

STAFF RECOMMENDATION

NCPC File No. 6408



**U.S. COURT OF APPEALS FOR THE ARMED FORCES
PERMANENT PERIMETER SECURITY BOLLARDS
PRELIMINARY AND FINAL SITE DEVELOPMENT PLANS
450 E Street, NW
Washington, DC**

Submission by the General Services Administration

November 26, 2003

Abstract

The General Services Administration (GSA) has submitted preliminary and final site development plans to enhance perimeter security for the north façade of the U.S. Court of Appeals for the Armed Forces, along the south side of the 400 block of E Street, NW. The project is within the area known as Judiciary Square in the District of Columbia. Plans call for the installation of 42 steel post bollards, set four feet apart on center in a single line approximately 24 inches inboard of the curb. The bollards span the area in front of the building between the two walkways that flank the east and west sides of the building. The width of the sidewalk at this location is approximately nine feet measured from the outer face of the curb. The distance from the outer face of the curb to the face of the building in this area is approximately 15 feet.

The bollards are submitted as a permanent security feature, although GSA indicates that they would be willing to substitute the outer decorative cast iron sleeves of these steel post bollards if the Judiciary Square Master Plan were to select a different bollard design for E Street.

Commission Action Requested by Applicant

Approval of preliminary and final site development plans pursuant to 40 U.S.C. § 8722(d) and Section 5 of the National Capital Planning Act (40 U.S.C. § 8722(b)(1)).

Executive Director's Recommendation

The Commission:

Disapprove the preliminary and final site development plans for security bollards at the U.S. Court of Appeals for the Armed Forces, as shown on NCPC Map File No. 1.20(05.17)41261.

Require, prior to any further submission of permanent security elements for the U.S. Court of Appeals for the Armed Forces, that:

- The design and placement of any proposed elements be consistent with the final Master Plan for Judiciary Square, particularly with regard to the design of E Street NW,
- The design and placement of any proposed elements be coordinated with the design of perimeter security elements for other facilities on the 400 block of E Street NW, including the National Law Enforcement Officers' Memorial, the National Law Enforcement Museum, D.C. Courts buildings A, B and C, and the Old D.C. Courthouse,
- The design and placement of any proposed elements be consistent with the Commission's Policy on Design and Review of Physical Perimeter Security Improvements, and that
- The applicant submit a supporting security assessment and justification.

Recommend that the General Services Administration develop a plan for providing *temporary* perimeter security until the Commission's requirements for approval of a permanent solution can be met, and that the General Services Administration coordinate with the District Department of Transportation (DDOT) to determine temporary perimeter security solutions to comply with DDOT's draft Public Space Security Policy.

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PROJECT DESCRIPTION

Proposal

The General Services Administration (GSA) has submitted preliminary and final site development plans for the installation of permanent security bollards along the E Street frontage of the U.S. Court of Military Appeals, located at 450 E Street, NW within the Judiciary Square area of the District of Columbia. The 42 bollards would be located at four feet on center just inboard of the curb line at the south side of E Street, aligned with the existing light standards. The sidewalk abuts the curb line in this location, and is approximately 9 feet wide. The bollards would span the building frontage between walkways flanking the east and west sides of the building.

The project submission describes the bollards as having structural core cylinders made of steel with cast iron shell covers. The bollards are set in concrete foundations below grade.

PREVIOUS COMMISSION ACTION

Draft Master Plan for Judiciary Square

A draft Master Plan for Judiciary Square was submitted by the General Services Administration on behalf of the District of Columbia Courts to the Commission for review at its August 7, 2003 meeting. The submission included recommendations for the shifting of the curb line on the south side of the 400 block of E Street NW 6 ½ feet to the north and realigning the traffic lanes in this area. It also called for the elimination of curbside parking in this area to support the creation of a “green precinct.” It included guidelines for perimeter security that recommended a hardened fence element along the curb line on the south side of E Street, adjacent to the U.S. Court of Military Appeals and Court Building C. In its action, the Commission approved the draft Master Plan but excepted the realignment of traffic lanes along E Street from its approval. It required for final approval that the Master Plan include both “a new landscaping/streetscape proposal that maintains the existing E Street curb line and is consistent with the “green precinct” concept,” and “findings and recommendations, as appropriate, of the Judiciary Square Transportation and Security Study.” (Note: The Transportation and Security Study is being carried out by the District Department of Transportation, and will “address circulation, parking, and security concerns in the Judiciary Square area.” Completion of the study is anticipated in early 2004.) With regard to the perimeter security guidelines, the Commission approved “the general concept of the perimeter security elements, but not their specific placement; and requires that the placement of these elements be submitted to the Commission as part of each building project, along with a security assessment and justification that includes alternative protection techniques, such as building hardening, vehicular circulation, and hardened streetscape elements.”

EVALUATION

Staff recommends that preliminary and final site development plans for permanent security bollards at the U.S. Court of Appeals for the Armed Forces be disapproved because the project as submitted is inconsistent with the Commission’s previous action regarding the draft Master Plan for Judiciary Square, the National Capital Urban Design and Security Plan, the Commission’s Policy on Design and Review of Physical Perimeter Security Improvements, and the threat assessment provided by the U.S. Court of Appeals for the Armed Forces. Given the uncertainty surrounding the final recommendations that will be produced by the Final Master Plan for Judiciary Square and the Judiciary Square Transportation and Security Study, both of which are underway currently, staff recommends that the applicant develop and submit an appropriate temporary perimeter security solution for this location.

Draft Master Plan for Judiciary Square

The proposed project does not conform to the draft Master Plan with regard to the use of hardened fences along the south side of E Street. While the Commission excepted, in its action on August 3, 2003, the specific placement of perimeter security elements, it did approve the general concept. Staff interprets this as approval of the general concept of a hardened fence in

the area where bollards are now being proposed, but with the requirement of a project specific submission that includes a supporting security assessment.

While the Commission did not support the recommendations in the draft Master Plan that called for the relocation of the E Street curb line, it did require that the submission for final approval include “a new landscaping/streetscape proposal that maintains the E Street curb line and is consistent with the “green precinct” concept” as well as the “findings and recommendations, as appropriate, of the Judiciary Square Transportation and Security Study.” Until the Transportation and Security Study has been completed and the new landscaping/streetscape proposal has been developed, any proposal for permanent perimeter security elements is premature, as it may not conform with the recommendations of the final Master Plan.

Urban Design and Security Plan

Under the Urban Design and Security Plan (UDSP) adopted by the Commission on October 3, 2002, submissions for physical perimeter security improvements are required to be consistent with the UDSP. Perimeter security improvements intended to be in place for more than 60 days are required to be submitted to the Commission for review and/or approval. Commission policy also indicates that where immediate security improvements are required to secure a building perimeter, agencies should utilize cost effective, temporary improvements. Temporary perimeter security measures are defined as those that are approved for no more than two years. Staff does not consider bollards to be an appropriate temporary perimeter security due to the permanent nature of their installation and their expense relative to other measures, such as planters, that might be employed as a temporary solution.

Commission Policy on Design and Review of Physical Perimeter Security Improvements

On January 9, 2003, the Commission adopted its Policy on Design and Review of Physical Perimeter Security Improvements. This policy states that “agencies requiring physical perimeter security improvements should design such improvements in accordance with guidance included in the Urban Design and Security Plan” and “where immediate security improvements are required to secure a building perimeter, agencies should utilize cost effective, temporary improvements.” Staff finds that the proposed project is not in conformance with this policy because it prematurely proposes a permanent solution and would not meet the criteria for cost effective temporary perimeter security improvements.

Threat Assessment and Alternatives Analysis

The Defense Protective Service, External Physical Security Branch performed a threat assessment for the U.S. Court of Appeals for the Armed Forces and reported the results in a memo dated February 6, 2002. The report recommends that “...the front of the building be protected by a series of concrete security planters along the sidewalk and curb to protect against vehicular assault.” The report further states that “Positioned properly, these planters [sic] will not interfere with normal pedestrian access or vehicle parking.” The threat assessment submitted by the Defense Protective Service for this project does not support the project submission, which proposes a row of permanent bollards. A perimeter security solution incorporating concrete

planters would provide a cost effective temporary solution until a permanent solution can be developed that is consistent with the final Master Plan for Judiciary Square. Staff therefore supports the recommendation provided in the threat assessment as a temporary measure.

CONSULTATION

Coordinating Committee

The Coordinating Committee reviewed this item at its meeting on November 12, 2003, and forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies participating except NCPC and the District of Columbia Office of Planning (DCOP). Although not in attendance the representative for DCOP indicated that this project should be considered within the context of the Judiciary Square Master Plan. NCPC is also concerned about the inconsistencies of this project with the Judiciary Square Master Plan. The participating agencies were the District of Columbia Office of Planning; the Department of Housing and Community Development; the General Services Administration; and the Washington Metropolitan Area Transit Authority.

District Department of Transportation

During discussions with the District of Columbia Department of Transportation (DDOT), the director of DDOT indicated that his agency requires that all federal agencies applying for public space permits for perimeter security projects first be reviewed and approved by the Commission for conformance to the Urban Design and Security Plan. Under guidelines included in a *draft* Public Space Security Policy currently under consideration by DDOT, “requests to install perimeter barriers shall be consistent with the policies established in the National Capital Urban Design and Security Plan issues by NCPC in October 2002.” The director noted that these guidelines have not received final approval but has indicated his agency’s willingness to consider a temporary solution consistent with the threat assessment and to work with NCPC staff and the applicant in developing a permanent perimeter security solution for the U.S. Court of Appeals for the Armed Forces that is consistent with the final Master Plan for Judiciary Square.

Commission of Fine Arts

At its November 20, 2003 meeting, the Commission of Fine Arts (CFA) deferred action on the proposed project pending consideration of the outcome of the scheduled December 4, 2003 National Capital Planning Commission meeting.

CONFORMANCE

National Historic Preservation Act

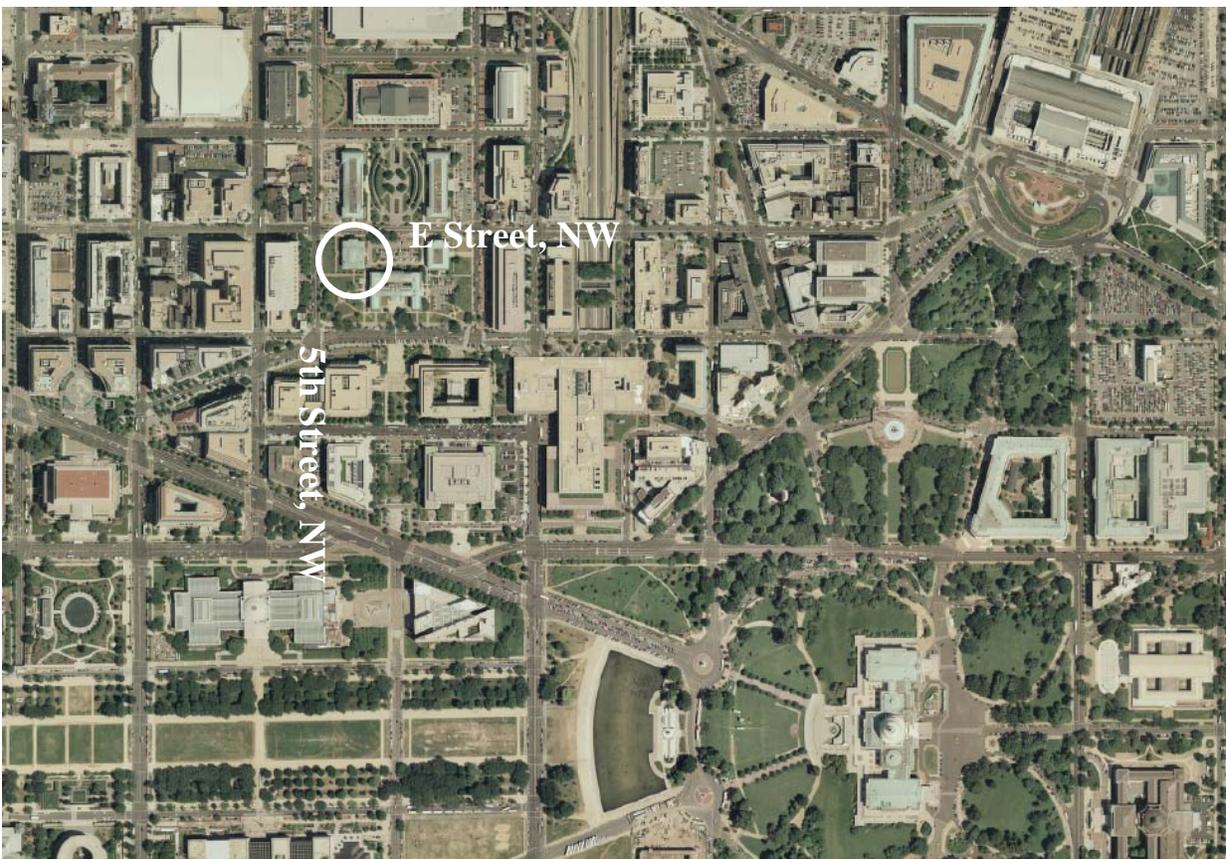
GSA has initiated consultation with the D.C. State Historic Preservation Office on the proposed bollard line. GSA determined that the bollard installation would have no adverse effect on the

historic courthouse. The DC SHPO has informed GSA that it has consistently considered such security installations to be an adverse effect and would require further consultation before the Section 106 review could be completed. The SHPO also cited the need for coordination with the ongoing Section 106 consultation on the Judiciary Square master plan.

Although GSA did not identify additional historic resources to be potentially affected in its letter, Judiciary Square itself, which is part of the Pennsylvania Avenue National Historic Site, is identified by GSA in its master planning work as a distinctive enclave of historic structures in a landscaped setting. The security design for the perimeter and intermediate public spaces of the Square will be the subject of further review and consultation with the DC SHPO and other agencies and public parties during the master plan and subsequent project plan phases.

National Environmental Policy Act

GSA has determined that the project qualifies as a categorical exclusion under its National Environmental Policy Act (NEPA) compliance procedures at GSA Order PBS 1095.4C and the GSA NEPA Compliance Guide.



Project Location