

# STAFF RECOMMENDATION

NCPC File No. 6321



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**NATIONAL LAW ENFORCEMENT MUSEUM**  
JUDICIARY SQUARE  
400 Block of E Street, NW, Washington, DC

Submitted by the National Law Enforcement Officers Memorial Fund, Inc.

March 25, 2004

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## **Abstract**

At the direction of Congress, the National Law Enforcement Officers Memorial Fund, Inc. (NLEOMF) has submitted the design concept for the National Law Enforcement Museum. The museum is to consist of two above-ground pavilions that will provide access to a below-ground facility. The submission consists of a proposed plan of the above-ground entry pavilions and surrounding plaza.

## **Commission Action Requested by Applicant**

Approval of design concept pursuant to Public Law 106-492.

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## **Executive Director's Recommendation**

The Commission:

**Waives** the requirement imposed in the Commission's August 7, 2003 action on the Draft Master Plan for Judiciary Square that the National Law Enforcement Officers' Memorial Fund, Inc. and the District of Columbia Courts agree on the design of the plaza area located between the proposed National Law Enforcement Museum pavilions and north of the proposed new entrance to the Old D.C. Courthouse/City Hall because the parties have not agreed on a design in accordance with the Commission's order and the Congress' direction to the parties.

**Commends** the applicant for modifications to the design that have substantially eliminated physical and visual barriers that interfered with access to the new north entrance to Old City Hall in the previous submission that was withdrawn; and anticipates continued cooperation between National Law Enforcement Officers' Memorial Fund, Inc. and the District of Columbia Courts in achieving a successful design solution for both the National Law Enforcement Museum and the Old City Hall that enhances Judiciary Square.

**Directs** the applicant to resubmit a more fully developed design concept for the National Law Enforcement Museum, including additional information on the above-grade entrance pavilions and a permanent design solution for the surrounding plaza at Judiciary Square, 400 block of E Street, NW, as shown on NCPC Map File No. 1.23(73.10)-41342, with the following conditions/recommendations:

- Work with the District of Columbia Courts to ensure that the permanent design for the lower plaza, the connecting elements between the lower and upper plazas, and the upper plaza are complementary and result in a unified vision for Judiciary Square.
- Revise the massing and height of the entrance pavilions to be more compatible with the neoclassical proportions of the Old City Hall, Court Building C and the United States Court of Appeals for the Armed Forces, and with the neoclassical placement of buildings within Judiciary Square. Include plans and elevations that illustrate how the Museum pavilions will relate to adjacent buildings, and perspectives to illustrate how the Museum will appear in context when seen from the Pension Building and the National Law Enforcement Officers' Memorial, and when seen from the open areas at the corner of D and 4th Streets, and of Indiana Avenue and 5<sup>th</sup> Street through openings between the adjacent buildings.
- Simplify the design of the plaza area, including paving, ramps, skylights, planters and stairs, so that the overall design concept supports and enhances the character of Judiciary Square as identified in the Draft Judiciary Square Master Plan as both a "green precinct" and "an accessible open space."
- Ensure that there is direct, axial, and universal access to the Courthouse (Old City Hall) that complies with the Americans with Disabilities Act.
- Provide information on the pattern and appearance of the translucent and opaque paving materials proposed for the lower plaza area.
- Provide elevations and sections of the ramps and skylights connecting the lower plaza and upper plaza.
- Provide a circulation plan that indicates proposed vehicle and pedestrian movements throughout the lower and upper plazas, including service access. Consider locating service entries on the south side of the pavilions, to enhance the streetscape on E Street.
- Work with the District of Columbia Courts and the United States Court of Appeals for the Armed Forces to develop a plan for perimeter security that complies with the National Capital Urban Design and the Security Plan as well as the Judiciary Square Master Plan.
- Prepare an environmental assessment in conformance with the Commission's environmental policy and procedures and that the public scoping, distribution for review

and comment, and response to any substantive comments on the environmental assessment be achieved prior to the submission of the project for NCPC review.

**Requests** that the NLEOMF work with the District of Columbia Courts to explore the feasibility of allowing the Museum underground access to its proposed service entry from 4<sup>th</sup> Street.

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## PROJECT SUMMARY

### Site Description

The site of the proposed museum is in the area known as Judiciary Square, on federal land within United States Reservation #7, bounded by the National Law Enforcement Officers Memorial on the north, the United States Court of Appeals for the Armed Forces on the west, Court Building C on the east and the Old City Hall on the south. The site is currently occupied by an existing surface parking lot. The underground portion of the museum would extend under E Street.

### Background

The proposed museum is authorized by the National Law Enforcement Museum Act, Public Law 106-492, to honor and commemorate the service and sacrifice of law enforcement officers in the United States. In accordance with the legislation, the museum is to consist of two above-ground pavilions that provide access to a below-ground facility that will extend under the E Street right-of-way. This Law was specific in terms of how the museum site would be developed:

- It provides an area for expansion of the Old City Hall (referred to as the D.C. Courts as The Old D.C. Courthouse) within an area “extending to a line that is at least 57 feet, 6 inches, north of the northernmost façade of the Old City Hall and parallel to that façade; plus an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches from the center of that façade.
- The underground portion of the museum has a footprint of not less than 23,665 square feet.
- Above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the Old City Hall running east to west parallel to Old City Hall.
- The aboveground portion of the museum consists of two entrance pavilions, totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion.
- No portion of the aboveground portion of the museum is located within the 100-foot wide area centered on the north-south axis of the Old City Hall.

*See page 10 of this report for NCPC's graphic interpretation of the legislation's requirements.*

#### Previous Commission Action

On August 7, 2003 the Commission approved the draft Judiciary Square Master Plan, except for the proposed realignment of the traffic lanes along E Street between 4th and 5th Streets, NW. It approved the general concept of the perimeter security elements, but not their specific placement; and required that the placement of these elements be submitted to the Commission as part of each building project. It waived the requirement in the Master Plan Submission Guidelines related to approved Master Plans and agreed to consider concept and preliminary design plans for the National Law Enforcement Museum and the Old Courthouse prior to approval of a final Master Plan for Judiciary Square, provided, however, that the National Law Enforcement Officers' Memorial Fund, Inc. and the District of Columbia Courts reached an agreement on the design of the plaza area between the pavilions of the National Law Enforcement Museum and north of the proposed new entrance to the Old Courthouse prior to submission of concept design plans for the National Law Enforcement Museum and Old Courthouse.

#### Congressional Action

On February 25, 2004 the Senate Appropriations Subcommittee on the District of Columbia directed the District of Columbia Courts and the National Law Enforcement Officers' Memorial Fund, Inc. to reach an agreement on the design of the plaza area and submit their plans to the National Capital Planning Commission and the Commission of Fine Arts by March 3, 2004, and directed both agencies to review both projects at their next regularly scheduled meeting. If the parties were unable to reach an agreement, they were to still to submit their respective projects by March 3, 2004.

The parties have submitted different schemes for the location and design of the handicapped ramps leading to the Courthouse. Further, the Commission of Fine Arts has elected not to review the museum submission at its March 18, 2004 meeting, citing the lack of sufficient material to evaluate.

The parties have submitted different schemes for the location and design of the handicapped ramps leading to the Courthouse. Staff met with representatives of the D.C. Courts, the National Law Enforcement Museum, and GSA on March 25, 2004 to ascertain if agreement could be reached in advance of NCPC's April 1, 2004 meeting. At the meeting, NCPC staff also laid out the principles for the Commission's review of the two plaza proposals, which include 1) conformance with the legislation, 2) conformance with the principles of the draft Master Plan, and 3) compatibility with the historic character and setting of Judiciary Square. Staff also stated that, since the two site plans were not in agreement and the Commission was directed by the Subcommittee to review the competing plaza schemes, staff judged the D.C. Courts' interim site plan to be superior in meeting these criteria. The staff notified both parties that the Executive Director would be recommending to the Commission that the D.C. Courts' concept design be approved at the April 1, 2004 meeting.

## Development Program

Applicant: National Law Enforcement Officers Memorial Fund, Inc.  
Architect: Davis Buckley, Architects and Planning Consultants  
Square Footage: Building footprint of not less than 23,665 square feet underground with  
Two above-ground pavilions totaling no more that 10,000 square feet.  
Estimated Cost: Approximately \$60,000,000.  
Schedule: Funding must be secure and construction must begin by January 2010

## Proposal

The proposal for the underground museum is based on Public Law 106-492 and it generally follows the requirements of the Law. In addition to the requirements of Public Law 106-492, the NLEOMF has adopted several design principles for the museum:

### *Pavilions*

- Maintain a 20-foot distance away from the Court buildings.
- Maintain as much transparency as possible.
- Maintain the roofscapes free of mechanical elements.
- Maintain screening of loading and service areas.
- Clearly define the museum entries.

### *Plaza*

- Create an upper terrace (within the area reserved for the expansion of the Old City Hall).
- Create a lower museum entry.
- Provide pedestrian circulation between the pavilions and Court Building C and the U.S. Court for Military Appeals.

From the materials submitted with this proposal, it appears that:

- There are two pavilions, with each comprising slightly less than 5,000 square feet, of which approximately half is of transparent construction and half solid. The sloping transparent portions of each pavilion will house entrance areas to the below-ground museum.
- The pavilions would be separated by an open plaza comprised of translucent and opaque structural glass pavers. Entrance to this plaza would be from the E street sidewalk via handicapped ramps and a small set of stairs. The plaza is almost one-foot higher than the sidewalk along E Street, which slopes from east to west.
- Between the museum pavilions and the Old City Hall are two handicapped ramps incorporated with skylights, hedges, and trees. These handicapped ramps provide access to an upper plaza that is part of an entrance expansion on the north side of the Old City Hall building.

- The E Street cartway would contain two lay-bys along the south side of E Street in front of each entry pavilion. No street trees or security elements are proposed along the south side of E Street.

### Phasing

The proposed Old City Hall renovation and addition would be constructed prior to the construction of the Law Enforcement Museum. As such, the Courts proposal for the plaza is an interim solution until the underground museum is constructed.

### PROJECT ANALYSIS

As mentioned earlier in this report, the NLEOMF has been directed to submit the proposal to the Commission for review. The NLEOMF should be commended for the modifications that evolved from the previous submission to the Commission (which was withdrawn). The previous visual and physical barriers that interfered with access to the new north entrance to the Old City Hall have been modified. It is evident that the NLEOMF and the District of Columbia Courts are coordinating on the design and staff anticipates that this coordination will continue.

There is still disagreement between the NLEOMF and the Courts on the configuration of the handicapped ramps at the E Street sidewalk and between the lower and upper plazas. The submission materials submitted by the NLEOMF were not sufficient for a complete analysis of the proposed handicapped ramps.

The Old City Hall building forms the centerpiece of a formal grouping of federal and District court buildings. It was constructed in several sections: the central section begun in 1820, the east and west wings in 1826 and 1849 respectively. The building served as the city hall until 1873, when the federal government took it over for use as courts. The Old City Hall is one of the finest examples of Greek Revival architecture in Washington. As such, the proposed museum's entrance pavilions should not overly obstruct views to the north façade. Rather, they should reflect the rhythm and proportion of the Old City Hall and nearby court buildings. Staff recommends that the entrance pavilions be smaller and relate better to the window bays and stone coursing of buildings in its immediate environment.

As the NLEOMF continues to develop this concept, additional information is needed to more fully explain the design concept. The applicant should resubmit a more fully developed design concept for the museum and include information on the above-ground entrance pavilions and surrounding plaza at Judiciary Square. The resubmitted design concept should respond to the following recommendations / conditions:

- The massing and height of the entrance pavilions should be revised to be more compatible with the neoclassical proportions of the Old City Hall, Court Building C and the United States Court of Appeals for the Armed Forces, and with the neoclassical placement of buildings within Judiciary Square. The plans should include elevations that illustrate how the Museum pavilions will relate to adjacent buildings, and perspectives to illustrate how the Museum will appear in context when seen from the Pension Building

and the National Law Enforcement Officers' Memorial, and when seen from the open areas at the corner of D and 3<sup>rd</sup> Streets, and of Indiana Avenue and 4<sup>th</sup> Street through openings between the adjacent buildings.

- Simplify the design of the plaza area, including paving, ramps, skylights, planters and stairs, so that the overall design concept supports and enhances the character of Judiciary Square as identified in the Draft Judiciary Square Master Plan as both a “green precinct” and “an accessible open space.” The green precinct concept should make abundant use of grass panels and minimize paved surfaces.
- Work with the District of Columbia Courts to ensure that the design for the lower plaza area, the connecting elements between the lower and upper plaza, and the upper plaza are complementary and result in a unified vision for Judiciary Square.
- Provide information on the pattern and appearance of the translucent and opaque paving materials proposed for the lower plaza area. Information regarding safety and maintenance of this proposed material should be included.
- Provide elevations and sections of the ramps and skylights connecting the lower plaza and upper plaza. Staff believes that it is important that this area be designed simply and make use of green lawn panels in support of the “green precinct” as expressed in the Draft Master Plan.
- Provide a circulation plan that indicates proposed vehicle and pedestrian movements throughout the lower and upper plazas, including service access. Consider locating service entries on the south side of the pavilions, to enhance the streetscape on E Street. Additionally, the circulation pattern for handicapped persons approaching the Old City Hall should be as simple, dignified, and direct as possible when approaching from E Street.
- Work with the District of Columbia Courts and the United States Court of Appeals for the Armed Forces to develop a plan for perimeter security that complies with the National Capital Urban Design and the Security Plan as well as the Judiciary Square Master Plan.

The parties have submitted different schemes for the location and design of the handicapped ramps leading to the Courthouse. Staff met with representatives of the D.C. Courts, the National Law Enforcement Museum, and GSA on March 25, 2004 to ascertain if agreement could be reached in advance of NCPC's April 1, 2004 meeting. At the meeting, NCPC staff also laid out the principles for the Commission's review of the two plaza proposals, which include 1) conformance with the legislation, 2) conformance with the principles of the draft Master Plan, and 3) compatibility with the historic character and setting of Judiciary Square. Staff also stated that, since the two site plans were not in agreement and the Commission was directed by the Subcommittee to review the competing plaza schemes, staff judged the D.C. Courts' site plan to be superior in meeting these criteria. The staff notified both parties that the Executive Director would be recommending to the Commission that the D.C. Courts' concept design be approved at the April 1, 2004 meeting.

Finally, staff believes that the District of Columbia Courts should consider allowing the Museum underground access to its proposed service entry from 4<sup>th</sup> Street in the interest of efficiency. need for the unloading of unscreened vehicles within the Museum itself.

## PROJECT CONFORMANCE

### Comprehensive Plan for the National Capital

The proposal is consistent with the policies and objectives for Judiciary Square as stated in the District of Columbia Elements of the Comprehensive Plan for the National Capital.

The proposal is consistent with the policies that apply to Judiciary Square as a Special Place, as designated in the Preservation and Historic Features Element of the Comprehensive Plan.

The proposed reduction of the E Street cartway is not consistent with the portion of the Preservation and Historic Features Element of the Comprehensive Plan that states that:

Within Historic Districts, and particularly within the L'Enfant City, original street patterns should be preserved by maintaining public rights-of-way.

### Memorials and Museums Master Plan

The site was not included in the Memorials and Museums Master Plan because staff was aware that the museum was already planned for this site.

### Federal Capital Improvements Program

The legislation authorizing the construction of this project specifies that “the United States shall pay no expense incurred in the establishment or construction of the Museum.” Therefore, this project is not included in the Federal Capital Improvements Program.

### Coordinating Committee

The Coordinating Committee reviewed this item at its meeting on March 10, 2004, and forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies participating, except the District of Columbia Office of Planning. The representative for DCOP withheld coordination pending outstanding Section 106 issues. The representative for GSA coordinated the project contingent on the outstanding design issues being resolved. The participating agencies were NCPC; the District Department of Transportation; the Department of Housing and Community Development, the National Park Service, and the Washington Metropolitan Area Transit Authority.

### National Capital Urban Design and Security Plan

It is not possible to determine consistency with the National Capital Urban Design and Security Plan at this time because the submission materials are silent on any proposed security enhancements. Staff is recommending that the NLEOMF design any needed security measures at the concept stage to ensure that these items are incorporated as part of the overall proposal.

When the Commission approved the Draft Master Plan for Judiciary Square, it approved the general concept of perimeter security elements, but not their specific placement. The Commission further required that the placement of security elements be included with the submission of each building project. The Commission also agreed to consider the concept and preliminary plans for the National Law Enforcement Museum prior to final approval of the Master Plan.

### National Environmental Policy Act

As a concept plan, the Commission procedures do not require necessary environmental compliance at this stage of submission review. However, pursuant to the Commission's Environmental Policy and Procedures, any non-federal agencies shall consult with the Commission at the earliest possible time as to the environmental document necessary with respect to a plan for a development or a project requiring Commission review and approval as set forth in Section 7 of its procedures.

Because the approval role for the Commission was only recently defined by legislation in November 2000, the specific review authority over the Law Enforcement Museum is not specified as an action within the Commission's procedures. Nevertheless, by virtue of the approval role provided by the legislation, application of the Commission procedures is clear in that a non-federal applicant, to receive a defined and final "approval" decision, must provide a submission to the Commission that includes either an environmental assessment, generally in the format set forth in the "Outline for Preparation of Environmental Assessments" (Appendix A) of its procedures, or in the format set forth in the "Outline of information Necessary for the Preparation of Environmental Impact Statements" (Appendix B), as determined by the Commission. Prior to Commission action on the applicant's submission, the Commission shall take responsibility for the scope and contents of the environmental document, which is an adoption action that has been delegated to the Executive Director.

Staff recommends to the Commission that it require the National Law Enforcement Memorial Fund, Inc., in developing the submission of preliminary project plans to the Commission for the Law Enforcement Museum, prepare an environmental assessment in conformance with the Commission's environmental policy and procedures and that the public scoping, distribution for review and comment, and response to any substantive comments on the environmental assessment be achieved prior to the submission of the project for NCPC review.

## National Historic Preservation Act

NCPC will serve as the lead federal agency for the Section 106 review. The historic resources include the Old D.C. Courthouse, the other historic buildings in Judiciary Square, the L'Enfant Plan, and Judiciary Square and its larger context, the Pennsylvania Avenue National Historic Site.

## Commission of Fine Arts

The Commission of Fine Arts has elected not to review the museum submission at its March 18, 2004 meeting, citing the lack of sufficient material to evaluate.

## Judiciary Square Master Plan

At its July 31, 2003 meeting, the Commission approved the Draft Master Plan for Judiciary Square. At this time, the Commission excepted from approval the realignment of the traffic lanes along E Street between 4<sup>th</sup> and 5<sup>th</sup> Streets, NW. The Commission also:

- Approved the general concept of the perimeter security elements, but not their specific placement: and required 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.
- Waived the requirement in the Master Plan Submission Guidelines relating to approved Master Plans and agreed to consider preliminary and final design plans for the parking garage at the corner of 5<sup>th</sup> and D Streets, NW, and concept and preliminary design plans for the National Law Enforcement Museum and Old D.C. Courthouse/City Hall prior to approval of the final Master Plan for Judiciary Square.

The approved Draft Master Plan describes the Open Space Framework of Judiciary Square:

Judiciary Square exists as an identifiable area of the city because it is an accessible open space strongly defined by building street walls that are symmetrically composed, as a result of the neoclassical buildings on the site. The square is clearly designed as a campus. Buildings A, B, C, and the U.S Court of Appeals for the Armed Forces are all spare neoclassic buildings with a consistent style, materiality and scale. They are each designed with entries on all sides and their interior building corridors allow easy and direct movement from building to building. Subtle architectural elements give little hint of a hierarchy of facades. Even the shorter north and south facades of Buildings A and B have deep porticos anchoring the ends of the bar-shaped buildings on E and F Streets. The understated strength of these buildings emphasizes their placement as objects within a landscape. The buildings and the National Law Enforcement Officers Memorial in the center court between them serve to create a strong axis between the Building Museum and the Old D.C. Courthouse. This sense of an open campus setting remains intact

despite the fact that E Street cuts through the center of the Square and that surface parking lots have overtaken previously landscaped areas.

Views are also a major organizational feature that link buildings within the square and connect Judiciary Square to the City. . . . Views connecting the Old D.C. Courthouse and the Building Museum are peaceful and contemplative due to the formal manicured landscape of the Memorial.

Preservation and enhancement of open space, building compositions, and views are of importance to the Master Plan. Development planned for Judiciary Square has the potential for adverse historic impact but will also allow new areas to be reclaimed for new green open space.