

**PROGRAMMATIC AGREEMENT
BETWEEN
THE CITY OF CINCINNATI, OHIO
AND
THE OHIO HISTORIC PRESERVATION OFFICE**

**FOR THE CITY'S PROGRAMS FUNDED THROUGH
THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the City of Cincinnati, Ohio (hereinafter "City") receives funds for the Community Development Block Grant (CDBG), the Rental Rehab Program (RRP), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), Economic Development Revolving Loans, and Supportive Housing programs as administered by the U.S. Department of Housing and Urban Development (HUD), and

WHEREAS, the City has determined that these programs administered by the Department of Economic Development and the Department of Neighborhood Services through December 31, 2003 may have an affect on properties included in or eligible for inclusion in the National Register of Historic Places (hereinafter "National Register"), and has consulted with Ohio Historic Preservation Office (hereinafter "OHPO") pursuant to Section 106 and Section 110(f) of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic and Cultural Properties" (36 CFR Part 800); and

WHEREAS, the City's Director of City Planning will administer the terms of this Programmatic Agreement (hereinafter "PA") and will assign City personnel from the Department of City Planning (hereinafter "Staff") to undertake the review of all programs covered within this agreement; and,

WHEREAS, all capitalized terms shall have the meaning ascribed to them by 36 CFR Part 800 unless otherwise defined by this agreement.

NOW, THEREFORE, the City and the OHPO agree that these programs shall be administered in accordance with the stipulations stated in this PA to take into account the effect of individual Undertakings carried out under these programs on Historic Properties;

STIPULATIONS

The City will ensure that the following measures are carried out.

I. Qualified Personnel

- A. The City shall ensure that its Department of City Planning shall employ as the Urban Conservator one who meets the Secretary of the Interior's Professional Qualifications Standards, found in Appendix A to 36 CFR Part 61 (hereafter "Urban Conservator").
- B. The City shall ensure that all historic preservation work carried out pursuant to this Agreement is conducted by or under the direct supervision of the Urban Conservator.
- C. The City will provide the OHPO with the qualifications and name of the Urban Conservator designated to carry out the terms of this PA.

- D. The City will notify the OHPO of any proposed changes in the Urban Conservator position. If the City does not have an Urban Conservator in place, the City will comply with 36 CFR Sections 800.3 through Section 800.13 with regard to individual undertakings covered by this PA.
- E. The City will provide the OHPO with the name(s) of staff person(s) assigned to assist the Urban Conservator in the review of programs and will notify the OHPO of any changes in the staff position(s).

II. Exempt Activities Which Have Limited Potential to Affect Historic Properties

- A. If, on the basis of the information submitted under Stipulation III. A., the Staff determines that the undertaking is an exempt activity, as defined by Stipulation II. B. and C. then the undertaking shall be deemed exempt and require no further review under this PA. The Staff will keep the completed Determination of Historic Eligibility Form (Attachment A) on file with other project documentation as evidence that the historic review process has been completed.
- B. If the proposed Undertaking falls within one of the following categories, the activity shall be deemed exempt:
 - (1) Non-Construction Work
 - (a) Public service program that does not physically impact buildings or sites.
 - (b) Architectural and engineering fees and other non-construction fees and costs.
 - (c) Rental or purchase of equipment.
 - (d) Repairs to include only: temporary repairs to floor framing or flooring, temporary repair of falling ceilings, temporary bracing or shoring of structural members to prevent collapse, or temporary repairs to prevent water damage provided that such work is done without permanent damage to the building or site.
 - (2) Site Work
 - (a) Maintenance, repair, replacement, line painting, and resurfacing of existing streets, roads, alleys, sidewalks, curbs, ramps, and driveways; maintenance, repair, replacement or new installation of street lights, traffic signals and traffic signs; and maintenance, repair or replacement in place of existing drainage systems.
 - (b) Maintenance and repair of existing landscape features, including planting, fences, retaining walls and walkways.
 - (c) Repair or replacement of existing water, gas, storm, and sewer lines in the same trench.
 - (d) Repair of existing historic or traditional fences or installation of new fences that are compatible with neighborhood vernacular fences in terms of materials, style, scale and color.
 - (3) Exterior Rehabilitation Activities

- (a) Exterior scraping with non-destructive means and painting of wood siding, features and trim; exterior painting of brickwork, if existing surfaces are already painted.
 - (b) Repair or replacement in-kind of asphalt, fiberglass shingle, asbestos or metal roofs; replacement of structural roof components or decking; and replacement of a flat roof not visible from a public right of way.
 - (c) Repair or replacement in-kind of historic attic vents in original openings.
 - (d) Installation of screens and storm windows provided they:
 - (1) Completely fill the original window opening.
 - (2) Match the meeting rail or other major divisions.
 - (3) Outside storms must not protrude beyond the face of the building.
 - (4) Interior storms must not cause damage to the original interior trim.
 - (5) Interior storms must be designed to seal completely so as to protect the primary window from condensation damage.
 - (e) Installation of storm doors, if they are undecorated and are anodized or painted to complement existing trim.
 - (f) Repair of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim as long as any new material matches existing features in composition, design, color, texture and other visual and physical qualities.
 - (g) Repair of masonry foundations, walls, or chimneys by repointing using matching mortar composition, color, joint width and profile; removal of deteriorated secondary chimneys.
 - (h) Repair or replacement of gutters and downspouts.
 - (i) Rebuilding of existing wheelchair ramps.
 - (j) Caulking, reglazing and weather-stripping
- (4) Interior Rehabilitation Activities
- (a) Repair, replacement, or installation of electrical, heating and ventilation (HVAC) and plumbing systems, where no structural or decorative feature alteration is involved.
 - (b) Installation of insulation in floors, attics and openings and installation in side walls from the interior.
 - (c) Repair of wood floors, installation of new floor coverings, except for vinyl covering or carpet over wood flooring in main living areas where the existing hardwood floors are in good condition.
 - (d) Repair of plaster walls and ceilings by patching plaster where possible, or repairing with drywall that has a smooth finish when plaster repairs are not feasible.

- (e) Reuse or replace in kind trimwork in its original location, where new wall and ceiling surfaces are installed or where replacement is needed.
 - (f) Installation of simple standard light fixtures to replace missing or broken interior and exterior light fixtures.
 - (g) Installation of new kitchen cabinets and countertops and installation of new bathroom fixtures if no walls, windows or doors are altered.
 - (h) Installation of new ceiling openings and pull-down attic steps; removal and sealing up of obsolete pull-down attic steps.
 - (i) Lead-based paint and asbestos abatement activities that do not involve removal or alteration of structural or decorative features.
- (5) Where construction or other ground disturbing activities will be demonstratively restricted in scope, horizontally and vertically, to documented areas of former construction within the Area of Potential Effect (APE), such as the footprint of a building demolished within the past fifty years,
- C. Activities defined in 24 CFR Part 58 Section 58.34 of the “Environmental Review Procedures for Community Development Block Grant, Rental Rehabilitation, and Housing Development Grant Programs” are exempt from review under this PA.

III. Identification and Evaluation

- A. Prior to the City taking action on any Undertaking covered by this PA, the Staff will generate a Determination of Historic Eligibility Form (Attachment A) containing the following information- (1) the Department/Division responsible; (2) source of funds; (3) location (map); (4) description of the proposed work, including work write-ups, plans or specifications; (5) color photographs of all elevations of the building or site and streetscapes; (6) date the structure was built, if applicable; and (8) proposed date of the start of the Undertaking.
- B. On the basis of this information, the Staff will determine if the proposed Undertaking constitutes an exempt activity as defined by Stipulation II. If it is exempt, the staff will follow the procedures in Stipulation II.
- C. If the Staff determines that the proposed Undertaking is not exempt in accordance with Stipulation II, then the Urban Conservator shall be responsible for identification and evaluation of Historic Properties, in accordance with the National Register Criteria, that may be affected by the Undertaking.
- D. The Urban Conservator shall identify and evaluate any Historic Properties within the Undertaking’s Area of Potential Effect (APE).
 - (1) The Urban Conservator will rely on the current listing of the National Register, the list of properties determined by the Keeper of the National Register to be eligible for the National Register, the Ohio Historic Inventory (OHI), the Ohio Archaeological Inventory (OAI), maps of Cincinnati’s existing and potential Historic Districts and other available data.

- (2) If the Urban Conservator determines that a survey is needed to identify and evaluate Historic Properties, other than archeological properties eligible for listing in the National Register, then the City will ensure that such a survey is implemented. Identification of archeological sites will be conducted in accordance Stipulation III. D. 3. of this PA.
 - (a) Survey work will be conducted in accordance with the Secretary of the Interior's Archeological and Historic Preservation: Standards and Guidelines (1983), OHPO guidelines and previous studies.
 - (b) All survey reports will be submitted to the OHPO for review and acceptance.
- (3) For proposed ground disturbing activities that are not exempt under Stipulation H., the City will notify the OHPO and will submit adequate project documentation (as outlined in the Determination of Historic Eligibility form) to the OHPO for review.
 - (a) Prior to approval of the Undertaking, the City shall request that, within thirty (30) days of receiving adequate documentation, the 01-IPO provide the City with a written decision regarding the need to conduct an archeological identification and evaluation survey within the project's APE.
 - (b) If, on the basis of a high probability for the presence of significant archeological properties within the APE, the OHPO requests that an archeological survey designed to identify and evaluate historic properties be conducted, the City will ensure that such an archeological survey is implemented within the project area by or under the direct supervision of a qualified professional archeologist who meets the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61 Appendix A). The city shall submit the scope of work for the archeological survey to the OHPO for review and acceptance.
 - (c) If the OHPO does not request a survey, no further review of the ground-disturbing activities is required under this PA.
 - (d) On the basis of the results of the archeological survey, the Urban Conservator and the OHPO shall consult to determine whether archeological properties listed in or eligible for listing in the National Register will be affected by the proposed Undertaking. Any disagreement between the Urban Conservator and the OHPO regarding the eligibility of an archeological property shall be resolved in accordance with 36 CFR Section 800.4(c).
- (4) If the Urban Conservator determines that a historic property is located within the APE, the Urban Conservator will record the determination on the Determination of Historic Eligibility Form and treat the Historic Property in accordance with Stipulation IV.
- (5) If the Urban Conservator determines that the property is not listed in or eligible for inclusion in the National Register, the Urban Conservator will record that determination on the Determination of Historic Eligibility Form. The Staff will complete the Form, retain a copy of the Form as documentation for project files and

provide a copy of the Form to the responsible Department/Division as notification of the completion of the Historic Review Process.

- (6) At any time, the OHPO or public may request that the City submit its determination of the property's eligibility for listing in the National Register to the OHPO for review and acceptance. The city will submit its determination of eligibility along with all relevant project documentation to the OHPO for review within fifteen (15) days of receipt.
- (7) If the OHPO submits a timely objection to the determination of the Urban Conservator under Stipulation HI. D. 4., the City will resolve the objection, in accordance with 36 CFR Section 800.4(c). If the OHPO does not object or does not respond, the City may elect to proceed with its determination.

IV. Treatment of Historic or Contributing Properties

Individual properties that are determined eligible for, nominated to or listed in the National Register, or properties determined to be contributing elements within a National Register-listed or eligible Historic District will be treated as follows:

A. Rehabilitation

- (1) The Urban Conservator shall review all proposed rehabilitation work write-ups, plans or specifications to determine if the proposed work conforms to the recommended approaches identified in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service 1990; hereinafter "Standards").
- (2) If the Urban Conservator determines the proposed work meets the Standards, then the Undertaking may proceed and no further review under this PA is required.
 - (a) The Urban Conservator shall complete the Determination of Historic Eligibility Form verifying, that the project will meet the Standards. Work may not begin until a completed Determination of Historic Eligibility Form has been issued by the Urban Conservator. All work will conform to the approved proposal and to the conditions stated on the Determination of Historic Eligibility Form. Rehabilitation accomplished in this manner will require no further review under this PA.
 - (b) The documentation of each project will be retained by the City as part of the permanent project files and may be reviewed by the OHPO upon request, or as part of the annual report. Such documentation will include, at a minimum, those items specified in Stipulation III. A.
- (3) If the Urban Conservator determines the proposed work does not meet the standards:
 - (a) The Urban Conservator will return the documentation for the undertaking to the responsible Staff and request that the Staff or Project Applicant modify the work write-ups, plans or specifications to bring the Undertaking into compliance with the Standards.
 - (b) The modified work write-ups, plans or specifications will be submitted to the Urban Conservator for review and acceptance.

- (1) If the Urban Conservator determines that the modified work write-ups, plans or specifications meet the Standards, the Undertaking will be approved by the Urban Conservator who shall comply with Stipulation IV. A. (2).
- (2) If the Urban Conservator determines that the modified work write-ups, plans or specifications cannot meet the Standards, the City will provide all project documentation to the OHPO who will determine within thirty (30) calendar days whether it is appropriate to execute a Standard Mitigation Measures Agreement or a Memorandum of Agreement in accordance with Stipulation VII. Resolution of Adverse Effect.

B. New construction and additions

- (1) New construction within or immediately adjacent to historic districts or individual historic properties will be designed to adhere to the Standards. If the Urban Conservator determines that the plans meet the Standards and no eligible or listed archeological properties will be affected, the project will be approved and the Undertaking can proceed. In these instances, the City will comply with Stipulation IV.A.(2)(a-b).
- (2) If the Urban Conservator determines that the Standards cannot be met or that the plans cannot be modified to meet the Standards or that an eligible archeological site will be affected, then prior to taking any action, the City will provide all project documentation to the OHPO who will determine whether it is appropriate to execute a Standard Mitigation Measures Agreement or comply with the procedures set forth at 36 CFR Section 800.6.
- (3) Additions to historic buildings or contributing buildings within historic districts shall adhere to the Standards and be consistent with guidelines in the National Park Service's Preservation Brief 9 14, "New Exterior additions to Historic Buildings: Preservation Concerns". Plans for such additions shall be reviewed and approved by the Urban Conservator to ensure consistency with these guidelines using the procedures in IV. A (2).

C. Handicapped accessibility

Handicapped accessibility projects undertaken by the City to comply with the Americans With Disabilities Act and other local and federal requirements will follow these guidelines:

- (1) The Staff and Urban Conservator will explore all alternative methods to provide handicapped accessibility to historic buildings consistent with the Secretary of the Interior's Standards, National Park Service Preservation Brief No. 32 "Making Historic Properties Accessible", and the Department of the Interior's report Access to Historic Building for the Disabled: Suggestions for Planning and Implementation.
- (2) To the extent feasible handicapped accessibility features (i. e. ramps and elevators) will not be located on primary elevations of historic buildings and will not result in the removal of significant historic or architectural features or materials. Final plans and specifications for handicapped accessibility projects shall be reviewed and approved by the Urban Conservator if the projects meet these standards. If the

standards cannot be met or the plans cannot be modified to meet the standards then prior to taking any action, the City will provide all project documentation to the OHPO who will determine whether it is appropriate to execute a Standard Mitigation Measures Agreement or comply with the procedures set forth at 36 CFR Section 800.6.

D. Site improvements and public improvements

- (1) Site and public improvement projects within historic districts including sidewalk improvements, repaving of streets, installation of landscaping, street lighting and street furniture and other infrastructure improvements will adhere to the Secretary of the Interior's Standards and will be designed to ensure that character-defining elements of historic properties are preserved through repair or replacement in-kind. Any new materials or features introduced in a historic district will be responsive to the character of that district.
- (2) Final plans and specifications for site and public improvement projects shall be reviewed and approved by the Urban Conservator. If the Urban Conservator determines that the Standards cannot be met or the proposed activity modified to meet the Standards or if the contemplated action could have an adverse effect on properties eligible for the National Register, then prior to taking any action, the City will provide all project documentation to the OHPO who will determine whether it is appropriate to execute a Standard Mitigation Measures Agreement or comply with the procedures set forth at 36 CFR Section 800.6.

V. Demolition

A. Demolition of non-historic or non-contributing properties

The City may proceed with the demolition of non-historic properties or noncontributing buildings located in National Register Historic Districts or National Register eligible areas without further review of the OHPO. The City shall retain documentation of all such demolitions in its project files. No demolition may proceed until the Urban Conservator has completed the review procedures in Stipulation III.

B. Demolition of historic or contributing properties

Prior to the demolition of historic properties or contributing properties within a Historic District, not covered under Stipulation V. C., (emergency demolition provision) of this PA, the City shall forward the following documentation to the OHPO:

- (1) Location and description of the property including a map showing the location of the building within the City.
- (2) Reasons for demolition, including documentation of code violations and structural damage and deterioration and an explanation of why rehabilitation is neither prudent nor feasible.
- (3) Recent photographs of each elevation, applicable streetscapes and any significant architectural elements.
- (4) Historic Inventory (OHI) form, if one exists.

- (5) Future plans for the property if available.
- (6) Planned schedule for the demolition.

C. OHPO Review

The OHPO will review the documentation submitted and within thirty (30) days after receipt of adequate documentation will concur or object in writing to the proposed demolition.

- (1) If the OHPO agrees that there are no prudent or feasible alternatives to demolition of the Historic Property, the OHPO will determine if it is appropriate to execute a Standard Mitigation Measures Agreement or a Memorandum of Agreement in accordance with Stipulation VII., Resolution of Adverse Effect.
- (2) If the OHPO objects to the proposed demolition, the City will consult with the OHPO and any Interested Persons the City has identified to consider alternatives to the Proposed demolition. If the parties cannot reach resolution, the dispute shall be resolved in accordance with 36 CFR Sections 800.3 through 800.13.

D. Emergency Demolition

- (1) In the event the City determines that emergency demolition (pursuant to Sections 1323.05 and 1323.08 of the Cincinnati Codified Ordinances and Rule 4101:2-1-39 “Unsafe Building, Administrative Section, Ohio Basic Building Code”) of an historic property or a contributing property within a historic district is required to comply with local regulations and avoid an imminent threat to the health and safety of residents, the City shall immediately deliver documentation to the OHPO with a request for its concurrence with the City’s decision to conduct an emergency demolition and the proposed mitigation.
- (2) Within five (5) days of receipt of the documentation from the City, the OHPO shall notify the City of its decision in writing.
 - a. If the OHPO concurs with the City’s decision, upon the receipt of such notification, the City shall implement the proposed mitigation measures, if any, and then proceed with the demolition.
 - b. If the OHPO objects to the City’s decision to demolish or the proposed mitigation, and if the property cannot be adequately secured to ensure the safety of the community, the Staff will forward the OHPO’s objection to the City Manager. The City Manager shall respond to the OHPO’s objection, in writing, within Fourteen (14) days of receipt of the objection. Following which, the City may proceed with the demolition.

VI. Archaeology

- A. In the event the City plans any ground disturbance as part of a rehabilitation, new construction, site improvement or other undertaking, the City will consult with the OHPO to determine whether the Undertaking will adversely effect an archeological property eligible for or listed in the National Register.
- B. If the OHPO agrees that the adverse effect cannot be avoided, the City shall ensure that a data recovery plan is developed which is consistent with the Secretary of the Interior’s

Standards and Guidelines for Archeological Documentation (48 CFR 44734-37) and take into account the Council's "Draft Treatment of Archeological Properties" (including any revisions made by the Council), and appropriate OHPO guidelines.

- C. The City shall submit the data recovery plan to the OHPO for review and approval, and shall ensure that the approved data recovery plan is implemented by or under the direct supervision of a professional who meets the Secretary of the Interior's Professional Qualification Standards, found in Appendix A to 36 CFR Part 6.1.
- D. The OHPO will determine if it is appropriate to execute a Standard Mitigation Measures Agreement or a Memorandum of Agreement for the Undertaking, in accordance with Stipulation VII., Resolution of Adverse Effect.

VII. Resolution of Adverse Effect

- A. When the OHPO determines that it is appropriate to execute a Standard Mitigation Measures Agreement (as outlined in Attachment B), the Agreement shall be signed by the City and the OHPO prior to approval of the Undertaking.
 - (1) The City shall retain the original executed Standard Mitigation Measures Agreement in the project files and provide the OHPO with a copy.
 - (2) Upon execution of the Standard Mitigation Measures Agreement, no further review of this undertaking by the Council is required.
- B. When the OHPO determines that it is not appropriate to execute a Standard Mitigation Measures Agreement, the City shall comply with 36 CFR Section 800.6

VIII. Public Notification and Participation

Each year the City will notify the public of the City's current HUD funded programs and make available for public inspection documentation on the Programs. Included in this documentation will be information on the Programs, information on the types of activities undertaken with HUD-delegated program funds and how the public can receive further information on the Programs and participate in the historic preservation review process as defined by the terms of this PA. Notice of HUD funded program activities shall be made by placing an advertisement in a local general circulation newspaper. The dissemination of this information will be coordinated with existing public hearing schedules. Additionally, for undertakings involving structures on the National Register, local historic register or in the nationally and locally recognized historic districts, the Cincinnati Historic Conservation Board will review the proposed work items and issue Certificates of Appropriateness as warranted.

IX. Post Review Discovery

In consultation with the OHPO, the City will develop a plan that will govern the actions to be taken when historic properties are discovered during the implementation of an undertaking. The City will submit the plan to the OHPO for review and acceptance. The City will adopt any changes recommended by the OHPO. When the OHPO has accepted the plan, the City will insure that the plan is adopted and implemented by the applicants, when appropriate.

X. Annual Report/Monitoring

- A. The Staff will submit an annual report to the OHPO within 60 days from the end of the calendar year summarizing the activities carried out under the terms of this PA for the preceding year. The report will include the following information:
 - (1) A list of properties determined eligible for listing in the National Register of Historic Places.
 - (2) A list of the activities covered by this PA undertaken by the City.
 - (3) A brief project description of each activity undertaken.
 - (4) A complete listing of all undertakings covered by this PA in a spreadsheet format describing the activity, status of the structure or site (Register eligible or not), work write-up reviews, and ultimate disposition.
 - (5) Photographic documentation and sample projects demonstrating that the Secretary of the Interior's Standards have been met.
- B. Upon written request with reasonable advance notice, the City will make arrangements for the OHPO to review records and conduct on-site inspections of projects.

XI. Dispute Resolution

- A. If at any time during the implementation of this PA, the OHPO or an Interested Person objects to any action or any failure to act pursuant to this PA, they may file written objections with the City.
 - (1) The City shall notify the parties to this PA of the objection, and take the objection into account, consulting with the objector and, should the objector request, with any of the parties to this PA to resolve the objection.
 - (2) The City shall initiate such consultation to resolve any objections.
- B. If the City determines that the objection cannot be resolved, the City will forward all documentation relevant to the dispute to the OHPO and request that the OHPO comment. Within thirty (30) days after receipt of all pertinent documentation, the OHPO will either:
 - (1) Provide the City with recommendations, which the City will take into account in reaching a final decision regarding the dispute; or
 - (2) Notify the City that it will comment pursuant to 36 CFR Section 800.7(b) and Section 110 (1) of the National Historic Preservation Act, and proceed to comment.
- C. The City will take into account any OHPO comment provided in response to such a request, with reference to the subject of the dispute, and will issue a decision on the matter. The City's responsibility to carry out all actions under this PA that are not the subject of dispute will remain unchanged.
- D. The City will comply with 36 CFR 800.11 in the event that historic properties are discovered after the approval or implementation of an Undertaking.

XII. Default

In the event the City does not carry out the terms for this PA, the City will comply with 36 CFR part 800.3 through 800.13 with regard to individual undertakings covered by this PA.

XIII. Termination

Any signatory to this PA may terminate it by providing thirty (30) days written notice to the other signatories, 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 in consultation with the OHPO will determine how to carry out the City's responsibilities under Section 106 in a matter consistent with the applicable provisions of 36 CFR Part 800.

XIV. Renewal

This PA will continue in force until December 31, 2003. At any time, in the six month period prior to that date, the City may request the OHPO to review its Programs and to consider an extension or amendment of this PA. No extension or modification will become effective until all parties to the PA have agreed to it in writing.

XV. Amendments

- A. This PA may be reviewed for possible amendment at any time.
- B. Any party to the PA may request that it be amended at any time, whereupon the parties will consult in accordance with 36 CFR Section 800.6(c)7 to consider such amendments.
- C. Any resulting amendments shall be developed and executed among the signatories in the same manner as this PA.

XVI. No Oral Representation

This PA embodies the entire agreement and understanding between the City and the OHPO and supersedes all prior agreements and understandings relating to the subject matter hereof

XVII. Notices

All notices, consents, requests, demands and other communications required hereunder shall be in writing and shall be deemed to have been duly given to a party hereto if mailed by certified mail to the City of Cincinnati, Department of City Planning , Centennial Plaza Two, 805 Central Avenue, Suite 720, Cincinnati, Ohio 45202, Attn.: Director; and to the OHPO at the State Historic Preservation Office, 567 East Hudson Street, Columbus, Ohio 43211, Attn.: Ohio State Historic Preservation Officer.

XVIII. Construction of Agreement

This PA may be executed in any number of counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Also, section headings are for convenience only and shall not effect the interpretation of this Agreement. In addition, all the terms and conditions of the PA between the parties are stated herein.

XIV. Law of Ohio

This PA shall be deemed to have been executed and delivered within the State of Ohio, and the rights and obligations of the parties shall be construed and enforced in accordance with, and

governed by, the law of the state of Ohio, as applicable, without regard to principles of conflicts of laws.

EXECUTION and implementation of this PA evidences that the City has afforded the OHPO a reasonable opportunity to comment on the Community Development Block Grant (CDBG), the Rental Rehab Program (RRP), Home Investment Partnership (HOME), Emergency Shelter Grant (ESG), Economic Development Revolving Loans, and Supportive Housing programs as administered by the U.S. Department of Housing and Urban Development (HUD) and that the City has taken into account the effects of the Programs on historic properties.

Recommended by:

 1/10/01

Urban Conservator



Agency Official, City Manager

1/11/01

(Date)

 1/10/01

Director, City Planning Department

 3/2/01

(Date) State Historic Preservation Officer (Date)

Approved as to Form by:

 1/10/01

Assistant City Solicitor

(Date)

Environmental Review Application

Complete Front and Return to City Planning Dept., Suite 720, Centennial Plaza II (Ext. 4890)

****Incomplete Applications Will Not Be Accepted****

Date of Request: _____	Project Manager: _____
Funding Program Name: _____	Project Manager Phone #: _____
Funding Program Number: _____	Dept. or Agency: _____
Budget Year for This Project : _____	Project Name: _____
Commitment Form Complete?: <input type="checkbox"/> Yes <input type="checkbox"/> No	Project Number: _____
Council Approved This Project?: <input type="checkbox"/> Yes <input type="checkbox"/> No	Project Address: _____
Funding for This Project : \$ _____	CNAS Neighborhood: _____
Type of Funding Requested: <input type="checkbox"/> HOPWA	# of Bldgs.: _____ Units: _____
<input type="checkbox"/> CDBG <input type="checkbox"/> HOME <input type="checkbox"/> ESG	Target Date to Begin Construction: _____
<input type="checkbox"/> Other: _____	

Project Description: (Please attach scope of work as necessary) _____

Funding History – Is this a(n):

New Project/Program

Continuation Project/Program

New Phase of an Existing Project

Ongoing Operating Program / Project

Prior or Future Year Funding:

Year: _____ Funding: \$ _____

Year: _____ Funding: \$ _____

Year: _____ Funding: \$ _____

Does this project involve:

Demolition: Yes No

New Construction: Yes No

Additions: Yes No

Exterior Work: Yes No

Interior Work: Yes No

Conversion of Use: Yes No

**Photocopies Not Acceptable
Attach "Original"
Photograph Here
3 x 5 View Preferred**

STOP HERE – Reverse side for Environmental Review Staff

INTAKE: Date Complete Application Received: _____

Pre-application Meeting with ERO: _____ (Initials and Date)

Initial Level Of Review (from Pre-app. Meeting): New Continuation Case-by-Case
 EA EA Short Form CE Ex

HCO: Date Received: _____ HCO Staff Assigned: _____

Property Appears to Be: Eligible Not Eligible

Site Inspection: Yes No

Compliance Is: Complete Incomplete

Comments: _____

Approved By: _____ Date: _____

Copy Sent to ERO: _____ (Initials and Date)

ERO: Date Received: _____ ERO Staff Assigned: _____

FIRM Map #: 390210 - _____

Is Project in a Floodplain? No Yes, Floodway 100 Year 500 Year

If Flood Ad Needed: Date 'Early Notice' Ad: _____ Date 'Decision to Support' Ad: _____

Ad Expires On: _____ Ad Expires On: _____

Final Level Of Review Determination: New Continuation Case-By-Case

** EIS** EA EA - Short Form CE Exempt

Other Depts. Contacted for Review: 1. _____ Report Rec'd.: _____ (Date)

2. _____ Report Rec'd.: _____ (Date)

3. _____ Report Rec'd.: _____ (Date)

For Continuation: Date of Last Review: _____ Date of Last Ad: _____

For EA: FONSI Ad Date: _____ Expires On: _____

NOI / RROF Ad Date: _____ Expires On: _____

Budget & Evaluation RROF Date: _____

For CE: CFR Section #: _____ NOI / RROF Ad Date: _____ Expires On: _____

Budget & Evaluation RROF Date: _____

For Ex: CFR Section #: _____ Advertisement NOT Required.

Review Completed By: _____ Date: _____

Can Funds Be Released?: Yes No, see HUD release date below

Date of B&E HUD Request: _____ Date HUD Release Received: _____

Appropriate Form(s) Signed and Sent to B & E and/or Project Manager: Date: _____

ATTACHMENT B

NOT USED