

MEMORANDUM OF AGREEMENT

Between and Among

MANNA, INC., A NON-PROFIT COMMUNITY-BASED ORGANIZATION,
THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
OF THE DISTRICT OF COLUMBIA,
THE STATE HISTORIC PRESERVATION OFFICER
FOR THE DISTRICT OF COLUMBIA

And

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

Regarding

REDEVELOPMENT AND NEW CONSTRUCTION OF THE SYPHAX SCHOOL,
A DISTRICT OF COLUMBIA HISTORIC LANDMARK

WHEREAS, on April 8, 1998, following an extensive developer selection process by prominent community organizations, Manna, Inc., a District of Columbia non-profit, community-based organization, was selected to become the contract purchaser of the William Syphax Elementary School ("Syphax School"), located at 1360 Half Street, S.W. (Square 653/Lots 822 & 825), from the District of Columbia Public Schools for the purposes of constructing an affordable housing project on the Syphax School property;

WHEREAS, on January 20, 1999, an application for landmark designation was filed for the Syphax School with the Historic Preservation Review Board ("Board") and Historic Preservation Division ("HPD") of the Department of Consumer and Regulatory Affairs;

WHEREAS, on April 23, 1999, at a hearing, the Board designated the Syphax School an historic landmark pursuant to the District of Columbia Historic Landmark and Historic District Protection Act of 1978, as amended, D.C. Code § 5-1001 *et seq.* (1998) ("Historic Protection Act");

WHEREAS, on June 24, 1999, at a public meeting, the Board adopted the recommendation of the HPD staff to disapprove Manna's application for a partial demolition and subdivision permit, but to approve the conceptual design, site and subdivision plans for the Project;

WHEREAS, subsequent to June 24, 1999, Manna amended its conceptual design, site and subdivision plans for the Project to accommodate some of the concerns expressed by HPD staff and to improve the original concept;

WHEREAS, on July 20, 1999, Manna requested in writing a public hearing before the Mayor's Agent for Historic Preservation ("Mayor's Agent") on its partial

demolition, alteration and subdivision applications on the grounds that Manna's construction of the Project was necessary in the public interest as a project of special merit pursuant to D.C. Code §§ 5-1002(10) & (11), 5-1004(e), 5-1005(f) and 5-1006(e);

WHEREAS, Manna's claim of special merit was founded on three (3) major grounds: 1) Manna was retaining and restoring to the Secretary of the Interior's Standards for Preservation and Rehabilitation the most important historic elements of the Syphax School – the original 1901 school building and the entrance way to the later 1941 addition; 2) Manna's project to convert the Syphax School site to 29 new affordable townhouses and 12 condominium units (in the restored 1901 building) for low and moderate income families ("Project") provided substantial social, economic and other benefits to the District of Columbia as well as to the immediate neighborhood, and implemented a number of important District laws, policies and regulations; and 3) Manna's Project was the result of extensive consultations with the neighbors, the affected Advisory Neighborhood Commission ("ANC"), a number of prominent Southwest community organizations and local government agencies;

WHEREAS, a hearing before the Mayor's Agent was held on September 28, 1999;

WHEREAS, in his "Decision and Order," dated December 13, 1999, the Mayor's Agent concluded that, in balancing the historical value of the Syphax School against the "special merit" of Manna's Project, there was substantial evidence in the record that Manna's proposal is a project of "special merit," including evidence that (1) Manna's restoration and adaptive reuse of the 1901 building and the entrance block to the 1941 addition meets the dual purposes of preserving a landmark school building and creating an opportunity to strengthen a residential community; (2) Manna's affordable housing Project creates unique and extensive social and other benefits that implement many District economic development and housing policies and therefore has a high priority for community services, with very positive impacts on the Syphax School property, the neighborhood and larger community; and (3) Manna's Project received overwhelming support from District agencies, a large number of community organizations, the ANC and from neighborhood residents;

WHEREAS, the Mayor's Agent granted Manna's application for partial demolition, alteration and subdivision related to its Project at the Syphax School as consistent with the "special merit" provisions of the Historic Protection Act. D.C. Code §§ 5-1002(10) & (11), 5-1004(e), 5-1005(f) and 5-1006(e);

WHEREAS, Manna is the recipient of almost \$1 million in Community Development Block Grant ("CDBG") Funds from the United States Department of Housing and Urban Development ("HUD") through the District of Columbia Department of Housing and Community Development ("DHCD") for the purposes of constructing its affordable housing Project at the Syphax School, a District of Columbia landmark that is also eligible for listing in The National Register of Historic Places);

WHEREAS, Manna's proposed receipt of HUD and DHCD's federal funds renders its Project an "undertaking" subject to the provisions the National Historic Preservation Act of 1966, as amended, 16 U.S.C. § 470s (1999), and its regulations at 36 CFR Part 800 (2000). See also 36 CFR §§ 800.1(a) & 800.16(y);

WHEREAS, under 36 CFR § 800.5(a)(2)(i), a partial demolition of an historic landmark is deemed to be an "adverse effect" on the Syphax School;

WHEREAS, 36 CFR Part 800.6 requires Agency Officials to seek ways to avoid, minimize or mitigate adverse effects on historic properties and memorialize these measures in a Memorandum of Agreement that, when executed and implemented, evidences the agreement of the signatories on how the adverse effects will be resolved and the Agency Official's compliance with Section 106 and its governing regulations; and,

WHEREAS, the Advisory Council on Historic Preservation, the State Historic Preservation Officer ("SHPO"), the Director of DHCD, and Manna are parties to this Memorandum under 36 CFR § 800.6(c)(1)(i).

NOW, THEREFORE, Manna, the SHPO and the Director of DHCD agree that Manna's project at the Syphax School shall be implemented in accordance with the following stipulations to mitigate any adverse effects of Manna's partial demolition of the Syphax School.

1. Manna shall continue to consult with the HPD staff throughout the restoration process to assure completeness and sufficiency of its proposed restoration and design plans in the interest of mitigating any adverse effects on the Syphax School.
2. Manna has provided the SHPO for review the conceptual design plans for the proposed townhouses, a conceptual site plan and a conceptual subdivision plan. Manna shall provide design plans at the 30%, 60% and 90% (permit ready) stages for approval by the SHPO staff, for determination of consistency with the approved conceptual plans. Approval by the SHPO of Manna's 90% design plans shall constitute Manna's, DHCD's and SHPO's compliance with the terms and requirements of this Memorandum. Should any aspect of the elevations, massing, or site plan vary in substance from that approved at a prior stage or in concept, the SHPO staff shall refer those changes to the Historic Preservation Review Board.
3. Manna will submit as an exhibit to this Agreement the results of an archaeological survey of the entire Syphax School property. This survey was conducted to determine whether any mitigation actions were necessary as a result of any archaeological findings on the property. The survey concluded that no archaeological resources existed on the property. A copy of the study is attached as Exhibit #1. MANNA will retain a professional archaeologist, who meets 36CFR61 standards, and for purposes of this agreement will report to the Historic Preservation Division, to monitor any ground disturbance on the site, exclusive of those areas that have been

tested and determined “not eligible” for the National Register. If other cultural material is found, exclusive of that related to the tested sites, work shall cease at that specific location. The contract archaeologist shall immediately consult with the SHPO archaeologist to determine within 48 hours whether the significance of the discovered item appears to be related to a National Register eligible site, therefore justifying additional testing. If human remains are found, all work will cease immediately at that specific location and all the provisions of D.C. Law 6-214 will be followed. DHCD and MANNA will be apprised of compliance with this stipulation and will cooperate to the fullest extent practical with the necessity for additional testing.

4. Manna will continue to comply with all of the requisite legal proceedings and approvals related to its restoration and development plans for the Syphax School, including proceedings before the HPRB and Mayor’s Agent.
5. Manna has extensively consulted, and shall continue regular consultations, with members of community organizations, neighborhood associations and neighborhood residents in the implementation of its design plans to mitigate any adverse effects on the neighborhood, including, noise, traffic and construction-related matters. A summary of community participation is included as Exhibit # 2.
6. Manna shall comply with all of the conditions contained in its DHCD grant that are related to mitigation of any adverse effects on the Syphax School, and shall cooperate with DHCD in monitoring the development and restoration process.
7. Manna will use all reasonable efforts to locate and secure the original drawings for the 1901- Syphax School building, and, if and when located, will use the drawings as a guide in the renovation of the Syphax School building.
8. Manna has retained, and will continue to retain, the professional services of Emily Eig, the principal of EHT Tracerics, Inc., and a pre-eminent historical preservation consultant, to assist Manna in its mitigation efforts during the demolition and construction phases of its Project.
9. Manna will closely monitor all demolition and construction activities by its subcontractors throughout the construction process to assure compliance with its approved restoration and design plans, and shall permit on-site at any time, upon prior reasonable request, HPD staff to inspect the restoration process and its Project. Manna will provide photographs of the site during the demolition process.
10. Manna shall provide a permanent on-site exhibit regarding the history of the Syphax School to foster appreciation of the its heritage and use, its status as a District of Columbia Landmark, and William Syphax for educational, community service, and public enjoyment purposes. Manna will solicit and consider the views and comments of the public with regard to the content and design of the exhibit through two venues:

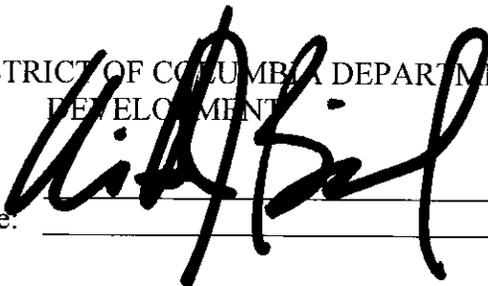
a regularly-scheduled meeting of ANC 2D and a notice published in *The Southwester*, a neighborhood periodical.

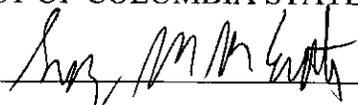
11. Manna will name its Project after William Syphax.

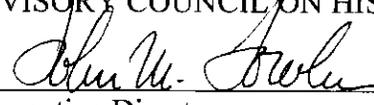
The parties hereto agree that the execution of this Memorandum by DHCD, the SHPO, Manna and the Advisory Council on Historic Preservation, as well as the implementation of its terms, evidences that DHCD has afforded the Council with a reasonable opportunity to comment. The parties have consulted, and will continue to consult, on the restoration, redevelopment and new construction of the Syphax School, together with any impacts and effects of such activities. DHCD has taken into account the effects of this undertaking on historic properties.

MANNA, INC.

By:  Date: 1/23/01
Title: President

DISTRICT OF COLUMBIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
By:  Date: 2/5/01
Title: _____

DISTRICT OF COLUMBIA STATE HISTORIC PRESERVATION OFFICER
By:  Date: 2/15/01
Title: _____

THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
By:  Date: 2/26/01
Title: Executive Director