

PROGRAMMATIC AGREEMENT
BETWEEN
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER AND
THE CITY OF DETROIT, MICHIGAN
REGARDING ADMINISTRATION OF THE
HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS
FUNDED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) provides formula grant funding to the City of Detroit (City); and

WHEREAS, due to the City's acceptance of federal environmental review responsibility, in accordance with section 104(g) of the Housing and Community Development Act of 1974 [42 U.S.C. 5304(g)], the City assumes federal agency responsibility for compliance with section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. 470 *et seq*] (Section 106); and

WHEREAS, the City, by and through its Planning and Development Department (PDD), proposes to administer its Community Development Block Grant (CDBG) Programs, the HOME program, Special Purpose Grants, and the Emergency Shelter Grant Program (collectively, Program) with funds from HUD; and

WHEREAS, the City's Program encompasses the following activities: single-family and multi-family rehabilitation; property acquisition; property relocation; handicapped accessibility improvements; demolition; new construction; lead hazard reduction and redevelopment projects; under statutes that authorize HUD to provide for the assumption of environmental review responsibilities by recipients in accordance with HUD's Environmental Review Procedures as set forth in 24 CFR § 58; and

WHEREAS, the City has determined that the administration of its Program may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (National Register) and has consulted with the Michigan State Historic Preservation Officer (SHPO) and Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR § 800.14(b) of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and Section 110(f) of the same Act (16 U.S.C. 470h-2(f)); and

WHEREAS, on March 26, 2007, the ACHP declined to participate in the Agreement; and

WHEREAS, The City of Detroit Planning and Development Department, the Detroit Historic Designation Advisory Board (HDAB), and the Detroit City Council (City) have participated in consultation and have been invited to concur in this Programmatic Agreement (Agreement); and

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

NOW, THEREFORE, the City and the SHPO agree that the Program shall be administered in accordance with the following stipulations to satisfy the City's Section 106 responsibilities for all individual undertakings of the program.

STIPULATIONS

The City shall ensure that the following measures are carried out:

I. APPLICABILITY

This Agreement shall be limited to the following programs:

- A. CDBG Program
- B. HOME Program
- C. Special Purpose Grants
- D. Emergency Shelter Grants Program

II. QUALIFIED PERSONNEL

A. The City shall employ staff person(s) or contract with consultants having professional qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as specified in the Secretary of the Interior's *Historic Preservation Professional Qualification Standards*, (48 FR 44738-39, September 29, 1983). Such qualified staff (Preservation Specialist) will be responsible for administering those terms of this Agreement that require their particular expertise and for coordinating with appropriate City departments, authorities and agencies regarding Program assisted activities.

1. If there is a change of staff in the Preservation Specialist, the City shall notify the SHPO within 15 days of the change and shall provide the SHPO with documentation of the new staff person's qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as specified in the Secretary of the Interior's *Historic Preservation Professional Qualification Standards*, (48 FR 44716, September 29, 1983).
2. If the City determines that it cannot employ qualified staff to administer the terms of this Agreement, it must follow regular Section 106 procedures, which include forwarding documentation to the SHPO for review.

B. The HDAB staff will assist the Preservation Specialist in the identification and evaluation of historic properties covered under the terms of the Agreement

III. IDENTIFICATION AND EVALUATION

A. Through the HDAB, the City shall identify districts, sites, buildings, structures, and objects that meet the criteria for listing in the National Register of Historic Places (hereinafter "properties") within the Areas of Potential Effects (APEs) of federally-assisted projects.

B. Properties fifty years of age or older that may be affected by projects covered under this Agreement will be evaluated by the Preservation Specialist, in consultation with the HDAB staff, to determine if the property meets the criteria for listing in the National

Register of Historic Places, either individually or as contributing to a historic district. If the Preservation Specialist and the HDAB staff agree that the property meets the criteria, the City can proceed to implement projects in accordance with this Agreement.

C. If the Preservation Specialist and the HDAB staff do not reach agreement regarding the eligibility of a property, the Preservation Specialist shall submit documentation to the SHPO regarding the eligibility of the historic property in question to be affected by the Program activities. The SHPO shall provide written comments within 30 days following the receipt of adequate documentation.

1. Documentation of individual properties submitted to the SHPO for review will include a completed SHPO "Historical Significance Response Sheet", a survey card, photographs of the property as well as streetscape views, a map indicating the property's exact location, and a brief history, including when the structure was constructed, the name of the architect or builder, the names of early and subsequent occupants of the structure and any history associated with those occupants.
2. Documentation for eligible districts will include maps, photographs, a statement of significance, a physical description, a listing of all the addresses of the properties within the district, and whether or not they are contributing or non-contributing.

D. If the City and the SHPO disagree about the National Register eligibility of a property, the City shall request a formal determination of eligibility in accordance with 36 CFR § 800.4(c)(2).

IV. PROGRAM ACTIVITIES NOT REQUIRING REVIEW

The Program activities listed in Appendix B have limited potential to affect historic properties and do not require further review from the SHPO when receiving Program assistance. The City shall retain individual project files for each project reviewed in accordance with this stipulation as verification that the scope of work was limited to these activities.

V. TREATMENT OF HISTORIC PROPERTIES

The City shall ensure that all properties listed in the National Register, eligible for listing in the National Register, or determined eligible for listing in the National Register of Historic Places, are treated in accordance with the Stipulations.

A. Property Acquisitions

1. Upon the acquisition of a historic property using Program funds, the City will secure, stabilize and preserve that historic property pending its disposal. The methods used to secure and stabilize properties shall adhere to the Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards)* and *Preservation Brief 31, Mothballing Historic Buildings* (U.S. Department of the Interior, National Park Service, September 1993).
2. Prior to the transfer or lease of properties acquired with Program funds, the City shall consult with the SHPO to determine the need for a preservation easement. If it is determined that a preservation easement is necessary, the City shall submit the proposed preservation easement in the case of sale of property, or lease

agreement, to the SHPO for review and approval. If the SHPO does not approve the proposed preservation easement, the City shall request the ACHP's comments in accordance with 36 CFR § 800.5.

B. Rehabilitation and Public Improvement Projects

1. Residential and Commercial Rehabilitation Projects. The City shall ensure that all residential rehabilitation and commercial rehabilitation projects involving historic properties are carried out in accordance with the *Standards*. The Preservation Specialist shall review and approve all plans and specifications or work write-up prior to the initiation of project activities.
2. Site Improvement Projects. The City shall ensure that site improvement projects impacting historic properties or historic districts, to include sidewalk improvement projects, re-paving of streets, installation of landscaping, street lighting and street furniture and other infrastructure improvements, adhere to the *Standards*. Site improvement projects affecting historic parks shall meet the standards in *Draft Guidelines for the Treatment of Historic Landscapes* (National Park Service, 1992).
3. If the *Standards* cannot be met, or the proposed treatment of the property is not rehabilitation, or if the contemplated action could otherwise have an adverse effect on such properties the City will consult with the SHPO and notify the ACHP prior to taking any action. Once the comments of the SHPO are obtained, the City will request the ACHP's comments in accordance with 36 CFR § 800.6.
4. The City will retain work descriptions, before and after photographs of the properties proposed for or impacted by rehabilitation or site improvement projects, and the comments of the Detroit Historic District Commission (HDC) when applicable in individual project files. Before and after photographs shall be used as evidence of the City's proper application of the *Standards*. All files shall be retained for a minimum of three (3) years following project implementation.

C. Relocation of Historic Properties

1. Prior to the relocation of contributing buildings within listed or eligible historic districts, into or out of listed or eligible historic districts, or the relocation of individual buildings listed on or eligible for listing on the National Register, the City shall consult with the SHPO to identify an acceptable alternate site, preferably within the same historic district. The new site shall be compatible with the historic structure being moved in terms of adjacent structures and uses.
2. If the SHPO approves the alternate site, the City shall ensure that the property is moved by qualified movers in accordance with approaches recommended in *Moving Historic Buildings* (John Obed Curtis, 1979). Once the property is relocated, the City, in consultation with the HDAB staff, shall re-evaluate the National Register eligibility of the property.
3. If the SHPO objects to the proposed alternate site, the City and the SHPO shall consult per Stipulation XIV.

D. Handicapped Accessibility

1. The City shall explore alternative methods for providing handicapped accessibility to national register eligible or listed buildings in accordance with the Americans with Disabilities Act (ADA) regulations and other local and federal requirements for accessibility. To the extent feasible, handicapped access will be placed on secondary elevations for buildings listed in or eligible for listing in the National Register and will not result in the removal of a historic building's significant architectural features. The design of handicap accessible features shall be consistent with the *Standards*, National Park Service Preservation Brief No. 32, and the Department of Interior report entitled, *Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation*.
2. The City will retain documentation regarding alternatives as part of the individual project files.
3. The City shall consult with the SHPO, including submitting documentation of alternate methods of creating handicapped access, when such projects will have an adverse effect on the historic and/or architectural character of a National Register eligible or listed resource.

E. Demolition

1. The City shall proceed with the demolition of properties determined ineligible for listing on the National Register in accordance with Stipulation II without further review.
2. Demolition of Vacant and Dangerous Buildings. The City shall forward documentation to the SHPO for review and comment regarding the proposed demolition of vacant, dangerous buildings which includes:
 - (a) An explanation of how long the property has been listed on the City's Vacant and Dangerous Buildings list and why demolition is proposed;
 - (b) A SHPO inventory card and photographs of all elevations and significant features;
 - (c) A brief history of the property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the National Register;
 - (d) A structural report by a qualified structural engineer with experience with historic building structural systems or a qualified architect meeting the Secretary of the Interior's *Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983);
 - (e) A summary of efforts undertaken by the City to rehabilitate and reuse the property;
 - (f) A summary of alternatives to demolition that were considered and why they were not used;
 - (g) The views of the local community;

- (h) Any proposed mitigation measures which shall be forwarded to the SHPO in a "two-party" Memorandum of Agreement (MOA).

Within thirty (30) days following receipt of adequate documentation, if the SHPO agrees with the proposed demolition of a historic property, it shall sign the "two-party" MOA and return it to the City for signature.

If the SHPO objects to the proposed demolition, the City and the SHPO shall consult per Stipulation XVII.

3. Routine Demolition Projects. Prior to the demolition of historic properties not covered under the Vacant and Dangerous Buildings program, the City shall forward the following documentation to the SHPO for review and comment:

- (a) Location and description of the building;
- (b) Reasons for demolition, including documentation of code violations and structural damage and deterioration, as summarized by the Buildings & Safety Engineering department, market conditions and cost of rehabilitation versus new construction, etc., and an explanation why rehabilitation is neither prudent or feasible;
- (c) Recent photographs of each elevation and any significant architectural elements;
- (d) A brief history of the property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the National Register;
- (e) A description of measures taken to solicit public comment and copies or summaries of public comments received; and,
- (f) Proposed mitigation measures that shall be included in a "two-party" MOA.
- (g) The SHPO will review the documentation submitted, and within thirty (30) days of receipt of adequate documentation, will sign the MOA or object in writing to the proposed demolition. If the SHPO objects to the proposed demolition, the City and the SHPO shall consult per Stipulation XVII.

4. Emergency Demolitions.

- (a) When the City determines that the emergency demolition of historic properties is required because in the opinion of its Buildings & Safety Engineering Department there exists an actual and immediate danger affecting the health, safety and welfare of the public if the structure(s) is not demolished immediately, and no federal funds are used by the City for the demolition, the City shall implement the emergency measures mandated by Detroit City Ordinance No. 290-H, without adhering to the requirements provided in V.E.4.(b)-(d).
- (b) When the City determines that the emergency demolition of historic properties is required to comply with Detroit City Ordinance No. 290-H

to avoid an imminent threat to the health and safety of residents, and if federal funds are used for the demolition, the City shall forward documentation to the SHPO by express mail with a request for comments within 5 business days. Documentation shall include:

1. The address of the property and the nature of the emergency;
2. Recent photographs of the property;
3. A signed copy of the local order requiring that emergency demolition commence within 30 days or less; and
4. A SHPO inventory form or other documentation regarding the National Register eligibility of the property.

(c) The SHPO will notify the City in writing whether it approves the emergency demolition and what, if any, mitigation measures must be implemented prior to demolition (i.e. recordation, architectural salvage, etc.). The City shall ensure that, to the extent feasible, all mitigation measures are implemented and appropriate documentation forwarded to the SHPO within fourteen (14) days following the completion of demolition activities.

(d) If the SHPO objects to the emergency demolition, the City and the SHPO shall consult per Stipulation XVII.

VI. NEW CONSTRUCTION AND ADDITIONS

- A. Proposals for new construction and additions within or adjacent to a historic district, or adjacent to properties listed in or eligible for listing in the National Register, will be developed in accordance with the guidelines for new construction contained in the *Standards*.
- B. The City shall ensure that the design of infill construction on vacant parcels within historic districts adheres to the *Standards* and is developed in consultation with the SHPO. If the SHPO approves a prototype(s) design for infill construction within a neighborhood or historic district, the City may request review and approval of construction projects using the prototype design without further review of the design documents. If the prototype(s) cannot be adhered to, the City shall submit a modified design to the SHPO for review and approval.
- C. Preliminary plans will be developed in consultation with the SHPO. Final plans and specifications will be submitted to the SHPO for review and comment prior to initiation of construction activities. The SHPO shall have thirty (30) days from the date of the receipt to review and comment on the final plans and specifications.

VII. REDEVELOPMENT PROJECTS

- A. The City shall consult with the SHPO during the preparation of redevelopment or urban renewal plans for a neighborhood, historic district, or target area. The City shall afford the SHPO an opportunity to comment on the document during the draft stages. The SHPO will evaluate the potential effect that the goals and objectives and implementation strategy

of the plan will have on historic properties. The SHPO's comments shall be integrated into the plan or referenced in the document before it is submitted for required local and state administrative reviews.

- B. The City, in consultation with the SHPO, shall determine whether the redevelopment or urban renewal plan should be implemented under the terms of this Agreement or whether a project specific MOA should be developed in accordance with 36 CFR § 800.6. The City shall notify the ACHP of the SHPO's determination and, if appropriate, provide the ACHP with background documentation to initiate the consultation process.

VIII. ARCHEOLOGICAL RESOURCES

In the event that major ground disturbance activities are planned as part of a rehabilitation, new construction, or site improvement project, the City, in consultation with the SHPO, shall determine whether the project site contains archeological resources.

- A. The City's archeological survey and SHPO inventory forms will be reviewed to determine if any National Register eligible resources are located on the project site.
- B. If the SHPO determines that an archeological survey is required, the City shall hire qualified archeologists (meeting the Secretary of Interior's *Historic Preservation Professional Qualification Standards* (48 FR 44716, September 29, 1983)) to assist in the identification and evaluation and treatment of eligible archeological sites.
- C. If archeological resources are identified which meet the National Register criteria, they will be avoided or preserved in place, if feasible.
- D. If the City determines that is unfeasible to preserve or avoid archeological resources, the City shall consult with the SHPO to develop a treatment plan consistent with the ACHP's publication, *Treatment of Archeological Properties*. The City shall ensure that the plan is implemented by a qualified archeologist once it is approved by the SHPO.

XI. PUBLIC PARTICIPATION

- A. Each year the City will notify the public of the City's current HOME and CDBG Program activities and make available for public inspection documentation about the City's CDBG Program. Available in this documentation will be general information on the type(s) of activities undertaken with HOME and CDBG funds; information on identified historic properties in communities which might be affected by these activities; the amount of HOME and CDBG funds available in the current program year; how interested persons can advise the City of any comments or concerns they may have about the HOME and CDBG program, and its effect on historic properties. A copy of said notice will be provided to all Citizen District Councils, Preservation Wayne, Cityscape Detroit, historic district associations, and the SHPO.
- B. At any time during the implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the City shall take the objection into account and consult as needed with the objecting party, the SHPO, or the ACHP to resolve the objection.

XII. TECHNICAL ASSISTANCE AND TRAINING

The SHPO staff will provide on a periodic basis technical assistance, consultation and training as requested by the City in order to assist in carrying out the terms of this Agreement. The City, assisted by SHPO, shall provide guidance documents to City staff to assist in complying with the terms of the Agreement.

XIII. PROJECT COORDINATION

- (A) Within ninety (90) days following execution of this Programmatic Agreement, the City shall develop internal review procedures to ensure that the Program activities carried out by other departments, authorities and agencies are implemented in accordance with the terms of the Programmatic Agreement. The procedures shall outline how historic preservation reviews are to be coordinated and the documentation the departments are to retain in individual project files. A copy of the procedures will be submitted to SHPO.
- (B) The City shall take appropriate measures to ensure that Program activities, including the issuance of certificates of appropriateness, notices to proceed, Buildings & Safety Engineering Department building permits, construction permits and demolition permits, related to historic properties, are not implemented until the department, authority, or agency has received written clearance from Preservation Specialist.

XIV. MONITORING

- A. The City shall prepare semi-annual reports summarizing Program activities carried out pursuant to the terms of the Agreement. The City shall forward copies of this report to the SHPO, the ACHP and other parties who may so request. The first report will be submitted on January 1, 2008, with subsequent reports to be submitted each January 1st and July 1st thereafter.
- B. The City shall retain individual project files containing determinations of eligibility, the comments of the SHPO, written authorization from the Preservation Specialist, specifications and work write-ups, before and after photographs and other pertinent documentation, for at least three years following the completion of the Program activity.
- C. The City shall set up a meeting with the SHPO in July 2008, after the first year of execution of the Agreement to determine how the City is complying with the terms of the Agreement and what, if any, modifications are required to improve compliance with the Agreement.
- D. A meeting among the parties to the Agreement shall be scheduled in July 2012 to determine whether the Agreement should be extended beyond 2012. The public shall be notified of this meeting and shall be invited to submit comments to the SHPO and ACHP regarding the effectiveness of the Agreement prior to the scheduled meeting.

XV. PREPARATION OF THE NEW COMPREHENSIVE PLAN

A copy of the City's revised Master Plan of Policies will be provided to the SHPO when completed. The SHPO will provide comments on the historic preservation provisions contained in the Master Plan to the City, which shall make every effort to take those comments into account.

should that document be amended.

XVI. COORDINATION WITH OTHER FEDERAL PROGRAMS

Should other federal agencies provide financial assistance to the City to assist with the implementation of community development projects reviewed under the terms of this Agreement, they may satisfy their Section 106 compliance responsibilities by accepting and complying with the terms of this Agreement. The federal agency, shall notify the SHPO and the ACHP in writing of its intent to adhere to this Agreement in lieu of case-by-case Section 106 reviews.

XVII. DISPUTE RESOLUTION

A. Should the SHPO object within thirty (30) days to any plans for action proposed pursuant to this Agreement, the City shall consult with the SHPO to resolve the objection. If the City determines that the objection cannot be resolved pursuant to 36 CFR § 800.7(b), the City shall forward all documentation relevant to the dispute to the ACHP. Within forty-five (45) days following receipt of adequate documentation, the ACHP will either:

1. Provide the City with recommendations, which the City will take into account in reaching a final decision regarding the dispute (36 CFR § 800.7(b)); or
2. Notify the City that it will comment pursuant to 36 CFR § 800.7(c), and proceed to comment. Any ACHP comment provided in response to such a request will be taken into account by the City in accordance with 36 CFR § 800.7(c)(4) with reference to the subject of the dispute.

B. The ACHP's responses to such request will be taken into account by the City in accordance with 36 CFR § 800.7(c) with reference only to the subject of dispute; the City's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

XVIII. TERM OF AGREEMENT

This Agreement shall take effect on the date it is signed by all parties and shall continue in full force and effect until December 31, 2012, unless otherwise terminated or extended. At any time in the six-month period prior to this date the City may request the SHPO in writing to review the City's Program and consider an extension or modification to this Agreement. No Extension or modification shall be effective unless all parties to the Agreement have agreed to it in writing.

XIX. AMENDMENT

Any party to this Agreement may request that it be amended, whereupon the parties will consult to consider such an amendment. The amendment shall be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XX. TERMINATION

Any party to this Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the City will comply with 36 CFR § 800.3 through 800.6 with regard to individual

undertakings covered by this Agreement.

Execution and implementation of this Agreement evidences that the City has afforded the ACHP a reasonable opportunity to comment on the Program and that the City has taken into account the effects of the Program on historic properties.

CITY OF DETROIT, MICHIGAN

By: *Kwame M. Kilpatrick* Date: 7/26/07
Kwame M. Kilpatrick, Mayor

THE DETROIT CITY COUNCIL

By: *Kenneth V. Cockrel* Date: 10/30/07
Kenneth V. Cockrel, President

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: *Brian D. Conway* Date: 11/9/07
Brian D. Conway, SHPO

Concur:

THE CITY OF DETROIT PLANNING AND DEVELOPMENT DEPARTMENT

By: *Douglass J. Diggs* Date: 7-26-07
Douglass J. Diggs, Director

THE DETROIT HISTORIC DESIGNATION ADVISORY BOARD

By: *Marcell R. Todd, Jr.* Date: 8/9/07
Marcell R. Todd, Jr., Director, Detroit City Planning Commission

APPENDIX A

DEFINITIONS AND ABBREVIATIONS

ACHP means the Advisory Council on Historic Preservation, an independent Federal agency that advises the President and Congress on historic preservation matters.

Adverse effect means the altering of a property in a manner that would diminish its integrity or alter the characteristics that qualify the property for inclusion in the National Register of Historic Places.

CDBG means Community Development Block Grant.

Dangerous building means such buildings as defined by City of Detroit Ordinance 290-H and deemed by the City of Detroit Department of Buildings and Safety Engineering.

HDAB means the City of Detroit Historic Designation Advisory Board.

Historic property means any property that is included in or eligible for inclusion in the National Register of Historic Places as set forth in 36 CFR § 800.

HOME means HOME Investment Partnerships Program.

HUD means the United States Department of Housing and Urban Development.

MOA means Memorandum of Agreement.

National Register refers to the basic inventory of historic resources in the United States maintained by the Secretary of the Interior.

Preservation Specialist means the City of Detroit Planning and Development Department staff member(s) who meets the professional qualifications as specified in the Secretary of the Interior's *Historic Preservation Professional Qualification Standards*, (48 FR 44738-39, September 29, 1983).

Program refers to all activities funded by HUD specifically covered by this Programmatic Agreement and administered by the City of Detroit Planning and Development Department.

Section 106 refers to the section of the National Historic Preservation Act of 1966 and its resulting review process designed to ensure that impacts on historic properties are taken into account during Federal project planning and execution.

SHPO means the Michigan State Historic Preservation Officer.

Standards means the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings published at 36 CFR § 67.

Undertaking means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency.

APPENDIX B

PROGRAM ACTIVITIES NOT REQUIRING REVIEW

A. Site Improvements

1. Reconstruction of roads where no change in width, surface materials, surface treatments, or vertical alignments of drainage is to occur.
2. Repair/replacement of existing curbs and sidewalks with identical materials within existing dimensions.
3. Repair/replacement of water, gas, storm, and/or sewer lines if it occurs within the dimensions of the original trench and permanent impacts upon surface treatments or landscape features which contribute to the historic or architectural significance of the resource are avoided.
4. Tree plantings adjacent to right-of-way.
5. Repainting parking spaces or streets

B. Interior Rehabilitation

The following may proceed without review if permanent impacts upon interior elements or surface treatments that contribute to the historic or architectural significance of the buildings are avoided.

1. All plumbing rehab/replacement - includes pipes and fixtures.
2. Heating system - rehab/replacement/cleaning.
3. Electrical work.
4. Restroom improvements for handicapped access - provided that work is contained within the existing restroom.
5. Interior surface treatments (floors, walls, ceilings, and woodwork) provided the work is restricted to repainting, refinishing, re-papering, or laying carpet or linoleum and the feature is not significant to the integrity of the property.
6. Installation of insulation provided it is restricted to attics and crawl spaces, upper surfaces of existing ceilings and the ceilings are not dropped, and proper vapor barriers are used.
7. Repair of or pouring of concrete cellar floor.
8. Installation of new kitchen and bath appliances, cabinets, counters, tubs, sinks and toilets.
9. Repair or replacement of concrete basement floors and interior basement walls.
10. Replacement of door locks.

C. Exterior Rehabilitation

1. Caulking, weather stripping and replacement of window glass with glass of the same surface qualities (color, texture, and reflectivity).

2. Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource).
3. Flat or shallow pitch roof repair/replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3 inches to 12 inches), with no part of the surface of the roof visible from the ground.
4. New storm windows - provided they conform to shape and size of historic windows and that the meeting rail coincides with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable. Repair or repainting of existing storm windows.
5. In-kind replacement - this is understood to mean that the new features/items will duplicate the material, dimensions, configuration and detailing of the original of the following:
 - (a) Porches - railings, posts/columns, brackets, cornices, steps, flooring
 - (b) Roofs
 - (c) Siding
 - (d) Exterior architectural details and features
 - (e) Windows - this understood to include both the frame, panes and sash
 - (f) Doors
 - (g) Cellar/bulkhead doors.
6. Painting previously painted surfaces in color(s) historically appropriate for the period and style of the historic resource.
7. Repair of existing wheelchair ramps.
8. Repair, replace, or install new sidewalks or driveways that match the existing sidewalk or driveway in materials and dimensions.
9. Repair or replacement of chimneys with the same material and dimensions.

2. Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource).
3. Flat or shallow pitch roof repair/replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3 inches to 12 inches), with no part of the surface of the roof visible from the ground.
4. New storm windows - provided they conform to shape and size of historic windows and that the meeting rail coincides with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable. Repair or repainting of existing storm windows.
5. In-kind replacement - this is understood to mean that the new features/items will duplicate the material, dimensions, configuration and detailing of the original of the following:
 - (a) Porches - railings, posts/columns, brackets, cornices, steps, flooring
 - (b) Roofs
 - (c) Siding
 - (d) Exterior architectural details and features
 - (e) Windows - this understood to include both the frame, panes and sash
 - (f) Doors
 - (g) Cellar/bulkhead doors.
6. Painting previously painted surfaces in color(s) historically appropriate for the period and style of the historic resource.
7. Repair of existing wheelchair ramps.
8. Repair, replace, or install new sidewalks or driveways that match the existing sidewalk or driveway in materials and dimensions.
9. Repair or replacement of chimneys with the same material and dimensions.