



# FBI Headquarters Consolidation

## Section 106 Consulting Parties Meeting

January 19, 2016

# Agenda

- I. Opening Remarks
  - Welcome
  - Introductions
  - Review Agenda and Meeting Goals and Objectives
  
- II. GSA Project Status Review and Update
  - Overall Project Update
  - Summary of Issues Raised at June 16 CP Meeting
  - Review Definition of Undertaking
  
- III. Development of Plan Amendment and Square Guidelines
  - Plan Amendment
  - Square Guidelines
  - Section 106 Responsibilities
  - Schedule
  
- IV. BREAK
  
- V. Programmatic Agreement Discussion
  - Content Review
  - Schedule
  
- VI. Overall Regulatory Schedule
  
- VII. Further Discussion and Closing Remarks

# Goals and Objectives

- Review key issues and action items from the June 16 meeting
- Update Consulting Parties on project developments since last meeting
- Begin discussion on Programmatic Agreement content

# Project Update

- NEPA/EIS
  - Draft EIS released to the public on November 6, 2015
  - Three public hearings held in December, 2015
  - Draft EIS public comment period ended on January 6, 2016
  - GSA is beginning work on the Final EIS
- Exchange Partner Procurement Process
  - Phase II RFP will be released this winter
- Project Funding/Omnibus Bill
- Pennsylvania Avenue Plan
  - Plan Amendment transmitted to Congress January 13, 2016

# Consulting Parties Comments and Concerns from June 16<sup>th</sup>, 2015 Meeting

- Clarify the need for a Plan Amendment as well as Square Guidelines and how they will be developed.
- Clarify GSA's and NCPC's role in the development of the Plan Amendment and Square Guidelines.
- Clarify the Plan Amendment and Square Guidelines process, including public notification and opportunity for public comment.
- Define how Section 106 applies throughout the consolidation and exchange process.
- Clarify the overall project schedule.

# Definition of Undertaking

The Undertaking is composed of the following components:

- Consolidation (new construction) of FBI HQ at one of three suburban sites
  - Greenbelt, MD
  - Landover, MD
  - Springfield, VA
- Exchange of Squares 378 and 379 (the JEH Parcel) pursuant to 40 USC § 581 (c) 3304
- Retention of the existing structure or redevelopment of Squares 378 and 379
  - Subject to 1996 PADDC MOA between GSA, NPS and NCPC

# Pennsylvania Avenue Development Corporation Sunset

- In 1996, Public Law 104-134, dissolved PADDC and transferred authorities to GSA, the National Park Service (NPS), and NCPC.
- NCPC and GSA were given responsibilities to ensure that redevelopment occurs consistent with the PADDC Plan. Authority to amend the PADDC Plan was transferred to GSA.
- In 1996, GSA, NCPC, and NPS signed a Memorandum of Agreement (1996 PADDC MOA), which specifies the process for reviewing redevelopment proposals and for amending the PADDC Plan and Square Guidelines.
  - The MOA gives NCPC and NPS roles in the Plan Amendment and/or Square Guidelines process.

# Planning Definitions

**Pennsylvania Avenue Plan (PADC Plan):** Provides a conceptual planning redevelopment framework

**General Guidelines:** Provides area-wide guidance and uniform standards for development

**Square Guidelines:** Considering the site's context, provides more detail guidance for each square

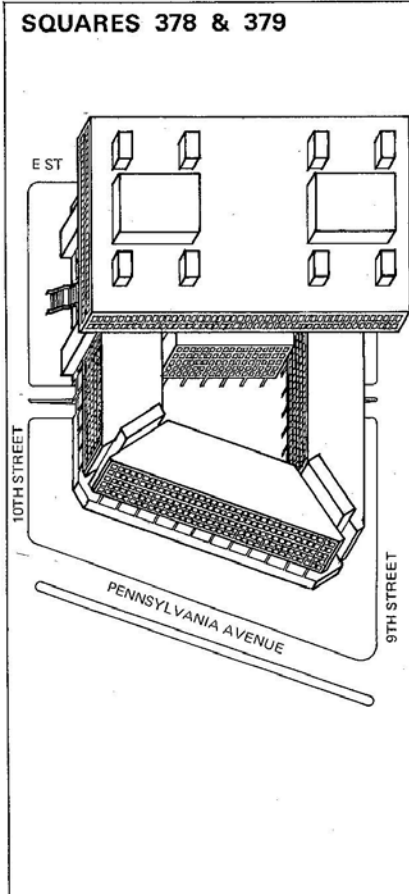




# Existing PADC Plan for Squares 378 and 379



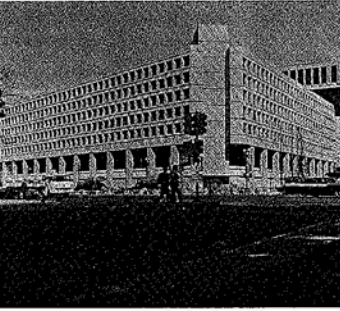
- There are currently no Square Guidelines for these squares

**SQUARES 378 & 379**



**SQUARES 378 AND 379**

These blocks are occupied by the new F.B.I. Building, which has been built in conformance with the new Pennsylvania Avenue building line. The structure is now planned to be used solely for F.B.I. offices. However, the Corporation will encourage the F.B.I. to permit retail businesses along the Pennsylvania Avenue frontage so that there can be continuous retail activity along the Avenue instead of a two-block hiatus at this critical location. Ground level shops and restaurants would do much to alleviate the building's monumental appearance, while providing services for the large numbers of tourists who will visit the building, as well as for F.B.I. employees and the general population.



# PADC Plan Amendment

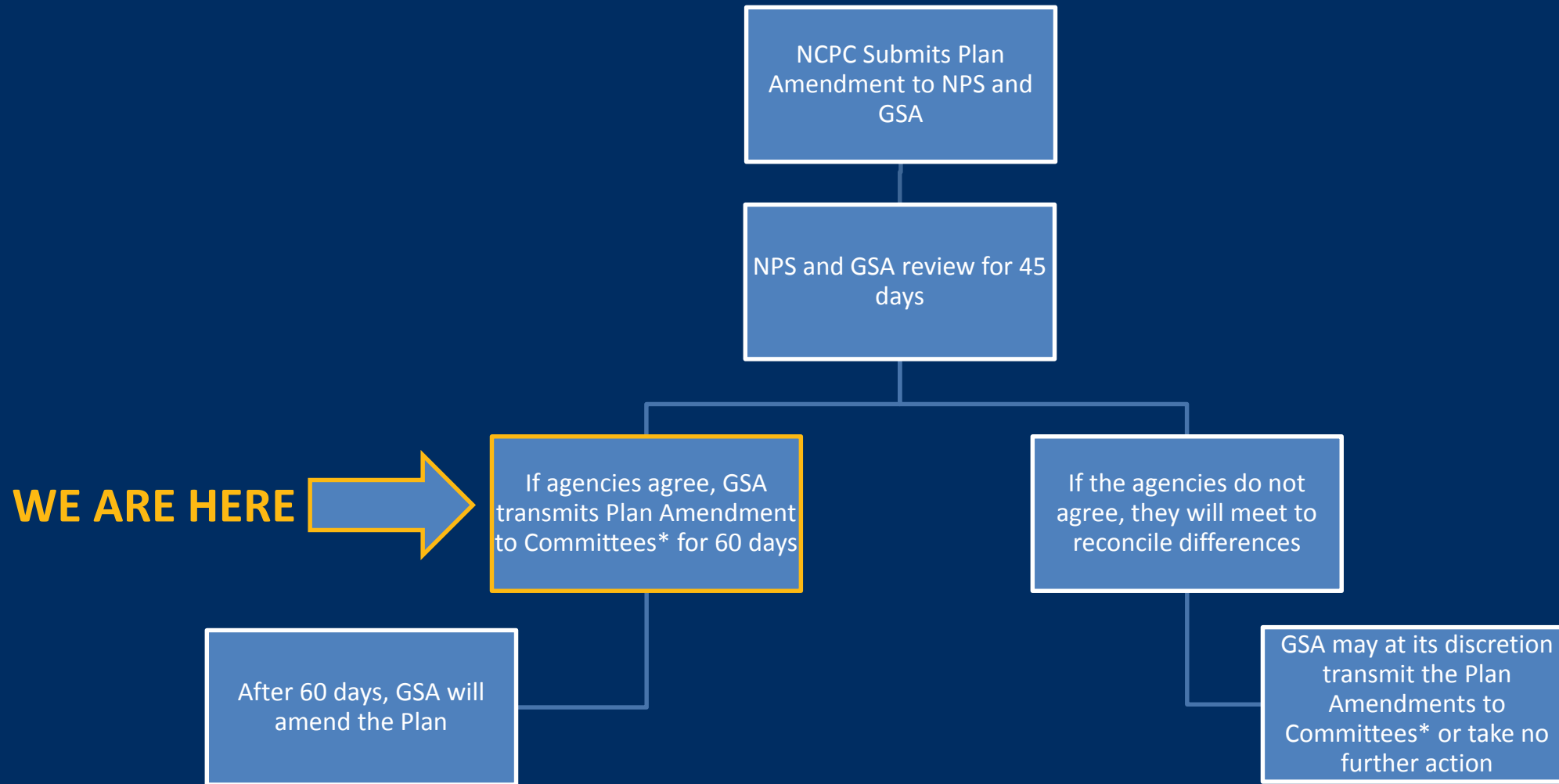
## Why amend the Plan?

- Current PADC Plan for Squares 378/379 are specific to the FBI Building.
- NCPC determined a Plan Amendment is required to change designation from federal office to private mixed use development.
- The Plan Amendment will guide preparation of Square Guidelines.

## How is the PADC Plan being amended?

- NCPC developed and transmitted the Plan Amendment to GSA and NPS per Section V of the 1996 PADC MOA.
- Upon agreement by both agencies, GSA submitted the Plan Amendment to Congressional Committees per Section V of the 1996 PADC MOA on January 13, 2016.

# Plan Amendment Process



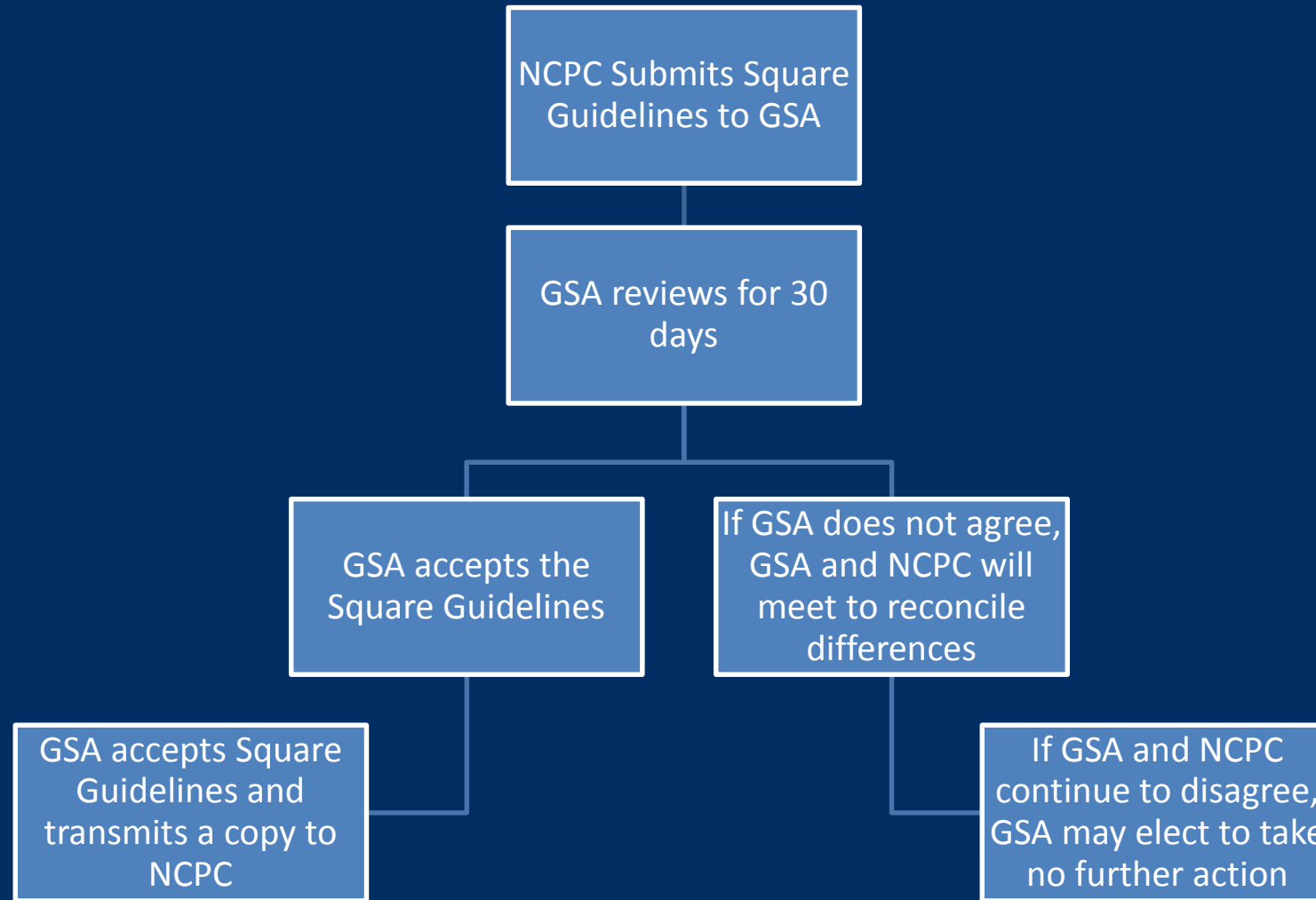
\* The Committees referenced herein are the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate.

# Square Guidelines

- The purpose of Square Guidelines is to help implement the Pennsylvania Avenue Plan and to help inform development plans for the site.
- The Square Guidelines are planning and urban design objectives that reflect federal and local interests and will build on the proposed Plan Amendment.
- The level of detail of the Square Guidelines needs to be discussed in the context of the overall development process and the Programmatic Agreement.
- The Square Guidelines development process will include public notification and opportunities for public comment.



# Square Guideline Approval Process



# Plan Amendment and Square Guideline Process

## **Summary of Key Section 106 Actions in the Development of the Pennsylvania Avenue Plan Amendment and Square Guidelines**

- NCPC not subject to Section 106
- GSA Section 106 Obligations:
  - Transmittal of Plan Amendment to Committees
  - Acceptance and Approval of Square Guidelines
  - Determination of Redevelopment Plan's conformance with PADDC Plan and Square Guidelines

# Redevelopment Plan General Process

## 1996 PADDC MOA Section II: Property Redevelopment

- Property owner submits redevelopment plan to GSA and NCPC
- GSA and NCPC determine if the proposal (redevelopment plan) *conforms*
  - If the proposal *conforms*, it would not require an amendment to the PADDC Plan and/or Square Guidelines
  - If the proposal *does not conform*, it may require an amendment to the PADDC Plan and/or Square Guidelines
- GSA Section 106 Notification of Determination



# Programmatic Agreement (PA) Regulation

## § 800.14 Federal Agency Program Alternatives

(b) Programmatic Agreements. The Council and the agency official may negotiate a Programmatic Agreement to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings:

(ii) when effects on historic properties cannot be fully determined prior to approval of an undertaking

(iii) when nonfederal parties are delegated major decision making responsibilities

(v) where other circumstances warrant a departure from the normal Section 106 process.

# Programmatic Agreement (PA) Proposed Content

The PA will establish a process through which GSA will meet its compliance responsibility. While there is a regulatory framework (legally binding and enforceable guidance) in place (the 1996 PADDC MOA) the PA will define, reinforce and set a course for implementation of this process:

- Stipulate roles and responsibilities of parties as outlined in the 1996 PADDC MOA to delineate how the Undertaking will be carried forth in compliance.
- Establish a framework for the development of Square Guidelines for Squares 378 and 379 in advance of possible redevelopment of the site.
- Define how the 1996 PADDC MOA, in accordance with Section 106, will guide establishment of a redevelopment plan for Squares 378 and 379.
- Clarify procedures omitted from the 1996 PADDC MOA.
- GSA oversight throughout Undertaking.

# Programmatic Agreement (PA) Proposed Content

## Key Stipulations

- Development of Plan Amendment and Square Guidelines (prior to exchange of Squares 378 and 379)
  - Process as it relates to Section V of the 1996 PADDC MOA
  - Public notification and opportunities for comment
  - Submittal of design by developer for review in conformance to the Square Guidelines
    - Follows the process set forth in Section II of the 1996 PADDC MOA for redevelopment
- Exchange of Squares 378 and 379
  - Exchange will not occur until the Plan Amendment and Square Guidelines are developed
- Consolidated Headquarters Construction
  - Consultation with Maryland or Virginia SHPO
  - Process and Procedures for unanticipated discoveries during construction

# Programmatic Agreement Schedule

## January 2016

- Consulting Parties provide comments on PA outline by February 2
- GSA incorporates comments and prepares first draft of PA

## February 2016

- Development of PA

## March 2016

- Consulting Parties meeting to discuss first draft of PA

## April 2016

- Consulting Parties provide comments on first draft of PA
- Consulting Parties meeting to review second draft of PA

## May 2016

- Consulting Parties provide final comments
- Final draft PA for review and comments

## June 2016

- GSA executes PA

# Overall Regulatory Process Schedule

## Winter 2016

- GSA submits Plan Amendment to Congress
- GSA provides information presentation to Commission on project
- Consulting Parties provide comments on draft PA content
- GSA incorporates comments and prepares first draft of PA
- NCPC commences square guideline development

## Spring 2016

- Ongoing consultation meetings and reviews of PA
- GSA executes PA
- Amendment of Pennsylvania Avenue Plan
- NCPC holds 1<sup>st</sup> public hearing on Square Guidelines

## Spring/Summer 2016

- NCPC holds 2<sup>nd</sup> public hearing on Square Guidelines

## Summer/Fall 2016

- NCPC Commission reviews the Square Guidelines

## Fall//Winter 2016

- Final EIS released with preferred alternative for 30-day public review
- GSA issues Record of Decision

# Comments and Next Steps

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# FBI Headquarters Consolidation

## Section 106 Consulting Parties Meeting

# Pennsylvania Avenue Development Corporation Memorandum of Agreement (1996 PADDC MOA)

## **Section V: NCPC Proposals for Plan, General and/or Square Guidelines Amendments**

- If NCPC wishes to amend the Plan, the General and/or Square Guidelines, NCPC shall transmit a proposal to NPS and GSA (along with all relevant documentation) for consideration. NPS and GSA shall have 45 calendar days to consider proposals for Plan amendment. GSA shall have 30 days to consider proposals for amendment of General and/or Square Guidelines.



# Square Guidelines Development

- NCPC to lead development of Square Guidelines per Section V of the 1996 PADDC MOA.
- Once the Plan makes its way out of Committee the Square Guidelines will be developed in accordance to the Pennsylvania Avenue Plan, as amended.
- GSA accepts Square Guidelines in accordance with 1996 PADDC MOA.
- The Square Guidelines, with the Plan, will inform any future redevelopment plan.