

PROGRAMMATIC AGREEMENT (PA) BETWEEN THE CITY OF POMONA AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER, REGARDING THE REHABILITATION OF HISTORIC PROPERTIES AFFECTED BY USE OF REVENUE FROM THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PART 58 PROGRAMS

WHEREAS, the City of Pomona (City), a “Responsible Entity” under 24 C.F.R. Part 58, proposes to administer and fund a rehabilitation program (Program) in Oz, California with monies from the U.S. Department of Housing and Urban Development (HUD) delegated to the City pursuant to 24 C.F.R. Part 58 or any other pertinent HUD regulations; and

WHEREAS, the City has determined that the implementation of this Program may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (Historic Properties) and has consulted with the California State Historic Preservation Officer (SHPO) pursuant to Section 800.14(b) of the regulations, 36 C.F.R. Part 800, implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) (Act); and

WHEREAS, the City will conduct outreach and actively seek and request the comments and participation of Indian tribes that attach religious and cultural significance to historic properties that may be affected by Undertakings funded under the terms of this Agreement; and

WHEREAS, pursuant to the Council's Section 106 Regulations, the City has considered the nature of the Program and its likely effects on historic properties and has taken steps to involve individuals, organizations and entities likely to be effected by the Program; and

WHEREAS, pursuant to the Council's Section 106 Regulations, the City has arranged for public participation appropriate to the subject matter and scope of the Programmatic Agreement (PA) by providing notice to the public about the Program and including them in the consultation process; and

WHEREAS, the goals and objectives of this PA are to (1) provide a coordinated, clear and efficient process for implementation of Section 106, (2) identify and protect historic resources while facilitating the production of affordable housing and the construction of and rehabilitation of community and public facilities, (3) provide an orderly process for the resolution of conflicts, consideration of feasible alternatives and appropriate mitigation, (5) maintain the confidence of the public in the City and (6) provide for public participation in the local implementation of Section 106; and

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

STIPULATIONS

The City of Pomona will ensure that the following measures are carried out:

I. APPLICABILITY OF THE PROGRAMMATIC AGREEMENT (PA)

- A. The City shall comply with the stipulations set forth in this PA for all undertakings which are limited to the rehabilitation of buildings that (1) are assisted in whole or in part by revenues from the HUD subject to 24 CFR Part 58 and that (2) can result in changes in the character or use of any Historic Properties that are located in an undertaking's Area of Potential Effect (APE), as defined in Stipulation IV, below.
- B. The review process established by this PA shall be completed before the City's final approval of any application for assistance under this Program, before a property is altered by either the City or a property owner, and before the City or a property owner initiates construction or makes an irrevocable commitment to construction that may affect a property that is fifty (50) years of age or older, or that is otherwise eligible for listing in the National Register of Historic Places.
- C. Any undertaking not qualifying for review under the terms of this PA but nevertheless subject to Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) shall be reviewed in accordance with 36 CFR Part 800, even if such undertaking involves a building, structure, site or object that is less than 50 years old.
- D. For purposes of this PA, the Secretary of the Interior's definition for rehabilitation shall be used: "Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values."
- E. This PA does not include new construction, demolition of existing buildings, or development of vacant land.

II. DEFINITIONS

- A. The definitions outlined at 36 CFR 800.16 apply to this PA.

III. UNDERTAKINGS NOT REQUIRING REVIEW BY THE SHPO OR THE ACHP

The following Undertakings do not require review by SHPO and no signatory is required by this PA to determine the National Register of Historic Places ("NRHP") eligibility of properties affected by these Undertakings.

- A. Undertakings only affecting properties that are less than fifty (50) years old.
- B. Undertakings limited exclusively to interior portions of single-family and multi-family residential properties where the proposed work will not be visible from the property's exterior.
- C. Undertakings limited exclusively to the activities listed in Appendix "A" of this PA. Undertakings not so limited shall be reviewed pursuant to this PA. Undertakings involving Historic Properties but nevertheless exempt from review pursuant to Appendix "A" shall be designed to conform to the greatest extent feasible with the California State Historic Building Code, [State of California, Title 24, Building Standards, Part 8 ("SHBC")] as well as Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building, 1995.
- D. Undertakings that require only paint stabilization in the interior of the unit. Pursuant to Title X of the Housing and Community Development Act of 1992, Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing, paint stabilization is defined as follows: the process of wet scraping, priming and repaint surfaces coated with deteriorated lead based paint; paint film stabilization includes cleanup and clearance.
- E. Rehabilitation of mobile homes and manufactured housing
- F. The City shall document actions taken pursuant to this Stipulation in the manner prescribed in Stipulation XVI.

IV. AREA OF POTENTIAL EFFECTS

- A. The Area of Potential Effects (APE) for undertakings covered by this PA shall be limited to the legal lot lines of a property when the undertaking consists exclusively of rehabilitating a property's interior or exterior features.
- B. Improvements to Infrastructure. The APE for installation of infrastructure shall associated with the rehabilitation of a building will be as follows:

1. Water and sewer lines: the APE shall be the trunk of the sewer and water line;
 2. Curb Cuts for disability access: the actual curb area under construction shall be the APE;
 3. Pavements: the APE shall be the pavement structure and pavement base.
 4. In all other infrastructure improvements the APE shall be analogous in purpose, structure and location to the APE of those listed in subsections 1 through 3 above.
- C. If a member of the public objects to the manner or scope in which the APE for an Undertaking has been delineated, the City shall seek to resolve the dispute in accordance with the procedures set forth in Stipulation XIII.

V. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. The City shall review all existing information on any property within an Undertaking's APE, as required by 36 C.F.R. 800.4, to determine if such properties may be Historic Properties. At a minimum the City shall:
1. Review the current listing of the National Register of Historic Places (NRHP).
 2. Review lists of Historic Properties maintained by the City and any other information available in the City's records pertaining to any property within an Undertaking's APE .
 3. Review lists of Historic Properties maintained by the appropriate regional center of the California Historical Resources Information System or its successors..
 4. Visit the site and evaluate in accordance with the Section 106 process.
 5. If the property is one to which Indian Tribes attach religious and cultural significance, those Indian tribes will be consulted by the City regarding the Undertaking.
- B. If a property is listed or has already been determined eligible for listing in the NRHP, the City shall proceed in accordance with Stipulation VIII, unless exempted by Stipulation III.

- C. If the City, in consultation with the SHPO, has determined a property to be ineligible for listing in the NRHP within a period of five (5) years prior to the City's approval of an Undertaking covered by this PA and if no other provision of this PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XVI and may authorize the Undertaking to proceed without further review.
- D. Unless exempt pursuant to Stipulation III or to Sections B and C of this Stipulation, the City shall evaluate all properties that may be affected by an Undertaking using the National Register criteria set forth in 36 CFR Section 60.4. All evaluations shall be documented by the City on a State of California Historic Resources Inventory Form – DPR 523.
 - 1. If a property proposed for rehabilitation is not listed in the NRHP, has not been evaluated for National Register eligibility within the past five (5) years, and is a least 50 years old, the City shall submit the documentation required pursuant to 36 CFR 800.4 including a completed California Historic Resources Inventory Form (DPR 523) to the SHPO for review (included as Attachment "B" to this PA. the City shall seek information, as appropriate, from individuals and organizations likely to have knowledge or concerns with historic properties in the area. The SHPO may request additional information if necessary. The City shall apply the National Register criteria and notify the SHPO of its determination in this submittal.
 - a. If the SHPO concurs with the city that a property is eligible under the criteria, the property shall be considered a Historic Property under this PA. The City shall continue consultation in accordance with the terms of this PA for all such properties.
 - b. If the SHPO concurs with the City that the criteria are not met, the property shall be considered ineligible for inclusion in the NRHP for a period of five (5) years from the date of the SHPO's review. Such properties need not be reevaluated during this five (5) year period unless a party to this PA notifies the other parties in writing that it has determined that changing perceptions of significance warrants a property reevaluation. Such properties require no further review under this PA.
 - c. If the SHPO disagrees with the City's determination regarding eligibility, the City shall consult further with the SHPO to reach agreement. If agreement cannot be reached, the City shall obtain a final determination from the

Secretary of the Interior pursuant to the applicable National Park Service regulations found at 36 CFR Part 63.

- d. If the SHPO does not respond to the City's determination within thirty (30) calendar days following receipt, the City may assume that the SHPO does not object to the determination and shall proceed in accordance with any other applicable requirements of this PA.

VI. ASSESSMENT OF EFFECTS

- A. The City shall ensure that scopes of work, plans and specification for Undertakings that may affect Historic Properties and that are not exempt from review under this PA conform to the recommended approaches in the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Building, 1995 ("Standards") and to the greatest feasible extent, to the SHBC.
 - 1. For properties identified as Historic Properties under Stipulation V and prior to any activities that are not exempt under Stipulation III, the City shall review provide the SHPO appropriate project documents to determine conformance of the Undertaking with the Standards and SHBC, including photographs and a general work description which adequately details the scope of work for each project that may affect a Historic Property that includes work write-ups, working drawings and specifications, as appropriate, and additional documentation necessary to understand the undertaking. The City shall apply the criteria of adverse effect, 36 CFR 800.5, in consultation with the SHPO to any Historic Property that may be affected by a project, and will review the scope of work to determine if the rehabilitation project conforms to the recommended approach contained in the Standards.
 - a. If the City determines that the Undertaking conforms to the Standards and complies with the SHBC the City shall notify the SHPO in writing of a finding of no adverse effect. If the SHPO does not object in writing to this determination within thirty (30) days, the Undertaking shall be considered to have "no adverse effect" on Historic Properties, and may proceed as submitted without further review
 - b. If the City determines that the Undertaking does not conform to the Standards and SHBC, or if the SHPO objects to a

finding of “no adverse effect” the Undertaking will be considered to have an “adverse effect” on Historic Properties. The SHPO and the City shall consult and recommend modifications to the scope of work or conditions under which the Undertaking would be found to conform to the Standards.

- c. If the City accepts the recommended modifications, the Undertaking will be considered having “no adverse effect” on the Historic Property, and may proceed as modified without further review. If the modifications recommended are not accepted, then the City shall consult further with the SHPO for a period of time not to exceed thirty (30) days to seek ways to avoid, minimize, or mitigate the adverse effect. If all adverse effects cannot be avoided, the City shall proceed in accordance with 36 CFR 800.6.
- d. The City shall notify the SHPO of any changes to an approved scope of work, other than activities exempt under Stipulation III, and shall provide the SHPO with the opportunity to review and comment on such changes. If the changes do not conform to the Standards, the parties shall consult further to minimize or mitigate the adverse effects in accordance with 36 CFR 800.6(b)(1).
- e. The City shall retain documentation of the rehabilitation as part of its permanent records.

VII. CONSIDERATION AND TREATMENT OF ARCHEOLOGICAL RESOURCES

- A. The City shall consult in writing with the SHPO to determine if a rehabilitation project that includes ground disturbing activities has the potential to affect archeological properties that may be eligible for inclusion in the National Register. The City shall investigate pertinent information available at the XYZ Information Center of the California Historical Resources Information System at Old West University (IC) and shall consider any further studies recommended by the SHPO to determine if the undertaking has the potential to affect either archeological properties that may be eligible for inclusion in the National Register or properties for which Indian tribes may attach religious and cultural significance.
- B. The following types of ground-disturbing activities have the potential to affect archeological resources:

1. Ground disturbing site preparation, such as grading or excavation.
 2. Footing and foundation work occurring more than two feet from any existing footings or foundations, including soils improvement/densification techniques.
 3. Installation of underground utilities such as sewer and water lines, storm drains, electrical, gas or leach lines and septic tanks, except where installation is restricted to areas previously disturbed by installation of these utilities.
 4. Installation of underground irrigation or sprinkler systems, except where installation is restricted to areas previously disturbed by such systems.
- C. When an Undertaking may include the foregoing types of ground-disturbing activities and the Undertaking does not qualify as an exception under this provision, the City shall request that the Old West Information Center of the California Historical Resources Information System at Western State University, Old Town, California ("IC") conduct a records search for the Undertaking's APE.
1. Exceptions
 - a. The City is NOT required to request the IC for a records search under the following circumstances:
 - i. When the ground-disturbing activities set forth in Sections B.2, B.3 and B.4 of this stipulation will occur exclusively within the legal lot lines of a parcel used as a single family residence, or
 - ii. When the ground-disturbing activities set forth in the Sections B.2, B.3 and B.4 of this stipulation will be outside the legal lot lines of a single family residence and will be confined to areas previously disturbed by such activities.
- D. The City shall promptly furnish the SHPO with a copy of the IC's response and request the comments of the SHPO.
1. If the SHPO recommends that the APE should be surveyed or subject to archival research, the City shall engage a qualified archeologist to conduct the survey of the APE and prepare a written report.

2. If the SHPO recommends that a survey is not necessary and the Undertaking's APE does not contain a known archeological resource, no further consideration of such resources by the City is required. If no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XVI and may authorize the Undertaking to proceed without further review.
 3. If the Undertaking's APE contains known archeological resources or such resources are identified through a survey, the City shall cause the Undertaking to be redesigned if feasible to avoid said resources and shall notify the SHPO of these actions. If no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XVI and may authorize the Undertaking to proceed without further review.
 4. If the Undertaking cannot be redesigned to avoid the resources, the City shall develop a plan in consultation with the SHPO to complete the identification, evaluation and, if necessary, mitigation of the property. If the City and the SHPO cannot agree that the potential to affect archeological properties exists or cannot agree on a plan for the consideration of such properties, the City will initiate further consultation in accordance with 36 CFR § 800.6(b)(1).
- E. The SHPO shall respond to any request for comments submitted under this Stipulation within 15 calendar days following receipt. The City may assume that the SHPO does not object to any action deemed by the City to be appropriate under this Stipulation if the SHPO fails to respond within this time frame.

VIII. EMERGENCY UNDERTAKINGS

- A. This stipulation shall apply only to situations in which a duly authorized local official has determined in accordance with applicable law, that an immediate threat to the public health and safety exists and that such threat must be removed forthwith (Emergency Conditions).
- B. The City shall notify the SHPO and afford the SHPO an opportunity to comment within seven (7) days of notifications. If the City determines that circumstances do not permit seven (7) days for comment, the City shall notify the SHPO and invite comments within the time available. The City

shall take into account any comments received in reaching a decision on how to proceed with the emergency undertaking.

- C. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 and this Agreement.

IX. REVIEW OF CHANGES TO APPROVED UNDERTAKINGS

- A. The City shall promptly notify the SHPO upon discovery if:
 - 1. Previously approved scopes of work, plans or specifications for an Undertaking are changed so that the Undertaking is no longer exempt from review pursuant to Stipulation III.

X. DISCOVERIES AND UNANTICIPATED EFFECTS

- A. The City shall notify the SHPO as soon as possible if it appears that an Undertaking may affect a previously unidentified property that may be eligible for inclusion in the NRHP or affect a known Historic Property in an unanticipated manner. The City may suspend construction of all or part of the Undertaking in the vicinity of the discovery and require that reasonable measures be taken to avoid or minimize harm to the property until the City concludes consultation with the SHPO.
- B. If the newly discovered property has not previously been included in or determined eligible for inclusion in the NRHP, the City may assume that the property is eligible for purposes of this PA. The City shall notify the SHPO at the earliest possible time and consult to develop actions that take the effects of the Undertaking on the property into account. The City shall notify the SHPO of any time constraints, and the City and the SHPO shall mutually agree on the time frames for this consultation. The City shall provide the SHPO with written recommendations that take the effect of the Undertaking into account. If the SHPO does not object to the City's recommendations within the agreed upon time frame, the City shall require the scope of work for the Undertaking to be modified as necessary to implement its recommendations.

XI. PUBLIC INVOLVEMENT

- A. The City shall identify any public interest in the Undertakings subject to this PA by informing the public about Historic Properties when complying with the public participation requirements set forth in 24 CFR Part 58 and in the regulations for any other Program delegated by HUD to the City as may be applicable.

- B. In consultation with the SHPO, the City shall identify any parties entitled to be consulting parties and invite them to participate.
- C. The City shall, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decision-making.
- D. At any time during implementation of the measures stipulated in this PA, should a member of the public raise an objection pertaining to delineation of an APE or to treatment of a Historic Property, the City shall notify the SHPO immediately of the objection and then proceed to consider the objection and consult, as needed, with the objecting party and the SHPO, for a period of time not to exceed fifteen (15) calendar days. If the City is unable to resolve the conflict, the City shall forward all documentation relevant to the dispute to the ACHP in accordance with 36 C.F.R. Section 800.2(b)(2). The City, in reaching a final decision regarding the dispute, shall take any ACHP comment provided into account. The City shall also consult with its Certified Local Government (CLG) Coordinator. The City's responsibility to carry out all other actions under this PA that are not the subject of the dispute shall remain unchanged.

XII. TIME PERIODS FOR SHPO REVIEW

Unless otherwise stipulated, the SHPO shall respond within thirty (30) calendar days of receipt to any documentation submitted by the City pursuant to the requirements of this PA. If the SHPO does not respond within this time frame or within the time frames otherwise stipulated by this PA, the City shall proceed in accordance with the specific Stipulation(s) that apply to the SHPO review of the documentation submitted.

XIII. DISPUTE RESOLUTION

- A. Should any signatory object within the time frames specified in this PA to any plans, specifications, documents or actions provided for review pursuant to this PA, the City shall consult with the objecting party to resolve the objection. If the City determines within fifteen (15) calendar days of receipt of any such objection that such objection cannot be resolved, the City shall forward all documentation relevant to the dispute to the ACHP in accordance with 36 C.F.R. 800.2(b)(2).
 - 1. Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP will either:

- a. Provide the City with recommendations or comments that the City shall take into account in reaching a final decision regarding the dispute, or
 - b. Notify the City that it will comment in accordance with 36 CFR Section 800.7(c) and proceed to comment.
2. If the ACHP fails to provide recommendations or to comment within the specified time period, the City may implement that portion of the Undertaking subject to dispute under this Stipulation in accordance with any documentation as submitted and amended by the City.
3. Any ACHP comments provided to the City in response to such a request shall be taken into account by the City in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute. Any recommendation or comment provided by the ACHP will be interpreted to pertain only to the subject of the dispute. The responsibility of the City to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.

XIV. ANTICIPATORY DEMOLITION

The City agrees that it will not assist any party in avoiding the requirements of this PA or the National Historic Preservation Act, or, having legal power to prevent it, allow a significant adverse effect to a Historic Property to occur. (National Historic Preservation Act of 1966, §110k) The City may, after consultation with the ACHP, determine that circumstances justify granting such assistance despite the adverse effects created or permitted by the party to be assisted.

XV. MONITORING

The SHPO and the ACHP may monitor or review activities carried out pursuant to this PA, and the ACHP shall review any activities if requested. The City shall cooperate with the SHPO and the ACHP in carrying out these monitoring and review activities by making all relevant non-privileged files available for inspection, upon reasonable notice from the SHPO and ACHP.

XVI. DOCUMENTATION, REPORTING AND REVIEW OF ACTIVITIES

- A. The City shall document in writing all actions taken pursuant to this PA, retain this documentation in its projects files, and include such documentation as necessary in the Programmatic Agreement Compliance Report(s) ("PACR") required pursuant to Section B of this Stipulation.

- B. The City shall provide the SHPO and the ACHP with a PACR on June 30 of every year so long as this PA is in effect. The PACR will identify the following by address:
 - 1. Projects exempted from review under Stipulation III;
 - 2. Properties reviewed under this PA that do not meet the NRHP criteria;
 - 3. Properties reviewed under this PA that do meet the NRHP criteria;
 - 4. A summary of the treatment of each property that does meet the NRHP criteria; and
 - 5. A summary of the treatment of any archaeological properties identified under this PA.
- C. The City shall make PACR's available for public inspection and comment and invite the public to submit any comments to the ACHP, the SHPO and the City.
- D. The signatories to this PA shall review PACR's and any comments submitted pursuant to Section C of this Stipulation. Based on that review, the signatories will determine whether this PA should be amended in accordance with Stipulations XVII.

XVII. AMENDMENTS

- A. Any party to this PA may request that it be amended whereupon the parties shall consult in accordance with 36 C.F.R. Sections 800.14 to consider such amendments.
- B. Any resulting amendments or addenda shall be developed and executed by the parties in the same manner as the original PA.

XVIII. CITY STAFFING

- A. The City will assign staff to assure that work is carried out as planned, and will maintain records for each project that documents compliance with the terms of this PA, and will retain the services of a qualified archeologist as the need may arise in accordance with Section VII.D of this PA.

XIX. TERMINATION

Any party to this PA may terminate the PA by providing one hundred eighty (180) calendar days notice to the other consulting parties, provided that the consulting parties shall consult during the period before termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the City will

comply with 36 C.F.R. Section 800 with respect to individual Undertakings covered by this PA.

XX. FAILURE TO COMPLY WITH THE PROGRAMMATIC AGREEMENT

In the event the City cannot carry out the terms of this PA, the City shall not take or sanction any action or make any commitment that would result in an adverse effect to Historic Properties or that would foreclose the ACHP's consideration of modifications or alternatives to the Undertakings, and the City will comply with 36 C.F.R. Section 800 with regard to each individual Undertaking subject to this PA.

EXECUTION AND IMPLEMENTATION of this PA evidences that the City and County of San Francisco has afforded the ACHP a reasonable opportunity to comment on these Programs and that the City has satisfied its Section 106 responsibilities for all individual Undertakings of the Programs covered by this PA.

CITY OF POMONA

By: _____
James Makshanoff, City Manager

Date: _____

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By: _____
Julianne Polanco
State Historic Preservation Officer

Date: _____

APPENDIX A

The following Undertakings require only administrative review by the CITY and not the SHPO or the ACHP pursuant to Stipulation III of this PA.

1. Demolition and rehabilitation of facilities that are not Historic Properties, except when a proposed addition of such facilities may affect a surrounding or adjacent historic district;
2. Repair, replacement and installation of the following systems provided that such work does not affect the exterior of a property or require new duct installation throughout the interior:
 - a. electrical work;
 - b. plumbing pipes and fixtures, including water heaters;
 - c. heating and air conditioning system improvements;
 - d. fire and smoke detector system installation;
 - e. sprinkler system installation;
 - f. ventilation system installation;
 - g. interior elevator or wheelchair conveying system; and
 - h. bathroom improvements where work is restricted to an existing bathroom.
3. Repair or partial replacement of porches, decks, cornices, exterior siding, doors, thresholds, balustrades, stairs, or other trim when the repair or replacement is done in-kind to closely match existing material and form;
4. Installation of new shelf space or improvement of such, and repair, replacement, and installation of cabinets, countertops, and appliances;
5. Repair or replacement of fencing, gates and freestanding exterior walls when work is done in-kind to match existing materials and form;
6. Repair, replacement or installation of windows and storm windows (exterior, interior, metal or wood) provided these match the shape, size and materials of the historic windows and provided that, for storm windows, the meeting rail coincides with that of the historic window. Color should match trim. If reproduction of damaged elements must be accomplished with new materials then any reproduction or replacement shall be in kind;
7. Installation of new window jambs, jamb liners, and screens;
8. Caulking, weather-stripping, reglazing and repainting of windows;
9. Roof repair or replacement of historic roofing with materials that closely match existing materials and forms. Cement asbestos shingles may be replaced with asphalt-based shingles;

10. Repair, replacement or installation of gutters and down spouts;
11. Repainting and refinishing of exterior or interior surfaces, including but not limited to walls, floors, and ceilings, provided that harmful surface preparation treatments including but not limited to water blasting, sandblasting, and chemical removal are not used and that work is done in-kind to match existing material and form;
12. Repair or replacement of awnings and signs when work is done in-kind to closely match the existing material and form;
13. Installation of insulation, with the exception of area formaldehyde form insulation or any other thermal insulation with a water content into wall cavities, provided that decorative interior plaster or woodwork or exterior siding is not altered by this work item;
14. Installation or replacement of security devices, including dead bolts, door locks, window latches, security grilles, surveillance cameras and door peepholes, and electronic security systems;
15. Installation of grab bars, handrails, guardrails and minor interior and exterior modifications for disabled accessibility;
16. Modifications of and improvements to path of travel for persons with disabilities from, to and within a building, structure, playground, or park.
17. Repair or replacement of interior stairs when work is done in-kind to match existing material and form;
18. Replacement of non-significant flat stock trim
19. Repair or replacement of existing roads, driveways, sidewalks, curbs, curb ramps, speed bumps and gutters provided that work is done in-kin to closely match existing materials and forms and provided that there are only minimal changes in the dimensions and configurations of these features;
20. Repair, replacement and installation of the following, regardless of their location within or adjacent to an historic district:
 - a. Park furniture, including benches, picnic tables, chairs, planter boxes, barbecue pits and trellises.
 - b. Outdoor yard improvements, including play structure, matting, fencing, gates, play ground lighting, drinking fountain, play ground equipments, path of travel and ramps.
 - c. Landscaping, including tree planting, tree pruning, shrub removal, play court resurfacing or sodding, irrigation, murals and painting of game lines for school play yards and grounds.

21. Repair, replacement or installation of water, gas, storm, and sewer lines when the work qualifies as an exemption pursuant to Stipulation XI.B.
22. Acquisition of properties which is limited to the legal transfer of ownership with no physical improvements proposed;
23. Temporary bracing or shoring;
24. Anchoring of masonry walls to floor systems so long as anchors are embedded and concealed from exterior view such as in the HILTI systems;
25. Stabilization of foundations and addition of foundation bolts;
26. Rental and installation of scaffolding;
27. Installation of temporary, reversible barriers such as chain link fences and polyethylene sheeting or tarps;
28. Repair and replacement of any interior or exterior elements when the repair or replacement is done in-kind to closely match existing materials.