

STAFF RECOMMENDATION



NCPC File No. 6527

GEORGETOWN WATERFRONT PARK

PROPOSED EXCHANGE OF LAND INTEREST BETWEEN THE NATIONAL PARK SERVICE AND LANO/ARMADA HARBOURSIDE, LLC AT LOT 808 SQAURE 1171, AND TRANSFER OF JURISDICTION OF A PORTION OF LOT 808 FROM THE DISTRICT OF COLUMBIA TO THE NATIONAL PARK SERVICE

K Street and 30th Street, NW
Washington, DC

Submitted by the National Park Service

November 24, 2004

Abstract

The National Park Service (NPS) has submitted for Commission review a proposed exchange of land interests between the NPS and the Lano/Armada Harbourside, L.L.C. (Harbourside) involving an agreement on easements on Lot 808 of Square 1171 adjacent to Rock Creek and K Street, NW in Washington, DC to facilitate Georgetown Waterfront Park development and other purposes beneficial to the federal government. An associated transfer action also includes placing approximately 8,000 square feet of easement area into Park Service jurisdiction from the District of Columbia.

Commission Action Requested by Applicant

Approval of agreement, land transfer, and concept plan pursuant to 40 U.S.C. § 8124(a), and Section 5 of the National Capital Planning Act (40 U.S.C. § 8722(b)(1)).

Executive Director's Recommendation

The Commission:

Approves the land exchange as described in the draft text titled, *An Agreement to Exchange Interests in Real Property* dated October 5, 2004, and the transfer of jurisdiction subject to the recordation of plat and covenants established between the National Park Service and the District of Columbia, as shown on NCPC File No 3.10(63.00)-41501.

Requires that the National Park Service submit a detailed preliminary site development design once exact programming and design of the underground parking structure are firmly established. The Park's exterior spaces, proposed sidewalk paving materials, selection of plant materials, and circulation connections should be presented to the Commission in a preliminary site and building plan design along with any planned exterior lighting.

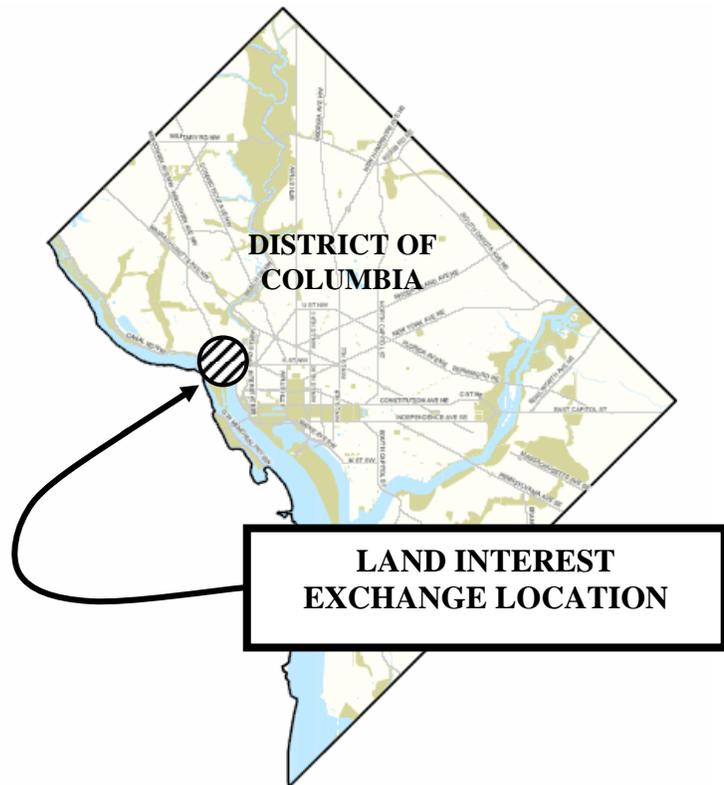
* * *

PROJECT DESCRIPTION

Site

The location of the land exchange interests is maintained within a 1.91 acre parcel at the intersection of K and 30th Streets, NW. The agreement on easements involves the property, Lot 808 of Square 1171, adjacent to Rock Creek and K Street, NW. The parcel is currently occupied by the old General Services Administration (GSA) Coal and Ash House, which is a facility that serves in support of the GSA West Heating Plant on Square 1193 just north of Lot 808.

The subject site, bounded by K Street, NW to the north, Rock Creek to the east, Lot 82 to the south, and 30th Street, NW to the west, contains the Coal and Ash House dating from the mid-20th century. The building has a footprint of approximately 1,800 square feet and is approximately 30 feet high. A spur from the former Baltimore and Ohio Railroad tracks extends across the property into the Coal and Ash House. The Coal and Ash House is operated by GSA in conjunction with the West Heat Plant, located across K Street, NW as back-up to the Central Heat Plant. Oil storage tanks are located in the facility and supply oil to the West Heat Plant. The balance of the Coal and Ash House site is covered by a parking lot used with the Coal and Ash House and minor parcel areas under the jurisdiction of the District of Columbia for use of the overhead elevated Whitehurst Freeway. The property south of Lot 808 is land owned by the Harbourside LLC and will soon be developed as approved by the District Office of Planning and District Zoning Office for office space and the new Swedish Embassy.



Background

The Commission in July 2004 approved the revised design concept for Georgetown Waterfront Park at the Wisconsin Avenue Terminus, as illustrated and described in the report titled: *Georgetown Waterfront Park-Wisconsin Avenue Plaza*, dated June 2004. In September of 2003 the Commission approved revised design concept for the Georgetown Waterfront Park, from 31st

Street west to 34th Street, NW, as illustrated and described in the report titled: *Final Schematic Design, Georgetown Waterfront Park*, dated March 31, 2003.

Proposal

The submitted proposal is an agreement to exchange land interests and easement rights that would create a portion of the Georgetown Waterfront Park at 30th Street while maintaining the government’s continuing need for an oil transfer facility. Additionally, the agreement would facilitate the conversion of a non-conforming federal land parcel to public park land and achieve construction of an underground public parking garage by Harbourside, a private company. In exchange for Harbourside’s easement rights to construct and operate a public parking garage under the subject site, Harbourside will demolish the existing on-site Coal and Ash House, remediate any hazardous waste conditions at the location, replace the existing oil transfer facility, and create and maintain a public park that connects the Rock Creek Trail with the western sections of Georgetown Waterfront Park. The agreement also grants the federal government an easement over an adjacent parcel of land owned by Harbourside for government access to a new oil transfer facility. Title to Lot 808 remains in control of the federal government.

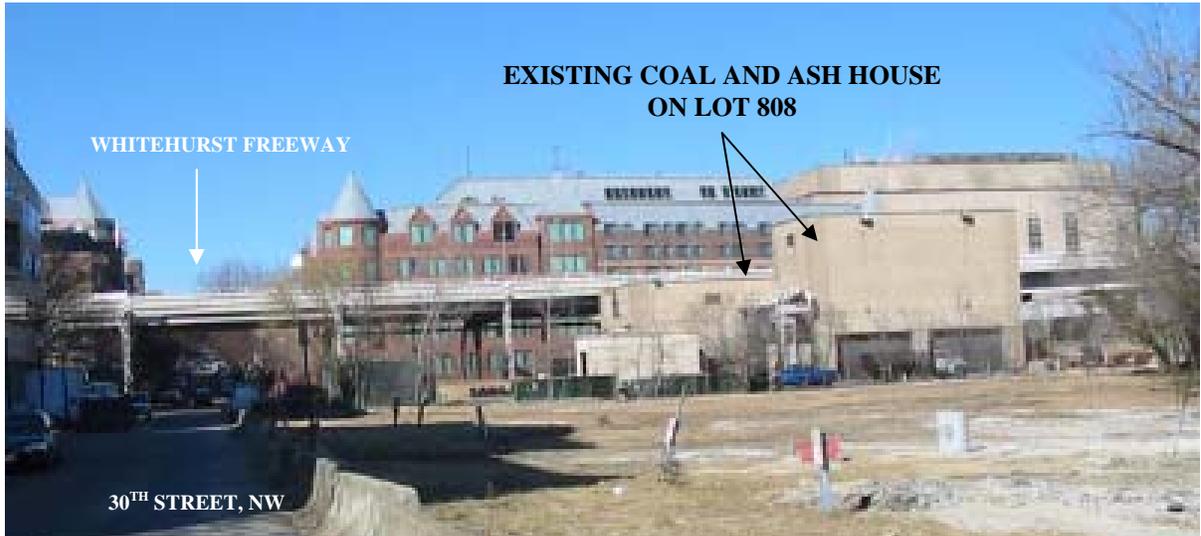
The submission, as presented, involves only an agreement and concept plan offered in support documents regarding the configuration, and extent of physical improvements to the land in general. The concept shows redevelopment of the land parcel into a public park with an underground public parking garage beneath the park. This new use would provide public access to a site that is currently fenced and unavailable for public occupancy. In addition, site soil contamination would be remediated by the



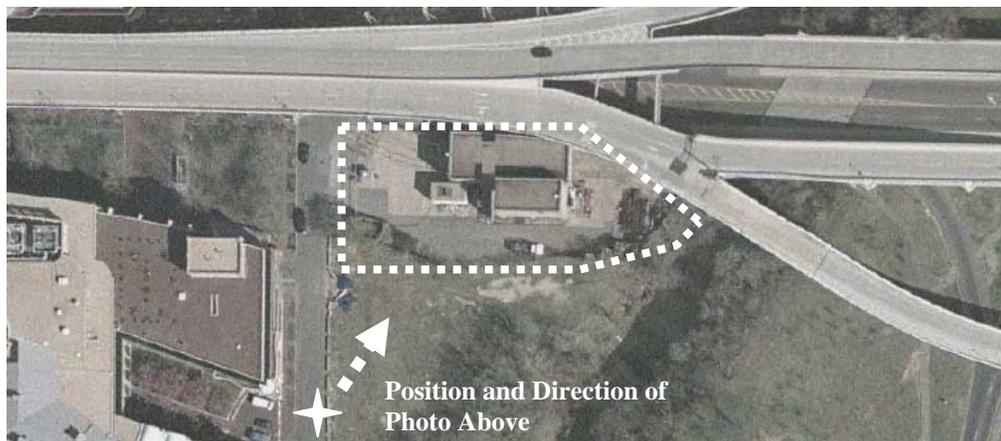
ADJACENT LAND PARCELS AND LOT 808, SQUARE 1171

developer to meet the required standards of the District of Columbia and the U.S. Environmental Protection Agency. Under the proposed exchange agreement, the existing industrial building, paved areas, and perimeter fence on the site would be demolished, and any contamination on the site would be addressed by Harbourside. This remediation is essential to ensure that contaminants do not leach into the adjacent waterways of Rock Creek and the Potomac River.

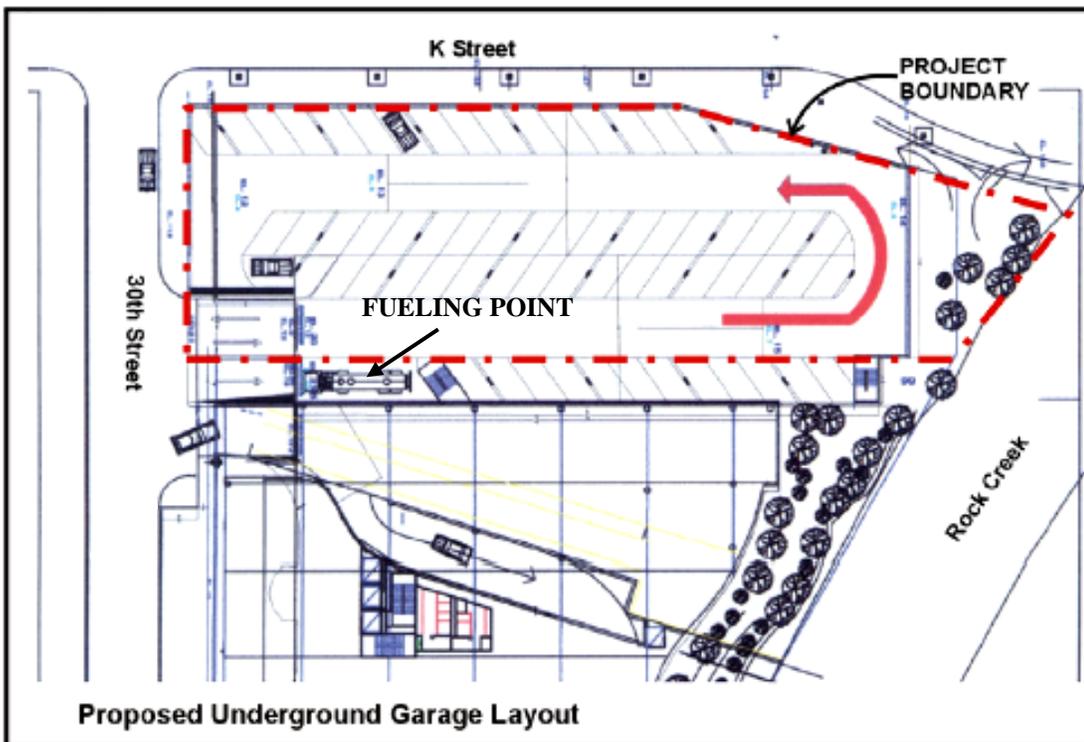
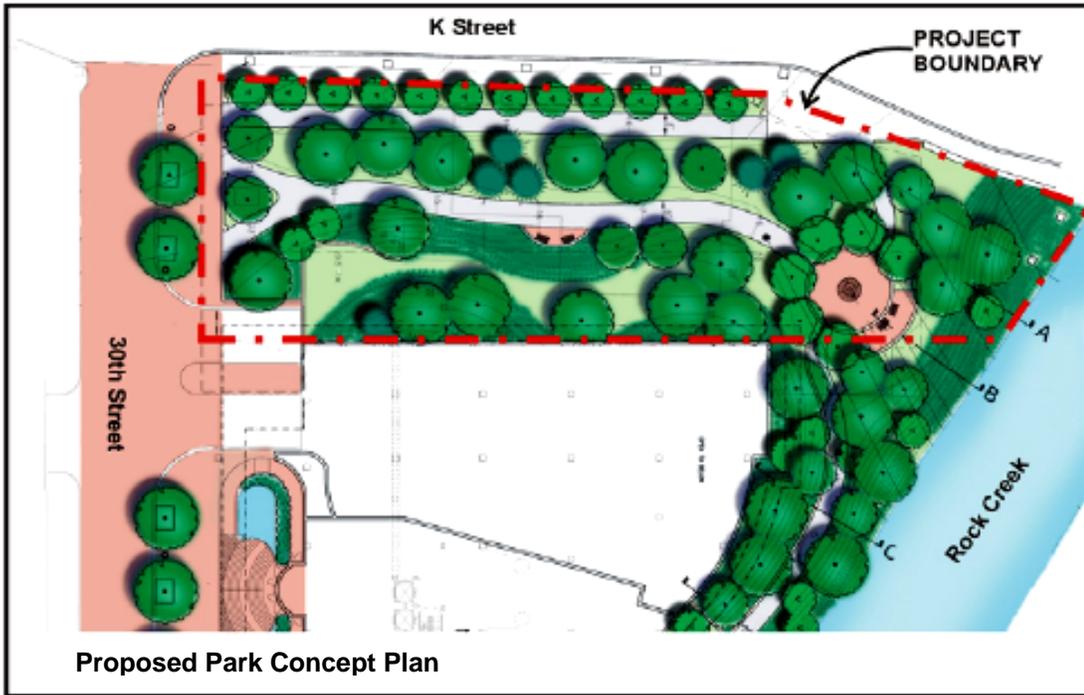
An important aspect of the plan would be that the existing oil transfer facility that now provides fuel for the GSA West Heat Plant is replaced. Redevelopment of this facility is a requisite condition in the agreement, since oil is a source of heat for many of the area's federal office buildings. The land exchange agreement proposes to construct a new oil transfer facility partially on Lot 808 and partially on the adjacent parcel of land owned by Harbourside to the south. Harbourside will grant the government an easement to access the new facility and its use will be maintained to fuel the Heat Plant.



VIEW NORTH TOWARD LOT 808



AERIAL VIEW OF LOT 808



PROJECT ANALYSIS

Executive Summary

The **staff recommends approval** of the land interest exchange, land transfer, and the concept park plan. The exchange agreement contains several stipulations that clearly provide for conditional use of the property in a protected fashion that allows benefit to the federal government to establish the park land as desired by the Park Service for the Georgetown Waterfront Park. Moreover, the government is also able to establish and maintain access to a fueling location that serves the purposes of the West Heat Plant and is important to continue as a heating resource for federal government buildings. Finally, the recorded plat of transfer of a portion of the property from the District of Columbia to the Park Service, for consolidation of the property for park use, allows the District maintenance access over the Park to service the Whitehurst Freeway road structure.

The applicant presents the proposal as an effort that directly supports the NPS goal for further creation of the Georgetown Waterfront Park, as envisioned by the park concept. And while clearly the surface ground features of Lot 808 would be developed as a public park, NCPC staff must consider the added element in the plan of the underground surface parking. The parking structure would provide approximately 130 parking spaces under Lot 808 in a congested urban area frequented by tourists, local visitors, and employees of several office complexes. The proposed parking garage would be a public facility, with monthly contracts available. Therefore, parking patrons would likely include office employees from nearby office buildings during the day and most likely some limited parking spaces for the public in the evenings or on weekends.

In the proposal, the roadways adjacent to the Lot 808 would not be modified. The removal of existing surface facilities and its replacement with recreational open space would result in minimal change to traffic volumes, according to the Park Service. However, the proposed public parking in the underground garage would generate vehicles trips to and from the site. This would create an additional demand for daily and peak morning and afternoon hour roadway use in the area.

In the analysis submitted to staff, it has been determined that overall, the unsignalized intersections in the vicinity of project area (K Street at 30th, and 29th Streets) are expected to operate at acceptable levels of service (LOS A to D) with the traffic generated by the proposed garage combined with traffic generated by existing and future development in the area. However, the westbound approach to the intersection of 30th and K Streets (four-way stop) would operate at capacity (LOS E with a 47 second delay) during the peak morning volumes. This would create an 8.9 second (or 23 percent) increase in the delay in 2005. The loss of operating capacity does not include the garage which is estimated to contribute 38 vehicles. This number of automobiles is approximately a five percent increase in the projected 748 vehicles traveling westbound. However, the increase in delays from this direction is more a function of the existing conditions of the intersection operating near capacity than the 38 additional vehicles going to the garage (Grove/Slade Associates, May 2004). Consequently, staff finds the garage, as an added feature does not significantly detract from the vicinity either in terms of traffic generated, or in its overall function. Its placement does not detract visually from the park plan

and produces an implementing strategy to construct and open a section of park property, which will be available to public in contrast to the Coal and Ash House site's current situation.

Because the park's design features at this point are only general in nature, the staff recommends the Commission request the Park Service to submit a detailed preliminary site development design once exact programming and design of the underground parking structure is firmly established. The Park's exterior spaces, proposed sidewalk paving materials, selection of plant materials, and circulation connections should also be presented in a preliminary site and building plan design along with any planned exterior lighting.

COORDINATION

The Coordinating Committee reviewed the concept design for the park at its meeting on November 10, 2004 and forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies participating.

In late October 2004, the District of Columbia Department of Transportation (DDOT) submitted a separate comment from the Director, Dan Tangherlini, indicating the Department's general support of the on the land transfer proposal subject to three provisions. Later, on November 9, 2004, DDOT modified its request to maintain only two stipulations which the Park Service has agreed to. The Park Service will develop covenants to be filed with the recorded plat that will implement the agreed upon stipulations between the NPS and the District Department of Transportation.

CONFORMANCE

Comprehensive Plan for the National Capital

Staff review finds the proposed land interest exchange is consistent with the goals and objectives of the Plan. The Plan notes "The shorelines and waterfronts of the Potomac and Anacostia Rivers within the District of Columbia should be publicly owned or accessible".

The following polices adopted by the Commission within the Federal Parks and Open Space Element, in August 2004, indicate federal actions should conform to the following principles regarding waterfront park resources:

26. Link open space along the waterfront to provide a continuous public open space system.
29. Complete the waterfront parks in Georgetown and Alexandria.

Staff has determined that the proposal would not have an adverse effect on other federal facilities or federal interests.

Master Plan

The Commission approved a revised master plan for the Georgetown Waterfront Park in September 2003. Prior to that, the Commission has fully supported development of the Park in

several actions throughout the last twenty years. On May 23, 1985, the Commission took responsibility for the scope and content of the Environmental Assessment for the Proposed Park Boundary, produced by the National Park Service. Furthermore, the Commission approved the transfer of jurisdiction over the area of the proposed park from the District of Columbia to the National Park Service for park use involving Squares 1174 and Squares 1176 through 1179. Other portions of the park have subsequently been assembled by the Park Service and this latest land area continues that effort.

National Environmental Policy Act

Pursuant to the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA), the Commission staff has reviewed the submission and has found the proposal is consistent with the Commission's categorical exclusion requirements at Section 8 of the Commission's Environmental Procedures.

National Historic Preservation Act

The Park Service is finalizing its Section 106 responsibilities for the land interest exchange, determining that the implementation of the action would have no adverse effect on the historic or architectural character of the waterfront area, with the exception of the Coal and Ash House demolition. Although the Coal and Ash House is not listed in the National Register as contributing to the significance of the Georgetown Historic District, its age and relationship to the West Heat Plant make it potentially eligible for listing.

The District of Columbia State Historic Preservation Officer (DC SHPO) has stated its interest in having the Coal and Ash House documented prior to its demolition. Both NPS and Harbourside have agreed to document the property in accordance with the DC SHPO's requirements, and will provide additional documentation and a photographic record to achieve that end. The DC SHPO provided a response letter on October 26, 2004 accepting that the Coal and Ash House, designed by Gilbert Stanley Underwood, and its functional association with the West Heat Plant will be properly documented prior to its demolition. If historic archaeological remains are encountered on the site during ground disturbing activities, construction will be halted and the appropriate archaeological studies completed.

Federal Capital Improvements Program

In the Commission's FCIP report, fiscal years 2003-2008, the Commission recommended the Georgetown Waterfront Park for future programming. A portion of the project is included in the Federal Capital Improvements Program (FCIP) fiscal years 2001-2005, adopted by the Commission on August 3, 2000. Those costs are associated with restoration of canal and seawall areas and are estimated at approximately \$1.7 million.

The need for funding of the overall GWP has been identified by the Commission since 1981. In recent years a public/private cooperative venture has been undertaken by stakeholder interests and the National Park Service to raise sufficient private funding for the Park.