

SAH

NATIONAL CAPITAL PLANNING COMMISSION

COMMISSION MEETING

OPEN SESSION

Thursday, February 1, 2007

Suite 500, North Lobby
401 Ninth Street, N.W.
Washington, D.C. 20576
10:30 a.m.

PRESENT:

CHAIRMAN JOHN V. COGBILL, III

MR. HERBERT F. AMES

MS. STACIE TURNER

MR. ARRINGTON DIXON

MR. HERBERT AMES

MR. JOSE LUIS GALVEZ, III

MR. MICHAEL MCGILL

MR. MARK STEPHENSON

MR. JOHN PARSONS

MR. RALPH NEWTON

MS. HARRIET TREGONING

MR. ROBERT MILLER

MR. DONNY WILLIAMS

MR. MARIO LOPEZ

MS. JENNIFER STEINGASSER

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P R O C E E D I N G S

MR. COGBILL: Good morning and welcome to the National Capital Planning Commission's February 1st, 2007 meeting. Would you all please stand and join me in the Pledge of Allegiance.

[Pledge of Allegiance.]

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Information Presentation

MR. COGBILL: Thank you. Noting the presence of a quorum, I would like to call the meeting to order. If there is no objection, the Open Session Agenda will be adopted as the order of business. Seeing and hearing none, so adopted.

I would like to take this opportunity to announce that Mayor Fenty has reappointed Arrington Dixon as a citizen representative to the Commission, and has also appointed Stacie Turner to be a citizen representative to the Commission. I would like to take this opportunity to welcome you, Stacie, and to welcome you back, Arrington. Thank you. We look forward to working with you. Mr. Ames wants to know if I look forward to working with him, and the answer is yes!

I have also received a letter from Mayor Fenty designating Harriet Tregoning, Director of Planning, as his first alternate, and Jennifer

Steingasser as his second alternate, and Charles Graves as his third alternate. Jennifer has just arrived with Ms. Tregoning. Welcome!

[The Agenda follows:]

1A

**Report on Flooding and Stormwater
in Washington, D.C.**

MR. COGBILL: Agenda Item No. 1 is an information presentation on flooding and stormwater in Washington, D.C. I would ask the Commission to hold their questions until the end. Mrs. Desiderio will be making a presentation. I will ask her to come forward at this point.

MS. DESIDERIO: Good morning. My report today is on flooding in the Monumental Core. As some of you may recall, last June Washington was inundated with heavy rain which caused severe flooding. During that storm a number of federal buildings, museums and streets flooded. At the same time, the Commission reviewed the Corps' request for modifications to the levee along the National Mall. As a result, the Commission requested that staff research flooding, and I am here today to present our findings.

The report that you have received is far too long to cover in its entirety. Instead, I will briefly summarize the key sections and try to answer the Commission's original questions, which were: What are the types of flooding in the Monumental Core? Why did the June flooding occur?

Who is responsible for flood control in the District? And, because flooding is essentially an excess of stormwater, who is responsible for stormwater management?

Of course, I am happy to answer any questions with regard to either the presentation or the longer report. I would like to review briefly a few of the historical flood events in Washington.

Washington has seen a number of significant floods but four are notable and play an important role in our discussion today.

The first flood of record was in 1889. This flood shows Pennsylvania Avenue flooded. The National Mall, Pennsylvania Avenue and adjacent streets flooded again in 1924. As a result, in 1933 the Army Chief of Engineers recommended to Congress that a levee be built to protect downtown Washington from flooding. But it was the great flood of 1936, shown in this photo, that led Congress to pass the Flood Control Act which authorized the levee along the National Mall.

Washington flooded again in 1942 and the levee's temporary closures were constructed for the very first time. They would not be constructed again until Hurricane Isabel in 2003. Last, on

June 19th, 2006 a wet weather pattern started in Washington and from June 25th to June 27th there were intense tropical downpours and the downtown area experienced significant flooding.

Washington's geography, topography and hydrology all play a role in the flooding risks. Washington is located where the Anacostia and the Potomac Rivers merge. The topography includes three buried waterways, broad floodplains and relatively flat elevations and much of the National Mall was originally under water, all of which makes the Monumental Core highly vulnerable to periodic flooding. Urbanization and increases in impervious surfaces reduces vegetation and exacerbates flooding and stormwater runoff through the entire watershed. This problem is especially acute because the Monumental Core is downstream of the watershed.

Sea level rise, which has been approximately one foot in the Chesapeake Bay, exacerbates the risk for both urban flooding as well as overbank flooding. An example is Hurricane Isabel, which happened in 2003, which had much more severe flooding than the same storm in 1933 which had the same characteristics. Some researchers

feel that it is this rise in sea level that caused the flooding to be much more severe. Last, because D.C. is served by a combined sewer, stormwater capacity is limited. In heavy rain there is just nowhere for the stormwater to go.

Washington's hidden hydrology is particularly fascinating. Washington historically had three major streams, the Tiber, the James and Slash Creek. Here is where the Tiber was. They were essentially used as open cesspools until they were enclosed to become permanent sewers. Researchers have demonstrated that groundwater still flows toward the gravelly old river beds, infiltrating sewer pipes and building foundations, requiring some buildings to constantly pump out water to keep their foundations dry. In addition, because the area surrounding these creeks were originally floodplains, the land is relatively flat and the water table is not very deep. Under the White House lawn the water table is reportedly only two feet down.

There are four types of flood risks in Washington. The first is overbank flooding and that is when the river receives more water than it can handle, or if the river channel is blocked and

water cannot flow through. The National Mall levee was specifically designed to protect Washington from overbank flooding.

Levee flooding is when the levee blocks the water flow into the river and the area behind the levee floods. According to the Corps, this has not been a problem for D.C.

Tidal flooding is when there is an abnormal rise in water level before a storm, usually a hurricane due to storm winds and low atmospheric pressure. The levee would also protect D.C. from a storm surge flood.

Urban drainage flooding, which is also called street or interior flooding, is when the sewer system is overloaded past its capacity. Unfortunately, there is no comprehensive strategy for when the system's capacity is exceeded and the streets flood because there is no place for the water to go.

Now we will look at who is responsible for flood control; what are the relevant laws and regulations; and explore a little further the role of stormwater management.

It was only after the great Mississippi flood of 1927 and the passage of the Flood Control

Act that the federal government took the responsibility for overbank flood control. The National Flood Insurance Program, as we know it today, was passed in 1968. Its goal is to reduce flood damage losses and minimize disruption to the floodplains natural functions. The Flood Insurance Program directs FEMA to develop flood insurance rate maps, which are called FIRMs, to delineate the floodway and the floodplain. Buildings within the floodplain are required to obtain flood insurance and development in the floodplain must meet local restrictions that have been approved by FEMA. The Army Corps of Engineers is tasked with designing and building flood control structures. The Corps also prepares the D.C. Flood Emergency Manual, which is a detailed plan of actions and responsibilities should D.C. face overbank flooding.

This is a portion of the FEMA Flood Insurance Rate Map for the Monumental Core. The map is used to locate where the 100-year floodplain is located. As I mentioned before, private development within the 100-year floodplain is required to obtain private insurance and meet local development regulations. Federal development

within the 100-year floodplain must also follow the requirements of Executive Order 11988 for floodplain management. The floodplain also plays a role in any environmental review prepared pursuant to NEPA. The D.C. map is more than 20 years old, and is being digitized but not updated.

This is a map produced by the Corps from the D.C. Flood Emergency Manual. The blue area that you see here is the area that they expect would be inundated in the 100-year storm. It also is the area that was inundated in the 1942 flood. Interestingly, the inundated area shown in this map is larger than is shown in the FEMA floodplain map.

The Corps informed us that based on the topography of the area, this is the area that they would expect to flood. The black interior section that is dotted is the area downtown protected from overbank flooding because of the levee. This is the area that was below the flood stage in 1942 that would have flooded if not for the levee being in place.

Executive Order 11988 was implemented in 1977 to hold federal agencies to a higher standard than the National Flood Insurance Program. The EO affirmed that the federal government should not

encourage floodplain development in any of its actions or funding. The executive branch agencies were required to develop compliance procedures and NCPC adopted floodplain management procedures in 1981 to implement the EO's rules. NCPC's rules required that for any action with the potential to adversely affect the floodplain all potential impacts should be identified, along with alternatives to the proposed action. NEPA also requires federal agency decision-making to include consideration of potential impacts to floodplains and other resources.

Congress authorized a levee along the National Mall to protect Washington from flooding from the Potomac River. The Corps built the levee and it was in operation by 1940. As I mentioned, D.C. flooded in 1942. As a result, in 1946 Congress authorized modifications to the levee but it did not fund the improvements. Currently, the levee requires three closures to complete the line of protection. The National Park Service is responsible for constructing these closures in the Mall portion of the levee, and D.C. is responsible for the Ft. McNair closure.

In 2000, the Corps proposed modifications

to improve the design and reliability of the levee.

Specifically, they proposed to make two of the closures permanent, at 23rd Street and Ft. McNair. The 17th Street portion will be redesigned to make it easier to construct the closure in a flood emergency and make it more effective. The design of this improvement is not yet finalized but several options are under consideration. The options vary in esthetic impact, cost, ease of construction and reliability. Staff has been working with the Corps, the Park Service and CFA to review the proposed modifications to ensure that they would not impact the Mall. Congress still needs to authorize the funding for this project and the Corps will only proceed when they receive the funding.

FEMA has asked the Corps to certify that the levee is the 100-year flood demarcation, and the Corps has refused to do so until the proposed improvements are complete.

At 23rd Street, the Corps is proposing a 600 foot long earth embankment with a maximum height of 3 feet. The Corps also would like to fortify the portion that runs along the Reflecting Pool and eliminate the low spots. As I mentioned,

at 17th Street the closure would remain temporary but it would be an improved closure. When completed, the Corps estimates that the levee would have less than a one percent chance of being over-topped in any year.

This map illustrates the location of the three temporary closures, at 23rd Street, at 17th Street and at Ft. McNair. The orange interior portion is the area of downtown D.C. that is protected from an overbank flood. In other words, without the levee and without the closures in these three spots, the orange area would be inundated by flood water.

June, 2006 will be remembered for the numerous rainfall records that were set in Washington. Over a 24-hour period the rainfall was equivalent to the rainfall for a 50-year storm event. However, over the most intense six-hour period of storm the rain was equivalent to the 200-year storm. The June flooding that would result from the heavy rainfall was not overbank flooding and, therefore, the levee is not relevant.

In fact, the Potomac River would remain below flood stages through the entire event. This flooding was urban drainage flooding and the

results of having too much stormwater for the sewer system to handle.

Four federal office buildings were closed from the flooding, the IRS headquarters, Commerce, Justice and the National Archives. Several Smithsonian buildings along Constitution Avenue were also flooded, along with the National Gallery of Art. The National Zoo banned cars because of flooding in the parking lot, and Rock Creek Parkway became impassable and had to close when Rock Creek overflowed. PEPCO shut electricity to the entire Federal Triangle area once the flooding started because it is all on the same power grid.

Shortly after the flooding GSA retained an independent private consultant to determine the cause of flooding and make recommendations to prevent future flooding. The GSA consultant looked at a number of factors but was unable to determine conclusively why the Federal Triangle area flooded so badly and so quickly. It would be easy to conclude that the rainfall exceeded the capacity of the sewer. However, the consultant noted that the flooding started before the rainfall should have exceeded the sewer's capacity, after only two and a quarter inches of rain. In addition, when the

flooding dissipated, it did so at a speed much greater than expected. The concentration of key federal buildings in this area, which is essentially the low spot for drainage, gives good reason for continuing investigation as to what caused the flooding and what can be done to prevent it from happening again.

D.C. storm and sanitary sewer system is the responsibility of D.C. WASA, which is a semi-independent regional authority created in 1996. WASA maintains some ties to the D.C. government but its budget is separate. Approximately one-third of the city is served by a combined sewer system, which means that a single pipe carries both stormwater and sewage to the Blue Plains treatment plant. Since all wastewater uses a single pipe, capacity is limited, especially in heavy rain. Combined sewers are common in older cities. New sections of the system are designed for the 15-year storm, but the capacity of much of the system is unknown, and this is particularly true for older sections of the system, like in the Federal Triangle area. When stormwater will exceed sewer's capacity, street flooding will occur because the runoff cannot get into the system.

Clearly, every system has a finite capacity and it is not necessarily cost effective or even feasible to have a system that would eliminate the risk entirely. In Washington, capacity issues are compounded by de-watering. Many buildings have had to install pumps to permanently de-water their basements to keep them dry, and this water is pumped directly into the sewer system. Exceeding the capacity of the system causes raw sewage to be released directly into the rivers. WASA is under a consent decree to build large storage tanks to hold the wastewater until it can be treated. But the storage tanks will not resolve the flooding problem that the downtown business district faces.

This is a map that was prepared by the Corps of an area of downtown D.C. that risks urban drainage flooding from excess stormwater. The map was prepared using topography and hydrology of the area. The map prepared by the Corps corresponds almost exactly to the flooding that happened in June, 2006. Consequently, it appears that interior flooding is a separate, persistent issue that needs an additional and separate solution.

I would briefly like to discuss stormwater

management because direct flood control regulations and responsibilities are only part of the picture with regard to flooding. Urban stormwater runoff can cause both river flooding and interior street flooding. As discussed earlier, runoff from intense rainfall can exceed the capacity of the sewer creating a backup and the flooding of basements and roads. Stormwater management is the responsibility of both the federal and local governments. The Federal Clean Water Act regulates stormwater as a means to improve water quality. But many of the best management practices typically implemented also address water quantity. One key stormwater control technique is to delay the peak flow of the runoff until a later time when the system, be it manmade or natural, is able to handle the volume. Such methods can be useful to reduce the likelihood of flooding from excess stormwater.

In short, our research led us to three key conclusions. First, the levee along the National Mall plays an important role in protecting the Monumental Core from overbank flooding. And, NCPC staff, along with the Park Service and CFA, are working with the Corps to identify modifications that would render the levee more effective and

easier to construct while respecting its prominent location.

Second, the June, 2006 flooding was an urban drainage flood. While we are still grappling with what was the cause, it illustrated the risks urban drainage flooding has to Monumental Core. Flooding is a risk to the resources in the area; a financial risk for property damage; and a security risk given the concentration of key federal functions.

Last, even in amounts far below flood stage, stormwater control is an ongoing issue for which there is no long-term comprehensive plan either federally or locally. However all the federal agencies and entities that we met with are aware of the issue and have begun to consider strategies to address the problem.

Moving forward, NCPC staff believes that NCPC should work with the relevant federal and local agencies to develop a better understanding of what caused the flooding to occur, how the system works, and what are its limitations in an effort to determine what federal and/or local actions may be needed to reduce the risk of flooding. That concludes my report.

[The report on Flooding and Stormwater in Washington, D.C. follows:]

MR. COGBILL: Thank you very much. I am going to bring it back to the Commission and open it for questions from the Commission.

MR. GALVEZ: I have one question. This relates to the >06 flood and the fact that the system was over capacity with only the first two inches of rainfall. Part of that you attributed to the de-watering going on in existing buildings. Is there any idea of how much of that is caused by the de-watering? Is there a volume? Can anybody hazard a guess as to what that is?

MS. DESIDERIO: I can give you the estimates that I was able to find. In the original Federal Triangle master plan an EIS was prepared. At that time, the guess was that de-watering in the Federal Triangle area was approximately 500,000 to 800,000 gallons a day. The EIS was revised in 1988, I believe, and they took a new shot at what the number would be and that number was up to two million gallons a day. That was before the Ronald Reagan Building was built.

I tried to find out information as far as how much water the Ronald Reagan building was putting into the system because my understanding is that one of the reasons that development site

wasn't developed up until that period of time is because of the groundwater issues. The engineering firm that actually did the foundation for that building has on its website that they had to develop an entirely system for doing that foundation because of the groundwater. But I was unable to find an additional amount that the Ronald Reagan Building itself put into the system. So, the best number that I can give you is that it is probably at least two million gallons in the Federal Triangle a day.

MR. GALVEZ: So, basically every day two million gallons of water have to be treated, solely groundwater, going into the sewer system.

MS. DESIDERIO: Yes.

MR. GALVEZ: Somehow that has to be dealt with.

MR. COGBILL: Other questions? Go ahead.

MR. AMES: These are some ideas that I think the staff has talked about and the Chairman has talked to me about that I think need to be encompassed in this report. Then, I have one thing to add at the end of that.

One, that we continue to work on design and review of levee improvements. That is

something that is very important, not only for the new levees that need to be built but for the existing that need to be upgraded, and incorporate this research into our planning and review work. That is something that really hits home with me in that, in watching your presentation, there are some areas in the floodplain now that we already have things planned for, or we have seen things, or are headed that way, and what we have to doB-and it raises heads because just about everything we get involved with here is the politics of it.

Sometimes doing the right thing is not the politically correct thing to do. And, what has happened not only with the Mall area and the development of it, but allowing monuments and things to be put in areas where they shouldn't be becomes a political issues. So, the education of the politicians themselvesB-not just the people because, I mean, most people want the right thing but when a small group goes to a politician that can vote or not vote for him, that is where we run into a problem. So, the politicians themselves need to be educated because we are going to fight the battle with the Mall forever. We know we have a drainage problem, and when you bail stuff in a

floodplain it takes away more area that we are going to condemn. So, it is just like people fussing about the big box shopping centers when they cover five acres with a parking lot. That is an area that is not going to absorb water anymore.

So, we, as a Planning Commission, I believe, have to very seriously get into the plan and review of a start-up phase, when these projects come early on. That has to be one of the most important things we need to look at. One of the suggestions staff has is to provide this information to a larger audience. I agree with that, but it needs to be focused to a smaller audience also and the decision-makers that fund these projects and basically can vote around us, if they need to, even though we are the ones that are supposed to have that.

Another good idea I think you all have come up with is to convene a federal local agency, a roundtable, with a particular focus on the interior flooding issues. We would like to use this forum as a means to report back to the Commission recommendations.

I think Mr. Galvez has hit it right between the eyes. With the City of Washington

having a sewer system that is accepting two million gallons a day of stormwaterB-there is no way it is ever going to work. It has got to be looked into and, to me, that is just as serious a problem as flooding from a storm because all we are doing is adding to the problems the longer we let that stay there. Information sharing on site-specific strategies leading to a best practices discussionB-there are all kinds of things that can come out of this roundtable and I beg of the Chairman, in his leadership position, to start this process as soon as possible. Thank you, Mr. Chairman.

MR. COGBILL: Well, I want to give credit where credit is due, and one of the reasons we took a hard look at this was I guess at the insistence of Dr. Pat Elwood, who is with us today. This was a project that she has for years championed and, in fact, each year has asked what is the status of the funding for the Corps of Engineers to do their study. I certainly think that that is one thing that I would hope, that we can work with the appropriate agencies and with the Congress to try and find funding to complete the levee system in this area. I think that is certainly a good first

step and, as Mr. Ames has mentioned, the question of the combined sewer and the issues there are certainly not simple problems. It is a very difficult problem and, as you said in your report, a number of older cities in the country suffer from that and are working through that process, but that is not a million, that is a billion dollar problem and one that is being addressed but it will take a while to do that.

I want to commend the staff and particularly you, Michelle, for your work on this.

This is a good piece of work. This is the type of work that I hope NCPC will do on an ongoing basis to not only educate but to provide a platform on which we can help to continue to make Washington a better place to live and work. So, I think this is a good piece of work, a good white paper and I think a good starting point for us to move forward.

Mr. McGill?

MR. MCGILL: I would like to echo the congratulations on a job well done. I have a couple of questions. I read the report and I don't understand the relationship between the two million gallons per day and the capacity of the system. Do we measure in cubic feet per second, or something

like that? Or, how does that work?

MS. DESIDERIO: Can you ask your question again?

MR. MCGILL: Well, I don't understand--

MS. DESIDERIO: The two million gallons a day that goes into the system?

MR. MCGILL: Right. So, I don't understand what that means for reducing the capacity of the system. I don't think gallons per day is a relevant measure. It is probably something like cubic feet per second, or something of that sort.

MS. DESIDERIO: I don't know how you would judge how much capacity of the system that amount of water might take up. The point that I wanted to make was that there does seem like an enormous amount of water that comes from a number of different buildings, both governmental and private.

The measurement I was able to get was a gallons per day measurement but presumably that is taking up a good amount of the capacity in this particular area given that we only have a single pipe for both stormwater and sanitary sewage that has to go to the treatment plant.

MR. MCGILL: Well, for our study, which is

still in draft form, I think it is true thatB-was it in the 1990s or 2000 that the extra storm sewer was built? I think in the 1990s a separate stormwater pipe was built to serve the Federal Triangle that empties into the Potomac, and it was built by the Corps I believe. So, there are two systems serving the Federal Triangle.

The other thing I am not clear on is to the extent that Federal Triangle federal buildings dump groundwater in the collection system, I am not sure which system, whether it is the stormwater runoff pipe that was built in the 1990s or the old unitary sewer and stormwater system.

MS. DESIDERIO: The most complete information that I was able to find on this subject was really the master plan for the Federal Triangle area, both the original one and the revised version. According to that environmental impact statement, that stated that groundwater was being pumped into the sewer system. It actually did identify it as a significant impact at the time, but it said that it would be resolved in ten years.

MR. MCGILL: Well, see, that was before this extra pipe was built.

MS. DESIDERIO: Which is why I wanted to

find what had been written later for the Federal Triangle, for the Reagan Building specifically--

MR. MCGILL: Right, right.

MS. DESIDERIO: -Band I was not able to find anything else about that.

MR. MCGILL: The other thing is just a slight historic note. So far as I know, that lot where the Reagan Building was built was not not built upon because of any groundwater problems because the entire Federal Triangle is adjacent to Tiber Creek. According to the NCPC AWorthy of a Nation@ publication, the Federal Triangle was designed and construction began without understanding the implication of the automobile. So, instead of finishing the Federal Triangle as designed, which included a very large park where the Reagan building is now located, a decision was made instead to put a parking lot in place that held 2,000 cars. Now, Reagan was built under the initiative of the Pennsylvania Avenue Development Corporation. They wanted to, quote, finish the Federal Triangle, unquote. They wanted to eliminate a 2,000 car surface parking lot eyesore on Pennsylvania Avenue. But the only way they could get permission to build the Reagan Building

was to include an underground garage with a capacity of 2,000 cars.

MR. COGBILL: Thank you.

MR. PARSONS: Mr. Chairman, as the shoveler of sand to get the sandbags down to 17th Street, I congratulate the staff. This is terrific, something we should have done a long time ago.

Seven million dollars is peanuts, and that is all that is between us and solving this problem.

And, if this Commission and its members can gang up on getting seven million dollars to the Corps of Engineers, that should be our highest priority.

The sandbags were an effective tool but the Cofferdam that was proposed in the mid->90s, that is shown on page nine, is a solution that we think will work. Recontouring the Washington Monument grounds and Constitution gardens, and trying to bring a fixed lock system on either side of 17th Street was examined and was esthetically a disaster. I mean, it was. So, this Cofferdam is a very, very good solution, we feel.

Green roofs are proving internationally to be a solution to these problems and, of course, the building that we are in nowB-and when we were

sitting on PADC, reviewing these building plans so many years ago, we should have insisted on green roofs on all these buildings to try to capture some of this water. I think you show in your action section development standards for building on the Mall and I want to cover that in a minute, but do you imagine some kind of standards that we could adopt to encourage federal agencies to put green roofs on buildings, the existing buildings? I see Mike McGill is pretty nervous, here. I mean, the Federal Triangle doesn't have a roof system that could accommodate that, I don't think.

MR. MCGILL: Well, there is a policy since 2003, I think, that all of our buildingsB-new construction, major rehabilitation, and builder-suit leases shall strive for the Silver LEED rating, which is Leadership in Environmental and Energy Design, I think, by the Green Building Council. One of the measures that LEED has is the provision of items that absorb rainfall and so on so it doesn't fall into the sewer system. For instance, the public transportation headquarters in Southeast Federal Center, consisting of two buildings, 1.3 million square feet, has on its two roofs something like 60,000 square feet of green

roof.

In the Federal Triangle the roofs are peaked. They are historic buildings with tower roofs so we can't do something with the roofs, but we already have an experimental program, that NCPC and the Commission of Fine Arts approved at EPA and the courtyards where we are taking out the paving and putting in highly absorbent materials in the courtyards at EPA and, in some cases, underground storage to temporarily store rainwater and let it run off more slowly. The EPA offices at Potomac Yard in Arlington built a suit-lease. So, a number of our buildings are moving in this direction very successfully and will continue to do so.

MR. PARSONS: Good. That is encouraging.

MR. COGBILL: Go ahead, John.

MR. PARSONS: I want to respond to some of the things Mr. Ames was talking about, about building on the Mall, especially monuments and memorials. I want to assure you that all of the monuments and memorials we have built in recent times are flood-proofed. For instance, the FDR Memorial pump rooms are elevated at the top. The access to them is at the top of the walls, which is well beyond the floodplains, so as not to damage

the enormous pumps that are required there. We will do the same thing at Martin Luther King. So, we are not building things in the floodplain that we don't think can be taken care of once every 20, 30, 50 years, whatever it is, to recover from flood.

I want to look at the map on page 11. I don't know whether you can bring that up or not because I am not sure I understand it fully. I guess it was prepared by the Corps of Engineers in 1990, and talks about areas of residual flooding. I don't understand IIA, which is a lake in Constitution gardens, and what that means. Have you learned anymore about that, Michelle?

MS. DESIDERIO: No, I didn't get a direct answer. We had asked the Corps to look into that specifically after our meeting, although in my discussion with the Corps that I had after the meeting that we had had what they explained to me was that this was developed using topography and some of the hydrology. So, I am assuming that it was just shown because it probably is a low spot in the topography and would be where water would collect. So, I think IIA is particularly misleading because of that.

MR. PARSONS: But this is street flooding resulting from rain.

MS. DESIDERIO: Correct, not overbank flooding.

MR. PARSONS: Nothing to do with the Potomac River?

MS. DESIDERIO: Correct. That is right.

MR. PARSONS: And the report says that most of these areas were flooded during the June event.

MS. DESIDERIO: That is right. From what I understand of where the June flooding occurred, you know, you can see really the most significant area in this area, right there.

MR. PARSONS: Right, and it didn't spill over into the Ellipse--

MS. DESIDERIO: No, no, no, and this was not in any way meant to represent what did flood in the June, 2006 event. What I thought was interesting is that this map had been prepared in 1990 and, yet, really did show where we saw the flooding in June in many similar areas.

MR. PARSONS: So, theoretically, if it kept on raining the area that is shown here would have filled.

MS. DESIDERIO: Well, certainly if the water did not dissipate as quickly as what the consultant found, it presumably would have kept filling up those areas.

MR. PARSONS: The last question I have then that I referenced earlier is the standards that you talk about developing. I am sorry, I lost the page but it is in your recommendations section.

MR. COGBILL: Stormwater management, page 19.

MR. PARSONS: I am sorry, I may have been looking at an earlier draft. Thank you. Thank you, Mr. Chairman.

MR. COGBILL: Mr. Galvez?

MR. GALVEZ: Just a follow-up on that same drawing, the text says this is the area that would be flooded once the sewer system was overtaxed. But in the 2006 flood we saw it was overtaxed with two inches of rain. So, we are saying that if we get a rainfall of over two inches these areas will all flood.

MS. DESIDERIO: I don't think that you can conclude that because I think what the consultant concluded was that presumably two inches of rain should not have been enough water to flood the

streets; that the sewer system should have had at least the capacity to take a two-inch rainfall. I think that what this map that the Corps did was designed to show would be an extremely heavy rain event with much more water. I think it is still undeterminable why it flooded at two and a quarter inches of rain. Does that answer your question?

MR. GALVEZ: It does. Thank you.

MR. COGBILL: Mr. Ames?

MR. AMES: In this map, number VI, how close is that to the reception center or whatever you call the underground Vietnam?

MS. DESIDERIO: It is on top of that site.

MR. AMES: Let me clear the air because I think the Park Service has done, and always will do, a magnificent job of preparing for floods for the monuments that you built there. That was not really what I was talking about. I think it might have been taken the wrong way so I want to make sure that I have not offended you by what I said. But what I was talking about is situations like number VI where we were close to having a congressional mandate to build it before we voted on it, and those are the things that I am concerned with, where education of the politicians needs to

take place that, look, it is well and good to have a concerned group of citizens that are passionate about wanting something and everybody wants to be on the Mall, but we don't want to destroy the rest of the Mall for that small group of people. I mean, I know an environmental report was done, and so forth and so on, but I want to tell you something, in private business it would be absolutely crazy to take on the amount of money that it is going to take to build that sewer there in what is already a floodplain and you are going to do it under ground.

I know that the Park Service will do an outstanding job of protecting what is built there, but you are being mandated to build there. And, I want to make sure you understood that I know you do a good job. It is just that sometimes your job is made tougher, being that you and Government Services kind of help you to say sometimes, but I am not the flow from the Hill. Thank you.

MR. PARSONS: I took no offense.

MR. AMES: Thank you very much.

MR. COGBILL: Mr. McGill?

MR. MCGILL: Michelle, there is a certain gap in my understanding. You said that the FEMA

FIRM 100-year flood map is circa 1985.

MS. DESIDERIO: Correct.

MR. MCGILL: The Corps has a simulation aerial photograph showing their estimate of a 100-year floodplain that is larger than the FEMA FIRM map. And, you said that the Corps will not certify that the 100-year floodplain protection exists with their system of levees until they get funding to finish the job.

MS. DESIDERIO: That is right.

MR. MCGILL: Which 100-year floodplain will they certify?

MS. DESIDERIO: I don't know the answer to that question, but not the line that would be making the assumption that that levee is in place with the closures. I know that is not a complete answer. I don't know what line they would certify to. They will not certify that that is the line because I think they are concerned about the reliability and time that it takes to construct those temporary closures.

MR. MCGILL: So, then it is possible that the Corps could get its seven million, could finish building its levee system, along with the necessary temporary erection of structures that is always

there because they are streets, and then FEMA might do a new floodplain map that would indicate that that levee system no longer protects against a 100-year flood.

MS. DESIDERIO: If I understand correctly, I think if the Corps gets the money to do the improvements and the modifications are made, then they will certify that that levee serves as the 100-year floodplain so that everything on the river side is the floodplain area and everything behind it is actually protected.

MR. MCGILL: But the thing is it is a 100-year floodplain as certified by whom? Because if it is the 1985 FEMA map it could be outmoded. If it is the Corps projection in this aerial photograph it might be current.

MS. DESIDERIO: We have brought to FEMA's attention the discrepancy between this aerial photo and the work that was done by the Corps to come up with this photo and the FEMA floodplain, and they are looking into seeing why that discrepancy exists. I do know that they are currently digitizing the map. However, when we did ask them would they update it perhaps to reflect changes that have happened in the watershed because of

development, the answer was probably not at this time, although the final map has not been done yet and there would be a public comment period when that happens. But at least we did bring it I think to the attention of FEMA that this discrepancy between the two maps exists.

MR. DIXON: Mr. Chairman.

MR. COGBILL: Arrington?

MR. DIXON: I just have a question about the flood impact maybe on areas other than the Monumental Core area. Has there been any assessment of that impact? I am thinking of the east of the river side of Anacostia.

MS. DESIDERIO: We did not. We focused our study really on the area of the Monumental Core. I don't know if anybody else has done that work but we have not.

MR. DIXON: Okay. It seems we have some federal presence there with the Air Force base and others. I know they have rather large walls along the military installations but in the other park areaB-well, I guess it is not federal, it is kind of in between at the moment, do we have any assessment? Could we look into that? Is that a fair thing to have some information on?

MS. DESIDERIO: We certainly could look into that. Just so I am clear, I know that the D.C. Flood Emergency Manual that the Corps produces, which lays out the plan if there is overbank floodingB-I am almost 100 percent sure that that does cover that area but we could certainly look into doing some more research and finding out what the flooding risks are there.

MR. DIXON: Yes, I would appreciate that. I think it would be nice to have a feel for it at least.

MS. DESIDERIO: Yes.

MR. DIXON: Thank you.

MR. COGBILL: I think the sense of the Commission, as I understand it and I can be corrected, is that we would certainly like to know what is happening east of the river, to the extent that you can report back to us on that, but also I think Mr. Ames has articulated several different points that you all have thought are important, and I think I would appreciate it if you would come back to us at a subsequent meeting, probably sooner rather than later but obviously working it into the work plan, that tells us what you would recommend and a course of action that we could consider and

then pursue.

It has been a very helpful and worthwhile discussion. Are there any other questions or comments from the Commission? If not, then I am going to recess this meeting and convene again at 12:30. Thank you.

[Report of the Chairman follows:]

Report of the Chairman

2

MR. COGBILL: Good afternoon. I would like to call the meeting back to order. We are now at agenda item number 2, which is a report of the Chairman.

I would like to take this opportunity to introduce Mayor Fenty's appointments, citizen representatives for the Commission. First we have Stacie Turner who is a citizen representative and is a new member for us. Welcome. I am glad to have you with us. And, we have a returning member, Mr. Arrington Dixon, who is also a citizen representative. So, thank you both for agreeing to work on what I think is a very important part of Washington and the National Capital region.

I also would like to let you know that I have received a letter from Mayor Fenty designating Harriet Tregoning, who is the Director of Planning, to be his first alternate. As his second alternate, he has named Jennifer Steingasser, who is with us at this point. And, his third alternate is Mr. Charles Graves. So, again, Jennifer, welcome back. It is good to have you.

With that, that will conclude the report of the Chair and I will move this to the report of

the Executive Director, which is agenda item number
3. Miss Gallagher?

3

Report of the Executive Director

MS. GALLAGHER: Thank you, Mr. Chairman. Good afternoon, Commission members. First, under delegated actions, you have before you in your packet copies of reports for six projects that I approved under the Commission's delegated authorities.

One project that I would like to highlight is our approval of a zoning map amendment to expand the South Capitol Gateway Overlay which covers the west side of South Capitol Street, south of M Street. This zoning action was initiated by the Zoning Commission at the request of the D.C. Office of Planning and NCPC. I just want to highlight this because it represents a great cooperative effort by all three of these government agencies to ensure that the South Capitol Street corridor develops in a coherent, consistent way, and consistent with our work, our design work on the street, and with the recommendations of the South Capitol Street Task Force. So, I just thank everyone that was involved in that work.

I have a few of our planning projects that

I would like to update you on. During the month of January our staff was very active in a number of public outreach efforts to support the National Capital Framework Plan. On January 9th we hosted a public open meeting, here at our offices, where we shared with the public our initial work in identifying new opportunities for cultural development, along with infrastructure and public amenities that will connect and enhance these areas surrounding the Mall.

Just to remind you and the new members of the Commission, our Framework Plan is looking at ways that we can improve the areas surrounding the Mall and make them more attractive to sponsors of memorials and museums to take the pressure off the Mall.

This public meeting was attended by 60 members of the public, and they were able to work directly with our staff and the project consultant team in discussing the work that we have done so far on the project. We also did ask members of the public to come back to us to submit additional ideas for the plan by February 23rd. So, this is one particular effort that we are involving the public in and we will continue to do that

throughout the duration of the project.

Our staff also presented our preliminary work on the Framework Plan to the Downtown Business Improvement Districts Developers Forum, also to the National Mall Workgroup, and to a national audience of tour-related businesses at a dinner that was sponsored by the Washington Convention and Tourism Corporation.

We are partnering with the Commission of Fine Arts and the National Building Museum to plan and host a symposium that is connected to our Framework Plan. The symposium is entitled Framing a Capital City. Here we see an opportunity to provide a forum for scholars, designers, policy makers and members of the public in discussing how the City of Washington will continue to evolve in its dual role as a place where we commemorate people and events of national significance as we grow as a dynamic, livable city. Congresswoman Norton has agreed to deliver the opening remarks at the symposium, and other confirmed participants to date, and this is changing on a daily basis, include Lawrence Vale, Lucy Barber, Michael Wise, Timothy Beatley, Alex Krieger, Judy Scott Feldman, Maurice Cox and Dan Tangherlini. Robert Ivy, who

was the editor of the Architectural Record, has agreed to moderate the full day of panel discussions which will occur on April 11th. The symposium will actually be kicked off the evening of April 10th with the first of the Atherton lectures. This is the first in a series of lectures that will honor the late Charles Atherton. So, mark your calendars for those two dates. We will continue to provide you information as we firm up the program.

During the fall school semester, our staff also partnered with the National Building Museum on a program that engages youth from the Washington, D.C. public schools in training in the areas of planning and design. As part of the CityVision Program, three teams of 36 students worked with NCPC staff in designing commemorative works at three improvement sites in our Framework Planning process, the RFK Stadium site, Banneker Overlook and East Potomac Park. The program concluded on January 12th in a formal presentation in the great hall of the Building Museum where the students presented their design recommendations for these sites.

This program will continue. We are in the

planning process for the next semester. I would just like to give special thanks to NCPC staff who worked directly with the students on this program, Stephanie Brown, Kenny Walton, Ellyn Goldkind and David Zaidain, and also Jonathan McIntyre served as a judge for the program. So, that is a very effective partnership where we are training for our replacements and our jobs.

Our CSX Railroad Realignment study is moving into its final phase. This study is evaluating the feasibility of constructing a bypass for the CSX freight rail leg that now comes through the District of Columbia, and defining a way where we can avoid the District of Columbia. The project team is now focused on three possible relocation alignments. These were presented to the Railroad Working Group and NCPC's Interagency Security Task Force just this past Monday. We expect to present the final recommendations of the study to the full Commission at our March 1st meeting.

Also last month, our staff presented NCPC's RFK Redevelopment Study to a subcommittee of the Sports and Entertainment Commission. This subcommittee is interested in developing new recreation facilities at the RFK site. Our staff

will continue to work with the Commission as they develop their recreation program and specific site recommendations.

On January 17th our staff met with representatives from Fort Belvoir and their consultants to discuss the schedule, process and specific issues related to future development at Fort Belvoir that is occurring under BRAC. We are anticipating that a draft environmental impact statement will be released at the end of this month and that the entire IS process will be concluded by July.

Also, there is a master plan being developed for Fort Belvoir that is scheduled to be concluded in the fall. So, we are grappling with some pretty significant development proposals, and we are concerned about the mandated schedule for completing the BRAC process by 2011. So, we are expecting to be reviewing projects very close to construction dates, and to meet this challenge we are working with the Department of Defense to come up with an appropriate project review schedule to manage all this work.

On the international front, last month Marcel Acosta and Lisa MacSpadden were joined by

Adrian Washington, of the Anacostia Waterfront Corporation, in representing Washington, D.C. at the fifth meeting of the National Capitals Alliance. This year the alliance conference was held in Canberra, Australia. Ten national capital cities from around the world participated in this conference, including representatives from Brazil, Canada, South Africa, Korea, Pakistan, Russia, New Zealand and China. Marcel gave two presentations to this international audience, one an overview of the NCPC, which is always a very interesting discussion when we show the way we work in this city compared to how our counterparts work around the world. We are always the stars in that process-Bvery, very public compared to other places. Lisa also gave a discussion of our current work in developing the National Capital Framework Plan. Our next meeting of the Capitals Alliance will be hosted by NCPC here in 2008.

You have at your places a new publication that our Office of Public Affairs released last month. It is a brochure describing our work in the realm of planning and designing for security in the capital. It updates our Urban Design and Security Plan which was issued four years ago.

So, Mr. Chairman, that concludes my report. I would be happy to answer any questions.

[The report of the Executive Director follows:]

MR. COGBILL: Thank you. Are there any questions for the Executive Director? Mr. McGill?

MR. MCGILL: Thank you, Mr. Chairman. I am not sure you can answer this question today but I would like to pose it to you. I was surprised to read in the paper sometime in the last two weeks that the District is undertaking a project to lower the South Capitol Street Bridge. In the description they talked about how lowering the South Capitol Street Bridge will allow them to work on the redevelopment of South Capitol Street itself.

Now, I don't recall that the South Capitol Street Task Force learned of any project to undertake a major capital improvement on the existing bridge. Instead, we were focusing on, and praised the idea of a realignment in the new bridge and designs for that new bridge were presented to this Commission and we made comments on those designs. So, I would like to know whether or not the current project to lower the Capitol Street Bridge is going to delay or eliminate the prospects for its replacement.

MR. DOWD: Mr. McGill and members of the Commission, the proposal is very compatible with the recommendations of the South Capitol Street

Task Force. As I understand it, the proposal is for the viaduct portion of the bridge. If you know the South Capitol Street Bridge, it doesn't touch ground until many blocks into the city. That is because at one point there was a railroad that went along Potomac Avenue. So, that is the portion that is being lowered. The bridge that crosses the river will not be modified. This is the first phase of ultimately replacing the bridge. It will allow that touchdown to be compatible with the oval rotary that was in the South Capital Street Task Force recommendations, and to allow access to the stadium when that is completed. Does that make sense?

MR. MCGILL: So, it won't eliminate the proposal for a new bridge with a different alignment.

MR. DOWD: No, it will not.

MR. MCGILL: Thank you.

MR. DOWD: It just brings that bridge back down to ground sooner.

MR. MCGILL: Okay, thank you.

MR. COGBILL: Other questions or comments? If not, we will move to agenda item number 4.

Consent Calendar

MR. DIXON: So moved.

MR. GALVEZ: Second.

MR. COGBILL: The motion is made and seconded to approve the Consent Calendar. Further discussion? Hearing none, all those in favor of the motion, please signify by saying aye.

[Chorus of ayes]

MR. COGBILL: The motion carries unanimously. Any negatives?

[No response]

Abstentions?

[No response]

None.

[Staff recommendation for the U.S. Department of Agriculture, National Arboretum, 3501 New York Avenue, NE, Washington, D.C. - Master Plan Modification and Chinese Garden and Nebraska Avenue Complex (NAC), Nebraska and Massachusetts Avenues, NW, Washington, D.C. - Building 61 Replacement and Generator Enclosure Facility follow:]

Action Items - with Presentations

MR. COGBILL: We will move to Agenda Item No. 5A. This is concept design for the park rehabilitation at John Marshall Memorial Park. Ms. Goldkind?

5A

John Marshall Place Park

MS. GOLDKIND: Good afternoon, Mr. Chairman, members of the Commission. The National Park Service, on behalf of the John Marshall Memorial Park Foundation, has submitted a concept design for rehabilitation of the John Marshall Memorial Park in northwest Washington.

The memorial to John Marshall was conceived in 1882 when Congress authorized a statue memorializing Chief Justice John Marshall and its placement in a suitable public reservation. Following NCPC approval in 1981, the park was developed by the Pennsylvania Avenue Development Corporation in accord with the PAC plan of 1974.

The John Marshall Memorial Park Foundation was founded in 1987 with the purpose of supporting and promoting the legacy of the Chief Justice. The Foundation is the sponsoring agency for the park's rehabilitation and will provide the funds for design, construction and perpetual maintenance of

the park.

The park is located on the north side of Pennsylvania Avenue at 4th Street between the Canadian Chancery on the west, which is here, and the Prettyman Courthouse on the east. It is also on axis to the Old City Hall to the north. The 4th Street axis has a vista that has always been preserved, and that was one of the conditions of the original park design.

The current site plan was designed by Carol Johnson Associates, from Boston, and she is also designing the rehabilitation of the park. She is here today if any questions arise. The current design is a three-tiered plan with a central lawn and north and south plazas; granite and brick steps and ramps through access from C Street to Pennsylvania Avenue at the east and west edges; and a John Marshall statue currently at the north end of the park.

These are some images of the park. The images on the left are from the Pennsylvania Avenue plaza and the images on the right are from the C Street plaza. The aerial view shows the tiers. This is Pennsylvania Avenue and C Street, so south and north. Many areas of the park are in need of

repair or rehabilitation, and that was in part why this project was undertaken.

The proposed site plan retains the three-tiered design but develops it further to incorporate several new key elements. The mid-level plaza in the center is still the main area of the park. There is now a raised elliptical lawn bordered by a granite and glass seawall with four interpretive rooms at the periphery. There is also introduction of a Constitutional Pillar at the north end, and the John Marshall statue will be moved from there to the south end of the mid-level plaza, closer to Pennsylvania Avenue.

The north plaza will be rehabilitated with new paving. The two fountains here will be rehabilitated as well, and there will be new chairs and tables. The south plaza will have a bosque of American elms, with paving to reflect the angle of Pennsylvania Avenue and central walkway on axis with 4th Street. The row of trees on the east and west edges will be retained.

This shows a cross-section through the site going from north to south. There is about a 10-12 foot grade change between C Street and Pennsylvania Avenue. C Street is on the left.

Cutting through the site, this is a good view showing how the statue is on axis with Old City Hall which you can see in the background. The statue was designed by William Whitmore Story, a son of a Supreme Court justice and, as I said, it will be relocated closer to Pennsylvania Avenue, in part to be closer to the U.S. Capitol and the Supreme Court buildings. A new base will be constructed, in part based on historical information. This is the original statue.

The interpretive rooms on the mid-level plaza will have four different themes. A large glass wall, shown here, will front the elliptical lawn and will contain an inspirational quote from John Marshall. A curving granite wall behind, shown here, will have enameled text panels with interpretive information. The four themes are protecting private rights, judicial review, federalism and states rights, and the life of John Marshall.

A Constitutional Pillar will be placed at the north end, which is right here. It will be triangular, representing the three branches of the United States government. It will be topped with a bronze eagle and scroll representing the U.S.

Constitution. Illuminated glass panels will be on each side and will list the three branches of government and the names of the leaders of those branches at the time that John Marshall was in office.

Proposed lighting for the site is in preliminary design stages as well. It includes highlighting the perimeter of the central ellipse using globe lights to provide general illumination at walkways and accent lighting at the stairs and fountains and to spotlight the statue as well. I should mention that the glass walls at the interpretive rooms and the Constitutional Pillar are both internally lit.

The overall design concept is consistent with the comprehensive plan for the national capital in that it meets the goal of preserving and enhancing urban spaces, as well as unique views in the national capital. However, the extent of interpretive elements is inconsistent with the parks and open space element of the plan, particularly policy #2 for monumental and designed landscape parks, which states that the government should Amaintain small urban parks primarily as historic parks and designed landscapes with

fountains, monuments, memorials, tree cover and other features of civic art.⁶

When applying this policy and honoring the 1882 authorizing legislation, staff recommends that the park should be designed primarily as a landscape urban space with supporting interpretive elements. Staff supports the overall design concept, including its three-tiered plan, central ellipse, relocation of the John Marshall Statue, upgrading of the north and south plazas, new landscaping and rehabilitated fountains. However, we recommend that the design team explore the following items further when preparing preliminary and final site development plans:

The interpretive rooms contain large glass walls and extensive interpretive panels, but transform the site from an urban park to an outdoor museum. The amount of text proposed is unprecedented at similar sites in the District of Columbia.

Staff supports a reduced quantity of text that is more inspirational and broad in concept, and advocates that text be more integral to the overall landscape design and secondary to the prominence of the John Marshall statue in an urban

park setting. We also find that the large number of symbolic elements that make up the Constitutional Pillar detract from the central message of the pillar, and we recommend simplifying the design to focus on conveying the tripartite organization of the United States government without sculptural and lighting elements that we believe will diminish the effectiveness of the design.

The water fountains represent the District's first public water supply at the site. We support their rehabilitation. If possible, it is preferable that the fountains be designed and engineered for year-round use. If water is to be turned off during cold months esthetic modifications, such as temporary planting or other design methods, should be considered if appropriate.

Trees and plantings that are selected should be drought hardy and able to withstand urban environment, such as shallow planting beds, pollution and limited maintenance. Plants that do not create dense walls or barriers to limit use through the site are also preferable to maintain the security of the park and the adjacent

buildings.

Therefore, it is the Executive Director's recommendation that the Commission comment favorably on the design concept for the John Marshall Memorial Park, and recommends that in the preparation of preliminary site development plans the applicant consider reducing the quantity and detail of text, instead, place more inspirational and broad concepts and facts in a way that is more integral or even secondary to the overall landscape design; simplifying the design of the Constitutional Pillar to place stronger emphasis on the three branches of the United States government; designing fountains for year-round use and appearance if appropriate; and taking into consideration the heavily trafficked environment around the park, security of the adjacent institutional buildings and the presence of utility lines that run under the site when selecting trees and other plantings.

That concludes my presentation and there are several members of the design applicant team here.

[Staff recommendation for John Marshall Place Park, 4th Street and Pennsylvania Avenue, NW,

Washington, D.C. - Park Rehabilitation follows:]

MR. COGBILL: Are there any questions of staff at this point? Mr. Ames?

MR. AMES: In your recommendations you recommend reducing the quality and detail of text, instead of placing more inspirational and broad concepts and facts in a way that is more integral or even secondary to the overall landscape design.

Whose recommendation was that?

MS. GOLDKIND: That is the staff recommendation.

MR. AMES: I understand that. How many staff people worked on this?

MS. GOLDKIND: At least five.

MR. AMES: And all of you designed that part of this proposal?

MR. COGBILL: We are going to hear from the applicant.

MR. AMES: Oh, we are going to hear from the applicant? Well, I will wait with my questions then.

MR. COGBILL: All right. Any other questions at this point for the staff?

[No response]

Well, I want to take this opportunity then to at least introduce Chief Justice Carrico, who is

a retired Chief Justice of the Supreme Court of Virginia, who is with us and who has been very active in this organization and who had asked for some time to speak to us about John Marshall.

CHIEF JUSTICE CARRICO: Thank you, Mr. Chairman. Thank you for the opportunity to talk about John Marshall. We hope that we will improve the park to make it a great educational experience for those who visit in the future.

You may not know all there is to know about John Marshall, and I am not about to undertake that task because it would take me all day. But, you know, he was born just outside of town in what is now one of Washington's suburbs, in Fauquier County. Back in those days that was the frontier and he lived for ten years of his youth in what is known as the Hollow, which now stands. If you saw it, you would wonder how in the world 13 people could live in that small building. It is about the size of a building half-way between a single car garage and a double car garage.

Marshall had no formal schooling really. One of the 13 occupants of that home for a year was an Episcopal priest who tutored the children. Marshall's father sent him one year to school in a

neighboring county under a tutor but, for the most part, Marshall was a self-educated person and became a lover of the classics and, obviously, he was successful in educating himself.

My interest in the park goes back to a timeB-well, first of all, I am sure you know that Chief Justice Berger dedicated the park with a speech in 1983. He brought then Justice Rehnquist along with him. I was surprised, when I called on Justice Rehnquist to advise him of our plans for the park, that he knew exactly where it was. He was one of the few people I have run into who knew where it was. Chief Justice Berger came to Richmond several years later to film the introduction to another film at the John Marshall house. They paid a surprise visit on me in my office a block and a half away from the John Marshall house. It was very praising of what we had done with the John Marshall house but he said, you know, George Washington and Thomas Jefferson have monuments in Washington and John Marshall deserves one just as much as they but he doesn't have it and so the John Marshall house will have to serve as his monument. We are hoping that what we were able to do with the park, although it will not

equal the Washington Monument or the Jefferson Memorial, will be a great step in getting John Marshall the recognition he is due.

Most people think of John Marshall only as a judge. But before he assumed that role he had a great series of activities that he was involved in that prepared him to become Chief Justice of the United States. He was a hero of the American Revolution. He engaged in four major battles and he spent the winter of 1777-78 at Valley Forge where he became a member of George Washington's command staff and, indeed, Washington's protege, a fact that would change the entire course of John Marshall's life and even the history of this country.

George Washington and John Marshall came away from Valley Forge convinced that the reason the conditions were so terrible there was not because the supplies and the equipment and the food, and so forth, was not available, but because the Congress was too weak to provide them. And, they came away convinced that what this country needed was a strong central government and not the weak situation we had under the Articles of Confederation.

When Marshall came back to Virginia he went to William and Mary for a few weeks or a few months and passed the Bar and started practicing in Richmond. He became a skilled practitioner. He became engaged in politics, was a respected member of the General Assembly of Virginia, and was really an important figure in the Virginia Ratifying Convention of 1788. He was chosen to debate Patrick Henry on the Judiciary Article, which would be an imposing task for anyone but especially for one so young and inexperienced as Marshall. But he won out and the victory on the Judiciary Article made it possible for ratification to occur with a ten vote margin.

Marshall also was a successful diplomat. France began marauding ships and President Adams was afraid that we might be on the brink of war. So, he asked John Marshall, Charles Goldsmith Pilkey and a gentleman from Massachusetts to go to France and try to settle things amicably. They got involved in the infamous XYZ Affair over there. Marshall refused flatly to pay the bribes that the French wanted. He came home thinking he had been a failure. In fact, he came home a national hero and received a welcome that was given George Washington

at his inauguration.

President Adams offered John Marshall the position of Associate Justice on the Supreme Court of the United States as a reward. Marshall declined, believing, as many people did, that the position was not a prestigious one. He came on home to Richmond determined to settle down with his family and to get his practice of law back on the road. But friends began urging him to run for Congress. He refused. George Washington was one of those who wanted him to run for Congress and summoned him to Mt. Vernon. On the way he split his only pair of pants and had to borrow a pair from his host when he got to Mt. Vernon. He resisted Washington for three days and planned to get up on the fourth morning and get away before the rest of the family got up. As he stepped out on the portico, there was George Washington in full military uniform and he said, yes, I know how you feel. I wanted, when the war was over, to come home and stay home and live on my farm and enjoy my family life like you. But I felt it was my duty to come back, and it is your duty to run for Congress, which he did and he was elected. And, it was Patrick Henry who turned the election for him

although they had been bitter opponents in the Ratification Convention.

He immediately became an outstanding member of Congress. He was the one chosen to give the eulogy to George Washington when his death was announced. Near the end of the session he stopped by the War Department to see the secretary. He felt the secretary was a good friend of his, but the secretary was very cool to him and when he left the office he asked the secretary's clerk what was wrong, the way he was treated. He said, well, don't you know, sir, what has happened? And Marshall said, no, what? He says, President Adams has nominated you to be Secretary of War. That was on May 7th.

[Laughter]

Marshall goes to Adams to get him to withdraw the nomination and Adams refused. So, the Senate confirmed Marshall on May 9th and two days later the Secretary of State resigned and Adams nominated Marshall to be Secretary of State. Well, Marshall decided he would take that position and he was elected and took office, and he served for the last ten months of John Adams' term in office.

Near the end of that term Oliver Ellsworth, who had

been Chief Justice of the United States, fell ill and resigned. Adams offered the position to John Jay who had been the first Chief Justice but who had resigned and become Governor of New York, which he thought was the more prestigious position than Chief Justice of the United States. When Jay turned the appointment down, Adams called Marshall in and asked him for a suggestion and Marshall said, well, I only have one and you have indicated you would not appoint him. That was Judge Patterson. So, I have no other recommendations. And, Adams says, then I think I must appoint you and made the nomination. It was confirmed unanimously in seven days and Marshall was sworn in on February 4th.

What did that mean to the country? Well, there was a program on public television last night about John Marshall, and the commentator said he invented the Supreme Court. Gene Smith, in his biography on Marshall said that he legalized the Constitution. Now, why would they say things like that? Well, at that point neither the Court nor the Constitution amounted to very much. You could count the number of cases that the Supreme Court had heard on the fingers of one hand, and they had

no real importance. Actually, the Court was the sort of thing that no one had any real respect for and the Constitution itself, in its infancy, was an object of derision.

By the time Marshall left the Court on his death, in 1835, he had made the Constitution of the United States the supreme law of the land and his Court as the arbiter and the last word on what the law is in this country. In a series of major opinions, one after the other, all on matters that he was writing on a clean slate, he laid the foundation for the tripartite arrangement of government that lives today as a vital and powerful support of the democracy in this country.

He was a wonderful person, the acme of integrity and honesty; a great fellow to be with. He had a great sense of humor and was a joy to all those who knew him. But the last thing I will say about the importance of his appointment is that Thomas Jefferson, of course, succeeded John Adams.

He was infuriated that Adams did not leave the appointment of the Chief Justice to him. Had he made the appointment, he would probably have appointed Spencer Roane who was a member of my Court. Had that occurred, you would have had a

president and a chief justice who both believed firmly that we should have a weak central government with sovereign power residing in the states. And, I ask where would we be today if that had happened?

I would add just one little quotation. Oliver Wendell Holmes said that if American law were to be represented by a single figure, skeptic and believer alike, would agree without dispute the figure could be but one alone, and that one John Marshall. And, I say, Mr. Chairman, that we are a nation governed by a rule of law. Because John Marshall lived there can be no doubt of that and, for that greatest of all legacies, he is entitled to eternal gratitude of every American and to a fine park in the National Capital in his honor.

Thank you very much.

MR. COGBILL: Thank you, sir.

[Applause]

Do the designers have any comments? Thank you very much for being with us, sir.

MR. JOHNSON: Well, it is my great pleasure that I come to you, National Capital Planning Commission, for the second time about the John Marshall Park. The first time you had nothing

but good impact on the design and we looked forward to responding to some of the aspects that have just been mentioned.

I do think that my dream would be to bring this park to life and bring the life of John Marshall to life as well as Justice Carrico does because this is a life that not a lot of people know about and it is of great importance, particularly in the changes. The new museum will be built right close to the sight. There will be thousands of tourists who are not there now. The park should welcome more people. There should be more things of interest about John Marshall. The original program simply recognized the fact that this was a site of the boarding house that John Marshall and other greats in our history lived in when Washington had just been built. It was really under way. So, that was recognized but the contributions of John Marshall and his life are not, really not demonstrated or interpreted at all.

My goal is to make this park have layers of experience. It would be a place one could come and see the statue of John Marshall as one would walk in from Pennsylvania Avenue, walk upstairs or around. We have new handicap accessibility. There

was always handicap accessibility but we have more now so that it is unified. You arrive at the statue. The statue welcomes you to the heart of the park, the ellipse. And, then there are some layers of experience. You could simply walk around the ellipse. I have seen children playing in the grass in the park now. The children could still do that, or they could be invited to the interpretive rooms which are just to one side of the ellipse, with a background of planting. So, people can walk through and get a sense of some of the words of John Marshall on the glass walls, or they can be invited behind the glass walls. The light comes through the glass walls so that the interpretive rooms appear to be part of the main space but they are a little bit separate and you could ignore them, or you could go in, particularly of course if you have a school group or a group coming from the museum. You could go into these interpretive rooms and focus on some of the judicial aspects or the life of John Marshall.

So, having a sort of option, a simple, dignified center with more detailed information at the sides seems to fulfill something that would be a memorial but would also give information to all

of these wonderful young people who are going to be coming to this area. So, that is just the generalities. We have kept the handicapped ramps on either side and the three levels which seemed originally to be appropriate, and we are happy that the staff agrees. We believe we can make the interpretation simpler and stronger and with less verbiage. That would be a goal that I think we all would seek. And, I think it has been suggested that we need to do that, and we would like to.

MR. COGBILL: Thank you. Mr. McGill?

MR. MCGILL: I would like to make a motion and then, if it is seconded, talk to the motion. I move the Executive Director's report, except for the first bullet under the recommendations.

MR. COGBILL: Leaving the other three bullets?

MR. MCGILL: Yes.

MR. COGBILL: We have a motion to accept the Executive Director's recommendation with the removal of the first bullet. Is there a second?

MR. GALVEZ: I would second that.

MR. COGBILL: The motion is made and seconded. I have a request to amend the motion.

MR. AMES: Yes. First of all, the motion

leaving out the first bullet was something that I would have liked to have seen done too. So, I am glad you took care of that.

The other thing is simplifying the design of the Constitutional Pillar to place stronger emphasis on the three branches of the United States government. I would like to see that taken out and the reason I want that taken out is that this is a memorial park to the Chief Justice of the Supreme Court, not the three branches of government. So, more emphasis being placed on the judicial branch of government, to me, is very much more important and I would like to see your motion amended to include not to put that part in the recommendations that we approve also.

MR. MCGILL: I am willing to accept that.

MR. GALVEZ: I agree with that also.

MR. MCGILL: Now I would like to talk to the issue. First of all, I would like to associate myself with Chief Justice's wonderful remarks.

I think John Marshall is as important as any founder in this country in terms of influencing the formation of the American political system. When he took over the Supreme Court it was not a prestigious, co-equal branch of government. Chief

justices and all the justices spent most of their time riding circuit, which is why I believe John Marshall sat in Richmond overseeing the trial of Aaron Burr. Yet, what he did with his accomplishments over the 34 years he served was to make the Supreme Court a co-equal branch of government and to establish a number of procedures and concepts that were profoundly important for the operation of our government.

Now, the reason that I suggest deleting the recommendation that the text be simplified is because John Marshall's accomplishments are not simple. His opinions are inspiring, eloquent and articulate and they read, indeed, in a far more modern idiom than the writings of our founders in the 1780s and >90s did. But they are complicated and I would like to give one example.

Mr. Chairman, you know I am not a lawyer and you are so you can correct me if you find any errors here, but Marbury v. Madison, Marbury was an Adams appointee. He had not been confirmed before Adams left office. Marbury said give me my appointment and Secretary of State Madison said no.

And, Marbury was insistent and finally went to court to sue to get the Secretary of State to move

forward the appointment papers for Marbury and it got to the Supreme Court. Now, at this time there was no such thing as judicial review of the actions of Congress or the President. Marshall and Jefferson, although related by marriage through their wives, were enemies. Marshall said we have the right to oversee a decision made by the President. Then he proceeded to say and the President is right to deny the appointment.

So, what he did was put President Jefferson in a position where he could not possibly argue against judicial review because the decision was upholding President Jefferson, yet the concept was established. That is not a simple story that can be told by a few inspiring phrases.

Now, I would like to contrast a couple of existing memorials, one with long, complex phrases and the other with simple, inspiring phrases. The Lincoln Memorial has the entire text of the Gettysburg address and the second inaugural address. They reveal the way Lincoln thought, the way he reasoned, the beauty of his language. The Jefferson Memorial has these little phrases that make you think, well, Thomas Jefferson knew how to turn a phrase but you don't really come away from

the memorial with a deep understanding of the issues and the meaning of what he was talking about or the context in which it occurred.

I bet 95 percent of the people that come as tourists to Washington, D.C. either have never heard of John Marshall or only know him by name, and they are not aware that this park is a memorial to him. It needs a complex set of interpretations to convey to people the incredibly sophisticated and important accomplishments he achieved. Therefore, I think that a true memorial to something as profound as what John Marshall accomplished requires text. Thank you.

MR. COGBILL: Mr. Ames?

MR. AMES: Thank you. First of all, I want to thank the Chief Justice for being here today. I am really honored that a man of your stature would take time from your busy schedule and come here and talk to us about this, not only talk to us but educate me some. Of course, I remember studying John Marshall when I was in school in South Carolina and we recognized then, when I was a child, how important he was.

There was something you said, Mr. Chief Justice, that hit me and that was my reason for not

supporting that recommendation, as well as the recommendation on the simplification of the Constitutional Pillar, that being the term Aeducational experience.@ To me, Washington is an educational experience in itself, and the more education we can relate to people the better we are. And, I would not attempt to give the historical parts of it like you did because I am not qualified to do that. But I do believe that the more simple you make something sometimes, the less interesting that it is.

I go to the situation of the emphasis on the three branches of government. There is a lot of emphasis on three branches of government in this city, but I think the thing that John Marshall probably accomplished more than anything else is that he brought equal significance to the judicial branch of our government by, whatever you want to call itB-creating the Supreme Court, which he really didn't do but he made the Supreme Court equal. And, this part was put there to memorialize the things that he did and that is one of the most important things that he did and, therefore, I would not want to emphasize the other branches of government, which have all other kinds of places

that emphasize them. I think this should be reserved for the judicial branch in this particular situation because of Chief Justice Marshall. Thank you, Mr. Chairman.

MR. COGBILL: Just to ask a question to clarify, to the extent that the John Marshall Memorial Foundation wanted this structure there, you would have no objections.

MR. AMES: Oh, no, no, no. No, no.

MR. COGBILL: All right. Other questions or comments?

MR. PARSONS: I am a little confused by what Mr. Ames is asking. He is asking for this bullet to be removed. Is that correct?

MR. AMES: Where they are saying to put strong emphasis on the three branches rather than just on the judicial branch, the way I am interpreting that bullet.

MS. SAUM: May I?

MR. COGBILL: Please.

MS. SAUM: The intention of the emphasis I think was on simplifying the design. It was not on reducing the intention to portray the three branches of government. We support the pillar. We support the communication of the idea of the three

branches of government, particularly the elements such as the eagle on the top. We were talking about the design of the item itself.

MR. AMES: I still would ask that be removed because I don't like the idea of simplifying something in such an important park that we are dealing with. This can be, and I hope will be one of the true greatest parks we have in the City of Washington and, therefore, I think it deservesB-I don't know exactly how to put it, but it doesn't deserve to be simplified is what I am trying to say.

MR. COGBILL: When you come to the microphone you need to identify yourself just so we have it on the record.

MS. JOHNSON: Carol Johnson. There is a bit of information that I think you don't have and I think it is important. Anyway, I will tell you.

I believe there were two chief justices, William Howard Taft and John Marshall and John Marshall was, of course, the first chief justice who also served in the legislative and the executive branch of the United States government. This is obviously a rare and unique thing about the great chief justice. So, the Constitutional Pillar has some

sense of how he contributed to the whole government and how he prepared himself to become the great chief justice.

MR. COGBILL: Ellyn, you need to add something?

MS. GOLDKIND: I think there needs to be a clarification because we really agree. What staff felt was that the large number of elements that comprise the pillar actually detract from the important message that it is trying to convey. We felt that the design should be simplified to have the primary focus on the three branches of our government and how they work together and are equal as a result of John Marshall's efforts. That was the sole intent of that.

MR. AMES: I understand and I appreciate your thoughts there. My point to that would be that that is a personal opinion of a planning staff, not of a designer.

MR. COGBILL: Well, to the defense of the staff--

MR. AMES: I am not degrading the staff. I have something that was put up here by a designer and I don't expect planning people to try to tell the designer how to design something. That is

where my problem comes in.

MR. PARSONS: Well, I think fortunately, or unfortunately, that is part of the role that we play. But if I understand what you are saying, you have no objection to this. It really is up to the design team to tell us how they think it should be done. We have had the benefit of the staff's recommendation but your point is that while this pillar could be there, you have no objection to the pillar that has three elements--

MR. AMES: No, no, no. I think it should be up to the design team. Unless they come up with some design that is just totally crazy, I don't think we should be talking about the design of the thing. That is their job, to show us what they are doing, and I don't think it is something that we should be doing.

MR. COGBILL: Does that address your concern, Mr. Parsons?

MR. PARSONS: Well, I think we could probably discuss this for a long period of time--

MR. AMES: Well, we could.

MR. PARSONS: B-and what I mean by that is that the Commission has traditionally commented on design issues.

MR. AMES: Then we should continue to do that.

MR. PARSONS: We have design professionals on our staff. I should say, as I understand it, what this is really about is concern by the staff about the eagle on top of this column. That is all this is about, as I understand it. They think--

MR. AMES: Nobody said that.

MR. PARSONS: That is why I am saying it. I wouldn't put words in the staff's mouth or have them tell me otherwise, but I think that is it, that they think it detracts; that the focus should be on the triangular shape and its symbolism rather than the eagle on top. But, please, Miss Goldkind?

MS. GOLDKIND: I couldn't have said it any better.

MR. AMES: You know, I am upset now.

MR. PARSONS: Well--

MR. AMES: Wait a minute, I would like to speak; hold on a minute. If you have a problem with something don't leave me up here to guess. You tell me what your problem is. I personally don't have a problem with the eagle. I think it is beautiful. I think it adds to the statute. But for you to sit up here and tell me to simplify

something and not explain what the simplification is, that bothers me.

MR. COGBILL: Let me suggest that I think conversation has been had between the designers and our staff professionals. So, they understand that.

I think for purposes of this EDR you are seeing the summary as opposed the detail of that discussion. So, I think the point is that everyone I think is understanding what the intent is here. I think that your point in your deletion of this bullet does not change the ability of the designers to continue to come back to us with their recommendations, or for the staff to comment on that. But I think they do understand among themselves what those specific issues might be.

So, hopefully, that clarifies it. I don't think anyone disagrees with the point that you have made in terms of your concerns about our staff designing it, but I do think it is incumbent upon our staff to make those comments, as it is the ability and responsibility of the Commission of Fine Arts but, again, all of this comes back to us for our resolution and I think all that staff has tried to do is provide guidance, which may or may not be accepted by the applicant and which we will

again finally review and approve when it comes back to us for its final action. That is the purpose of this.

MR. GALVEZ: Just to add a point, I mean, I think the intent here of these comments looking at it as the designer is not to take away from the message that is being conveyed but how the parts are put together to get that message across. I mean, I would be concerned about the detail of how this glass wall goes together, for instance, so it becomes a truly timeless element not something that is going to look shabby in five years because the message is so important it really needs to be done in a timeless way. And, that is what I think the designers intend on doing at this point and I respect that dialogue that is going on with the staff.

MR. COGBILL: Other questions or discussion?

[No response]

All those in favor of the motion as amended by Mr. Ames and as accepted by Mr. McGill and approved by Mr. Galvez, please signify by saying aye.

[Chorus of ayes]

Opposed?

[No response]

Abstentions?

[No response]

The motion carries. Thank you. Thank you, all, for being with us, Mr. Chief Justice.

We will move now to agenda item 5B. This is the revised preliminary site and building plans for the Wisconsin Avenue Terminus of the Georgetown Waterfront Park. Mr. Keller?

5B **Georgetown Waterfront Park between Wisconsin Avenue and 31st Street, NW - Wisconsin Avenue Terminus**

MR. KELLER: Good afternoon, members of the Commission. The National Park Service has submitted a revised preliminary plan for the Georgetown Waterfront Park Wisconsin Avenue Terminus area.

We will begin by orienting everyone to that given that we have several new members of the Commission. The Georgetown Waterfront Park is located in the northwest quadrant of the city, directly adjacent to the Potomac River shoreline and, in fact, is on that north shoreline area.

Moving closer, here you see highlighted in red the total park area that comprises ten acres,

and the submission of the Wisconsin Avenue Terminus is this portion, highlighted in blue, which comprises about 2.3 acres.

Moving to the specifics of the revised preliminary site plan, I will orient you. K Street is located to the north side. Again, the bulk of Georgetown goes uphill from that location and 31st Street is located here. Washington Harbour complex is directly east of that.

The main features of the park include a water feature which is at the Terminus focal point area. There is the promenade which follows the shoreline to the west, and the phase one portion of the park which is now under construction is to the west side of the Terminus, in this area.

Other features include the stepped bulkhead area directly at the shoreline; a pergola structure which is a feature to add focus to that point of the park; and then the central lawn areas and a bioengineered edge to the shoreline adjacent to the stepped bulkhead.

Some of the main changes that have occurred which I would like to point out at the site plan here are that there is a wider buffer strip now provided at the north perimeter of the

park between the bike lane and K Street. The lawn area has now been simplified in context of the removal of trees and the provision allowed for greater lawn expanse. Then, there is the revision and introduction of a new pergola design.

This is the 2005 design that you last saw. Again, the features are all the same as you see highlighted here. Then, you recognize some of the changes I just pointed out, again, that buffer area and the removal of trees in the central lawn area. Then, there have been some slight revisions to the stepped bulkhead as well and, again, the revision to the pergola area.

The previous Commission requested the applicant to provide detailed information on the proposed pergola regarding the specific layout and material composition, and that is one reason that revisions have occurred. The removal of the more massive multi-lamp Washington globe there was located at the park perimeter at the entrance point to the park; and then to revise or make more prominent the pedestrian sidewalk extension of that park entry area at Wisconsin Avenue.

The revised preliminary site and building plans now offer proposed pergola details on the

layout material and composition, and we will discuss that in greater detail in a moment.

There is the removal of the multi-lamp Washington globe. There is now a proposal to just introduce single lamp Washington globes at the perimeter. The pedestrian sidewalk space has been slightly enlarged and defined. Then, there is the continued conformance to the Commission's position that the park be passive in nature, maintaining a variety of landscape surface treatments, spatial definition and water edge experiences adjacent to the river.

Dealing with the details of the pergola, the revisions orient from the original design that you see here. That design entailed some form of a white, opaque shading structure that was similar to a sail structure but was not defined as to the exact material composition. Then, there were also to be tall, supporting members defined as fiberglass but no more details than that. There was significant concern about this element, both from the public, the Commission of Fine Arts and then our staff report as well, in 2005, given that there was not clear definition to the amount of pergola that would actually exist.

The revised pergola design is now a more transparent and open structure feature. It is comprised of steel structural members. You see those are the vertical elements here. Then, the actual roofing structure is now more a transparent, screen type of material that will support an actual living green roof, which will be comprised of hanging or vine material that will be planted adjacent to the structure. Consequently, it becomes more of an open arbor or a screening type of element. Here you see the nature of that element as conveyed in this depiction.

The other revision that has occurred is in the focal area of the fountain area in the context of just simplification. There has been the removal of a line of trees that exists in the down river portion of the fountain area. Other than that, it remains as originally proposed. It is a basin with low jet streams originating from a granite seating feature, and will jet across the pavement area and then drain back towards this granite edge. It is very shallow. It is a feature that can be easily walked around, as you see here in the depiction, and also can be entered into and enjoyed by the children of the area or any pedestrian.

Here is a cross-section of that showing you the shallow basin that is developed, and then the low jets of stream that would occur. This section, again in the original design, had two rows of trees. That is now simplified to one.

The other element is just the use of the single lamp Washington globe. As I said, that has been complied with in the revised design. It continues to feature the interior park lamp that is utilized in phase one. This is an indirect lighting feature. The lamp itself is located in the post and the light is directed upward to a reflector.

There is also the revision to the stepped bulkhead. This is a provision that developed an end wall at the north and south end of the stepped bulkhead which will serve as a seating area for the observation of boating events, as well as just seating for the general public. There is also a lounging area now provided at the top of the bulkhead that will feature the ability to be seated or to stretch out on the grass panels.

It is the staff's analysis that the revised preliminary design responds to the Commission's direction to the Park Service of

defining materials of the pergola, removing the lamp, Washington globe, also revisions to the landscape features that respond to the local community concerns regarding informal lawn areas with respect for fewer trees placed in those sections, and staff finds the revised design continues to focus towards the position of the Commission to provide contrast, new arrangement and the openness to the Terminus area that was sought by the Commission in the earlier reviews of 2003 and 2004. Consequently, it is the Executive Director's recommendation that the Commission approve the revised preliminary site building plans for the Wisconsin Avenue Terminus, as shown on the NCPC map file.

That concludes staff's presentation. We have four people registered to speak to the proposal and we also have the applicant present.

[The staff recommendation for Georgetown Waterfront Park, between Wisconsin Avenue and 31st Street, NW, Washington, D.C. - Wisconsin Avenue Terminus and list of registered speakers follow:]

MR. COGBILL: Thank you. Are there questions of staff at this time? Yes, ma'am?

MS. TURNER: Question, right where the step is coming down to the water, is there any type of barrier between the steps and the water given that there will be children potentially?

MR. KELLER: Can you bring that back up? The image is coming up, but the quick answer is that there is a barrier provided at the top. Do you see that here? That is also the purpose of these features through here. The stepped area itself is open and for small children, most likely they would have to be supervised. But the intent is to provide a total open view to the river itself. If the applicant would like to add details?

MS. BLUMENTHAL: Yes, thank you. I am Sally Blumenthal, with the National Park Service. I would like to point out that with respect to railings and waterB-and we actually spent a lot of time in the Park Service throughout this park because there are only railings in three placesB-there are no railings at the Tidal Basin and that actually, in an odd way, makes the cherry walk safer for most people, unless you are bound

and determined to jump in the Tidal Basin, because you stay away from the edge. Similarly, there are no railings in Baltimore. There are no railings in Annapolis at the city dock. So, there is a natural inclination to stay away.

Additionally, these river stairs, which this is shown as our variation of, exist all over the world in river conditions, and with rivers that are a lot more dramatic than the Potomac. There is one in St. Paul on the Mississippi. There is one in Cincinnati where you are engaging the river at the water level. They are in Europe. There is one in Miami. So, we are very confident that not having a railing and being able to get right down to the bottom is the appropriate way to treat this river stair.

MR. COGBILL: Is that a satisfactory answer? Other questions of staff? Then we will move this to the public phase. We have four individuals who have signed up, as Mr. Keller said. For those of you who haven't been with us before, we have a system that allows individuals speaking on their own behalf up to three minutes for their presentation. What we have done for convenience, we have a clock on the wall with the red numbers

which counts down from the time you start until the end of the three-minute period. While that is not a hard and fast time period, we would ask you to be respectful of that if you can. For those who represent organizations we allow more time, which is five minutes. Again, that time will show on the clock when that individual comes to the podium and that will also count down until the time expires.

Let me point out to the commissioners what is in your packet. You have a petition of support which has been placed at your seat. You also have an email that was received this week from David Mel Paul. You have a letter at your place from the Friends of Georgetown Waterfront Park; a letter from the Potomac Conservancy; a letter from the Chesapeake and Ohio Canal Association. All of these individuals have asked that this be brought to your attention and, hopefully, you will consider that as we move forward.

With that, I will now ask our first speaker to come forward, and that is Mr. Robert Norris.

MR. NORRIS: Mr. Chairman, members of the Commission, my name is Robert Norris. I am a private citizen. I have been involved in the

Georgetown University Boathouse proposal for several years, as well as the proposed Georgetown Waterfront Park.

The purpose of my appearance here today is to urge this Commission to use its considerable influence on the Park Service to ask it--to demand of it that it prepare an environmental impact statement for the entire waterfront area. There are three reasons for this request.

The first one is that the entire waterfront should be treated as one comprehensive area. An EIS would enable artificially drawn boundaries to be redrawn if necessary in order to meet current needs and realities. There has been a total absence of consideration of boathouses at 34th and Water Streets.

The second reason is that the Park Service is relying on a 1984 EA, labeled EA, as the only NEPA review for the Georgetown Waterfront Park. This is 23 years old. It is completely out of date and fails to meet the current needs of the public in terms of rowing and access to the river. This EA simply does not satisfy the NEPA requirement.

The third reason, the preparation of an EIS would cure any legal deficiencies and

disabilities that the 1984 EA has, as well as the resultant 1987 Georgetown Waterfront Park plan and the C&O Canal Park plan.

As the members of this Commission I am sure know, at the EA on the Georgetown University Boathouse proposal there were alternative sites urged at the scoping session. One of these sites is adjacent to and immediately downstream from the boathouse site promised George Washington University at 34th and Water Streets. In my opinion, as well as a lot of other people, this is an environmentally preferred location for the university's boathouse. This site is located, unhappily, at the very western end of the proposed Georgetown Waterfront Park, an area now planned as a buffer of grass and trees. It is not my intention-Band I will wrap this up, Mr. ChairmanB-to ask the Commission to stop work on the proposed park but simply to recognize that an EIS should consider alternative sites outside the C&O Canal National Historical Park for Georgetown University's boathouse. Thank you very much and, of course, if there are any questions I would be more than delighted to try to answer them.

MR. COGBILL: Thank you very much.

MR. NORRIS: Thank you, sir.

MR. COGBILL: I will now ask Mr. Stephen Kurzman to come forward.

MR. KURZMAN: Thank you, Mr. Chairman. I am a former president of the Citizens' Association of Georgetown. I have appeared before this Commission earlier on the park.

I would like to submit a petition, which is signed by more than 220 Georgetown residents and business owners, which deals with the features which are in this revised preliminary plan for the phase two Wisconsin Avenue Terminus, if I may, and have that added to the record.

We have major objections to three features of this revised plan. The pergola is first and foremost. In our opinion, it is even worse than the original design which was for a 130 foot long single structure. It is now a three-part structure, all at odd angles. It is confusing. It is complicated and, frankly, it is ugly. It is likened to a baseball backstop or an old-fashioned outdoor clothes trying rack. Like the discarded mass structures from the overlooks, this has 15 steel columns, 20 feet high each. That is going to disrupt the skyline at the key entry into this park

and the key view down the southern view, down past the Kennedy Center. It won't provide any shade in the hot summer heat because the clematis that is planned for this is too weak. Other vines are too heavy for the structure. And, the cantilevered arms and meshed tops and canted upward. Trees would be far better for shade.

There is apparently a reference to industrial era cranes in this area. Well, that is not part of the Georgetown Waterfront history that we really want to enshrine. There is apparently a curving element in it and one of the ANC commissioners, who is an architect and planner, said he wasn't sure that was even buildable. By the way, it will cost 650,000 dollars-plus to build this pergola.

We also have objections to the fountain. We think it is unnecessary to begin with. It is going to create hazards for people and the bench is going to be a skateboarder magnet. There are already fountains next door in Washington Harbour and there is going to be a big maintenance problem. This is in the floodplain.

We also have problems with the steps. A commissioner has already raised the question of

safety for children. I would add to that that the river rises and falls; it is tidal and it floods there. Thank you very much.

MR. COGBILL: Thank you, sir. I will now ask Mr. Robert vom Eigen to come forward.

MR. VOM EIGEN: Thank you, Mr. Chairman.

My name is Robert vom Eigen. I am president of Friends of Georgetown Waterfront Park. It is a non-profit corporation in the District of Columbia with 150 families and businesses that have joined it and more than 200 dues paying members.

We have one unifying principle, which is to support and promote the development of the park in a manner consistent with the National Park Service plans and to get it done quickly. We too have a petition we went out a few weekends this last fall and spoke to the people who come and use this park and from all other regions. What you are impressed by is where these people are from. I mean, we have had them from Israel. We have had them from Potomac. We have had them from all over the region and this is a park that is used by everyone. And, there is great support for getting this park done in a manner consistent with the Park Service plans.

Now, the Wisconsin Avenue Terminus, in our judgment, has great potential to become really the esthetic centerpiece of Georgetown at this key intersection between Wisconsin and K Street. It should create excitement and encourage inter-reaction between people. And, the design components that were designed by Wallace, Roberts and Todd are really quite stunning in our view.

I want to show you this picture because this is the phase one, which has been cleared and will go all the way out and this is going to be a vast open space. We think that also is a part of the park. That phase one is going to be contemplative area. It is going to be peaceful and we think we need to have the variety that is created by the Terminus portion phase two and, therefore, we support it.

As for the pergola, we don't agree with the previous speaker's view of that. He ridicules it. We think that trees positioned there would be an obstruction and would close off the site lines, whereas this is transparent and it is light. The vegetation on there will create shade and it will be an inviting place for people to congregate.

As for Mr. Norris' comments, we have two

reactions to them. Basically, they are very light and they are also irrelevant to the matters before this Commission. Phase one has begun construction.

Now I hear for the first time that maybe they should hold up phase one while they consider whether the boathouse could be put there. That was certainly Mr. Norris' position earlier. It is no longer his position. Well, that is fine; that is good. Let's get this park built and move forward.

If you want to do an environmental study for some other reason, then that is fine but it should not implicate this park and the use that is planned for it, and we would like you to rule their comments out of order or at least irrelevant to what is before the Commission today. I would be glad to respond to any questions and thank you for the opportunity to speak to you.

MR. COGBILL: Thank you, sir. Our last speaker is Ann Satterwaite.

MS. SATTERWAITE: Good afternoon. I am very glad to be here. I am Ann Satterwaite. I am a planner. I once worked at the National Capital Planning CommissionB-always glad to be back. The National Capital Planning Commission in 1968 designated this as parkland and we are still trying

to make that happen.

I just want to bring out a couple of points. One is that I want to give a very brief history of the planning that has taken place. Of course, this has been a very open public process. In the >70s we had a Committee for Washington Riverfront Parks. It dealt with both the Anacostia and the Potomac Rivers. This is not a parochial issue. This is part of the national park. At that point we had 22 national organizations and one of our major achievements was that we did get an easement for public use, for a public passageway, in front of Washington Harbour so we have a full passageway along the riverfront now.

Then, in the late 1990s we had the Georgetown Waterfront Commission which was chaired by Sen. Percy. That is when most of the planning has taken place for this park. We had 50 public meetings, all announced in the newspaper. We had a boathouse committee; we had a design committee. It was a very open process. A great many of these people objecting did not go along with the majority opinion at those meetings. Now this Friends of the Georgetown Waterfront Park has been set up.

I just want to say that this has been the

missing link in the whole waterfront park system. We are almost there. We have the passive park and the upper park. This will be the agora. All vistas are down. All the streets, Wisconsin Avenue, are all pointing to the river with a fountain that overlooks the steps. The steps to the Mississippi are one of the most dramatic parts of the waterfront there for pedestrians.

The pergola allows visibility. It allows shade. It allows for a place for someone to sit. There is interactivity in terms of the fountain there and a place where one can walk as well as at the steps. And, I just want to say that I fully support this plan and I hope that for the fortieth anniversary of the 1968 NCPC plan this will become a reality, and I urge your support. Thank you.

MR. COGBILL: Thank you, ma'am. That concludes the public portion of this hearing. I will bring it back to the commission. Mr. Parsons?

MR. PARSONS: Mr. Chairman, thank you. I appreciate Miss Satterwaite's remarks because the long saga of bringing this industrial waterfront to parkland, which was really identified in the McMillan plan long ago, is finally coming to fruition. As you can see in the community,

although we have had 50 public meetings, we still have public debate about the design issues. Based on past Commission actions improving this design, we feel that we are ready to move forward and should be allowed to do that.

Regarding the boathouse issue that Mr. Norris brought up, I don't have the materials to describe it to you today but the 1984 plan which the Commission approved designated what we called the boathouse zone. Believe it or not, we had the entire Commission in a boat going up and down the river, deciding where that boathouse zone should be. It wasn't artificial boundaries, as Mr. Norris said. It was very carefully delineated by the Commission of Fine Arts and the Planning Commission to cluster the boathouses around Key Bridge where they had been historically and upstream from Key Bridge. The feeling was that the boathouse zone should not fall below 34th Street. Well, the diagram is covered up now but this park that we now have under construction stops there, at 34th Street where a boathouse would be built just to the west.

The Georgetown University boathouse has become very controversial. It hasn't come before you because of that. It is deemed to be much too

large a boathouse and we are working with citizens and others to try to mitigate that. So, to bring the issue of the boathouse into this discussion is very late in the process, and inappropriate, and we feel we can solve the boathouse issue in another forum.

I hope that answers some of the questions that have been brought up. We welcome the opinion of the Executive Director and I would move the Executive Director's recommendation.

MR. AMES: Second.

MR. COGBILL: There is a motion made and seconded. Other questions or comments?

MR. MILLER: Yes, I just wanted to speak in support of the Executive Director's recommendation. This has been a long time coming, as Mr. Dixon will remember. His representative may have been on that boat. When I went to the Council Chairman's office I think that decision had already been made. But one of the first pieces of legislation I worked on was the transfer or jurisdiction for this property to the Park Service so we would get the waterfront park there. So, it has been a long time coming. There is a lot of support from the community and I am glad it is

moving forward today.

MR. COGBILL: Any other questions or comments?

[No response]

All those in favor of the motion, please signify by saying aye.

[Chorus of ayes]

Opposed?

[No response]

Abstentions?

[No response]

The motion carries. Thank you, and thank you to our citizens who came to speak to this.

We move now to agenda item 5C. This is the approval of federal interest comments to the City Council on the Comprehensive Plan Amendment Act of 2006 for the district elements. Mr. Mann?

5C

Comprehensive Plan for the National Capital:

District Elements

MR. MANN: Good afternoon, Mr. Chairman and members of the Commission. I am presenting today for the Commission's review the newly enacted district elements of the Comprehensive Plan for the National Capital submitted by the Council of the District of Columbia.

The Comprehensive Plan for the National Capital consists of federal elements which were prepared by the Commission and District of Columbia elements which are prepared by the District government. Under the National Planning Act, the Commission and the District government are required to jointly publish the Comprehensive Plan for the National Capital which consists of both the federal and District elements.

Pursuant to the Planning Act, the Commissioner is required to determine the impact of the elements on the interests or functions of the federal establishment in the National Capital. The federal elements and most of the District elements were originally adopted during the 1980s, and were published in a joint format in 1984. Between 1985 and 1998 the District elements were amended four times.

In 2003 a Citizens' Task Force completed an assessment of the District elements. As a result of the assessment, the District Office of Planning and the Task Force recommended that the Comprehensive Plan be thoroughly revised, not just amended. The Task Force found that the existing plan was outdated, difficult to read and understand

and did not provide the direction needed to address the issues facing Washington today.

This submission of the District elements is an entirely new version of the plan. Several changes have been made from the previous version to ensure that the plan is understandable, functional and dynamic. While some previous elements have been retained, others have been renamed to reflect their new focus. For example, public facilities has become community services and facilities. Others have been added, including educational facilities, parks, recreation and open space, and arts and culture. The plan also has an increased focus on implementation and includes an action planning matrix in the implementation element.

Throughout the planning process the District has engaged the public, District and federal agencies and NCPC to ensure that all views were taken into consideration. Countless hours were spent reaching people who may have been left out of the process in the past. The resulting plan is dynamic and functional and will serve the City well for years to come.

The plan has several hundred changes that involve a wide variety of issues. Some changes

simply update background information, make factual corrections or refine objectives and policies. Others represent new planning initiatives by the District. Most of the changes do not directly affect federal interest, and where changes were expected to affect federal interest the District Office of Planning coordinated with NCPC and other federal agencies to ensure that potential negative impacts could be avoided. In particular, staff has worked closely with the General Services Administration, the National Park Service, the Department of State and the Architect of the Capital to identify issues of concern.

Overall, the plan acknowledges the important role of Washington as the nation's capital, the federal government as the major employer and the significance of planning efforts undertaken by the federal government. Several elements in the plan recognize the importance of other federal interests. The plan encourages collaboration with the federal government on many topics, such as historic preservation, park and open space planning, transportation planning and other major initiatives.

The plan protects the horizontal character

of the city by limiting building heights in accordance with the Height of Buildings Act of 1910, and it supports the Legacy Plan, the Memorial and Museums Master Plan, the forthcoming Capital Space Initiative and the forthcoming National Capital Framework Plan.

However, staff evaluation of the plan has also determined that three policies and one action item in the plan regarding foreign missions have a negative impact to the federal interest.

Throughout the plan's development the Office of Planning ensured that NCPC was consulted and that our comments were taken into consideration. The small number of impacts identified in this very large plan were largely the result of changes made at the end of the process.

Staff has found these items to be present a negative impact to the federal interest because policies and actions that prevent, discourage or preclude foreign missions from developing new chancery facilities or expanding existing chancery facilities are inconsistent with the foreign missions and international organizations element of the federal elements. The policies also appear to be inconsistent with provisions of the Foreign

Missions Act.

The foreign missions and international organizations element of the federal elements was created under the guidance of a multi-year, Foreign Missions Task Force, composed of city and federal representatives. The Task Force worked together to ensure that adequate areas appropriate for future chancery development would be available, while ensuring that the integrity of residential neighborhoods would not be compromised.

The district elements of the Comprehensive Plan addressing foreign missions largely reflect the same policies. However, the policies identified as negative to the federal interest do not.

The first policy, chancery encroachment in low density areas includes a sentence at the end of the policy to discourage the conversion of existing single-family residences into foreign missions, except for uses as ambassador's residence. The action item includes a sentence at the end of the action stating that recognizing the over-concentration of chanceries on Sheridan-Kalorama, every effort should be made to limit any additional chanceries in that

neighborhood. The near northwest policy includes foreign missions among the uses zoning regulations should discourage to prevent their conversion to this use.

The last policy, housing conversion, also includes chanceries among the uses zoning regulations should discourage to prevent their conversion to this use.

Finally, sections of the Home Rule Act limit the scope of local planning as follows: The Mayor of the District of Columbia shall be the central planning agency for the government of the District of Columbia. The Mayor's planning responsibility shall not extend to federal or international projects in the development of the District as determined by the National Capital Planning Commission. Therefore, staff finds that the inclusion of the identified policies and actions are deemed to have a negative impact to the federal interest.

One course of action the city can take to ensure that there is no negative impact to the federal interest is to remove the final sentence of policy LU-331, remove the final sentence of action LU-33A, delete foreign missions from policy NNW-117

and delete chanceries from policy H-221.

Another course of action the District could take is to propose alternative language to address the negative impacts. The District is encouraged to work with the Department of State and NCPC to develop mutually agreeable language that fulfills the city's policy objectives without creating a negative impact to the federal interest.

Staff has discussed possible alternative language options with the District and Department of State representatives, and find that both parties believe there are opportunities to reach agreement.

On a separate note, the District, NCPC and Department of State have been working on zoning proposals intended to address many of the policy issues related to foreign missions, while simultaneously ensuring that adequate areas are available for chancery development. The City is encouraged to continue to move this process forward.

Many plan proposals are part of long-range plans for distant time horizons, and there could be potential impacts to the federal interest. These projects will come before the Commission as part of

the normal review process and their impacts will be evaluated at that time. Examples of these projects include changes to the zoning regulations and maps, proposals for District projects for city and property and amendments to the highway plan.

Following Commission review of the District elements, NCPC staff will determine if changes are required to any of the federal elements. Changes or amendments may be necessary to ensure that the plans work in tandem as a comprehensive, consistent and coordinated plan for the National Capital. Examples of potential amendments to the federal elements may include visitor facility initiatives beyond the Monumental Core, and park and space improvement goals.

With the important exceptions noted above that create a negative impact to the federal interest, staff has determined that the District elements are not inconsistent with the federal elements of the Comprehensive Plan. As noted, some of the new components in the District elements may require modifications to the federal elements. The Commission's review of the plan is not subject to the National Historic Preservation Act, however, the District of Columbia should make every effort

through its normal regulatory processes to ensure adequate protection of historic resources.

The District has provided to the Commission an environmental assessment evaluating the impacts of the proposed elements. Commission staff has reviewed the assessment and found it useful in evaluating the elements and their potential impact on the federal interest.

Before providing you with staff's recommendation, I want to remind you of the unique process the Planning Act requires for the Commission's review of the plan. If the Commission finds a negative impact the Council may accept the findings and modify the element or amendment, or reject the findings and prepare a modified element or amendment. Under either scenario, the Council shall submit the modified elements or amendments to the Commission. If the Commission again finds a negative impact to the federal interest, the element or amendment shall not be implemented.

Therefore, it is the Executive Director's recommendation that the Commission commend the District on the preparation of a dynamic and functional Comprehensive Plan that will serve the needs of all the District citizens and

stakeholders, and ensure that Washington, D.C. remains one of the great cities of the world; adopt the attached resolution finding that, with the exceptions as noted, the Comprehensive Plan for the National Capital: District Elements - Comprehensive Plan amendment Act of 2006 will not have a negative impact on the interests or functions of the federal establishment; and notes that if the District chooses to develop alternative text to address the identified negative impacts to the federal interest, the District of Columbia, the Department of State and NCPC are encouraged to work together to reach agreement on mutually acceptable language that fulfills the city's policy objectives without creating a negative impact to the federal interest.

Like the Executive Director's recommendation, the resolution also commends the District on the Comprehensive Plan. The resolution also finds that the plan will not have a negative impact on the interests or functions of the federal establishment in the national capital with exceptions: The final sentence of policy LU-331, chancery encroachment in low-density areas; the final sentence of action LU33A, modifications to

the diplomatic overlay zone; the term foreign missions in policy NNW-117, loss of housing; and the term chanceries in policy H-221, housing conversion.

Like the Executive Director's recommendation, the resolution encourages collaboration to reach a mutually agreeable solution to the few identified negative impacts to the federal interest if the District chooses to develop alternative text to address those impacts.

This concludes my presentation. I will be happy to answer your questions. I believe we have several individuals signed up to speak.

[The staff recommendation for Comprehensive Plan for the National Capital: District Elements - Comprehensive Plan Amendment Act of 2006 and list of registered speakers follow:]

MR. COGBILL: Thank you Mr. Mann. I would point out that you should have at your place an amended staff report which includes a revised resolution, which adds the clause or the sentence that was just described by Mr. Mann, which is on page two of the resolution.

This is a public hearing. Are there any questions of Mr. Mann at this time?

[No response]

This is a public hearing. We have six individuals who signed up, each one representing an organization. I hope all of you were here to hear my comments before. You will each have five minutes. It will be monitored by the clock on the wall and we would ask you to stay within that time frame.

First I will call Mr. Ron Mlotek from the Department of State.

MR. MLOTEK: Good afternoon, Mr. Chair, and may it please this honorable Commission, I am Ron Mlotek, the legal counsel of the Office of Foreign Missions at the U.S. Department of State.

As some of you know, the Office of Foreign Missions is the lead component within the Department of State in implementing the Foreign

Missions Act of 1982, and a very important section of the Foreign Missions Act of 1982 concerns zoning and land use in the District of Columbia as it may pertain to foreign diplomatic establishments, specifically their offices or chanceries, as is the technical term.

For that reason, I am here today to express our objections, which we have already expressed to the Chair in a letter from our Acting Deputy Assistant Secretary, our objections to what the District of Columbia did, in our mind, at the very last moment, in December, without consultation with us and in a fairly surprising way that we saw as an end run around the process which we had been engaged in, in good faith, for many years.

As you heard Mr. Mann mention, for many years, in fact going on I think over seven years, the Department of State, my office and some of my colleagues from other offices have been engaged through NCPAC's auspices, its Foreign Missions Task Force, in discussing these perennially vexatious and controversial issues about foreign diplomatic chanceries in the District of Columbia, where they can be located; by what process they can be located; how they may be expanded, etc. And, we

had made a lot of progress in that forum and we thought that everyone participating in this forum thought so as well. I want to particularly commend the work of the Commission staff and John Mann in particular for all of the very good work that they have done in proposing solutions to these issues and trying to resolve them once and for all, or at least for a good piece of the road ahead.

So, we were very disconcerted when we were blind-sided at the last moment, in December, by things that seemed to come out of the ether from the District Council that were in variance with many of the things, or most of the things that we had been discussing in good faith.

I am not going to recapitulate our written statement verbatim but I will just highlight some of the main objections that we have. We have objections, of course, to the process by which this was done, which I have just delineated. We think that any discussion of these kinds of issues, whether they be in the context of the District's zoning regulations or its Comprehensive Plan element, should be confined to this established process that we have had for the last seven years.

In addition, we have substantive

objections to what the District has done. We think that the Foreign Missions Act as a law contemplated a certain procedure for determining where chanceries could locate in the District of Columbia; where they could expand; and how they could expand; how much they could expand, all of these issues. And, that process is superintended by the District of Columbia's own Board of Zoning Adjustment in a special forum, called the Foreign Missions Board of Zoning Adjustment.

The Foreign Missions Act did not contemplate any sort of sweeping, overall addressing of these issues by the Council or by any other body in the District government. It foresaw the case-by-case individual determination of each case on its individual merits, its unique individual merits by the Board of Zoning Adjustment which, I remind everyone, does have a majority of members who are appointed by the District. There are three District members, two federal members. So, the interests of the District of Columbia and the residents and the concerned communities are very amply protected there.

That basically wraps up my presentation. I am open to any questions that you may have. I am

prepared also to discuss Marbury v. Madison--

[Laughter]

-Bif anyone would like to do that. Like everything else in law, there is more than one side to that story!

MR. COGBILL: Thank you, Mr. Mlotek.

MR. MLOTEK: You are very welcome.

MR. COGBILL: Mr. Dixon?

MR. DIXON: Mr. Chairman, I just want to indicate my appreciation for the statement. I know Dr. Elwood chaired this Task Force and I served on it for a number of years, I have forgotten when and how long, but I do thank you. It was certainly a lot of energy you put in and time. I certainly appreciate it. I know if she were here she would say the same thing. I also have to recall the Chancery Act that Dave Clark introduced many years ago, and it was one of the first pieces of legislation, Mr. Chairman, the Council had to go and fight for on the Hill, which I think they turned around in the end, but this has been around for a long time if I know about it. So, thank you for your time.

MR. MLOTEK: I reciprocate your good wishes, and Mr. Dixon was a very active and

constructive participant in the Task Force, which I think is still going to go forward.

MR. COGBILL: Thank you very much. We will move to our next speaker, Michelle Cort, the Coalition for Smarter Growth.

MS. CORT: Thank you, commissioners. Good afternoon. My name is Michelle Cort and I am the Policy Director of the Coalition for Smarter Growth. We are a regional non-profit organization based in Washington, D.C. We focus on ensuring that transportation and development decisions are made with genuine community involvement and accommodate growth while revitalizing communities, providing more housing and travel choices, and conserving our natural and historic resources.

The Coalition for Smarter Growth participated extensively in the development of the District elements of the Comprehensive Plan and I had the privilege of serving on the Task Force for the last two years as the Ward One representative.

As a Task Force member, I attended dozens of meetings and participated in various outreach efforts throughout the city. I am amazed at how many people were drawn out to be engaged, many for the first time in any kind of planning question.

The process of creating this plan was one of the most extensive and inclusive in the District's history. Hundreds of people who had never participated in these kinds of meetings came to workshops Saturdays and evenings to share their views.

The framework of the updated Comprehensive Plan addresses today's challenges. It provides the guidance that we need for a growing, changing city, and growing for the first time in three decades.

The revised Comprehensive Plan recommends urgently needed actions to address critical issues, like affordable housing, use and location of educational facilities, transportation choices, adequate parks and recreation, and environmental quality. The Comprehensive Plan focuses growth around transit stations and commercial corridors so that all residents will have better choices about where to live, shop and work.

The Comprehensive Plan gives us a progressive vision for addressing our transportation challenges. The new plan includes a greatly enhanced environmental protection element, along with parks, arts and other elements that were completely absent from the old plan. The plan also

seeks to better coordinate and harmonize federal and District activities. The revised plan fully implements the comprehensive housing strategy. The Comprehensive Plan embraces inclusionary zoning and many other tools that we need to give moderate and low income households decent, affordable housing.

While the full set of recommendations from the Housing Strategy Task Force are needed to address our city's housing objectives, inclusionary zoning is a new and exciting tool that was embraced by the Comprehensive Plan. The new guidance allows for the full implementation of inclusionary zoning which was a policy enacted by the Zoning Commission under the authority of the old Comprehensive Plan.

Once the administrative structure for this program is put in place, we expect nearly 200 units of affordable housing to be produced each year, essentially with no expenditure of city funds.

In conclusion, we want to urge NCPC to approve the District elements of the Comprehensive Plan because this plan lives up to the standard of serving a grand federal city. Thank you.

MR. COGBILL: Thank you for your comments. Now I will call Mr. Douglas Labossiere, representing the Sheridan-Kalorama Neighborhood

Council.

MR. CHAPIN: Good afternoon. My name is Chris Chapin. I am speaking for Doug Labossiere this afternoon. I am president of the Sheridan-Kalorama Neighborhood Council. For nearly 50 years the SKC has been the neighborhood association for Sheridan-Kalorama. We are a membership organization supported by dues paid by residents.

MR. MILLER: Mr. Chairman, I am sorry to interrupt but he had 20 copies of his testimony. Could they be distributed so we can follow along?

MR. COGBILL: Sure.

MR. CHAPIN: Sheridan-Kalorama is a residential area north of DuPont Circle, bounded largely by Connecticut Avenue, Florida Avenue, Massachusetts Avenue and Rock Creek Park. We are part of ward two and have our own ANC. The residents want to maintain the historical residential character of the neighborhood. We are a designated historical district.

I am appearing today on behalf of all of the neighborhood organizations and the ANC. Sheridan-Kalorama is also the home to the highest concentration of foreign missions in Washington.

According to the draft Comprehensive Plan, there are 483 foreign missions in Washington, that is, embassies, chanceries and embassy residences.

Sheridan-Kalorama has identified 122 foreign mission buildings in our neighborhood. Map and a list of the addresses are attached. We represent about one percent of the land area and we have 25 percent of the foreign missions. The influx of foreign chanceries is destroying the residential character of the neighborhood.

Let me be clear. We are happy to have the residences of ambassadors and staff. Residences means families and children. We are opposed to chanceries. Chanceries are office buildings with flags in front. They are empty at night. They impose traffic and parking problems. They do not belong in low-density residential neighborhoods. They are better on arterial streets like Massachusetts, Florida and Connecticut. That is less of a problem. Chanceries should be prohibited in the internal blocks of residential neighborhoods like Sheridan-Kalorama.

As the number of countries grows, the demand for new chanceries continues. Conversion of residences to chanceries is a one-way valve. Once

a residence has been converted to an office building it is nearly impossible to refit it as a home. The problem is severe and urgent. Our existence as a historic residential neighborhood is threatened, and chanceries need to be directed to commercial districts and other neighborhoods that are not saturated, as we are.

I would like to draw your attention to the 1998 Comprehensive Plan where there was clear language that discouraged chanceries from locating in low-density residential neighborhoods. Section 1104.1(t) says, discourage the location of new chanceries and the expansion of existing chanceries in any area that is essentially a residential use area, consistent with the Foreign Missions Act.

I would also like to draw your attention to the 1977 planning report that went into preparing that Comprehensive Plan which says specifically for Kalorama this area, situated between Mass. Avenue, S Street, Connecticut and Rock Creek is not proposed a an area for additional chancery facilities. This prestige landmark residential area should be protected from further office use intrusions and other adverse environmental uses. Chancery facilities presently

in this area should be encouraged to relocate whenever possible.

This was the plan of the NCPC approximately 20 years ago. What is happening is an erosion of the protections of a residential area at exactly the time when we should be strengthening those protections. Therefore, I would encourage you to either adopt the amendments of the City Council or to restore the 1998 language of the Comprehensive Plan, or direct the staff to come up with compromise language that achieves essentially the same thing. Thank you.

MR. COGBILL: Thank you, sir. We will now ask Mr. Barry Miller to come forward, from the D.C. Office of Planning.

MR. MILLER: Good afternoon. I will be brief. My name is Barry Miller. I am the former associate director for Comprehensive Planning in the District of Columbia. Between December, 2002 and December, 2005 I served as project manager for the District Comprehensive Plan update.

I am here today in part to thank NCPC staff for their assistance and collaboration during the update of the District elements. In particular, I would like to acknowledge Julia

Koster and John Mann for their attendance at dozens of task force meetings and review of numerous progress drafts. Their cooperative spirit, knowledge and energy were a tremendous asset to this process.

The adoption of this plan is a significant milestone not only for the District of Columbia but also for the Office of Planning and NCPC. Please keep in mind that the negative impact issues raised by the NCPC staff report represent four sentences in a document that is approximately 800 pages long.

The high level of consensus in the remainder of the document is a testament to the collaborative relationship between our two agencies.

Because of the coordination and communication between our agencies that took place during this process, we finally have a Comprehensive Plan for the National Capital that is internally consistent. The federal and District elements are now complementary and mutually supportive. They are underpinned by accurate and internally consistent data and they are complemented by a user-friendly format and readable maps. We are gratified to see the staff report and the largely positive findings on federal interest

impacts.

As the Commission begins its deliberations today, I am available to respond to questions on the plan's technical content, the plan update process or the issues raised by the staff report. Thank you.

MR. COGBILL: Thank you, sir.

MR. MCGILL: Mr. Chairman, I would like to take a moment to also congratulate Mr. Miller for the very good work you have done. You have made a number of presentations to us over the past two years on this issue with great clarity and conciseness, and the document itself is a tribute to your hard work.

MR. MILLER: Thank you very much.

MR. COGBILL: I will now ask Miss Ann Hargrove, representing the Kalorama Citizens Association, to come forward.

MS. HARGROVE: Good afternoon. My name is Ann Hargrove. I too was on the Planning Task Force of the Comprehensive Plan, but this happens to be an issue I have been concerned with since the late 1970s when the NCPC first started putting many of its reports out about the chancery issue, and followed it through to its conclusion in the 1980s.

My remarks today are limited to this subject of chancery location. The staff report recommends deletion of three provisions in the District land use and housing elements that are aimed at protection of residential uses, an objective endorsed by the NCPC and the District government. The report claims, without supporting analysis or argument, that these provisions are inconsistent with the Foreign Missions Act, the federal element or both.

We find these claims to be without merit and, in fact, puzzling. A detailed analysis of each of these claims, which time does not permit me to present in detail orally, are set out in a tabular form below and I suggest you look at the chart. Each provision in the District elements mentioned in the staff report is examined in relation to the Act and the federal element. Since these alleged technical inconsistencies rather than the underlying policy are the sole basis for the staff's criticism of District's elements is the issue of chancery location, I respectfully urge the Commission to examine our written analysis with care. Unfortunately, because of the time, I can't go through all of them but I urge you to do so.

Each provision is examined in terms of what the Foreign Missions Act actually says, what the District element says and what the NCPC element says to show that there is no logical inconsistency among any of them.

Now, having dealt with the technical arguments about the inconsistencies that are claimed, let me turn briefly to the policies involved on which there seems to be widespread agreement between the NCPC, the city government and concerned citizens. It seems almost ludicrous at this point to raise the question of the desirability of protecting the housing supply in residential neighborhoods, an issue discussed ad infinitum over the course of many decades, and for which neither the federal elements nor District elements indicate any basic disagreement. There is no question but that the residential Sheridan-Kalorama is heavily impacted by the increasing concentration of chanceries.

One further issue is that in recommending chancery location in the 16th Street corridor the federal element does not make clear just what it is that is encompassed in the 16th Street corridor when adjacent areas, such as Adams Morgan, Mount

Pleasant and Columbia Heights, are mentioned. Most of the areas comprising the three neighborhoods involved are at a considerable distance from the 16th Street area and consist of row houses that are not suitable for office issues.

This is the real issue that I want to discuss. There is the question of the optimal siting of foreign mission establishments under the conditions of our own government, and foreign governments must cope with in the 21st century. To our way of thinking, the question of development and special diplomatic centers should be the central focus of concern as regards the location of foreign government offices in the District. On the one hand, enclaves outweigh altogether the problem of office use making further inroads into the residential areas of the District. On the other, they are the optimal way to address the overriding issue of ensuring the physical security of diplomatic establishments as required by the Vienna Convention on Diplomatic Relations and the imperatives of protecting the nation's capital. For security reasons alone, deliberately locating new chanceries in the midst of residential areas is no longer a reasonable or acceptable option. This

is not only because of the unsuitability of most residentially designed buildings to be retrofitted for genuine physical security, but also because of the potential hazards for nearby residences and their occupants.

The establishments abroad--the United States well understands this--have been fortified recently and are continuing to be fortified, and many of those already are located in separate walled compounds. While concern about terrorist threats to democratic establishments of our own and other countries has been with us for decades, and was mentioned in those early days that I mentioned, it has been heightened in recent years in recognition that terrorism is now a widespread and apparently increasing phenomenon.

I ask you to look at the conclusions. We see absolutely no reason to delete these provisions because they are not in conflict with federal law or with the NCPC and local elements. Secondly, the NCPC should develop a strengthened action plan to implement the Commission's federal elements commitment to the establishment of additional foreign mission centers on federal land. This is absolutely crucial for managing this issue in the

decades ahead.

Finally, no amendments to the Foreign Missions Act should come forward in any way that would compromise the carefully considered procedures and protections that we have in the Act as it now stands. I thank you for your time and I think I just made it.

MR. COGBILL: You did very well. Thank you. Next I will ask Mr. Don Hawkins to come up, representing the Committee of 100 for the Federal City.

MR. HAWKINS: Thank you, Mr. Chairman and members of the Commission. I want to brag about the fact that Mrs. Hargrove was one of our members, a member of the Committee of 100.

The quality of the work that the committee has done and the Kalorama Citizens Association has done and what you have heard here is typical of the concentration that we have had on this problem over the years, I think at least 20 years. But I think the statistic that we heard of 122 foreign missions and installations in the Sheridan-Kalorama area says something. There weren't that many 20 years ago. We have had good policy and we have had not very good practice.

The Committee of 100 entirely supports the Kalorama Citizens Association's report, and we also believe that the policy statements, the four policy statements that have been asked to be modified do not need to be modified, that we are all looking at the same thing but history tells us we ought to be doing something different. What we see is a slight weakening in this position if we were to make those changes.

In addition, there are two policies that we are concerned should support each other, the interest in protecting residential neighborhoods against too much institution or office incursion and the security interest in protecting both diplomatic facilities and the citizens and government in the nation's capital. To achieve these two interests, we believe the focus on providing for diplomatic centers is the best direction to go in the 21st century, and that the commitment to do so should be a major focus of the efforts by NCPC.

I want to mention just as an aside that the market conditions that usually determine what will go where within various zones, those conditions don't exist when a nation is competing

for a piece of property against an individual.

I believe that what you have heard here today is mild but it is important. We are not asking you to go back and start over with anything at all, just to look at the matrix, especially that Mrs. Hargrove did, and see whether the wording as it exists in the elements provided to you isn't consistent and acceptable, and plenty to work with so that the operation gets to be what it ought to be, not just words. Thank you very much.

MR. COGBILL: Thank you, sir. This concludes the public portion of this particular hearing. I would ask if any commissioner has any questions of any of the speakers who came before. Yes?

MS. TREGONING: I just wanted to thank the speakers that we have heard from today, Miss Hargrove, Mr. Hawkins, I think Ms. Cort has left the building but I want to thank them for their participation in the process of developing the Comprehensive Plan and for their continued efforts to bring focus and attention on this issue. I think it all helped to get our attention even more firmly on the issue of conversion of residential properties for diplomatic and other purposes, and I

think there are a lot of avenues that we could work together on to address the issue. But I very much appreciate their advocacy on it.

I just also wanted to say, if I may, as regards the Comprehensive Plan, as you know, the Council of the District of Columbia adopted the District elements by unanimous vote on December 19th, 2006. As I believe Barry Miller suggested, this action was the culmination of more than six months of public hearings and a two and a half year process involving thousands of District residents.

The revision was the result of very inspired and passionate exchange of ideas on the future of the city. I think you got a small flavor of that even today. It emerged from rigorous public participation and review. It was community driven from the first day. Some of the more impressive numbers-Band I have to confess that all of these were amassed under the direction of Alan McCarthy, the former Director of Planning, who is here and Charles Graves, who helped to manage the Comprehensive Plan process as a deputy director, as well as Barry Miller whom you have met.

There were 25 public meetings attended by more than 1,500 people; two million hits on our

website; 600 subscribers to the website who received regular updates; hundreds of briefings with ANC and other interest groups; 24 meetings of the Citizens Task Force, the members of which you have met.

The new plan takes the District forward with clear policies and priorities for the District residence that channels growth in a way that narrows the economic divide in the city, helping existing residence who are dealing with the pressure of rising housing costs and neighborhood change, and ensuring that stable neighborhoods are conserved and enhanced. It greens the city in very significant ways, important given what we talked about this morning, restoring air and water quality, saving wetlands, restoring tree cover, improving Anacostia and promoting sustainable development. It lifts up all neighborhoods with a special focus on retaining and expanding the housing opportunities that exist and creating vibrant communities with access to quality services, educational opportunities and jobs.

Importantly, I think it really protects the federal interest and recognizes the role of the federal government in the economy, and the

character and the design of the city to an enormously greater extent than the old Comprehensive Plan. The revised plan integrates all the major planning initiatives related to the physical and economic health and development of the city, many of which you have heard aboutB-the Anacostia Waterfront Initiative, to Great Streets, to new communities, to plans for the enhancement of specific neighborhoods. It is consistent and supportive of similar initiatives being pursued by the federal government to shape and enhance the nation's capital during the 21st century.

The 2006 Comprehensive Plan is a quantum improvement on previous plans in many regards. It is easier for the public to use and understand. It is much easier to follow. Even if got a very plain vanillabB-sorry about thatB-unformatted version, the published plan will be richly illustrated in color with graphics to engage the reader. We worked in a gratifyingly close manner with the NCPC throughout this process. In addition to ongoing communication, early review and comments on the working draft and input on mapping, NCPC also served on an interagency working group that guided the process and participated in the meetings for

the Citizens Task Force. In many ways it was really an exemplary collaboration.

Our office, through Barry Miller primarily, provided briefings to the Commission in 2005 and 2006, and I think made a great deal of effort to keep the Commission apprised of the project and respond to questions and concerns. I share the view expressed that out of 800 pages of document, we have a relatively narrow but still significant set of issues. I don't mean to diminish those. I think it is a credit to the process we engaged in. We look forward to future collaboration with the NCPC staff and further dialogue with the Commission as we begin to implement the plan, and I hope to continue to address the issues of mutual concern that are covered by the plan with the Commission. Thank you.

MR. COGBILL: Ms. Gallagher?

MS. GALLAGHER: Mr. Chairman, I would like to say thank you to Commissioner Tregoning for her remarks. I also, on behalf of the staff of the NCPC, want to recognize Alan McCarthy, Barry Miller, Charles Graves and the entire Office of Planning for the terrific collaboration that we

have been able to achieve with this effort, and thank personally the NCPC staff that were involved in this effort. Four sentences out of 800 pages, that is a good quote to end with.

MR. COGBILL: Thank you. To move this matter forward, can I have a resolution-a recommendation to get this matter on the floor?

MR. MCGILL: Mr. Chairman, I would like to make a motion with an amendment that will require some explanation, but I move the EDR with an amendment I am about to describe.

MR. PARSONS: Second.

MR. COGBILL: We haven't heard it yet.

MR. AMES: You trust him. You pause, you lose.

MR. COGBILL: Go ahead, Mr. McGill.

MR. MCGILL: I would also like to share in the congratulations to the planning department for the work they have done on this document. One of the things that we discussed in the past regarding it related to the assumption that federal properties were to be counted on in meeting goals for things like units of housing and additional jobs, without recognizing that those federal properties might very well continue to be used by

the federal government for the indeterminate future.

This was a problem both with the test and map and since we haven't had a chance to see the map I don't know what has happened with regard to the colors on the map. But, by and large, that language problem seems to have been toned down in most instances. I read the first volume, not both volumes, so I missed something that Tim Cox, of the Armed Forces Retirement Home, has brought to this Commission's attention in a letter he sent regarding what appears to be overly prescriptive language for the reuse of the Armed Forces Retirement Home.

As you know, this has come before NCPC, will continue to come before NCPC and NCPC itself is establishing a dialogue between the District and the federal government over how the Armed Forces Retirement Home should be developed for a source of revenue for the ongoing operation of the home. So, staff and I have discussed this. As I understand it, they have talked to Office of Planning staff and they seem to have reached an agreement on an alternative approach for the language in a specific paragraph, in part two, on pages 189 and 190,

paragraph 2215.2.

I will read the language which the staff drafted. I don't claim credit for it but I think it makes sense. It says as follows: In 2001 the Secretary of Defense was authorized to dispose of any property of the AFRH by sale, lease or otherwise that the Secretary determines is excess to the needs of the home. The AFRH is in the process of developing a master plan for that purpose. While the District has limited jurisdiction over AFRH so long as it remains in federal use, consultation between local and federal officials is necessary on any redevelopment issues.

These include compatibility with surrounding uses, housing types, preservation of historic views and vistas, and open space conservation. The District will work closely with the federal government over the coming years to promote changes on the site that benefit the community, and to avoid land use conflicts, create community access and open space wherever feasible, and mitigate impacts on traffic and community character.

I think the advantage of that approach is instead of saying you must do the following when the District doesn't have clear authority to say we

must do the following, it is a very closed statement of the District's interests in the Armed Forces Retirement Home, and NCPC is saying these are valid interests that deserve worthy consideration.

MR. PARSONS: I will withdraw my second.

MR. MCGILL: Because you don't like AFRH?

MR. PARSONS: I don't like your amendment.

MR. MCGILL: I see.

MR. COGBILL: Is there a second to the motion?

MR. AMES: Second.

MR. COGBILL: There is a motion made and seconded. We are back now for further discussion. I was correct the first time when I said resolution as opposed to recommendation so the Chair apologizes for confusing.

MR. MCGILL: And, Mr. Chairman, I don't know what I am offering, whether it is a resolution--

MR. COGBILL: It is a resolution. In any event, we now have the resolution on the floor with the amendment which is now before you. Ms. Koster, you may want to explain this.

MS. KOSTER: Yes, and thank you, Mr.

McGill, for your introduction to this issue. I think that the Commission members have an attachment, 5C, which is a letter from the Armed Forces Retirement Home. And, from discussions with them, representatives of the District and representatives from GSA, who is working with the home at this time, what we wished to do was actually to replace one paragraph in a two-page discussion that is in the District's elements. The intent of this is that throughout the District Comprehensive Plan there are sections where the District describes various federal sites and, in many ways, conveys their interest in regards to those sites, recognizing that they are under federal control and, in essence, expressing those as a way to say this is what our goals are. We are looking forward to working with you on these issues.

What is before you is actually a change of one paragraph that is not a policy and not an action. It simply clarifies that this is, in fact, a federal property and that these are the District's interests in regards to that property. So, all the parties, to my knowledge, have seen this and think that simply substituting this one

paragraph for a previously developed descriptive paragraph would address this very limited issue.

MR. COGBILL: Mr. Parsons?

MR. PARSONS: Thank you. I think we are all at a disadvantage. We don't know what we are changing. We don't know what the paragraph is. Is it possible to get a copy of that?

I guess my point is if we were to take the position that Mr. McGill just took we would have to go into this Comprehensive Plan and analyze it a lot more thoroughly. There are numerous recommendations about parks in the city in the Comprehensive Plan, federal parks. We haven't objected to that. We worked with the District continuously on this. And, to take the position that they have no right to make a recommendation about a federal piece of property is strange.

There is a lot of effort going into trying to create a park here. The only issue, as I understand it from Mr. Cox' letter, is who is going to pay for it. It is not whether he is opposed to it or not; it is the fact that he is mandated to sell this real estate. And, what I am hoping the Planning Commission and the Park Service and others will do is get the money to buy it and end this

debate because this section of the city is desperately in need of open space. A park here was called for in the McMillan Plan. There has been a lot of public discussion and debate. It is a matter of money. We appreciate Mr. Cox' point of view but I think no one would imply that a park in this area is something that shouldn't be done, or is beyond the jurisdiction of the District of Columbia. I am really concerned about that. What is it we are looking at here, which paragraph?

MS. KOSTER: The paragraph in question is the third paragraph down, 2215.2. It is the only section that we would change. It does not change the additional language in the section RCE 2.5 in terms of how the District has stated its interests in regard to addressing a variety of things, including a part a the site. What it does do is simply ensure that it is clear in the discussion that this is a federal site and that these are the wishes and interests of the District, and that we hope to work together towards achieving those goals but that it is still a federal site.

MR. COGBILL: I would like to just sort of weigh in on this at this point. I don't usually weigh in at this point but I think it is important

enough. The concern I have about this is that we are proposing language to a plan written by the city and that was reviewed over a two and a half year process in a very collaborative fashion, as has been said before. I think it is remarkable, this wonderful process and how well it was done.

I have a concern about trying to tell City Council that this is what they should have done. I have a concern from the federal point of view of us dictating language to the City Council. I would be more comfortable, and my recommendation would be that, similar to what you have done with the amended resolution that is in our packet, we simply suggest that alternative language be developed. If it is agreed upon, that is fine. But I do believe that, in fairness to the process, we ought to turn this back to the city and if this is, in fact, acceptable language that comes back to us from the city, then I think I would be more comfortable accepting that. But, as Mr. Parsons has said, to read this now, to try to react to that in light of this Comprehensive Plan, I have some concern.

MR. MCGILL: Mr. Chairman, I am happy to accept that approach.

MR. AMES: Withdraw.

MR. COGBILL: So, we have a withdrawal of the second to the original motion.

MR. AMES: I move we accept the Chairman's recommendation.

MR. PARSONS: Second.

MR. COGBILL: All right, the motion is made and seconded. We have an amended motion on the floor. Yes, Mr. Miller?

MR. MILLER: Thank you, Mr. Chairman. On the last issue, even though it is not before us in quite the same way, although I am not sure exactly what form it is in before us, I had an opportunity as I walked into this building today to see this language for the first time. However, as an example of the good faith collaboration that has existed throughout most of the process, I consulted with your staff and did not have a problem with it.

This is a discussion section of the plan, and then correcting certainB-clarifying really, not correcting, clarifying jurisdictional issues, particularly since they retained in that paragraph and in the subsequent paragraph the concerns that have been expressed and the aspirations that have been expressed by the District for this property that is not under our jurisdiction.

So, because those community concerns which were unanimously adopted by the Council, signed by the Mayor, were retained within this section of the plan I did not have a problem with that, with this approach today giving specific language that creates some kind of negative impact finding obviously that you are prepared to go along with-Ba negative impact finding, submitting that to the Council. We would appreciate direction as to exactly what this Commission would want to change so that we can be sure when we act we have addressed the negative impact finding.

So, I was comfortable with the motion because I had an opportunity to consult right before this meeting, and it seems that the way you have done it, it is still sending a message back to the Council as to what you think is a suggestion that this would be the way to address it. So, I am not sureB-I just want to put that on the record, that I don't have a problem with language being suggested to the Council. If you are going to make a negative impact finding, we want to know what it is that will remove that negative impact finding so that we can act accordingly or decide how to act accordingly.

MR. COGBILL: The point is well made. I very much appreciate the fact that you looked at this and were willing to accept this language but, again, it goes to the greater concern I have of usurping or somehow having it perceived that the National Capital Planning Commission would propose to dictate language to the Council. Therefore, while it may be acceptable to you, certainly it hasn't been reviewed by the full Council. Understanding that you probably speak with enough authority and enough experience to do that, that is why I felt uncomfortable with this.

I think my thought would be with respect to the other four points that were raised that our staff has been meeting with the staff of the city.

I believe that there have been discussions also with the State Department. Certainly, I personally have met with residents of Sheridan-Kalorama and have talked to them, and I believe that this can be resolved very easily based on what I understand I think are some at least fundamental points that you all have discussed and I think are the baseline for what you are doing. I would, again, be uncomfortable in trying to express that in a way that would be in the form of language to Council.

I would say that from my own personal review, and I think I said this to the folks I met with in Sheridan-Kalorama, 100-plus chanceries out of 435 in one area, which is less than one percent of the city, is a big number and it is a problem. By the same token, I think we have to be cognizant of what the Foreign Missions Act says and we have to be cognizant of our responsibilities as a world capital city, and dealing with governments from other parts of the world and the issues that we have to consider with respect to reciprocity, with the way we are dealt with overseas and the way we have to deal with the missions here, in Washington.

So, I would hope that in the next 30 days this matter could be quickly resolved. At least, I am told by staff that they believe they are well on the way to doing that.

MR. MILLER: Well, I appreciate that, Mr. Chairman. Let me first just associate myself with the remarks about the Comprehensive Plan generally and about the good work of the Office of Planning and the community outreach, and compliment the speakers who came today from the community and the collaboration that has occurred with the NCPC staff. I want to associate myself with all those

remarks.

And I want to say that we are very pleased that the Commission staff has found so much of the plan, probably 99.999 percent of the plan to not have a negative federal interest impact. That is very much appreciated.

But on the issue of chanceries, there is a lot that is both in the foreign missions element and in the District elements that carried forward much of the language, some of the highlights of the language in the foreign missions element that will protect residential neighborhoods and will encourage the location of chanceries in the future in compounds, such as what is up at Van Ness Street and along other corridors of the city, than the particular one that they are overly concentrated in right now.

The concern is that thereB-if I can ask, you have I think a page that I would like distributed, a document that I would like distributed to the commissioners. On this document it shows the existing 1998 Comp. Plan language on chanceries that went before this body that did not get a negative federal interest impact finding in 1998, or 1999 actually, eight years agoB-did not

get a negative federal interest impact finding since then. I don't think the world has fallen apart because of this language and, yet, the language that I am going to offer in a little bit shortly is similar, and the language that I think that has been found objectionable is very similar to this existing law that has been on the books for eight years in the District of Columbia. So, the concern is that there is some retrenchment from that.

You can ignore what is on the back of the page. That was a second alternative which is not as useful. So, what you have at the top is the existing plan language which reads: Discourage the location of new chanceries and the expansion of existing chanceries in any area that is essentially a residential use area, consistent with the Foreign Missions Act. Then it has a section policy in the ward two element that says: The overriding issues for ward two neighborhoods are the threat of commercial encroachment, including the impact from such use, including hotels and medical clinics, doctors' offices, the impact from uses such as community-based residential facilities, university expansion, chanceries and numerous parking and

traffic problems.

That is what has been in the existing Comprehensive Plan for eight years, that went before this Commission eight years ago with no negative federal interest impact finding and remains law today.

I have alternative language that I have developed in consultation with the Office of Planning, and it has been shared with your staff throughout. I plan to offer that in a moment but I first feel obligated to defend the action of the elected officials of the District of Columbia in putting forth in the District elements of our Comprehensive Plan what our policies, or what our advocacy of policies might be even if it is before federal forums or interpreting federal acts. These are simply the aspirations of the District of Columbia residents, elected officials unanimously adopted by the Council on December 19th, signed by the Mayor December 28th and I should add that the existing Mayor voted with the unanimous action of the Council. So, we have the elected officials of the District of Columbia who have signed onto this.

And, I feel the need, the obligation really to defend in its entirety the Comprehensive Plan

policies that were adopted.

So, with that, I would like to move to strike the four negative impact findings for the four provisions related to chanceries that were adopted by the Council.

MR. COGBILL: We have a substitute motion which has been proposed to strike to four objections as stated in the resolution to the Comprehensive Plan. Is there a second to that?

MR. DIXON: Second.

MR. COGBILL: There is a motion made and seconded. Assuming that there are no other motions, we will vote on these with the substitute motion first. That is back on the table for discussion. Let me just sort of come back and say has this been shared with the Department of State?

MR. MILLER: I believe your staff may have shared it with them.

MR. COGBILL: When did you receive this?

MR. MANN: We received this prior to today's Commission meeting.

MR. COGBILL: You did?

MR. MANN: Yes, sir.

MR. COGBILL: I guess going back to where we talked about the cooperation, you heard that the

State Department has been an active participant I guess with the Foreign Missions Task Force for seven years, I think is what was reported. So, this has been a partnership and it has been one that over the years has grown much more friendly and I think much more cooperative because as people talk to each other they learn more about this.

So, my concern would be that for us to act on this today would be to do so in a way that takes away much of the good will that has been established by having a cooperative review of this.

That was the purpose for my comment on the earlier motion and adding this additional language because I had not seen it before today. I have not seen it before this meeting. Again, I have a problem with that.

I certainly understand and accept and appreciate and believe it is certainly within the right and privilege of the Council of the District of Washington to take whatever action they wish, and there is no question about that. I don't dispute that. In fact, that is exactly what the process should be and what should be followed. But, by the same token, there was a two and a half year process that was carefully reviewed and worked

through at every level, and I did not say this before but I share all of the comments that have been made about the wonderful improvements to this Comprehensive Plan. As we heard from Barry on other occasions, this is not just a black and white document and text; this is a document that is alive by the colors and the way it is put together. It is thoughtful in the way it is prepared, as well as the language that is contained in it. That language is really based upon the cooperative efforts of a large number of groups, not just the ones in this room, the State Department and NCPC and the Council staff and the planning staff, but all of the people of Washington. This is a remarkable process and I think we would do a disservice to try to change that language here in this forum and go back with proposed substitute language, again, without all of the parties having participated in that.

Now, again, just to address the last point and I think it is a very salient point, the fact that the existing 1998 Comp. Plan contained the language that you have set out. Clearly, to me, this was approved by the Commission and certainly, as I was indicating earlier, this provides a basis,

a very good basis for discussions going forward. When I spoke with the folks from Sheridan-Kalorama I did not take it upon myself to say anything negative or to encourage this but simply say that this is the language of the Commission and certainly one that has to be carefully considered in light of the earlier actions of the Commission.

So, I cannot support your motion as presented. With that, I will open it up to other commissioners.

MR. DIXON: Mr. Chairman, all of us who are here representing the city have to, from a home rule standpoint and a philosophical, and a lot of other reasons, be supportive of the action that is before us, this language change. But I think that what concerns me, having been in this for a long time, is that, no matter what we write, it is how people work together that is going to make the difference. And, the fact that we are working together is very important. I think that some of my colleagues from the federal establishment who will also have the potential to act and speak against this on record may be persuaded and be much more supportive of something that came back to us in a different format, that is, from the Council to

us with more discussion.

I will tell you, I have been around this now for a long time and you can write all the laws you want to write and put all the words on paper you want, but if you get people's backs up and start to just push it you don't accomplish what you need to accomplish for your community and for the folks in your community. So, if this goes forward I would much prefer, and we have discussed this earlier, to see this measureB-the Council will get a chance to incorporate change and discuss with us and the staff and the State Department and others and the community, of course, and then make the necessary changes and come back, maybe with the same position, which is okay, and we will have to, as they say, bite the bullet. But I know where at least four votes from this body will be, and should beB-maybe four, maybe more. But I think you understand what I am saying, Mr. Chairman.

MR. COGBILL: Yes, sir.

MR. DIXON: There is no question about where I have to go on this, and I have no problem going there.

MR. AMES: Are we under a time constraint? Do we have a certain time when we have to deliver

this back or it becomes law anyway?

MR. COGBILL: Yes. Well, it won't become law. We have 60 days to act on it.

MR. AMES: And when does that 60-day period begin?

MR. COGBILL: It began on the day that this was approved by the Council.

MS. KOSTER: Excuse me, actually the clock starts on the day that it was submitted to NCPC, which was January 4th when Rob brought in the document and put it right here.

MR. AMES: So, do we have time for it to go back to City Council without acting on it and then come back with any language changes they may like?

MR. MILLER: I would just like to clarify, my motion that I made on the floor was to strike the negative impact. I said I might come back with a second motion depending on how that first motion goes, but my first motion was to strike the negative federal interest impact finding. If that is the case, we don't have to deal with this issue, and that is our first preference, not to have to deal with the chancery issue at the Council again.

We felt we have spoken about what our policies and

recommendations are on that point.

MR. COGBILL: I guess my point would be that I have to assume at this point that staff has carefully considered this, and my feeling is that the language as written does in fact have a negative impact so, again, I cannot support the motion. Is there further discussion? Mr. Galvez?

MR. GALVEZ: So, we are basically saying we don't have time to have them come back. That is what we are saying.

MS. KOSTER: Excuse me, in response to that, we do have 60 days. I think the point is that when we issue this finding it still has to go back to the City Council on the language as it stands now-- excuse me, let me rephrase this. It appears that regardless of what we might be able to come up with in the future, the language that is currently in the Comprehensive Plan in those four lines we would find to have a negative interest impact so we would still have to send it back to City Council and then bring it back again. As the process works right now, we can make this finding of a negative interest impact with the language that also says let's see if we can find something that will work, and we do have a strong belief that

we will be able to find that. So, it is more a question of it just delays something rather than moves the process forward.

MR. AMES: Mr. Chairman, am I understanding correctly that if we vote today on the EDR as it standsB-I am looking for a solution to the problem. I don't want to throw it back in the city's face saying, okay, we have had four findings and we are not going to go along with those. But in order to make it legal the way we do it, if we vote on it as the EDR stands today, does that mean it would go back to the city with those recommendations from the resolution we pass, and then the city can put whatever language suits them back in and it comes back to us?

MS. KOSTER: That is correct.

MR. AMES: Would that not be the resolution, Mr. Chairman? I mean, we have other language. I don't have a problem with the language you are talking about. It is just the way we are going to reach the ultimate goal. My recommendation would be right now, Mr. Chairman, that we all withdraw our motions; we pass the EDR as it stands, with my understanding that I am going to be looking at it again this next month. I will

be looking at it again.

MR. GALVEZ: If you are making that as a motion, I will second that.

MR. AMES: I make that as a motion and we will go from there. Deborah told me I would get confused before the day was over!

MR. COGBILL: Mr. Parsons?

MR. PARSONS: Mr. Chairman, I don't think we have a count of 60 days. The way I count it, the next meeting of this Commission is within that 60-day period. To me, the tragedy of what we are about to do is that this should be a day of celebration of the most significant document this city has seen in centuries that protects the federal interest in all ways. I have read every page of it. It is just fabulous, and the work of Ellen McCarthy and Barry Miller and our John Mann and hundreds, and hundreds, and hundreds of other people and citizens has just been spectacular. For this debate to become the Planning Commission's comment on the Comprehensive Plan is really troubling and I would certainly hope that the staff, Mr. Miller and others could work over the next 30 days and bring this back to us in a more upbeat fashion. Thank you.

MR. COGBILL: Let me make a suggestion. This was suggested to me a moment ago, and following up on your point, we do want to congratulate and celebrate the fact that this is a great document. What if we were to simply approve the Comprehensive Plan but except from our approval those four paragraphs that are listed in the EDR in the bullets and the fifth point that was raised by Mr. McGill? If we approved it with those exceptions, doesn't that give the city the ability to take whatever action they want and bring just those limited points back? I am asking that question.

MR. PARSONS: It does, but I am not sure how much the press will pay attention to our action. Why did you exempt those? What is the story? The story, in my view, should be celebration and congratulation rather than diving into four or five sections.

MR. AMES: What is your resolution to the problem we have right now?

MR. PARSONS: To defer action on this until March.

MR. MCGILL: Mr. Chairman, I would like to contest Mr. Parson's basic position here. It seems

to me that it is a sign of respect to show that we have read the 800-page document and to have as few quibbles as we do. Those are signs of respect. And, to simply say, oh well, you know, there might be some things wrong with it but, by God, this is a really important effort so let's just approve it is not a sign of respect.

MR. PARSONS: That is not what I am saying. What I am asking is for the staff of the City Council, the State Department and the staff of this Commission to work for 30 days to see if they can come to some resolution and different language. That is all I am saying and we will vote on it in March. And, if it can't be resolved we will vote on it but nothing is gained here by 12 people trying to write a sentence. We are just not designed for that kind of situation, and that is what we are about to do. I have no objection to what is in the 1998 plan. I never did. I mean, it is well written, and so forth. I would vote to adopt that today but it is too hard.

MR. COGBILL: I guess coming back to this, my thought would be to again acknowledge that this is a great piece of work and that is why I simply suggested, and I think Mr. Dixon suggested and,

Rob, you as well, how the Commission felt about this and I would hope that we would be able to move this forward with our resolution to approve it with simply excepting out those four or five sentences.

But we have a motion on the floor. Unless there is a third motion I would propose that we--

MR. AMES: I am not so sure that I probably ought to withdraw my motion that I made. I mean, we need to get it together before we send it back to somebody else to get it together.

MR. COGBILL: I guess the question is that this has been a collaborative process and I would hope that that collaborative process would take place outside of this room so we would not be faced with the Council having to react to a decision that was made here without input-Byou know, with the good offices of Mr. Miller but without input of all the parties in this case.

MR. AMES: Well, the way to do that may be the way John suggested, that we put it off. I am up for anything that will resolve the issue with the State Department, NCPC and the city planning and the City Council and everybody being on the same page. I am like an engine. Once you bury your backup it is hard to unbury it and that is

what could happen in these situations.

MR. COGBILL: And I have no objection to that either. That is not a motion on the floor.

MR. AMES: Well, I withdraw my motion that I presented.

MS. KOSTER: If I can clarify this, and certainly this would be at the discretion of the city, I would like to follow along. We have had a great working relationship with the District staff.

We are very excited about the Comp. Plan and we do have these important but very few issues.

Regardless of if you ask us to delay or if you take the action that is prescribed in the Planning Act, we are going to sit down and work with District staff to resolve this issue because ultimately it still needs to go back to City Council. So, the process of working these issues out is one that will happen collaboratively, we hope, even if you act to move the EDR forward today. In fact, if you ask us to delay, it is simply putting off by 30 days before this stuff can go back to City Council and get resolved. So, I think it is a function of the interesting way that the Planning Act prescribes review of this document.

MR. COGBILL: I think what I am hearing

from the Commission though is that there is a clear concern about sending a negative message back whether we are approving or not approving. I think that is your concern, that it sends back a negative message.

MR. MILLER: I am sorry to interrupt, Mr. Chairman, but if the majority of this Commission wants the Council to modify this language, then you have to send a negative-Bwe don't want to delay implementation of this Comprehensive Plan. And, I am committed to collaborate under any circumstances, but if the majority of this Commission agrees with the staff that there is a problem with the language that was adopted by the Council in these four areas, then they need to say that. I just wanted the opportunity to say no, we would rather it not come back to the Council. We think we did a good job.

MR. COGBILL: You did.

MR. MILLER: Thank you very much. And, we don't want to deal with it at all.

MR. AMES: Mr. Chairman, I don't think we have a choice as a Commission to do nothing but send it back with those few items. We approve the EDR recommendation. But we also have an amended

motion, the fifth item that needs to be dealt with at the same time. So, I would make my motion to agree with the EDR report as well as add that item to the changes that we say need to be made, as my motion. Then the city comes back to us with the changes as they see fit. I make that as a motion.

MR. COGBILL: Well, let me just be clear because that was the original motion, I believe, that we had on the table and then there was a substitute motion from the city, which would say to remove the four bullet points. So, just following Roberts Rules of Order, I can't--

MR. AMES: Okay. Well, you just figure out which way we--

MR. COGBILL: I think just to do this right we have to vote on Rob's motion first.

MR. AMES: Okay. We need to turn him down? Correct?

MR. COGBILL: I don't think Mr. Miller would see it that way.

[Laughter]

Is there any further discussion?

[No response]

All those in favor of Mr. Miller's motion, seconded by Mr. Dixon, please signify by saying

aye.

[Chorus of ayes]

All those opposed?

[Chorus of noes]

Show of hands. We will vote again. All those in favor of the motion, please raise your hand.

[Show of hands]

Thank you, voters for. All those opposed to the motion, please raise your hand.

[Show of hands]

Seven. All those opposed to the motion, please raise your hands.

[Show of hands]

Seven. Six. Thank you. Math is not my strong suit. Are there any abstentions from the motion? There are not. So, the substitute motion fails.

We now go back to the original motion, which is the four bullets that are in the resolution as it stands, with the further modification to add paragraph 2215.2 as an additional further review item that is added to the further paragraph on page two of the resolution.

Do we understand the motion?

MR. DIXON: But I think there was also an understanding that the language that has been presented by the Council and by others will be part of the deliberation. This is not something we can vote on, I don't think, but we certainly can have some understanding. I think we all have that understanding.

MR. MILLER: I need clarity as to what action we are taking with respect to the language that has been suggested--

MR. COGBILL: We are not accepting the language.

MR. MILLER: B-by Mr. McGill to deal with the Armed Services.

MR. COGBILL: We are not accepting that.

MR. MILLER: So, there is no reference to that language in the EDR.

MR. COGBILL: The further bullet would speak to not only addressing alternative text to address the implied negative impacts to the federal interest, which is really all five of those points, but it is not specifically set out but that becomes the fifth item, and maybe we should add that as a bullet point. Would that be appropriate?

MR. MCGILL: In other words, what we are

saying is there is a problem but we are not offering a solution in the motion.

MR. MILLER: Well, I am committed to a collaborative process going forward. Speaking for the Council Chairman, I would really appreciate clarity from this Commission as to what is going to be acceptable so that when we actB-and since we are under this rubric of responding to marching orders in order for to have an implementable plan, we want to know what those marching orders are. So, I don't mind you dictating because that is the federal law that Congress past. When dealing with our local plan and our local policies, they said you can tell us how to modify it if we want to implement it.

MR. AMES: Mr. Chairman, would it not be correct to go ahead and act on the motion we have now and then a separate motion as far as acceptable language for the resolution be sent with these five items?

MR. COGBILL: My concern is, again, getting into the drafting of language. That is my concern. I think the sense of the Commission is that there is a basis for agreement in the future.

I think I do want a transcript of this record

about the federal ability to dictate--

[Laughter]

B-I assume you don't want to revisit that point! And, I am kidding, Rob. I hope you understand that. It is a very serious matter but I would hope that what we can do is simply send this back saying that the four points we find, as currently written, are adverse to the federal interest. I am not saying that correctly but that is the gist of it. Five points. And, the fifth point is that it is not part of the language of the plan but is part of the dicta, I guess, of the discussion and that needs to be changed as well.

MR. MILLER: Is it possible to get some discussion from the members about the alternative language that is being proposed for chanceries? Because asking the Council in this process to act, they are going to act without knowing whether a modification is going to address the negative federal interest impact. This is the body that is going to tell us what is going to address the negative federal interest impact. As much as I appreciate your staff and you, unless it is all 12 of us participating in this collaboration I won't knowB-we won't know what the majority of this

Commission is saying is the modification that will address the concern. And, why should a legislative meeting of the Council be convened to do something that we don't even know--

MR. MCGILL: Mr. Chairman, I have a suggestion. Let's consider that if the motion on the floor passes, I would be prepared to make a motion following that, that describes the amendment I read as an illustration of the type of approach which is appropriate for the Council's respectful consideration.

MR. MILLER: With your language for the Armed Forces--

MR. MCGILL: Yes.

MR. MILLER: B-and my language--

MR. MCGILL: Well, I am not sure what your language is.

MR. COGBILL: I would rather vote on the action first and then continue the discussion, if that is appropriate. Is there any objection to that?

[No response]

Then we will go ahead and vote on the motion. All those in favor of the original motion as we have discussed it, please signify by saying

aye.

[Chorus of ayes]

Opposed?

[Chorus of noes]

We are going to do it by show of hands.

All those in favor of the motion, please raise your hand.

[Show of hands]

Did you get a count? All those opposed to the motion, please raise your hand.

[Show of hands]

There are four. Any abstentions? None.

So, the motion passes. Thank you for a very, very good discussion. I just want to be clear about this, that what we heard from Mr. McGill was that he believes that the language that was proposed and I think agreeable to Rob was something that would be acceptable if it were brought back to the Commission. I certainly have no objection to that.

In discussing this before, just from the Chair's point of view, I have difficulty arguing with language from an existing Comprehensive Plan.

So, to me, that certainly is a basis to work forward. I would again say that I have a problem speaking to specific changes to that ordinance or

those policies and actions because I would want the staff's input on what I consider to be new or different language. But I, again, would hope that this can be brought back to us and we will all walk out in complete agreement, other than being 99.999 percent in agreement. But I do want to say it has been a remarkable pilgrimage and you have done a great job and I very much appreciate that. I apologize that we had to have this difference at this late stage. Does that help, Rob?

MR. MILLER: It is helpful, and I apologize for making the Commission go through what appears to be a District/federal fight over a relatively small number of sentences. But I think you appreciate that we need direction and I was going to try to force this Commission to take a vote on this language and I still am contemplating doing that because we need to know, if this isn't the language, then what is it and we are going to act before our next meeting. We want this plan to keep moving forward.

MR. COGBILL: Well, I think at this point the matter has been voted on. So, hopefully, we have given some guidance and we can move on to the next point.

We have two more matters to come before the Commission. I would propose, since you all worked very hard since 12:30, that we take a five-minute recess.

MR. DIXON: Mr. Chairman, the last item is going to deal with streetcars. Is that correct?

MR. COGBILL: Yes.

MR. DIXON: I am going to have to recuse myself for some reasons that are not really current but may be. So, I am not going to be a part of that discussion.

MR. COGBILL: We need to note that for the record, please.

[Brief recess]

MR. GALVEZ: If we could call the Commission back to order, please. I think we actually have a quorum for the moment, six of us. Well, let's reconvene. The Chairman will join us later. He had to take a phone call. Let's go to item 5D, District of Columbia, Department of Transportation, South Capitol Street. Nancy, thank you.

5D

**District of Columbia, Department of Transportation,
South Capitol Street**

MS. WITHERELL: The District Department of
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Transportation has submitted two projects to us and, as you see, there are two separate staff reports and the projects are different and present different issues, but they are related to a larger ambitious project by the District, which is to implement a streetcar system throughout much of the city to augment existing transit for Metrobus and Metrorail.

So, this presentation is organized a little differently than what you are used to and I would like to go through how we are going to organize it. It is one presentation for both staff reports and there are specific images and comments, and also Executive Director's recommendations for each of the specific projects. We also have a discussion of the larger citywide transit route issue and there are additional Executive Director's findings related to that.

I have separated them, therefore, so you won't see a straightforward reading of everything that is above the asterisk for both reports. I am trying to avoid your having to hear me read some of the identical statements twice, and also it focuses the findings on specific sub-topic that is on the screen. Here is the table of contents for the presentation today. We will show some maps of the draft proposed three car routes. They are in draft at this point; a little background on the planning and the legislative history of streetcars in Washington; some photos that were given to us by DDOT of the Portland, Oregon streetcar system which is DDOT's model for a system here, in Washington; and then some details on the two specific projects that have been submitted, first the Anacostia streetcar, the Initial Line Segment and, second, the street reconstruction along H Street, NE, with specific Executive Director's recommendations for those; then just a very brief overview of emerging streetcar technology. We are not experts in this but we have done some research in the past several months and we just want to present a summary of that to you and indicate our continuing discussions with DDOT about that. Then, some further findings

regarding a citywide system. So, that is the order in which we will proceed.

First I will start with a few maps. This is a very long range 2030 system plan that DDOT has shown us and others. It is in draft at this point.

It shows a type of integrated and far-reaching transit system throughout the city. I draw your attention to the brown lines which are labeled premium transit. To DDOT, that means streetcars and/or dedicated bus lanes as opposed to rapid bus or regular Metrobus service. This is Georgia Avenue, just for orientation; 7th Street. This is M Street, crossing here the Frederick Douglas Bridge.

This is the Anacostia line that we will be talking about more today. And, this is the H Street segment. Many of you know that bus lanes are proposed for K street and this is the extension of the system that we see goes into the Georgetown area.

There is the shorter term map as well that DDOT has shown us, and this is a five-year implementation plan, although DDOT has been careful to say that five years is not exactly fixed. The blue lines are the proposed streetcar routes. Again I will point out, here is the Anacostia

segment that we will be looking at today. Here is the H Street segment. Again, in green, K Street is shown as the dedicated bus lane. The yellow is rapid bus which is like an express bus, or it doesn't stop at every stop.

I moved to Washington in 1964 so I never saw streetcars in Washington but, as I think we all know, there were streetcars here for about 80 years. This is a photo looking south towards the Treasury and shows streetcars on the street. Treasury was a very busy employment center and, in fact, was a prominent destination of some of the routes. I am just looking at the clothing and the cars and I think this was taken around World War I, early 20s.

Washington had a very early and innovative streetcar system. The first system was started in our Chairman's home city Richmond in 1888, and in 1889 Congress passed a law stating that overhead wires for streetcars would be prohibited, would not be allowed within the L'Enfant City and within Georgetown. Now, it is important to remember that in the late 1880s the city did not expand much beyond those boundaries, or the well-developed part of the city although, of course, development was

beginning to occur north of Florida Avenue outside L'Enfant City and also on the other side of the river in old Anacostia and Georgetown of course.

So, that prohibition remains in effect today and was reinforced through other laws that were passed subsequently relating to other types of electric wires, such as utility wires, and also the subsequent charters for streetcar companies. They all continued that requirement that the power system for streetcars be below grade, not in the air. That was in recognition of the qualities of the streets in Washington and the views, and certainly with the beginning of the ACity Beautiful@ era.

This is a more recent photo showing the streetcars before they were discontinued, which was in 1961.

Here is a 1958 map that shows the extent of the system. You will see that it actually goes into Maryland as well. Indeed, this two-part power system was in effect. Within the L'Enfant City and Georgetown the power source was below grade. Then it would convert as it went outside those boundaries and would go to an overhead system. So, this shows the extent of the system.

This is a map that we created and it shows the five-year implementation plan. The blue segment here is the Anacostia segment that we are looking at today, and the red is H Street. What we have done is we have overlaid it on the boundaries of the L'Enfant City and Georgetown so you will note, for example, that the Anacostia system is outside that area and the H Street segment is inside that area.

These are images from Portland, Oregon that DDOT has submitted to show the type of system that is used there and that would be implemented here. So, you have the vehicle on the tracks and this is called a pantograph, which is something I learned just recently. In the old days it used to be called the trolley. That is how the word trolley began to be used for the vehicle itself. So, this is the pantograph and it has contact with the electric wire.

Here is another image from Portland showing this and showing the wire across. You see it is on tracks, dedicated lane.

Here is another example in an area with lower scale buildings. You will note that the wires are supported on poles with cantilevered arms

and this holds the wire.

Here is another one in a city context, with the poles. In the D.C. proposal for Anacostia the poles are approximately very 80 feet and the heights of them range from 24 feet to 34 feet in height. On the 24 foot one the wire actually is a little below that. That is the top of the pole. The 34 foot poles have lightning arresters on them so they are taller.

Here is another system from Portland, with a palm tree. In this example you will see that the cantilevered arm projects over a parking lane into the transit lane, and that is the situation that would be designed for H Street.

I think this is the last image. We are seeing the poles. We are seeing more wires in this area and DDOT has explained to me that they are used in several situations when the tracks are curving, going around a corner so that it wouldn't be possible to use a pole through an intersection.

These other wires are supporting the contact wire, and also across broad intersections and that is something, of course, that we have thought about for the Washington system as well because of the width of our rights of way and some of the

promenade intersections where you have two rights of way joining.

This photo also shows a scenario where the shelter where passengers would wait would be in the median strip. For example, this system would be used in a median strip on Benning Road, which is the future projected route that is outside of the L'Enfant Plan so the wires would be carried on either side and pedestrians would wait in the middle; passengers would wait in the middle median strip. Also, although not a big feature in the context of streetscapes, there is an additional traffic light for the streetcar operators.

This is the vehicle. In fact, this is a D.C. vehicle, which has been purchased, and this is a photo taken a few months ago showing it under construction, under fabrication. You will notice that DDOT is planning to use the kind of graphics that are familiar to us from the circulator. Just for comparison, circulator buses are about 40 feet in length and the streetcars are 66 feet in length and they are articulate, as you see. They are eight feet wide and 66 feet long. So, this is an eight foot dimension here.

Again, just a detail of what you saw in

the photos of the posts, and then the cantilevered arm.

Here is another image from the Anacostia set of plans, showing the range of heights for the wires. So, there needs to be at least a 14 foot clearance here, and then this is showing it at about 22 feet clearance.

So, with that as the background so you can imagine what the system would look like, I would now like to proceed with some specific information about the Anacostia project which has been submitted. DDOT has submitted this for final site and building plans, and this is an Initial Line Segment that is 1.3 miles in length. This is the demonstration route.

We are looking north. One end of it is at Bolling Air Force Base and it is at the north of the two entrances, the DIA or Defense Intelligence Agency entrance on South Capitol and I will comment on the spur in a moment. The second stop is the Navy Annex stop. This is a single line. At that point we turn and go under 295. This is Firth Sterling Avenue. The routes at this point would split and it would be on either side of the streets, two-way traffic. The routes would cross

Suitland Parkway and come into the west side of the Anacostia Metro Station. So, that is not Howard Road. This is the other side of it, the west side of it.

There is the spur that would come off here for a maintenance facility and the streetcars would drive right into the building. Actually, this line is incorrect on this drawing. The spur just goes to the maintenance facility and that is on DDOT land that is between South Capitol Street and 295.

Here is an aerial photo. You all recognize this. This is St. Elizabeth's. Here is the center building. This is South Capitol Street so this is the site of the stadium, and this is the Frederick Douglas Bridge and the lighter colored pavement is South Capitol Street. This is 295. Again, here is the cross for Firth Sterling. This is Barry Farms community and then we are crossing Suitland Parkway, which is right here, and the Anacostia Metro Station is just off this picture. This is the area where the maintenance facility would be located.

Now, the Commission saw a project that is similar to this but also different at the November of 2004 meeting. That was a project submitted by

WMATA and it was for a 2.7 mile length so it was longer than this. It extended down to Malcolm X at this end and went up to the Souza Bridge at the north end. That proposal was in the CSX right-of-way. It was not on a city street. The Commission approved a scheme with overhead wires. This is a demonstration project. And, the context was different. This was the proposal at the time and, again, some of the platform details have changed and also this was the kind of infrastructure that was proposed at the time. So, it is a system that had other wires and was a rail corridor.

I will show you some details. Again, this is the current proposal just to show you some details. Here is the Navy Annex, looking west. Here is the streetcar platform coming up. You can see this is where it is turning onto Firth Sterling and it is separating into two separate tracks.

This is a rendering that DDOT submitted for its study of what the streetcar platform would look like and it includes a fairly light and contemporary steel and glass shelter and pylons. DDOT has not selected the final design for this yet and we have recommended that they continue to study

that and work with us and other agencies, and just make sure that it is appropriate for a denser open environment as well, and that it is iconic enough to achieve the results that they intend.

I also wanted to point out that this is the current shoulder of South Capitol Street. We are looking north in this photo. So, this is the dedicated lane of the streetcar system along South Capitol. This is on the west side, on the shoulder of South Capitol. This image was created to show this furniture here and it does not show the pole infrastructure. So, it is focusing on this so you do not see the pole infrastructure here along the route.

Again, here is the stop in Barry Farm, which is in two directions. I have one more image showing it crossing Suitland Parkway and coming into the west side of the Anacostia metro stop.

Here is an aerial photo. North is to the right. We are seeing the spur with the maintenance facility. So, the Navy is to the top of this photo. This is DDOT property and this is the current condition.

This is the concept for the maintenance facility that we recommended and the Commission

approved two years ago and this is as proposed now.

This is based on one in Tacoma, Washington. I think it is virtually identical. There is some distinction in the use of brick on the exterior. The measurement for this is about 150 feet long, about 70 feet wide. This would be visible certainly to drivers but is in an area that has some utilitarian structures now. I also note that it is not directly on a view with the Capitol, although its view it goes forward in this direction.

The issues that we identified for this is that this is a demonstration project and has value as such. It is a 1.3 mile Initial Line Segment and this will test the public's interest and use of a streetcar system and the functioning of the streetcars themselves.

DDOT has coordinated this project with the Navy, with GSA which is planning for potential future occupation of St. Elizabeth's by the Department of Homeland Security and by the National Park Service. The streetcars use an overhead contact system. The streetcars have been purchased and they use the overhead contact system, as shown in the photos and in the drawings we have.

The Commission's November, 2004 concept approval was for the CSX right-of-way. The current proposed route, however, uses city streets. It is a non-urban context here and it is an area where pedestrian travel is difficult. The route links two federal military installations, as well as Barry Farms, with Anacostia Metro Station. It is not within L'Enfant City or Georgetown.

We have discussed with DDOT, for both this project and for the H Street project, as well as for the overall future system, if there is potential for retrofitting a surface contact system to the street, to the rails and to the streetcars, and this is part of the continuing discussion we would like to have with DDOT on how that can be evaluated. From our early conversations, we understand that it might be possible to more easily install a rail for a surface system without completely having to rebuild the street or have that kind of construction disruption.

Therefore, the Executive Director's recommendation is to approve the final site and building plans for the Anacostia streetcar Initial Line Segment, which is a demonstration project for streetcar service in the District of Columbia.

And, we find that the Commission recognizes the value of a seamless transit system and supports the District's investigation of transit that will complement Metrorail and Metrobus operations throughout the city. The Anacostia segment will complement transit operations near the Anacostia Metro Station specifically.

DDOT intends the Anacostia segment as a demonstration project with the possibility of route expansion elsewhere in Washington, including routes within the City of Washington, also called the original L'Enfant Plan part of the city. Our recommended approval of the demonstration project does not connote the Commission's acceptance of a future streetcar system that uses an overhead contact system within the L'Enfant City and Georgetown.

With your permission, Mr. Chairman, I would like to proceed to the second project unless there are specific questions on this.

[Staff recommendation for the District of Columbia, Department of Transportation, South Capitol Street and Firth Sterling Avenue, SE, between Bolling Air Force Base and Anacostia Metro Station, Washington, D.C. - Anacostia Streetcar

Initial Line Segment follows:]

MR. COGBILL: Are there any questions from the Commission at this point?

[No response]

Please proceed.

5E

Anacostia Streetcar Initial Line Segment

MS. WITHERELL: Thank you. I am now going to turn our attention to the H Street segment. This is a segment between 3rd and 14th Streets, NE.

As you saw on the map, DDOT's intention is to connect it westward past Union Station and then moving on to continue an east west route and also to connect it eastward through the AStarburst@ intersection which is the name for the intersection where H Street crosses with many other streets, Florida Avenue which is the eastern boundary of the L'Enfant Plan in this part of the city, and then to continue it beyond, down Benning Road and further.

So, this project is not the same as the one we just saw because it doesn't involve the actual installation or implementation of a streetcar route. What it is, is the implementation of the Great Streets design which is a project that DDOT has initiated to revitalize economic and neighborhood corridors by improving streetscape amenities. So, the streets and sidewalks would be

rebuilt and at that time the rails would be installed. DDOT's decision for doing this or reasoning for doing this is that they would like to disrupt the property owners along H Street once. So, they would like to install the rails now in case a streetcar system is installed or implemented on H Street in the future.

We have discussed with DDOT how to have further discussions either before the rails are implemented or understanding that the rails would not necessarily connote our approval for an above-ground wire system in this area. Again, we have talked with DDOT and we agreed about some potentials for retrofitting other types of systems in the street that would avoid reconstructing the street a second time.

Again, this is submitted for final site development plans. This is H Street. We are looking west here to the intersection of 13th Street. H Street is a largely commercial corridor. The Commission has seen a lot of projects at the west end of it near Union Station for taller and higher density development, but much of the street at this point is still fairly low in scale, with 19th century properties and a lot of mid-century

commercial properties as well, including parking lots. There is a lot of active redevelopment going on here now and the change will come fairly quickly in the coming years. The corridor has been blighted since the 1968 riots. It was a target of rioting at that time.

What we have received again is a streetscape plan from them and this is just one segment of it and we are showing the intersection of H with 13th. You see the tracks here. DDOT is using bulb-outs, which they are using elsewhere in the city as well. It is using 4 x 4 aggregate concrete pavers, street trees. The curb height is 8 inches. By the way, this is a parking lane. The slope rises to 14 inches at the curb edge and this is to allow easy access directly onto a bus. At this point it would be a bus route, or potentially future streetcar route.

New street lights are going in and other types of amenities. Again, there are bulb-outs here as well for the parking lanes. There will be three transit stops along H Street, one at 5th Street, one at 8th and one at 13th.

Here is a rendering showing what this may look like. I understand that this is the first

time that DDOT will be constructing continuous tree pits below grade which will help the health of the trees on their routes.

This is a section that DDOT submitted to us showing the configuration of the streets. You see a sidewalk, parking lane which is 8 feet wide, and a shared transit lane which is 12 feet, and then two travel lanes, one in either direction.

This is abstracted and it is not what it will look like. DDOT is proposing some kind of pole infrastructure that we just saw for the Anacostia project.

We have superimposed some of the data that we saw from the Anacostia project onto photographs of H Street, and these are very rough and they are really done for us to study and to begin to talk to DDOT about, but what we have done is we have taken the tracks and superimposed streetcars and then used the overhead wires and the poles at an 80 foot distance. You see also the teardrop street lights there. This also shows the kind of bulb-out for the parking lane and the shelter.

Our issues for this are, first, that this is the implementation of the Great Street design, the H Street corridor, a very positive step for

this neighborhood and throughout the city, improves the appearance, accessability and function of sidewalks and streets for pedestrians and for bus transit users. The segment is within the L'Enfant Plan where overhead streetcar wires are prohibited by federal law. Also, the L'Enfant Plan rights-of-way are protected by both federal and District historic designation.

The rails are the only part of a future streetcar system that are proposed for implementation at this time. The only other feature at this point is that when they reconstruct the sidewalks they will have foundations below grade for future poles, if they are installed. But in terms of what we see and what is part of the project, it is the rails in the asphalt.

It is our view that the rail installation as a surface feature for the road is not a negative impact on the right-of-way views. This project has not yet been submitted to the D.C. State Historic Preservation Office, although there have been early talks on that. So, we don't have any finding from them about whether there is an adverse effect of this but this is our staff view at this time.

Again, we have discussed with DDOT on

several occasions the need for evaluation of potential retrofitting a surface contact system or another similar system that doesn't use overhead wires for street rails and for streetcars.

Therefore, the recommendation is that the Commission approve the final site and building plans for the reconstruction of the street and sidewalk of H Street, NE between 3rd and 14th Streets, understanding that DDOT, in collaboration with the Commission and others, will continue to evaluate the range of streetcar propulsion technologies, and also advising DDOT that the Commission does not support the implementation of a streetcar system that would use an overhead contact system on streets within the L'Enfant City and Georgetown.

We commend the District of Columbia for implementing the Great Streets program of public space improvements, improved accessibility and pedestrian amenities to assist revitalization of the neighborhood commercial corridor of H Street, NE, and we support the District of Columbia in providing improved transit services throughout the city. We find that the proposed installation of tracks in the H Street cartway will not in itself

have a negative impact to the historically open character of a street within the L'Enfant Plan, might preclude alternative or emerging technologies for a future streetcar route on H Street, NE and elsewhere in the District of Columbia, and this is why we are urging, and DDOT has agreed with us, to have further discussion on this.

We also find that the recommended approval of the streetscape plan does not connote the Commission's acceptance of a future streetcar system that uses an overhead contact system.

We have had a fairly steep learning curve on streetcars just recently. None of us is an expert on it and we don't claim to be, but what we did is we found an article by a John Swanson, who works for Parsons Brinkerhoff, and it was a paper that he delivered out of a conference in 2003 called Light Rail Without Wires: A Dream Come True. Based on that article and further research on the topics, and also a conversation that we had with him, we have learned a bit about a system that is used in France. We are not advocating this particular system but we just wanted to explain a little bit about it so that you could understand that we are optimistic that there are some emerging

technologies that might be viable for a system in the District.

It involves a third rail but it is not the third rail in the way that we know it, something used on Metro that you would avoid, really, really avoid! It would be installed between tracks, tracks even that might already have been installed, and it is flush with the surface and it is segmented and insulated so that it is electrified only as the vehicle travels over it. In other words, it is completely safe to walk across it when it is exposed. So, it is a different kind of technology. This is showing again the contact.

It is also a kind of system where you could convert from surface to overhead fairly quickly. In fact, in systems in Europe it happens at a stop. It happens very quickly. Here would be an example of one that would be used in a road.

It is in use in Bordeaux and there were some earlier problems with it that now apparently have been resolved and, in fact, Bordeaux is expanding its system from I think 21 kilometers to 43 kilometers so they are expressing great confidence in this expansion. Two other cities in France have contracted to install this system as

well, and all three are historic cities. It is Bordeaux, Reims and Angers. So, they are installing this system to protect scenic values in their historic core.

Here are photos. Here is another one from Bordeaux, and another one.

So, we are showing these. Again, we are not experts on streetcars but we are showing this to show that there are emerging technologies and we think that Washington is equally deserving of the best possible streetcar system, particularly to protect the kinds of values that we identify with Washington, including streetscape vistas and open skies.

The larger issue for a citywide system, Washington has historically open right-of-way vistas or defining characteristics of the nation's capital that are valued and protected. I would argue the staff feels that is important everywhere in the city. The federal law from 1889 specifically focuses on the L'Enfant City and Georgetown. So, that would be considered a federal interest. Indeed, we have comprehensive plans that protect those and, in fact, we have national register recognition of the L'Enfant Plan and it is

also listed in the D.C. Inventory of Historic Sites. I will remind you that these designations are three-dimensional designations. They protect space. They protect the right-of-way width up to the allowable height of the buildings so that space itself is captured as a protected element.

We believe that further evaluation and collaboration with DDOT and with other parties should occur as the system is planned and implemented. The Commission supports citywide seamless transit service moving throughout different portions of the city. And, new technologies that eliminate overhead wires and infrastructure would be appropriate in Washington.

We think they should be studied further and evaluated. They are consistent with the federal statute and also with long-standing planning guidance and implementation.

Federal interests would be the protection of our unique landscape in Washington and the character of the L'Enfant Plan rights-of-way and vistas; recognition of the historic protection of the L'Enfant Plan rights-of-way; adherence to federal law; and consistency with Comp. Plan policies. Those policies, I have picked out

several and they are also in our staff report. I went both to our transportation element as well as to the historic preservation element.

In the transportation element the federal government should support the design and implementation of new, expanded and innovative transit services that supplement existing transit and fill unmet transit needs. For example, downtown circulator busway, bus rapid transit projects, light rail and trolley.

Also, the government should support the development of intermodal transit centers that provide greater transit access and improved interconnectivity for federal commuters.

In the historic features element the federal government should 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 government should adhere to these principles in any improvements or alterations to the historic framework.

Protect and control the visual and functional qualities of L'Enfant rights-of-way, and protect the open space of the L'Enfant streets. The

exceptional width and openness of the streets rights-of-way constitutes public space that helps to define the character of the city. As you know, the District elements of the Comp. Plan have similar policies.

The Executive Director's recommendation is that the Commission finds-BI am going to pause for a minute and say these are findings that we have placed in both of the staff reports because we found it relates to the overall plan and we wanted to have it in both of them but I am just going to read it once: The Commission finds that the use of streetcars with overhead wires entails the installation of infrastructure to support the wires, including regularly spaced posts with support arms cantilevered over traffic lanes, that would change the historically open character and appearance of Washington streets.

Since the late 19th century there has been a legal prohibition against overhead wires within the City of Washington, the L'Enfant City and Georgetown, resulting in rights-of-way that are free of electric wires and that were free of overhead wires when streetcars were previously in use.

The Commission has a federal interest in retaining and protecting the nationally recognized and significant open vistas of the rights-of-way of the L'Enfant Plan which is protected by listing in the National Register of Historic Places and in the D.C. Inventory of Historic Sites.

We also find that DDOT should return to the Commission for review of every segment of the streetcar system. And, finally, that both the District of Columbia government and the National Capital Planning Commission share the goals of protecting the integrity of Washington's characteristic open streets and of meeting public transit service needs. These goals should be weighed together and a streetcar system should be considered as a whole before irrevocable decisions are made concerning one segment.

We request that DDOT return to the Commission for review of the elements associated with the citywide streetcar systems, such as pylons, signs and passenger shelters, prior to DDOT making a final decision about the design of these elements. By that, I mean a system-wide decision.

I think the Anacostia segment would be a chance to experiment with design, but if they move to a

denser part of the city we will need to make sure that they are appropriate for sidewalks and have the iconic value that they should have so that they are identifiable.

Also, we request that DDOT, with the collaboration of other relevant District of Columbia and federal agencies including the Commission, continue to investigate transit alternatives to a streetcar system that uses overhead wires with supporting infrastructure before it proceeds with plans to expand the route beyond the Anacostia Initial Line Segment.

Transit modes and technology should meet the transit goals of both the District of Columbia government and the Commission, as well as our mutual mandates to protect Washington's historically open right-of-way vistas and to comply with federal laws.

I would like to underscore several points, which are the good collaborative working relationship we have with DDOT so far. We both stated our desire to continue consultation and to look at this, recognizing that this is a project that is of interest to everyone in the city and to us as well as other entities.

I would like to thank the DDOT staff, which is here. They have been very helpful recently and they can answer any questions that you may have.

That concludes the presentation.

[The staff recommendation for the District of Columbia, Department of Transportation, H Street, NE between 3rd and 14th Streets, NE, Washington, D.C. - Street, Sidewalk and Streetcar Rail Construction follows:]

MR. COGBILL: Are there any questions from staff at this point? We will start with Mr. Galvez.

MR. GALVEZ: I have one question about the foundations on the H Street side. I mean, the technology is clearly available because it is being used in other locations, why incur the cost of putting the foundations in for a rail system?

MS. WITHERELL: Perhaps DDOT can answer more specifically but I believe the intention is to not disrupt the sidewalks twice.

MR. GALVEZ: Just to follow-up on that, it seems to me that to put the source in you are going to disrupt the street again.

MS. WITHERELL: That is part of the discussions we have had with DDOT in recent weeks and that is, indeed, true. One of the aspects of the French system, which we are not specifically advocating, is that we believe a new rail could be saw-cut in fairly easily without completely ripping up the street, which is certainly DDOT's concern.

MR. SHAKERI: Good afternoon. I am Ali Shakeri. I am the program manager with DDOT. What we are doing on H Street is we are really retrofitting the foundation that they are using for

street lights. We are just making it a little bit stronger. In case we want to use it we don't have to tear up the street. Actually, we are putting conduits for our traffic signals communications. So, we are just adding one more conduit to take the wire. Actually, the power comes from the overhead wire. So, if the wire comes, as you said, from under ground, you have to saw-cut it and put it on the ground. But in case you are going to go overhead, we really didn't want to tear up the sidewalk. So, as I said, we are just making the basis for the streetcar a little bit better than what it is. We have to make a base for the street light poles anyway, so we are just taking advantage of that.

MR. COGBILL: Mr. McGill?

MR. MCGILL: Well, I have several concerns. First, I think I mentioned this when we were looking at the Anacostia route before, it seems to me that the District is starting its two routes in relatively low density corridors. Now, apparently in the Anacostia corridor there is a demand for transit from Metro to the military bases so there is a potential demand there. I don't see a similar demand on H Street. And, one of the

advantages of streetcars is that they can carry a larger load of people with fewer personnel so the cost per person is lower so the operating costs go down.

So, I am a little concerned, especially on H Street, that this doesn't seem to be a very high density corridor. There doesn't seem to be a clear demand for intensive travel between 3rd and 14th Streets and, therefore, it might be running the risk of becoming a failed experiment.

I am also concerned because the way it is proposed doesn't make a lot of sense. And, the idea of putting in rails on the possibility that the District might decide to come back and propose streetcars but not resolving whether or not they need overhead poles up front means either NCPC or DDOT is going to look really stupid.

Finally, I am concerned that with the bulb-outs and the idea of a transit system is that you have transit stops spaced a predictable length apart, and there are bulb-outs at 5th, 8th and 13th, so that is not regular predictable spacing. The bulb-outs themselves start at 8 inches high at the inner edge of the sidewalk and rise to 14 inches. The District that has many people, including

myself, quite fond of jay-walking. So, I can just see you are looking at traffic. You are walking up the hill and stepping off a 14 inch high curb into the street. So, it just seems to me that components of the H Street proposal don't hang together.

Then, the District is saying, well, you know, we are trying the Anacostia experiment with light rail to see if it works and if it works we will expand it. But they then are proposing to expand it, at least in capital costs, before they see if it works.

Now, there are a number of issues that I am familiar with in San Francisco where I lived for 21 years. First of all, there is the Drivers Union and they say an articulated vehicle needs two drivers. Then you lose the savings in labor costs. Then there is the question of loading. These are very large vehicles with a large capacity. The biggest source of delay in transit operations is fare collection. Now, the Metro doesn't have to worry about that because you go through a gate and so everybody gets on every door at once. But these are streetcars operating on the surface, presumably with a fare box by the driver up front. So, then

how do you speed the ingress and egress of the large crowdsB-or at least the ingress, they can go out the back door, with one far box up front?

So, I am just concerned and I think the 14th Street experiment makes sense but it seems to me that proceeding on H Street, to the extent as being proposed and the cost involved and the configuration suggested, poses problems. What I don't understand is what exactly is NCPC's authority.

MS. WITHERELL: Well, we have several authorities here. We are advisory in this part of the city because it is not within the central area. However, we have a strong federal interest, especially because of the federal statute.

MR. MCGILL: On the overhead wire?

MS. WITHERELL: Correct, and as part of the larger system that would come into the central area. My understanding on your specific comment about the bulb-outs, both the presence of the bulb-outs and the grade increase, is that it is consistent with DDOT's manuals now and that they are doing this even in areas for stepping onto a bus, and that is to help with accessibility. So, I don't know if a DDOT representative would want to

say more about that. The system will be used for bus service.

MR. SHAKERI: Again, as you said, this is a new policy that DDOT has adopted. By doing the bulb-out or curb extension we are trying to minimize the travel length that pedestrians have to travel when they are crossing the intersections.

MR. MCGILL: Well, I understand the concept of bulb-outs. Bulb-outs are great. I don't understand a bulb-out that goes up to 14 inches and then drops off the curb.

MR. SHAKERI: If you will give me one second, the reason is not that the whole curb is going to be raised to 14 inches. The streetcar has three sections, the front, middle and back. The front is like a bus and that section, which is about 25 feet almost, you need a regular 6 or 8 inch curb. The middle section, requires that, you know, handicapped can access it. That is the only area which is the middle door of the bus. I don't know if you want to put the streetcar on. I can show it to you. The door in the middleB-the platform has to be raised to 14 inches. But that is really about 25 feet away from the intersection. So, the crosswalks, when somebody walks in the

crosswalks they are going to end up in the same regular 8 inches curb that we have. As you said, if somebody goes jay-walking, you know, then they are going to end up being at the 14 inch curb. But that 14 inch curb is only for a limited distance and is about 25 feet away from the intersection.

MR. MCGILL: What about expediting boarding for fare collection?

MR. SHAKERI: The way we are doing it, we are going to use a smartcard. Actually, there is going to be only one driver and there is really no enforcement. It is an honor system. You know, for fare collection you have to have like a smartcard to come in and you just tap it in. As I say, it is the honor system so it is going to be checked occasionally by inspectors. In Portland, the system that they have actually is for free. The reason they can do it for freeB-I am not saying our system is going to be free, but there are some ideas that we can explore and see if we can do it that way. But there is going to be only one driver and there is no need for somebody to check the ticket. It is not like a bus system. It is going to be an honor system and people come in and tap their smartcard and use the system.

MS. STEINGASSER: Mr. Chairman?

MR. COGBILL: Yes, ma'am?

MS. STEINGASSER: Am I right in understanding that with the H Street project we are not asked to approve the streetcars. We are asked to approve the rails being in the street pavement.

MS. WITHERELL: That is the one visible aspect of a future system, otherwise it is the implementation of the Great Streets design, streetscape design.

MR. COGBILL: I had a question just on the system that is being used in France. It looked like the streetcar tracks were separated from the road. Does this system allow vehicles to ride over that system?

MS. WITHERELL: Yes, thank you, I failed to mention that. In the H Street system they are not dedicated streetcar lanes, they are shared lanes, shared transit lanes. It could be bus; it could be streetcar and private vehicles or other types of vehicles.

MR. COGBILL: Well, in the new street technology though, can you still drive over that as well?

MS. WITHERELL: Yes, that is our

understanding with the flush component.

MR. COGBILL: Jennifer?

MS. STEINGASSER: Was any comparison made to the spacing of the tracks for the at-grade circuitry versus the overhead?

MS. WITHERELL: Spacing vertically?

MS. STEINGASSER: The spacing of the tracks that are being laid in the street.

MS. WITHERELL: Oh, I see.

MS. STEINGASSER: So we know that that is not the same as would be required by the non-overhead?

MS. WITHERELL: I don't know that. It may be that another similar system is used, but that is one of the aspects that needs to be evaluated as to whether these rails could be reused again, or whether they would need to be replaced.

MS. STEINGASSER: And DDOT has agree to work with NCPC?

MR. WITHERELL: Yes.

MR. DOWD: I think I can add some clarity to that. The system in France can be retrofitted to any streetcar body. So, the rails that are being installed in the roadway would accommodate the rail cars that are currently being envisioned,

but those could be modified to collect electricity from an in-pavement system or an overhead system.

MS. STEINGASSER: Great. Thank you.

MR. COGBILL: Mr. Miller?

MR. MILLER: Just two factual questions.

Do you happen to know the relative cost of the French system, for example, versus an overhead.

MS. WITHERELL: I don't know a dollar amount or by kilometer, but according to Mr. Swanson, who wrote this article and we talked to, because this is a new technology in France it is more expensive. In fact, it is three times as expensive to install. So, that is another factor that would need to be weighed by all parties.

MR. MILLER: The other question I had, I was having a conversation with someone, even older than I, who had used the streetcars when they were in use in Washington, and their recollection wasB-and I just want to confirm it-Bthat outside of the central city of Washington, outside the L'Enfant City and Georgetown, there were overhead contact streetcars. Is that correct?

MS. WITHERELL: Yes, that is exactly right so the system had both types and converted as it came inside and outside of Georgetown or Florida

Avenue.

MR. COGBILL: Other questions?

[No response]

We have a speaker. We have two matters before us and the Speaker is Mr. Don Hawkins, from the Committee of 100. I am going to ask him to come up and I will ask you, Mr. Hawkins, if you wish to speak to both these matters at the same time or you wish to speak separately.

MR. HAWKINS: I think if you wouldn't mind my speaking separately.

MR. COGBILL: We will take these up separately so that is fine. We are now going to speak about the Anacostia streetcar.

MR. HAWKINS: Thank you again. The Committee of 100 is not opposed to the streetcar line. We have a number of questions, the answers to which would have been clear in the literature that we have seen. It is a demonstration project, we realize. One question is what is it demonstrating? By the description we have had of the two systems, one with overhead trolleys and another embedded in the track power system. It seems that what is going to be demonstrated at Anacostia is the old-fashioned system.

When we look at that and look at the route that is prescribed for it, it is obviously only going to be a demonstration of something. It is not going to be serving a public that is needing to get from one point to another.

So, we wonder, especially when it crosses at-grade the Suitland parkway, it might not be periodically during the day demonstrating something that might have been in the past, but not something that we would be looking forward to in the future.

We also have great concerns that going up the hill to the projected expansion, which would seem natural if there were a need thereB-going up Good Hope HillB-steel wheels on steel rails, it is kind of a chancy thing. I did not bring in either of the pictures I pulled out of my literature in the last week, one of a nine streetcar pileup, waiting for a car to get out of the way; another one of a seven car pileup in downtown WashingtonB-not a pileup but a line up. The very basic quality of a track system is that the guys behind can't get in front of the guys in front and that could be a real problem, especially on Good Hope Road.

I think that summarizes our concerns about

the trolley system. So, thank you.

MR. COGBILL: Thank you. So, I think the answer to your first question is what is being demonstrated is steel overhead line. Are we in agreement on that?

But the question I have from your comments is the hill climbing capability of these and, if there is an issue, whether you all have looked at that.

MR. SHAKERI: No, the streetcars can go up 10 percent grades easily. If you want, I can answer another question, what we are serving in Anacostia. I mean, at Bolling they are going to have another 6,000 employees there. And, then the connection between the Navy Annex, Bolling and at Barry Farm they are going to have 1,200 units. They are going to complete Barry Farm and then they are connecting the people to the Anacostia Metro Station. Anacostia Metro Station is going to become a transit center between buses, Metro and streetcars. We feel that we are going to be serving people.

MR. COGBILL: Thank you. Other questions from the Commission?

[No response]

I would entertain a motion.

MR. PARSONS: I move we accept the Director's recommendation for both of these cases.

MR. COGBILL: All right, we will do these separately. This will be for the Anacostia Streetcar Initial Line Segment, which is item 5D. I assume your motion is to move the Executive Director's recommendation.

MR. PARSONS: Yes.

MR. GALVEZ: I second the motion.

MR. COGBILL: There is a motion made and seconded by Mr. Galvez. Further discussion?

[No response]

All those in favor of the motion, please signify by saying aye.

[Chorus of ayes]

Opposed?

[No response]

Abstentions?

[No response]

The motion carries. Thank you.

All right, we will move to agenda item 5E, which is the H Street, NE, between 3rd and 14th Streets, NE, and I will ask Mr. Hawkins to come back.

MR. HAWKINS: Thank you again. The H Street considerations are entirely different and this is a case where I think that we are in complete agreement with the NCPC. We might have worded the concerns about the possibility of overhead wires or even thinking about overhead wires in the L'Enfant City or Georgetown more strongly.

I want to remind you that the pylons and the wires have popped up periodically over the years in DDOT literature about not only H Street but about K Street where a busway has been proposed. And, there was very definitely an intention to lead eventually to a tramway down K Street. I see that it is not in the five-year plan but it seemed to have such firm and early and strong roots that I think it would be well to let DDOT know exactly what the law is, and is going to be I hope into the foreseeable future.

Another question, if I might back up a little bit and tell you where the question comes from, in the earliest days that iron was made iron rails were made. It was one of the first products because the conditions across which you had to move heavy goods and heavy equipment in the 18th century

were terrible. So, things didn't get moved easily.

So, even to go the length of this room, anybody who could get iron rails to move some heavy equipment would use the iron rails. So, virtually until the 20th century the best roads were always iron railroads. They, of course, cut way down on the friction of anything that you wanted to move. It made it much easier to do it.

The earliest proposal that I have seen for a railroad in Washington that was general was one for iron plates that would actually pave the road, and the ones where the streetcars were going to go the plates would have grooves in them. So, the entire street would be paved with iron. It wasn't adopted. Economics had a lot to do with everything about Washington's development, and we are, in fact, having mocked for having used wood to pave Pennsylvania Avenue where other cities might have used stone.

Well, it is not just a matter of cost. There was not a good solution to the paving question in the 19th century. As long as carts were being pulled by horses, the horses had to put their hoofs on something and whatever the stone paving was, whether it was sets or cobblestones, it became

dust or grooved eventually, making it worse than to begin with. And, in the rain a wet stone pavement is not something that a horse's iron-shod hoof can get purchase in. So, it is not that we were doing badly. It was that nobody knew how to do well.

The streetcars, of course, moved well because they were on their rails and everybody else had the problem of getting over the rails until paving caught up with the streets, and stable paving. But then pneumatic tires made all the difference in the world. And, the need for rails to move things slowly didn't disappear but it was greatly reduced. The quality of roadbed that we can make now and the quality of the tires that we can use to run over them is such that we don't know why anybody wants to put rails down and limit the flexibility and the maneuverability of the vehicle that is going to carry the people. As Mr. McGill mentioned, you could carry more people at one go but there is that limitation that seems to us to overwhelm whatever other I think, as best I can tell, nostalgic drive there might be behind a rail system, and I wouldn't have thought it would take me seven seconds at the end to say that a little bit. But that is a very large basic question.

MR. COGBILL: Just to answer that, I asked the same question at one point because, as you know, in Richmond we did tear up the rails and went to pneumatic tires. But one of the things that I have understood about the rails is that it reduces sort of the stress on the driver. You have a vehicle that is in a fixed area. It cannot get out of that. It goes forward or it goes backwards, probably just forward until it is turned around. So, that make it a little easier in terms of a driver to manipulate that and perhaps provides a little safer corridor for those who use that. Is that a fair statement or am I just making that up?

MR. SHAKERI: No, you are correct. But really the investment in streetcarsB-I will just give you the example of Portland. Portland started their streetcars in 2001. Since then, the area that the streetcar is operating, the investment and development that happened there is more than five billion dollars. It is more than five billion dollars of retails, office buildings and stores, and people, and all because of the streetcar.

One of the things about the streetcar is, as you said, it is fixed, a fixed investment there. Then the investor, the developers know that this

thing is not going to be put some other place. The buses, you know, things on tires, as soon as the economy gets bad, or whatever, they get stopped or they get put in another place. But this is going to be the corridor where the streetcar is going to be operating forever. Because of that, you know, if you look at it, there are 87 cities in the U.S. right now looking at the streetcar and that is one of the reasons, that it is a safe, clean system that is operating and the investment that comes with it is incredible.

MR. COGBILL: So, my answer holds very little water.

MR. MCGILL: I would like to ask you a question too, if I could. Why do you have proposed bulb-outs at uneven intervals, 5th, 8th and 13th? Why not have 4th, 7th, 10th and 13th or 5th, 8th, 11th and 14th, or something like that?

MR. SHAKERI: First of all, we have bulb-outs throughout H Street, but right now there are three locations that are identified for the streetcar station and that is coordinated with the Office of Planning and Economic Development. That is the reason for that. Development projects at those locations, there is going to be retail,

shopping and, you know, the Old Theater and all that, and these are very coordinated with those efforts. Those three locations are picked at the present time for that reason. Of course, the way it happened in Portland, if it happens in H Street you are going to see more stations and more stops.

But this is our plan right now. It is a plan development and for certain reasons we picked those three locations for the stations.

MR. MCGILL: And what is the marginal cost in the project of putting down the rails only? How much does the rail work all by itself cost?

MR. SHAKERI: We are estimating if for H Street to be about three million dollars, but the reason is very economical right now, and it is this, that we are reconstructing completely H Street and if we put the base and put asphalt or concrete as the pavement, versus putting the tracks which would be about eight foot wide concrete with two rails in it, the cost for us is going to be another three million dollars. If we come back and try to do this, let's say, five years from now the cost of it is going to be at least 15-20 million dollars. Then, as you said, we are going to look foolish to go and fix the street now and then come

back in about five years or ten years from now and tear apart a brand-new street, tear it apart and try to put the tracks back.

MR. COGBILL: We are back to the Commission.

MR. AMES: Mr. Chairman, I would like to make a motion that we approve the EDR recommendation, please.

MR. COGBILL: There is a motion made. Is there a second?

MR. GALVEZ: Second the motion.

MR. COGBILL: a motion is made and seconded. I just want to reiterate again the concern about L'Efant City, and I think everyone understands that but I think it is important to reiterate. That being made, if there is no further discussion, all those in favor of the motion, please signify by saying aye.

[Chorus of ayes]

Opposed?

MR. MCGILL: No.

MR. COGBILL: Mr. McGill, no.

Abstentions?

[No response]

None. Motion carries. There being no

further business to come before the Commission, we stand adjourned.

[Whereupon, at 5:00 p.m. the meeting was adjourned.]

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