPS because Dion is alive and continues to practice. The VDL Research House was listed by the World Monuments Watch as one of the 100 Most Endangered World Monuments in 2000.

The Sam Maloof Compound, constructed in 1956 in San Bernardino County, was returned by NPS because Sam Maloof is still producing his internationally-acclaimed woodworking and handcrafted furniture. Known as the designer of Jack Kennedy's rocking chair, his work can be seen in the American Craft Museum, the Boston Museum of Fine Art, the Metropolitan Museum, the Smithsonian's Renwick Gallery, the Vatican Museum, and the Whitney Museum of Art. One wonders why NPS would insist that the context for Maloof's work can't be determined until he retires.

The 1922 Dunes Residence in La Jolla, designed by Philip Barber, was purchased by actor Cliff

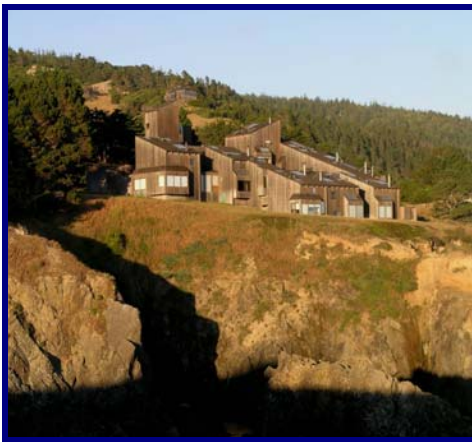
Robertson in 1963. As the property was associated with Robertson, who continues to act, most recently in the Spider Man movies, the nomination was doomed to rejection. Robertson became so frustrated with the process that he eventually withdrew the nomination.

The 1957 Smith & Williams office building at Fair Oaks Avenue in South Pasadena, upon which Landscape Architect Garrett Eckbo collaborated, was submitted for nomination but withdrawn by the applicant when it was discovered that Wayne Williams was alive and well and still practicing architecture.

The Office had one exceptional challenge. The 1964 Condominium I at The Sea Ranch was listed on the National Register in 2005. Although the four architects shared "one pencil," Donlyn Lyndon and Dick Whitaker are still practicing architects as well as teaching their designs. Charlie Moore passed away in 1993 and was followed by Bill Turnbull, Jr. in 1997. We talked with NPs to convince them that, as a group, the partners could never again produce architecture along Condo I lines, just as the surviving Beatles couldn't produce music such as the group had created when John Lennon and George Harrison were alive. This nomination was accepted by NPS, our only success to date.

When we drafted the California Register of Historical Resources, we eliminated the 50-year old cutoff and living person criterion to encourage a greater number of applicants. Our State Register is working well.

I would like to hear your thoughts.



Condominium I, The Sea Ranch, Sonoma County, designed by Moore, Turnbull, Lyndon & Whitaker

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Project Review: Forging Partnerships - Working with Tribal People

Cheryl Foster-Curley

Federal Land Managers are required by the National Historic Preservation Act and its implementing regulations codified at 36 CFR 800 to "...coordinate and consult with tribal governments" on any undertakings that have the potential to affect cultural resources. Often, it is part of the mission of federal agencies to include Native Americans in land management activities, and many tribal entities have made it plain that if something is going on out there, they not only want a chance to have a voice, but would like an opportunity to be involved in the actual process. Most land managers recognize the need for early and continued consultation with tribal governments, not only to comply with the law, but to do what's best for the resource itself. Tribal organizations have become more involved in the management of all resources on federal lands, as evidenced by Tribal fire and timber stand improvement crews. Recently, however, tribes have begun to take an active role in managing what they consider to be uniquely their resource, created by their ancestors, but under the administration of the federal government. In doing so, they not only have a chance to see exactly what cultural resource management (CRM) means, but to take part in insuring the protection and preservation of such resources.

Thus, to include tribes in cultural resource management is not only a necessity, but takes a concerted effort to engage tribes and provide opportunities for them to participate. In keeping with this idea, the Bureau of Land Management has actively sought out the use of tribal people to help complete cultural resource work. Typically, federal land managers are working with small budgets (and staff) that do not allow for extra expenditures. Most of the cultural/ heritage work done by the federal government is tied to an undertaking. The more undertakings or projects an office completes, the more need there is for cultural resource investigations. Using tribal people to assist in these undertakings not only makes sense, but has proven to be highly successful. Under the auspices of the California Indian Forestry and Fire Management Council's (CIFFMC) certified archaeological surveyor's training program, Native Americans have been trained to do basic CRM work under the guidance of federal archaeologists. Once trained, native peoples can assist on projects such as fire line construction, survey in burned areas to identify resources, or, as in the case of the BLM Alturas Field office, complete cultural resource surveys in areas the

tribe considers to be traditionally significant properties.

In 2007, members of the Pit River Tribe of north-eastern California assisted the BLM Alturas Field office archaeologist in completing survey of the Yankee Jim Ranch, a National Register of Historic Places (NRHP) eligible property that contains both historic and prehistoric resources. Tribal members were very concerned with the management of the property, which some could recall visiting as children to hunt marmots and gather *ba'ja*, an important root crop. Working with the Alturas archaeologist, tribal members recorded over 20 prehistoric sites and completed test excavations that would assist in the nomination of the property to the NRHP.

Once the survey and test excavations were completed at Yankee Jim, tribal members assisted the field office archaeologist in completing an inventory of rangeland allotments, a requirement under BLM's Protocol Agreement. Using tribal members to survey high priority allotments enabled the field office to complete more than 2,000 acres of survey, a task that would have been impossible using only one field office archaeologist. Pit River tribal members learned to systematically survey parcels of land to ensure complete coverage and to identify and accurately record sites. More importantly however, was the exchange of information between tribal members and the field office archaeologist on topics such as the various aspects of tool use and manufacture, as well as different gathering techniques that were culturally important to the Tribe.

Partnerships such as these will become more and more commonplace as federal budgets continue to shrink. In understaffed offices, the use of archaeological contractors has become the norm. The money spent on contractor's fees is typically very high, due to the large overhead that CRM companies have. Items such as putting crews up in motels and traveling long distances to get to the job site

(Continued on page 5)



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**Historic Ranch House at
Yankee Jim Ranch,
Alturas, California**

Local Government: Local Preservation Ordinances: One Size Does Not Fit All

Lucinda Woodward

An effective and well balanced local historic preservation program is one that includes both regulatory and non-regulatory techniques, all aimed at protecting historic resources in a comprehensive manner. The purpose of the historic preservation ordinance is to provide the regulatory and legal framework for protection. Early-day historic preservation programs were often informal, limited to honorific designations, and administered by community historical organizations. However, the passage of the National Historic Preservation Act in 1966 nudged preservation programs into local land use planning programs, making it essential that local governments provide consideration and protection of historic properties in a manner that is legally defensible. Specifically, it states

The Congress finds and declares that the historical and cultural foundations of the nation should be preserved as a living part of our community and development in order to give a sense of orientation to the American people. (Section 1(b) (16 U. S. C. 470))

One of the questions frequently asked of the Local Government Unit is, Do you have a model historic preservation ordinance? The simple answer is No! California has 480 incorporated cities and 58 counties, each with its own culture and personality; to presume that a one-size-fits-all ordinance exists would be a disservice to local governments. The ordinance should be prepared to meet the needs of the community; the community should not be forced into a model that doesn't work for it..

Keep in mind that adopting new ordinances and amending existing ones occur within a political arena; the final decision is made by the City Council or the Board of Supervisors. Hot button issues continue to exist which at times are the subject for public debate. Whether owner consent is required to designate a property remains a topic of heated discussion in some communities. Other issues include demolition and whether the local government can deny such a request or merely delay it; staff level review versus review by the full commission; review of interiors; review of infill projects in historic areas; and how to approach archeological properties.

Acknowledging these issues, several years ago the Office of Historic Preservation contracted with Clarion Associates of Denver, Colorado to prepare guidance that would be relevant to all of California's local governments. The result was one of OHP's most ambitious publications, *Drafting Effective Historic Preservation Ordinances: a Manual for California's Local Gov-*

ernments. The manual identifies significant issues that all communities must address when preparing or revising an ordinance. The publication's table of contents effectively serves as an outline for the various sections that should appear in an ordinance. Each chapter is set up like a restaurant menu where the diner has choices: Ham or pastrami, macaroni or potato? By working through the menu of choices presented in each chapter, a local government has the opportunity to craft an ordinance that is tailor-made to fit.

Following are the key elements every local government should consider including in an ordinance:

- * **Purpose:** What are the local preservation goals? What resources should be protected? How should the ordinance be administered and enforced?
- * **Enabling Authority:** What is the local government authority available to adopt a preservation ordinance? In California, local governments have broad authority to adopt preservation ordinances as part of their police power established in the state constitution and specific state statutes.
- * **Establishment of the Preservation Commission:** What entity will administer and enforce the ordinance? What are their responsibilities? Are they advisory to another body or do they have authority to make decisions? Are professional qualifications required?
- * **Procedures and Criteria for Designation of Historical Resources:** What types of resources will be protected, and how? Will districts be considered as well as individual properties? Are archeological resources included in the ordinance? What are the criteria for designation?
- * **Procedures and Criteria for Actions Subject to Review:** What activities will be regulated that could affect historic resources? Typically, rehabilitation, demolition, and relocation are included. What about new construction and infill in historic areas? Can the local government refuse to allow the demolition of a historic property, or just delay the action?

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(Continued on page 5)

Local Government: Local Preservation Ordinances—One Size Does Not Fit All (Cont.)

(Continued from page 4)

- * **Consideration of Economic Effect of Designation or Review of Action:** To provide a “safety-valve” it is important to include a procedure that allows a property owner to demonstrate that in some cases enforcement of the ordinance would constitute an extreme economic hardship.
- * **Appeals:** How are decisions appealed and to whom? An appeals process provides an administrative resolution to claims that might otherwise end up in court.
- * **Enforcement:** How will provisions in the ordinance be enforced? Are there any teeth?
- * **Definitions:** This is one of the most important parts of the ordinance and this section should not be underestimated. For example, What constitutes a demolition? or What is a major alteration? Good decisions are needed to sustain judicial challenge. It is a good idea to use terms shared by the National Register, the California Register, and CEQA to promote better understanding.

- * **Severability:** It is important that if for any reason a section of the ordinance is found to be invalid, that such a decision does not affect the validity of the remaining sections.

Obviously, this guidance is of great use to communities already in the process of revising or amending their existing ordinance as well as those just at the beginning stages of setting up a local preservation program. It is a very good idea, however, for all local governments to periodically run a diagnostic check-up to determine if their ordinance still meets the needs of the community or whether a tune-up is called for.

For more information about historic preservation ordinances, visit our website at http://ohp.parks.ca.gov/?page_id=1243, or contact the Local Government Unit staff .

Project Review: Forging Partnerships - Working with Tribal People (Cont)

(Continued from page 3)

creates a higher cost per acre in survey, or per hour in test excavations. When you include administrative fees, office rentals, photocopying and binding services, CRM companies are reluctant to take on jobs lacking large budgets. Using Native crews will enable federal land managers to accomplish more with smaller budgets because there are typically no costs associated with these items. Native people and office archaeologists generally live in the federally managed areas, binding and photocopying costs can be borne by the federal office, and transportation to the work site can also be accomplished by the federal land manager.

But perhaps more important than the cost savings to the federal government is the economic effect such projects have for the tribes. Many tribes live in rural areas such as Alturas, where jobs are typically hard to come by, especially those paying more than minimum wage. By engaging tribes in CRM work, the federal government can assist tribal members in attaining better living standards through work that is not only meaningful but spiritually and culturally important. Last, but certainly not least, the trust building and information exchange that utilizing Native crews engenders, creates better relationships between federal land managers and Tribes. Through such activities, Tribal members begin to believe that

they do have a voice, and that their resources will be protected.

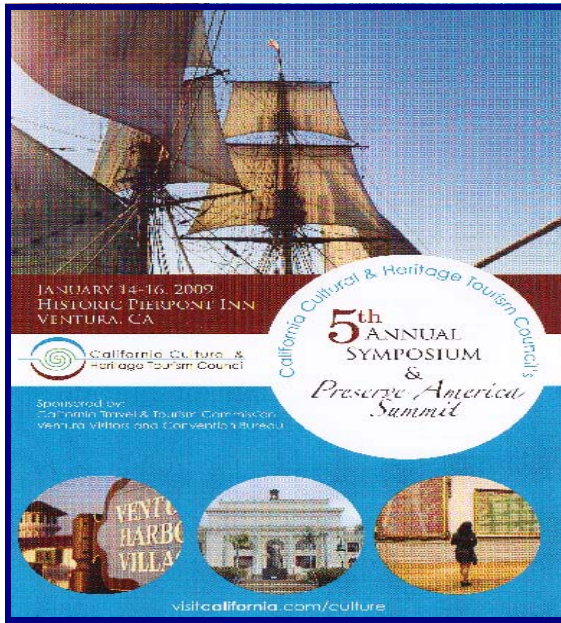
Note: Cheryl Foster-Curley is an Associate State Archaeologist in the Project Review Unit of the Office of Historic Preservation. Before coming to the OHP, Cheryl was the Field Office Archaeologist in the California Bureau of Land Management’s Alturas Field Office. During her time in Alturas, she was committed to motivating tribes to participate in all aspects of Federal Land Management.



Tribal members from the Yurok, Maidu, Pit River and Karuk tribes participate in CIFFMC training

New Developments in Heritage Tourism

Stephen Mikesell



For years, historic preservationists have discussed the value and need for heritage tourism but have had difficulty figuring out how to get started in promoting the idea. I have long maintained that tourism people and heritage people speak very different languages and what is needed is a bi-lingual interpreter, who can help the two groups communicate with one another.

There are two interesting organizations that hold promise for bridging this gap: the California Cultural and Heritage Tourism Council and Heritage Travel, Inc.

The California Cultural and Heritage Tourism Council is a consortium of federal, state, and local organizations that have some interest in the general field of heritage tourism, including State Parks, the National Park Service, Forest Service, the Bureau of Land Management, as well as many local tourism bureaus and arts councils. The Council has sponsored five annual symposia, focused on the nitty-gritty of developing a tourism program based around history and the arts. The most recent symposium was held on January 14-16, 2009 in Ventura. The attendees at these symposia chiefly represent the tourism industry, although preservationists are also well-represented. The symposia form a very valuable forum for preservationists and tourism professionals to explore the details of actually managing a heritage tourism program, particularly at the local level.

Heritage Travel, Inc. is a brand-new organization, a for-profit arm of the National Trust for Historic Preservation that will be launching its marketing program in the spring of 2009. The OHP has learned little about this program beyond what is available on line at <http://www.heritagetravelinc.com/>. The website includes a very informative video, narrated by John Williams, the CEO of this National Trust subsidiary. It appears that the company will serve as an on-line broker between the providers of heritage services (owners of historic hotels, historic restaurants, and the like), and the heritage traveler who wants a dependable guide to authentic historic properties. It is not clear how the business will actually operate but it is likely that providers will pay a fee for the services of the company, but not users.

The National Trust subsidiary holds promise for filling an important niche in heritage tourism, which is a service to ensure the historic experience is authentic. One hopes that the National Trust will “vet” the heritage providers to ensure that the products – the buildings, districts or sites – have historic integrity and authenticity. The Trust has provided this service in its Historic Hotels of America program, certifying that each hotel being listed is actually historic.

The need for quality control has hampered the effectiveness of many local heritage tourism programs, chiefly because tourism bureaus generally lack the expertise to distinguish between authentic and inauthentic historic resources. Historic preservationists can and should play this role at the local level, working with their local convention and visitors bureaus, which have marketing savvy and money but not the expertise to certify historic authenticity. The California Cultural & Heritage Tourism Council and Heritage Travel, Inc. demonstrate that it is possible for preservationists and tourism officials to cooperate in a way that benefits the economic vitality of historic buildings and areas. Local preservationists and tourism officials could learn from these groups about how better to cooperate in heritage tourism at the local level, which is where good preservation and good marketing most commonly take place.

CHRIS Fees for Electronic Products and Services

Leigh Jordan, Coordinator, Northwest Information Center and Eric Allison

An Introduction to CHRIS in Volume 1, Issue 3 introduced you to the California Historical Resources Information System (CHRIS). In this and succeeding issues, we hope to provide you with focused insights into other CHRIS program areas, services, plans, and issues. Currently, for both OHP and the Information Centers (ICs), the most pressing issue continues to be how to make the shift from a paper-based to an electronic-based information management system.

Over the past 34 years, the Information Centers and OHP have managed and provided access to an ever increasing volume of documents that comprise California's inventory of historical resources (the Inventory). Accompanying this huge and continuously growing Inventory is the trend in modern regulatory practices to require increased accuracy of this information and increased speed in its retrieval. Although OHP and the ICs have been using database technology for decades, use was generally limited to bibliographic and encoded resource data. The large majority of the Inventory consisted of paper documents and maps. Following a 1994 CHRIS meeting in Santa Barbara that focused on the use of Geographic Information System (GIS) technology, IC and OHP staffs have made determined efforts to convert from the labor-intensive paper-based Inventory to electronic methods of storage, management, and retrieval.

Several ICs and OHP have converted all or part of their inventory information into electronic format. Once the ICs reached the level where they could potentially provide this information to their clients, it became apparent that applying an hourly rate for IC services would no longer produce adequate revenues once the speedy GIS was operational. Several ICs developed their own fee structures to begin to address this issue, but there was no standard fee structure for use with electronic products. Therefore, beginning in 2006, the Northwest Information Center (NWIC) took the lead to define a workable electronic fee structure for all ICs. The Results Group was hired to guide the participating CHRIS members toward identifying a "draft" electronic fee structure that could operate during a trial period. The goal of this effort was to create a new electronic fee structure that duplicated revenue totals for the ICs that were as close as possible to those generated under the 2006 hourly rate. Answers to time and cost questions from many of the ICs were compiled with information from the South Coastal Information Center (SCIC), which already operated in an electronic format. The pilot electronic rate includes the elements of time and pages (currently used in the paper-based CHRIS fee schedule), but introduces additional price points based on the amount and type of elec-

tronic information. These additional price points were included to offset the decrease in mapping/copying time afforded by the electronic system.

Three ICs participated in a trial of an initial electronic fee structure: NWIC, SCIC, and Northeast IC (NEIC). To test this model, the NWIC completed the same set of fifty searches in both paper and electronic formats, applying both the paper-based and trial electronic fee structures. Meanwhile, the SCIC tested the trial fee structure by conducting fifty electronic records searches and applying their independently developed fee structure and the trial fee structure, producing two sets of fee results. The NWIC results showed that, with adjustments to the price points, the paper-based and electronic fees both produced similar totals. At SCIC, in some cases, however, the existing SCIC electronic fee structure, which had been tailored to suit their revenue needs, and the Trial Electronic Fee Structure produced divergent totals when applied to the same records search. These disparate examples correlated to records searches of large areas or located in urban settings. On those occasions, totals derived from the SCIC-developed fees were significantly lower than those produced by the Trial Electronic Fee Structure. To test whether the SCIC-developed fees would function system-wide, the NWIC applied the SCIC fees to the same fifty records searches that were used earlier by NWIC to compare the paper-based fees to the Trial Electronic Fee Structure. The SCIC electronic fee structure accounted for only a 70% revenue recovery. A 30% drop in income for the other ICs was deemed unsustainable.

After The Results Group compiled the outcomes of the trials as well as information from several telephone discussions, the Trial Electronic Fee Structure was reconfigured and the Recommended Electronic Fee Structure was approved by the State Historical Resources Commission (SHRC) in November of 2007, to be implemented in January 2008, with a trial period to continue through December 2009. Later changes to this fee structure were developed because the structure had produced significant increases to fees at certain ICs. The changes were approved by the SHRC in July 2008. The current electronic rate schedule may be found at http://www.ohp.parks.ca.gov/?page_id=1068. More information on the evaluation and any further adjustments to the fee schedule will also be posted on OHP's website.

Although the evaluation period is only halfway over, several issues that will potentially affect the fee structure have been identified:

- * Each IC has its own set of operating costs (e.g. variable rent, utility, various administrative charges), resulting in widely varying "overhead."

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CHRIS Fees for Electronic Products and Services (Cont.)

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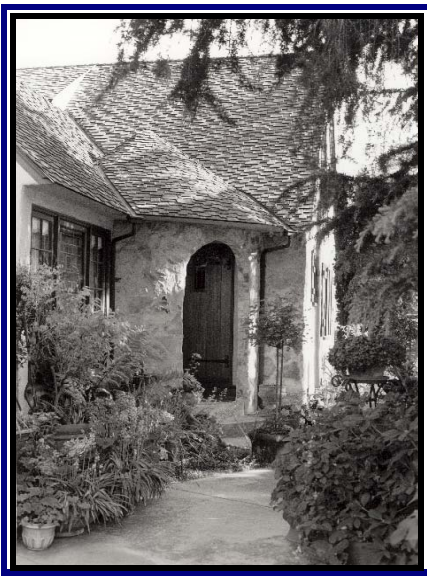
- * Employee pay rates at the ICs are not standardized, in part because IC employees work directly for the IC host institutions, not for the CHRIS or OHP. Therefore, the cost of the same tasks (e.g. records processing, records searches, document scanning) will vary from IC to IC.
- * The process of moving from a largely paper-based workflow to an electronic one is full of choices for each IC. These choices affect the costs of the paper to electronic conversion, the time it takes to convert all or most of the IC information to electronic format, and even the likelihood of successful conversion and ongoing use of the converted information.
- * The ICs each have different amounts of income in proportion to their expenses. As new fees are evaluated, these differences

come to the forefront. They present challenges to establishing fees that do not overcharge IC customers but produce enough income at each IC to remain operational and cover IC costs for ongoing paper-to-digital conversion.

Although the electronic fee evaluation period ends in December 2009, the process of converting the Inventory to electronic format will take much longer. Through a process of trial-and-error, dialogue and partnerships with other entities that have had to deal with similar conversion processes, and focused effort, the CHRIS hopes to improve the quality, quantity, and overall availability of its electronic data, while charging fair but adequate fees. The end result will be an overall improvement in CHRIS customer service and satisfaction, which will benefit the management of historical resources in California.

New Listings on the National Register of Historic Places

**Earl and Virginia Young House,
Campbell, Santa Clara County,
Listed January 8, 2009**



The **Earl and Virginia Young House** was listed in the National Register under Criterion C at the local level of significance in the area of architecture. The Tudor Revival house, constructed in 1928, is covered by steeply pitched gable roofs. A capped turret accent the recessed entry of the arched front door. The stone corners appear to emerge from beneath the heavily textured stucco while a prominent chimney pot emerges from the massive, brick-cap fireplace to further enhance the skyline of the roof profile. Included within the boundary is a contributing detached garage that echoes the house in style and material. The property also meets Criterion Consideration B, Moved Properties. When zoning changed from 'agriculture' to 'planned-development' threatened the property, moving became the only way to save the house, which had previously received Santa Clara County historic designation. The house and garage were relocated 700 feet to the west on the same lot in 1981.

New National Register Listings (Continued)

**Philomathean Clubhouse,
Stockton, San Joaquin County,
Listed January 5, 2009**



The **Philomathean Clubhouse** was listed in the National Register under Criterion A in the areas of social history and women's history for associations with the larger "Women's Club Movement" in America that proliferated between the Civil War and World War II. The Club was devoted to the "promotion of study, the cultivation of literary tastes and the encouragement of freedom in discussion." The Stockton club extended its studies to civic affairs and to concerns of community welfare and betterment, although it never lost sight of their original purpose of learning. Regular club activities related to music, art, history and literature continued. The Philomathean Clubhouse is also nominated under Criterion C in the area of architecture as an example of Craftsman style architecture.

**Pasadena Arroyo Parks & Recreation District,
Pasadena, Los Angeles County,
Listed November 10, 2008**



The **Pasadena Arroyo Parks and Recreation District** contains 25 contributing building sites, and structures and 57 non-contributing buildings sites, and structure within the entire 700-acre district. Three contributing elements, Rose Bowl Stadium, the Colorado Street and the La Loma bridges, were previously listed on the National Register and the Rose Bowl Stadium is also a National Historic Landmark. Pasadena Arroyo Parks & Recreation District was listed in the National Register at the local level of significance under Criterion A in the areas of entertainment and recreation for its association with the development of Pasadena as a recreational mecca. The parks and recreation facilities and the public open space in the District remain Pasadena's most prized and enviable recreational and natural resources.

**Monterey County Courthouse,
Salinas, Monterey County,
Listed January 8, 2009**



The **Monterey County Courthouse** was listed in the National Register under Criterion C for Architecture and Art at the local level of significance with a 1937 period of significance. The Monterey County Courthouse derives architectural significance as an excellent example of the WPA Moderne style. Identified by as "a perfect example, inside and out, of the WPA Moderne style of the 30s," the building unquestionably embodies the distinctive characteristics of the style through its monolithic form, symmetrical facades, simple lines, smooth-finished concrete surfaces, understated ornamentation, incorporated pilasters and square piers. The Monterey County Courthouse also derives significance in the area of Art from the numerous sculptures, carved bas-reliefs, and travertine marble panels that decorate the building and depict the history of Monterey County. The building is the product of a true partnership between architect and artist.

New Listings on the California Register of Historical Resources

DDH-By-The-Sea, Carmel-by-the-Sea
Monterey County, Listed November 7, 2008



DDH-By-The-Sea was listed in the California Register under Criterion 3 at the local level of significance in the area of architecture as an excellent example of the English Arts and Crafts style of architecture, a 1930s revival style based on medieval English cottage architecture. DDH-By-The-Sea was executed in an individualistic manner, combining both Carmel's strong Arts & Crafts building tradition and to the architectural revivalism that coincided with Carmel's advancement as an important summer home location in the 1930s.

Edson House, North Tustin
Orange County, Listed November 7, 2008



The **Edson House** was listed in the California Register under Criterion 3 in the area of architecture as an excellent example of the Spanish Colonial Revival style. Edson House exhibits numerous character defining features of the Spanish Colonial Revival style, including an asymmetrical shape with horizontal massing, cross gable, low-pitched roof with narrow eaves, stucco walls and chimney finishes, arcade walkways, walled courtyards, cast stonework, patterned tile floors and wall surfaces, balconies, extensive wrought iron trim, and wood casement windows.

Central Fire Station, Riverside
Riverside County, Listed November 7, 2008



The **Central Fire Station** was listed in the California Register under Criterion 3 at the local level of significance as an excellent example of the International style applied to an institutional building. The Central Fire Station exhibits the character-defining features of the International style particularly in the deconstruction of the building's functions into interesting geometric forms, horizontal bands of windows, use of brick and smooth plaster to define space, and the pilotis-supported overhangs for the upper floors and balconies.

New Listings on the California Register of Historical Resources

(Continued)

Driftwood Drive-Thru Dairy, El Monte
Los Angeles County
 determined eligible for listing **November 7, 2008**



The **Driftwood Drive-Thru Dairy** was determined eligible for listing under Criterion 3 in the context of roadside architecture and the Space Age style. It is significant at the local level as an outstanding example of a Space Age style drive-through dairy. Completed in 1961, the property is just shy of achieving 50 years of age, the requisite age normally required for landmark listing. In this case, however, sufficient time has passed to understand the property's historical importance because of the growing body of scholarly information on the evolution, impact and influence of the Gogie and Space Age style

New Designations as California Points of Historical Interest

Casita Flores, Santa Barbara, Santa Barbara County
 Designated **November 7, 2008**



The **Flores house (Casita)** was designated a California Point of Historical Interest because it is the last, only, and most historically significant property associated with the early descendants of the Flores Family, a Santa Barbara Mexican-American family important to the early history and culture of Santa Barbara. The house is the oldest and last remaining vestige of the ranch purchased by Leo and Barbara's grandfather Anastacio in 1869, portions of which, including the Casita, were owned by the Flores Family.

Olivina Gate and Winery Ruins, Livermore
Alameda County
 Designated **November 7, 2008**



Olivina Gate and Winery Ruins near Livermore consists of the Olivina Gate, a walnut tree-lined Allee, the Julius Paul Smith homesite complex and the Olivina Winery ruins, which include the main winery building and the brandy distillery. Livermore, with its favorable soils and climate, became a healthy contributor to California's wine industry in the late nineteenth century. Because it was also removed from Napa and Sonoma counties, it escaped the phylloxera disaster that destroyed the crops of Napa and Sonoma counties. The area's wine industry was prosperous until World War I. Olivina Gate and Winery Ruins is the most significant grouping of remaining structures related to a pre-prohibition winery in the Livermore area. The gate itself is also the oldest and most significant of such gates in Livermore. Its design influenced later winery gates.

State Historic Preservation Grant Projects Buried in Deep Freeze

Stede R. Craig, FAIA

A week before Christmas, the bad news flowed through State email channels that the remaining 24 active OHP historic preservation projects are now without State funding. State Grant Managers were informed via Budget Letter 08-33 that the Pool Money Investment Board had voted the previous day to freeze all bond-related payments, including those funded out of Propositions 12 and 40, such as the California Heritage Fund (CHF) Grant Program and the California Cultural and Historical Endowment. The little known Board funds bond programs and projects until bonds are sold. Unfortunately, the State's budget crisis has substantially reduced interest in acquiring California bonds, which caused the Board to run low on money, so funding of certain bond projects was halted.

While cognizant that the State was in a major budgetary crisis, we were not, however, aware that the situation would affect the small CHF grant program funded about eight years ago with \$8.5 million from Proposition 12 --- The Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000, within six months of completion! Apparently not all Prop 12 bonds were sold and the money remaining with the Board was needed for other critical state projects.

The remaining 24 active CHF grantees of the 51 original grant projects were quickly notified the same day and subsequently by several emails and a letter from Milford Wayne Donaldson, FAIA. Our grant projects were to be largely completed by March 1, 2009. Unspent grant funds were to revert to the Legislature after June 30, 2009. During the last several months, we had been actively encouraging our grantees to complete their projects and submit reimbursement billings for expenditures. This has been halted, unless the grantees are able to fund the work from non-State sources.

Some projects, such as the City of Oroville's exterior restoration of the downtown State Theater, will continue with city funds and a Save America's Treasures Grant from the National Park Service. The hope is that the State will eventually be able to reimburse grant project costs. A few projects are having a difficult time without State funds. The San Diego Historical Society has stopped repair work on the beautiful Villa Montezuma. It is easy to empathize with unhappy grantees.

The 24 active grant projects represent \$2,818,264 in unspent bond funds. Eight projects have actually completed project

work but have not yet submitted Completed Project and Final Reimbursement Requests. Another eight projects have more than 80% of work completed, and five projects have more than 50% of the work completed. However, three grant projects, now lacking both time and funding, may be left incomplete.



Oroville State Theatre

Compared to other bond programs and projects, the CHF grant program represents a minor dollar amount. Grantees have, for the most part, been moving ahead in good faith with work in progress and an executed Grant Contract to complete the projects on time. Funding the local projects will complete capital out-lay projects, preserve major California historic properties, and contribute to local economies by providing employment. To fail to fund these CHF grant projects to completion will place historic buildings at risk, raise issues about grant contracts, jeopardize professional working relationships, and make grantees vulnerable to threats of lawsuits and Mechanic's Liens from contractors. This is a regrettable situation for all concerned.

In the California state budget, the remaining unspent CHF Bond Grant funds are a very, very small amount of money, but to

release the funds would permit the completion and reimbursement of State funded work on significant California historic resources and projects.

Let's hope the freeze thaws soon, at least by Spring.



Villa Montezuma, San Diego

See http://ohp.parks.ca.gov/default.asp?page_id=1242 for more information about CHF grant program and projects.

Architectural Review: The 1978 California Solar Rights Act and Historic Resources

Mark Huck

This article is a condensed version of the article posted on the OHP web page and can be found at http://www.ohp.parks.ca.gov/?page_id=25664. Links to all the references made in the article can be found there.

There is renewed interest in solar energy equipment since the California Public Utilities Commission made \$2.2 billion available as installation rebates through the [California Solar Initiative](#). Cities are expecting an increase of permit applications for these installations. Building officials have been promising to expedite the review of these applications as a gesture towards the urgency regarding carbon footprint reduction. Several municipalities have asked how other jurisdictions are handling review of solar energy equipment installation in historic resources and districts.

The 1978 California Solar Rights Act

The Solar Rights Act of 1978 places limits on covenants, conditions and restrictions that unreasonably restrict solar installations, establishes the legal right to a solar easement, defines which solar energy systems are covered by its provisions, and limits local governments from adopting ordinances that would unreasonably restrict the use of solar energy systems. An excellent analysis of six key provisions of the Act was performed by the Energy Policy Initiatives Center, available on our web page.

The Solar Rights Act has several components. The California Civil Codes Sections 714 and 714.1 limits covenants, conditions, and restrictions to restrict solar installations and requires timely review. California Civil Code section 801 establishes the legal right to a solar easement. California Civil Code section 801.5 defines which solar energy systems are covered by its provisions. California Government Code section 65850.5 limits local government restrictions on solar installations and discourages local governments from adopting ordinances that would unreasonably restrict the use of solar energy systems. It also requires local governments to use a ministerial or administrative application review instead of a discretionary process.

Application of the Act

While it is popularly believed that the Solar Rights Act does not allow local prohibitions on solar cell installation based on "aesthetic considerations" among others, Civil Code Section 714 does allow covenants, conditions and restrictions (CC&Rs) to impose reasonable restrictions on solar energy systems. Reasonable restrictions include those that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance or allow for an alternative system of comparable cost, efficiency and energy conservation benefits. Civil Code Section 714(d)(1)(B) further defines reasonable restrictions as requirements imposed that do not exceed \$2000 in cost or decrease performance by more than 20%, in general.

Civil Code Section 714(e) provides that "whenever approval is required for the installation or use of a solar energy system, the application for approval shall be processed and approved by the appropriate approving entity in the same manner as an application for approval of an architectural modification to the property and shall not be willfully avoided or delayed." Thus, if applications for approval of an architectural modification to historic properties are submitted to a historic preservation commission, approval for a solar system shall also be submitted to a historic preservation commission. The review by a historic preservation commission "shall not be willfully avoided or delayed". The "reasonable" restrictions of Civil Code Section 714 would apply to the historic preservation commission's review.

Government Code Section 65850.5 (a) states that it is the intent of the Legislature that local governments not adopt ordinances that create unreasonable barriers to the installation of solar energy systems, including, but not limited to, design review for aesthetic purposes, and not unreasonably restrict the ability of homeowners and agricultural and business concerns to install solar energy systems. Review of the application to install a solar energy system shall be limited to the building official's review of whether it meets all health and safety requirements of local, state and federal law. If the building official has a good faith belief that the solar energy system could have a specific, adverse impact upon the public's health and safety, the applicant may be required to apply for a use permit. Application for a use permit may not be denied unless a written finding is made based upon substantial evidence in the record that that the proposed installation would have a specific, adverse impact upon the public health and safety, and there is no feasible method to satisfactorily mitigate or avoid

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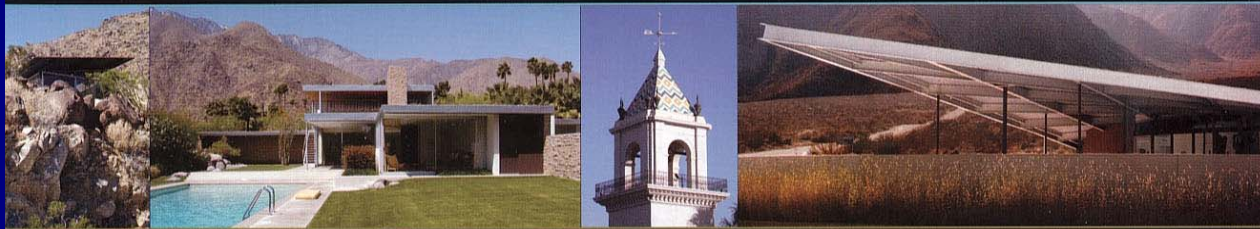
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The 1978 California Solar Rights Act & Historic Resources

(Continued from page 13)

the specific, adverse impact. These findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact.

A Suggested Basis for Review

Although Government Code 65850.5 states that an application for solar energy systems cannot be denied for other than health or safety reasons, the Act in its entirety, taking into consideration the Reasonableness Standard of Civil Code Section 714, does not appear to prohibit review or reasonable restrictions in the interest of historic preservation or preserving the integrity of historic resources during the appropriate permit reviewing process.

Historic preservation commissions should negotiate their authority to participate as part of the review process of solar energy systems on historic resources. Their review should be timely, even expedited, so as to not delay the permit process. Any recommendations to minimize damage to character-defining features or the integrity of the resource shall comply with the reasonableness limitations imposed by Civil Code Section 714. The review itself should be based on the Secretary of the Interior's Standards for Rehabilitation or locally adopted standards.

Preservationists, building officials, historic preservation commissions and homeowners should additionally focus on the language in Civil Code Section 714 that allows for an alternative system of comparable cost, efficiency and energy conservation benefits. The Sacramento Municipal Utility District (SMUD) is the first in California to offer "SolarShares" on a remote solar farm. Homeowners unable to install solar systems due to shade or a disadvantageous orientation can buy shares in a solar farm operated by SMUD. This alternative energy resource allows the historic building to remain untouched but still provides the benefits of solar energy production to the customer. The solar farm's capacity is currently 70% sold.

Use of these guidelines can allow a locality to retain review of solar equipment installation on historic structures while respecting the intent of the Solar Rights Act, to the benefit of both local historic resources and the community.

OHP is collecting examples of good and poor solar equipment installations on historic buildings. Examples can be sent to mhuck@parks.ca.gov.

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Preservation Matters is the quarterly newsletter of the California Office of Historic Preservation, California State Parks. If you have questions or comments about this newsletter, email preservationmatters@parks.ca.gov.

This publication is available in alternate format upon request.



The mission of the **Office of Historic Preservation (OHP)** and the **State Historical Resources Commission (SHRC)**, in partnership with the people of California and governmental agencies, is to preserve and enhance California's irreplaceable historic heritage as a matter of public interest so that its vital legacy of cultural, educational, recreational, aesthetic, economic, social, and environmental benefits will be maintained and enriched for present and future generations.

Upcoming Events in Historic Preservation

The **City of San Clemente** is sponsoring a series of workshops, funded in part by the National Park Service through their Office of Historic Preservation CLG Grant.

February 11, 2009, 7:00 p.m. at the Community Center: **Mills Act**

April 2, 2009, 6:30 p.m. at the Community Center:
Historic Preservation and Sustainability

May 11, 2009, 6:30 p.m. at the Community Center: **What Can and Can't I Do?**
(Applying the Secretary of the Interior's Standards on the Treatment of Historic Properties)

For exact locations and additional information, see http://www.ohp.parks.ca.gov/?page_id=24681

UC Davis is sponsoring a **Tasty Exploration of the Asian Lunar Year** with Culinary Historian and Asian Food Expert Thy Tran on **February 12, 2009** at the Barton Art Gallery, 1723 I Street, Sacramento at 6:15 p.m.. Price: \$45.00 per person. For additional information contact Kira O'Donnell, event coordinator at (530) 681-6412 or kdodonnell@ucdavis.edu

The **Society for California Archaeology** is holding its Annual Meeting **March 12-15, 2009** at the Doubletree Hotel in Modesto. For more information go to <http://www.scahome.org>.

The **LA Conservancy** is sponsoring a Self-Driving Tour, "**City of the Seekers: LA's Unique Spiritual Legacy**" on Saturday, **March 14, 2009**. For more information see <http://www.laconservancy.org/eventsmain.php4>

The California African American Museum is sponsoring a panel discussion **Living the Legacy/ Lessons Learned: A Dialogue with Black Panthers, Brown Berets and Community Activists** on Saturday, March 21, 2009 at 1:00 pm in Los Angeles. For more information, see <http://www.caamuseum.org>

The **Regular Quarterly Meeting of the State Historical Resources Commission** will be held in Palm Springs Wednesday, **April 15, 2009** and Thursday, **April 16, 2009**. For more information, see the OHP website at <http://www.ohp.parks.ca.gov>

California Preservation Foundation is holding its 34th Annual Conference: **The Culture of Leisure-Rethinking the California Dream** in Palm Springs, **April 16-19, 2009**. Make lodging reservations at the Hilton Palm Springs by March 15, 2009. For more information, see <http://www.california-preservation.org> or call (415) 495-0349.