

Agenda

Historic Preservation Commission

City of Kalamazoo



Wednesday, September 13, 2023

6:00 PM

City Commission Chambers at City Hall – 241 West South Street

A. CALL TO ORDER/ROLL CALL

1.
 1. Fred Edison
 2. Kyle Hibbard - Chair
 3. Dr. Lenee Powell - Wilson
 4. Patrick Vail
 5. Ryan Walker - Vice Chair
 6. Katherine Kirby-White

B. ADOPTION OF FORMAL AGENDA

C. APPROVAL OF MINUTES

1. Approval of the minutes from the Historic Preservation Commission Meeting on 09 August 2023 and 12 July 2023.

D. PUBLIC COMMENTS

E. REPORTS

1. Financial Report
2. O'Connor Fund Organizing Committee Report
3. Gravestone Cleaning Report

F. DISCUSSION/ACTION ITEMS

1. Proposal to Transfer Funds from City-held Account to O'Connor Fund
2. Programmatic Agreement Review

G. COORDINATOR'S REPORT

1. Coordinator's Report

H. COMMISSIONER COMMENTS

I. ADJOURNMENT

The mission of the Kalamazoo Historic Preservation Commission is to educate the public and city leaders on the value of preserving the City's historic resources and to advise the City Commission accordingly. Questions and comments regarding this agenda should be directed to the Historic Preservation Coordinator at 337-8804.

Comments under the "Public Comments" section of the agenda are limited to four minutes per speaker. During agenda items, comments from members of the public are also limited to four minutes each, unless the speaker is invited to join in the discussion by the Commission.

Core Values: Diversity, Equity and Inclusion, Education, Sustainability, Inventory and Resources

Diversity, Equity and Inclusion

Goal: Work with SHPO to develop a city-wide context statement and survey by 2027 that situates and surfaces underrepresented communities, including but not limited to people of color, Indigenous people, and the LGBTQ+ community. Outcomes for the project could include nominations at the Federal and Local Level or a local marker program.

Subcommittee Members: Fred Edison

1. *Contact SHPO to establish feasibility and cost by end of April*
2. *Report to commission what SHPO Says*
3. *Meet with SHPO representatives to discuss granting opportunities in June.*

Education

Goal: Hold two Grave Issues Squad cleanings before October 31st

Subcommittee Members: Lead- Kyle Hibbard, Ryan Walker

1. *Take inventory of cleaning supplies*
Buy more if necessary
2. *Send out communications for each cleanup*
 - a. *Neighborhoods*
 - b. *Social Media*
 - c. *Try for print material*
 - d. *Local schools*

Goal: Hold a window workshop in either Vine or Stuart (or both) by the end of the fiscal year.

1. *Find a property to use*
2. *Identify instructor*
3. *Identify areas of work*
4. *Pick dates*
5. *Outreach to community members*
6. *Track results*

Goal: Have a live and accessible page for the history of the Match-e-be-nash-she-wish tribe on the Kalamazoo Public Library Page, created in conjunction with members of the Gun Lake Band.

Lead: Regina Gorham (I'm happy to stay on and would really like to see the project come to fruition).

1. *Meet with committee and Gun Lake Band members to confirm desired text*
2. *Draft text*
3. *Get approval on text*
4. *Host on KPL website*
5. *Create ongoing relationship between the KHPC and the committee group members to continue to support the project of expanding recognition and understanding of Native American history in the Kalamazoo area.*

Goal: Hold a nomination for Preservation Awards and have a ceremony for the winners.

Lead: Regina Gorham (for 2022)

1. *Publicize and email out award nomination forms in February 2022 (Due by March 28, 2022).*
2. *Make decisions and vote on award winners in April 2022.*
3. *Put together videos of the award winners for use at the awards event (April – May 2022).*
4. *Complete preservation awards event during Month of May 2022.*
5. *Report to the KHPC on the event. (June 2022)*
6. *Get new committee lead for 2023.*
7. *Create further programming for Preservation Month that can align with other KHPC goals, including OHOW trainings, presentations on the findings of the SHPO project, etc.*

Sustainability

Goal: If appropriate make a grant by 1 May 2023

Subcommittee Members: Lead- Katherine White, Kyle Hibbard

1. *Finalize application and scoring criteria for grants*
2. *Organize a new committee while promoting the opportunity*
3. *Open grant round*
4. *Review grants*
5. *Select grantees if appropriate*

Inventory and Resources

Goal: Complete the field work for the survey by the of the year.

1. *Finish street assignments*
2. *Conduct trainings with neighborhood associations*
3. *Distribute assignments*
4. *Track progress*
5. *DATA? PATRICK?*

app

Agenda

Historic Preservation Commission

City of Kalamazoo

**Wednesday, July 12, 2023****6:00 PM****City Commission Chambers at City Hall – 241 West South Street****A. CALL TO ORDER/ROLL CALL**

Called to order at 5:58.

White approved, moved to approve absence of Vail.

Walker 2nd motion.

B. ADOPTION OF FORMAL AGENDA

Walker moved to approve agenda as amended.

White 2nd motion.

C. APPROVAL OF MINUTES

Approval of the minutes from the Historic Preservation Commission Meeting on 14 June 2023

Hibbard said F2 O'Conner was misspelled should be O'Connor.

White moved to approve minutes as amended.

Edison 2nd motion.

D. PUBLIC COMMENTS

Pam O' Connor wants to be formally added to two sets of information received from the coordinator.

Call for reports.

Meeting packet be on contact list.

Add to monthly agenda until resolved City Hall Local Historic District Study Report.

Other topics as Historic Preservation Commission are working on.

Application for seventh seat and have not interviewed.

Roll over funds has it happened yet.

Luis Pena will add Pam O'Connor to the contact list for call for materials to be included in the packets. Call goes out the week before, the packet materials are on the Civic Clerk portal.

Local Historic District will be included on next month's agenda.

Applicant was hoping to get my applicants will move forward with interview of applicant.

Will get funds sent over to Marcy by the end of the week the formal motion.

Training will discuss the work plan.

E. REPORTS

1. Jae Slaby- Neighborhood Activator
Ransom Street right of way, Walbridge to Pitcher to start July 24th, 2023.
Pitcher to Westnedge 2024 to be completed. We are working on having 36 pillars on Ransom block that will focus on black businesses and historic. Working with Ransom South Side NACB, North Side Association and NCDBA. Have a partnership with Western school of engineering, Bronco construction and students removing historic bricks that are there and reuse and preserve the bricks early install 2025. There will be lighting in pillars focusing on safer walkway. Working with electrical contractor for conduit and outlets. Once the pillars are done then they can just be set on and plugged in. There are 2 homes in that area have talked with them about the lighting they are on board and think it will be safer for the area. The rest of the area is industrial properties that have bright lights already. Pillars will be 4x4 size that will fit in sidewalk slab. Dr. Powell-Wilson would like a map of the area and commission needs to decide on what buildings. Also, what roll the Historic Preservation Commission wants to be involved in. Jae said it will be \$50,000 to \$90,000 for all pillars.
2. Financial Report
Pena read report.
3. Section 106 Quarter1 and 2 Review
Pena read report.

F. DISCUSSION/ACTION ITEMS**G. COORDINATOR'S REPORT**

1. Coordinators Report
Pena read report.

H. COMMISSIONER COMMENTS**I. ADJOURNMENT**

White moved to adjourn at 7:14pm.

The mission of the Kalamazoo Historic Preservation Commission is to educate the public and city leaders on the value of preserving the City's historic resources and to advise the City Commission accordingly. Questions and comments regarding this agenda should be directed to the Historic Preservation Coordinator at 337-8804.

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Minutes

Historic Preservation Commission

City of Kalamazoo



Wednesday, August 9th, 2023

6:00 PM

City Commission Chambers at City Hall – 241 West South Street
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A. CALL TO ORDER/ROLL CALL

The meeting was called to order at 6:05pm. As there was not a quorum present, White moved to adjourn the meeting at 6:06. Hibbard adjourned the meeting at 6:06pm.

expstat.rpt
09/05/2023 12:46PM
Periods: 8 through 8

Expenditure Status Report

Page: 1

City of Kalamazoo
8/1/2023 through 8/31/2023

<u>Account Number</u>		<u>Adjusted</u> <u>Appropriation</u>	<u>Expenditures</u>	<u>Year-to-date</u> <u>Expenditures</u>	<u>Year-to-date</u> <u>Encumbrances</u>	<u>Balance</u>	<u>Prct</u> <u>Used</u>
270	HISTORICAL COMMISSION FUND						
270-803	HISTORIC COMMISSION						
270-803-00.000	HISTORIC COMMISSION						
270-803-00.000	HISTORIC COMMISSION						
270-803-00.000-729.000	OPERATING SUPPLIES	400.00	0.00	0.00	0.00	400.00	0.00
270-803-00.000-801.000	PROFESSIONAL AND CONTRACTUAL SERVICES	6,000.00	0.00	1,381.46	0.00	4,618.54	23.02
270-803-00.000-801.001	BANK FEES	0.00	0.00	0.00	0.00	0.00	0.00
270-803-00.000-810.003	MEMBERSHIPS AND SUBSCRIPTIONS	600.00	0.00	0.00	0.00	600.00	0.00
270-803-00.000-811.000	PROFESSIONAL DEVELOPMENT	500.00	0.00	0.00	0.00	500.00	0.00
270-803-00.000-881.000	FUNDRAISING	500.00	0.00	0.00	0.00	500.00	0.00
Total HISTORICAL COMMISSION FUND		8,000.00	0.00	1,381.46	0.00	6,618.54	17.27
Grand Total		8,000.00	0.00	1,381.46	0.00	6,618.54	17.27

Page: 1

revstat.rpt
09/05/2023 12:53PM
Periods: 8 through 8

Revenue Status Report

Page: 1

City of Kalamazoo
8/1/2023 through 8/31/2023

<u>Account Number</u>	<u>Adjusted Estimate</u>	<u>Revenues</u>	<u>Year-to-date Revenues</u>	<u>Balance</u>	<u>Prct Rcvd</u>
270 HISTORICAL COMMISSION FUND					
270-803 HISTORIC COMMISSION					
270-803-00.000 HISTORIC COMMISSION					
270-803-00.000 HISTORIC COMMISSION					
270-803-00.000-642.003 HISTORIC PRESERVATION SALES	3,000.00	0.00	500.00	2,500.00	16.67
270-803-00.000-674.003 HISTORIC PRESERVATION FUNDRAISING	1,000.00	0.00	0.00	1,000.00	0.00
270-803-00.000-684.000 USE OF RESERVES (BUDGET ONLY)	4,000.00	0.00	0.00	4,000.00	0.00
Total HISTORICAL COMMISSION FUND	8,000.00	0.00	500.00	7,500.00	6.25
Grand Total	8,000.00	0.00	500.00	7,500.00	6.25

Page: 1

HPC Report for Meeting 09-2023

KHPC/O'Connor Fund ORGANIZING Committee

Pam O'Connor

- Deduping of City's 1,800 non-profit owners of buildings is complete; leaving a few less than 300. This list will be reviewed by the sub-committee and may be reduced a bit further later in the fall. This leaves 2 more parts to the grant application changes that we made following the last round.

- **On 8-24-23, I sent draft versions of revised paper and online applications to Kyle H. & Katherine W. for review that:**

- reduce number of written project estimates from 3 to 2
- embed attachments/links in the instructions/application texts & remove from margin
- eliminate references to specific building types (Sacred, Institutional, etc.)
- remove requirement that all applicants MUST call Coordinator prior to applying, and substitute that if they have read all directions and attachments and STILL have questions — they may call Coordinator
- re-order instructions for online and paper, and include advice to read all (see below)
- advise applicants to read all instructions/attachments BEFORE starting application
- insure online and paper instructions and applications are as close to identical as Possible, and,
- Created an "Eligibility Checklist" for applicants to complete and submit with an application

- **Now working on calendar & outlines for planning, scheduling and promoting a pre-application workshop – due date end of September**

November-December, 2023

NOTE: as these dates are set - make alterations to comms calendar to include w/deadlines

- do 2nd edit on de-duped non-profits list
- set date for pre-application workshop in mid-February
- prepare & print workshop invitation

January, 2024

- mail workshop invite to non-profits mid-month
- finalize workshop agenda and materials\

February (or March?), 2024

- hold workshop (Pam will be out of town in February, but this could be easily carried out by Katherine, Kyle & Luis!)



Historic District Commission Staff Report

City of Kalamazoo

TO: Historic Preservation Commission

FROM: Luis Peña, Historic Preservation Coordinator

DATE: August 3, 2023

SUBJECT: Mountain Home Gravestone Cleaning 7/22/23

INTRO: On July 22nd, 2023 from 9:00-12:00 the Historic Preservation Commission hosted the first official gravestone cleaning event of the year at Mountain Home Cemetery in the West Douglas Neighborhood.

DETAILS: 13 people attended the event, including members of the Historic Preservation Commission, current and former city staff and local professors. It is estimated that around 65 gravestones were cleaned during the event.

Gravestone cleanings are necessary to reduce the effects of weathering on gravestones, and stones at Mountain Home date back to the mid-1800s. Chemicals were not provided by the city for the event to simplify the process and ensure that gravestones were not harmed in the process of cleaning. Water, soft-bristled brushes, plastic paint scrapers and tongue depressors were used to clean the stones.

Some attendees provided their own chemicals, and used D-2 to clean the stones, which is a non-hazardous solution widely used to clean gravestones and historic structures.



Below is a before and after example of a gravestone cleaned during the event.





Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: September 13, 2023

SUBJECT: Proposal to Transfer Funds from City-Held Account to O'Connor Fund
(Kalamazoo Community Foundation)

SUMMARY:

Revisiting the proposal to transfer funds from the city-held account to the O'Connor fund held at the Kalamazoo Community Foundation.

BACKGROUND:

At the 14 January 2020 meeting of the Historic Preservation Commission, it was decided that any funds over \$10,000 held in the commission's city account be transferred to the O'Connor fund. The motion stated nothing about the recurrence of this transfer, though it was brought up in discussion that the movement would recur annually.

At the 14 June 2023 meeting of the Historic Preservation Commission an invalid motion was made regarding the movement of funds over \$5,000 to the O'Connor fund on a quarterly basis. After internal discussions, it was discovered that quarterly transfers are not possible. Audits of accounts for any fiscal year are completed in the following fiscal year (the audit for 2022 was completed in June 2023), and the transfer will need to wait until after the audit is completed.

RECOMMENDATION:

After internal discussions, City staff recommends against the transfer of funds at this time. As the transfer would only consist of small amounts of money, the impact on the O'Connor fund may be negligible. For the time being, it would be better to keep the money in a city controlled account, until the city account accrues more funds.

The topic of transfer would make more sense when the city fund is larger, and therefore a larger transfer could be made.

Potential Action:

- Motion to transfer funds over \$5,000 from the city-held account to the O'Connor Fund once per fiscal year following the audit of necessary accounts.



Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: September 13, 2023

SUBJECT: Programmatic Agreement Review

SUMMARY:

The City of Kalamazoo and the Michigan State Historic Preservation Office have completed a draft Programmatic Agreement. At the next meeting of the Historic Preservation Commission, there will be a public comment period for the draft.

BACKGROUND:

The covered programs would be administered in accordance with the stipulations outlined in the agreements to satisfy the City's Section 106 responsibilities for all individual program undertakings. Following is a summary of the funding sources and activity types the agreement includes:

General Programmatic Agreement

Programs

Community Development Block Grant (CDBG)
HOME Investment Partnerships (HOME)
Special Purpose Grants, the Emergency Solutions
Grants Program, and the Neighborhood Stabilization
Program (collectively, Programs or Program
Activity) with funds from HUD

All HUD Part 58 programs

Activities

- Residential and commercial rehabilitation
- Site improvements
- Public improvements and infrastructure
- Handicapped accessibility
- Demolition
- New construction and additions

RECOMMENDATION:

Please review the attached document and share considerations with the Historic Preservation Coordinator.

**PROGRAMMATIC AGREEMENT
BETWEEN
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER,
THE MICHIGAN STRATEGIC FUND, AND
THE CITY OF KALAMAZOO, MICHIGAN
REGARDING THE ADMINISTRATION OF CERTAIN
HOUSING AND COMMUNITY DEVELOPMENT PROGRAMS FUNDED BY THE
U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) provides grant funding to the City of Kalamazoo, Michigan (City); and

WHEREAS, the City, with funds from HUD, proposes to administer its grant funds, including but not limited to, Community Development Block Grant (CDBG) Program, the HOME Investment Partnerships Program (HOME), Special Purpose Grants, the Emergency Solutions Grants Program, and the Neighborhood Stabilization Program (collectively, Programs or Program Activity) with funds from HUD; and

WHEREAS, the City's Programs encompass activities that include single family and multi-family rehabilitation, new construction, demolition, public improvements, public infrastructure, commercial rehabilitation, handicapped accessibility, and redevelopment projects; and

WHEREAS, HUD has unique statutory authority as promulgated at 24 CFR Part 58 that allows State, tribal, and local governments (Responsible Entities) to assume HUD's environmental review responsibilities, including obligations under Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §§ 470 *et seq*) and its implementing regulations 36 CFR Part 800; and

WHEREAS, the City has determined that the administration of its Programs may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places (National Register); and

WHEREAS, the City, pursuant to the Federal Agency Alternatives (36 CFR § 800.14(b)) implementing Sections 106 and 110 of the National Historic Preservation Act, has consulted with the Michigan State Historic Preservation Officer (SHPO); and

WHEREAS, the State Historic Preservation Officer (SHPO) was transferred to the Michigan Strategic Fund (MSF) pursuant to Executive Order 2019-13; and

WHEREAS, the State Historic Preservation Officer (Michigan SHPO) is part of the SHPO, and

WHEREAS, the City recognizes that the Grand River Bands of Ottawa Indians, Hannahville Potawatomi Indian Community, Little River Band of Ottawa Indians, Match-e-be-nash-she-wish Band of Potawatomi, Nottawaseppi Band of Huron Potawatomi ("Tribes") may have properties of religious and cultural significance within the City of Kalamazoo, and therefore the City has invited the Tribes to engage in government-to-government consultation and, pursuant to 36 C.F.R. § 800.2(c)(2)(ii)(E), has invited the Tribes to enter

into this Agreement to specify how the City and the Tribes will carry out Section 106 responsibilities; and

WHEREAS, the Kalamazoo Historic Preservation Commission (Commission; including the Kalamazoo Historic District Commission in the event the Preservation Commission is dissolved and duties transferred to the Historic District Commission) has participated in consultation and has been invited to concur in this Agreement; and

WHEREAS, the Kalamazoo Community Planning & Development Department (CP&D) administers the City's HUD funds and is an invited signatory to the Agreement; and

WHEREAS, the definitions given in Appendix A are applicable throughout this Agreement;

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

STIPULATIONS

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

I. APPLICABILITY

This Agreement shall apply for all projects and programs where the City is acting as the Responsible Entity under 24 CFR Part 58, including those where the City is not the funding recipient but has been approved by HUD to fulfill the role of the Responsible Entity.

II. QUALIFIED PERSONNEL

A. The City shall employ a Preservation Coordinator(s). The Preservation Coordinator(s) shall meet or exceed the professional qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as specified in the Secretary of the Interior's *Historic Preservation Professional Qualification Standards*, (48 FR 44738-39, September 29, 1983 and 36 CFR § 61) attached and incorporated into this Agreement as APPENDIX B. The Preservation Coordinator shall be responsible for administering those terms of this Agreement that require their particular expertise and for coordinating with the appropriate City departments, authorities and agencies regarding Program-assisted activities.

1. If there is a change in staffing, the City shall within fifteen (15) calendar days notify and provide the SHPO with documentation of the new staff person's qualifications in anthropology, archaeology, architectural history, history, historic architecture, historic preservation, planning or related fields, as specified in the Secretary of the Interior's *Historic Preservation Professional Qualification Standards*, provided in the attached Appendix B incorporated into this Agreement.
2. If the City determines that it cannot employ qualified staff to administer the terms of this Agreement, it must follow regular Section 106 procedures,

which include forwarding documentation to the SHPO for review as outlined in 36 CFR § 800.

- B. The Commission shall assist the City in the identification and evaluation of historic properties covered under the terms of the Agreement.

III. PROGRAM ACTIVITIES NOT REQUIRING REVIEW

The Program activities listed in Appendix C, incorporated into this Agreement, have limited potential to affect historic properties and do not require further review from the SHPO when receiving Program assistance. The City shall retain individual project files for each project reviewed in accordance with this stipulation as verification that the scope of work was limited to these activities. The information retained in the files shall include, at a minimum, the address of the property, the work specifications, and any available photographs.

IV. IDENTIFICATION AND EVALUATION

- A. **Survey.** It is the City's responsibility under Section 106 (36 CFR § 800.4(b)) to identify historic properties within the area of potential effects for projects undertaken under this Agreement. To accomplish this responsibility, the City shall provide funding for and complete the survey activities outlined below:
 - 1. In consultation with the SHPO, the City shall continue the ongoing Reconnaissance Level Historic Above-Ground Resources Survey. The ongoing survey will be conducted in collaboration with resident volunteers using digital data collection methods (Survey123). Volunteer efforts will be coordinated by the Historic Preservation Coordinator for efficiency. Collection efforts shall be divided into neighborhoods. Neighborhoods having a majority of properties older than forty years shall be surveyed before neighborhoods with a newer building stock. Once a neighborhood has been fully surveyed, data analysis will begin. Data analysis will be completed by CFR 36 Part 61 qualified individuals using Architectural Properties Identification Forms in accordance with the SHPO Survey Manual and the Secretary of the Interior's Standards for Identification and Evaluation. Evaluation and eligibility recommendations will be made at the neighborhood level. Analyzed survey data will be used to serve as the basis for preservation planning in the City and replace the 1999-2001 Reconnaissance Survey. Areas deemed "Potential Historic Study Areas" in the 1999-2001 survey will be evaluated using survey data and eliminated where eligibility cannot be adequately determined. Additionally, the analyzed data will identify:
 - a. Areas of the City having lost sufficient integrity that they are either no longer eligible for listing or Areas of the City that are likely to become eligible for listing in the National Register. This may include re-surveying areas previously identified (e.g., 2001 Survey referenced above) as eligible for listing in the National Register.
 - b. Areas of the City not listed in the National Register that are eligible for listing in the National Register.

2. Areas requiring survey activities shall be prioritized in consultation with the SHPO.
 3. The City shall submit documented surveys to the SHPO for comment. Documentation shall include, at a minimum:
 - a. Location maps outlining the surveyed area.
 - b. Photographic sampling of representative buildings in the area.
 - c. General descriptions of architectural character.
 - d. Comparative information on similar types of neighborhoods/areas in the city.
 - e. A statement of historical/architectural significance.
 - f. A statement of evaluation regarding National Register eligibility.
 4. The SHPO shall provide comment on the survey data within thirty (30) calendar days of receipt of the survey documentation.
- B. Eligibility Determinations for Project Reviews.** To determine if a property meets the eligibility criteria for listing in the National Register of Historic Places, properties fifty (50) years of age or older that may be affected by projects covered under this Agreement shall be evaluated by the Preservation Coordinator within fourteen (14) calendar days following the receipt of adequate documentation from the City department, agency or authority requesting the review
- C. The Preservation Coordinator may consult the Commission if the Preservation Coordinator has questions about the eligibility of a property. (Within 14 days) (Optional to bring it to them)
- D. If the Preservation Coordinator and the Commission agree that that the property meets the National Register criteria, the City can proceed to implement projects in accordance with this Agreement.
- E. If the Preservation Coordinator and the Commission do not reach agreement regarding the eligibility of a property, or if the Preservation Coordinator and the Commission would like the SHPO's opinion on the eligibility of a property, the Preservation Coordinator shall submit documentation to the SHPO. The SHPO shall provide written comments within thirty (30) calendar days following the receipt of adequate documentation.
1. Documentation submitted to the SHPO for review of properties located within potentially eligible districts shall include:
 - a. The address of the particular property which is the subject of the review, as well as the name of the historic district.
 - b. A map outlining the boundaries of the potential historic district and identifying the location of the property that is the subject of the review.
 - c. Photographs of the property that is the subject of the review.
 - d. Photographs of sample properties in the potential historic district to provide context.
 - e. A statement of significance.

- f. A physical description of the district.
 - g. A listing of all the addresses of the properties within the district, and whether or not they are contributing or non-contributing, if such a list exists.
- 2. Documentation submitted to the SHPO for review of potential individually-eligible properties shall include:
 - a. The property's address.
 - b. Photographs of the property as well as photographs of any and all adjacent buildings.
 - c. A map indicating the property's exact location.
 - d. A brief history including when the structure was constructed, the name of the architect or builder, the names of early and subsequent occupants of the structure and any history associated with those occupants.
 - e. A statement of significance.
- 3. If the City and the SHPO disagree about the National Register eligibility of a property, the City shall request a formal determination of eligibility pursuant to 36 CFR § 800.4(c)(2).

V. REVIEW PROCESS

- A. **Adequate Information to Perform a Review.** The Preservation Coordinator shall ensure that projects reviewed under Stipulation V. and found to affect historic properties are treated in accordance with Stipulation VI or Stipulation VII for New Construction and Additions. The City department administering the HUD funding shall provide the Preservation Coordinator with all appropriate information necessary to perform a project review prior to commencing any work on a project covered by this Agreement as follows:
 - 1. **Rehabilitation Projects That Have the Potential to be Eligible for the National Register as Part of a District.** Information shall include, at a minimum, the property address and a recent photograph of the property. If the property is determined to be historic, the project specifications shall be reviewed.
 - 2. **Demolition Projects That Have the Potential to be Eligible for the National Register as Part of a District.** Information shall include, at a minimum, the property address and a recent photograph of the property.
 - 3. **Rehabilitation of Properties That Have the Potential to be Individually-Eligible for the National Register.** Information for rehabilitation projects of properties having the potential to be individually eligible for listing in the National Register shall include multiple interior and exterior photographs, including those showing all sides of the exterior and photographs showing details of character-defining features. Furthermore, information shall include the address of the property and project plans and specifications, historic photographs, if available, as well as identifying whether or not the architect who prepared the rehabilitation plans meets the professional qualifications for Historic Architecture (see Appendix B attached and incorporated into this Agreement).
 - 4. **Demolition of Properties That Have the Potential to be Individually-Eligible for the National Register.** Information for demolition of properties having the potential to be individually eligible for listing in the National Register shall include

the address of the property and multiple interior and exterior photographs, including those showing all sides of the exterior and photographs showing details of any character-defining features, and historic photographs, if available.

5. **Site Improvement Projects.** Information shall include a description of the work to be done, maps of where the work will occur, as well as recent photographs of adjacent properties that are fifty (50) years or older.
 6. **Infill Construction Projects.** Information shall include photographs of all adjacent and nearby properties. If the project is found to have an effect on any historic properties, the project information shall also include design information for the infill project.
- B. **Eligibility Determination.** The Preservation Coordinator shall identify historic properties in a project area and review projects using survey information and project information provided by the City department (e.g., CP&D,) responsible for administering the HUD funding. Requirements for project information are outlined in Stipulation V. above.
1. If the project does not affect historic properties, the Preservation Coordinator shall provide appropriate and timely notification to the City Department that the project can proceed and review is complete.
 2. If the property itself is listed or eligible for listing in the National Register, or if there are historic properties within the project's area of potential effects, the City shall follow Stipulation VI.
- C. **Adverse Effects.** Prior to taking any action pertaining to historic properties where the Secretary's Standards cannot be met, the proposed treatment of the historic property is not rehabilitation, or if the contemplated action could otherwise have an adverse effect on such historic properties, the City shall notify the SHPO and the ACHP.
1. If a project will have an adverse effect, the City will:
 - a. Notify the ACHP and determine if the ACHP will participate pursuant to 36 CFR § 800.6(a)(1);
 - b. Involve consulting parties as applicable pursuant to 36 CFR § 800.6(a)(2);
 - c. Involve the public pursuant to 36 CFR § 800.6(a)(4) and submit copies of any public comment to the SHPO;
 - d. Consult with the SHPO, and with the ACHP if they participate, to minimize or mitigate the adverse effect.
 - i. If the SHPO agrees to the need for the adverse effect, the City and the SHPO, and the ACHP if they participate, shall develop a Memorandum of Agreement (MOA) to mitigate the adverse effect.
 - ii. If the ACHP does not participate in the development of the MOA, the City shall submit the MOA and the documentation specified in 36 CFR § 800.11(f) to the ACHP prior to approving the project.
 - iii. If the SHPO does not agree to the need for the adverse effect, the City and the SHPO shall consult per Stipulation XVII.

VI. TREATMENT OF HISTORIC PROPERTIES

For projects affecting properties listed in the National Register, considered eligible for listing in the National Register by the City and the SHPO, or determined eligible for listing in the National Register by the Keeper of the National Register the City shall ensure that all historic properties are treated in accordance with the following stipulations.

A. Property Acquisitions

1. The City will secure, stabilize and preserve City-owned historic properties acquired with Program funds, until the disposal of the historic properties. The methods used to secure and stabilize historic properties shall adhere to the Secretary of Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (Secretary's Standards; 36 CFR § 68.3(b). The Secretary of the Interior's Standards are attached and incorporated into this Agreement as Appendix D) and *Preservation Brief 31, Mothballing Historic Buildings* (U.S. Department of the Interior, National Park Service, September 1993).
2. The City shall consult with the SHPO to determine the need for an architectural façade easement prior to the transfer or lease of historic properties acquired with Program funds.
 - a. An architectural façade easement shall only be considered for historic properties individually listed or eligible for listing in the National Register.
 - b. The easement will be held by the City.
 - c. If it is determined that an architectural façade easement is necessary, the City shall submit to the SHPO for review and approval the proposed architectural façade easement in the case of sale of the historic property or lease agreement, as well as a plan for monitoring and enforcing the easement.
 - d. If the SHPO does not approve the proposed architectural façade easement, the City shall request the ACHP's comments in accordance with 36 CFR § 800.5.
3. For historic properties that are subject to architectural façade easements under Stipulation VI.A.2., the City shall consult with the SHPO to determine whether to create a local historic district for the historic property or properties.

B. Housing, Commercial and Public Improvement Projects.

"Before" and "after" photographs shall be used as evidence of the City's proper application of the Secretary's Standards. The City shall retain in individual project files work descriptions, "before" and "after" photographs of the historic properties proposed for or impacted by rehabilitation or site improvement projects and, when applicable, the comments of the Commission in individual project files. All files shall be retained by the City for a minimum three (3) years following project implementation.

1. **Housing and Commercial Projects.** The City shall ensure that all rehabilitation projects involving historic properties are carried out in accordance with the Secretary's Standards.
 - a. The Preservation Coordinator shall review all plans and specifications or work write-ups prior to the initiation of any work on the historic properties.

- b. If the work as submitted does not meet the Secretary's Standards, the Preservation Coordinator shall request changes to the work that will enable the project to meet the Secretary's Standards.
 - c. The City shall submit the project to the SHPO for review and comment if the City is unable to change the work to meet the Secretary's Standards. Project materials submitted to the SHPO for review shall include:
 - i. The address of the historic property.
 - ii. Photographs of the historic property, including interior and exterior photographs as necessary to convey the condition of the historic property and any character-defining features.
 - iii. Work specifications as submitted to the Preservation Coordinator for review.
 - iv. The changes recommended by the Preservation Coordinator.
 - v. An explanation for why the work could not be altered to meet the Standards. If the Standards could not be met because of lead abatement or other safety considerations, then data to document the hazard must be included as part of the materials submitted to the SHPO.
 - d. The SHPO shall review the project and comment within thirty (30) calendar days.
 - e. If the City cannot avoid an adverse effect, the City shall follow the process in Stipulation V.C.
2. **Public Improvement Projects.** The City shall ensure that public improvement projects impacting either historic properties or historic districts adhere to the Secretary's Standards. Public improvement projects include, but are not limited to, sidewalk improvement projects, re-paving of streets, installation of landscaping, street lighting, street furniture, and other infrastructure improvements. Site improvement projects affecting historic parks shall meet the standards in *Guidelines for the Treatment of Cultural Landscapes* (Heritage Preservation Services, National Park Service, 1996).
- a. If the project cannot meet the standards in the *Guidelines for the Treatment of Cultural Landscapes*, the City shall follow the process outlined in Stipulation V.C.

C. Relocation of Historic Properties.

- 1. If the historic property was originally located in a historic district, relocation within that same historic district, if feasible, is preferred.
- 2. If relocation within the same historic district is not possible, the City shall consult with the SHPO to identify an acceptable alternate site prior to the relocation of historic properties. The new site shall be compatible with the historic structure being moved in terms of adjacent structures and uses of similar historic and architectural character and period of significance.
- 3. The City and the SHPO shall consult per Stipulation XVII if the SHPO objects to the proposed alternate site.

4. If the SHPO approves the alternate site the City shall ensure that the historic property is moved by qualified movers in accordance with recommended approaches found in *Moving Historic Buildings* (John Obed Curtis, National Park Service, 1979).
5. Following the historic property's relocation, the Commission and the SHPO shall consult as to the National Register eligibility of the property.

D. Accessibility

1. Where the removal of an architectural barrier under the Americans with Disabilities Act (ADA) 42 U.S.C. § 12182(b)(2)(A)(iv) and other local and federal requirements for accessibility would cause an adverse effect to a historic property, the City shall explore alternative methods for providing accessibility to the historic property in accordance with 42 U.S.C. § 12182(b)(2)(A)(v). Access for historic buildings will be built in accordance with the secretary of the interior's standards and should be placed on secondary elevations to the extent feasible and will not result in the removal of a historic building's significant architectural features per 28 CFR § 36.405.
2. The design of accessible features shall be consistent with the Secretary's Standards, National Park Service *Preservation Brief No. 32: Making Historic Properties Accessible*, and the Department of Interior report entitled, *Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation* (Washington DC, Department of the Interior, 1980).
3. The City shall retain documentation regarding alternatives as part of the individual project files.
4. The City shall consult with the SHPO and provide all documentation of alternate methods of creating access when accessibility projects will have an adverse effect on the historic and/or architectural character of historic properties. Project materials submitted to the SHPO for review shall include:
 - a. The address of the historic property.
 - b. Photographs of the historic property, including interior and exterior photographs as necessary to convey the condition of the historic property and any character-defining features.
 - c. Work specifications as submitted to the Preservation Coordinator for review.
 - d. The changes recommended by the Preservation Coordinator.
 - e. An explanation for why the work could not be altered to meet the Secretary's Standards. If the Secretary's Standards could not be met because of lead abatement or other safety considerations, then data to document the hazard must be included as part of the materials submitted to the SHPO.
 - f. The SHPO shall review the project and comment within thirty (30) calendar days.
5. If, after receiving comments from the SHPO, the City cannot avoid an adverse effect, they shall follow the process outlined in Stipulation V.C.

E. Demolition of Historic Properties

1. **Demolition of Ineligible Buildings.** Upon completion of the review process outlined in Stipulation V, the City may proceed with the demolition of properties determined ineligible for listing in the National Register without further review by the SHPO.
2. **Non-Emergency Demolitions.** The City shall forward documentation regarding historic properties not covered under emergency demolitions in Stipulation VI.E.3 to the SHPO for review and comment.
 - a. Documentation shall include, at a minimum:
 - i. A completed SHPO Architectural Properties Identification Form.
 - ii. Photographs of all elevations and significant features.
 - iii. Historic photograph(s) of the property, if available.
 - iv. A brief history of the property including a statement of the historic and/or architectural significance of the resource meeting the criteria for listing in the National Register.
 - v. A structural report by a qualified structural engineer experienced with historic building structural systems or a qualified architect meeting the Secretary of the Interior's *Historic Preservation Professional Qualification Standards* found in the attached Appendix C incorporated in this Agreement.
 - vi. An explanation of how long the property has been listed on the City's Blighted Property List and/or Potential Demolition Cases List and why demolition is proposed.
 - vii. A summary of efforts undertaken by the City to rehabilitate and reuse the property.
 - viii. A summary of alternatives to demolition that were considered and why they were not used.
 - ix. The views of the local community.
 - x. Any proposed mitigation measures which shall be forwarded to the SHPO in a "two-party" Memorandum of Agreement (MOA) between the City of Kalamazoo and the State Historic Preservation Office.
 - b. Concurrent with submitting the information required in Stipulation VI.E.2.a. to the SHPO, the City shall notify the ACHP of the adverse effect per 36 CFR § 800.6(a)(1) and determine whether the ACHP wishes to be involved in consultation.
 - c. If the SHPO agrees with the proposed demolition of a historic property, the SHPO shall sign the "two-party" MOA and return it to the City for signature within thirty (30) calendar days following receipt of adequate documentation.

- i. The City shall send the executed MOA to the ACHP per 36 CFR § 800.6(b)(1)(iv).
 - ii. The City shall ensure that all mitigation requirements of the MOA are completed before allowing the demolition to occur.
- d. If the SHPO objects to the demolition, the City and the SHPO shall consult per Stipulation XVII.

3. Emergency Demolitions

- a. When the City determines that the emergency demolition of historic properties is required to comply with §9-329 of the City of Kalamazoo Code of Ordinance to avoid an imminent threat to the health and safety of residents, and federal funds are used for the demolition, the City shall forward documentation to the SHPO by express mail, and/or electronic mail with a request for comments within five (5) business days of SHPO's receipt of the project information. Documentation shall include, at a minimum:
 - i. A completed SHPO Architectural Properties Identification Form
 - ii. Documentation regarding the National Register eligibility of the historic property.
 - iii. Recent photographs of the property.
 - iv. Historic photograph(s) of the property, if available.
 - v. The address of the property and the nature of the emergency.
 - vi. A signed copy of the local order requiring that emergency demolition commence within thirty (30) calendar days or less.
- b. The SHPO shall notify the City in writing within five (5) business days following receipt of adequate documentation whether it approves the emergency demolition and what, if any, mitigation measures must be implemented prior to demolition (i.e. recordation, architectural salvage, etc.). The City shall ensure that, to the extent feasible, all mitigation measures are implemented and appropriate documentation forwarded to the SHPO and the ACHP within fourteen (14) calendar days following the completion of demolition activities.
- c. If the SHPO objects to the emergency demolition, the City and the SHPO shall consult per Stipulation XVII.

VII. NEW CONSTRUCTION AND ADDITIONS

- A. The City may proceed with new construction and additions if projects are determined to be either outside of a historic district or are not adjacent to historic properties. This shall occur without further review by the SHPO upon completion of the review process outlined in Stipulation V.
- B. Proposals for new construction and additions either within or adjacent to a historic district or adjacent to historic properties will be developed in accordance with Standards 9 and 10 of the Secretary's Standards, attached and incorporated into this Agreement as Appendix D.

- C. If the Secretary's Standards cannot be met, the City will consult with the SHPO under the process outlined in Stipulation V.C.

D. Infill Planning Process.

1. Preliminary plans shall be developed in consultation with the SHPO. The SHPO shall have thirty (30) calendar days from the date of receipt of an adequately documented project to review and comment on the plans and specifications.
2. Final plans and specifications shall be submitted to the SHPO for review and comment prior to initiation of construction activities. The SHPO shall have thirty (30) calendar days from the date of receipt of an adequately documented project to review and comment on the plans and specifications.

- E. **Review Process for Prototype Infill Housing.** If the SHPO agrees that a prototype(s) design for infill construction within a neighborhood or historic district meets the Secretary's Standards, the City may request review and comment on construction projects using the prototype design without further review of the design documents.

1. If the prototype(s) either cannot be followed or is otherwise modified, the City shall submit changed designs to the SHPO for review and comment.

VIII. REDEVELOPMENT PROJECTS

- A. The City shall consult with the SHPO during the preparation of redevelopment or urban renewal plans for a neighborhood, historic district, or target area. The City shall afford the SHPO an opportunity to comment during the early stages of the planning process. The SHPO shall evaluate the potential effect that the goals, objectives and implementation strategy of the plan will have on historic properties and respond to the City within thirty (30) calendar days. The SHPO's comments shall be integrated into the plan or referenced in any resulting document before it is submitted for required local administrative reviews.
- B. The City shall consult with the SHPO to determine whether the redevelopment or urban renewal plan should be implemented under the terms of this Agreement or whether a project-specific MOA should be developed in accordance with 36 CFR § 800.6. The City shall notify the ACHP of the SHPO's determination and, if appropriate, provide the ACHP with background documentation to initiate the consultation process.

IX. ARCHEOLOGICAL RESOURCES

In the event that ground disturbing activities are planned as part of any rehabilitation, new construction, or site improvement project, the City shall consult with the SHPO to determine whether the project will adversely affect archeological resources.

- A. The City's archeological survey and SHPO inventory forms shall be reviewed to determine if any National Register eligible resources are located on the project site.
- B. If the SHPO determines that an archeological survey is required, the City shall hire qualified archeologists to assist in the identification, evaluation and treatment of National Register eligible archeological sites. Archaeologists shall meet the Secretary of Interior's *Historic Preservation Professional Qualification Standards* as described in Appendix B, attached and incorporated into this Agreement.

- C. If archeological resources meeting the National Register criteria are identified they shall, if feasible, be avoided or preserved in place.
- D. If the City determines that it is infeasible to preserve or avoid archeological resources, the City shall consult with the SHPO to develop a treatment plan consistent with the ACHP's publication, "Treatment of Archeological Properties: A Handbook" (ACHP, 1980) and current guidance on archaeology available on the ACHP website at <http://www.achp.gov/archguide>. The City shall ensure that the plan is implemented by a qualified archeologist once it is approved by the SHPO.

X. TRIBAL CONSULTATION

- A. The City shall identify Native American Tribes with an interest in projects occurring in the City using HUD's Tribal Directory Assessment Tool.
- B. The City shall consult on projects with all Tribes identified in Stipulation X.A pursuant to 36 CFR § 800.2(c)(2).

XI. PUBLIC PARTICIPATION

- A. **Public Notice.** Each year the City shall notify the public of the City's current Program Activities and make available documentation about the City's Program for public inspection. Public notice shall include:
 - 1. General information on the type(s) of activities undertaken with Program funds.
 - 2. Information on identified historic properties in communities which might be affected by these activities.
 - 3. The amount of Program funds available in the current program year.
 - 4. How interested persons can advise the City of any comments or concerns they may have about the Program activities.
 - 5. The effects of the City's Program activities on historic properties.
- B. Public notice will be provided to all neighborhood associations, the Kalamazoo Historic Preservation Commission, the Kalamazoo County Preservation Alliance, the Old House Network, and the SHPO.
- C. **Public Meetings.** Each year the City shall conduct a minimum of one (1) public hearing and comment period on the activities covered under this Agreement. An announcement of the public hearing and public comment period shall be provided via the public notice referenced in Stipulation XI.A. and published in the Kalamazoo Gazette or another regularly published general circulation publication and posted on the City of Kalamazoo web page.
 - 1. The public hearing may be incorporated into another meeting held by the City. However, the issues outlined in Stipulation XI.A.2. and Stipulation XI.A.5. must be specifically addressed at such meeting.
 - 2. The public hearing and comment period, shall address planned activities for the coming Program year from January 1 – December 31.
 - 3. The public hearing and comment period shall also address the performance of Programs and the Programmatic Agreement. During the comment period, the

City's Consolidated Annual Performance and Evaluation Report (CAPER) and the City's Annual Action Plan covering Program Activities, as well as the Programmatic Agreement, shall be available for public inspection. The public shall also be invited to submit comments to the SHPO and the ACHP regarding the effectiveness of the Agreement.

- D. Program activities involving identified historic properties shall be included on the agenda and discussed at Commission meetings which shall be open to the public for comment. The public shall receive notification through the Commission meetings.
- E. If at any time during the 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 objecting party, the SHPO, or the ACHP to resolve the objection.

XII. TECHNICAL ASSISTANCE AND TRAINING

To assist in carrying out the terms of this Agreement, the SHPO staff will provide technical assistance, consultation, and training as requested by the City. The City, assisted by SHPO, shall provide guidance documents to City staff and officials to assist in Agreement compliance.

XIII. PROJECT COORDINATION

- A. Within ninety (90) calendar days following execution of this Agreement, the City, in consultation with the SHPO, shall develop internal review procedures to ensure that Program Activities carried out by City departments, authorities, and agencies are implemented in accordance with the terms of this Agreement. Internal review procedures shall identify at a minimum how documentation will be submitted to the Preservation Coordinator, how the Preservation Coordinator will respond to requests for review, when consultation with the SHPO and/or the ACHP will be triggered, how public comment will be obtained, and the documentation the departments are to retain in individual project files. A final copy of the procedures shall be submitted to the SHPO.
 - 1. If the internal review procedures are modified by the City, the City shall notify the SHPO of the changes within thirty (30) calendar days.
- B. The City shall ensure that Program Activities related to historic properties, including the issuance of certificates of appropriateness, notices to proceed, building permits, construction permits, demolition permits, or the expenditure of federal funds are not implemented until the department, authority, or agency has received written clearance from the Preservation Coordinator or the SHPO, as appropriate.

XIV. REPORTING REQUIREMENTS

A. Meetings and Reports.

- 1. A meeting between the City and the SHPO and any consulting parties will be initiated by the City and held on an annual basis at least one (1) month prior to the beginning of the City's fiscal year on January 1.

In addition to providing the opportunity for parties to this Agreement to review the specific information described in Stipulation XIV.A.3., the meeting described in this Stipulation will also provide parties an opportunity to assess the Agreement's overall effectiveness in addressing the preservation of historic properties within the City. Specifically, the meetings will provide the parties an opportunity to discuss the planning, design, review, and implementation of undertakings affecting historic properties within the City and to discuss and evaluate the following issues:

- a. Whether consultations, when required by this Agreement or carried out pursuant to 36 CFR Part 800, have been initiated early enough in the planning process to ensure consideration of potential alternatives that avoid, minimize, or mitigate harm to historic properties.
 - b. Whether undertakings affecting historic properties within the City have adhered to the Secretary's Standards, unless otherwise provided under this Agreement.
 - c. Whether there has been effective coordination between the Preservation Coordinator and appropriate project managers and contract personnel assigned responsibilities affecting historic properties.
 - d. Whether problems or misunderstandings have arisen in the course of consultations, and if so, how these problems were resolved and how they could be avoided in the future.
 - e. How to increase the effectiveness of project selection criteria and/or contract performance requirements in contracts that involve work affecting historic properties to ensure appropriate treatment of such properties.
2. Participants from the City shall include staff from the CP&D, any other City departments that are administering HUD funds, and the Historic Preservation Coordinator.
 3. At least two (2) weeks prior to these meetings, the Preservation Coordinator will provide the consulting parties with the following information:
 - a. A summary of actions taken under Stipulations VI, VII, VIII, and IX. The summary shall contain:
 - i. Address and historic categorization. If the project is located in a historic district, the name of the district shall be included.
 - ii. A brief description of the proposed action.
 - iii. Determination of effect.
 - iv. Date of project review.
 - v. A list of properties determined in the reporting period to be individually eligible for listing in the National Register.
 - vi. A summary of any training given pursuant to Stipulation XII.
 - vii. Notification of any Preservation Coordinator staff changes.
 - b. A summary of any planning activities in the City subject to consultation with the SHPO per Stipulation XV.
 - c. A brief summary of any and all areas surveyed since the previous meeting.
 - d. A map indicating the area(s) surveyed since the previous meeting.

- e. A brief description of any and all historic districts determined eligible for listing in the National Register, including boundaries for the district(s).
 - f. A brief description of any and all areas determined ineligible for listing on the National Register, including boundaries for those area(s).
 - g. A description and the location of any and all local historic districts established since the previous meeting.
4. The parties to this Agreement shall hold a meeting at least six months before the expiration date of this Agreement to determine whether this Agreement should be extended beyond December 31, 2033. The City shall notify the public of this meeting and shall invite the public to submit comments to the SHPO and ACHP regarding the effectiveness of the Agreement prior to the scheduled meeting.
- B. **File Retention.** The City shall retain individual project files containing determinations of eligibility, written authorization from the Preservation Coordinator, specifications and work write-ups, “before” and “after” photographs, the comments of the SHPO, if applicable, and any other pertinent documentation for at least three (3) years following completion of any Program Activity.

XV. PLANNING

- A. A copy of the City’s 2025 Master Land Use Plan shall be provided to the SHPO. The SHPO may provide comments on the historic preservation provisions contained in the Master Land Use Plan to the City. If comments are received, the City shall take them into consideration should that document be amended.
- B. The City shall provide to the SHPO a copy of any other planning efforts and programs that have the potential to affect historic resources. The SHPO shall provide the City comments on the provisions contained in the plans that may affect historic resources within thirty (30) calendar days of receipt. The City shall make every effort to take those comments into account, should those documents be amended.

XVI. COORDINATION WITH OTHER FEDERAL PROGRAMS

Should other Federal agencies provide financial assistance to the City to assist with the implementation of housing and community development projects, they may satisfy their Section 106 compliance responsibilities by accepting and complying with the terms of this Agreement. The City or the Federal agency shall notify the SHPO in writing of its intent to adhere to this Agreement in lieu of case-by-case Section 106 reviews.

XVII. DISPUTE RESOLUTION

- A. If the City Program staff disagree with the Preservation Coordinator regarding the eligibility of a property or an area, whether an activity is exempt from review, whether the proposed treatment of a historic property is appropriate, or any other provision of this Agreement, the City shall consult with the SHPO. The SHPO shall review the issue referred by the City and comment within thirty (30) calendar days.
- B. Should the SHPO object to any proposed plans for action, the City shall consult with the SHPO to resolve the objection. If the City determines that the objection cannot be

resolved, the City shall forward all relevant documentation to the ACHP for action per 36 CFR § 800.7(b).

- C. Within forty-five (45) calendar days following the receipt of adequate documentation, the ACHP shall either:
 - 1. Provide the City with recommendations, which the City shall take into account in reaching a final decision regarding the dispute (36 CFR § 800.7(b)); or
 - 2. Notify the City that it shall comment pursuant to 36 CFR § 800.7(c), and proceed to comment. Any ACHP comment provided 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.
- D. The ACHP's responses to such request shall be taken into account by the City in accordance with 36 CFR § 800.7(c) with reference only to the subject of dispute; the City's responsibility to carry out all actions under this Agreement that are not the subject of the dispute shall remain unchanged.

XVIII. TERM OF AGREEMENT

This Agreement shall take effect on the date it is signed by all parties and shall continue in full force and effect until December 31, 2033, unless otherwise terminated or extended. At any time in the six-month period prior to this date, the City may request in writing that the SHPO review the City's Program and consider an extension or modification to this Agreement. All parties to this Agreement must agree in writing to any extension for it to take effect.

XIX. AMENDMENTS AND MODIFICATIONS

Any party to this Agreement may request in writing that it be amended. Any amendment must be in writing and signed by all parties to the Agreement. At any time in the six month period prior to the expiration of the Agreement on December 31, 2033, the City may request in writing that the SHPO review the City's Program and consider a modification to this Agreement. The amendment shall take effect on the date a signed copy is filed with the ACHP.

XX. TERMINATION

Any party seeking to terminate this Agreement must make the request in writing to all signatories to this Agreement. Any party seeking termination must consult with all signatories thirty (30) calendar days 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 § 800.3 - 800.6 with regard to individual undertakings covered by this Agreement.

Execution and implementation of this Agreement evidences that the City has afforded the ACHP a reasonable opportunity to comment on the Program and that the City has taken into account the effects of the Program on historic properties.

MICHIGAN STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____
Martha MacFarlane-Faes, Deputy SHP Officer

MICHIGAN STRATEGIC FUND

By: _____ Date: _____
Valerie Hoag, Fund Manager

CITY OF KALAMAZOO

By: _____ Date: _____
James Ritsema, City Manager

Invited Signatory:

CITY OF KALAMAZOO COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

By: _____ Date: _____
Antonio Mitchell, Director, Community Planning and Development

Concur:

KALAMAZOO HISTORIC PRESERVATION COMMISSION

By: _____ Date: _____
Kyle Hibbard, Chairperson

APPENDIX A

DEFINITIONS AND ABBREVIATIONS

ACHP	The Advisory Council on Historic Preservation, an independent Federal agency that advises the President and Congress on historic preservation matters
ADVERSE EFFECT	The altering of a property in a manner that would diminish its integrity or alter the characteristics that qualify the property for inclusion in the National Register of Historic Places
CDBG	Community Development Block Grant
CP&D	City of Kalamazoo Community Planning and Development Department
COMMISSION	The Kalamazoo Historic Preservation Commission or the Kalamazoo Historic District Commission
ESG	Emergency Solutions Grants
HISTORIC PROPERTY	As set forth in 36 CFR § 800, any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places
HOME	HOME Investment Partnerships Program
HUD	The United States Department of Housing and Urban Development
MOA	Memorandum of Agreement
NATIONAL REGISTER	The basic inventory of historic resources in the United States maintained by the Secretary of the Interior, also known as the National Register of Historic Places
PRESERVATION COORDINATOR	The City staff member who meets the professional qualifications as specified in the Secretary of the Interior's <i>Historic Preservation Professional Qualification Standards</i> , (48 FR 44738-9, September 29, 1983)
PROGRAM	Refers to all activities funded by HUD specifically covered by this Programmatic Agreement
RESPONSIBLE ENTITY	The entity that legally assumes HUD's federal agency responsibility for compliance with environmental review under 24 CFR Part 58

SECTION 106	Refers to the section of the National Historic Preservation Act of 1966 and its resulting review process designed to ensure that impacts on historic properties are taken into account during Federal project planning and execution
SHPO	The Michigan State Historic Preservation Officer
STANDARDS	The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings published at 36 CFR § 67
UNDERTAKING	A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency

APPENDIX B
ARCHEOLOGY AND HISTORIC PRESERVATION:
Secretary of the Interior's Standards and Guidelines
[As Amended and Annotated]

Professional Qualifications Standards

The following requirements are those used by the National Park Service, and have been previously published in the Code of Federal Regulations, 36 CFR Part 61. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

- At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
- At least four months of supervised field and analytic experience in general North American archeology, and
- Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

- At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

- At least one year of full-time professional experience on historic preservation projects. Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.

APPENDIX C

PROGRAM ACTIVITIES NOT REQUIRING REVIEW

A. Public improvements

1. Reconstruction of roads where no change in width, surface materials, surface treatments, or vertical alignments of drainage is to occur.
2. Repair/replacement of existing curbs and sidewalks when located outside of designated historic districts.
3. Repair/replacement of water, gas, storm, and/or sewer lines if it occurs within the dimensions of the original trench and permanent impacts upon surface treatments or landscape features which contribute to the historic or architectural significance of the resource are avoided.
4. Tree plantings.
5. Repainting parking spaces or streets.
6. Items that require immediate attention to correct a threat to health or safety.
7. Installation of required public improvements under the American with Disabilities Act (ADA), if the design was previously approved by the SHPO.
8. Installation of detectable warnings required by the ADA.

B. Interior Rehabilitation

The following may proceed without review if permanent impacts upon interior elements or surface treatments that contribute to the historic or architectural significance of the buildings are avoided.

1. All plumbing rehab/replacement - includes pipes and fixtures.
2. Repair, replacement or cleaning of existing water heaters, heating systems (including ductwork and piping) and other appliances.
3. Electrical work.
4. Restroom improvements for handicapped access - provided that work is contained within the existing restroom.
5. Interior surface treatments (floors, walls, ceilings, and woodwork) provided the work is restricted to repainting, refinishing, re-papering, or laying carpet or linoleum and the feature is not significant to the integrity of the property.
6. Installation of insulation provided it is restricted to attics and crawl spaces, upper surfaces of existing ceilings and the ceilings are not dropped, and proper vapor barriers are used.
7. Repair or replacement of concrete basement floors and interior basement walls.
8. Installation of new kitchen and bath appliances, cabinets, counters, tubs, sinks and toilets.
9. Installation of smoke or carbon monoxide alarms.
10. Replacement of door locks.

C. Exterior Rehabilitation

1. Caulking, weather stripping and replacement of window glass with glass of the same surface qualities (color, texture, and reflectivity).
2. Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource).

3. Flat or shallow pitch roof repair/replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3 inches to 12 inches), with no part of the surface of the roof visible from the ground.
4. New storm windows - provided they conform to shape and size of historic windows and that the meeting rail coincides with that of the existing sash. Color should match trim; mill finish aluminum is not acceptable.
5. Repair or repainting of existing storm windows.
6. In-kind replacement - the new features/items shall duplicate the material, dimensions, configuration and detailing of the existing of the following:
 - a) Porches – including railings, posts/columns, brackets, cornices, steps, and flooring,
 - b) Roofs,
 - c) Siding,
 - d) Exterior architectural details and features,
 - e) Windows - including the frame, panes and sash,
 - f) Doors,
 - g) Cellar/bulkhead doors.
7. Painting previously painted surfaces.
8. Repair or replacement of existing wheelchair ramps.
9. Repair, replace, or install new sidewalks or driveways located outside of designated historic districts.
10. Repair or replacement of chimneys with the same material, dimensions, and design.

APPENDIX D

The Secretary of the Interior's Standards for Rehabilitation

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Appendix E

Unanticipated Discoveries Plan

Purpose

This document outlines the procedures to prepare for and address the unanticipated discovery of historic properties or human remains. It provides direction regarding the proper procedures to follow in the event that unanticipated cultural materials or human remains are encountered during construction. An unanticipated discovery can result when previously undocumented or unknown historic properties are discovered during the course of projects.

Cultural materials include human-made objects (both pre-contact and historic period) and features (e.g., foundation walls, hearths, middens, or other remnants of cultural activity) that are part of an archaeological site. Examples of cultural materials include:

An accumulation of shell, burned rocks, or other food related materials,

Bones or small pieces of bone,

An area of charcoal or very dark stained soil with artifacts,

Stone tools or waste flakes (i.e., an arrowhead, or stone chips),

Clusters of tin cans or bottles,

Logging or agricultural equipment that appears to be older than 50 years,

Buried railroad tracks, decking, or other industrial materials.

Human remains are physical remains of a human body or bodies, including, but not limited to, bones, teeth, hair, ashes, and preserved soft tissues (mummified or otherwise preserved) of an individual.

Remains may be articulated or disarticulated bones or teeth. Any human skeletal remains, regardless of antiquity or ethnic origin, will at all times be treated with dignity and respect.

Procedures for Archaeological Discoveries

STOP WORK. If any employee, contractor, or subcontractor believes that he or she has uncovered cultural materials relating to an archaeological site at any point in the project, all work at and adjacent to the discovery must stop. The discovery location should be secured at all times. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.

CONTACT. If the discovery does not appear to be human remains, the applicant will contact the City and the City will notify the SHPO/THPO of the discovery and the possible actions within two business days of discovery if the discovery occurs Monday through Friday. If the discovery occurs during a weekend or Federal holiday, the City will notify the SHPO/THPO on the first working day after the weekend and/or holiday. The SHPO/THPO will respond within 48 hours of the notification or on the first working day if preceded by a weekend or holiday. The City will take into account the SHPO's/THPO's recommendations and advise the Applicant to carry out appropriate and specific actions.

EVALUATE. Archaeological discoveries will be identified and evaluated by a qualified professional who shall meet, at a minimum, the Secretary of Interior's Professional Qualification Standards (44 FR 44738-9) for archeologists. The professional archaeologist will examine the location of the discovery. All work to evaluate significance and Project effects will be confined to the Project's potential area of impact. The costs of such professional services will generally be the responsibility of the Applicant.

If the archaeologist determines that the discovery is not a cultural resource, the archaeologist will immediately advise the City in writing and will notify the SHPO/THPO of their findings.

If the archaeologist determines that the discovery is a cultural resource, the archaeologist will immediately advise the City and the City will notify the SHPO/THPO. The SHPO will assign an Archaeological Site Number to the discovery.

If the resource is not significant, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery

and an explanation of why they believe the resource is not significant. The archaeologist will formally request permission from the City and SHPO/THPO for construction to recommence. SHPO and identified tribal representatives will be invited to observe the implementation of any proposed work.

If the resource is believed to be significant, the archaeologist will document the discovery in a report (including photographs of the discovery site). The report must also include a completed site form for the discovery and an explanation of why they believe the resource is significant and a proposal for mitigation or data recovery. Then based on this information, the City and SHPO/THPO will consider mitigation efforts.

MITIGATE. For resources that are deemed significant, the City and its Applicant will consult with the SHPO/THPO on measures to avoid further impacts to the discovery. If the SHPO/THPO does not object to the City's recommendations, the City will require the Applicant to modify the project design plans to implement any recommendations. If the SHPO/THPO objects to the recommendations, the City and the SHPO/THPO will consult further to resolve the objection through actions including, but not limited to, identifying project alternatives that may result in the undertaking having no adverse effect on historic properties. The costs of such recovery and recordation will generally be the responsibility of the Applicant. When an Applicant's project cannot be modified and will have adverse effects on an archaeological property, the City may treat the adverse effect by providing for the recovery of significant information through archaeological data recovery or other scientific means. To accomplish this objective, the City will follow the Council's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" published in the Federal Register (64 FR 27085, May 18, 1999); and consult with the other consulting parties to prepare a data recovery plan, including material and record curation provisions. A report of data recovery efforts must be completed and submitted to the SHPO/THPO for review.

For sites where the City determines other treatment measures are appropriate, the City will consult further with the other consulting parties to develop an appropriate approach to resolving the adverse effects.

Procedures for the discovery of human skeletal materials and associated funerary items

STOP WORK. If any employee, contractor, or subcontractor believes that he or she has uncovered skeletal remains at any point in the project, all work adjacent to the discovery must stop. The discovery location should be secured at all times. Minimize movement of vehicles and equipment in area immediately surrounding the discovery.

CONTACT. Notify the appropriate local law enforcement agency and the City immediately. Law enforcement will then determine if the remains are human, and whether the discovery constitutes a crime scene.

If the police determine that human remains represent evidence of a crime or missing person, they will complete their investigation.

If skeletal remains are determined to be non-human and there is no archaeological association, then the City will notify SHPO/THPO and work can proceed.

If the police determine that human remains do not represent evidence of a crime or missing person, but an archaeological burial site, then the City will notify SHPO/THPO and in consultation with the SHPO/THPO a recovery plan will be developed. In most cases, it is preferred that burial sites be preserved, adequately documented, and maintained in place. If this is not possible, the remains and any associated materials would need to be moved for their protection. The following sequence of steps will be employed if it is not possible to preserve and maintain an inadvertently discovered burial in place:

DOCUMENT. A qualified archaeologist experienced in human remains recovery shall document and recover the remains and any related materials that may be present. Archaeological expertise is important in documenting the discovery context and evaluating whether the remains are isolated or if additional remains may be immediately present. Archaeological recovery may be done under the auspices of law enforcement. If law enforcement chooses not to be involved, a permit for disinterment must be obtained from the local Department of Public Health, or through a court order.

Documentation and recovery shall be respectful and conducted out of public view, to the extent possible.

As soon as possible, the remains shall be examined by a physical anthropologist using standard non-invasive methods and procedures to create a basic biological profile and estimate ethnicity. Known or suspected Native American Ancestors or other materials subject to NAGPRA will not be moved, touched, or further disturbed after discovery until completion of Tribal consultation or emergent circumstances arise.

If it can be determined immediately that a discovery is, or has the potential to be, a Native American Ancestor and/or other materials subject to NAGPRA (i.e., associated or unassociated funerary objects, sacred objects, and objects of cultural patrimony), the THPOs will be notified within 48 hours of discovery and potential identification. Tribal notification and consultation will be coordinated by the City and SHPO. After notification and initial consultation, consulting Tribes may request that all federally recognized Tribes likely to be culturally affiliated with the discovery be notified in writing by mail or email and further consultation initiated regarding the cultural affiliation, care, handling, excavation (if necessary), and/or disposition per NAGPRA.

Accommodations will be made for traditional or ceremonial practices in association with discoveries. Consulting Tribes will be afforded opportunities to employ proper traditional cultural practices and treatments during periods of non-Tribal holding of discoveries.

Photographs shall not be taken, except when necessary for identification and documentation. Tribes may request that any photographs of Native American Ancestors or other materials subject to NAGPRA be destroyed or repatriated at the end of the project.

Pending consultations, documentation of the discovery will include a written description, mapping and sketching, and precise GPS coordinates. This documentation will be curated with other project records and not be published or made publicly available in any way.

To ensure the protection, preservation, and proper respectful treatment of any discovered materials, pursuant to applicable law, the nature and location of any discovery shall remain confidential as best as reasonably possible given the circumstances and location. Only those persons and entities identified in this plan shall be notified of the discovery or given information about the discovery. The City and related contractors will ensure all staff and consulting personnel are appropriately trained for their respective roles in implementing this plan.

The permanent care of Native American Ancestors and materials subject to NAGPRA will be determined by the appropriate Tribe or Tribes in consultation with the SHPO.

REPORTING. Draft and final archaeological reports, with related physical anthropological reports and law enforcement case documentation appended, will be submitted to the City, SHPO, and consulting THPOs.



Historic Preservation Commission Staff Report

City of Kalamazoo

TO: The Kalamazoo Historic Preservation Commission

FROM: Luis Pena, Historic Preservation Coordinator

DATE: 13 September 2023

SUBJECT: Historic Preservation Coordinator's Report

Current Vacancy

Please spread the word about the current existing vacancy on the Historic Preservation Commission. Currently there has been one application.

Gravestone Cleaning

If you are interested and available, our Friends of Kalamazoo Historic Cemeteries is putting on a free 20-minute workshop in Mountain Home (1402 West Main, meet near the front building) on Saturday September 16th at 10AM before people break out to implement the teachings for a few hours. If you already have them lying around, bring your own bucket, kneeling pads/chairs, non-metal brushes (including old toothbrushes), spray bottles or hand-pump sprayers, popsicle sticks, gloves if you want them and the like though there will be some supplies available and gentle cleaning agents will be provided.

Historic District Reviews

Review Type	Cost	Number of Reviews	Totals
Administrative, no permit	\$0	23	\$0
Administrative, permit	\$35	29	\$1,015
Hearing	\$85	30	\$2,550
		82	\$3,565