

STAFF RECOMMENDATION

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NCPC File No. 6863



MEMORIAL TO VICTIMS OF THE UKRAINIAN MANMADE FAMINE OF 1932-33

Reservation 196

New Jersey Avenue, 1st, E and F Streets, NW
Washington, DC

Submitted by the National Park Service

September 25, 2008

Abstract

The National Park Service (NPS), on behalf of the Government of Ukraine has submitted a request for site approval for the Memorial to Victims of the Ukrainian Manmade Famine of 1932-1933. The National Park Service's preferred site, Reservation 196, occupies approximately 3800 square feet of federally owned land and is at the intersection of New Jersey Avenue and 1st Street, NW between E and F Streets. Reservation 196 is identified as site #98 in The Memorials and Museums Master Plan. An alternative site, Reservation 78, is 3100 square feet of federally owned land one block west of Union Station at the intersection of North Capitol Street, Massachusetts Avenue and F Street, NW. The Memorial to Victims of the Ukrainian Manmade Famine is authorized by Public Law 109-340.

The National Capital Memorial Advisory Commission (NCMAC), which advises the Department of the Interior on site selection, approved moving Reservation 196 and the alternative, Reservation 78, forward for review by NCPC and the Commission of Fine Arts (CFA). The NPS has developed an Environmental Assessment, which studies both sites as well as a no-action alternative. CFA approved the alternative site, Reservation 78, on September 18, 2008.

Commission Action Requested by Applicant

Approval of site selection pursuant to Public Law 109-340, and the Commemorative Works Act (40 U.S.C. 8905).

Executive Director's Recommendation

The Commission:

Approves the National Park Service's preferred site, Reservation 196, as shown in Map File Number 1.11 (73.10) 42596, for the Memorial to Victims of the Ukrainian Manmade Famine, contingent upon the applicant's adherence to the following measures outlined as mitigation in the Executive Director's Finding of No Significant Impact for the site selection:

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.

Notes that the Executive Director has issued a Finding of No Significant Impact (FONSI) for the site selection subject to the development and implementation of appropriate mitigation measures outlined above and continuance of the Section 106 consultation process.

Requests that the applicant consult with NCPC during pre-design and subsequent design phases.

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PROJECT DESCRIPTION

Executive Summary

The applicant has submitted a request for approval of site selection for the Memorial to Victims of the Ukrainian Manmade Famine, pursuant to Public Law 109-340 and the Commemorative Works Act (40 U.S.C. 8905).

Although the design has yet to be developed, based on information in the EA, the proposed memorial is anticipated to be a “small-scale element, such as a figurative sculpture...” and “would include typical features such as an abstract or allegorical element in a landscaped setting (page 2-6).

Staff assessed the merits of constructing this memorial project at both sites. And while there are different opportunities at each, on balance staff recommends that the Commission approve the National Park Service’s preferred site, Reservation 196. The approval is subject to requirements outlined in the mitigation guidelines in the FONSI (attached).

Background

Public Law 109-340, signed in 2006, authorized the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932-1933. 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.

NPS identified for the Government of Ukraine a range of potential sites within the environs of the Nation’s Capital. After an initial survey of possible locations, the Government of Ukraine evaluated 24 sites based on the following criteria:

- I. Sites should be easily accessible and highly visible to the public;
- II. Sites should not be in a predominately residential area due to the lack of connection between the subject matter and the neighborhood;
- III. The size and location should be appropriate for the subject matter; and
- IV. The site should not be located in proximity to an area predominantly used for entertainment purposes.

During two separate meetings of the NCMAC, the applicant focused on several sites of interest, including:

- Reservation 30, at Pennsylvania Avenue and 18th Street (Edward R. Murrow Park);
- Reservation 78, at Massachusetts Avenue and F Street, NW;
- Reservation 82, at Massachusetts Avenue and 2nd Street, NE;

- Reservation 172, at New York Avenue and 13th Street, NW;
- Reservation 173, at New York Avenue and 12th Street, NW;
- Reservation 714, at E Street and 18th Street, NW (Walt Whitman Park);
- Reservation 727, Louisiana Avenue and 1st Street, NW.

The NCMAC rejected the sites above because:

- I. The sites were too prominent and would be more appropriate for an American event or purpose (Reservations 30, 82, 172, 714, 727);
- II. The goals for the neighborhood surrounding the site(s) would be incompatible with the memorial's purpose (Reservation 172, 173);
- III. The site was too large (Reservation 714).

Members of the NCMAC requested that the applicant consider the following:

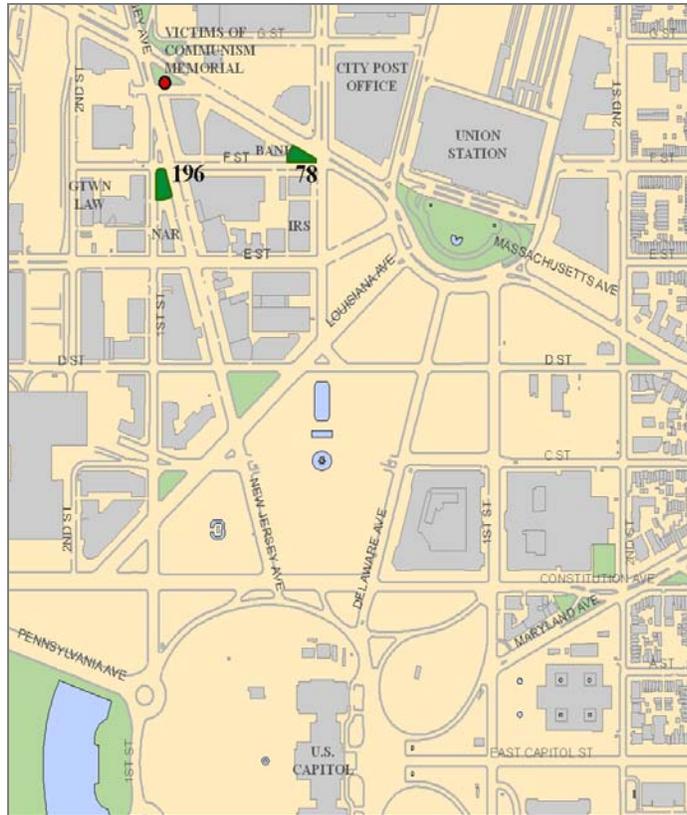
- Co-location with the Taras Shevchenko (the Ukrainian poet) site at P Street and 22nd Street, NW;
- Reservation 195, at New Jersey Avenue and G Street, NW;
- Reservation 77A, at New Jersey Avenue and G Street, NW.

The Government of Ukraine rejected the Taras Shevchenko co-location proposal because the memorial represented a joyful purpose, whereas the current proposal represented the opposite. Ukraine found that Reservations 195 and 77A were too remote and in an area that lacked visibility. The Government of the Ukraine documented their findings in two separate Site Selection Studies, of October 2007 and February 2008.

In a third site study of July 2008, the Government of Ukraine proposed four sites: Reservations 727, 173, 78, and 196. According to representatives from the Ukrainian Embassy, any of the four sites would be supported by the Government of Ukraine. On July 9, 2008, the NCMAC voted to move two of these sites forward to NCPC and CFA for approval: the NPS' preferred site, Reservation 196, and an alternative, Reservation 78. Reservation 196 is identified as one of two sites that make up Site #98 in NCPC's Memorials and Museums Master Plan (the Memorial to Victims of Communism is located on the other site).

The NPS completed an Environmental Assessment (EA) for the site selection phase of the Memorial and circulated the EA for 30 days for public comment. In the EA, the NPS considered three alternatives: Reservation 196, Reservation 78, and a no action alternative.

The NPS is serving as the lead federal agency for the Section 106 review. NPS held a 106 consultation meeting and site visit on August 18, 2008. Attendees included staff from CFA, the District of Columbia State Historic Preservation Officer (SHPO), the National Association of Realtors, NCPC and EDAW, the consulting firm assisting the Government of Ukraine with the project. The public was also invited to the meeting. Nancy Rosen, President of the Capitol Plaza Tenants' Association, attended.



Sites and Vicinity of Reservation 196 and 78

Description of Sites and Vicinity

Reservation 196

The NPS' preferred site, Reservation 196, is an approximately 3800 square-foot (sf) triangular park located 4 blocks north of the U.S. Capitol in northwest Washington, DC. It is bounded on the south by the National Association of Realtors (NAR) headquarters building, on the east by New Jersey Avenue, on the west by 1st Street, and on the north by F Street. The site was designated as one of two small parcels that comprise Site #98 in the Memorials and Museums Master Plan (the other parcel is now occupied by the Memorial to Victims of Communism). The NPS owns the site, however it has been improved by and is currently maintained by the NAR. Following an action by the Board of Zoning Adjustment where additional FAR was granted, NPS and NAR entered into an agreement whereby NAR was authorized to prepare a design concept, improve and maintain the site in perpetuity. The contract, signed October 28, 2003, anticipates for the future establishment of a memorial and notes 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.

The site's most prominent feature is a large, mature oak tree located at the south end and a garden, including flowers and shrubs on the remainder of the site. Access to the site is limited by an approximately two-foot tall, black iron fence, installed by the NAR.

The general area surrounding Reservation 196 is characterized by office, government, institutional, educational and some limited residential uses. Several hotels are in the immediate

vicinity. To the immediate south of the Reservation is a restaurant and coffee shop, housed in the NAR building, and an outdoor seating area and water feature, installed by NAR and designed by Oehme, van Sweden and Associates, a notable landscape architecture firm.



Reservation 196 sightlines

Georgetown University Law Center is across the street from the site to the west. One homeless shelter is located in the immediate vicinity and another is planned nearby. Reservation 196 is one block south of the Memorial to the Victims of Communism.

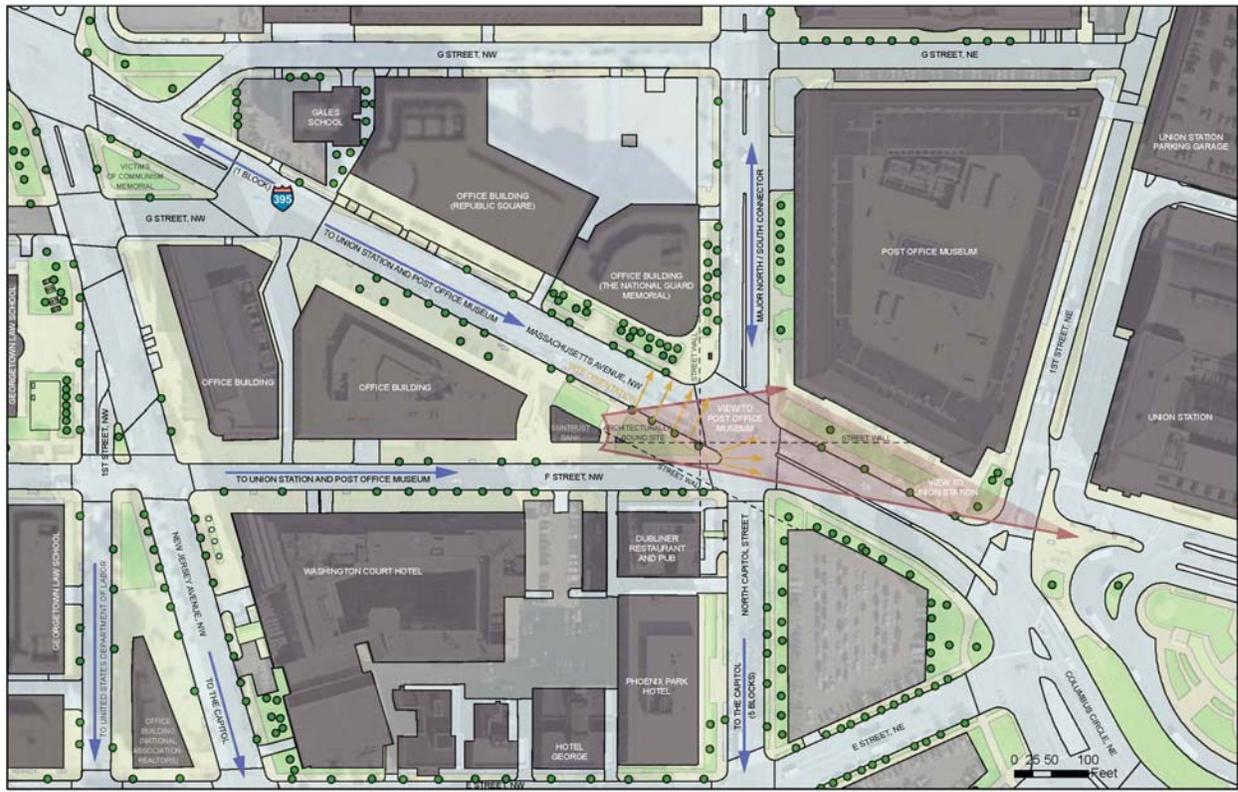
The site is positioned at the end of significant view corridors in Washington. Visitors standing at its apex are afforded strong views of the U.S. Capitol looking south along New Jersey Avenue and views of Union Station and the Post Office Museum looking east to F Street. New Jersey Avenue, NW, runs northwest/southeast in a 160 foot right of way that terminates at the U.S. Capitol.

Reservation 78

The alternative site, Reservation 78, is an approximately 3100 square foot triangular site located one block west of Union Station and five blocks north of the U.S. Capitol. The site is bounded on the south by F Street, on the north by Massachusetts Avenue, on the West by a small historic building and on the east by North Capitol Street. The site is owned and managed by the NPS and is maintained as a flat grassy area, defined by a brick paved walkway on its north and south sides and a sidewalk on its western edge. The edges of the site are defined by rolled concrete curbing.

The general area surrounding Reservation 78 is characterized by office, government, institutional and some limited residential uses. The Postal Museum is across the street from the site and Union Station is one block east. Several hotels are in the immediate vicinity and two bars, with

outdoor seating areas, are located directly across the street from the site to the south. Reservation 78 is one block southeast of the Memorial to Victims of Communism.



Reservation 78 sightlines

The small historic building, currently leased as a SunTrust bank and located to the west of the Reservation, is a defining element for the site. The structure, designed by William Van Alen in 1927, was originally a Childs' Restaurant. This open and visible site is situated in a busy and highly trafficked area that serves as a transition point between east and west Washington, DC.

Memorial Design

Although the proposed memorial has not yet been designed, based on the EA and preliminary discussions with the applicant, it is anticipated that the commemoration of this event will consist of a small-scale element such as a sculpture. According to the Government of the Ukraine, it might include typical memorial features such as an abstract element in a landscaped setting.

Existing Memorials to Ukrainian Manmade Famine



Examples of Memorials to Ukrainian Manmade Famine in the Ukraine



Examples of Memorials to Ukrainian Manmade Famine in Canada

Evaluation of Sites

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 here reflects a strong thematic relationship to the Ukrainian famine of 1932-1933. Both proposed sites are in the general vicinity of the Memorial to Victims of Communism.

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, Kahlil Gibran and Thomas Masaryk. The Victims of Communism memorial may also be included in the list of commemorations with international elements. 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 more appropriate for a future commemoration that has broad, strong relationships to the area or to national history.



Views of Reservation 78, facing west between F Street (left) and Massachusetts Avenue, NW (right)

It is reasonable to assume that, given the specific nature of this proposal, similar thematic contradictions will exist in other areas of Washington, DC, with the exception of a co-location with Taras Shevchenko, which the Government of the Ukraine did not support, or location near or within the Ukrainian Embassy. Other criteria must also be considered to determine which site is most appropriate for the memorial. Based on the Environmental Assessment, Section 106 consultation and comments received, the potential impacts associated with the applicant’s preferred site, Reservation 196, can likely be addressed through mitigation measures in the

design process. Reservation 78 may benefit from addition of a memorial, however, its open, exposed feel and position in a highly trafficked corridor will make it difficult to meet the applicant's goal to design a place for visitor contemplation. In addition, a design that strives to achieve a private space at this location may be developed to turn away from the 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).

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 that are appropriate to begin addressing at the site selection stage. Although Reservation 78 may be improved by a memorial, the impacts of planning a memorial on this site would be more difficult to mitigate and staff recommends that on balance, Reservation 196 would be a better choice.

The issue of long-term maintenance should be addressed for either site as the design proceeds.

Reservation 196

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

Based on the District Elements of the Comprehensive Plan (see Central Washington Area Section) and NCPC staff preliminary assessment of the neighborhood, this small nucleus of activity (including Reservation 196) offers residents, visitors and employees a unique amenity for the neighborhood, which generally lacks this type of quality public space.

With the construction of new office buildings, the area around 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 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). The small nucleus of activity that includes Reservation 196 is an exception. A memorial could negatively impact the Reservation and the surrounding area unless the design successfully relates to its surroundings and supports the limited existing area amenities.



Views of Reservation 196 facing North, including public areas

Preservation of the oak tree is critical to the continued 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. Where possible, NCPC supports the conservation of trees and other vegetation, as outlined in the Federal Elements of the Comprehensive Plan (see *Federal Elements of the Comprehensive Plan*, Parks and Open Space Plan for maintenance and conservation of trees and vegetation, page 104). Retention of the flowers, plantings and other vegetation is also important for the success of the site and of the area where there are few gardens and active public spaces. The plantings and lack of hardscape also limit the impact on the oak tree's root system and provides enjoyment for workers, residents and passers-by.

The placement of the memorial within the site should support the continued success of the small public space to the south of the Reservation, which requires locating it at the far north end of the reservation. Finally, a memorial should not intensify the challenges that the neighborhood faces in accommodating homeless residents. The design of a memorial should respond to both the need for public access and address issues of homelessness raised by nearby residents (see Nancy Rosen's comment to the EA).

Staff recommends placing the memorial on Reservation 196 subject to mitigation that addresses comments received in the EA, including those from NCPC staff and from the NAR and the public. After considering all issues, including NPS' preferences, on balance, staff recommends supporting Reservation 196.



Views of Reservation 196 Facing South

The Executive Director has issued a Finding of No Significant Impact for the approval of Reservation 196 as the site for the Memorial to Ukrainian Victims of Manmade Famine contingent upon the applicant's adherence to the following measures outlined as mitigation during the design phase of the project:

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.



Views of Reservation 196, facing North

The Executive Director has issued a Finding of No Significant Impact for the approval of the alternative site, Reservation 78, as the site for the Memorial to Ukrainian Victims of Manmade Famine contingent upon the applicant's adherence to the following measures outlined as mitigation during the design phase of the project:

1. To protect park and visual resources and the socio-economic environment, 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 elements;
 - 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.



Views of Reservation 78 along Massachusetts Avenue

CONFORMANCE

Commemorative Works Act (CWA)

This project is being developed and reviewed under the Commemorative Works Act (40 USC § 8901 et seq.). The procedure that staff and Commission are using is fully consistent with that Act.

National Environmental Policy Act (NEPA)

The Commission's Environmental and Historic Preservation Policies and Procedures, adopted by the Commission in April 2004 after consultation with the President's Council on Environmental Quality (CEQ), require an environmental document (Environmental Assessment or Environmental Impact Statement) at the site selection stage and subsequent stages for all Commemorative Works. The National Park Service has submitted an EA to meet this requirement.

The National Park Service completed an Environmental Assessment (EA) for the site selection phase for the Memorial to Ukrainian Victims of Manmade Famine Memorial and circulated the EA for 30 days for public comment with an additional extension through September 8, 2008. In the EA, the Park Service considers three alternatives: two action alternatives, outlined above, and a no action alternative.

The EA has provided effective information to guide the staff in its review and development of recommendations for this Memorial location action. NCPC staff, in its independent review of the EA and comments received from NAR and the Capitol Plaza Residents Association, developed mitigation measures to address otherwise potentially significant impacts. The Executive Director has issued a FONSI with required mitigation.

Traffic Effects

Potential impacts on pedestrian and vehicle circulation due to visitation (including tour buses and special events) should continue to be studied through the design phases. Visitation to events in other cities where Ukrainian Famine memorials are located should also be taken into account. According to the EA, the potential for impacts to roadways and traffic is minimal.

Accommodation of Visitors

The site is located within an area well served by public transit including Metrorail and Metrobus, commuter and national rail lines, and tourist oriented shuttle buses such as the DC Circulator. Based on the EA, the applicant anticipates that visitation to the Memorial would come primarily from the visitors already in the area but that ridership on the transit systems in proximity to the site would not measurably increase over the long term, and that the existing parking supply will adequately meet demands of the Memorial. Visitation for special events should be studied more in the design phases.

National Historic Preservation Act (NHPA)

The National Park Service (NPS) is serving as the lead federal agency for the Section 106 review. NPS held a 106 consultation meeting and site visit on August 18, 2008. Attendees included staff from CFA, DC SHPO, NCPC, NAR and EDAW, the consulting firm assisting the Government of Ukraine with this project. The public was also invited to the meeting. Nancy Rosen, President of the Capitol Plaza Tenants' Association, also attended.

The DC SHPO has completed a preliminary analysis of Reservation 196 and 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 either site for this memorial proposal. The DC SHPO identified Reservation 196 and Reservation 78 as contributing elements of the L’Enfant Plan 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 both sites have undisturbed soil profiles and may have potential for prehistoric and historic archaeological deposits. Thus, if either site is selected as the site for this memorial project, the DC SHPO requests that NPS 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.

Comprehensive Plan for the National Capital

The proposal and recommended process for consultation and design development are consistent with the Comprehensive Plan. The following policies apply:

Parks and Open Space Element

- Maintain small urban parks primarily as historic parks and designed landscapes with fountains, monuments, memorials, tree cover, and other features of civic art (Policy #2, Page 109).

- Site memorials in monumental designed landscape parks in compliance with the *Memorials and Museums Master Plan* (Policy #3, Page 109).

Preservation and Historic Features Element

- Express the dignity befitting the image of the federal government in the national capital. Federal development should adhere to the high aesthetic standards already established by the planning and design legacy of the nation's capital. (Policy #1, Page 161).
- Plan carefully for appropriate uses and compatible design in and near the monumental core to reinforce and enhance its special role in the image of the nation's capital. (Policy #2, Page 161).
- Protect and enhance the vistas and views, both natural and designed, that are an integral part of the national capital's image. (Policy #5, Page 161).
- Develop the monumental core in accordance with the principles of the *Legacy Plan* and the policies of the *Memorials and Museums Master Plan*. The National Mall's historic open space and monumental character should be respected and preserved for the benefit of future generations. (Policy #1, Page 166).
- Promote continuity in the historic design framework of the nation's capital by protecting and enhancing the elements, views, and principles of the L'Enfant Plan. (Policy #2, Page 166).
- Provide and maintain street trees to help frame axial views and reinforce the historic green character of the nation's capital. (Policy #14, Page 166).

CONSULTATION

Coordinating Committee

The Coordinating Committee reviewed the proposal on August 12, 2008. The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented. The participating agencies were: NCPC, the District of Columbia Office of Planning, the District Department of Transportation, the National Park Service and the General Services Administration.

Commission of Fine Arts

The Commission of Fine Arts (CFA) reviewed the site selection proposal at its September 18, 2008 Commission Meeting. The Commission approved the alternative site, Reservation 78. CFA staff participated in the August 18, 2008 consultation meeting.