

**PROGRAMMATIC AGREEMENT  
BY AND AMONG THE CITY OF BOULDER  
THE COLORADO STATE HISTORIC PRESERVATION OFFICER AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING  
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS**

**WHEREAS**, the City of Boulder through its Planning and Community Development Office (City) proposes to administer the City's building rehabilitation programs and historic preservation planning and assistance programs, funded entirely or in part with Community Development Block Grant (CDBG), Section 108 Loan Guarantees, HOME programs, and other programs subject to compliance with 24 CFR Part 58.17 from the U.S. Department of Housing and Urban Development (HUD); and

**WHEREAS**, the City has determined that the implementation of these programs may have an effect upon properties included in or eligible for the National Register of Historic Places (National Register) and has consulted with the Advisory Council on Historic Preservation, (Council) and the Colorado State Historic Preservation Officer (SHPO) pursuant to Part 800.14(b) of 36 CFR Part 800, which implements §106 of the National Historic Preservation Act of 1966, as amended. [16 U.S.C. §470]; and

**WHEREAS**, the Boulder Landmark Board has participated in consultation and has been invited to be a signatory to this Programmatic Agreement (PA);

**NOW, THEREFORE**, the City, SHPO, and the Council agree that these programs shall be administered in accordance with the following stipulations to satisfy the City's §106 responsibilities for all projects within these programs.

**STIPULATIONS**

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

**I. PROGRAMS AND PROJECT TYPES TO WHICH THIS AGREEMENT IS APPLICABLE:**

- A. This PA applies to programs and projects assisted entirely or in part by monies from HUD's CDBG, Section 108 Loan Guarantees, HOME programs, and other HUD assistance subject to compliance with 24 CFR Part 58.17, and that involve primarily the rehabilitation of existing residential, commercial or institutional buildings. Any federally

assisted undertaking not qualifying for review under the terms of this PA shall be reviewed in accordance with 36 CFR Part 800.

- B. The review process established by this PA shall be completed before the City's final approval of any application for assistance under these programs, before a property is altered by either the City or a property owner, and before either the City or a property owner initiates construction or makes an irrevocable commitment to construction that may affect a property fifty (50) years old or older or a more recent property that (1) meets the criteria established in the "Modern Architectural Structures in Boulder: 1347 - 1977 or (2) has been designated a local landmark or "Structure of Merit".

## **II. COORDINATION WITH OTHER FEDERAL AGENCIES**

If any of the parties determines that a project subject to this PA will also receive funding or assistance from any other Federal agency, the party will notify the City, which shall determine if it is feasible to coordinate the review required by this PA with the §106 review conducted by that Federal agency. The City will share documentation, as appropriate, with the other Federal agency to facilitate this review. If the City determines that such coordination is not feasible, it shall provide the SHPO and Council with a written explanation and may proceed to conclude the consultation process set out by this PA.

## **III. PROCEDURES FOR THE REVIEW OF LOCALLY DESIGNATED PROPERTIES**

- A. The City will review each project to determine if it may directly affect a locally designated property. If such a property may be affected, the City will determine if the property previously has been listed in or determined eligible for inclusion in the National Register. If not, the City will evaluate the property according to the National Register criteria, 36 CFR 60.4, following the procedures in Stipulation VI. The City will document its findings and request the Boulder Landmark Preservation Advisory Board Design Review Committee's review as set forth below.
- B. In specific cases in which a building or structure has Federal involvement as defined herein, is designated as a Boulder Landmark or located in a Boulder Landmark district, and is eligible for or listed in the National Register or is within a National Register eligible or listed district, the Board will assume the responsibility for design review, in lieu of the review established by this PA. Properties that

are not eligible for inclusion in the National Register may require review under the Boulder Landmark Ordinance, but do not require further review pursuant to this PA.

- C. The Board will review projects affecting locally designated properties in the course of its normal design review responsibilities and procedures as defined in the Landmark Preservation Ordinance, Chapter 30 Revised Municipal Code, as amended. Local review for purposes of the PA will require the Board to consider effects of character-defining interior features.
- D. If a National Register listed or eligible property will be demolished or altered in a manner that may cause an adverse effect, as defined at 36 CFR §800.5, the Board will notify the City and the City will initiate adverse effect consultations to determine appropriate mitigation measures with the SHPO pursuant to Stipulation VII.

#### IV. PROJECTS NOT REQUIRING REVIEW BY THE SHPO OR COUNCIL:

- A. Project activities and conditions not requiring review by the SHPO or the Council are enumerated in Attachment A of this PA. A project consisting only of those project activities or conditions enumerated in Attachment A shall not require review by the SHPO or the Council. A project including or consisting of activities not enumerated in Attachment A, and funded in whole or in part with HUD funds, shall require the City to complete the review procedures set forth in Stipulation VI below.
- B. Projects involving properties that are less than fifty (50) years of age, unless one of the parties requests that the City evaluate such a property under the National Register Criteria Consideration G as set out in "How to Apply the National Register Criteria for Evaluation" (Bulletin 15), or the property (1) meets the criteria established in the "Modern Architectural Structures in Boulder : 1947 - 1977 Context and Survey Report" or (2) has been designated a local landmark or "Structure of Merit", or involves properties that have been determined in writing by the City and the SHPO within a five year period prior to the initiation of the project to not qualify for inclusion in the National Register do not require review by the SHPO or the Council.
- C. Projects limited exclusively to interior portions of single family residential properties where the proposed work will not be visible from the property's exterior do not require review by the SHPO or the Council.

## V. AREA OF POTENTIAL EFFECTS

The Area of Potential Effects (APE) for projects covered by this PA shall be limited to the legal lot lines of a property when the project is limited to the rehabilitation of a property's interior or exterior features. The City will define the APE according to 36 CFR §800.16 (d) for all other projects including any project requiring the construction of an addition that will be visible from the adjacent public right-of-way excluding alleys.

## VI. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

In the event that properties not exempted from review by Stipulation IV are determined by the City to be within the APE, the City will identify and evaluate the properties according to the following procedures:

- A. If the property has been determined eligible within the past five years or is listed in the National Register the City may rely on this earlier determination without review by the SHPO unless alterations to the property's integrity warrant reevaluation. The City will provide a current photograph of the property with its submission of the work write-up required in Stipulation VII.
- B. Sites that have been extensively disturbed and have no potential to yield information important to history or prehistory and properties that have been remodeled within the past 50 years and have extensive exterior alterations to their form, shape, architectural detailing and fenestration will be documented by the City on the appropriate Colorado Cultural Resources Survey Form (survey form) and determined not eligible for the National Register. Such properties will not be reviewed by the SHPO. These alterations may include any combination of window and door changes, additions, changes in size or location of windows and doors, non-original exterior siding or facing, i.e. aluminum siding, asphalt shingles, permastone, stucco; additions to side, roof or front of building; removal of porches or non-original porches.
- C. Properties that have not been extensively altered must be reviewed under all criteria outlined in National Register Bulletin #15. This includes architectural, historical, and archaeological significance. Research will be completed for those properties that retain their original form, shape, architectural detailing and fenestration to evaluate the property under National Register Criteria A, B, and C. Any

structure evaluated under Criteria A,B, and C, or located in a historic district or potential historic district and viewed as contributing to it may be subject to a slightly less stringent review concerning architectural integrity. Research of a property will provide sufficient documentation to allow for appropriate evaluation, and will include information regarding the architect, builder, owner, and any significant events and persons that are associated with the property.

- D. If the property has not been evaluated previously for National Register eligibility and appears to retain integrity, the City will submit a completed copy of the appropriate survey form and photograph to the SHPO with the City's written determination of the property's National Register eligibility:
1. If the City determines that the property is eligible, the SHPO will not review this finding and the City will follow the procedures in Stipulation VII to determine and address the project's effect.
  2. If the City determines that the property is not eligible, the SHPO will review the City's finding within fifteen (15) working days, but shall endeavor to respond within ten (10) working days. If the SHPO concurs with the City's determination, no further review is required under this PA, except as required by Stipulation VII A. If the SHPO objects to the City's determination, the City shall consult further with the SHPO to resolve the SHPO's objection. If the SHPO's objection cannot be resolved, the City will forward all documentation regarding National Register eligibility to the Keeper of the National Register pursuant to applicable National Park Service regulations. The Keeper's determination will be final.
  3. Prior to the City's final approval of a project, the Council or the Secretary of the Interior may request that the City obtain the Keeper's review of the City's eligibility determination.
  4. If the SHPO does not provide comment within fifteen working days, then the SHPO is presumed to agree with the City's determination.

#### **VII. REVIEW OF PROJECT EFFECTS**

- A. For ANY property (+ or - 50 years of age) that is located within a National Register listed or eligible historic

district or within the APE of a listed or eligible property and for which exterior work not exempted by Attachment A is proposed, the City will follow the procedures set forth in this stipulation.

B. In the earliest possible stage of planning and at a point when a project can be changed to accommodate the comments and recommendations of the SHPO, the SHPO shall be provided an opportunity to review any and all elements of a project covered by this PA unless exempted by Stipulations III or IV. The City shall submit the following documentation to the SHPO for review: its determination of effect; a description of the proposed project, including the work write-up; working drawings and specifications, if produced; and any other descriptive materials. Project documents shall be developed in accordance with the recommended approaches of the Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings", (Standards), the appropriate "Preservation Briefs" and such future documents that may supersede them. The SHPO is permitted twenty (20) working days from the submission of complete and adequate documentation to review and comment on the submitted material, but shall endeavor to respond within fifteen (15) working days:

1. If the SHPO concurs with the City's no effect or no adverse effect determination, the City may authorize the project without review by the Council.
2. If the SHPO objects to the City's determination, the City shall consult further with the SHPO to resolve the objection. Appropriate applicants and property owners may be included in this consultation and their views shall be considered by the City and the SHPO in the resolution of an objection. If the City and the SHPO are unable to resolve such an objection, the City will initiate adverse effect consultations pursuant to Stipulation VII C.
3. If the SHPO does not respond within twenty (20) working days to the City's no effect or no adverse effect determination, the City may assume that the SHPO concurs and the work may proceed.

C. If the City determines that the project will adversely affect a historic property or concludes in consultation with the SHPO that an adverse effect cannot be avoided, the City will determine if it will treat the property according to the Standard Mitigation Measures set out below or according

to the consultation process set out in 36 CFR §800.6, and will notify the SHPO in writing of its decision.

1. A Standard Mitigation Measure Agreement (SMMA) will be developed according to the following procedures:

a. The City and SHPO shall consult to develop a written agreement that establishes the mitigation and recordation measures, such as, but not limited to the salvage, storage, and reuse of any significant architectural features that may otherwise be demolished. The Council will not be a party to this agreement, although the project developer and property owner may participate in its development at the City's and SHPO's discretion:

i. Archival Documentation: The City shall ensure that the historic property is archivally documented prior to its demolition or alteration according to a Documentation Plan developed in consultation with the SHPO. At a minimum this plan will establish documentation methods and standards, and designate the appropriate archives for the deposit of this material. The City and the SHPO may mutually agree to waive the documentation requirement if the affected historic property will be repaired in substantial, although not complete, conformance with the Standards.

ii. Curation: If the property will be demolished, the City and the project proponent or property owner will consult with the SHPO to determine if the property contains significant architectural features that could be reused or curated. If such features exist, the City, the project applicant or property owner, and the SHPO will develop measures to ensure that the selected features are removed in a manner that minimizes damage and are delivered to an appropriate party for curation or reuse, pursuant to Stipulation XII.

iii. Relocation: If the City determines that it is necessary to relocate an individual structure, or if it is feasible to relocate a structure to avoid its demolition, the City will consult with the SHPO, the project developer, and the property owner to determine an appropriate site for relocation; methods for moving the structure consistent with the approaches set out in "Moving

Historic Buildings" (John Obed Curtis, 1979, AASLH); archeological monitoring; and re-evaluation of the structure's National Register eligibility on the new site. If the proposed site is within a local landmark district or adjacent to a landmark, the Board also will be consulted.

iv. Data Recovery: If an archeological property will be affected by the project, the City, the SHPO, the project developer, and the property owner will consult to develop a data recovery plan consistent with the Secretary of the Interior's **Standards and Guidelines for Archeological Documentation** (48 FR 44734-37) and take into account the Council's publication, "Treatment of Archeological Properties."

2. The consultation process set out in 36 CFR §800.6 will be followed and the City will provide the Council with an adverse effect notice if:

a) the City determines not to implement the Standard Mitigation Measures,

b) the project has known public opposition,

c) the SHPO withdraws from consultation

d) the SHPO objects in writing within fifteen (15) working days after receipt of the City's notice that it will proceed with the Standard Mitigation Measures.

e) the project may affect a historic property containing human remains, or

f) the SHPO determines that the effects of the project cannot be adequately addressed by the Standard Mitigation Measures.

D. The City shall notify the SHPO at the earliest possible time if the project developer may apply for Federal or State Rehabilitation Tax Credits or a State Historical Fund Grant (SHF):

1. If the project developer submits a Part 2 Historic Preservation Certification Application to the National Park Service (NPS) for the Federal Rehabilitation Tax Credits, the NPS certification process shall supersede the review set out in Stipulation VII B or C. If the



project receives a Part 2 certification from NPS without condition, no further review is required under this PA. If the project is certified with conditions, the City shall ensure that the project is changed in accordance with these conditions. If the project developer modifies the plans to conform to the NPS conditions, no further review is required under this PA. The City shall document that the project has been modified to conform to the NPS conditions and may authorize the project to proceed. If NPS denies the Part 2 certification or if the project developer does not modify the plans to address the NPS conditions, the project shall be reviewed pursuant to Stipulation VII.

2. If the project developer submits an application for the State Rehabilitation Tax Credit or an SHF Grant, review will be conducted according to these program requirements. If the project is denied the State Rehabilitation Tax Credit or funding from the SHF Grant, it will be reviewed pursuant to Stipulation VII B or C.

#### **VIII. CONCURRENT SUBMISSIONS OF ELIGIBILITY AND EFFECT DETERMINATIONS**

The City may submit documentation on eligibility and effect concurrently. The SHPO will review such submissions in twenty (20) working days, but will endeavor to respond within fifteen (15) working days.

#### **IX. REVIEW OF CHANGES TO AN APPROVED PROJECT**

The City shall require the project proponent to notify the City promptly of all changes in the approved scope of work which affect a National Register eligible or listed property. The City shall review the additional work items and determine if they will have an effect on the property; if the City determines that the additional items will have no effect or no adverse effect, no further review is required. If the City determines that the additional work will result in an adverse effect to a historic property, the City will initiate adverse effect consultations pursuant to Stipulation VII. B above.

#### **X. USE OF STANDARDIZED WORK WRITE UPS AND PLANS DEVELOPED FOR MANAGEMENT OF HISTORIC PROPERTIES**

- A. The City shall use standardized work write-ups similar to the example contained in Attachment B and specifications approved in writing by the SHPO for all work performed on

structures subject to review under this PA. These work documents shall be revised as needed in consultation with the SHPO.

- B. The City shall submit applicable guidance, plans and ordinances and future similar documents or amendments to the SHPO for review and comment. The Council may review and comment on such documents if it so requests. No such document developed to carry out the purposes of this PA shall be implemented unless it is mutually agreed to in writing by the City, the SHPO and the Council, if commenting.
  - 1. The SHPO and Council, if commenting, shall have thirty (30) calendar days following receipt of any such document to object in writing to any aspect of such document. If the SHPO or Council objects to a submitted plan or any portion thereof, the City shall consult further with the objecting party to resolve the objection. If the City is unable to resolve the objection, the City will follow Stipulation XIV.
  - 2. Any such applicable guidance, plans and ordinances and future similar documents or amendments, including those referenced as exhibits to this PA which are not objected to within thirty (30) calendar days shall be considered approved and may be implemented.
- C. The provisions contained in Stipulation X.B above shall not prohibit the City from adopting ordinances or resolutions consistent with the City Charter and Colorado State Statutes. After adoption of an emergency ordinance or resolution and prior to readoption of the ordinance or resolution, the City, in accordance with the City Charter, shall consult with the parties and implement the provisions of Stipulation X.B.

#### **XI. ARCHAEOLOGICAL SURVEYS AND TREATMENTS**

- A. The City will inform the SHPO if the project will involve ground disturbing activities and request the SHPO's opinion on the potential that archeological properties may be present in the APE.
- B. If the City and the SHPO determine that there is potential that archeological properties may be present in the APE, the SHPO and the City will determine if an archeological survey or other identification measures should be pursued. If any of the signatories dispute the need for a survey, the dispute will be resolved pursuant to Stipulation XIV.

- C. If archeological properties are identified through this survey, they will be evaluated pursuant to Stipulation VI. The SHPO shall advise the City on any feasible steps that should be accomplished to avoid any National Register eligible archeological property or make recommendations for the development of a treatment plan for the recovery of archeological data from the property. The plan shall be consistent with the "Secretary of the Interior's Standards and Guidelines for Archeological Documentation" (48 FR 44734-37), and take into account the Council publication, "Treatment of Archeological Properties."
- D. If the City determines that the project proponent will be unable to avoid the archeological property, the City will forward information regarding the treatment plan it developed in consultation with SHPO to the SHPO and the Council, if the Council requests. The SHPO and Council will review this information to determine if the treatment will substantially preserve the value of the property and if the proposed research will be conducted in accordance with applicable professional standards and guidelines. If the SHPO or the Council does not object within fifteen (15) working days, the City may direct the project proponent to implement the plan. If either the Council or SHPO object to the plan, the City shall consult further with the project proponent, Council and SHPO to resolve the objection.

## **XII. CURATION OF RECOVERED DATA**

- A. Privately Owned Materials: The parties recognize that artifacts, records, and materials resulting from the implementation of this PA may be privately owned. The City will encourage the owners to donate the material to an appropriate curatorial facility, or permit the City to duplicate the records and materials and document the artifacts for curation in an appropriate facility. The SHPO agrees to consult with the City to develop appropriate curation measures or identify a suitable curatorial facility or facilities to house donated or duplicated materials recovered during the implementation of this PA.
- B. Publicly Owned Materials: Any publicly owned artifacts, records and materials resulting from the implementation of this PA shall be maintained at a local or regional curatorial facility determined by the City in consultation with the SHPO. If no suitable facility can be identified to house the material recovered during the implementation of this PA, the City shall consult with the SHPO to identify and finalize alternative arrangements. The costs of

curation will be the responsibility of the project proponents or the City.

### **XIII. DISCOVERY**

The City shall notify the SHPO promptly if it appears that a project addressed by this PA or any element thereof will affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known historic property in an unanticipated manner. The City will take all reasonable measures to avoid or minimize harm to the property and will require that work be stopped in the vicinity of the discovery until it concludes consultation with the SHPO. If the newly discovered property has not previously been included in or determined eligible for the National Register, the City may assume that the property is eligible for purposes of this PA. The City will consult with the SHPO to develop actions that will take the effects of the project into account. The City will notify the SHPO of any time constraints, and the City and SHPO will mutually agree upon timeframes for this consultation. The City will prepare a written plan in response to its consultation with the SHPO and other interested parties. This plan will be provided by the City to all parties that participated in this consultation, who will notify the City within the mutually agreed upon timeframes if the plan does not conform to the measures developed in consultation. The City will modify the project or any element thereof as necessary to implement the written plan.

### **XIV. RESOLVING OBJECTIONS**

A. Should any signatory to this PA object in writing to the City regarding any action carried out or proposed with respect to the implementation of this PA, the City shall consult with the objecting party. If after initiating such consultation the City determines that the objection cannot be resolved through consultation, it shall forward all documentation relevant to the objection to the Council, including the City's proposed response to the objection. Within 30 calendar days after receipt of all pertinent documentation, the Council shall exercise one of the following options:

1. Advise the City that the Council concurs in the City's proposed response to the objection, whereupon the City will respond to the objection accordingly;

2. Provide the City with recommendations, which the City shall take into account in reaching a final decision regarding its response to the objection; or
  3. Notify the City that the objection will be reviewed and the Council will comment within 45 calendar days. The resulting comment shall be taken into account by the City.
- B. Should the Council not exercise one of the above options within 30 calendar days after the receipt of the pertinent documentation, the City may assume the Council's concurrence in its proposed response to the objection.
- C. The City shall take into account any Council recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; The City's responsibility to carry out all actions under this PA that are not the subjects of the objection shall remain unchanged.
- D. At any time during implementation of any stipulation in this PA, should an objection to any such stipulation 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 Council and the SHPO to resolve the objection.

#### **XV. HISTORIC PRESERVATION TRAINING**

The SHPO shall provide occasional, basic historic preservation training to the City. This shall include guidance in the application of this PA to building rehabilitation projects and methods to determine architecturally and historically significant buildings and building elements.

#### **XVI. INFORMATION EXCHANGE**

The SHPO and the City shall both exchange information on a consistent basis regarding changes in the designation status and consideration for other types of preservation programs of historic properties in Boulder. Specifically, the City shall provide the SHPO with information about properties designated or pending designation as Boulder Landmarks and properties involved in state preservation tax credit review, or considering application for federal or state tax credits.

On an annual basis, the City will provide the SHPO with a copy of its annual HUD projects and request SHPO comment within 15 working days on the potential effects of these projects.

At the City's request, the SHPO shall provide the City with a list of Boulder properties, organized by street address, and the National/State Register status of each such property. The SHPO shall also provide the City with a list of active federal investment tax credit projects and State Historical Fund projects in Boulder.

#### **XVII. ANNUAL REPORT**

Annually, by January 31st, the City shall provide a written report to all signatories to this PA on the actions taken to fulfill its terms. This report may serve in part to determine if an addendum or amendment is necessary. The report will consist of the following:

- A. Properties by street address determined by the City to be not eligible.
- B. Properties submitted to the SHPO for evaluation.
- C. Properties reviewed by the Boulder Landmark Board in lieu of the SHPO.

#### **XVIII. REVIEW**

The Council and the SHPO may review activities carried out pursuant to this PA and the Council will review such activities if so requested. The City will cooperate with the Council and the SHPO in carrying out their review responsibilities.

#### **XIX. FAILURE OF THE CITY TO CARRY OUT TERMS OF PA**

If the City fails to carry out the terms of this PA, it shall again request the Council's comments in accordance with 36 CFR Part 800.3 through Part 800.7, with regard to individual projects covered by this PA. If the City cannot carry out the terms of this PA, it shall not take or sanction any action or make any irreversible commitment that may result in an adverse effect with respect to a National Register listed or eligible property covered by this PA or that may foreclose the Council's consideration of modifications or alternatives to project proposals that could avoid, minimize, or mitigate the adverse effects until the commenting process has been completed.

**XX. AMENDMENT OR TERMINATION**

If any of the signatories determines that the terms of this PA cannot be met or believes that a change is necessary, that signatory shall immediately request the consulting parties to consider an amendment or addendum to the PA. Such an amendment or addendum shall be executed in the same manner as the original PA. Any signatory may terminate this PA at any time with thirty (30) days prior written notice to all signatories. If the PA is terminated, the City shall comply with §106 in accordance with 36 CFR Part 800.

**XXI. DURATION**

This PA shall become effective upon execution by the City and the Council and shall remain in effect until terminated in accordance with Stipulation XX.

Execution of this PA and carrying out its terms evidences that the City has afforded the Council a reasonable opportunity to comment on a project and its effect on historic properties and that the City has taken into account the effects of its projects on historic properties.

BOULDER PLANNING AND DEVELOPMENT SERVICES

Peter Folloz 1/15/02 Planning Director  
By: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

COLORADO STATE HISTORIC PRESERVATION OFFICER

Mark Wolfe 4/2/02 Deputy SHPO  
By: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_  
for Georgianna Cantiguglia, SHPO

BOULDER LANDMARK PRESERVATION Board

Sharon Rosall 1.4.02 Board Chairperson  
By: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_



## ATTACHMENT A

### UNDERTAKINGS NOT REQUIRING REVIEW

A simple rule of thumb to remember is that any activity that alters or impacts the facade of a structure in a significant manner will need to be reviewed by this office. This includes additions to the structure or grounds, alterations of existing features such as doors, windows and porches, new windows or doors added to the facade, porch replacement or removals, the removal of additions or support structures (outbuildings), the removal of historic elements such as fences, trees, windmills, etc.

#### A) SITE MODIFICATIONS

- 1) The construction of utility, water and sewer projects through previously disturbed utility corridors.
- 2) Repair or replacement of driveways and walkways following the existing or historic configuration and with in-kind or historic material.
- 3) Repair or replacement of fences which follow the existing or historic configuration and design and are constructed with in-kind or historic material.
- 4) Constructing temporary wooden ramps to one entrance of a given structure. The ramp will be placed at an entrance other than the main entry. These ramps will not be attached to the selected building and will not damage the existing material.
- 5) Site clean-up including trimming trees or other plantings provided that such activity does not change the characteristic size or shape of the tree or planting. Replacement of dead trees or other plantings with in-kind species in accordance with any approved planting plan. The removal of surface onsite debris and abandoned personal property less than fifty years old.
- 6) Infilling abandoned wells, shafts and basements when the infilling does not remove or destroy supporting walls or character defining elements. The feature can be infilled but

not obliterated. Structural characteristics such as well houses and support walls will be preserved.

B) WEATHERIZING AND ENERGY CONSERVATION

1) Installation of insulation in the attic, basement, crawl space, beneath floors and around pipes and ducts in such cases where the installation can be accomplished without permanent visual changes to the character defining features of the exterior or interior. This exclusion does not include urea formaldehyde or other materials that induce or introduce moisture into a building.

2) Application of caulking in a color that is compatible with the existing finishes.

3) Replacement of window panes in-kind.

4) Installation of interior storm windows.

5) Repair or replacement of historic awnings in-kind.

6) Insulating window treatments, such as installation of insulated shades and blinds if the installation does not detract from the significant visual qualities of the building.

7) Installing water heater tank insulated blankets.

8) Installing wood or raw aluminum storm windows which are painted to match window sash. Enameled aluminum storm windows and doors are acceptable provided that these items match the size and configuration of the historic window or door and do not detract from the appearance of the building.

C) EXTERIOR AND INTERIOR REPAIRS.

1) Repair of existing deteriorated materials with sound material of like species, grade, dimension, composition, and finish in a manner which duplicates the existing design of the deteriorated feature.

2) Replacement of deteriorated windows when the replacement is done in-kind to exactly match the existing size, material, color and configuration.

- 3) Removal of deteriorated paint and preparation of the exterior surfaces by hand scraping, hand sanding and heat plates or guns used according to the manufacturer's instructions.
- 4) Cleaning masonry surfaces with natural bristle brushes and mild detergent using low pressure water (30 psi) at such a time when the outside temperature is not expected to dip below freezing. The use of wire brushes for such cleaning is not permissible.
- 5) Repointing with mortar which matches the original in strength, composition, color and texture, and duplicates the rake and other joints which define the existing historic characteristics.
- 6) Correcting structural deficiencies in basements, crawl spaces and beneath porches.
- 7) Floor refinishing and replacement of non-historic flooring material.
- 8) Repair or replacement of exterior or interior stairs following the existing or historic configuration with in-kind or appropriate historic material.
- 9) Installation of grab bars and minor interior modifications for handicap accessibility.
- 10) Repair or replacement of roofing material with like material or substantiated historic material.
- 11) Installation of security devices including dead bolts, door locks, window latches and door peepholes.
- 12) Installation of wood storm windows and doors that match the dimensions and arrangement of lights of the primary sashes and/or doors.
- 13) Installation of ridge vents or "Midget Louver" type soffit vents.
- 14) The redesigning of interior spaces which impacts noncharacter defining architectural elements within the

- 3) Removal of deteriorated paint and preparation of the exterior surfaces by hand scraping, hand sanding and heat plates or guns used according to the manufacturer's instructions.
- 4) Cleaning masonry surfaces with natural bristle brushes and mild detergent using low pressure water (30 psi) at such a time when the outside temperature is not expected to dip below freezing. The use of wire brushes for such cleaning is not permissible.
- 5) Repointing with mortar which matches the original in strength, composition, color and texture, and duplicates the rake and other joints which define the existing historic characteristics.
- 6) Correcting structural deficiencies in basements, crawl spaces and beneath porches.
- 7) Floor refinishing and replacement of non-historic flooring material.
- 8) Repair or replacement of exterior or interior stairs following the existing or historic configuration with in-kind or appropriate historic material.
- 9) Installation of grab bars and minor interior modifications for handicap accessibility.
- 10) Repair or replacement of roofing material with like material or substantiated historic material.
- 11) Installation of security devices including dead bolts, door locks, window latches and door peepholes.
- 12) Installation of wood storm windows and doors that match the dimensions and arrangement of lights of the primary sashes and/or doors.
- 13) Installation of ridge vents or "Midget Louver" type soffit vents.
- 14) The redesigning of interior spaces which impacts noncharacter defining architectural elements within the

structure. The new configuration is essential in making the building more efficient but has a minimal impact on the interior room layout. The new design reuses removed architectural elements or uses contemporary material that matches the historic elements.

15) Interior work which minimally impacts the historic character of the structure's architectural elements (baseboards, fireplaces, paneling, doors, light fixtures and hardware as well as decorative materials including stenciling, marbling and graining).

D) MECHANICAL AND ELECTRICAL REPAIRS.

1) Repair of existing mechanical or electrical systems if no alterations of character defining features are required in the work plan and the work follows existing pathways.

2) Electrical work which is limited to upgrading or in-kind replacement. If possible, the work will reuse and rewire historic light fixtures.

3) Plumbing work which is limited to upgrading or in-kind replacement. In the case of new plumbing, providing that the work is situated within existing stud and joist cavities.

4) Installation of fire or smoke detectors.

5) Installation of mechanical equipment which does not affect the exterior of the building or required installation of new duct work throughout the interior.

ATTACHMENT B

WORK WRITE-UP

EXTERIOR ITEMS

A1 Permit: Contractors must obtain all necessary permits from the Boulder Building Department prior to starting the work on the project. All work shall be performed by, or under direct supervision of a skilled craftsman and in accordance with accepted standards of the trade and manufacturer's recommendations.

A2a Sidewalks - Concrete Remove the existing concrete sidewalk located at the \_\_\_\_\_. Place a new concrete sidewalk of the same size and location. Approximately \_\_\_\_ x \_\_\_\_ ft. Light broom finish, surface trowell edges.

A2b Sidewalks - Flagstone: The existing flagstone adjacent to historic properties or in a historic district will be raised. The ground will be leveled and prepared for the relaying of flagstone. New flagstone slabs will be introduced where historic flagstone has deteriorated.

A3 Sidewalks: Prepare the area for concrete along the foundation wall. Place a concrete sidewalk approximately \_\_\_\_ x \_\_\_\_ ft. Slope new sidewalk away from foundation wall and properly seal or caulk joint between foundation and sidewalk.

A4 Driveway: Remove the existing concrete driveway. Properly prepare the area and place a new concrete driveway in the same location approximately \_\_\_\_ ft. wide and \_\_\_\_ ft. long. Light broom finish and surface trowell edges.

A5 Retaining Walls: Remove the existing retaining wall located at the \_\_\_\_\_. Place a new retaining wall of the same size and location. Approximately \_\_\_\_\_ L.F. and \_\_\_\_\_ ft. high. New retaining wall shall meet the requirements of the Denver Building Code. Work proposed for retaining walls which are character defining features of historic properties will be reviewed by the SHPO.

A6 Grading: Grade around the \_\_\_\_\_ side of the foundation wall with top soil. Slope area to provide proper drainage away from structure. Compact the fill area and leave in good repair. NOTE: Owner shall be responsible for the restoration of the ground unless otherwise specified.

A7 Garage Demolition: Demolish the existing garage located at the rear of the property and haul away from the premises.

Demolition shall include concrete slab and foundation. Fill and compact to grade. Every effort shall be made to rehabilitate and adaptively reuse secondary structures that are character defining features of historic properties. Any work or demolition involving such structures will be reviewed by the SHPO. The contractor will supply photographic documentation of existing structures impacted by any proposed work to the SHPO for review.

A8 Overhead Garage Door: Remove the existing garage door. Frame and prepare opening to proper size for new door. Furnish and install a new refinished steel overhead door. Include all necessary components for proper operation.

A9 Garage Service Door: Remove the existing garage service door. Furnish and install a new service door. Include all components for proper installation. Finish according to owner's preference.

A10 Fencing: Remove the existing fencing located at:\_\_\_\_\_. Furnish and install new fencing in the same location. New fence shall be \_\_\_\_\_ high. Include new gates and necessary hardware and posts. Chain link fabric shall be a minimum of 11 gauge wire. Fence replacement associated with a historic property will be sensitive to the historic design of the property and will be reviewed by the SHPO.

All Fencing. Wrought Iron: Furnish and install wrought iron fencing in the following location: \_\_\_\_\_. Specifications: Corner posts shall be 2x2 14 gauge steel tubing. Railings shall be 1x1 square tubing. All vertical members shall be 16 gauge and 5-1/2" on center and shall have blunt-end spears. Historic wrought iron fencing associated with a historic property will be repaired or replaced in kind.

A12 Roofing (Fiberglass Shingles): Apply new 235# per square asphalt 3 tab Self Seal, fiberglass composition shingles over the following area:\_\_\_\_\_. The Building Code allows a maximum of

three roof coverings. Materials shall be Johns Manville, Tamko, Owens Corning or an approved equal. Color shall be selected by the owner from an approved SHPO color chart. NOTE: original roof shapes shall be retained. Exceptions shall be reviewed by the SHPO.

A13 Modified Roofing System: Remove the roof covering down to the wood decking. Repair the decking to a sound condition if required. Apply a base sheet and torch down a modified asphalt roof material. Flash all parapet wall and vents. Apply silver coating over final application. New roof system shall be Brai, Nord, Flintlastic or an approved equal.

A14 Roofing (Roll Roofing) Sal-Edge: Provide and install SAL-Edge roll roofing in the following area:\_\_\_\_\_. Installation shall comply with manufacturer's recommendations and meet the requirements of the Boulder Building Code.

A15 Chimney Removal: Remove the chimney below roof line. Seal all openings in the chimney with masonry material. Patch area where chimney penetrated the roof to a weathertight condition. All patching material shall match the adjacent surfaces as closely as possible. NOTE: masonry fireplace chimneys which add to the character of the roof will be repaired rather than removed. Contractor shall verify that chimney is not being used before removing. Chimneys that add to the character of a roof will be repaired rather than removed. Chimneys that are character defining are those that are located on the front of the structure, are visible from the sidewalk and add to the profile of the building.

A16 Chimney Repair: Remove all loose and eroded mortar on the chimney. Properly tuck point and reset all loose brick to a sound condition. Proper mortar mix and finish shall be required to match the existing mortar. New mortar shall be 6 parts hydrated lime, 12 parts sand and 1 part white portland cement, if needed to improve plasticity for extreme exposures, such as parapet walls. Up to 20% cement may be used. Thoroughly wet brick prior to brick repair. Mortar will match the rake, color and hardness of the original historic technique. Mason will examine and determine the appropriate mixture. A test patch will be done before work commences to determine compatibility. Brick replacement will match the color, texture and size of the historic brick.



A17 Chimney Lowering: Lower the chimney to approximately \_\_\_\_\_ feet above the roof line and cover with a 3 inch concrete cap. Chimney shall be left in sound condition. Seal all openings in the chimney with masonry materials. Historic chimneys that add to the character of the structure will be repaired rather than lowered.

A18 Gutters and Downspouts: Remove the existing gutters and downspouts. Furnish and install new five inch seamless gutters with downspouts in the following location:\_\_\_\_\_. New gutters shall have a minimum thickness of .032 and shall have a baked-on enamel finish. All gutter straps shall be concealed. Include splashblocks and/or extensions for proper drainage where required. Work shall include proper flashing of roof into gutters. Color of new gutters shall be compatible with the trim color.

A19 Fascia Boards: Remove the existing fascia material. Furnish and install new fascia material in the following location:\_\_\_\_\_. Paint all new material. Color to be selected by owner from approved SHPO color chart. Approximately \_\_\_\_\_ L.F. New material incorporated into a historic property will be in kind.

A20 Soffits: Furnish and install new soffit material over the existing soffit in the following location:\_\_\_\_\_. Finished soffit material shall be painted to match the adjacent areas. Approximately L.F. New material incorporated into a historic property will be in kind.

A21 Exterior Trim (Repair): Replace all deteriorated and/or missing trim in the following location:\_\_\_\_\_. Renail all loose trim and caulk to provide a weathertight seal. Repaint all new or repaired trim to match the existing surfaces. New trim will match the existing trim in-kind.

A22 Soffit and Fascia Metal Covering: Wrap the existing soffit and fascia located \_\_\_\_\_, with an aluminum or steel coil stock. New material shall match the existing trim and gutters. Provide adequate ventilation for the soffits. The use of this technique will be reviewed by the SHPO, with justification, when proposed for historic properties.

A23 Tuck Pointing: Remove all loose and/or deteriorated mortar and point up all loose brick. Location shall be \_\_\_\_\_. Tuck pointing shall be done only after the joints have been raked out

to a minimum of 1/2" and wetted. Proper mortar mix and finish shall be required to match the existing mortar. New mortar shall be flexible to prevent spalling and opening of mortar joints. A mix shall be 6 parts hydrated lime, 12 parts sand, 1 part portland cement, if needed, to improve the plasticity for extreme exposures such as parapet walls. Up to 20% cement may be used. Clean all areas after tuck pointing work. Mortar mix will match the consistency, hardness and color of the historic mortar. The finish will match the rake of the historic technique. Mason will examine and determine the appropriate mixture. A test patch will be done before work commences to determine compatibility.

A24 Stucco: Prepare the following area for stucco: Surfaces to be stuccoed shall be covered with metal lath. Apply new stucco over prepared areas. Stucco will be used only in historically appropriate areas of historic properties. The new stucco will complement the historic stucco in texture, consistency and finish.

A25 Synthetic Stucco System: Install one-inch polystyrene thermal insulation over the exterior walls. The exterior walls shall have an approved substrate, Celotex, Gypsum board, wood or an approved equal. Install a base mortar coat over the insulation board reinforced with a fiberglass mesh. Apply the final acrylic modified stucco coat over the base coat. Finish and color shall be selected by the owner. Products shall be Finestone or equal as distributed by the Jones-Heartz Lime Company. Stucco shall be applied by a certified applicator and shall follow the manufacturer's recommendations. Stucco will be used only in historically appropriate areas of historic properties. The new stucco will complement the historic stucco in texture, consistency and finish.

A26 Stucco Repairs: Properly point up all masonry cracks and holes and replace all missing stucco in the following area:\_\_\_\_\_. All repairs will match the existing surface texture, finish and will be colored to match.

A27 Damp Proofing Walls: Repair the existing wall(s) and apply surface bonding cement over the areas indicated. Material shall be Q-Bond, Sure Wall or an approved equal. Location shall be \_\_\_\_\_. Q Bond will not be introduced to historic properties. It may be used in repairs if used on the structure in the past.

A28 Masonry Wall Repair: Prepare the masonry wall area to be patched. V-groove all cracks to accept patching material and clean wall surface. Apply Quick-Rok, DURA Bond 90 or an approved equal. Patch shall be properly floated into existing surface to create a uniform surface.

A29 Painting (Exterior): Prepare the exterior \_\_\_\_\_ surfaces for new paint. Surfaces to be painted shall be thoroughly dry and free from loose paint and dirt. Repaint all the prepared surfaces including the window and door frames. New paint shall be a top-grade exterior paint, such as Benjamin Moore, Pittsburgh or an approved equal. Trim shall be painted a coordinating color with the brick and shall be selected from a SHPO color chart. An appropriate color for a historic property will be selected from the color affinity chart for historic buildings.

Elimination of Lead-Base Paint: If the house was constructed prior to 1978, there is a possibility that lead-based paint is present. The methods listed below may be used when removing defective lead-based paint surfaces. Defective paint is defined as a surface where the paint is peeling, chipping, cracking, scaling or loose. In lieu of testing, the contractor or subcontractor will take necessary steps to abate applicable surfaces from lead-based paint.

Exterior surfaces: Defective paint covering or removal may be accomplished by covering or replacing trim surfaces. Paint removal may be accomplished by such methods as scraping, heat treatment (infrared or coil type heat guns) or chemicals. Machine sanding and use of open-flamed torches are not permitted. Washing and repainting without thorough removal or covering does not constitute adequate treatment. In the case of defective paint spots, scraping and repainting the defective area is considered adequate treatment. DO NOT REPAINT WITH LEAD-BASED PAINT.

A30 Exterior Siding: Prepare the exterior walls prior to siding application by installation of polystyrene thermal insulation, 1/2" Super-R, 5/8" AMOFOAM-SL or approved equal, over the designated areas. Furnish and install new siding over the following areas:\_\_\_\_\_. Owner shall have a choice of color. Siding projects associated with historic properties will match the existing siding in-kind both in material and dimensions.

A31 Porch Replacement: Remove the existing porch. Excavate below frost line and place a concrete footing and an 8 inch foundation wall to support the new porch. Furnish all material and construct the following:\_\_\_\_\_. Paint all new wood surfaces. Color selection by owner from a SHPO color chart. Approximately \_ \_\_\_ S.F. Porch replacement will be in-kind. The new porch will match the styling, detailing and design of the original. Replacements associated with a historic property will be reviewed by the SHPO. The color will be selected by the owner from the approved SHPO color chart in association with the color affinity chart for historic buildings.

A32 Porch Repair: Remove the existing wood decking, joists, steps and railings from the \_\_\_\_\_ porch. Construct a new foundation, concrete slab and steps. Approximately \_\_\_\_\_ S.F. NOTE: All repairs with new materials will duplicate the originals of the porch as closely as possible. Porch repairs associated with historic properties will be done in-kind or restored to the appropriate historic character as determined by the owner from the SHPO color chart in association with the color affinity chart for historic buildings.

A33 Porch Repair: Repair the existing porch to a level condition. Remove the existing piers and install new piers as necessary. Remove and replace all deteriorated wood members. Construct a new wood deck with \_\_\_\_\_. Paint all exposed wood surfaces of the porch. NOTE: All repairs with new materials will match the original style of the porch as closely as possible. Porch repairs associated with historic properties will be done in-kind or restored to the appropriate historic character as determined by the owner from the approved SHPO color chart in association with the color affinity chart for historic buildings.

A34 Stoop and Steps: Remove the existing stoop and steps from the \_\_\_\_\_. Properly prepare the area and install a new stoop and steps including guard and handrails. Approximately \_\_\_\_\_ x \_\_\_\_\_ ft. NOTE: Contractor shall use similar materials as existing porch whenever possible. Replacement on historic properties will be done in-kind or restored to the appropriate historic character as determined in consultation with the SHPO.

A35 Window Replacement: Remove the existing window(s) in the following location:\_\_\_\_\_. Provide and install new replacement windows. NOTE: Vinyl replacement windows shall be Fisher, Peerless, Certainteed or an approved equal. Aluminum replacement