

**DEPARTMENT OF LABOR FRANCES C. PERKINS BUILDING
PLAYGROUND AND SCULPTURE RELOCATION
200 Constitution Avenue, NW
Washington, D.C.**

Delegated Action of the Executive Director

Pursuant to delegations of authority adopted by the Commission on October 3, 1996 and 40 U.S.C. § 8722(b)(1) and (d), I approve the preliminary and final site development plans to relocate the childcare playground and the sculpture by Tony Smith at the Frances C. Perkins Headquarters building of the Department of Labor, as depicted on NCPC Map File No. 21.00(38.00)-42235.

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The General Services Administration (GSA) has submitted preliminary and final site development plans to relocate the playground from its location above the 3rd Street Tunnel (Interstate Route 295) near its entrance and adjacent to the District's Homeless Shelter to the east terrace facing 2nd and C Streets. Plans also show relocation of the Tony Smith Sculpture, titled "She Who Must be Obeyed", from the east terrace to the southern portion of the buildings' west lawn.

In the playground's current location at the street level, noise from the tunnel, as well as safety of the children, are concerns. Moving the playground to the east terrace will raise it above the street level noise and will remove it from easy public view and close proximity of passersby. The playground will be fenced by a guardrail with vertical rails. Conversely, in its present location on the terrace, the sculpture is not afforded full view or access from the public realm, although the top of it is visible from street level. The southern portion of the building's west lawn is also faced by the District's Municipal Building. The lawn location overlooked by two public buildings will provide adequate open space and will allow the public to experience it. The restored and conserved sculpture will also serve as an opposing anchor to the existing representational sculpture of a figure on a pedestal by Albert Pike at the north end of the lawn. Staff supports both relocations, noting that each will result in significant qualitative benefits to the building's various occupants as well as to pedestrians using the lawn space between the two buildings.

On May 17, 2007, the Commission of Fine Arts recommended that the playground equipment colors be selected from the "nature" color scheme, featuring green and tan materials that GSA presented to them. Staff notes that playground equipment will be visible through the fence from the public realm.

The applicant has determined that the project is categorically excluded under the National Environmental Policy Act (NEPA) and GSA's Category B for expansion or improvement of an existing facility, believing that the site development project would benefit land use and the environmental resources of the building site. NCPC has reviewed the proposed action under NEPA and determined that it adheres to the Categorical Exclusion requirements under §8(C)(2) and §8(C)(21) of NCPC's Environmental and Historic Preservation Policies and Procedures.

GSA has previously determined under Section 106 of the National Historic Preservation Act that The Frances C. Perkins Headquarters building was built in the early 1970s and is not eligible for listing in the National Register of Historic Places. No further Section 106 review is required. The Coordinating Committee reviewed the proposal on June 13, 2007, and forwarded the proposal to the Commission with the statement that the project has been coordinated with all participating agencies.

Patricia E. Gallagher, AICP
Executive Director