



CITY OF POMONA COUNCIL REPORT

June 5, 2023

To: Honorable Mayor and Members of the City Council

From: James Makshanoff, City Manager

Submitted By: Anita D. Gutierrez, AICP, Development Services Director
Benita DeFrank, Neighborhood Services Director

**SUBJECT: APPROVAL OF AN AGREEMENT WITH THE CALIFORNIA OFFICE
OF HISTORIC PRESERVATION REGARDING REVIEW OF
PROPERTIES UNDER HOUSING AND URBAN DEVELOPMENT (HUD)
PART 58 PROGRAMS**

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- 1) Adopt the following resolution (Attachment No. 1);

**RESOLUTION NO. 2023-103 – A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF POMONA, CALIFORNIA, AUTHORIZING AN
AGREEMENT WITH THE CALIFORNIA OFFICE OF HISTORIC
PRESERVATION REGARDING REVIEW OF PROPERTIES UNDER
HOUSING AND URBAN DEVELOPMENT (HUD) PART 58 PROGRAMS**

- 2) Authorize the City Manager to execute the agreement.

EXECUTIVE SUMMARY:

The City of Pomona entered into an agreement (Attachment No. 2) with the California Office of Historic Preservation (OHP) and the State Historic Preservation Officer (SHPO) in 2013 to streamline the review of Federal housing programs through HUD. That agreement has expired, and the City and SHPO are proposing a new agreement (Attachment No. 3) to continue that streamlined review.

FISCAL IMPACT:

The fiscal impact for these reviews in FY 2022-23 is \$692.57, which Community Development Block Grant (CDGB) funding covers and is expended from account number 213-1315-51012-00000. Funding is expected to remain relatively stable in future years with continued funding from CDGB sources, budgeted in account 213-1315-51012-00000

PREVIOUS RELATED ACTION:

In 2013, the City entered into an agreement with the OHP and SHPO to allow for a streamlined review of HUD-funded programs. That agreement has expired.

DISCUSSION:

Section 106 of the National Historic Preservation Act of 1966 requires that any federal project and any project that uses federal funding is required to review the project to determine if the project will have adverse effects on historic resources. The Advisory Council on Historic Preservation has provided guidance for federal agencies to enter into agreements to delegate the review authority to local and state agencies. Under federal law, each state and tribal government has an Office of Historic Preservation, which has the responsibility to carry out the National Historic Preservation Act. In California, that responsibility is under the purview of the OHP and SHPO.

Due to the complexity and diversity of programs administered under the Department of Housing and Urban Development (HUD), the SHPO has made programmatic agreements with numerous local jurisdictions. These agreements allow for a streamlined review, which allow the local jurisdiction to conduct the review and report back to SHPO, rather than a 30-day review period by the SHPO.

Under the agreement, the City of Pomona is required to have a qualified person conduct these reviews. The term “Qualified” is someone who meets the Secretary of the Interior’s Professional Qualification Standards as contained in 36 CFR (Code of Federal Regulations) Part 61. Under the old agreement, the Housing Division was using a qualified consultant. Currently, the Planning Division has a qualified staff person conducting the reviews. The Historic Preservation Supervisor, Geoffrey Starns, is qualified in the areas of Architectural History, History, Historic Architecture, and Architecture to conduct these reviews.

As previously mentioned, the City entered into an agreement in 2013 to conduct these reviews, which include all the Housing Division’s programs that are federally funded through the Housing and Urban Development Department (HUD). The agreement has provided a consistent and faster review process. In addition, Housing and Planning staff have worked collaboratively to find solutions to potential issues discovered during the review process.

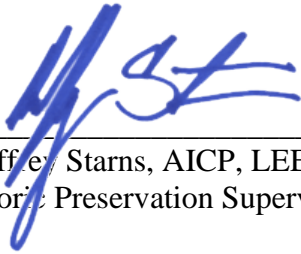
Since the existing agreement has expired, the City is not getting the benefits of the streamlined reviews and is seeking to renew the agreement with the State. Planning Staff contacted SHPO, and they are willing to enter into a new agreement with the City. The terms of the new agreement are substantially the same as the previous agreement, with one major positive improvement; the

new agreement does not have an expiration date. Instead, either party can terminate the agreement with 180 days' notice. The only reason SHPO would terminate the agreement is if the City is not following the terms of the agreement.

COUNCIL PRIORITIES & GOALS:

This item supports the 2021 City Council Priority 3: Increased Opportunity and Housing Stability
– GOAL J: Encourage the development and maintenance of quality housing opportunities for all.

Prepared by:



Geoffrey Starns, AICP, LEED AP
Historic Preservation Supervisor

ATTACHMENT(S):

Attachment No. 1 – Resolution No. 2023-103
Attachment No. 2 – 2013 Agreement
Attachment No. 3 – Proposed Programmatic Agreement