



Executive Director's Recommendation

Commission Meeting: July 9, 2015

PROJECT Transfer of Jurisdiction U.S. Reservation 546 Bounded by 6th Street, and Constitution and Pennsylvania Avenues, NW Washington, DC	NCPC FILE NUMBER 7685
SUBMITTED BY United States Department of the Interior National Park Service	NCPC MAP FILE NUMBER 1.24(63.00)44168
REVIEW AUTHORITY Approval per 40 U.S.C. § 8124(a)	APPLICANT'S REQUEST Approval of transfer of jurisdiction
	PROPOSED ACTION Approve with comments
	ACTION ITEM TYPE Consent Calendar

PROJECT SUMMARY

The National Park Service (NPS) has requested approval of a transfer of jurisdiction of Reservation 546 to the National Gallery of Art (NGA). The Reservation is approximately 0.53 acres and is bounded by Constitution Avenue, NW, Pennsylvania Avenue, NW, and 6th Street, NW. The reservation is currently improved with the Andrew W. Mellon Memorial Fountain.

The proposed transfer of jurisdiction will formerly assign administrative jurisdiction to the NGA to allow for the NGA to make improvements and maintain the land. The Statement of Jurisdiction sets covenants regarding the NGA's administration of the land, including the requirement that it continue to maintain the property in a manner consistent with the standards for the Pennsylvania Avenue National Historic Site.

KEY INFORMATION

- NPS proposes to transfer jurisdiction U.S. Reservation 546 to NGA.
 - Reservation 546 is improved with the Andrew W. Mellon Fountain, which was authorized by Congress in 1947. The site was authorized for the memorial because of Andrew Mellon's ties to the National Gallery of Art, as its founder.
 - NGA intends to restore and repair the fountain to working order and to improve the landscaping around the fountain. Covenants require land to remain open space and landscaped in a manner consistent with standards for Pennsylvania Avenue National Historic Site and any improvements be consistent with the Secretary of Interior Standards for the Treatment of Historic Properties.
 - Reservation 546 is located within the Pennsylvania Avenue Plan, which was developed by the Pennsylvania Avenue Development Corporation in 1974 and is currently administered by the General Services Administration and NCPC.
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RECOMMENDATION

The Commission:

Approves the transfer of jurisdiction from the National Park Service to the National Gallery of Art for Reservation 546, which is the location of the Andrew W. Mellon Memorial Fountain, and is bound by Constitution Avenue, Pennsylvania Avenue, and 6th Street, NW.

Notes as stated in the Transfer of Jurisdiction and Declaration of Covenants documents, the National Gallery of Art intends to restore and repair the Mellon Fountain to working order and to improve the surrounding landscape and that this work will need: to be in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties; in compliance with Section 106 of the National Historic Preservation Act; and other legal requirements such as the National Environmental Policy Act.

Notes that in addition to requirements in the covenants, the National Gallery of Art will be required to submit any future projects on the site to the National Capital Planning Commission for approval and **requests** that the National Gallery of Art meet with NCPC staff soon on its proposed improvements to Reservation 546.

Notes that Reservation 546 is located within the area evaluated in the Pennsylvania Avenue Development Corporation (PADC)'s 1974 Pennsylvania Avenue Plan (the PADC Plan). As a result any future work at the site is required to meet the PADC Plan and go through an agency review pursuant to Public Law 104-134 and the associated Memorandum of Agreement among the General Services Administration, the National Park Service, and the National Capital Planning Commission.

PROJECT REVIEW TIMELINE

Previous actions	None
Remaining actions (anticipated)	None

Prepared by C. Kelly
July 1, 2015

I. PROJECT DESCRIPTION

Site and Proposal

The National Park Service (NPS) has submitted a proposed transfer of jurisdiction of Reservation 546 that includes the Andrew W. Mellon Memorial Fountain (Mellon Fountain), from the NPS to the National Gallery of Art (NGA). Reservation 546 is bounded by 6th Street and Constitution and Pennsylvania Avenues, NW and is approximately 0.53 acres.

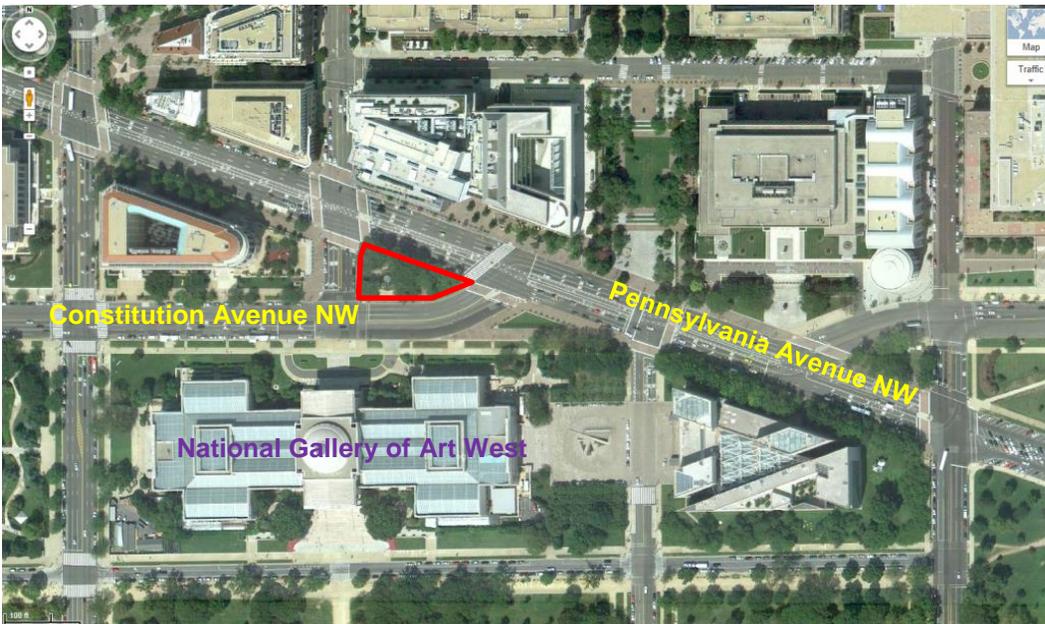


Figure 1: Project location

The memorial fountain to Andrew W. Mellon was authorized by Congress for the site in 1947 and was dedicated in 1952. The Mellon Fountain, was designed by Otto Eggers of Eggers and Higgins architectural firm. It consists of three tiers of bronze basins that sit on a granite base; surrounding the largest of the bronze basins are the signs of the zodiac that were designed by sculptor Sidney Waugh. Currently, the Mellon Fountain is not functioning. A granite bench is located on the west side of the Mellon Fountain and is dedicated to Andrew Mellon.



Figure 2: Andrew W. Mellon Fountain

The site was under the jurisdiction of the Pennsylvania Avenue Development Corporation (PADDC) from the 1970's to 1996, when the jurisdiction was given to the NPS. The sidewalks around the perimeter of the site, are consistent with Pennsylvania Avenue streetscape standards implemented by PADDC and include: pavers, lighting, and pedestrian amenities such as trash receptacles. Other improvements made by PADDC include a granite handicapped access ramp with a bronze handrails and additional landscaping.



Figure 3: Existing Conditions of Reservation 546

The transfer of jurisdiction will formerly assign administrative jurisdiction to the NGA in order to enhance operations and maintenance of the land, but the title of the land will remain vested with the United States. The Statement of Jurisdiction sets Covenants regarding the NGA's administration of the land, including the requirement that it continue to maintain the property and landscape it in a manner consistent with the standards for the Pennsylvania Avenue National Historic Site.

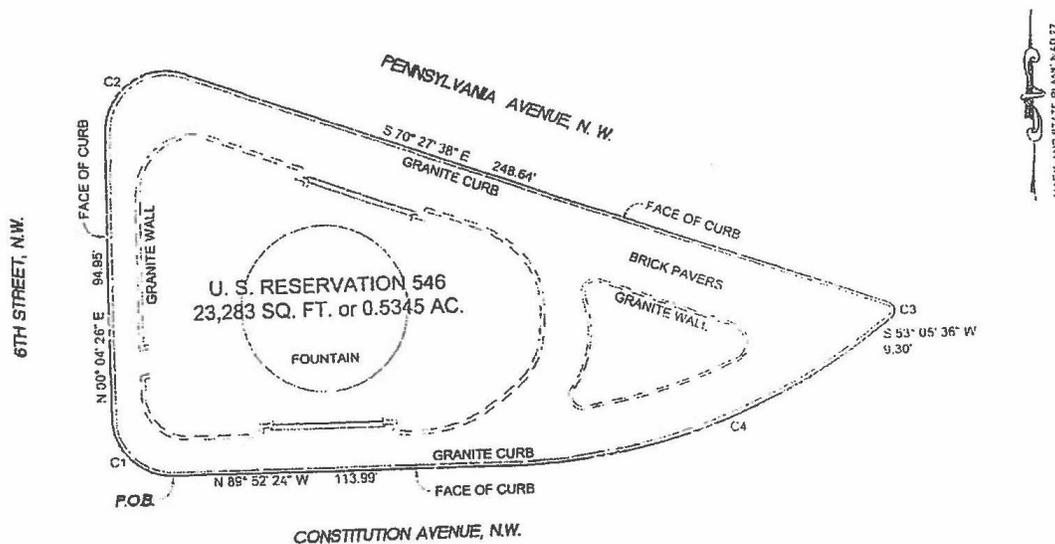


Figure 4: Survey of Reservation 54

II. PROJECT ANALYSIS/CONFORMANCE

Analysis

The transfer of jurisdiction will result in no changes in use of the site. The transfer of jurisdiction is an administrative action that will enhance maintenance and management of the site. The State of Jurisdiction includes covenants to protect the site as unimproved open space and landscape it in a manner consistent with the standards for the Pennsylvania Avenue National Historic Site. With these covenants in place, there will be no significant changes made to the site.

As noted in the Declaration of Covenants between NGA and NPS, it is the intention of NGA to restore and repair the Mellon Fountain to working order and to make improvements to the surrounding landscape. NGA has great ties to Andrew Mellon, as it was his gift of the art and funding that allowed for the creation of NGA. NGA anticipates completing the proposed work by 2017, the 80th anniversary of NGA. We recommend that NGA meet with NCPC staff about the potential work at the property and NCPC's review requirements. In addition any work on the site will be required to be evaluated against the Pennsylvania Avenue Development Corporation (PADC)'s 1974 Pennsylvania Avenue Plan (the PADC Plan) as outlined in the 1996 Memorandum of Agreement among the National Park Service, the General Services Administration, and NCPC.

Comprehensive Plan for the National Capital

The transfer of jurisdiction is not inconsistent with the *Federal Elements of the Comprehensive Plan for the National Capital*. With the covenants of the Statement of Jurisdiction in place, the site will remain an open space and meet the preservation and maintenance goals and objectives in the Parks and Open Space Element and the Preservation and Historic Features Element.

National Environmental Policy Act (NEPA)

Pursuant to its regulations implementing the National Environmental Policy Act (NEPA), NPS determined that this project is covered by its categorical exclusion C.2 which pertains to land exchanges which will not lead to significant changes in the use of land. NCPC staff has independently reviewed the project information and has determined that the project meets NCPC's categorical exclusion §8(C)(22) of the Commission's Environmental and Historic Preservation Policies and Procedures. This categorical exclusion pertains to the review and approval of land exchanges or transfer or jurisdiction that will not lead to anticipated changes in the use of land and that have no potential for environmental impact. Prior to applying this categorical exclusion, NCPC staff determined that no extraordinary circumstances were present as required by the Commission's NEPA procedures.

National Historic Preservation Act (NHPA)

Reservation 546 and the Mellon Fountain are listed in the National Register of Historic Places as contributing resources within the L'Enfant Plan of the City of Washington, DC, Pennsylvania Avenue National Historic Site, and the Pennsylvania Avenue Cultural Landscape Inventory. In addition, Reservation 546 and the Mellon Fountain are located within the boundary of the Federal

Triangle Historic District, but the Mellon Fountain does not fall within the period of significance of the Federal Triangle as defined by the National Register of Historic Places Nomination.

The NPS determined that the transfer of jurisdiction does not have the potential to cause effects on historic properties. This assessment is contingent on the covenants in the Statement of Jurisdiction that NGA's proposed work on the site would be: in accordance with the Secretary of Interior's Standards for the Treatment of Historic Properties; consistent with the standards for the Pennsylvania Avenue National Historic Site; and would be in compliance with Section 106 of the National Historic Preservation Act. NCPC staff has reviewed the project submission materials and determined that there will be no adverse effects on historic properties from NCPC's approval of the proposed transfer of jurisdiction. NCPC's determination considered the requirements included in the covenants and the understanding that any future projects at the site will be subject to Section 106 consultation. On June 30, 2015, the District of Columbia State Preservation Office (DC SHPO) concurred with NCPC's determination.

III. CONSULTATION

Coordinating Committee

The Committee forwarded the proposed transfer of jurisdiction to the Commission with the statement that the project has been coordinated with all participating agencies, except the DC SHPO. The representative for the DC SHPO stated that this transfer has the potential to affect historic properties and request an opportunity to review and comment. As a result, NCPC staff submitted the project documents with its determination letter to the DC SHPO for review. The participating agencies were: NCPC; the District of Columbia Office of Planning; the General Services Administration; the National Park Service; and the Washington Metropolitan Area Transit Authority.