



Executive Director's Recommendation

Commission Meeting: July 9, 2015

PROJECT

Closing of Maryland Avenue, SW, between 4th and 6th Streets, SW, adjacent to Square 492 and N-492 and transfer of jurisdiction of portions of Maryland Avenue, SW, Independence Avenue, SW, 4th Street, SW, and 6th Street, SW
Washington, DC

NCPC FILE NUMBER

7684

NCPC MAP FILE NUMBER

1.71(44.40)44166

APPLICANT'S REQUEST

Approval of comments to the Council of the District of Columbia and Approval of transfer of jurisdiction

SUBMITTED BY

District of Columbia Office of the Surveyor

PROPOSED ACTION

Approve with comments

REVIEW AUTHORITY

40 U.S.C. § 8124(a), D.C. Code § 10-111, and D.C. Code § 9-202.02

ACTION ITEM TYPE

Staff Presentation

PROJECT SUMMARY

The District of Columbia Office of the Surveyor has submitted a proposal to close a portion of Maryland Avenue, SW between 4th and 6th Streets. With the closure of Maryland Avenue, the federal street space would be transferred to the jurisdiction of the National Park Service. The National Park Service initiated the street closure in order to allow for the construction of the Dwight D. Eisenhower Memorial, authorized by P.L. 106-79, enacted October 25, 1999, as amended. The application also includes a request to transfer jurisdiction of sidewalk spaces along Independence Avenue, 4th Street, and 6th Street to the National Park Service to create a unified site for the memorial that will be managed by the National Park Service.

KEY INFORMATION

- Maryland Avenue, SW between 4th and 6th Streets is proposed to be closed to allow for construction of the Dwight D. Eisenhower Memorial
 - Application includes transfer of jurisdiction of sidewalk spaces along Independence Avenue, SW, 4th Street, SW, and 6th Street, SW
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RECOMMENDATION

The Commission:

- **Approves** the transfer of jurisdiction of a portion of Maryland Avenue between 4th and 6th Streets, SW along with portions of 4th Street, 6th Street, and Independence Avenue, SW to

the National Park Service in order to create a unified site for the Dwight D. Eisenhower Memorial.

Advises the Council of the District of Columbia regarding the proposed street closure of Maryland Avenue:

- The proposal to close a portion of Maryland Avenue, SW between 4th and 6th Street, SW would result in adverse effects on the L'Enfant Plan and is inconsistent with policies in the Federal Elements of the *Comprehensive Plan for the National Capital*.
- The adverse effects on the L'Enfant Plan associated with the closure of Maryland Avenue between 4th and 6th Streets, SW were addressed through consultation under Section 106 of the National Historic Preservation Act for the Dwight D. Eisenhower Memorial. In 2012, the National Park Service, the National Capital Planning Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement that detailed mitigation measures to address the adverse effects.
- The proposal to close Maryland Avenue, SW between 4th and 6th Streets, SW should only take effect if the National Park Service issues a permit to construct the Dwight D. Eisenhower Memorial.

PROJECT REVIEW TIMELINE

Previous actions	None
Remaining actions (anticipated)	None

Prepared by J. Hirsch
June 30, 2015

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I. PROJECT DESCRIPTION

Site

The portion of Maryland Avenue, SW to be closed is located between 4th and 6th Streets, SW. Federal property in the immediate vicinity includes the National Mall, the Lyndon B. Johnson Department of Education Building, Wilbur J. Cohen Building, Wilbur Wright Building, and several properties of the Smithsonian Institution (Hirshhorn Museum, National Air and Space Museum, and the National Museum of the American Indian).



Figure 1: Project Location

Background

The District of Columbia Office of the Surveyor, pursuant to D.C. Code § 9-202.02, has referred the proposed closing of Maryland Avenue, SW between 4th and 6th Street, SW to the Commission for comment. With the closure of Maryland Avenue, the federal street space would be transferred to the jurisdiction of the National Park Service. The National Park Service initiated the street closure in order to allow for the construction of the Dwight D. Eisenhower Memorial, authorized by P.L. 106-79, enacted October 25, 1999, as amended. The application also includes a request to transfer jurisdiction of sidewalk spaces along Independence Avenue, 4th Street, and 6th Street to the National Park Service to create a unified site for the memorial that will be managed by the National Park Service.

The Commission approved the revised preliminary plans for the Dwight D. Eisenhower Memorial in October 2014. The overarching design concept of the memorial is based upon the notion of a commemorative object within a temple, similar to how the Lincoln Memorial is organized. The memorial has been designed as a layered experience that transitions visitors through a series of defined spaces that move from the busy urban surroundings, through active and passive park spaces, and finally into an intimate commemorative core where the story of President Eisenhower unfolds. A centrally located memorial core containing limestone bas-relief blocks, free-standing bronze sculpture, and quotations will commemorate Dwight D. Eisenhower's legacy and his role

in American history as a Military General and as President of the United States. As a backdrop to the core, a large-scale stainless steel tapestry, supported by a monumental colonnade, is proposed along the southern edge of the site. Imagery on the tapestry will reflect the American Landscape and Abilene, Kansas, Eisenhower's hometown. The landscape design of the memorial reinforces the tapestry imagery through plant materials that are characteristic of the Kansas plains. The memorial ground plane includes groomed lawn along the historic Maryland Avenue cartway, and slightly taller grasses throughout the rest of site. Several types of canopy and understory trees are arranged in clusters throughout the site to frame the Maryland Avenue viewshed and views of the memorial core and tapestry.

Proposal

The National Park Service proposes to close and utilize Maryland Avenue, SW between 4th and 6th Streets, SW to construct the Dwight D. Eisenhower Memorial. The National Park Service has requested that the street space be transferred to their jurisdiction along with portions of the sidewalks along Independence Avenue, SW 4th Street, SW, and 6th Street, SW. The closure of the street and associated transfers of jurisdiction will create a unified site for the construction of the memorial. The National Park Service also submitted the final site and buildings plans for the memorial for the Commission's action at the July 9, 2015 meeting.

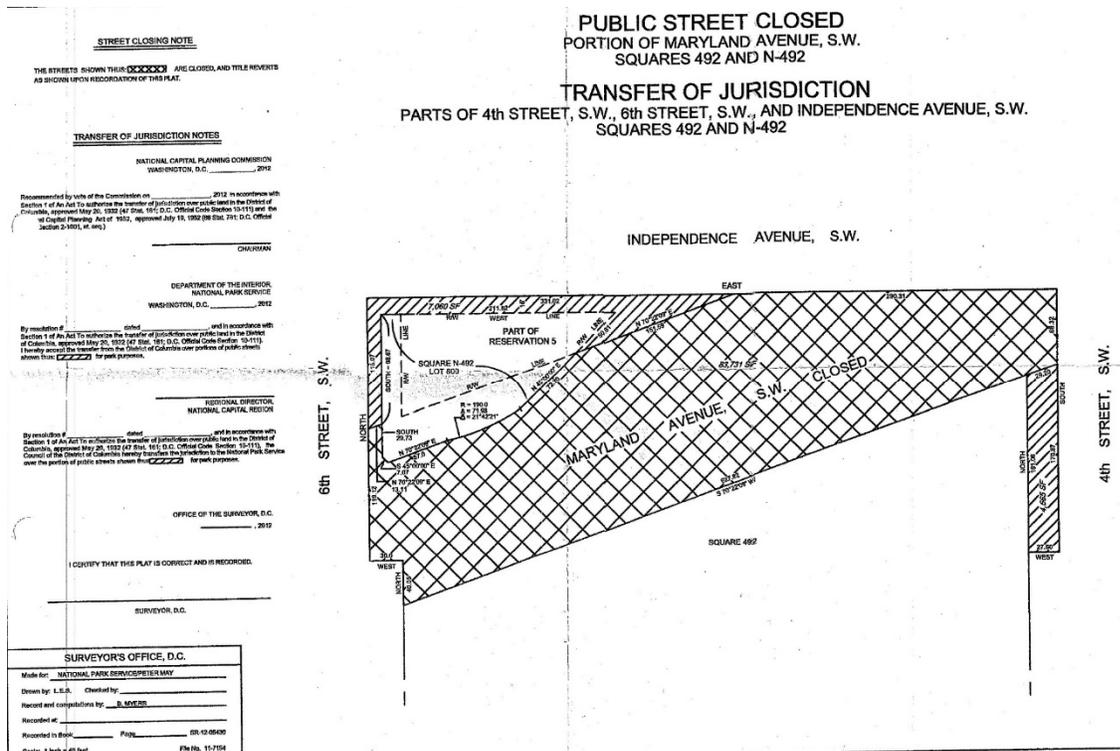


Figure 2: Proposed street closures

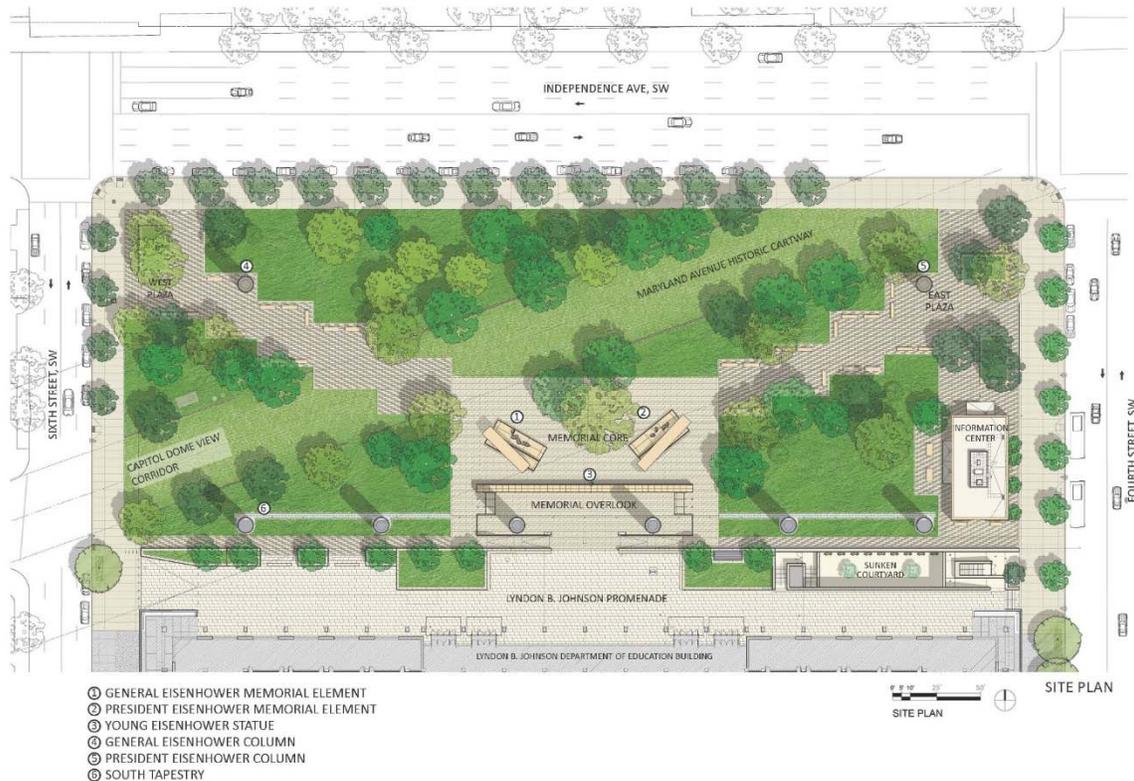


Figure 3: Proposed site plan of the Dwight D. Eisenhower Memorial

II. PROJECT ANALYSIS/CONFORMANCE

Executive Summary

Staff supports the transfer of jurisdiction of sidewalk space along Independence Avenue, SW, 4th Street, SW, and 6th Street, SW to create a unified site for the construction of the Dwight D. Eisenhower Memorial. Transferring jurisdiction to the National Park Service will allow one federal agency to manage the maintenance and operations of the memorial once it is constructed. Staff recommends that the Commission **approve the transfer of jurisdiction for a portion of Maryland Avenue between 4th and 6th Streets, SW along with portions of 4th Street, 6th Street, and Independence Avenue, SW to the National Park Service in order to create a unified site for the Dwight D. Eisenhower Memorial.**

Staff's analysis of the proposed street closing focused on historic preservation issues and impacts to the L'Enfant Plan, a structure listed in the National Register of Historic Places. The Preservation and Historic Features Element of the *Comprehensive Plan for the National Capital* contains a section of policies aimed at protecting the historic plan of Washington. While the street closure is

needed to construct the Dwight D. Eisenhower Memorial which will provide public benefits and memorialize the 34th President of the United States, there will be an adverse effect on the L'Enfant Plan and the street closure is not consistent with policies in the Federal Elements of the *Comprehensive Plan for the National Capital*.

Analysis

The 1791 L'Enfant Plan and the 1901 McMillan Plan established an urban design framework for the capital city that remains one of the world's great examples of urban planning. Collectively, these plans are known as the Plan of the City of Washington and the planning principles remain intact and continue to influence the design of public spaces in Washington today. One of the Commission's chief responsibilities is to protect and enhance the historic street plan of Washington as exemplified by policies in the Federal Elements of the *Comprehensive Plan for the National Capital*.

The L'Enfant Plan established the basic framework for the city by creating a regular orthogonal grid divided into four quadrants, with the U.S. Capitol occupying the center point. A series of diagonal avenues were superimposed on the orthogonal grid, thereby creating a system of open space and parks where the two intersected. Large open areas were created at the intersection of avenues and smaller open spaces were created when streets and avenues intersected. The open space and vistas that were established by this framework are as integral to the design of the City as the street network and configuration. In addition, the width and openness of the streets constitute public space that defines the character of the city. The system of streets provided an ordered framework for the development of the city, the character of the open space in the city, and visual as well as physical connections through the creation of vistas along street rights-of-way. Maryland Avenue, as one of the diagonal avenues and as a mirror image of Pennsylvania Avenue is a key organizing element of the L'Enfant Plan. Similar to Pennsylvania Avenue, Maryland Avenue, SW terminates with a vista of the U.S. Capitol.

With the closure a portion of Maryland Avenue and the construction of the Dwight D. Eisenhower Memorial, elements (80 foot tall columns) would be placed in the historic 160 foot right-of-way. Placement of these elements would alter the openness of the right-of-way and also modify the view corridor towards the U.S. Capitol. Therefore, while necessary to allow for the construction of the Dwight D. Eisenhower Memorial, **the closure of Maryland Avenue would constitute an adverse effect on the L'Enfant Plan and is inconsistent with policies in the Federal Elements of the *Comprehensive Plan for the National Capital*.**

The adverse effects associated with the closure of Maryland Avenue have been discussed through the consultation under Section 106 of the National Historic Preservation Act. While the adverse effects on the L'Enfant Plan have not been eliminated, they have been minimized by modifications to the design of the memorial. Through the consultation process, the National Park Service, the Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission agreed to mitigation measures to address the adverse effects on the L'Enfant Plan. Several mitigation measures were identified, and specific to the adverse effects on the L'Enfant Plan was a stipulation to update to

the National Historic Landmark nomination for the Plan of the City of Washington. Staff recommends that the Commission comment that **the adverse effects on the L'Enfant Plan associated with the closure of Maryland Avenue between 4th and 6th Streets, SW were addressed through consultation under Section 106 of the National Historic Preservation Act for the Dwight D. Eisenhower Memorial. In 2012, the National Park Service, the National Capital Planning Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement that detailed mitigation measures to address the adverse effects.**

Following the Commission's action on the street closure and the final design of the memorial, the National Park Service is required to issue a construction permit once the memorial sponsor, the Eisenhower Memorial Commission, has satisfied specific criteria of the Commemorative Works Act. Staff is recommending that the Commission comment that **the proposal to close Maryland Avenue, SW between 4th and 6th Streets, SW should only take effect if the National Park Service issues a permit to construct the Dwight D. Eisenhower Memorial.**

Previous Commission Actions on L'Enfant Plan Street Closures

Previous Commission actions related to street closures include actions for the construction of the Washington Nationals Baseball stadium, the Washington Convention Center, the Verizon Center, and the proposed soccer stadium. Staff's recommendation regarding the closure of Maryland Avenue is consistent with past Commission actions on street closures. In all of these cases, the Commission commented that street closures would be an adverse effect on the L'Enfant Plan and that the closure was inconsistent with policies in the Federal Elements of the *Comprehensive Plan for the National Capital*.

Comprehensive Plan for the National Capital

The proposed street closure is inconsistent with policies in the Federal Elements of the *Comprehensive Plan for the National Capital*, in particular those policies contained in the Preservation and Historic Features Element. These policies encourage the federal government to preserve and protect historic properties while also accommodating new development that is respectful of the guiding principles of the L'Enfant and McMillan Plans.

Specific policies that the proposed street closure is in conflict with include the following:

- 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. Both the federal and the District of Columbia governments should adhere to these principles in any improvements or alterations to the historic framework.
- Preserve the historic street rights-of-way and reservations that contribute to the significant system of open space forming the urban design framework of the nation's capital.
- Protect and control the visual and functional qualities of L'Enfant rights-of-way.
- Protect the open space of the L'Enfant streets. The exceptional width and openness of the street rights-of-way constitutes public space that helps to define the character of the city.

- Protect the integrity, form, and design of the L'Enfant Plan's system of streets and reservations from inappropriate new buildings and physical incursions.
- Protect the historic importance and function of the streets as vehicular thoroughfares and avoid inappropriate traffic channelization that obscures the character of the right-of-way.

Policies in the Preservation and Historic Features Element discourage the closure of L'Enfant streets as it disrupts the urban design framework of the city plan and also negatively impacts the transportation network. Recognizing the detrimental impact that street closures can create, policies in the Federal Elements of the *Comprehensive Plan for the National Capital* advocate re-establishing streets and reservations that have been "...inappropriately disrupted or closed to their original right-of-way or configuration". As a result of the street closure, and the construction of the Dwight D. Eisenhower Memorial, 80 foot tall columns would be placed in the historic right-of-way, altering the openness of the right-of-way and modifying the view corridor to the U.S. Capitol. In addition, the street closure would disrupt the street network and vehicular travel. Therefore, the proposed street closures are in are inconsistent with policies in the Federal Elements of the *Comprehensive Plan for the National Capital*.

Memorials and Museums Master Plan

NCPC's *Memorials and Museums Master Plan* identified the intersection of Maryland Avenue and Independence Avenue as prime site for a memorial. The visibility of the site and its location adjacent to the National Air and Space Museum and other attractions such as the National Museum of the American Indian make it an ideal location that will draw visitors. The *Memorials and Museums Master Plan* noted that a memorial should take advantage of the site's location adjacent to two special streets (Maryland Avenue and Independence Avenue) and the association with the Lyndon B. Johnson Department of Education Building. In addition, the plan noted that the design of a memorial should allow for public gatherings while also providing space for commemorative reflection.

National Environmental Policy Act (NEPA)

NPS and NCPC both have a responsibility to comply with the National Environmental Policy Act (NEPA) for the Dwight D. Eisenhower Memorial including the transfer of jurisdiction of sidewalk space along Independence Avenue, SW, 4th Street, SW, and 6th Street, SW. The Environmental Assessment prepared on the Dwight D. Eisenhower Memorial included an analysis of three action alternatives and a no action alternative. The EA included an analysis of the transfer of jurisdiction of the sidewalk spaces. NPS was the lead federal agency for the EA and NCPC was a cooperating agency. On March 6, 2012, NPS issued a Finding of No Significant Impact for implementation of Alternative #3, Maryland Park/Tapestry alternative which included any transfer of jurisdictions required. NCPC with its preliminary approval of the memorial in October 2014 found that the design would not have a significant impact on the human environment. In making this finding, the Commission relied on both the EA prepared for the design of the memorial as well as the EA prepared at the time of site selection in 2006.

NCPC does not have a NEPA responsibility when providing comments on street closures.

National Historic Preservation Act (NHPA)

NPS and NCPC each have a responsibility to comply with the Section 106 the National Historic Preservation Act for the Dwight D. Eisenhower Memorial including the transfer of jurisdiction of the sidewalk spaces. As noted above, through the Section 106 consultation on the design of the memorial, NPS and NCPC identified adverse effects on the L'Enfant Plan. As a result of that consultation, consideration was given to the unification of several parcels to create a site for the memorial. To resolve adverse effects identified through the Section 106 consultation, the National Park Service, the Commission, the District of Columbia State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Eisenhower Memorial Commission executed a Memorandum of Agreement in 2012.

NCPC does not have a responsibility to comply with Section 106 of the National Historic Preservation Act when providing comments on street closures.

Pursuant to D.C. Code § 9-202.02, the Historic Preservation Review Board (HPRB) is required to review proposed street closings within the L'Enfant City. The proposed closure of Maryland Avenue was referred to HPRB. In 2012, HPRB did not object to the street closing and commented that though closure of Maryland Avenue would be a significant alteration to the L'Enfant Plan, it was necessary to facilitate the construction of the Eisenhower Memorial.

III. CONSULTATION

Coordinating Committee

The Committee forwarded the proposed transfer of jurisdiction and the street closing to the Commission with the statement that the projects have been coordinated with all participating agencies. The participating agencies were: NCPC; the District of Columbia Office of Planning; the District of Columbia State Historic Preservation Office, the District Department of Transportation; the General Services Administration; the National Park Service; and the Washington Metropolitan Area Transit Authority.