

Advisory Council on
Historic Preservation
1522 K Street N.W.
Washington, D.C. 20005

MEMORANDUM OF AGREEMENT

WHEREAS, the Pennsylvania Avenue Development Corporation (PADC) will, pursuant to the Pennsylvania Avenue Plan -- 1974, undertake development of a portion of the Pennsylvania Avenue National Historic Site in accordance with Public Law 92-578; and,

WHEREAS, the Advisory Council on Historic Preservation (Council), did not object to PADC's determination for the Pennsylvania Avenue Plan -- 1974 and the plan was approved by the Congress under Public Law 92-578; and,

WHEREAS, it has been mutually determined that selection of alternatives and implementation of certain projects under the approved plan may have an adverse effect on the Pennsylvania Avenue National Historic Site, a property included in the National Register of Historic Places; and,

WHEREAS, pursuant to Section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. 470f, as amended, 90 Stat. 1320), PADC has requested the additional comments of the Council; and,

WHEREAS, pursuant to the Procedures of the Council (36 CFR Part 800), representatives of the Council, PADC, and the District of Columbia Historic Preservation Officer (D.C. SHPO) have consulted and reviewed the undertaking to consider feasible and prudent alternatives to avoid or satisfactorily mitigate any potential adverse effects; now,

THEREFORE:

It is mutually agreed that implementation of the undertaking in accordance with the following stipulations will avoid or satisfactorily mitigate any adverse effects on the Pennsylvania Avenue National Historic Site:

Stipulations

1. Buildings within the national historic site scheduled for rehabilitation will be treated in accordance with the Secretary of the Interior's "Standards for Rehabilitation" ('Standards') attached to this Agreement. PADC will apply these guidelines in consultation with the D.C. SHPO. Rehabilitation accomplished in this manner will have no adverse effect and no further compliance will be necessary. In those instances where the rehabilitation guidelines cannot be met, PADC will comply with the process outlined in 36 CFR Section 800.4(e) et seq. of the Council's Procedures.

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2. When PADC is to be a party to a transfer of a property interest in any building within the project area, PADC, in consultation with the D.C. SHPO, will identify the historically or architecturally significant portions or elements of such buildings which are to be preserved. When PADC is a party to the transfer of property including historically or architecturally significant portions or elements, PADC will require that the transfer document provides for preservation and maintenance of the historically or architecturally significant portions or elements of the property. PADC will also require that this provision be included in subsequent transfers of any such property.
3. Relocation of historically or architecturally significant structures, or portions or elements thereof, as required by the Pennsylvania Avenue Plan — 1974, will not have an adverse effect on the national historic site. Rehabilitation of relocated structures accomplished in accordance with the 'Standards' will have no adverse effect and will require no further compliance with the Council's Procedures. Construction and development to complete relocated historically or architecturally significant portions or elements of structures will be designed and carried out in a manner compatible with preservation of such relocated portions or elements.
4. Structures that have been acquired by PADC and which, under the Pennsylvania Avenue Plan — 1974, may be scheduled for future demolition or relocation will be retained in place, whenever possible, until the site they occupy is scheduled for new construction. If PADC determines that such a structure should be demolished or relocated before new construction is scheduled, PADC will, unless an emergency situation exists, consult with the Council and the D.C. SHPO before taking action.
5. PADC will develop general design and construction guidelines for new construction within the site. Guidelines will be submitted to the Council for review and approval. The guidelines will be followed by PADC to the fullest extent of its authority and be the recommended treatment for construction that is beyond PADC's review. Construction that follows the design guidelines will have no adverse effect on the site.
6. Buildings scheduled to be altered, demolished, or relocated under the Pennsylvania Avenue Plan — 1974, accepted by Congress, will be documented to the standards of the Historic American Buildings Survey (HABS) for ultimate deposit in the Library of Congress. PADC will have documentation reviewed and accepted by HABS prior to commencing demolition.

7. Public Law 92-578, § 5(e) requires PADC to implement the Plan as submitted, or submit any "substantial change" in the Plan to the Secretary of the Interior, the Mayor of the District of Columbia, and the Congress. PADC will also submit any such "substantial change" in the Plan to the Council for its review and comment pursuant to the Council's Procedures (36 CFR Part 800).

Robert M. Utley (date) 4/28/78
Deputy Executive Director
Advisory Council on Historic Preservation

W. Anderson Barnes (date) 5/2/78
Executive Director
Pennsylvania Avenue Development Corp.

[Signature] (date) 5-22-78
District of Columbia
Historic Preservation Officer

Richard M. Jentle (date) 4/15/78
Chairman
Advisory Council on Historic Preservation