

**MEMORANDUM OF AGREEMENT
BETWEEN THE SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY
AND THE CALIFORNIA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE REHABILITATION OF GLOBE MILLS, 1131 C STREET,
SACRAMENTO, CALIFORNIA**

WHEREAS, the Sacramento Housing and Redevelopment Agency (SHRA) has determined that the rehabilitation of Globe Mills (undertaking) will have an effect upon the Globe Mills Historic District, property determined eligible for inclusion in the National Register of Historic Places; and the Flour and Cereal Mill Building, a contributor to the historic district that is also individually eligible for inclusion in the National Register;

WHEREAS, the SHRA has consulted with the California State Historic Preservation Officer (SHPO) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f); and

WHEREAS, the SHRA, through Section 108 of the Housing and Community Development Act of 1974 (42 U.S.C. § 5308.) and the Brownfields Economic Development Initiative (BEDI) will assist in the undertaking; and

WHEREAS, GMA Investors, L.P (Developer) has participated in the consultation and has been invited to concur in this Memorandum of Agreement (Agreement);

WHEREAS, City of Sacramento (City) is a Certified Local Government pursuant to Section 101(c)(1) of the National Historic Preservation Act;

WHEREAS, the City's Design Review and Preservation Board unanimously approved the Globe Mills Adaptive Reuse Concept M Project at its January 5, 2005 meeting;

WHEREAS, the City's Design Review and Preservation Board unanimously certified the Environmental Impact Report (EIR) for the Globe Mills Adaptive Reuse Concept M Project at its January 5, 2005 meeting;

WHEREAS, the City Council and the Redevelopment Agency will review the project, recommend funding and adopt the findings of fact and statement of overriding considerations and mitigation monitoring plan at its March 1, 2005 meeting; and

NOW, THEREFORE, the SHRA and the California SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

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

1. The SHRA shall ensure that the design of the undertaking will proceed pursuant to Globe Mills Adaptive Reuse Concept M. If substantial changes are made to Concept M, the SHRA will submit the plans to the State Historic Preservation Office for review and comment.
2. The Preservation Director of the City of Sacramento will monitor the project to assure it is being carried out according to plans submitted as Concept M to the City's Design Review and Preservation Board.
3. If the owner/developer applies to the National Park Service (NPS) for Part 1 Certification of the Globe Mills Adaptive Reuse Project and is denied certification, then no further review of the plans and specifications for the rehabilitation of the subject property will be required under this MOA. For purposes of this MOA, the review of the rehabilitation plans and specifications shall be undertaken within the context of the IRC if the owner submits a Part 2 Certification to the NPS. If the rehabilitation project receives Part 2 Certification without conditions from the NPS it shall be deemed to conform to the *Standards* and will require no further review under this Agreement. The SHRA shall ensure that the SHPO will be provided with a copy of the notice of the Part 2 Certification. If the Part 2 Certification is approved with conditions, the SHRA shall ensure that the project documents are modified to comply with the conditions. If the SHPO agrees that the modified plans satisfy the Part 2 conditions, the rehabilitation project will require no further review under this MOA. If the owner is denied Part 2 Certification or is unwilling to modify the plans to comply with any conditions to certification, the SHRA shall initiate consultation with the SHPO pursuant to 36 CFR §§ 800.6(b)(2) and 800.7, as appropriate.
4. The SHRA shall ensure that HABS Level II recordation of the Globe Mills be prepared. This will include:
 - 1.Exterior and Interior photographic documentation of all buildings and structures (not HABS photos)
 - Proof sheets and negatives
 - 2.Large format negative exterior photographs 4X6 format
 - Four elevations
 - One overview/aerial
 - Large format negatives
 - 3.Historical context statement (Cultural Resources Technical Report)
 - 4.Historic Architectural Drawings 1913
 - One set of four elevations and plans
 - 5.Existing condition drawings 2002

SHRA will provide to the Sacramento Room of the Sacramento Public Library and Sacramento Archives and Museum Collection Center one complete set of the above for archival retention.

5. The Area of Potential Effect (APE) for the undertaking includes areas that may contain sensitive prehistoric or historic archaeological sites and that

require the archaeological monitoring during construction. SHRA shall ensure that the following measures are carried out in regard to archaeological resources and shall be conducted by a professional archaeologist who meets the *Secretary of Interior Professional Qualification Standards in Archaeology (48 CFR 44238-9)*:

A. SHRA has chosen, pursuant to 36 CFR § 800.4(b)(2), to defer final identification and evaluation of historic properties in the undertaking's APE until after the conclusion of the Section 106 process, and shall complete such identification and evaluation through the implementation of the further process set forth in this stipulation.

(1) Prior to construction, SHRA shall determine the areas of the APE where the implementation of the undertaking will disturb the ground to a depth of greater than two feet, and conduct a subsurface inventory of all such areas.

(2) The methods that SHRA employs to conduct the subsurface inventory shall include

(a) the development of historical and geoarchaeological contexts for the subject parcel(s),

(b) the noninvasive, geophysical exploration of the areas of the subject parcel(s) if and where particular geophysical techniques appear to be appropriate, and

(c) the excavation of a sample of the areas of the APE where subsurface inventory will occur to verify the results of the contextual research or the geophysical exploration, or to provide information for areas where no other information exists.

(3) If no archaeological deposits are found as a result of the subsurface inventory, then SHRA shall prepare a report of such results and submit that report to the SHPO no later than 14 days following the completion of the fieldwork for the inventory. The report shall reflect consideration of the guidance found in the California Office of Historic Preservation's Planning Bulletin No. 4(a) *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format (ARMR)*. The SHPO shall provide SHRA comment on the report no later than 14 days after the receipt of the report. SHRA's responsibility under 36 CFR § 800.4 to identify historic properties shall be fulfilled when either the SHPO concurs in the adequacy of the agency's reported effort, or the SHPO has not responded during the 14-day review period.

(4) If archaeological deposits are found as a result of the subsurface inventory, then SHRA shall proceed to evaluate such deposits pursuant to 36 CFR § 800.4(c). The documentation that SHRA submits to the SHPO to support the agency's determinations on the National Register of Historic Places (National Register) status of any archaeological deposits that the agency finds shall evidence consideration of the guidance found in ARMR, and include information on the results of the subsurface inventory and the results of any further work that the agency may complete to evaluate the archaeological deposits found. SHRA's responsibility under 36 CFR § 800.4 to identify historic properties shall be fulfilled when the SHPO concurs that all archaeological deposits that SHRA finds in the undertaking's APE as a result of the subsurface inventory are ineligible for inclusion in the National Register.

(5) If SHRA and the SHPO reach consensus that there are archaeological deposits in the undertaking's APE that are eligible for inclusion in the National

Register of Historic Places, and SHRA finds that the implement of the undertaking will adversely affect such deposits, SHRA shall develop a treatment plan for all such deposits, in consultation with the SHPO, to avoid, minimize, or resolve those effects.

B. SHRA shall comply with 36 CFR § 800.13(b)(3) if archaeological deposits that are eligible for inclusion in the National Register are discovered or unanticipated effects to such deposits are found subsequent to the agency's approval of the undertaking and the commencement of the undertaking's implementation.

C. If a treatment plan is developed under either subsection A or B, above, SHRA shall forward such plan to SHPO and provide a fifteen (15) calendar day period to offer comments. SHRA will take SHPO's comments into account and provide those comments to the City Preservation Director. Failure of SHPO to respond within this time frame shall not preclude SHRA from assuming that SHPO does not object to any action deemed by SHRA's archaeologist to be appropriate under this stipulation, subject to SHRA's compliance with the directives of the City Preservation Director.

D. If SHPO objects to the proposed treatment plan or suggests alternatives or modifications to the plan, SHRA shall ensure that the professional archaeologist revises the proposed plan in accordance with SHPO recommendations, and resubmit the revised plan for subsequent SHPO review. SHPO shall provide comment on any such revisions no later than 14 days from the receipt of a revised plan. Absent the comment of the SHPO during that 14-day review period, SHRA may proceed with the implementation of the final revision to the plan..

E. SHRA shall ensure that Native American consultation and participation, as well as treatment and disposition of recovered archaeological material, shall follow procedures set forth in the treatment plan developed as part of stipulation Section 6 (E) of this MOA if any artifacts discovered are of the Native American historical period. SHRA shall ensure that upon discovery of Native American human remains and items associated with Native American burials, those artifacts shall be treated in accordance with the provisions of California Public Resources Code Section 5097.98.

F. The signatories to this MOA acknowledge that archaeological resources covered by this stipulation are subject to the provisions of Section 304 of the Act and Section 6254.10 of the California Government Code (Public Records Act) relating to the disclosure of archaeological site information and having so acknowledged, will ensure that all actions and documentation prescribed by this MOA are consistent with Section 304 of the Act and Section 6254.10 of the California Government Code.

G. The results of any archaeological work along with the Cultural Resources Report for the Globe Mills Project dated August 2004 will be sent to the Information Center at Sacramento State.

6. Should any signatory object at any time to the matter in which the terms of this Agreement are implemented, the SHRA shall consult with the objecting party(ies) to resolve the objection. If the SHRA determines within fifteen (15) calendar days of receipt that such objection(s) cannot be resolved, the SHRA will forward all documentation relevant to the dispute to the Advisory Council on Historic Preservation (Council) in accordance with 36 CFR § 800.2(b)(2).


The SHRA in reaching a final decision regarding the dispute shall take any Council comment provided into account. SHRA also will consult with the City of Sacramento Preservation Director's Office. The SHRA's responsibility to carry out all other actions under this Agreement that are not the subjects of the dispute will remain unchanged.

7. At any time during implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised in writing by a member of the public, the SHRA shall take the objection into account and consult, as needed, with the objecting party and the SHPO, as needed, for a period of time not to exceed fifteen (15) calendar days. If the SHRA is unable to resolve the conflict, the SHRA will forward all documentation relevant to the dispute to the Council, following the terms outlined in stipulation 6, above.
8. The SHRA shall notify the SHPO as soon as practicable if it appears that any action covered by this Agreement will 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 SHRA shall stop construction in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the property and proceed pursuant to 36 CFR § 800.13(b).
9. If any signatory believes that the terms of this Agreement cannot be carried out, or that an amendment to its terms should be made, that signatory shall immediately consult with the other parties to develop amendments pursuant to 36 CFR §§ 800.6(c)(7) and 800.6(c)(8). If this Agreement is not amended as provided for in this stipulation, any signatory may terminate it, whereupon the SHRA shall proceed in accordance with 36 CFR § 800.6(c)(8).
10. If either the terms of this Agreement or the undertaking have not been carried out within five years following the date of execution of the Agreement, the signatories shall reconsider its terms. If the signatories agree to amend the Agreement, they shall proceed in accordance with the amendment process referenced in stipulation 10, above.

Execution and implementation of this Agreement evidences that the SHRA has afforded the Council a reasonable opportunity to comment on the undertaking and its effects on historic properties, that the SHRA has taken into account the effects of the undertaking on historic properties, and that the SHRA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations.

This document can be signed in counterparts.

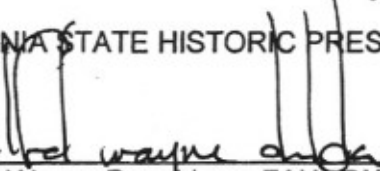
SACRAMENTO HOUSING AND REDEVELOPMENT AGENCY

By:  Date: 2-08-05
Anne M. Moore, Executive Director

CITY OF SACRAMENTO

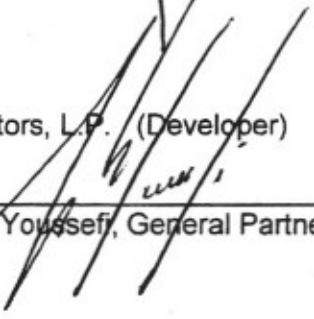
By:  Date: 2-08-05
Roberta Deering, Preservation Director

CALIFORNIA STATE HISTORIC PRESERVATION OFFICER

By:  Date: 10 FEB 2005
Milford Wayne Donaldson, FAIA, SHPO

Concur:

GMA Investors, L.P. (Developer)

By:  Date: 2/9/05
Cyrus Yousefi, General Partner