

**PROGRAMMATIC AGREEMENT
AMONG THE
CITY OF COLUMBIA
AND
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER
FOR THE ADMINISTRATION OF
HOUSING AND URBAN DEVELOPMENT PROGRAMS MANAGED
BY THE COMMUNITY DEVELOPMENT DEPARTMENT**

WHEREAS, the City of Columbia, South Carolina (City) proposes to administer grant programs funded by a Community Development Block Grant (CDBG) and other federally funded programs, including, but not limited to, HOME Investment Partnership Program (HOME) and Housing Opportunities for People with HIV/AIDS (HOPWA) from the Department of Housing and Urban Development (HUD) in accordance with the provisions of the Housing and Community Development Acts of 1974 and 1977; and

WHEREAS, the City has determined that administration of these HUD programs may have an effect upon properties included in or eligible for the National Register of Historic Places and has consulted the South Carolina State Historic Preservation Officer (SHPO) pursuant to Section 800.14 of the Council's regulations implementing Section 106 of the National Historic Preservation Act (NHPA) found at 36 CFR Part 800;

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the City has notified the Advisory Council on Historic Preservation (ACHP) of the development of a programmatic agreement and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii);

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

STIPULATIONS

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

I. Long Range Identification

In areas affected by HUD programs which are outside of the boundaries of the existing National Register Historic Districts or National Register-eligible districts as identified in the 1993 *City-wide Architectural Survey and Historic Preservation Plan, Columbia, South Carolina*, the City, as funds become available, will continue to identify districts, sites, buildings, structures, and objects (hereafter "properties") in the CDBG target areas that may meet the criteria for listing in the National Register of Historic Places (36 CFR 60.16). The City will reassess the recommendations of the architectural survey every ten (10) years with the intent of identifying and recording additional historic properties. The survey will be conducted in consultation with the SHPO and in accordance with the *Secretary of the Interior's Standards and Guidelines for the Identification and Evaluation*.

II. Review Procedure

Properties which are located in areas previously unsurveyed or for which no determination of eligibility has been made and will be affected by any of the activities cited in Section IV, will be processed in the following manner:

- A. Properties affected by HUD projects that are not in the National Register districts or National Register-eligible districts, but appear to meet the criteria as specified in 36 CFR 60.4 will be considered and treated as eligible for the National Register of Historic Places.
 1. For each property, the City will submit a determination of eligibility, a photograph, and the South Carolina Statewide Survey Site Form to the SHPO for comments and/or concurrence regarding eligibility of the property for the National Register. The SHPO will respond regarding eligibility within thirty (30) days of receipt.
 2. The City will advise the appropriate Project Coordinator (Housing or Commercial Loan Officer) regarding any properties, which the City, in consultation with the SHPO, has determined meet the criteria for inclusion in the National Register.
- B. If there is any question or dispute as to whether a property meets the National Register criteria, the City may request a formal determination of eligibility from the Secretary of the Interior (36 CFR 800.4(c)(4)).
- C. The City will keep a written record of the reasons why any property does not appear to meet the National Register criteria. This can be an annotated list giving property address, and notations such as "post-1960-commercial" or "concrete block construction" or "c. 1900 residential, greatly altered."

III. Activities Not Requiring Review

The following activities do not require further review under this agreement:

1. Repairs or additions to buildings less than 50 years of age which are not located within or adjacent to an historic district or near or adjacent to properties individually eligible for the National Register
2. Rebuilding of wheel chair ramps
3. Installation of missing glass panes if clear glass is used in existing windows
4. Caulking
5. Repair or replacement of gutter systems
6. Exterior painting if the preparation for repainting is only nonmechanical sanding and scraping
7. Installation of a new furnace
8. Plumbing
9. Electrical work

10. Repair of or pouring of concrete cellar floors
11. Installation of screens
12. In-kind repair or replacement of porch ceilings, steps, railings
13. Replacement of asphalt roof shingles
14. In-kind repair or replacement of cornices

IV. Program Activities Requiring Review

The City of Columbia's Historic Preservation Planner will conduct a preliminary examination of the following programs to aid the City in determining which activities meet the definition of "undertaking" under the National Historic Preservation Act:

- A. Gateway Beautification Program
- B. Housing Loan Program (HOME, HOPE, ADDI, Police Purchase Rehab, City Build, City Purchase Rehab, Affordable Housing, City Lender, Employee Loan, and Home Improvement).
- C. Façade Improvement Program.
- D. Commercial Loan Fund (EDA Revolving Loan).
- E. Activities in the Redevelopment of the Greater Eau Claire Area.
- F. Activities in the Redevelopment of the Read Street, Lyon Street, and M.L. King Areas
- G. Activities in the Redevelopment of the Congaree Vista
- H. Activities in the Redevelopment of the South Columbia Area
- I. Activities in the Downtown Business District Area.
- J. Activities in the King Street Target Area
- K. Activities in the Edisto Court Target Area

V. Treatment

Properties that are determined to be eligible for the National Register or which are listed in the National Register will be treated in the following manner:

A. Rehabilitation

Properties that are to be rehabilitated will be rehabilitated in accordance with the recommended approach in the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitation Historic Building (Standards)* in consultation with SHPO.

1. For each rehabilitation project, the City will provide documentation which includes the following items;
 - a. Interior and exterior photographs, labeled as to description of view and location
 - b. Labeled photographs of all architectural details keyed to plans
 - c. Floor plans – (existing and proposed)
 - d. Work specification
 - e. Elevations
 - f. Description of existing conditions

- g. Description of proposed conditions or changes
 - h. Methods and material proposed for repair or replacement
 - i. Description of any proposed addition to the existing structure
2. The SHPO will respond within 30 days of the receipt of all required information. If the *Standards* cannot be met, or the proposed treatment of the property is not rehabilitation (such as landscaping or parking); or demolition is proposed, prior to taking any action, the City shall consult with the SHPO and initiate the process set forth at 36 CFR 800.5(e) of the Council's regulations.

B. New Construction and Additions

1. The City shall ensure that the project design for new construction or additions is compatible with the historic and architectural qualities of the National Register Historic district or National Register-eligible district where it is located in terms of scale, massing, and materials, and is responsive to the recommended approaches to new construction and additions set forth in the *Standards*.
2. The design and specifications for the project are developed in consultation with the SHPO and submitted to the SHPO for approval.
3. The City's Design/Development Review Commission (D/DRC) shall review any new construction or additions to determine how it will affect a listed or eligible National Register district, if applicable.

C. Demolitions

1. Demolition of properties listed in or eligible for listing in the National Register or within a district listed or eligible for listing in the National Register, will be reviewed on a case-by-case basis with the SHPO. The City will submit the following documentation to the SHPO for review:
 - a. Location (U.S.G.S. and/or City map) and description of the affected building, including a statement of its historic and/or architectural significance as a resource within the City
 - b. Reasons for demolition, including documentation of any building code violations and an explanation why rehabilitation is neither prudent nor feasible
 - c. Photographic evidence with written description of the deteriorated condition of the building to be demolished
 - d. Photographs of each elevation and any significant architectural elements that might exist
2. The SHPO will review the documentation submitted and, within thirty (30) days of receipt of adequate documentation, concur or object in writing to the proposed demolition, and forward an informational copy to the ACHP. Upon receipt of the comments of the SHPO, the City will consult with the SHPO to develop a Memorandum of Agreement in accordance with 36 CFR 800.6 to resolve the adverse effect.

VI. Archaeological Surveys and Treatment

Prior to any development activity which would result in disturbance of lands previously undisturbed, the City shall notify the SHPO and request an opinion on the potential existence of archaeological resources. If the potential for archaeological resources exists, an archaeological survey of the affected area will be carried out in consultation with the SHPO. If archaeological resources are found which may meet the National Register criteria, whenever feasible, they shall be avoided or preserved in place. When this is not feasible, the SHPO will be consulted and a treatment, consistent with the ACHP's Handbook, *Treatment of Archaeological Properties* and approved by the SHPO, will be developed and implemented.

VII. Annual Review of Proposed Projects

The City will provide to the SHPO an annual list of projects proposed under all HUD programs administered by the City's Community Development Department. This list will also include a preliminary determination of which projects are defined as "undertakings" and require SHPO review.

VIII. Dispute Resolution

Should the SHPO or the City's D/DRC object within thirty (30) days to any plans provided for review, specifications provided, or actions proposed pursuant to this agreement, the City shall consult with the objecting party to resolve the objection. If the City determines that the objection cannot be resolved, the City shall request the further comments of the ACHP pursuant to 36 CFR Section 800.6(b). Any ACHP comment provided in response to such a request will be taken into account by the City in accordance with 36 CFR Section 800.6(c)(2) with reference only to the subject of the dispute. The City's responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

IX. Public Participation

- A. The general public will be informed of the type(s) of federal funds being utilized, proposed projects and/or properties affected, and treatment of these projects or properties. Citizen input will be solicited at a minimum via one of the following sources: local newspaper publication, public hearing, or forum which has been advertised via local media sources or conspicuous postings in public buildings. In addition, the City's D/DRC will review any new construction, additions, and/or demolition as it affects an eligible or listed National Register district, if applicable.
- B. The general public will be informed of proposed projects that involve historic properties by above listed sources and other sources.

X. Review of Public Objections

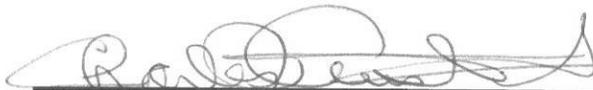
At any time during implementation of the measures stipulated in this agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the City shall take the objection into account and consult as needed with the objection party, the SHPO, or the ACHP to resolve the objection.

XI. Renewal

This agreement will continue in force through the year 2010 with annual reviews by the City and SHPO for possible modifications, termination, or extension. At the request of any of the parties, this agreement may be modified or terminated at any time. In the event any of the signatories of this agreement decide to terminate the agreement, it is agreed that the City will comply with the ACHP's regulations (36 CFR 800) on a case-by-case basis.

Execution of this Programmatic Agreement evidences that the City has afforded the ACHP a reasonable opportunity to comment on the individual undertakings of the HUD program and its effects on historic properties and that the City has taken into account the effects of its undertakings on historic properties.

THE CITY OF COLUMBIA, SOUTH CAROLINA

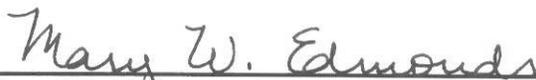


Charles P. Austin, Sr., City Manager

Feb. 8, 2006

Date

THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER



Mary W. Edmonds, Deputy State Historic Preservation Officer

2/15/06

Date