

PROGRAMMATIC AGREEMENT
BETWEEN
THE CITY OF RICHMOND AND
THE VIRGINIA DEPARTMENT OF HISTORIC RESOURCES,
REGARDING
THE SECTION 106 REVIEW OF COMMUNITY REVITALIZATION
UNDERTAKINGS THAT RECEIVE FEDERAL FUNDS FROM THE U. S.
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR WHICH
THE CITY OF RICHMOND, VIRGINIA, IS OBLIGATED TO COMPLETE
SECTION 106 REVIEW

WHEREAS, the City of Richmond (City) in the Commonwealth of Virginia proposes to either directly administer programs receiving federal assistance from the U. S. Department of Housing and Urban Development (HUD), or to complete Section 106 review of projects funded directly by HUD to other agencies, in accordance with Title I of the Housing and Community Development Act of 1974, as amended, and Title II of the Cranston-Gonzales National Affordable Housing Act, as amended; and Section 1011 of Title X of the Housing and Community Development Act of 1992, including, but not limited to the following programs: Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), Emergency Shelter Grant (ESG), Housing Opportunities for Persons with Aids (HOPWA), and Section 108 loan guarantees; and

WHEREAS, the administrating agency for the above programs, in accordance with 24 CFR Part 58.1, is the City which is thus responsible for certifying compliance with the National Environmental Policy Act (NEPA) of 1969, and with 36 CFR Part 800 of the regulations implementing Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended; and

WHEREAS, projects using funds from the above HUD programs have the potential to affect properties listed in or eligible for listing in the National Register of Historic Places (NRHP) and, therefore, require compliance with Section 106 of the National Historic Preservation Act (16 USC 470f) and its implementing regulation (36 CFR Part 800); and

WHEREAS, in response to the principles set forth in the Advisory Council on Historic Preservation's (ACHP) Policy Statement on Affordable Housing and Historic Preservation (Policy Statement)(Appendix1), the City and the Virginia Department of Historic Resources (DHR), which serves as the Virginia State Historic Preservation Office (SHPO), have determined that the City can more effectively carry out its Section 106 responsibilities for HUD programs if a Programmatic Agreement (Agreement) is

used to streamline the administrative process, identify activities which can be exempted from Section 106 review because they are likely to have minimal or no adverse effect on historic properties, and permit greater flexibility when addressing historic properties which have special physical or financial feasibility problems; and

WHEREAS, the principles set forth in the ACHP's Policy Statement are incorporated herein and shall be taken into consideration by all parties when carrying out the stipulations of this Agreement; and

WHEREAS, the City has determined that the administration of these programs may have an effect on historic properties included in or eligible for inclusion in the NRHP and has consulted with the ACHP and the SHPO pursuant to 36 CFR Part 800.14 of the regulations governing the implementation of Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and after the initial consultation the ACHP declined to participate further in the development of the agreement; and

WHEREAS, pursuant to 36 CFR Part 800.3(f)(2) the City has invited the Federally-recognized tribes that retain cultural interest in the City of Richmond including the Catawba Indian Nation, the Cherokee Nation, the Eastern Shawnee Tribe of Oklahoma, the Tuscarora Nation of New York, and the Shawnee Tribe to participate in consultation, and to sign the Agreement as concurring parties; and of these entities the Catawba Indian Nation accepted to be a consulting party, and the Eastern Shawnee Tribe of Oklahoma declined, and no response was received from the other Federally-recognized tribes contacted; and

WHEREAS, pursuant to 36 CFR 800.3(f) the City invited the Virginia Council on Indians (VCI) to participate in consultation and to sign the Agreement as a concurring party; and VCI has agreed to participate in consultation; and

WHEREAS, pursuant to 36 CFR 800.3(f) the City has invited the Alliance to Conserve Old Richmond Neighborhoods (the Alliance), the Archaeological Society of Virginia (ASV), the Black History Museum and Cultural Center of Virginia, Historic Richmond Foundation, APVA Preservation Virginia, and the Valentine Richmond History Center to participate in consultation, and to sign the Agreement as concurring parties; and of these entities only the Alliance agreed to participate in consultation and no response was received from any of the other historic preservation stakeholders contacted; and

WHEREAS, pursuant to 36 CFR 800.3(f) the City has invited HUD, the Local Initiatives Support Corporation, and the Richmond Redevelopment and Housing Authority (RRHA) to participate in consultation; and of these entities HUD declined to participate in consultation and no response was received from any of the other housing entities contacted; and

WHEREAS, the definitions given in Appendix 2 are applicable throughout this Agreement; and

WHEREAS, this Agreement upon execution shall replace the 2004 Richmond Programmatic Agreement for Specified U.S. Department of Housing and Urban Development Programs Administered by the City of Richmond and its February 2010 amendment;

NOW, THEREFORE, the City and the SHPO, agree that in order to take into account the effect of HUD-funded undertakings on historic properties, the review of all undertakings as a part of this Agreement shall be implemented in accordance with the following stipulations:

STIPULATIONS

I. Guiding Principles

A. Regulations and Procures. The City will administer Section 106 review in accordance with the stipulations of this Agreement and the most recent version of the ACHP Regulations (36 CFR Part 800). To elaborate on these two documents and to clarify the details of the Section 106 process, the City may develop a procedures manual in consultation with the SHPO.

B. Professional Qualifications. The City will assure that stipulations of the Agreement pertaining to the identification of historic properties and assessing the effects of undertakings are carried out or overseen by City historic preservation staff who meet the qualifications set forth in the latest version of the *Secretary of the Interior's Professional Qualifications Standards* (36 CFR Part 61). As a part of the annual report review process in Stipulation XIV. (B.), the SHPO will advise the City if the qualifications of the City historic preservation staff are not sufficient for these purposes. The City will advise and consult with the SHPO if there is any change in the historic preservation staff administering this Agreement.

Mitigation documentation prepared pursuant to Stipulations VIII. and IX. shall be prepared by a professional in the appropriate discipline who meets the requirements of 36 CFR Part 61. Such professionals may be either employees of the City or contractors hired by either the City or Subgrantees.

C. Scope of Review and Compliance. This Agreement covers the Section 106 review of all undertakings funded by HUD within the jurisdiction of the City of Richmond as provided for in HUD's regulations 24 CFR, Part 58.1, 58.2 and 58.4 (Part 58). Part 58 allows Section 106 of a HUD-funded undertaking to be completed by a local HUD grantee, known as a Responsible Entity (RE). The City is a RE and is contractually obligated by HUD to undertake Section 106 Review of each HUD-funded undertaking within its jurisdiction. This jurisdiction includes the corporate limits of the City of Richmond, and in certain instances could cover an undertaking extending over multiple jurisdictions in which the City was a participant.

Through contracts with subgrantees, the City of Richmond will assure Section 106 compliance for each undertaking funded through the City by HUD. If the City becomes aware of any Section 106 non-compliance of undertakings funded directly by HUD, the City shall notify HUD and the SHPO of the non-compliant undertaking.

D. Guidance Documents. The undertakings that affect historic properties will be guided by the following:

1. Secretary's Standards and Related Documents. In the review of undertakings that will affect historic properties, the City and SHPO will follow the recommended approaches in the latest version of the *Secretary's of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards)*, adopted by National Park Service (NPS). The City and SHPO will also consider the most current editions of the NPS Technical Preservation Services - *Preservation Briefs* - as well as additional applicable guidance documents that may issued by the ACHP, NPS, or SHPO.

2. Lead Paint Guidance. When a rehabilitation undertaking involves the abatement or reduction of lead paint hazards, the rehabilitation shall be guided by the most recent versions of the *Secretary's Standards*, the *HUD Guidelines for Lead Paint Abatement*, and *Preservation Brief No. 37*, 24 C.F.R. Part 35, *Lead-Based Poisoning Prevention in Certain Residential Structures*, including § 35.140, "Prohibited methods of paint removal", and Chapter 18 of HUD's *Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, Lead Hazard Control and Historic Preservation*.

3. Additions and New Construction. For the review of a new construction undertaking that will affect historic properties, the City will use the guidance set forth in the *Secretary's Standards* to assure that the design is compatible with design, scale, massing, siting, color, materials, and other architectural features of historic property streetscapes in the Area of Potential Effect (APE). For the review of a new construction undertaking for an addition that will affect historic properties, the City will review the proposed addition to determine if it is in accordance with *Secretary's Standards* generally and the "Guidelines for New Additions to Historic Buildings" in particular.

4. Affordable Housing. The review of each undertaking under the stipulations of this Agreement shall also be guided by the principles set forth in the most recent version of the ACHP's *Policy Statement* (Appendix 1). The principles set forth in the *Policy Statement* will be taken into consideration by all parties in consultation on an undertaking. In accordance with the *Policy Statement*, consultation shall emphasize the treatment of exterior features that contribute to a property's eligibility or listing in the NRHP.

5. Archaeology. The archaeological professionals preparing any Archaeological studies in accordance with Stipulations IX., XI., and XII. of this Agreement shall give full consideration of the most recent versions of:

- a. *The Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 CFR 44734-37); and
- b. The SHPO's *Guidelines for Conducting Archaeological Investigations (June 2009)* as excerpted from the draft *Cultural Resource Surveys in Virginia: Additional Guidance for the Implementation of the Federal Standards Entitled Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (48 FR 44742, September 29, 1983) (April 2009); and
- c. The ACHP's publications: *Consulting About Archaeology under Section 106* (1990), *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999) and *Section 106 Archaeology Guidance* (June 2007).

6. Historic Inventory. In the preparation of inventory forms for submission to the SHPO in accordance with Stipulation II. (A.), the City shall:

- a. Complete documents that conform to the SHPO's current standards for the completion and submission of electronic inventory records and supporting documentation.
- b. Follow the guidance in the most recent version of *The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* (48 FR 44716).

7. Additional Guidance Documents. The rehabilitation guidelines currently in use by the City of Richmond may continue to be used in the review of rehabilitation undertakings under the stipulations of this Agreement. The City may choose to amend those guidelines, or develop guidelines for new construction, demolition, or other treatments subject to review under the stipulations of this Agreement in consultation with the SHPO and consulting parties. All guidance documents developed by the City shall be consistent with and intended as supplements to the documents referenced in this Stipulation.

II. Coordination of Review

A. Resource Inventory

The City will work to maintain an inventory of archeological and architectural resources in the City of Richmond for which evaluation is needed or that are listed on, eligible for, potentially eligible for, or ineligible for the NRHP, including districts, buildings, structures, sites, and objects. Two (2) electronic data tools to be used to manage the inventory as follows:

1. The SHPO's Data Sharing System (DSS)

The DSS is a database housing the inventory records of previously identified archeological and architectural resources throughout Virginia. The data from DSS shall be used by the City as follows:

a. The City will use DSS to submit data on districts and individual properties to the SHPO identified as a part of the City inventory. In the preparation of individual survey records for DSS, the City will comply with the documentation requirements of the SHPO and submit all necessary supporting documentation.

b. Using the SHPO's standard data distribution procedures, the SHPO will export the geospatial data for previously identified archeological and architectural resources defined within the City as ESRI shapefiles. The boundary provided by the City will be used to extract the features. Files extracted will be transmitted to the City in January, April, July, and October. The City will incorporate this information into its Resource Inventory. The archeological resource information provided in these updates will only be used by staff administering the Section 106 process for Section 106 purposes. Archaeological resource locations are exempt from the Freedom of Information Act (FOIA) as part of the Code of Virginia, §2.2-3705.7 (10), as outlined in the DHR Geospatial Data Agreement.

2. Richmond Geographic Information System (GIS)

The City will use GIS, a data mapping tool, to locate and map historic properties as follows:

a. The City will on an on-going basis identify eligible historic districts and individual properties and will document the location of these properties in GIS. All such City-identified architectural resources will be treated as potentially eligible prior to submission in DSS and review of eligibility by the SHPO.

b. In compiling individual property and district inventory records in DSS for consideration by the SHPO, the City shall use GIS to document the boundaries of the inventoried resources in reference to the United States Geological Survey 1:24,000-scale topographic map series.

c. The GIS historic property inventory will be used by the City to map each undertaking and document the relationship of the undertaking to historic properties in the APE in accordance with Stipulation II. (C). Each APE map shall show historic resources newly identified by the City, as well as all archeological and architectural resources recorded in the DSS provided by the SHPO.

B. Site Visits. A site visit shall be conducted by the City for each undertaking reviewed under the stipulations of this Agreement. The purpose of the site visit shall be to prepare a photographic record of each affected property and to confirm the accuracy of the undertaking documentation. The site visit shall also be used by City historic preservation staff to assess the effect of the undertaking on historic properties in accordance with Stipulation II. (F).

C. Undertaking Record. The City shall compile an individual record for each undertaking reviewed under the stipulations of this Agreement. An undertaking record shall be cataloged by the address of affected property. Unless as otherwise noted in various stipulations of this Agreement, such a record shall include the following:

1. Scope of Work. The most recent version of the *Section 106 Project Review Application Form (Section 106 Form)*, or subsequent revisions to the form, or the development of an electronic submission process, shall be a standard component of the scope of work of an undertaking. The scope of work for each undertaking shall clearly identify the location of the affected property and document the proposed rehabilitation, new construction, demolition, or other treatment in accordance with Stipulations IV., V., VI., and VII.

2. Correspondence. Correspondence documenting the review of the undertaking that includes:

a. All formal correspondence sent and received by the City that pertains to the undertaking; and

b. Electronic messages that supplement or clarify the formal correspondence; and

c. A written notice prepared at the completion of Section 106 review of an undertaking that states the undertaking may be implemented and includes the following information: the finding of effect, the reason for the finding, and any conditions or mitigation measures that pertain to the finding.

3. Area of Potential Effect Documentation. For each undertaking record the City will prepare a base map to document the APE for both direct and indirect effects. Each map will clearly indicate the location of real estate parcels, right-of-ways, and building footprints of both the affected property and immediately adjacent properties. The APE base map will also show the relationship of the undertaking to all archeological or architectural resources in the APE as in Stipulation II. (A).

The standard APE shall consist of affected property and all immediately adjacent properties. For an undertaking resulting in greater than one (1) acre of cumulative ground disturbance, the APE shall consist of the

neighborhood(s) where the affected property is located or that are immediately adjacent to the affected property.

4. Photographs. On site visits, the City shall prepare photographs of the proposed undertaking adequate to document the scope of the undertaking and to support the finding of effect made by the City. Each photograph shall be labeled to indicate address of the affected property, the vantage point from which the photograph was taken, and the date of the photograph. Particular photographic requirements for different undertakings are included in Stipulations III., IV., V., VI., and VII.

D. Exempt Work Items. For any undertaking that will result in less than one (1) acre of cumulative ground disturbance and that is restricted to exempt work items listed in Appendix 3, the City may make a finding of no adverse effect. For such an undertaking the City may complete Section 106 Review without consultation with the SHPO. If an undertaking scope of work consists of both exempt and non-exempt work items, the City may divide Section 106 review of the project between exempt work items covered by this Stipulation and non-exempt work items reviewed in accordance with Stipulations IV., V., VI., and VII. In addition to the standard undertaking record components, the undertaking record for such a finding shall include at least one (1) photograph of the affected property and a complete scope of work that documents the exempt work items.

E. No Historic Properties Affected. A finding of no historic properties affected can be made after preparation of a complete undertaking record and a site visit; when the undertaking will result in less than one (1) acre of cumulative ground disturbance, does not meet the criteria for affecting historic properties in Stipulation II. (F), and falls into one (1) or more of the following categories:

1. The affected property is documented in DSS as either an individual property or as part of a district determined by the SHPO to be ineligible for the NRHP; or
2. The affected property has a building, structure, or object that has not been previously documented in DSS that is less than fifty (50) years or age, provided the City determines the property does not meet NRHP Criteria Consideration G, for properties that have achieved significance within the past fifty (50) years; or
3. The affected property is a vacant lot that is not immediately adjacent to any archeological or architectural resources previously documented in DSS.

If the above requirements have been satisfied, the City may complete a finding of no historic properties affected without consultation with the SHPO and complete Section 106 review of the undertaking.

If the City determines and documents that an affected property with a building, structure, or object affected by the undertaking are not eligible under the NRHP

Criteria for Evaluation; the City may submit the documentation to the SHPO with a recommendation that the property is not eligible and the undertaking will result in a finding of no historic properties. Upon the concurrence of the finding by the SHPO the undertaking may proceed.

In addition to the standard undertaking record components, the undertaking record for finding of no historic properties affected shall include: the location of the affected property, photographs showing the affected property and context of the APE, and a statement of the basis of the finding of no historic properties affected. A scope of work shall not be necessary for any finding of no historic properties affected.

F. Historic Properties Affected.

1. Preliminary Finding Made. The City may make a preliminary finding of historic properties affected when Stipulations II. (D) or II. (E) do not apply to the affected property, and/or it will result in more than one (1) acre of cumulative ground disturbance, and/or is within or immediately adjacent to one (1) or more of the following:

- a. A district or individual property listed in the NRHP; and/or
- b. An archeological or architectural resource recorded in the DSS that has been determined eligible or that may be eligible for listing in the NRHP; and/or
- c. A previously unidentified architectural resource over fifty (50) years old, that City historic preservation staff have identified as being potentially eligible for NRHP listing.

2. Undertakings Submitted for Consultation. Any undertaking for which the City makes a preliminary finding of historic properties affected shall be submitted to the SHPO for consultation. In addition, if any portion of an undertaking would result in a cumulative ground disturbance of one (1) acre or greater or is anticipated to result in an adverse effect on historic properties, the City shall consult with the SHPO and consulting parties. In the undertaking submission, the City will recommend a finding of no adverse effect or adverse effect, state reasons for the particular finding of effect, and recommend conditions for avoidance of an adverse effect or measures that would mitigate an adverse effect. Each submission to the SHPO and consulting parties shall include a complete undertaking record consistent with the general requirements of Stipulation II. (D), and the record requirements of particular undertakings in accordance with Stipulations IV., V., VI., and VII. Copies of all materials submitted to the SHPO and consulting parties shall be maintained in the undertaking record file.

3. Conclusion of Consultation. Following the submission by the City of complete information regarding how the undertaking will affect historic properties, the SHPO may as a part of consultation concur with the finding and

conditions of the City. The SHPO may impose additional conditions to assure the compatibility of the undertaking or mitigate an adverse effect finding. Following receipt of SHPO concurrence with a finding of no adverse effect, the City may conclude Section 106 Review and implement the undertaking. For an undertaking resulting in a finding of adverse effect, the City will implement the project after the conclusion of mitigation measures in accordance with Stipulation VIII. Prior to implementation, the City will consider any comments received from consulting parties and will address any objections to the undertaking in accordance with Stipulation XV. The City shall assure that the implementation of the undertaking does not deviate from the plans and specifications submitted for consultation and the conditions or mitigation measures agreed to in the course of consultation.

III. ACQUISITION AND DISPOSITION

The acquisition or disposition of a property, purchased or in any way improved with HUD funding, shall be considered an undertaking subject to Section 106 Review. If in accordance with Stipulation II. (E) the City is able to document and make a finding of no historic properties affected for the acquisition or disposition, Section 106 Review can be completed in accordance with that stipulation. A finding of no historic properties affected for an acquisition or disposition shall be applicable to subsequent rehabilitation, new construction, demolition, or other treatments impacting the affected property and no further review of those undertakings shall be required.

Any other acquisition and disposition shall be deemed to have no adverse effect on historic properties and Section 106 Review can be completed on that basis without consultation with the SHPO. Such a finding shall be conditioned upon all subsequent rehabilitation, new construction, demolition, or other treatments being treated as additional undertakings to be reviewed in accordance with Stipulations IV., V., VI., or VII. All subsequent phases of development of the affected property shall be treated as undertakings, regardless of whether or not additional federal dollars are used in those undertakings, and the need for Section 106 review for subsequent undertakings will be noted in the undertaking record.

In addition to the standard undertaking record components, the record for an acquisition or disposition shall include documentation of the location of the affected property and a single photograph of each architectural resource located on the affected property. A *Section 106 Form* shall not be required for the Section 106 Review of acquisition or disposition.

IV. REHABILITATION

Each rehabilitation undertaking shall be reviewed in accordance with the following:

- A. Exempt Activities.** If the City is able in accordance with Stipulation II. (D) to determine that any of the work items of a rehabilitation fall under the category of

exempt activities, the City can complete Section 106 review of those work items in accordance with that stipulation.

B. No Historic Properties Affected. If the City is able in accordance with Stipulation II. (E) to determine that a rehabilitation undertaking will have no effect on historic properties, the City can complete Section 106 review in accordance with that stipulation.

C. Historic Properties Affected. All other rehabilitation undertakings shall be deemed to have an effect on historic properties and forwarded to the SHPO for consultation in accordance with Stipulation II. (F) (2). In preparing the submission to the SHPO of a rehabilitation undertaking, the City will evaluate the rehabilitation using the *Secretary's Standards* and other applicable guidance documents identified in Stipulation I. (D), to determine if it is compatible with the historic and architectural qualities of the affected property and related historic properties in the APE. As a result of this evaluation the City may identify needed modifications or mitigation measures.

The comments and recommendation of the City will be forwarded to the SHPO with a complete undertaking record, including a completed copy of the most recent edition of the *Secretary of the Interior's Checklist for Rehabilitation and New Construction (Secretary's Checklist)*, photographs documenting the building features affected by the rehabilitation, and a scope of the work that details how the materials, spaces, and features of the building will be retained, altered, or replaced. The scope of work may come in the form of a detailed *Secretary's Checklist*, specifications, a written description, drawings, and/or other documentation. The City may complete the review of the rehabilitation in accordance with Stipulation II. (F) (3).

D. Historic Rehabilitation Tax Credit Applications. A rehabilitation undertaking affecting historic properties can alternatively be reviewed by presenting it to the SHPO in an application for Federal and/or Virginia historic rehabilitation tax credits. The City shall provide notification to the SHPO when such a rehabilitation is submitted as a historic rehabilitation tax credit application. The tax credit application shall be prepared in the format approved by the SHPO and the NPS. The certification of Part 3 of the application by the SHPO and/or the NPS shall serve as documentation that Section 106 review was completed based on a finding of no adverse effect. If the rehabilitation does not proceed to Part 3 certification, the City shall consult with the SHPO in accordance Stipulation IV. (C).

V. NEW CONSTRUCTION

Each new construction undertaking shall be reviewed in accordance with the following:

A. Exempt Activities. If the City is able in accordance with Stipulation II. (D) to determine that any of the work items of a new construction fall under the category

of exempt activities, the City can complete Section 106 review of those work items in accordance with that stipulation.

B. No Historic Properties Affected. If the City is able in accordance with Stipulation II. (E) to determine that a new construction will have no effect on historic properties, the City can complete Section 106 review in accordance with that stipulation.

C. Historic Properties Affected. All other new construction undertakings shall be deemed to have an effect on historic properties and forwarded to the SHPO for consultation in accordance with Stipulation II. (F) (2). In preparing the submission to the SHPO, the City will review the new construction using the *Secretary's Standards* and other applicable guidance documents identified in Stipulation I. (D). The City will evaluate the new construction to determine if it is compatible with the historic and architectural qualities of streetscapes in the APE. As a result of this evaluation the City may identify modifications to make the new construction compatible with the adjoining historic resources.

The comments and recommendation of the City will be forwarded to the SHPO with a complete undertaking record that includes a completed copy of the most recent edition of the *Secretary's Checklist*, photographs that clearly show the relationship of the proposed building to streetscapes in the APE, and a full scope of work. Specifically the scope of work must include: adequately dimensioned plans of the exterior elevations of the proposed new construction, exterior material specifications, a site plan showing the placement of the new construction, the documentation of the relationship of the new construction to the setback and height of adjoining buildings of the streetscape, and any supporting materials that are a part of the scope of work. The City may complete the review of the new construction in accordance with Stipulation II. (F) (3).

D. Standardized Designs for New Construction. In planning new construction on multiple sites in a given neighborhood that will affect historic properties, the City may consult with the SHPO and consulting parties regarding a plan for the use of one or more standardized designs. Any such plan submitted for consultation must include the following components:

1. Maps with lots lines and existing building footprints showing the blocks, and to the extent possible designating lots, where standardized designs might be placed; and
2. Photographic documentation showing streetscape views of every block where the standardized designs might be located; and
3. A catalog of standardized designs, each design identified with a number and name and documented with architectural drawings that include all exterior

elevations, dimensions, and material specifications for each standardized design; and

4. Guidelines for the placement of standardized designs throughout the neighborhood or historic district that specify the particular standardized designs for each block. The guidelines must specify the maximum number to be placed on a block face and how the standardized designs will conform to the existing building setbacks and heights.

Following the concurrence of the SHPO, and as long as there are no objections from consulting parties to the plan, the City may make a finding of no adverse effect for any new construction that is in conformance with the adopted standardized design plan.

VI. DEMOLITION

Each demolition shall be reviewed in accordance with the following:

A. Definition of Demolition Undertaking. The demolition of any building or structure on a property shall be deemed to be an undertaking subject to Section 106 review if the property: has been or is being purchased for development with HUD funds; is to be demolished by the City with local funding in an area identified for future redevelopment or revitalization with HUD funds; or is to be demolished as a part of a redevelopment financed wholly or in part with HUD funds. If the City chooses to use non-federal funding for a demolition to resolve property maintenance violations that is outside an area identified for possible federal funding, such a demolition shall be considered not to have a reasonable expectation of federal funding and shall not be considered an undertaking subject to Section 106 Review. The relationship of the demolition, to any conservation, redevelopment, neighborhoods in bloom, or other area designated for federal funding at the time of the demolition, shall be documented on a map in the record of the demolition.

B. No Historic Properties Affected. If the City is able in accordance with Stipulation II. (E) to determine that a demolition will have no effect on historic properties, the City can complete Section 106 review in accordance with that stipulation.

C. No Adverse Effect. If the City determines demolition of a building or structure will have an effect on historic properties, but determines that the building or structure has lost integrity or is non-contributing, the City may submit the demolition to the SHPO for consultation with documentation of the non-contributing status and recommended finding of no adverse effect. If the SHPO concurs with the finding of no adverse effect, the demolition can proceed. If SHPO does not concur, the demolition will be treated as having an adverse effect on historic properties.

D. Adverse Effect. All other demolitions shall be treated as having an adverse effect on historic properties and be forwarded to the SHPO for consultation in

accordance with Stipulation II. (F). Such a demolition shall be reviewed in accordance with one (1) of the following:

1. Property Maintenance Violations. If a contributing historic building or structure is proposed for demolition because it has been cited by the City as an open and vacant or unsafe in accordance with Section 130 of the Virginia Uniform Statewide Building Code, the City may propose that the SHPO concur with the demolition on basis that rehabilitation of the building is not feasible. To document that lack of feasibility the City shall provide supporting documentation from the property maintenance violation record. A *Section 106 Form* shall not be required for such a demolition.

2. Replacement by New Construction. If a contributing historic building or structure is proposed for demolition and subsequent replacement with new construction, the City may propose that the SHPO concur with the demolition on the basis that rehabilitation of the building is not feasible. To document that lack of feasibility the City would submit adequate background documentation to demonstrate that rehabilitation is not economically or structurally feasible, or that retention of the affected property would jeopardize the implementation of affordable housing undertaking. Plans for compatible new construction to replace the existing building would be submitted in accordance with Stipulation V. as a part of the demolition documentation.

In addition to the standard undertaking record components for each demolition resulting in an adverse effect, the City would provide to the SHPO and consulting parties a complete *Structural Analysis of a Historic Property* form, supporting documentation as to the condition of the buildings, photographs showing deteriorated conditions, and any public comments received on the adverse effect in accordance with Stipulation VIII. The City may complete the review of a demolition undertaking resulting in an adverse effect in accordance with Stipulation II. (F) (3).

E. Emergency Demolitions. Should any building or structure collapse, be largely destroyed by fire, be substantially damaged by a storm and/or be on the verge of collapse, the City Commissioner of Buildings may issue a imminent danger order for the immediate total or partial demolition of an unsafe building or structure in accordance with Section 130 of the Virginia Uniform Statewide Building Code. Such an order shall be evidence of “other immediate threats to life or property” constituting an emergency situation upon which the City may act in the interest of public health and safety in accordance with 36 CFR Part 800.12(b and c). Upon issuance of such an order the demolition may proceed immediately.

If the demolition will result in an adverse effect on historic properties the City will carry out Stipulation VIII. City historic preservation staff will document the building or structure to the greatest extent possible. The City will notify the SHPO

and consulting parties of the demolition and provide them with a copy of the imminent danger order.

VII. OTHER TREATMENTS

The City shall assure that any undertaking consisting of treatments of other than rehabilitation, new construction, and demolition shall be reviewed in accordance with the following:

A. Exempt Activities. If the City is able in accordance with Stipulation II. (D) to determine that any other treatment work items fall under the category of exempt activities, the City can complete Section 106 review of those work items in accordance with that stipulation.

B. No Historic Properties Affected. If the City is able in accordance with Stipulation II. (E) to determine that other treatments will have no effect on historic properties, the City can complete Section 106 review in accordance with that stipulation.

C. Historic Properties Affected. Undertakings involving other treatments that will affect historic properties shall be conducted in a manner consistent with the recommended approaches set forth in the most recent version of the *Secretary's Standards*. Such an undertaking shall be submitted to the SHPO for consultation with a complete undertaking record in accordance with Stipulation II (F). The undertaking record shall include a scope of work documenting the treatment, as well as photographs of the affected property to be impacted by the treatment. The City may complete the review of the undertaking in accordance with Stipulation II (F) (3).

VIII. ADVERSE EFFECT

A. Consultation. If an undertaking will adversely affect historic properties, the City shall consult with the SHPO and other consulting parties to consider possible ways to avoid or minimize the adverse effect. If an adverse effect cannot be avoided, the City shall continue consultation to identify appropriate mitigation that is based on the degree of the adverse effect and the level of significance of the historic properties affected. The mitigation measures shall receive the concurrence of the SHPO before rehabilitation, new construction, demolition, or other treatment activities begin.

B. Public Comment. When any finding of adverse effect is made for any undertaking, the City shall solicit written comments from the public regarding the adverse effect of the undertaking on historic properties. The City will notify the public of the adverse effect using the City website and direct notification by e-mail in accordance with Stipulation XIII. of the Agreement. As a part of the public comment process the City shall provide the opportunity for the interested members

of the public to express their views on the proposed mitigation measures. The City shall provide copies of all comments received to the SHPO.

C. Archaeological Mitigation. Mitigation measures relating to archaeology shall be covered by treatment plans developed in accordance with Stipulation IX. of this Agreement.

D. Demolition Mitigation. The standard mitigation measures for a demolition having an adverse effect on historic properties shall be as follows:

1. The survey of the affected property at the intensive level. At a minimum, the intensive level documentation shall include its entry in the DHR Data Sharing System (DSS); detailed exterior and interior architectural descriptions; exterior (all elevations and significant architectural details) and interior (each room and significant architectural details) photographs; background research into the history of the property including but not limited to deeds, city directories, US census data, Sanborn maps, and historic photographs; and floor plans (not to scale). In the case of demolition of an unsafe structure, documentation will be completed to greatest extent possible without risking the safety of the qualified professional.

2. In the case of a demolition for redevelopment, mitigation shall include Section 106 review of the replacement structure in accordance with Stipulation VI. (E). The incorporation of salvaged materials and/or design features from the demolished building or structure in the replacement new construction may be considered in consultation on this type of mitigation.

Additional mitigation measures for a demolition may be identified as a part of consultation.

IX. ARCHAEOLOGY

A. SHPO Consultation. Any undertaking involving ground disturbance within archaeological sites identified in accordance with Stipulation II. (C) (3) and/or resulting in more than one (1) acre of cumulative ground disturbance shall be submitted to the SHPO and consulting parties for consultation.

B. Additional Identification. Should the City determine, in consultation with the SHPO, that further archaeological identification is needed; the SHPO shall recommend a program to identify and evaluate archaeological resources.

C. Treatment Plans. Should the City, as a result of survey efforts and in consultation with the SHPO, determine that an eligible archaeological resource will be affected; a plan for its avoidance, protection, or recovery of archaeological data will be submitted to the SHPO for consultation. The City shall consider all comments received in preparing the final treatment plan and shall then implement the plan.

X. REVIEW OF DOCUMENTATION

The SHPO and other consulting parties shall review undertaking documentation submitted by the City to them pursuant to this Agreement within thirty (30) days after confirmed receipt of complete documentation. If no response is received within thirty (30) days, the City may assume the non-responding party has no comments and concurs with the finding of the City. The City shall take into consideration all comments received within the thirty (30)-day review period and then implement and proceed to the next step in the process.

XI. POST REVIEW DISCOVERIES

The City shall include Stipulation XI. (A to C) in all construction contracts.

A. Notification of the City. If previously unidentified historic properties or unanticipated effects to historic properties are discovered during construction, the construction contractor shall immediately halt all activity within a one hundred (100)-foot radius of the discovery, notify the City of the discovery, and implement interim measures to protect the discovery from looting and vandalism.

B. Response by the City. Immediately upon receipt of the notification required in Stipulation XI. (A), the City shall:

1. Inspect the construction site to determine the extent of the discovery and ensure that construction has halted; and
2. Clearly mark the area of discovery; and
3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism; and
4. Have a professional archaeologist inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment.

C. Consultation. Within forty-eight (48) hours of receipt of the notification by the contractor, the City shall provide the ACHP, the SHPO, and other consulting parties a summary of the response by the City to date, and recommendation of the NRHP eligibility of the discovery, and the measures it proposes to take to avoid or resolve adverse effects. In making its official evaluation, the City, in consultation with the SHPO, may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 CFR 800.13(c). The SHPO and other consulting parties shall respond within forty-eight (48) hours of receipt. The City, which shall take into account the consulting parties' recommendations on eligibility and treatment of the discovery, shall ensure that it carries out appropriate actions, and provides the

ACHP, the SHPO, and other consulting parties with a report on these actions when they have been implemented. Construction may proceed in the area of discovery, when the City has determined that implementation of the actions undertaken to address the discovery pursuant to Stipulation XI. are complete.

XII. HUMAN REMAINS

A. Treatment Requirements. The City shall treat all human remains and associated funerary objects encountered during the course of construction of an undertaking reviewed under this Agreement in the manner consistent with the latest version of ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects." All reasonable efforts will be made to avoid disturbing gravesites, including those containing Native American human remains and associated artifacts. To the extent possible, the City will assure that the general public is excluded from viewing any gravesites and associated artifacts. All consulting parties agree to release no photographs of any gravesites and/or funerary objects to the press or to the general public.

B. Removal. If the City agrees that avoidance of the human remains is not prudent and feasible, the City will apply for a permit from DHR for the archaeological removal of human remains in accordance with the provisions of the *Virginia Antiquities Act*, Section 10.1-2305 of the *Code of Virginia*, and with the final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register of July 15, 1991.

C. Native American Remains. If the human remains encountered appear to be of Native American origin, whether prehistoric or historic, the City shall immediately notify the Catawba Indian Nation and the VCI. The treatment of Native American human remains and associated funerary objects will be determined in consultation with the Catawba Indian Nation, the VCI, and any other appropriate tribal leaders identified as a part of consultation. In considering issuance of a permit involving removal of Native American human remains, the DHR will notify and consult with the Catawba Indian Nation, the VCI, and any other identified tribal leaders, in conformance with all applicable state and federal regulations.

XIII. PUBLIC PARTICIPATION

A. Notification. To afford the public an opportunity to comment on the effect of undertakings on historic properties and the administration of Agreement, the following steps shall be taken by the City:

- 1. Stakeholder Distribution List.** The City will continue to maintain an electronic mail distribution list of historic preservation stakeholders. Any interested organization or individual can request to be placed on the stakeholder list. Stakeholders will receive the annual notification, undertaking notification, and any other public notices pertaining to the administration of the Agreement.

2. Annual Notification. The City will prepare an annual notice inviting review and comment by the public. The notification will be published in a newspaper of record, distributed to neighborhood organizations, and sent to the stakeholder distribution list. The annual notification will include the following information:

- a. The citations for all laws and regulations pertaining to Section 106 review; and
- b. The complete contact information of City historic preservation staff; and
- c. Websites of the City, SHPO, HUD, ACHP, and other agencies where additional information on Section 106 can be found; and
- d. A summary of this Agreement; and
- e. A description of how information on specific undertakings will be posted on the City website and distributed via e-mail; and
- f. How a member of the public can be placed on a City Section 106 stakeholder distribution list.

3. Undertaking Notification. Using the City of Richmond website and the stakeholder distribution list, every thirty (30) to sixty (60) days the City will post and distribute a report of undertakings reviewed in accordance with the stipulations of this Agreement. Information on the undertakings in the report shall include the address of the affected property, the affected neighborhood, the type of undertaking, a brief description of the undertaking, the finding of effect, and action dates of Section 106 review. The City will organize information on individual undertakings under review during the reporting period into one (1) or more of the following categories:

- a. All undertaking reviews completed or in progress; and
- b. Undertakings submitted to the SHPO for consultation; and
- c. Undertakings identified by the City and the SHPO as having an adverse effect on historic properties.

B. Public Review and Comment. Historic preservation staff shall be available during normal business hours to answer questions about individual undertakings and administration of this Agreement. Upon request any member of the public can review the complete record of any undertaking. The City will accept written comments from the public on both individual undertakings and the administration of the Agreement. The City will attempt to take written comments from the public on an undertaking into account in completing the Section 106 Review. As a part of consultation the City will forward copies of public comments to the SHPO and consulting parties. Public comments pertaining to adverse effects shall be governed by Stipulation VIII. (B). The City will respond in writing to written comments

received on the administration of this Agreement, providing copies to the SHPO and consulting parties.

XIV. RECORD KEEPING, REPORTING, AND MONITORING

A. Undertaking Records. The City shall maintain an electronic database with a detailed record of the review of each undertaking. The City will also maintain a paper file for each affected property that contains the complete undertaking records prepared in accordance with Stipulation II. (C) of this Agreement. Paper files that include complete records of each undertaking reviewed under this Agreement and are cataloged by the address of the affected property, shall be kept for a period of five (5) years following the close-out of HUD funding for a particular affected property. Once the five (5)-year point has been reached, an undertaking record can be reduced to an electronic database record and a paper copy of a notice documenting the conclusion of Section 106 review.

B. Reporting to the SHPO. The City shall annually compile a report of all undertakings reviewed by the City. The report will cover the twelve (12)-month period ending on June 30th of each year and will be submitted by the City to the SHPO no later than the first work day of August each year. Each quarterly report shall be divided into two (2) categories: 1) undertakings for which the City consulted with the SHPO, and 2) those for which the City completed without SHPO consultation in accordance with Stipulations II. (D), II. (E), and III. of this Agreement. Information on each undertaking in the report shall include: the address of the affected property, the type of undertaking, a brief description of the undertaking, the finding of effect, the action dates of Section 106 process, and all comments and conditions pertaining to the conclusion of Section 106 review. Accompanying the report shall be a resume of staff that implement the Agreement and a statement how they meet the Professional Qualification Standards in Stipulation I. (B) of the Agreement.

C. Monitoring. The City shall cooperate with the ACHP, HUD, and the SHPO in their monitoring and review of the administration of this Agreement. The City shall make available the record of any undertaking reviewed under the terms of this Agreement upon request to the ACHP, HUD, or the SHPO for examination as a part of the monitoring process.

XV. DISPUTE RESOLUTION

A. Objections. Should any party to this Agreement object in writing to the City regarding any action carried out or proposed with respect to the individual undertaking proposed and reviewed under the stipulations of this Agreement or the City's implementation of this Agreement, the City shall consult with the objecting party to resolve the objection. As a part of such consultation, the City shall notify the parties to this Agreement and should the objector so request the City shall

undertake consultation with any of the parties. Through consultation the City will attempt to resolve the objection.

B. Comment by the ACHP. If after initiating such consultation the City determines that the objection cannot be resolved through consultation, the City shall forward all documentation relevant to the objection to the ACHP, including the proposed response of the City to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one (1) of the following options:

1. Advise the City that the ACHP concurs with the proposed City response to the objection, whereupon the City will respond to the objection accordingly; or
2. Provide the City with recommendations, which the City shall take into account when reaching a final decision regarding its response to the objection; or
3. Notify the City that the objection will be referred for comment pursuant to 36 CFR Part 800.7(a)(4), and proceed to refer the objection for comment. The City shall take the resulting comment into account in accordance with 36 CFR Part 800.7(c)(4) and Section 110(l) of NHPA.

Should the ACHP not exercise one (1) of these options within thirty (30) days after receipt of all pertinent documentation, the City may assume concurrence of the ACHP in its proposed response to the objection. The City shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection. The responsibility and ability of the City to carry out all actions under this Agreement that is not the subject of the objection shall remain unchanged.

XVI. AMENDMENT AND TERMINATION

A. Amendment. Any signatory to this Agreement may request that it be amended, whereupon the signatories shall consult in accordance with 36 CFR Part 800.13 to consider such an amendment. All signatories to this Agreement must agree to the proposed amendment in accordance with 36 CFR Part 800.6(c)(7). The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

B. Termination. Any signatory to this Agreement may propose termination of the Agreement if either the City determines that it cannot implement the stipulations of this Agreement, or if the SHPO or ACHP determines that the Agreement is not being properly implemented. Any signatory may propose termination of this Agreement and shall so notify all parties to the Agreement. In the proposal for termination, the signatory shall explain the reasons for termination. The other signatories shall have at least thirty (30) days to consult and seek alternatives to

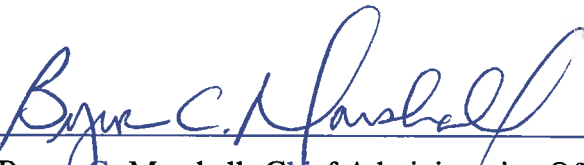
termination. The signatories to this Agreement shall then consult. Should such consultation fail and the Agreement be terminated, the City shall comply with 36 CFR Parts 800.3 through 800.6 with regard to the review of individual undertakings covered by this Agreement. The termination process shall include the submission by the City to the SHPO of any outstanding undertaking records, inventories, reports, and other documentation pertaining to work done up to and including the date of termination.


XVII. DURATION OF THE AGREEMENT

This Agreement shall continue in full force and effect until five (5) years after the date of the last signature. At any time in the sixth (6th)-month period prior to such date, the City may request the ACHP and the SHPO to consider an extension or modification of this Agreement. No extension or modification shall be effective unless the signatories to the Agreement have signed an amendment prepared in accordance with Stipulation XVI. (A) amending this stipulation and stating the length of the extension. The extension will be effective on the date a copy signed by all signatories is filed with the ACHP.

Execution of this Agreement and implementation of the stipulations herein shall be evidence that the City has satisfied its Section 106 responsibilities for all individual undertakings subject to review under this Agreement.

SIGNATORIES

By:  Date: 12/29/10
Byron C. Marshall, Chief Administrative Officer, City of Richmond, Virginia

By:  Date: 1/1/11
Kathleen S. Kilpatrick, Director, Virginia Department of Historic Resources
and Virginia State Historic Preservation Officer

CONCURRING PARTY

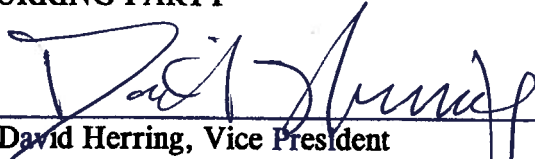
By: Wenonah G. Haire, DU Date: 2/25/11
Wenonah G. Haire, Tribal Historic Preservation Office, Catawba Indian Nation

CONCURRING PARTY

By: Deanna Beacham Date: 1/20/2011

Deanna Beacham, Program Specialist, Virginia Council on Indians

CONCURRING PARTY

By:  Date: 2/5/11

David Herring, Vice President
Better Housing Coalition Center for Neighborhood Revitalization
(formerly the Alliance to Conserve Old Richmond Neighborhoods)

APPENDIX 1

ACHP Policy Statement on Affordable Housing and Historic Preservation

7387

Notices

Federal Register

Vol. 72, No. 31

Thursday, February 15, 2007

This section of the FEDERAL REGISTER contains notices other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Final Advisory Council on Historic Preservation Policy Statement on Affordable Housing and Historic Preservation

AGENCY: Advisory Council on Historic Preservation.

ACTION: Notice of Final Policy Statement on Affordable Housing and Historic Preservation.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) adopted a "Policy Statement on Affordable Housing and Historic Preservation," on November 9, 2006.

DATES: The final policy went into effect upon adoption on November 9, 2006.

FOR FURTHER INFORMATION CONTACT: Blythe Seramer, 202-606-8505.

Electronic mail:
affordablehousing@achp.gov

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 productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy.

Section 106 of the National Historic Preservation Act (Section 106), 16 U.S.C. 470f, 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. ACHP has issued the regulations that set forth the process through which Federal agencies comply with these duties. Those regulations are codified under 36 CFR part 800.

I. Background

In 1995, the ACHP adopted its first "Policy Statement on Affordable

Housing and Historic Preservation" (1995 Policy) to serve as a guide for federal agencies and State Historic Preservation Offices (SHPOs) when making decisions about affordable housing projects during review of federal undertakings under Section 106 of the National Historic Preservation Act, as amended, 16 U.S.C. 470f (Section 106), and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800). The ACHP adopted the policy to guide federal agencies and SHPOs at a time when conflicts between the dual goals of providing affordable housing and preserving historic properties was making the achievement either more difficult. After a decade, the provision of affordable housing has developed into an even more pressing national concern, prompting a reconsideration of the principles in the policy statement.

In 2005, the ACHP Chairman convened an Affordable Housing Task Force to review this policy statement in light of changes to the Section 106 regulations in 2001 and 2004 and other ACHP initiatives. Members of the Task Force included the U.S. Department of Agriculture, U.S. Department of the Interior, the National Conference of State Historic Preservation Officers (NCSHPO), the National Trust for Historic Preservation, citizen member, Emily Summers, and expert member, John G. Williams, III, Chair. The U.S. Department of Housing and Urban Development (HUD) participated as an ACHP observer.

The Task Force developed the Policy Statement with input from the public. An online survey of state and local government officials and affordable housing providers about their awareness of and use of the 1995 Policy was conducted in August-September 2005. Links to the survey were distributed to approximately 12,000 individuals representing State and Tribal Historic Preservation Officers, local historic preservation commission members, Certified Local Government staff, HUD staff and grantees, state community development agency staffs, and affordable housing providers.

Following development of a draft, the ACHP posted the proposed revised draft policy statement in the Federal Register on July 17, 2006 (71 FR 40522), and comments from the public were accepted through August 16, 2006.

Information about the July 17, 2006, Federal Register notice was distributed by members of the Task Force to their respective constituencies through electronic LISTSERVs including communities receiving HOME program and Community Development Block Grant funds from HUD, members of the National Trust for Historic Preservation's Forum, and members of the NCSHPO. Additionally, the ACHP provided information about the comment period directly to Tribal Historic Preservation Officers, the National Alliance of Tribal Historic Preservation Officers, and over a dozen organizations with an interest in local community development activities and the provision of affordable housing, as well as on the ACHP Web site.

Comments on the new policy statement generally supported the revision effort. Specific comments frequently requested detailed guidance on applying the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards) to affordable housing projects. While the Task Force recognized that specific comments on the application of the Secretary's Standards were outside the scope of its mandate, additional language highlighting the distinction between review for the Historic Rehabilitation Tax Credit and Section 106 compliance was included in the policy statement. Commenters further requested the development of case studies that would illustrate the successful integration of historic preservation and affordable housing on a variety of topics including accessibility, use of modern building materials, and lead paint abatement requirements. It is anticipated that such case studies will become an important component of materials developed by the ACHP and Task Force in implementing the revised policy statement.

Responsiveness to local conditions emerged as a recurring theme in the Task Force's deliberations. Members recognized that affordable housing can include housing for a specific constituency, such as Native American housing programs. Federal assistance for affordable housing can also be directed to specific geographic areas with distinctive physical characteristics. Just as affordable housing programs serve

unique local needs, so should historical preservation reviews, since "one-size-fits-all" approaches are unlikely to produce a successful balance for these projects. Given our national diversity, the majority of Task Force members embraced and encouraged creativity in local solutions while federal agency members emphasized the value of consistency and predictability.

The importance of developing and utilizing tailored guidance also shaped the Task Force's deliberations and its preparation of a set of recommendations for how the policy statement can be put into practice. Direction from both the ACHP and federal agencies was seen as critical to achieving the goals of the Task Force, but members recognized that private and non-profit partners with experience piecing together the resources required for planning and funding affordable housing projects could provide examples of success stories and best practices.

The policy statement, which represents the conclusion of the research and public outreach efforts of the Affordable Housing Task Force and the deliberation of its members, was adopted by the ACHP on November 9, 2006. The final text of the policy statement is provided in Section II of this notice.

II. Text of the Policy

The following is the text of the final policy statement:

Advisory Council on Historic Preservation (ACHP) Policy Statement on Affordable Housing and Historic Preservation

Historic buildings provide affordable housing to many American families. Affordable housing rehabilitation can contribute to the ongoing vitality of historic neighborhoods as well as of the businesses and institutions that serve them. Rehabilitation can be an important historic preservation strategy. Federal agencies that help America meet its need for safe, decent, and affordable housing, most notably the U.S. Department of Housing and Urban Development (HUD) and the U.S. Department of Agriculture's (USDA's) Rural Development agency, often work with or near historic properties.

The ACHP considers affordable housing for the purposes of this policy to be Federally-subsidized, single- and multi-family housing for individuals and families that make less than 80% of the area median income. It includes, but is not limited to, Federal assistance for new construction, rehabilitation, mortgage insurance, and loan guarantees.

National policy encompasses both preserving historic resources and providing affordable housing. The National Historic Preservation Act (NHPA) of 1966, as amended, directs the Federal government to foster conditions under which modern society and prehistoric and historic resources can exist in productive harmony and "fulfill the social, economic, and other requirements of present and future generations." Similarly, affordable housing legislation like the Cranston-Gonzalez Act of 1990, which aims to "expand the supply of decent, safe, sanitary, and affordable housing," anticipates historic preservation as a tool for meeting its goals. Actively seeking ways to reconcile historic preservation goals with the special economic and social needs associated with affordable housing is critical in addressing one of the nation's most pressing challenges.

Providing affordable housing is a growing national need that continues to challenge housing providers and preservationists.

In issuing this policy statement, the ACHP, consistent with Section 202 of the NHPA, offers a flexible approach for affordable housing projects involving historic properties. Section 106 of the National Historic Preservation Act Section 106 requires Federal agencies to take into account the effects of their actions on historic properties and afford the ACHP a reasonable opportunity to comment. This policy provides a framework for meeting these requirements for affordable housing.

Federal tax incentives provide opportunities for historic preservation and affordable housing to work together, including the Low-Income Housing Tax Credit and the Historic Rehabilitation Tax Credit. Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed by the National Park Service (NPS) for adherence to the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards) in a separate and distinct process. Review of these projects is more comprehensive than Section 106 review and necessitates early coordination with NPS and the State Historic Preservation Officer (SHPO) since work must adhere to the Secretary's Standards to obtain the tax credit. Nonetheless, coordination with Section 106 consultation and these reviews frequently occurs.

In an effort to better focus Section 106 reviews for affordable housing, the ACHP encourages Federal and State agencies, SHPOs, Tribal Historic Preservation Officers (THPOs), local

governments, housing providers, and other consulting parties to use the following principles in Section 106 consultation.

Implementation Principles

- I. Rehabilitating historic properties to provide affordable housing is a sound historic preservation strategy.
- II. Federal agencies and State and local government entities assuming HUD's environmental review requirements are responsible for ensuring compliance with Section 106.
- III. Review of effects in historic districts should focus on exterior features.
- IV. Consultation should consider the overall preservation goals of the community.
- V. Plans and specifications should adhere to the Secretary's Standards when possible and practical.
- VI. Section 106 consultation should emphasize consensus building.
- VII. The ACHP encourages streamlining the Section 106 process to respond to local conditions.
- VIII. The need for archeological investigations should be avoided.

I. Rehabilitating Historic Properties to Provide Affordable is a Sound Historic Preservation Strategy.

Continued investment in historic buildings through rehabilitation and repair for affordable housing purposes and stabilization of historic districts through the construction of infill housing should be recognized as contributing to the broad historic preservation goals of neighborhood revitalization and retention.

II. Federal Agencies and State and Local Government Entities Assuming HUD's Environmental Review Requirements Are Responsible for Ensuring Compliance With Section 106.

Federal agencies, notably USDA Rural Development and HUD, provide important funding for affordable housing. These Federal agencies, and funding recipients assuming HUD's environmental review requirements, must comply with Section 106. SHPOs, THPOs, and local historic preservation commissions provide expert opinions and advice during consultation. Consultation should be concluded and outcomes recorded prior to the expenditure of funds.

III. Review of Effects in Historic Districts Should Focus on Exterior Features.

Section 106 review of effects focuses on the characteristics that qualify a property for listing in the National Register of Historic Places. The significance of historic districts is typically associated with exterior features. Accordingly, unless a building

is listed or considered eligible for listing in the National Register as an individual property or specific interior elements contribute to maintaining a district's character, review under Section 106 should focus on proposed changes to the exterior. In all cases, identifying the features that qualify a property for inclusion in the National Register defines the scope of Section 106 review.

IV. Consultation Should Consider the Overall Preservation Goals of the Community.

When assessing, and negotiating the resolution of, the effects of affordable housing projects on historic properties, consultation should focus not simply on individual buildings but on the historic preservation goals of the broader neighborhood or community. If the affected historic property is a historic district, the agency official should assess effects on the historic district as a whole. Proposals to demolish historic properties for new replacement housing should be based on background documentation that addresses the broader context of the historic district and evaluates the economic and structural feasibility of rehabilitation that advances affordable housing.

V. Plans and Specifications Should Adhere to the Secretary's Standards When Possible and Practical.

Secretary's Standards outline a consistent national approach to the treatment of historic properties that can be applied flexibly in a way that relates to local character and needs. Plans and specifications for rehabilitation, new construction, and abatement of hazardous conditions in affordable housing projects associated with historic properties should adhere to the recommended approaches in the Secretary's Standards when possible and practical.

Projects taking advantage of the Historic Rehabilitation Tax Credit must be reviewed by the National Park Service for adherence to the Secretary's Standards in a separate and distinct process that benefits from early coordination. The ACHP recognizes that there are instances when the Secretary's Standards cannot be followed and that Section 106 allows for the negotiation of other outcomes.

VI. Section 106 Consultation Should Emphasize Consensus Building.

Section 106 review strives to build consensus with affected communities in all phases of the process. Consultation with affected communities should be on a scale appropriate to that of the undertaking. Various stakeholders,

including community members and neighborhood residents, should be included in the Section 106 review process as consulting parties so that the full range of issues can be addressed in developing a balance between historic preservation and affordable housing goals.

VII. The ACHP Encourages Streamlining the Section 106 Process To Respond to Local Conditions.

The ACHP encourages participants to seek innovative and practical ways to streamline the Section 106 process that respond to unique local conditions related to the delivery of affordable housing. Programmatic Agreements often delegate the Section 106 review role of the SHPO to local governments, particularly where local preservation ordinances exist and/or where qualified preservation professionals are employed to improve the efficiency of historic preservation reviews. Such agreements may also target the Section 106 review process to local circumstances that warrant the creation of exempt categories for routine activities, the adoption of "treatment and design protocols" for rehabilitation and new infill construction, and the development of design guidelines tailored to a specific historic district and/or neighborhood.

VIII. The Need for Archaeological Investigations Should Be Avoided.

Archaeological investigations should be avoided for affordable housing projects limited to rehabilitation and requiring minimal ground disturbance.

Authority: 16 U.S.C. 470j

Dated: February 12, 2007.

Ralston Cox,

Acting Executive Director.

[FR Doc. 07-703 Filed 2-14-07; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF AGRICULTURE

Office of the Secretary

Notice of the National Agricultural Research, Extension, Education, and Economics Advisory Board Meeting

AGENCY: Research, Education, and Economics, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the United States Department of Agriculture announces a meeting of the National Agricultural Research, Extension, Education, and Economics Advisory

Board. This meeting is open to the general public.

DATES: The National Agricultural Research, Extension, Education, and Economics Advisory Board will meet March 7-9, 2007.

The public may file written comments before or up to two weeks after the meeting with the contact person.

ADDRESSES: The meeting will take place at the Mandarin Oriental Hotel, 1330 Maryland Avenue, SW., Washington, DC 20024. Written comments from the public may be sent to the Contact Person identified in this notice at: The National Agricultural Research, Extension, Education, and Economics Advisory Board; Research, Education, and Economics Advisory Board Office, Room 344-A, Jamie L. Whitten Building, United States Department of Agriculture, STOP 2255, 1400 Independence Avenue, SW., Washington, DC 20250-2255.

FOR FURTHER INFORMATION CONTACT: Joseph A. Dunn, Executive Director, National Agricultural Research, Extension, Education, and Economics Advisory Board; telephone: (202) 720-3684; fax: (202) 720-6199; or e-mail: JADunn@cs.ross.usda.gov.

SUPPLEMENTARY INFORMATION: On Thursday, March 8, 2007, from 8 a.m.-5:30 p.m. the full Advisory Board Meeting will meet beginning with introductory remarks provided by the Chair of the Advisory Board, and the Under Secretary for Research, Education, and Economics (REE), USDA. This meeting will have two focus sessions, one on "Farm Bill" topics and the other on the subject of "Food Safety and Human Health". An evening session beginning at 6:30 p.m., and adjourning at 8:30 p.m. with a guest speaker who will present remarks on food safety. On Friday, February 9, 2006, the meeting will reconvene at 9 a.m. to hear recap highlights from the previous day's focus sessions followed by overall Board discussions. You will hear remarks from within and outside the USDA pertaining to the agency perspective on the individual topics. An opportunity for public comment will be offered after the meeting wrap-up. The Advisory Board Meeting will adjourn by 12 (noon).

Written comments by attendees or other interested stakeholders will be welcomed for the public record before and up to two weeks following the Board meeting (by close of business Friday, March 21, 2007). All statements will become a part of the official record of the National Agricultural Research, Extension, Education, and Economics Advisory Board and will be kept on file

APPENDIX 2

DEFINITIONS

The following definitions shall be used in the implementation and interpretation of this Agreement:

(ACHP) ADVISORY COUNCIL ON HISTORIC PRESERVATION - An agency of the Federal government that maintains the regulations (36 CFR Part 800) for implementation of Section 106 review and has oversight of the Section 106 review process.

AFFECTED PROPERTY - A parcel of land that is directly affected by an undertaking, being the location of an undertaking. An affected property contains the buildings, structures, objects, sites, and/or districts affected by the undertaking. The address assigned by the City is the geographic reference used to catalog an affected property..

ARCHITECTURAL RESOURCE - A district, building, structure, object, site, , or related resource(s), primarily of a historic and architectural nature, that is listed on, eligible for, potentially eligible for, or ineligible for the NRHP, or that has not been evaluated.

ARCHAEOLOGICAL RESOURCE - A district, object, site, structure, or related resources that contains archaeological information and materials of a prehistoric or historic nature, that has not been evaluated for eligibility or that is listed on, eligible for, potentially eligible for, or ineligible for the NRHP.

AGREEMENT - This document, the most recent adopted version of the Richmond Programmatic Agreement.

(APE) AREA OF POTENTIAL EFFECT - The geographic area affected by an undertaking as specified in Stipulation II (C).

CERTIFIED LOCAL GOVERNMENT - A local government whose historic preservation program has been certified pursuant to Section 101(c)(1) of the National Historic Preservation Act.

(CITY) CITY OF RICHMOND - The government of the City of Richmond, Commonwealth of Virginia; specifically the staff assigned to administer the Agreement.

CONCURRENCE - A response from the SHPO or consulting party provided as a result of consultation, in which the SHPO or consulting party agrees with the City's recommended finding of effect and concurs with or adds to conditions and or mitigation measures proposed the City.

CONCURRING PARTY - Any of the concerned group of stakeholders who participated in the development of this Agreement, who were afforded an opportunity to

sign the Agreement, and who participate in consultations on specific undertakings as stipulated in the Agreement.

CONSULTATION – The process by which the City works with the SHPO and consulting parties to assess effects on historic properties, consider alternatives for the treatment of historic properties, and mitigate or avoid findings of adverse effect.

(DSS) DATA SHARING SYSTEM – An electronic database that is maintained by the SHPO. DSS is used by the City to locate previously-identified archaeological and architectural resources, used to record newly-identified resources, and used in conjunction with GIS to map historic properties in an undertaking's APE.

EFFECT – A finding made by the City and SHPO as to how an undertaking will affect historic properties that falls into one of the following categories:

No Historic Properties Affected. There are no historic properties that will be directly or indirectly affected by the undertaking.

No Adverse Effect. The undertaking affects the historic properties in the APE in such a way that the historic character is left intact.

Adverse Effect. The undertaking results in degradation and/or loss of those characteristics of a property that make it eligible for the NRHP. Demolition of a historic property will always constitute an adverse effect.

FEASIBLE – The degree to which a historic property, or any features of that property, affected by an undertaking, can be successfully preserved. Whether or not something is feasible is essential in the consideration of an adverse effect and application of the *Secretary's Standards*. One or more of the following criteria shall be used in determining whether or not something is feasible:

The physical condition of and design constraints related to a building, building features, or structure; and/or

The scope and budget of the undertaking; and/or

The significance and integrity of a building, building features, or structure; and/or

The location and setting of the affected property; and/or

Economic constraints including rehabilitation costs, market value for resale of a completed undertaking, and other pertinent data.

(GIS) GEOGRAPHIC INFORMATION SYSTEM – The electronic mapping system maintained by the City, which maps DSS and other pertinent data, documents an APE, and creates a record of the relationship of an undertaking to historic properties and ineligible properties in the APE.

HISTORIC PROPERTY – Any property containing archeological and/or architectural resources that falls into one of the following categories:

It is a contributing property in an district eligible for listing in the NRHP; or
It is a contributing property in a historic district listed in the NRHP; or
It is individually eligible for listing on the NRHP; or
It is individually listed on the NRHP.

(HUD) THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT – The federal agency that provides funding for the undertakings covered by this agreement.

IMMEADIATLY ADJACENT – Within 150 feet of an undertaking as documented on a GIS APE map.

IN-KIND REPLACEMENT – The installation of a new building feature or material to replace historic (i.e. over 50 years old) features or materials that are either missing or too deteriorated to repair. An in-kind replacement exactly matches the original in all respects, including design, material, dimensions, configuration, and detailing.

INVENTORY – The on-going inventory of historic properties maintained and prepared by the City and the SHPO using both GIS and DSS that documents historic and non-historic properties throughout the City.

NEIGHBORHOOD – One of the various sections of Richmond, Virginia as delineated and named by the City of Richmond in the neighborhoods layer in GIS.

NON-HISTORIC PROPERTY - Any property that has been determined by the SHPO to be ineligible for listing on the NRHP, individually or as a part of an ineligible district or that has been designated a non-contributing property in a district listed on or eligible for listing on the NRHP.

OBJECTION - A disagreement by the SHPO, a consulting party, or a member of the public with the City's review of an individual undertaking or its administration of this Agreement.

MITIGATION - An action to minimize, ameliorate, or compensate for the degradation and/or loss of those characteristics of a property that make it eligible for the NRHP as a result of an adverse effect on historic properties.

(NRHP) NATIONAL REGISTER OF HISTORIC PLACES - The Federal government's official listing of historic resources maintained by the Keeper of the National Register.

NRHP CRITERIA FOR EVALUATION - The most recent version of the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the NRHP (36 CFR Part 60). These criteria are used by the City, SHPO, and Keeper of the National Register to evaluate properties for the NRHP.

PART 58 - The Federal Regulations, 24 CFR, Part 58.1, 58.2 and 58.4, by which HUD delegates environmental and Section 106 responsibilities to the City of Richmond.

PRESERVATION BRIEFS - A series of leaflets about working on historic properties compiled by the National Park Service, which provide technical information that may be used in the implementation of this Agreement. Preservation Briefs can be found on the internet and downloaded from the Technical Preservation Services portion of the National Park Service website.

SECRETARY - The Secretary of the United States Department of the Interior.

(SECRETARY'S CHECKLIST) THE SECRETARY OF THE INTERIOR'S CHECKLIST FOR REHABILITATION AND NEW CONSTRUCTION - The most recent paper or electronic version of a checklist developed by the SHPO to document rehabilitation and new construction undertakings having an effect on historic properties.

SECRETARY'S STANDARDS - The most recent version of the *Secretary of the Interior's Standards for the Treatment of Historic Properties*, maintained by the National Park Service.

(SECTION 106 FORM) THE SECTION 106 PROJECT REVIEW FORM- The most recent paper or electronic version of a form developed by the SHPO to provide a summation of individual undertakings.

(SHPO) STATE HISTORIC PRESERVATION OFFICER- The official appointed or designated pursuant to Section 101 (b)(1) of the National Historic Preservation Act to administer the State Historic Preservation program, or such representative designated to act for the State Historic Preservation Officer. For purposes of this Agreement, the State Historic Preservation Officer shall refer to the Director and staff of the Virginia Department of Historic Resources.

STIPULATION - A specific portion of this agreement. A stipulation is identified by a Roman numeral and subdivided by a sequence of capital letters, Arabic numerals, and lower case letters.

STREETSCAPE - The architectural character of a block face or group of block faces in an APE that might be affected by an undertaking. The components of a streetscape include scale, massing, form, materials, and other architectural characteristics that visually unite a block face.

SUBRECIPIENT OR SUBGRANTEE - Any non-profit community development corporation or organization, for-profit developer, or public agency that receives Title I funds in any of three ways: through a contract with the City of Richmond, through a contract directly from HUD, or through a combination of City and HUD-administered contracts.

SURVEY - The process by which historic properties are documented according to the requirements of the SHPO, either for recordation of an individual property or to compile data for the City's inventory of archaeological or architectural resources.

UNDERTAKING - An activity or activities for the development of an affected property; that receives total or partial funding from HUD, or for which there is a reasonable expectation of HUD funding being used in the future. There may be multiple stages of undertakings for the development of a single affected property. Undertakings that can be reviewed under the stipulations of this Agreement include:

Acquisition. The purchase of an affected property all or in part with federal funds for future undertakings.

Demolition. The removal of all or a portion an existing building.

Disposition. The sale or transfer of a property purchased and/or improved with federal funds, for future development.

New Construction. The construction of a new building that is a new building on a vacant lot, the replacement or reconstruction of an existing building, or a substantial addition to an existing building.

Rehabilitation. The re-use of an existing building that will maintain the majority of the existing building structure and materials. Rehabilitations include major rehabilitations or repairs to historic buildings in a manner consistent with the *Secretary's Standards*, as well as renovations or repairs to non-historic buildings.

APPENDIX 3

UNDERTAKING WORK ITEMS EXEMPT FROM SHPO REVIEW

Introduction. The following work items have limited potential to affect historic properties. Section 106 Review of these work items may be completed in accordance with Stipulation II (D) of this Agreement.

I General Exemptions

A. Real Estate. Mortgages, leases, or loan guarantees of real property, that are not linked to rehabilitation, new construction, demolitions or other treatments that could be considered undertakings.

B. Architecture and Engineering. The preparation of architectural, engineering, site plans, or other planning documents related to an undertaking.

C. Motor Vehicles. The rental or purchase of vehicles or other motorized equipment.

D. Grants and Loans for Economic Development. Economic Development loans or grants, that are not linked to rehabilitation, new construction, demolitions or other treatments that could be considered undertakings, used for working capital, equipment, furniture, fixtures, debt refinancing or other purposes.

II. Specific Exempt Undertaking Activities

A. Site and Utility Work

1. Utility Installation. The installation of utilities, such as sewer, storm, electrical, gas, steam, compressed air, leach lines, or septic tanks in road rights-of-way, existing utility corridors, or other areas previously disturbed by these activities.

2. Streets, Driveways, Alleys, and Parking Areas. The maintenance, repair, relining, or replacement in-kind of existing curbing, sidewalks, or paving surfaces that does not result in a change in width, historical surface material, vertical alignment, or drainage.

3. Site Improvements. The maintenance, repair, or in-kind replacement of existing structural landscape features including: steps, driveways, walls, retaining walls, pavements, fences, walkways, and statuary. Exempt site improvements do not include changes in size or material and/or the addition of new features.

4. Traffic Signage and Signals. The maintenance, repair, or in-kind replacement of street lights, traffic signals, and traffic signs, that does not involve the installation of new street lights, traffic signals, or traffic signs.

5. Park and Playground Equipment. The repair or comparable replacement of existing park and playground equipment providing that repair or comparable replacement does not include the demolition, construction, or installation of new (additional) playground structures or buildings.

6. Construction-related improvements. The installation of temporary construction-related improvements, including: scaffolding, barriers, screening, fences, protective walkways, signage, office trailers, restrooms, temporary walks, drives and access roads, construction easements, equipment storage areas, staging areas, or below ground utilities that are to be left in place for two years or less.

7. Changes to Vegetation. The pruning of overgrown trees and shrubs, the removal of dead trees, the removal of vines, trees, or shrubs that are covering or damaging buildings, or the installation of new plant materials.

B. Exterior Rehabilitation

1. Foundations. The repair of brick, cement, or stone foundations below grade, as well all other types of in-kind repairs to other foundation materials. For the underpinning of piers and foundations on the street façade(s) of a building, the underpinning material must be placed at least two (2) inches behind the outer face of the piers or walls that are exposed to view.

2. Windows and Doors. The repair of windows or doors, including caulking and weather stripping of existing window or door frames. It would also include the installation of new clear glass in existing sashes or doors, including retrofitting for double and triple glazing or the replacement of glazing putty. The installation of exterior storm windows or storm doors, provided they conform to the shape and size of the historic windows and doors, and that the meeting rails of storm windows coincide with that of existing sash, and that installation will not permanently damage historic elements. The installation of door/window locks, or electronic security devices, on windows and doors, provided that surviving historic lock mechanisms are retained.

3. Walls and Siding. The in-kind repair of exterior masonry walls, or the in-kind replacement of deteriorated siding, stucco, or trim.

4. Paint. The removal of exterior paint by non-destructive means that is limited to hand scraping, low pressure water wash (less than 200 p.s.i.), or paint-removal chemicals. The application of paint to previously painted surfaces. Painting that would cover unpainted surfaces or historic decorative paint schemes, such as graining, stenciling, marbling, etc., shall not be considered exempt work items. All exterior paint treatment shall conform to the guidance for lead paint removal in Stipulation I (D) (2).

- 5. Porches.** The repair or in-kind replacement of existing porch features, such as columns, flooring, floor joists, ceilings, railing, balusters, balustrades, or lattice.
- 6. Roofing.** The repair or in-kind replacement of roof features, including cladding, sheeting, flashing, gutters, soffits, and downspouts, as long as this work does not result in a change in roof pitch or configuration. The repair or re-framing of structural roof features as required to improve the drainage and durability of the roof, as long as the appearance of the roof lines visible from the front elevation and from other prominent, visible points (for example, the exposed side elevation on a corner lot) is not affected. New installation of gutters and down spouts, as long as this does not damage historic materials or require removal of historic features.
- 7. Wheelchair Ramps.** The repair of existing wheelchair ramps, unless the ramps are to be replaced with new materials or substantially modified. The installation of new wheelchair ramps that meet the following criteria: the ramp will not be a permanent addition to the property; no historic fabric will be permanently damaged in the installation or use of the ramp; and every reasonable effort will be made to construct and finish the ramp in a manner that will result in a minimal amount of visual and physical effects on the property, through design considerations, use of materials, and painting of wooden ramps, whenever possible.
- 8. Repointing.** The repair or repointing of chimneys or other masonry features with the design, size, shape, materials, and repointing to match the original in color, texture, and tooling, and, for historic properties, following the recommended approaches in the most recent edition of Preservation Brief No. 2 *Repointing Mortar Joints in Historic Brick Buildings*.
- 9. Signs and Awnings.** The repair, re-lettering, or in-kind replacement of wall signs, hanging signs, cloth awnings, or metal awnings.
- 10. Mechanical Systems.** The installing of exterior HVAC mechanical units and vents that are not located on street facades of a building, and that will not permanently damage historic fabric.
- 11. Basement bulkhead doors.** The replacement or in-kind repair of basement bulkhead doors. The installation of new basement bulkhead doors not located on the street facades of a building.
- 12. Lighting.** The repair or in-kind replacement of existing exterior light fixtures.
- 13. Securing a Building or Structure.** Securing, stabilizing, or mothballing a building or structure by boarding over window and door openings, making temporary roof, masonry, or siding repairs, bracing walls or other building

features, or ventilating the building. The removal and storage of materials and features (porches, trim, windows, doors, etc.) in order to secure or mothball a building for future rehabilitation, as long as the materials and features are properly documented in situ by the City and stored on site for future rehabilitation. For historic buildings, mothballing procedures should follow Preservation Brief No. 31, "Mothballing Historic Buildings."

C. Interior Rehabilitation

1. Mechanical systems. The installation, replacement or repair of plumbing, HVAC systems and units, electrical wiring and fire protection systems, provided no structural alterations or damage to historic material are involved. Restroom improvements for handicapped access are included, provided the work is contained within the existing restroom walls. For historic properties, work must be done according to the latest versions of the National Park Service *Preservation Briefs*, and there shall be no intrusion into the primary spaces of the building.

2. Interior Surfaces. The repair or in-kind replacement of interior surface treatments, including: floors, walls, ceilings, plaster or woodwork, that will not result in changes to historic features.

3. Carpeting and Flooring. The installation of carpeting or flooring (linoleum or vinyl), in such a way that historic flooring will not be damaged or removed.

4. Paint. The removal of interior paint by non-destructive means that is limited to hand scraping, low pressure water wash (less than 200 p.s.i.), or paint-removal chemicals or the application of paint to previously painted surfaces. Interior painting that would cover unpainted surfaces or historic decorative paint schemes (graining, stenciling, marbling, etc.) shall not be considered exempt work items. All interior paint treatment shall conform to the guidance for lead paint removal in Stipulation I (D).

5. Kitchens. Repair or replacement of kitchen cabinets, counters, or appliances – provided the work is contained in the existing kitchen and significant historic fabric will not be damaged or removed.

6. Bathrooms. Replacement of bathroom facilities and fixtures – provided the work is contained within the existing bathroom and will not involve damage to significant historic fabric.

7. Insulation. The installation of non-spray insulation in ceilings and attic spaces.

8. Basement. The installation or repair of concrete basement floor in an existing basement, provided no historic materials are damaged or concealed.

9. Radon Abatement. Treatment to prevent the entry of radon gas into the building through the basement floor, that does not damage or conceal any historic material.

10. Asbestos Abatement. Treatment to abate asbestos, as long as it does not involve removal or alteration of significant historic features.