

APPENDIX B
HISTORIC PROPERTIES DOCUMENTATION

PROGRAMMATIC AGREEMENT
Among the City of Charlotte, North Carolina,
The North Carolina State Historic Preservation Office,
and the Advisory Council on Historic Preservation
Regarding the FY 2009-2010 through FY 2014-2015
Community Development Block Grant and HOME Programs

WHEREAS, in accordance with the provisions of the Housing and Community Development Act of 1974, as amended (CDBG), and the HOME Investment Partnership Program Act (HOME), the City of Charlotte, North Carolina (City) *proposes* to administer projects for acquisition, relocation, rehabilitation, demolition, new construction, and infrastructure improvements through the CDBG and HOME Programs throughout the City's jurisdiction for the FY 2009-2010 through FY 2014-2015 fiscal years; and

WHEREAS, the Commission, in consultation with the North Carolina State Historic Preservation Office (SHPO), has determined that the implementation of these undertakings may have an effect upon the Dilworth, Elizabeth and North Charlotte Historic Districts, properties that are listed in the National Register of Historic Places, and on other properties that are included in *or* eligible for inclusion in the National Register of Historic Places;

NOW, THEREFORE, it is mutually agreed that the administration and implementation of the CDBG and HOME Programs by the City for fiscal years FY 2009-2010 through FY 2014-2015 in accordance with the following stipulations, will provide measures adequate to avoid *or* satisfactorily mitigate any adverse effects on historic properties.

STIPULATIONS

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

I. Qualifications of City Staff

The City shall ensure that it employs a Historic Preservation Planner who, at a minimum, meets the Secretary of the Interior's Professional Qualifications Standards (Appendix A to 36 CFR Part 61).

II. Identification of Historic Properties

A. To determine if a property is historic the City's Preservation Planner will:

1. Consult the SHPO's most recent Roster of Properties listed in the National Register of Historic Places and on the North Carolina State Study List for potential nomination to the National Register. If the Property is in the Roster, it is considered historic.'

2. If the property is not in the Roster and is over fifty (50) years old, or if a property is less than fifty years old but appears to meet the exception criteria for listing in the National Register, the City's Preservation Planner will submit a map, photographs, and brief history (if known) to the SHPO for a Determination of Eligibility.

B. If the City does not concur in the SHPO's eligibility finding, the property will be submitted to the Keeper of the National Register for a formal Determination of Eligibility in accordance with the Council's regulations at 36 CFR 800.4 (c)

III. No Effect Activities

The following CDBG and HOME Program undertakings involving historic properties will have no effect and are exempt from the terms of this agreement when the City's Preservation Planner determines the activities will not alter the character of the historic districts or individual properties.

A. Projects in public areas; including, but not limited to:

1. Installation and maintenance of sidewalks, curbing, and handicapped curb cuts.
2. Repair or replacement of existing streetlights, signs, traffic lights, or existing utility lines.
3. Resurfacing or re-stripping of roadways and parking areas.

B. Rehabilitation

1. Exterior

- a. Caulking, weather-stripping, re-glazing
- b. Installation or replacement of gutters and downspouts.
- c. Storm windows provided they conform to shape and size of the historic windows and the meeting rail coincides with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable.
- d. In-kind replacement-this is understood to mean that the new features/items will duplicate the material, dimensions and detailing of the original.
 - (1). Porches including railings, posts/columns, brackets, cornices, steps, and flooring.

- (2) Roofs.
- (3) Siding.
- (4) Exterior architectural details and features.
- (5) Windows including the frame, panes, and sash.
- (6) Cellar/bulkhead doors.

- e. Rebuilding of wheelchair ramps.
- f. Painting, except for previously unpainted masonry.
- g. Clean and seal treatments.

2. Interior

- a. Plumbing rehabilitation/replacement including pipes and fixtures in either the bathroom or kitchen.
- b. Heating system rehabilitation/replacement/cleaning including furnaces, pipes, radiators, or other heating units.
- c. Electrical wiring, switches, and receptacles.
- d. Restroom improvements for handicapped access, provided work is contained within the existing restroom.
- e. Interior surface (floors, walls, ceilings, woodwork) treatments provided the work is restricted to repainting, refinishing, repapering, or laying carpet or linoleum.
- f. Insulation provided it is restricted to ceilings; attic, and crawl spaces.
- g. Repair of, or pouring of, concrete basement floor.

- C. Acquisition of properties when there is an assurance by the City that the properties will be secured and protected from the elements pending their disposal or reuse pursuant to 36 CFR 800. Securing the property should, at a minimum, take into consideration the recommendation of the NPS contained in *Preservation Briefs #31, Mothballing Historic Buildings*, and include implementation of appropriate measures when possible.

IV. Rehabilitation and New Construction

- A. Exterior alteration or addition projects, for which the City's Historic District Commission issues a Certificate of Appropriateness will have no adverse effect upon a historic property or district.
- B. All other rehabilitation and new construction activities which may have an effect on historic properties or are located within a historic district will be determined to have no adverse effect, if the activities meet the *Secretary of the Interior's Guidelines and Standards for Rehabilitation and New Construction* (Secretary's Standards) (Appendix A).
 - 1. To determine if a project meets the Secretary's Standards, the City will submit following documentation to the SHPO for review and comment:
 - a. Brief project description.
 - b. Location map and photographs of each exterior elevation of the property.
 - c. Work write-ups that clearly show existing room conditions and proposed changes.
 - d. Photographs that document each main room. If plans include demolition or changes of significant interior details or spaces, photographs of the details and/or spaces should be provided.
 - 2. The SHPO will respond within ten (10) working days of receipt of adequate information. Using the SHPO's comments and recommendations, the City will make an effort to revise the plans to meet the Secretary's Standards.
- C. If the Standards cannot be met, the Senior Planner will submit the proposed undertaking to the North Carolina SHPO for review. If the SHPO determines the undertaking will result in an adverse effect, the City will comply with Stipulation V.A. below.

V. Adverse Effects

- A. If demolition is contemplated, the Standards cannot be met, or the proposed undertaking will result in an adverse effect upon a historic property, prior to taking any action, the City will notify the Council and consult with the North Carolina SHPO in accordance with 36 CFR Section 800.5(e) of the Council's regulations.

- B. In the event of an emergency undertaking caused by imminent threat to public health or safety and involving a historic property or within a historic district, the City, SHPO, and Council will comply with Sections - 800.12(b) and (c) of the Council's regulations.

VI. Project Documentation and Record keeping

A. To provide for monitoring and oversight; the City will:

1. Maintain, in individual project files, copies of all case documentation, including before and after photographs, work write-ups, and the SHPO's comments for non-exempt undertakings and the City's Preservation Planner's comments for exempt undertakings.
2. Maintain copies of Certificates of Appropriateness for which a determination of no adverse effect was made pursuant to Stipulation IV A. above.
3. Provide information to the SHPO on elements of the CDBG and HOME programs which will not be implemented within the project years covered by this Programmatic Agreement, but which may affect historic properties in future years
4. At the end of each program year, provide a report to the North Carolina SHPO and Charlotte Historic District Commission summarizing actions taken to comply with the terms of this agreement.
5. Upon written request, provide the North Carolina SHPO and the Council with specific case documentation.

B. The Council and the SHPO may monitor any activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The City will cooperate with the Council and the North Carolina SHPO in carrying out their monitoring and review responsibilities.

VII. Dispute Resolution

Should the North Carolina SHPO object within ten (10) working days to any proposed undertakings 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 Council pursuant to 36 CFR 800.5(e). Any Council comment provided in response to such a request will be taken into account by the City in accordance with 36 CFR 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.

VIII. Public Notice

Each year the City will notify the public of the City's current CDBG and HOME Programs and make available for public inspection documentation on the City's CDBG and HOME Programs. Included in this documentation will be general information on the type(s) of activities undertaken with CDBG and HOME funds; information on identified historic properties in the communities which might be affected by these activities; the amount of CDBG and HOME funds available in the current program years; and how interested persons or organizations can receive further information on the program.

IX. Agreement Modification and Termination

This Programmatic Agreement will continue in full force and effect until July 20, 2015. At any time in the six-month period prior to this date, the City may request the Council and North Carolina SHPO in writing to review the City's programs and consider an extension or modification of this Programmatic Agreement. No extension or modification will be effective unless all parties to the Programmatic Agreement have agreed to it in writing.

Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.13 to consider such amendment.

Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the City will comply with 36 CFR 80004 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the City has afforded the Council a reasonable opportunity to comment on the CDBG and HOME Programs and that the City has taken into account the effects of the Programs on historic properties.

CITY OF CHARLOTTE

By: _____
Assistant City Manager

Date: _____

NORTH CAROLINA STATE
HISTORIC PRESERVATION OFFICER

By: _____
(name and title of signer)

Date: _____



North Carolina Department of Cultural Resources

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

Division of Archives and History
Jeffrey J. Crow, Director

September 28, 1999

John R. Rogers
Charlotte Historic District Commission
600 East Fourth Street
Charlotte, NC 28204-2853

Re: Lead-based paint hazard control program, Charlotte,
Mecklenburg County, ER00-7058

Dear Mr. Rogers:

This letter is to follow up on our recent conversation concerning the above referenced undertaking that the City plans to carry out and for which they have hired Law Engineering as a consultant. The reason that you and I are dealing directly with each other is that Evette Wagner, who is also with the City and has coordinated with the State Historic Preservation Office on other projects, recognized that the historic district commission could play a valuable role in the environmental review and compliance process for the hazard control program.

It is my understanding that the hazard control program intends to deal with approximately 450 houses, 350 of which have been selected and 100 of which are still undecided. According to Ms. Wagner, the historic district commission has reviewed the houses, already selected for the program, and identified the National Register-listed and eligible buildings and districts, plus properties that are locally designated or likely to be designated in the future. These properties, which are subject to review and compliance under Section 106 of the National Historic Preservation Act, total about sixty.

Given the expertise of the commission and its staff, we believe the best way to approach this matter is to delegate review of the treatment of all historic buildings to the commission and allow it to approve individual projects that undertake a set of standard abatement treatments. Projects that do not follow the standard treatments would be referred to us for review and approval.

If the City and commission are willing to accept this role, the next step would be to develop acceptable treatment standards. Since you are "on the scene," we are hoping that you will work with whomever necessary at the local level to come up with a set of standard treatments

John R. Rogers
September 28, 1999
Page 2

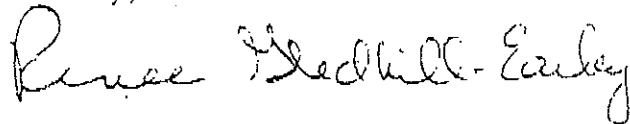
that you feel will not adversely affect the historic properties. Once you have a draft of the treatments, we will review them and come to a final consensus on the acceptable treatments. Use of this process should ensure that the proposed hazard control program will not adversely affect historic properties, and should not require additional consultation with the Advisory Council on Historic Preservation.

From our conversation, we will assume that the commission and its staff are willing to accept this proposal and begin development of the standard treatments. I will be out of the office for the next three weeks and hope that your draft will be ready for review soon after my return. We feel that there has been a lot more footwork on the local level than we are aware of, and we want to capitalize on it and on the ability of the local preservation experts to assist the City and us in expediting the program's implementation and success.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation codified at 36 CFR Part 800.

Thank you for your cooperation and consideration

Sincerely,



Renee Gledhill-Earley

cc: Evette Wagner, City of Charlotte
Mary C. Murray and
Michael Iagnoccco, Law Engineering



November 19, 1999

North Carolina Department of Cultural Resources
109 East Jones Street
Raleigh, NC 27601-2807

Attention: Ms. Renee Gledhill-Earley

Subject: Standard Treatments for Historic Districts

Dear Ms. Gledhill-Earley:

Enclosed are excerpts from the City of Charlotte's Historic District Commission Policy & Design Guidelines for Historic District Property Owners, Business & Residents Adopted November 8, 1996. These are the "standard treatments" we are implementing for work being completed under the Lead-based Paint Hazard Reduction Program. Please provide a written statement as to your acceptance of this proposal, and we will proceed accordingly.

We appreciate your help with this project. Per your correspondence dated September 28, 1999, if you approve these standard treatments, we should not require additional consultation with the Advisory Council on Historic Preservation. Should we need to deviate from the standard treatments whatsoever, we will contact you.

Sincerely,

Diane M. Adams
Lead-Based Paint Program Manager

Cc: John Rogers, City of Charlotte

REPAIR AND REPLACEMENT

The Historic District Commission strongly holds that ordinary repair and replacement projects and routine maintenance do not require any review and approval, as long as the work does not result in any changes in design or material. HDC staff can help property owners determine if their projects are true repair and replacement, or if a Certificate of Appropriateness is necessary under the terms of the local Historic District Ordinance.

1. True repair and replacement projects do not require a Certificate of Appropriateness.
2. HDC staff should be contacted before the commencement of a project, and staff may use its discretion to determine whether or not a project is true repair and replacement or whether the owner must file an application for a Certificate of Appropriateness.

REPLACEMENT ROOFING

One of the most important aspects of building maintenance is ensuring that a structure has a sound roof. At the same time, the style and materials used on roofs can be one of the most basic elements in defining the style and character of a building. The policy statements outlined below are designed to encourage owners to maintain roofs in their original styles and materials, while accommodating changes when warranted and when the change would not alter the overall style of a structure.

1. A Certificate of appropriateness is not required for re-roofing with in-kind materials.
2. If a change in materials is desired, staff will use its discretion to determine whether a staff approval is possible.
3. Specialty roofing materials such as slate, tile or metal shingles are often an integral part of a building's character, and a change to other material could have an adverse affect on the property's integrity.

REPLACEMENT WINDOWS AND DOORS

The placement and relationship of windows and doors are often critical parts of the style of a building. The demands of the modern energy efficiency and security standards often lead owners of older building to consider replacement windows. These guidelines are designed to accommodate replacement windows in a manner that respects the original character of historic district properties.

1. All replacement doors and windows must retain the same configuration and details as the originals.
2. Replacing panes with stained, leaded, or beveled glass is acceptable as long as the configuration remains the same.
3. Metal replacement doors are acceptable as long as they are of the same configuration as the original door. These metal doors must be painted or clad to match the trim of the house.
4. All replacement windows must have either true divided lights, or molded exterior muntins, if appropriate flat or interior false muntins are not in keeping with the character of most older structures. Muntin design should reflect the original window configuration. False muntin bars, if used, will be applied to the exterior of the new windows.
5. Ideally, window and door openings should not be reduced or enlarged in size. When approved, alterations to window and door openings must remain in proper proportion to the overall design of the building.
6. Sensitively designed exceptions to these guidelines will be considered by the Historic District Commission when such proposals are conceived to accommodate the adaptive reuse of older structures in conformance with the provisions of the Americans With Disabilities Act.
7. Glass block replacement windows are allowed only on side and rear elevations not substantially visible from the street. Only one such change is allowable per elevation. Such windows are eligible for administrative approval if the window opening is not altered.

STORM WINDOWS AND DOORS

Storm windows and doors can be an important part of the renovation of an older structure to modern living and energy standards. The principle behind the policies listed below is to accommodate the use of storm windows and doors in a manner that has minimal impact on the appearance of windows and doors, which are often some of the most distinctive features of a building.

1. Storm windows and doors must be painted or clad to match or complement the trim of the structure. Any material is acceptable as long as it is clad or painted.
2. Storm doors should avoid obscuring the design of the front door.
3. Storm windows must be of a configuration that will not obscure the window behind.
4. Storm windows and doors must match the size of the existing windows and doors.

SURFACE AND CLEANING

The cleaning of buildings can often help assure a longer useful life for a structure. However, some cleaning techniques, such as sandblasting, can often cause irreversible damage to the materials and details of buildings. Also, heat guns, heat plates and mechanical sanders can cause unintentional yet serious damage if used improperly. The guidelines listed below are designed to encourage the use of techniques that have proved effective while having little or no impact on the underlying materials.

1. The Historic District Commission discourages abrasive cleaning techniques, such as grit or high-pressure water blasting and mechanical sanding.
2. Prior to using cleaning methods other than those listed below, property owners are strongly encouraged to consult with HDC staff to help ensure that the correct method is chosen for the building material involved.
 - Low-pressure water cleaning
 - Scrubbing with a brush and detergent
 - Hand sanding and scraping to remove paint
 - Gentle chemical washes
3. The need to correct damage caused by the use of improper cleaning techniques will not obligate the Historic District Commission to approve correction methods that otherwise violate HDC policy.

SURFACE AND CLEANING

The Historic District Commission does not regulate paint color, since colors are a matter of personal taste, and can be easily changed. However, the HDC does strongly encourage all historic district property owners to use proper contrasts in their paint schemes. Trim and foundations should be visually differentiated from the main body of the structure. Also, only traditionally painted materials should be painted.

1. The selection of paint colors is considered to be a matter of choice for property owners, and has not bearing on the preservation of structures. Therefore, the Historic District Commission does not regulate the choice of paint colors. HDC staff can provide advice on historic color choices if a property owner desires.
2. Only traditionally painted materials, such as wood, should be painted.
3. The painting of unpainted brick or masonry will require a Certificate of Appropriateness. Painting brick or masonry is not considered a change of color, but a fundamental change in the character of a building. The painting of brick or other masonry will not be permitted except in such special circumstances as:
 - The repainting of buildings first painted prior to the establishment of the appropriate historic district.
 - Cases where a brick building has poorly matched additions or repair work, and where the painting is designed to unify the disparate parts of the building.



01-12-00A10:13 RCVD

North Carolina Department of Cultural Resources

State Historic Preservation Office

David L. S. Brook, Administrator

Division of Archives and History
Jeffrey J. Crow, Director

James B. Hunt Jr., Governor
Betty Ray McCain, Secretary

January 6, 2000

Diane M. Adams
Lead-Based Paint Program Manager
600 East Trade Street
Charlotte, NC 28202-2859

Re: Standard Treatments for Historic Districts, Charlotte,
Mecklenburg County, ER00-7058

Dear Ms. Adams:

Thank you for your November 19, 1999, letter concerning the treatment of historic buildings containing lead-based paint. We have reviewed the excerpts from the City's Historic District Commission's Policy and Design Guidelines for Historic District Property Owners, Businesses, and Residents and agree that the use of the "standard treatments" in lead-based paint abatement projects will avoid an adverse effect to historic properties that are listed in or eligible for listing in the National Register of Historic Places. We also concur with your proposal that, in the cases where the standard treatments will not work, we will be consulted to develop alternative treatments.

Given our acceptance of the standard treatments and your proposal for further consultation when necessary, we believe the City's abatement program will not adversely affect historic properties. According to the Advisory Council's newly revised regulations, a finding of no adverse effect does not require the Council's concurrence. Thus, implementation of the program in conjunction with the Charlotte Historic District Commission, means that further consultation is unnecessary. For compliance purposes, a copy of this letter should be kept in your files for the program.

The above comments are made pursuant to Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation codified at 36 CFR Part 800.

| | Location | Mailing Address | Telephone/Fax |
|-----------------|-------------------------------|---|---------------------------|
| ADMINISTRATION | 507 N. Blount St., Raleigh NC | 4617 Mail Service Center, Raleigh NC 27699-4617 | (919) 733-4763 • 733-8653 |
| ARCHAEOLOGY | 421 N. Blount St., Raleigh NC | 4619 Mail Service Center, Raleigh NC 27699-4619 | (919) 733-7342 • 715-2671 |
| RECORDS SECTION | 515 N. Blount St., Raleigh NC | 4612 Mail Service Center, Raleigh NC 27699-4612 | (919) 733-6547 • 715-4801 |

Diane M. Adams
January 6, 2000
Page 2

Thank you for your cooperation and consideration. If you have questions concerning the above comment, please contact Renee Gledhill-Earley, environmental review coordinator, at 919/733-4763.

Sincerely,

Renee Gledhill-Earley

for David Brook
Deputy State Historic Preservation Officer

cc: John Rogers, HDC