

Site Approval
Memorial to Victims of the Ukrainian Manmade Famine of 1932-1933

Reservation 196
New Jersey Avenue and 1st Street, between E and F Streets, NW

Reservation 78
North Capitol Street, Massachusetts Avenue and F Street, NW

Finding of No Significant Impact

SEP 26 2008

The National Park Service, on behalf of the Government of the Ukraine, is requesting site approval for a Memorial to the Victims of the Ukrainian Manmade Famine of 1932-1933. Pursuant to the National Environmental Policy Act and the Commission's Environmental and Historic Preservation Policies and Procedures, I have evaluated the Environmental Assessment (EA) provided by the National Park Service (NPS), and comments that NPS received on the EA, including those of NCPC of August 25, 2008 and NPS responses to all comments, relative to the proposed selection of Reservation 196 or Reservation 78, as the site for the memorial, shown on NCPC Map File No. 00.00(73.10)42596. I have determined that the selection of this site for the memorial would not result in a significant impact to the human environment provided that mitigation outlined below is met by any design for the memorial.

Based on my analysis, I find that NCPC's approval of the selection of Reservation 196 for the Memorial to the Victims of the Ukrainian Manmade Famine will not significantly affect the

quality of the human environment so long as the design of the memorial project satisfies the following mitigation measures:

1. To protect existing park and visual resources and to complement the public area immediately south of the Reservation, the design of the memorial must:
 - a. Preserve the mature oak tree on the south end of the Reservation;
 - b. Preserve or replace the Reservation's existing garden setting;
 - c. Incorporate an understated, modest sized element no higher than 10 feet into a garden setting rather than a plaza setting;
 - d. Incorporate minimum hardscape;
 - e. Position the element on or near the apex at the north end of the Reservation, within a no greater than 20-foot north to south depth from the northern edge of the site;
 - f. Not detract from or interfere with prominent views of the U.S. Capitol along New Jersey Avenue;
 - g. Provide public access to the memorial portion of the Reservation, while also addressing neighborhood concerns regarding public safety.
 - h. Include design alternatives that consider physical separation of the memorial from the garden, which would include reconstructing the north end of the fence outside of the memorial's immediate setting. The fence would continue to enclose the garden and oak tree.

2. To protect historic resources, prior to construction, perform a Phase 1 archeological identification survey.

I have also evaluated the alternative site in the EA, Reservation 78, and comments to the EA about the site. I find that NCPC's approval of the selection of Reservation 78 for the Memorial to the Victims of the Ukrainian Manmade Famine will not significantly affect the quality of the human environment so long as the design of the memorial project satisfies the following mitigation measures:

1. To protect park and visual resources, the design must:
 - a. First create a successful and functional public space that befits this site's prominence in the National Capital and embraces its natural openness and place within significant L'Enfant rights of way. Any free-standing memorial element must be secondary in nature.
 - b. Respect the scale of the site and incorporate an understated design, as defined for representative sites of similar size and position in the Memorials and Museums Master Plan;
 - c. Incorporate significant green space;
 - d. Integrate the site's apex with the small historic building to the west and with the rest of the block;
 - e. Remain open and integrated into the surrounding built environment and rights of way and remain accessible to passers-by;

- f. Respect the building lines of the surrounding rights of way, particularly along Massachusetts Avenue; if a vertical element is anticipated, orient its center along the building lines of Massachusetts Avenue and avoid vertical elements in the approximately 30 foot space from the building lines to the Reservation edge (40 feet from the building line to the curb along Massachusetts Avenue); if a more horizontal feature is anticipated, retain a low profile, which respects the Massachusetts Avenue right of way and views of the Postal Museum and Union Station).
2. To protect historic resources, prior to construction, perform a Phase 1 archeological identification survey.



Marcel C. Acosta
Executive Director

Background

The Memorial to Victims of the Ukrainian Manmade Famine is authorized by Public Law 109-340, which authorizes the Government of Ukraine to establish a memorial under the Commemorative Works Act.¹ Pursuant to the Commemorative Works Act, 40 U.S.C. 8905, the National Capital Planning Commission must approve sites for memorials on NPS or General Services Administration land in the District of Columbia.

According to the Government of the Ukraine, the project goal is to establish a memorial in Washington DC that brings “focus of the Ukrainian Famine to the world’s attention... Today this gesture of goodwill to the American people will signify the relevance of Ukraine’s tragedy 75 years ago.” Although the proposed memorial has not yet been designed, based on preliminary discussions with the applicant and information in the EA and comments received, the applicant suggests that the commemoration of this event will consist of a small-scale element such as a figurative sculpture. The applicant states that it may also include other memorial features such as an abstract or allegorical element in a landscaped setting.

¹ The law required the memorial to be in accordance with the “Commemorative Works Act” (40 U.S.C 8900 et seq.), with exception to the following sections: 8902(a)(1), 8906(b)(1), 8908(b)(2), and 8909(b), which do not apply with respect to the memorial. In summary, these exceptions remove the requirement that the commemoration be “an event or other significant element of American history.” The exceptions also remove the requirement that the NPS maintain the site. According to P.L. 109-340, the Ukrainian government, rather than the NPS, is to maintain the site in perpetuity.

NCPC staff has evaluated the EA prepared by the NPS to assist in its decision-making, and has commented on the EA. The NPS made the EA available for a 30-day public comment period with an additional extension through September 8, 2008; NCPC posted the EA on its web site on August 5, 2008 with a notice about the opportunity for public comment to NPS. After considering the EA, comments to the EA and NPS' responses, I adopt the EA as adequate to assess the environmental impacts of the proposed action.

Alternatives considered in the EA review

The EA examines two alternative sites, Reservation 196 and Reservation 78 as well as a no action alternative.

Analysis of Potential Impacts

The EA and NCPC staff and other comments on the EA raise areas of potential significant environmental impact on the NPS' preferred site, Reservation 196 and on the alternative site, Reservation 78 that must be mitigated. Because the project's potential impacts cannot be fully assessed until the design phases, and because the design has yet to be developed, staff has identified a range of potential impacts and mitigation below that should be applied to the site selection stage. Additional mitigation will be required during the design phases.

I. Reservation 196

A memorial at this site has the potential to affect the following without appropriate mitigation: park resources; natural resources, vegetation and land cover; the socio-economic environment; roadways and traffic; vehicular and parking; visual resources; and historic resources.

Effect on Park Resources and Effect on Natural Resources, Vegetation and Land Cover

1. Preservation of the oak tree is critical to the success of this site because it provides shade and may serve as a meaningful transition element between a future memorial and public areas to the south of the site (see *Federal Elements of the Comprehensive Plan*, Parks and Open Space Plan for maintenance and conservation of trees and vegetation, page 104). Preservation of the garden, a limited amenity for this neighborhood, is also critical to the success of this site because it limits the impact on the oak tree's root system and provides enjoyment for workers, residents and passers-by.

Mitigation

To eliminate any potential significant impacts, preserve the oak tree and retain or replace the garden setting. In the memorial design, minimize hardscape to preserve the root system of the oak tree over the long term and locate memorial to the far north end of the Reservation.

2. The site is currently landscaped and maintained as a garden. Any memorial design that would significantly modify this garden in the long-term may result in impacts that need to be mitigated.

NPS has entered into a maintenance agreement with the National Association of Realtors (NAR) for Reservation 196 whereby NAR has improved and maintains the site. The

agreement recognizes that construction of a memorial on this site would default the agreement and potentially result in termination of NAR's responsibility to maintain the site. For more information, see the NPS and NAR Agreement for Reservation 196 of October 23, 2003.

Mitigation

To eliminate any potential significant impacts, retain or replace existing garden elements and other vegetation to the greatest extent possible and locate memorial to the far north end of the Reservation.

Management and maintenance of the site should be addressed.

3. The EA notes that short-term adverse impacts to natural resources, vegetation and land cover during the construction process are possible.

Mitigation

As noted in the EA, existing vegetation on the site should be protected to the greatest extent possible through appropriate coverings and buffers during the construction phase. As mentioned above, every precaution should be taken to protect the root system of the oak tree during and after construction.

Effect on Socio-Economic Environment

4. To the extent possible, memorials should relate to existing surroundings, both in design and subject matter (thematic) relationships. According to the Memorials and Museums Master Plan, policies related to Connections, "museums and memorials should enhance the image and identity of their surroundings." An analysis of the existing or potential thematic relationships between a memorial subject and its surroundings is complex and may be informed by a number of factors. Neither site under consideration reflects a strong thematic relationship to the Ukrainian famine of 1932-1933.

Mitigation

Design alternatives should consider physical separation of the memorial from the garden, which would include reconstructing the north end of the fence outside of the memorial's boundary. The fence would continue to enclose the garden and oak tree.

5. The landscaped character of Reservation 196 contrasts with the high density office and commercial uses that surround it. The site is currently part of a successful open space program which also includes several elements south of the Reservation: an outdoor public seating area, outdoor water feature, outdoor dining area, restaurant and coffee shop. Any memorial design that would change the landscaped character of this garden may impact the quality of this reservation and its role in the neighborhood.

This area along New Jersey Avenue NW has experienced substantial revitalization over the last ten years; however, other uses that generate much-needed vibrancy, such as restaurants, retail, cultural attractions and green spaces, have yet to be established at significant levels. Based on the *District Elements of the Comprehensive Plan* (see Central

Washington Area Element), this neighborhood, called Downtown East, Judiciary Square, “suffers from a weak sense of identity...and contains a large number of parking lots, curb cuts, and buildings that are devoid of ground level activity” (16.35). Based on NCPC staff assessment, the small nucleus of activity that includes Reservation 196 is one of the exceptions. It offers residents, visitors and employees a unique amenity for the neighborhood. Thus, a memorial could negatively impact the existing conditions on the reservation and the surrounding area, depending on the success with which the memorial design relates to the reservation and its surroundings.

Mitigation

To eliminate any potential significant impacts on the socio-economic environment and to protect the oak tree (as outlined above), memorial designs should incorporate a garden setting, rather than a plaza setting. Any paving around the memorial itself should be minimal and integrated into the garden setting. In addition to complement the success of the outdoor plaza area to the immediate south of the Reservation, the element should be positioned on or near the apex at the north end of the Reservation, within a no greater than 20-foot north to south depth from the northern edge of the site.

Design alternatives should consider physical separation of the memorial from the garden, which would include reconstructing the north end of the fence outside of the memorial’s boundary. The fence would continue to enclose the garden and oak tree.

6. The EA states that the memorial could create a positive effect, through creation of an additional focal point for the Reservation.

Mitigation

Because this is a positive impact, mitigation is not required.

7. Currently there is a black iron fence surrounding the site that prohibits public access to the park. Based on public comments to the EA received, a memorial should not intensify the challenges that the neighborhood faces in accommodating homeless residents or deterring crime. The design of a memorial should respond to both the need for public access and address concerns raised by nearby residents and tenants.

Mitigation

Public access should be provided to the memorial portion of the site, but not to the remaining areas. During the design phase, the memorial applicant should consult with NAR, surrounding tenants, neighborhood groups, other District agencies, and NCPC to address safety concerns.

Design alternatives should consider physical separation of the memorial from the garden, which would include reconstructing the north end of the fence outside of the memorial’s boundary. The fence would continue to enclose the garden and oak tree.

Effect on Visual Resources

8. The Reservation is identified as one of two sites that make up Site #98 in the Memorials and Museums Master Plan. The Victims of Communism Memorial was constructed on the other site that makes up #98. It is approximately 3800 square feet and, according to the Plan, could accommodate an “understated commemorative element.”

Mitigation

To eliminate any potential significant impacts and to respect the small scale of the site, design an “understated commemorative element,” as outlined in the Memorials and Museums Master Plan that does not detract from the existing garden, public areas, or views of the U.S. Capitol.

9. According to the EA, this memorial is anticipated to be a small commemorative feature. If the memorial is not designed with adequate respect to the significant views, it may have an adverse impact to visual resources, including views to the U.S. Capitol along New Jersey Avenue. These impacts will be eliminated if the design is developed so that it will not interfere with the views.

Mitigation

To eliminate any potential significant impacts, design a small commemorative element that does not interfere with the prominent views of the U.S. Capitol along New Jersey Avenue.

Effect on Roadways and Traffic

10. The EA notes a short-term impact on roadways and traffic.

Mitigation

During construction, consult with DDOT to reduce the short-term impacts of construction on roadways and traffic.

In the long-term, address potential impacts to pedestrian and vehicle circulation due to visitation (including tour buses and special events) through supplemental environmental documents and project design. Visitation to events in other cities where Ukrainian Famine memorials are located should be taken into account.

Effect on Vehicular Parking

11. The EA notes short-term impacts on parking during construction phases.

Mitigation

During construction, consult with DDOT to reduce the short-term impact of construction on parking.

In the long-term address potential impacts on vehicular parking through supplemental environmental documents and project design.

Effect on Historic Properties

12. The District of Columbia State Historic Preservation Office (DC SHPO) has completed a preliminary analysis of Reservation 196. Based on a review of the EA and comments to the EA, the DC-SHPO has determined “no adverse effect” with the selection of the site for this memorial proposal. The DC SHPO identified Reservation 196 as a contributing element of the L’Enfant Plan for the City of Washington, which is listed in the National Register of Historic Places. According to the DC SHPO, other historic properties within the Area of Potential Effect include the Gales School, the Government Printing Office, the City Post Office, Union Station and Plaza, Columbus Fountain, Engine Company No. 3 and the U.S. Capitol Building and Grounds. The DC SHPO notes that the site has undisturbed soil profiles and may have potential for prehistoric and historic archaeological deposits.

Mitigation

At the request of the DC SHPO, if Reservation 196 is selected as the site for this memorial project, perform a Phase 1 archeological identification survey. If resources are identified that could be impacted by the proposed project, future mitigation measures may be required.

II Reservation 78

Effect on Park Resources and Effect on Natural Resources, Vegetation and Land Cover

1. The site is currently maintained as a flat, open green lawn and may be improved by the addition of a memorial through creation of a focal point for the Reservation. The design may include additional landscaping improvements, such as new trees, ground covers and other plantings.

Mitigation

Because this is a positive effect, no mitigation is required.

2. The EA notes that short-term adverse impacts to land cover during the construction process is possible.

Mitigation

To the greatest extent possible, protect land cover during construction.

Effect on Socio-Economic Environment

3. Preservation and enhancement of green areas is important for the site and for the neighborhood (see Central Washington Area Element discussion above). This site also presents an opportunity to create a meaningful public space, which reflects this site’s prominence and position in the neighborhood.

Mitigation

Designs should support this prominent site as an important public space. Incorporate significant green elements or other landscaping into the design of the memorial.

4. This site has a visible relationship to the small, historic commercial building at its western edge, currently leased as a SunTrust Bank. As a matter of urban design, it may be challenging to successfully design a memorial on the Reservation which integrates the site's apex with this small historic building and with the rest of the block.

Based on consultation with the applicant and on the criteria established in the EA, the Government of the Ukraine seeks a memorial site that befits the solemn nature of the memorial's subject matter and can be a place for visitor contemplation. It may be difficult, however, to design a contemplative space in such a highly trafficked, visible site. A design that strives to achieve a private space at this location may be developed to turn away from the historic neighboring structures and open rights of way at Massachusetts Avenue and North Capitol Street, which may impact the design integrity of the area as a whole (including the reservation, surrounding buildings and right of way). Reservation 78 may be more appropriate for a memorial that embraces this site's natural openness within this prominent rights of way and neighborhood.

Mitigation

To eliminate any potential significant impacts and to respect the character of the site and its urban design context, design a memorial that integrates the site's apex with the small historic building to the west and with the rest of the block. An appropriately designed commemorative element can reconcile these features. The memorial features should remain open and integrated into the surrounding built environment and rights of way and should remain accessible to passers-by.

5. To the extent possible, memorials should relate to existing surroundings, both in design and subject matter (thematic) relationships. According to the Memorials and Museums Master Plan, policies related to Connections, "museums and memorials should enhance the image and identity of their surroundings." An analysis of the existing or potential thematic relationships between a memorial subject and its surroundings is complex and may be informed by a number of factors. Neither site under consideration reflects a strong thematic relationship to the Ukrainian famine of 1932-1933.

Reservation 78 is a significant entrance point from Union Station to Northwest DC through Massachusetts Avenue, which is known for its international character, particularly in northwestern areas around Dupont Circle. Prominent areas of international significance include Embassy Row and several well-known commemorations, such as Winston Churchill, Khalil Gibran and Tomáš Masaryk. To the extent that the Ukrainian Famine Memorial Project is of an international character, the proposed project may similarly complement this element of Massachusetts Avenue's commemorative and cultural landscape.

However, in addition to a location on Massachusetts Avenue, Reservation 78 is also important as the first reservation west of Union Station. This site is a prominent site that serves as an introduction to the visitors and others from Union Station to the city and sets the tone for the commemorative experience along Massachusetts Avenue, NW. Although it is unrealistic to anticipate the exact nature of future commemorative proposals, this site

may be appropriate for a future commemoration that has broad, strong relationships to the area and to the Nation.

Mitigation

The memorial should complement the broader commemorative, historical and urban design context of Massachusetts Avenue and the other contributing elements as identified by the DC SHPO. Embellishment of this site should include first a successful and functional public space that befits this site's prominence in the National Capital and embraces its natural openness and place within significant L'Enfant rights of way. Any free-standing memorial element must be secondary in nature.

6. Based on public comments to the EA received, a memorial should not intensify the challenges that the neighborhood faces in accommodating homeless residents or deterring crime. The design of a memorial should respond to both the need for public access and address concerns raised by nearby residents and tenants.

Mitigation

In the design phase, the memorial applicant should consult with nearby tenants, neighborhood groups, other District agencies, and NCPC to address concerns.

Effect on Visual Resources

7. The Reservation is approximately 3100 square feet. Similarly positioned and sized parcels in the *Memorial and Museums Master Plan* may accommodate small commemorative elements.

Mitigation

To eliminate any potential significant impacts and to respect the scale of the site, design should be understated.

8. Reservation 78 is at the intersection of several rights of way in the L'Enfant City, which is protected by the National Register of Historic Places. If the memorial is not designed correctly, it may have a potential significant impact on this resource and in particular the prominent right of way along Massachusetts Avenue northwest and to views of the Post Office Museum and Union Station to the east.

Mitigation

To eliminate any potential significant impacts, respect the building lines of the surrounding rights of way, particularly along Massachusetts Avenue. If a vertical element is anticipated, orient its center along the building lines of Massachusetts Avenue and avoid vertical elements in the approximately 30 foot space from the building lines to the Reservation edge (approximately 40 feet from the building line to the curb along Massachusetts Avenue); if a more horizontal feature is anticipated, retain a low profile, which respects the Massachusetts Avenue right of way and views of the Postal Museum and Union Station).

Effect on Roadways and Traffic

9. The EA notes a short-term impact on roadways and traffic.

Mitigation

During construction, consult with DDOT to reduce the short-term impacts of construction on roadways and traffic.

In the long-term, address potential impacts to pedestrian and vehicle circulation due to visitation (including tour buses and special events) through supplemental environmental documents and project design. Visitation to events in other cities where Ukrainian Famine memorials are located should be taken into account.

Effect on Vehicular Parking

10. The EA notes short-term impacts on parking during construction phases.

Mitigation

During construction, consult with DDOT to reduce the short-term impact of construction on parking.

In the long-term address potential impacts on vehicular parking through supplemental environmental documents and project design.

Effect on Historic Properties

11. DC SHPO has completed a preliminary analysis of Reservation 78. Based on a review of the EA and comments to the EA, the DC SHPO has determined “no adverse effect” with the selection of the site for this memorial proposal. The DC SHPO identified Reservation 78 as a contributing element of the L’Enfant Plan for the City of Washington and is, therefore, listed in the National Register of Historic Places. According to the DC SHPO, other historic properties within the Area of Potential Effect include the Gales School, the Government Printing Office, the City Post Office, Union Station and Plaza, Columbus Fountain, Engine Company No. 3 and the U.S. Capitol Building and Grounds. The DC SHPO notes that the site has undisturbed soil profiles and may have potential for prehistoric and historic archaeological deposits.

Mitigation

At the request of the DC SHPO, if Reservation 78 is selected as the site for this memorial project, perform a Phase 1 archeological identification survey. If resources are identified that could be impacted by the proposed project, future mitigation measures may be required.