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PROGRAMMATIC AGREEMENT
BY AND AMONG
THE CITY OF SAN DIEGO
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING HISTORIC PROPERTIES AFFECTED BY USE OF REVENUE FROM THE
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PART 58 PROGRAMS

WHEREAS, the United States Department of Housing and Urban Development (“HUD”) funds programs that are implemented by the City of San Diego (“City”) as a local government recipient and that constitute undertakings within the meaning of the National Historic Preservation Act of 1966 (16 U.S.C. 470 *et seq.*) (“Act”) and as defined in the Act’s implementing regulations at 36 C.F.R. § 800.16(y); and

WHEREAS, pursuant to 24 C.F.R. § 58.1(b), the City as a local government recipient under certain HUD programs is a “Responsible Entity” and therefore assumes HUD’s environmental responsibilities including review, decision-making, and action that would apply to HUD relating to the protection of historic and cultural properties under the Act; Executive Order 11593, Protection and Enhancement of the Cultural Environment, May 13, 1971 (36 F.R. 8921); and 36 C.F.R. part 800, Protection of Historic Properties; and

WHEREAS, the City as Responsible Entity has determined that the implementation of these Undertakings and Programs may have an adverse effect on properties included in or eligible for inclusion in the National Register of Historic Places (“Historic Properties”) and pursuant to 36 C.F.R. §§ 800.2(c) and 800.14(b), has consulted with the California State Historic Preservation Officer (“SHPO”), the Advisory Council on Historic Preservation (“ACHP”) and Indian tribes that may attach religious and cultural significance to historic properties potentially affected by the undertakings that are subject to this Programmatic Agreement (PA); and

WHEREAS, compliance with the procedures within this PA shall satisfy the Act’s Section 106 (16 U.S.C. § 470f) responsibilities for all individual undertakings of the programs listed in 24 C.F.R. § 58.1(b) for which the City is a Responsible Entity; and

WHEREAS, the City will continue to conduct outreach and will actively seek and request the comments and participation of required consulting parties including Indian tribes that attach religious and cultural significance to historic properties that may be affected by undertakings that are subject to this PA; and

WHEREAS, pursuant to 36 C.F.R. §§ 800.2(c) and 800.14(b), the City has considered the nature of the program and its likely effects on historic properties and has arranged for public participation appropriate to the subject matter and scope of the PA by providing notice to the public, individuals, organizations and entities likely to be effected by the undertaking and by holding hearings before the City’s Historical Resources Board concerning the undertakings; and

WHEREAS, the City is a Certified Local Government (“CLG”) pursuant to Section 101 of the Act (16 U.S.C. § 470a(c)) and the implementing regulations found at 36 C.F.R. part 61 and has a qualified staff in its employ that possesses the professional expertise necessary to evaluate

properties that may be significant in the fields of architecture, history and archeology; this staff is knowledgeable in work relevant to the locale and meets the Secretary of the Interior's Historic Preservation Professional Qualification Standards; and

WHEREAS, in light of these qualifications, the City has the necessary technical and administrative capabilities to fulfill the HUD requirements as a Responsible Entity for compliance with the Act and associated regulations and Executive Orders, and it will provide oversight for the implementation, monitoring and reporting activities contemplated by this PA; and

WHEREAS, the City shall establish any additional written procedures that may be necessary to implement its responsibilities under this PA and shall make such procedures readily available to the SHPO and the public; and

WHEREAS, subrecipients of 24 C.F.R. § 58.1(b) funds by, from or through the City will be required as a condition of receiving funding to comply fully with the requirements of the Act and the implementing regulations set forth in 36 C.F.R. part 800 for Protection of Historic Properties; and

WHEREAS, the goals and objectives of this PA are to (1) provide a coordinated, clear and efficient process for implementation of Section 106, (2) identify and protect historic resources while facilitating the production of affordable housing and the construction of and rehabilitation of community and public facilities, (3) provide an orderly process for the resolution of conflicts, consideration of feasible alternatives and appropriate mitigation, (4) maintain the confidence of the public in the City as a CLG, and (5) provide for public participation in the local implementation of Section 106;

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

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

STIPULATIONS

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

I. TERMINATION OF EXISTING PROGRAMMATIC AGREEMENT

- A. The Programmatic Agreement (PA) entered into on May 25, 1995 by the Advisory Council on Historic Preservation (ACHP), the California State Historic Preservation Officer (SHPO) and the City San Diego (City) is hereby terminated by mutual agreement and is no longer in effect as of the effective date of this PA and is replaced in its entirety by this PA.

II. APPLICABILITY OF THIS PROGRAMMATIC AGREEMENT

- A. The City shall comply with the stipulations set forth in this PA for all Undertakings that (1) are assisted in whole or in part by revenues from the HUD Programs listed under 24 C.F.R. § 58.1(b) ("Undertakings") and that (2) can result in changes in the character or use of any Historic Properties that are located in an Undertaking's Area of Potential Effect ("APE"), as defined in Stipulation VI., below.
- B. The review process established by this PA shall be completed before the City's final approval of any application for assistance under these 24 C.F.R. § 58.1(b) Programs, before a property is altered by either the City or a property owner subrecipient of 24 C.F.R. § 58.1(b) funds, and before the City or a property owner subrecipient initiates construction or makes an irrevocable commitment to construction that may affect a property that is fifty (50) years of age or older, or that is otherwise listed in or eligible for listing in the National Register of Historic Places ("National Register").
- C. Any undertaking not qualifying for review under the terms of this PA but nevertheless subject to Section 106 of the Act shall be reviewed in accordance with 36 C.F.R. part 800, even if such undertaking involves a building, structure, site or object that is less than 50 years old.

III. COORDINATION WITH OTHER FEDERAL AGENCIES

- A. Other Federal agencies providing permits, licenses, or financial assistance for Undertakings covered under the terms of this PA may, with the concurrence of the City and SHPO, satisfy their Section 106 responsibilities by accepting and complying with the terms of this PA. In such situations, the City and the Federal Agency shall notify the SHPO in writing of their intent to use this PA to achieve compliance with Section 106 requirements. If the SHPO does not respond within 21 days of receipt of such a notice of intent, the City and other Federal agency will assume SHPO concurrence, as referenced above. Copies of all such notification letters shall be maintained in the files established by the CLG Coordinator for each such undertaking.

IV. UNDERTAKINGS EXEMPT FROM REVIEW

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

- A. Undertakings only affecting properties that are less than fifty (50) years old at the time the work is to take place that have not been determined eligible under National Register Criterion G for exceptional significance (36 C.F.R. § 60.4).
- B. Undertakings limited exclusively to interior portions of single-family residential properties when such interior portions are not listed on the National Register and when the proposed work will not be visible from the property's exterior.
- C. Undertakings limited exclusively to the activities listed in Appendix "A" of this PA. Undertakings not so limited shall be reviewed pursuant to this PA. Undertakings involving Historic Properties but nevertheless exempt from review pursuant to Appendix "A" shall be designed to conform with the State Historical Building Code, (Cal. Health & Safety Code § 18950, *et. seq.*, and 24 C.C.R. part 8, as amended ("SHBC")) as well as The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 C.F.R. part 68) and applicable *Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*(collectively, the "Standards").
- D. The City shall document actions taken pursuant to this Stipulation in the manner prescribed in Stipulation XIX.A.

V. CITY STAFF PROFESSIONAL QUALIFICATION STANDARDS

- A. The responsibilities of the City under the terms of this PA shall be overseen by the CLG Coordinator and other assigned individual(s) employed by the City of San Diego who meet the Secretary of the Interior's Professional Qualification Standards in History, Architectural History, or Archaeology formerly codified at 36 C.F.R. part 61, Appendix A, now available from the NPS website.
- B. All reviews required under this PA shall be carried out by or under the direction of the City's CLG Coordinator. The City shall allocate appropriate staff as necessary to ensure that its responsibilities under this PA are carried out and shall maintain records for each project that documents compliance with the terms of this PA. Such staff shall monitor, in keeping with the City's standard environmental review, permit, and inspection processes, Undertakings included in Appendix "A" of this PA and shall certify that the manner in which they are implemented is consistent with the content of Appendix "A." Such staff shall also certify that all other work subject to this PA is carried out in compliance with the PA's terms and shall include such certification in the documentation required pursuant to Stipulation XIX.
- C. The City will retain the services of an Archeological Consultant as the need may arise. City consultants or contractors responsible for historic resources under this PA

shall meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards in History, Architectural History, or Archaeology.

VI. AREA OF POTENTIAL EFFECT

- A. The Area of Potential Effect (“APE”) for Undertakings covered by this PA shall be limited to the legal lot lines of a property when the Undertaking consists exclusively of rehabilitating a property's interior or exterior features. If construction of exterior additions or the expansion of an existing building is anticipated, the APE may be expanded to include surrounding Historic Properties that may be visually impacted.
- B. Improvements to Infrastructure. The APE for general construction and installation of infrastructure shall be as follows and may be expanded to address any potential indirect effects:
 - 1. Water and sewer lines shall be the trunk of the sewer and water line and shall extend to all areas of ground disturbing activities for the construction and installation of the trunk sewer and water line;
 - 2. Curb cuts for disability access shall be the actual curb area under construction;
 - 3. Pavements shall be the pavement structure and pavement base;
 - 4. Light standards shall be the areas of construction and;
 - 5. All other infrastructure improvements shall be analogous in purpose, structure and location to the APE of those listed in subsections VI.B. 1.-4, above.
- C. In all other cases, the City shall determine and document the APE, in accordance with 36 C.F.R. § 800.16(d).
- D. If a member of the public objects to the manner or scope in which the APE for an Undertaking has been delineated, the City shall seek to resolve the dispute in accordance with the procedures set forth in Stipulation XIV.C.

VII. IDENTIFICATION AND EVALUATION OF HISTORIC PROPERTIES

- A. The City shall review all existing information on any property within an Undertaking's APE, as required by 36 C.F.R. § 800.4, and make a good faith effort to determine if such properties may be Historic Properties using the National Register criteria (36 C.F.R. § 60.4), which may include:
 - 1. Review the current listing of the National Register;

2. Review lists of Historic Properties maintained by the City and SHPO; the South Coastal Information Center of the California Historical Resources Information System, San Diego State University, San Diego, California, or its successors; the Native American Heritage Commission; and any other information available to the City pertaining to any property within an Undertaking's APE;
 3. Visit the site and evaluate in accordance with the Section 106 process;
 4. If the property is one to which Indian tribes attach religious and cultural significance, consult with those Indian tribes regarding the Undertaking; and
- B. If a property is listed or has already been determined eligible for listing in the National Register, the City shall proceed in accordance with Stipulation VIII, unless exempted by Stipulation IV.
- C. If the City, in consultation with the SHPO, has determined a property to be ineligible for listing in the National Register within a period of five (5) years prior to the City's approval of an Undertaking covered by this PA, and if no other provision of this PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed without further review under this Agreement.
- D. Unless exempt pursuant to Stipulation IV. or to Sections B. and C. of this Stipulation, the City shall evaluate all properties that may be affected by an Undertaking using the National Register Criteria set forth in 36 C.F.R. § 60.4. All evaluations shall be documented by the City on a State of California Historic Resources Inventory Form - DPR 523 as follows:
1. If the City determines that the property is eligible for inclusion in the National Register, the City shall document the determination on a State of California Historic Resources Inventory Form - DPR 523 and submit it to the SHPO for review.
 - a. If the SHPO concurs in the determination, the property shall be considered a Historic Property under this PA.
 - b. If the SHPO does not concur in the determination, the City and the SHPO shall immediately consult for a period of time not to exceed ten (10) calendar days to resolve this disagreement. If the disagreement cannot be resolved within this time frame, the City shall obtain a determination of National Register eligibility from the Keeper of the National Register in accordance with 36 C.F.R. § 800.4(c)(2). The Keeper's determination shall be final and binding on the parties of this PA.

- c. If the SHPO does not respond to the City's determination within fifteen (15) calendar days following receipt, the City may assume that the SHPO does not object to the determination and shall proceed in accordance with any other applicable requirements of this PA.
2. If the City determines that the property is not eligible for inclusion in the National Register, the City may proceed in accordance with any other applicable requirements of this PA. The City is not required to submit such determination individually to the SHPO for review but shall submit a list of such properties annually as part of the documentation required pursuant to Stipulation XIX. Such properties shall not be considered Historic Properties under this PA for a period of five (5) years following the date of the determination and need not be reevaluated during this time frame, unless any signatory to this PA notifies the other signatories in writing that changing perceptions of significance justify a reevaluation.

VIII. TREATMENT OF HISTORIC PROPERTIES

A. Section B (Rehabilitation - Option 1) of this Stipulation shall be followed when an Undertaking does not involve investment tax credits pursuant to section 47 of the Internal Revenue Code of 1986, as amended ("IRC"), when Part 2 certification under the IRC is denied, or when an Undertaking is not changed in accordance with any conditions attached to Part 2 certification under the IRC. Otherwise, Section C (Rehabilitation - Option 2 - IRC) of this Stipulation shall be followed.

B. Rehabilitation - Option 1

The City shall ensure that scopes of work, plans and specifications for Undertakings that may affect Historic Properties and that are not exempt from review under this PA conform to the recommended approaches in the Standards and to the greatest feasible extent, to the SHBC.

1. The City shall review appropriate project documents to determine conformance of the Undertaking with the Standards and SHBC.
 - a. If the City determines that the Undertaking conforms to the Standards and the SHBC and if no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed without further review.
 - b. If the City determines that the Undertaking does not conform to the Standards and SHBC, the City shall recommend changes to ensure that the Undertaking conforms to the Standards and the SHBC. If the recommended changes are adopted, the City shall determine that the

Undertaking conforms to the Standards and SHBC. If no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.

- c. If the Undertaking is not changed to conform to the Standards and the SHBC, the City and the SHPO shall consult for a period of time not to exceed thirty (30) calendar days to develop a Standard Mitigation Measures Agreement (“SMMA”) in accordance with Stipulation IX. unless the SHPO recommends that development of a SMMA is not appropriate. If a SMMA is developed and executed by the City and the SHPO, and if no other provision of the PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
- d. When the Undertaking does not meet the Standards and the SHBC and the SHPO recommends that development of a SMMA is not appropriate, the City shall immediately notify the ACHP and initiate the consultation process set forth in 36 C.F.R. § 800.6.

C. Rehabilitation - Option 2 – IRC

1. If the owner of a property subject to the terms of this PA applies for investment tax credits pursuant to the IRC, the City shall ensure that the following measures are implemented before authorizing the Undertaking to proceed:
 - a. If the property owner applies to the NPS for Part 1 Certification and is denied certification, no further review of the Undertaking is required as of the effective the date of NPS denial, unless the Undertaking may affect other Historic Properties. If no other Historic Properties may be affected, the City may determine in writing that there are no Historic Properties within the Undertaking's APE in accordance with C.F.R. § 800.4(d) and Stipulation VII. If no other provisions of the PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed without further review.
 - b. If the property owner submits a Part 2 Historic Preservation Certification Application to NPS, the review required by the certification process shall supersede the Option 1 review specified above. If the Undertaking receives Part 2 Certification from NPS without conditions, it shall be deemed to conform to the Standards for Preservation Tax Incentives programs (36 C.F.R. part 67) and will

require no further review under this PA. Except as provided in Stipulation VIII.C.c., if the Undertaking is certified with conditions, the City shall require that the Undertaking be changed in accordance with the conditions before granting any discretionary approval. If the Undertaking is changed accordingly, no further review under this PA will be required. The City shall document the successful completion of the Part 2 Certification Process in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed.

- c. If Part 2 Certification is denied or if the Undertaking is not changed in accordance with conditions attached to the certification, review of the Undertaking shall proceed in accordance with Section B.1.c or Section B.1.d of this Stipulation.

D. Relocation of Historic Properties - Individual Properties and Historic District Contributors

1. If relocation of a Historic Property is an Undertaking or part of an Undertaking subject to this PA and the Historic Property contributes to a historic district, every reasonable effort shall be made by the City to relocate the Property within the same historic district. Before approving any relocation, the City shall forward to the SHPO documentation that explains the need for relocation, describes the relocation site, indicates why the proposed relocation site was selected, states whether the relocation site contains archeological resources, and summarizes the alternatives to relocation that were considered. If the SHPO does not respond to the City's submittal within thirty (30) calendar days following receipt, and if no other provision of this PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed without further review.
 - a. If the SHPO agrees to the relocation as proposed and if no other provision of this PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed without further review.
 - b. If the SHPO does not agree to the relocation as proposed, the City and the SHPO shall consult for a period of time not to exceed thirty (30) calendar days to identify a mutually acceptable relocation site. If the City and SHPO identify a mutually acceptable relocation site and if no other provision of this PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed without further review.

- c. Any relocation of Historic Properties pursuant to this PA shall be carried out in accordance with the recognized approaches in *Moving Historic Buildings* by John Obed Curtis (published by the U.S. Dept. of the Interior in 1979, reprinted by W. Patram for the International Association of Structural Movers in 1991) by a professional mover who has the documented capability to move historic properties properly and who is approved by the City's CLG coordinator.
- d. If no mutually acceptable relocation site is identified, the City and the SHPO shall consult to develop a SMMA in accordance with Stipulation IX unless the SHPO recommends that a SMMA is not appropriate. If a SMMA is developed and no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
- e. When no mutually acceptable relocation site is identified or the SHPO recommends that a SMMA is not appropriate, the City shall immediately notify the ACHP and initiate the consultation process set forth in 36 C.F.R. § 800.6.

E. Demolition

1. If demolition of an Historic Property is an Undertaking or part of an Undertaking subject to this PA, the City shall forward documentation to the SHPO that explains the need for demolition, includes an independent structural analysis of the Historic Property (if demolition of the property is required in whole or in part due to a lack of structural integrity), summarizes alternatives considered, discusses future plans for the site, sets forth a mitigation plan and includes comments received from the public. If the SHPO does not respond to the City's submittal within 30 (thirty) calendar days following receipt, the City shall initiate the consultation process set forth in 36 C.F.R. § 800.6.
2. If the SHPO agrees to the proposed demolition and determines that development and execution of a SMMA in accordance with Stipulation IX is appropriate, the City and the SHPO shall proceed with development and execution of a SMMA. If no other provision of this PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
3. When the SHPO does not agree to the proposed demolition or determines that development of a SMMA is not appropriate, the City shall immediately

notify the ACHP and initiate the consultation process set forth in 36 C.F.R. § 800.6.

F. New Construction and Relocation of Non-Historic Properties

1. The City shall ensure that the design of any new construction, in-fill construction or construction of additions to Historic Properties is compatible with the historic qualities of the Historic Property, of any historic district or of adjacent historic buildings in terms of size, scale, massing, color, features, and materials and that the design conforms to the recommended approaches for new construction set forth in the Standards. In addition, the City shall ensure that any proposal to move a non-historic property next to a Historic Property or into a historic district as well as any subsequent work on the exterior of the non-historic property follows the recommendations set forth in the applicable *Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* "Setting (District/Neighborhood)" section.
 - a. The City shall review appropriate project documents to determine conformance of the Undertaking to the design requirements set forth in Section F.1 of this Stipulation.
 - b. If the City determines that the Undertaking conforms and if no other provision of the PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
 - c. If the City determines that the Undertaking does not conform or would otherwise result in an adverse effect to Historic Properties, the City shall recommend changes to ensure that the Undertaking conforms or that adverse effects can be avoided. If the recommended changes are adopted, the City shall determine that the Undertaking conforms to the design requirements set forth in Section F.1 of this Stipulation and will not otherwise adversely affect Historic Properties. If no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
 - d. If the recommended changes are not adopted, the City and the SHPO shall consult for a period of time not to exceed thirty (30) calendar days to develop a SMMA in accordance with Stipulation IX unless the SHPO recommends that the development of a SMMA is not appropriate. If a SMMA is developed and executed and no other provision of the PA requires the City to take further steps with respect

to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.

- e. When an Undertaking does not conform to the design requirements set forth in Section E.I. of this Stipulation, will otherwise adversely affect Historic Properties, or the SHPO recommends that development of a SMMA is not appropriate, the City shall immediately notify the ACHP and initiate the consultation process set forth in 36 C.F.R. § 800.6.

IX. RESOLUTION OF ADVERSE EFFECTS

- A. When required by the terms of this PA, the City and the SHPO shall consult for a period of time not to exceed thirty (30) calendar days to determine if Historic Properties affected by an Undertaking should be treated in accordance with the Standard Mitigation Measures set forth in Appendix B of this PA or if the consultation process set forth in 36 C.F.R. § 800.6 should be initiated.
 - 1. As part of this consultation, the City shall provide the SHPO with documentation that may include, but may not necessarily be limited to, an alternatives analysis, recent independent structural analysis or other assessments of a Historic Property's condition, cost estimates for rehabilitation, information about any economic, social or program-related considerations that should be taken into account, marketing studies, and a draft SMMA prepared in accordance with Appendix B of this PA.
 - 2. If the City and the SHPO determine that the effects of the Undertaking may be resolved by executing and implementing a SMMA, the City and SHPO shall execute and the City shall implement a SMMA developed in compliance with Appendix B of this PA, The City shall promptly furnish the SHPO with a copy of the fully executed SMMA. If no other provision of this PA requires the City to take further steps; with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A. and may authorize the Undertaking to proceed without further review.
 - 3. If the City and the SHPO cannot agree on the terms of a SMMA or if the SHPO does not respond to the City's request for consultation within the time frame applicable to this consultation, the City shall notify the ACHP and initiate the consultation process set forth in 36 C.F.R. § 800.6.
- B. The City and the SHPO shall not execute a SMMA under any of the following circumstances without first completing the consultation process set forth in 36 C.F.R. § 800.6:

1. When the SHPO determines that a SMMA is not appropriate for the Undertaking;
2. When the SHPO fails to respond within the time frame applicable to this consultation;
3. When the Undertaking will adversely affect a National Historic Landmark;
or
4. When human remains are present within the Undertaking's APE.

X. EMERGENCY UNDERTAKINGS

- A. This Stipulation shall apply only to situations in which the City's Chief Executive Officer or City Council has determined in accordance with applicable law, that an imminent threat to the public health and safety exists and that such threat must be removed forth with ("Emergency Conditions").
- B. When the City determines that Emergency Conditions require immediate demolition of a Historic Property in connection with an activity subject to this PA, the City shall in writing, concurrently notify the CLG Coordinator, the SHPO and any Indian tribe that may attach religious and cultural significance of the proposed removal and afford these parties a maximum of seven (7) days to comment on the proposed demolition. Any notification by the City shall be accompanied by documentation that includes, but is not limited to, a description of the Emergency Conditions, the name, location and significance of the affected Historic Property, an assessment of the historic Property's current condition supplemented by photographs, and the date by which the Emergency Conditions must be abated. If the City determines that circumstances do not permit seven days for comment, the City shall notify the SHPO, the CLG Coordinator and the Indian tribe and invite any comments within the time available.
- C. The City shall require that any mitigation measures recommended by the CLG Coordinator, the SHPO and any affected Indian tribe be implemented if the City deems such measures to be feasible.
- D. The City shall document the actions taken pursuant to this Stipulation in the manner prescribed by Stipulation XIX.A.
- E. Immediate rescue and salvage operations conducted to preserve life and property are exempt from the provisions of Section 106 pursuant to 36 C.F.R. § 800.12(d).

XI. CONSIDERATION AND TREATMENT OF ARCHEOLOGICAL AND NATIVE AMERICAN CULTURAL RESOURCES

A. The following types of ground-disturbing activities have the potential to affect archeological and Native American cultural resources:

1. Ground disturbing site preparation, such as grading or excavation, in connection with property relocation or new construction.
2. Footing and foundation work occurring more than two feet from any existing footings or foundations, including soils improvement/densification techniques.
3. Installation of underground utilities such as sewer and water lines, storm drains, and electrical and/or gas lines, except where installation is restricted to areas previously disturbed by installation of these utilities.
4. Installation of underground irrigation or sprinkler systems, except where installation is restricted to areas previously disturbed by such systems.

B. When an Undertaking may include the foregoing types of ground-disturbing activities and the Undertaking does not qualify as an exception under this provision, the City shall request that the applicant's consulting archaeologist contact the South Coastal Information Center of the California Historical Resources Information System at San Diego State University, San Diego, California ("SCIC") to conduct a records search, and the Native American Heritage Commission ("NAHC") for a Sacred Land File search for the Undertaking's APE.

1. Exceptions

- a. The City is NOT required to request the SCIC or NAHC for a records search under the following circumstances:
 - i. When the ground-disturbing activities set forth in Sections A.2, A.3 and A.4 of this stipulation will occur exclusively within the legal lot lines of a parcel used as a single family residence and the City has searched its records and determined the parcel is not in or in close proximity to any known archaeological or Native American cultural resources; or
 - ii. When the ground-disturbing activities set forth in the Sections A.2, A.3 and A.4 of this stipulation will be outside the legal lot lines of a single family residence and will be confined to areas previously disturbed by such activities.

- C. If the City determines in accordance with 36 C.F.R. § 800.4 and Stipulation VII. that an archeological or Native American cultural resource is not located within the Undertaking's APE, no further consideration of archeological or Native American cultural resources by the City is required. If no other provision of this PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
- D. If the City determines that an archeological property may be located within the Undertaking's APE or recommends that a survey be conducted, the City shall promptly furnish the SHPO with a copy of the documentation supporting this determination and request the comments of the SHPO.
1. If the SHPO recommends that the APE should be surveyed or subject to archival research, the City shall engage a qualified archeologist to conduct the survey of the APE and prepare a written report.
 2. If the SHPO recommends that a survey is not necessary and the Undertaking's APE does not contain a known archeological resource, no further consideration of such resources by the City is required. If no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
 3. If the Undertaking's APE contains known archeological resources or such resources are identified through a survey, the City shall cause the Undertaking to be redesigned if feasible to avoid said resources and shall notify the SHPO of these actions. If no other provisions of this PA require the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed without further review.
 4. If the Undertaking cannot be redesigned to avoid the resources, the City shall engage a qualified archeologist to evaluate the resources in accordance with the National Register Criteria set forth in 36 C.F.R. § 60.4. This evaluation shall be documented by the archeologist in a written report submitted to the SHPO for review.
 - a. If the SHPO informs the City that the resources are Historic Properties, the City shall engage a qualified archeologist to develop a written data recovery and artifact disposition/curation plan that is consistent with the *Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (36 CFR Part 61, Appendix A) that takes into account the ACHP's publication, *Treatment of Archeological Properties* as well as any applicable SHPO guidance, and whose

disposition/curation provisions are consistent with applicable state law. Once approved by the SHPO, the City shall ensure that the plan is implemented by a qualified archeologist and that the results of the data recovery are documented in writing by the archeologist in accordance with applicable professional standards and guidelines. When data recovery has been completed and if no other provisions of this PA require the City to take further steps in respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed.

- b. If the SHPO informs the City that the resources are not Historic Properties, no further consideration of these resources by the City is required. If no other provision of the PA requires the City to take further steps with respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed.
- E. As used in this Stipulation, “qualified archaeologist” means a person who at a minimum meets the Secretary of the Interior’s Professional Qualifications Standards for Archeology (36 C.F.R. part 61, Appendix A).
- F. The SHPO shall respond to any request for comments submitted under this Stipulation within fifteen (15) calendar days following receipt. The City may assume that the SHPO does not object to any action deemed by the City to be appropriate under this Stipulation if the SHPO fails to respond within this time frame. If no other provisions of the PA require the City to take further steps in respect to the Undertaking, the City shall document the actions taken in the manner prescribed by Stipulation XIX.A and may authorize the Undertaking to proceed.

XII. REVIEW OF CHANGES TO APPROVED UNDERTAKINGS

- A. The City shall promptly notify the SHPO upon discovery if:
1. Previously approved scopes of work, plans or specifications for an Undertaking are changed so that, (a) the Undertaking is no longer exempt from review pursuant to Stipulation IV.C and (b) the nature of the change is such that the terms of the PA require the City to consult the SHPO about the modified Undertaking; or
 2. Amendments to previously executed SMMA's are proposed.
- B. If such changes or amendments are proposed and if not otherwise precluded by other Stipulations in the PA, the City and the SHPO shall comply with the provisions of Stipulation VIII in making any such changes or amendments to the Undertaking or to any SMMA.

XIII. DISCOVERIES AND UNANTICIPATED EFFECTS

- A. The City shall notify the SHPO as soon as possible if it appears that an Undertaking may affect a previously unidentified property that may be eligible for inclusion in the National Register or affect a known Historic Property in an unanticipated manner. The City may suspend construction of all or part of the Undertaking in the vicinity of the discovery and require that reasonable measures be taken to avoid or minimize harm to the property until the City concludes consultation with the SHPO.
- B. If the newly discovered property has not previously been included in or determined eligible for inclusion in the National Register, the City may assume that the property is eligible for purposes of this PA. The City shall notify the SHPO at the earliest possible time and consult to develop actions that take the effects of the Undertaking on the property into account. The City shall notify the SHPO of any time constraints, and the City and the SHPO shall mutually agree on the time frames for this consultation. The City shall provide the SHPO with written recommendations that take the effect of the Undertaking into account. If the SHPO does not object to the City's recommendations within the agreed upon time frame, the City shall require the scope of work for the Undertaking to be modified as necessary to implement its recommendations.
- C. If human remains or associated grave artifacts are encountered during archaeological surveys or excavations or during construction activities, the City shall require the consulting Archaeologist to follow California Health and Safety Code section 7050.5 and Public Resources Code section 5097.98.

XIV. PUBLIC INVOLVEMENT

- A. The City shall identify any public interest in the Undertakings subject to this PA by informing the public about Historic Properties when complying with the public participation requirements set forth in 36 C.F.R. § 800.2(d) and in the regulations for any other Program delegated by HUD to the City as may be applicable.
- B. The City or the SHPO shall invite interested persons to participate in the development of SMMAs pursuant to Stipulation VIII and IX and to participate as interested parties whenever this PA mandates the consultation set forth in 36 C.F.R. § 800.6.
- C. The City shall, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an Undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the City to consider in decision-making. The City may use its procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of 36 C.F.R. part 800, if they provide adequate opportunities for public involvement consistent with that subpart.

D. At any time during implementation of the measures stipulated in this PA, should a member of the public raise an objection pertaining to delineation of an APE or to treatment of a Historic Property, the City shall notify the SHPO immediately of the objection and then proceed to consider the objection and consult, as needed, with the objecting party and the SHPO, for a period of time not to exceed fifteen (15) calendar days. The City shall also consult with its CLG Coordinator. If the City is unable to resolve the conflict, the City shall forward all documentation relevant to the dispute to the ACHP in accordance with 36 C.F.R. § 800.2(b) (2). The City, in reaching a final decision regarding the dispute, shall take any ACHP comment provided into account. The City's responsibility to carry out all other actions under this PA that are not the subject of the dispute shall remain unchanged.

1. If the objection pertains to a decision by the City and the SHPO to implement a SMMA pursuant to Stipulations VIII or IX, the City shall immediately suspend work on the Undertaking and shall initiate consultation with the SHPO and the ACHP pursuant to 36 C.F.R. § 800.6.

XV. TIME PERIODS FOR SHPO REVIEW

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

XVI. DISPUTE RESOLUTION

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

1. Within thirty (30) calendar days after receipt of all pertinent documentation, the ACHP will either:
 - a. Provide the City with recommendations or comments that the City shall take into account in reaching a final decision regarding the dispute; or
 - b. Notify the City that it will comment in accordance with 36 C.F.R. § 800.7(c) and proceed to comment.
2. If the ACHP fails to provide recommendations or to comment within the specified time period, the City may implement that portion of the

Undertaking subject to dispute under this Stipulation in accordance with any documentation as submitted and amended by the City.

3. Any ACHP comments provided to the City in response to such a request shall be taken into account by the City in accordance with 36 C.F.R. § 800.7(c) (4) with reference to the subject of the dispute. Any recommendation or comment provided by the ACHP will be interpreted to pertain only to the subject of the dispute. The responsibility of the City to carry out all actions under this PA that are not the subject of the dispute shall remain unchanged.

XVII. ANTICIPATORY DEMOLITION

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

XVIII. MONITORING

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

XIX. DOCUMENTATION, REPORTING AND REVIEW OF ACTIVITIES

- A. The City shall comply with the documentation standards in 36 C.F.R. § 800.11, document in writing all actions taken pursuant to this PA, retain this documentation in its projects files, and include such documentation as necessary in the Programmatic Agreement Compliance Report(s) ("PACR") required pursuant to Section B of this Stipulation.
- B. The City shall provide the SHPO with a PACR on December 31 of every year so long as this PA is in effect. The City shall also offer copies of PACR to the San Diego area HUD office and shall provide HUD with copies, if HUD so requests. The PACR shall summarize activities carried out under the terms of this PA; list by property address all Undertakings, excluding those set forth in Appendix A that were reviewed pursuant to the PA; document all decisions made with respect to "Identification and Evaluation of Historic Properties," "Treatment of Historic Properties," "Resolutions of Adverse Effects," and "Considerations and Treatment of Archeological Resources;" include copies of all SMMA's; and present the views of the City regarding the usefulness of this PA in promoting the efficiency and effectiveness of both the Programs and the consideration of Historic Properties.

- C. The City shall make documentation prepared in accordance with this PA and PACR's available for public inspection and comment and invite the public to submit any comments to the SHPO and the City.
- D. The signatories to this PA shall review PACR's and any comments submitted pursuant to Section C of this Stipulation. Based on that review, the signatories will determine whether this PA should be amended in accordance with Stipulation XX.

XX. AMENDMENTS

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

XXI. CITY STAFFING

- A. The Certified Local Government Coordinator, for purposes of this agreement, must meet the minimum professional qualifications for history, architectural history, or archaeology.
- B. The City will assign staff to assure that work is carried out as planned, and will maintain records for each project that documents compliance with the terms of this PA, and will retain the services of an Archeological Consultant ("AC") as the need may arise in accordance with Section V of this PA.

XXII. TERMINATION

Any party to this PA may terminate the PA by providing one hundred eighty (180) calendar days notice to the other consulting parties, provided that the consulting parties shall consult during the period before termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the City will comply with 36 C.F.R. Section 800 with respect to individual Undertakings covered by this PA.

XXIII. FAILURE TO COMPLY WITH THIS PROGRAMMATIC AGREEMENT

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

XXIV. LEGAL RESPONSIBILITIES

Nothing in this PA shall relieve any of the parties hereto of any of the responsibilities otherwise required by law.

XXV. PRINCIPAL STAFF CONTACT

In order to facilitate their joint and cooperative efforts in implementing this PA, the parties have agreed to designate a staff contact for each party. All routing communications regarding this PA shall occur between those persons. The principal staff contact for each party is as follows:

For the City of San Diego: Community Development Coordinator, CDBG Program
Economic Development Department
City of San Diego
1200 3rd Avenue, MS 56D
San Diego, CA 92101
619.236.6700
CDBG@sandiego.gov

Cathy Winterrowd
Assistant Deputy Director – Advanced Planning and
Engineering/CLG Coordinator
Development Services Department
City of San Diego
1222 First Avenue, MS 512
San Diego, CA 92101
619.235.5217
cwinterrowd@sandiego.gov

For the SHPO: Carol Roland-Nawi, Ph.D.
State Historic Preservation Officer
California State Office of Historic Preservation
1725 23rd Street, Suite 100
Sacramento, CA 95816
916.445.7050
calshpo@parks.ca.gov

Any party may change its principal staff contact by delivery of a written notice to the other parties specifying the new staff contact.

XXVI. EXECUTION OF AGREEMENT

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

SIGNATORY PARTY:
CITY OF SAN DIEGO

Bob Filner
By: Jay Goldstone
Title: Chief Operating Officer, Office of the Mayor

Date: 12/14/12

SIGNATORY PARTY:
CALIFORNIA STATE OFFICE OF HISTORIC PRESERVATION

Carol Roland-Nawi
By: Carol Roland-Nawi, Ph.D.
Title: State Historic Preservation Officer

Date: 1-4-2013

APPROVED AS TO FORM

Shannon Thomas
By: ~~Nina M. Fain~~ Shannon M. THOMAS
Title: Deputy City Attorney

Date: 2/14/2013

APPENDIX A

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

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

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

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

APPENDIX B
STANDARD MITIGATION MEASURES AND ADVERSE EFFECTS

When deemed appropriate by the City in consultation with the SHPO, the City and the SHPO may develop and execute without ACHP participation a written Standard Mitigation Measures Agreement (“SMMA”) that includes one or more of the following Standard Mitigation Measures (SMMs) for Undertakings not listed in Stipulation IX.B. These Standard Mitigation Measures may include any and all measures routinely included in the City’s Mitigation Monitoring and Reporting Program (MMRP) for archaeological resources. The City must submit copies of all fully executed SMMA's to the SHPO and retain copies of all such SMMA's in accordance with Stipulations IX.A.2 and XIX.A of this PA.

- A. Prior to demolition, alteration or relocation of an Historic Property, the City shall:
1. Contact the Historic American Buildings Survey (HABS)/Historic Area Engineering Record (HAER)/Historic American Landscape Survey (HALS) Coordinator, Oakland office of the Pacific Western Regional Office of the NPS, or its successor to determine what level and kind of recordation is required for the Property. Unless otherwise agreed to by HABS/HAER/HALS Coordinator, the City shall ensure that all documentation is completed and accepted by HABS/HAER/HALS Coordinator before it authorizes the activity that would adversely affect the Property to proceed, and that copies of this documentation are made available to the SHPO and to appropriate local archives designated by the SHPO; OR
 2. Record the Property in accordance with a Recordation Plan (“RP”) developed by the SHPO.
 - a. At a minimum, RPs shall establish recordation methods and standards.
 - b. The City shall consult with the SHPO to identify appropriate archives where the City will deposit copies of the recordation materials.
 - c. The City and the SHPO may mutually agree to waive the recordation requirement if the affected Historic Properties will be substantially repaired in accordance with the Standards.
- B. The City, in consultation with the SHPO, shall identify appropriate parties to receive salvaged architectural features. The City shall ensure that significant architectural features are salvaged before demolition or alteration and that they are properly stored and protected. When feasible and appropriate, salvaged architectural features shall be reused in other preservation projects.
- C. The City shall ensure that, where the SHPO has determined that the treatment of the Historic Properties or the design of the new buildings cannot feasibly meet the Standards or any SHPO-approved design guidelines, the work shall be carried out in accordance with construction documents or work write-ups that have been reviewed and approved by the SHPO.
- D. The City shall ensure that a Marketing Plan (“MP”) proposed either by the City or the SHPO is implemented before demolition or relocation of Historic Properties is authorized. The MP shall include those elements specified in Items 1-4, pages 33-34 of the ACHP's Publication, Preparing Agreement Documents (1989). The City shall review all purchase offers in consultation with the SHPO.

APPENDIX C

DEFINITIONS

For the purposes of this PA, the definitions provided 36 C.F.R. Section 800.16 and 16 U.S.C. Section 470w shall apply.

"Act"	"Act" means the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §470.
"ACHP"	"ACHP" means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.
"Agency Official"	"Agency Official" means the Federal agency head or a designee with authority over a specific Undertaking, including any State or local government official who has been delegated legal responsibility for compliance with §106 and §110(f) in accordance with law.
"Archaeological Site Records and Literature Search" (ARLS)	"Archeological Site Records and Literature Search" means the document search for the Undertaking's APE completed by the South Coastal Information Center of the California Historical Resources Information System at San Diego State University ("SCIC") or its successors; or the City of San Diego using GIS records from the CHRIS partnership with SCIC.
"Area of Potential Effects" (APE)	"Area of Potential Effects" means the geographic area or areas within which an Undertaking may cause changes in the character or use of historic properties, if any such properties exist.
"Certified Local Government" (CLG)	"Certified Local Government" means a city or county that has been certified by the National Park Service pursuant to §101 of the National Historic Preservation Act and its implementing regulations found at 36 CFR Part 61.
"City"	"City" means the City of San Diego.
"Historic Property"	"Historic Property" means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The term includes, for purposes of this PA, artifacts, records, and remains that are related to and located within such properties. The term

	“eligible for inclusion in the National Register” includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register of Historic Places listing criteria.
“Local Government”	“Local Government” means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.
“National Register Criteria”	“National Register Criteria” means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR Part 60).
“National Register of Historic Places” (NRHP)	“National Register of Historic Places” (NRHP) maintained by the Secretary of the Interior and administered by the National Parks Service, is the official list of the Nation's cultural resources worthy of preservation.
“National Register”	“National Register” means the National Register of Historic Places maintained by the Secretary of the Interior.
“Programmatic Agreement Compliance Report” (PACR)	“Programmatic Agreement Compliance Report” (PACR) means the report provided twice a year to the SHPO and U.S. Department of Housing and Urban Development (“HUD”) which summarizes activities carried out under the terms of the Programmatic Agreement.
“Programmatic Agreement” (PA)	“Programmatic Agreement” means the agreement pursuant to 36 CFR §800.14(b), between the City and the SHPO to allow for expedited review of HUD funded projects affecting cultural resources.
“Secretary”	“Secretary” means the Secretary of the Interior
“Standard Mitigation Measures Agreement” (SMMA)	“Standard Mitigation Measures Agreement” means the mitigation agreement executed between the City and the SHPO without ACHP participation.
“Standards”	“Standards” means The Secretary of the Interior’s Standards for the Treatment of Historic Properties (36 C.F.R. part 68) and applicable <i>Guidelines for Preserving, Rehabilitating, Restoring, & Reconstructing Historic Buildings</i> available from the National Park Service.
“State Historic Preservation Officer” (SHPO)	“State Historic Preservation Officer” means the official appointed or designated pursuant to

	§101(b) (1) of the Act to administer the State Historic Preservation program or a representative designated to act for the State Historic Preservation Officer.
“Undertaking”	“Undertaking” means any project, activity, or Program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal agency or licensed or assisted by a Federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106.