

# STAFF RECOMMENDATION

NCPC File No. MP24

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## MASTER PLAN FOR JUDICIARY SQUARE

Washington, D.C.

Submission by the District of Columbia Courts

July 28, 2005

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### Abstract

The District of Columbia Courts has submitted Amendment 1 to the final Master Plan for Judiciary Square. The Plan seeks to coordinate the reorganization both the facilities and functions of the District of Columbia Courts, and to revitalize this historic Square. The Judiciary Square Master Plan includes building construction projects for the District of Columbia Courts, as well concepts for open space landscapes, perimeter security, traffic, parking, and street edge treatments aimed at reestablishing the character of Judiciary Square and responding to modern day program requirements. Amendment 1 satisfies all of the requirements of the May 2005 Commission action.

### Commission Action Requested by Applicant

Approval of master plan pursuant to (40 U.S.C. § 8722(e) and Section 5 of the National Capital Planning Act (40 U.S.C. § 8722(b)(1)), and D.C. Code § 10-603.

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### Executive Director's Recommendation

The Commission:

**Approves** the Master Plan for Judiciary Square, with Amendment 1, as shown on NCPC Map File Number 1.20/1.22(05.12)41202, including:

- The relocation of the south curb line of E Street, NW between 4<sup>th</sup> and 5<sup>th</sup> Streets, NW northward 13 feet as depicted.
- The provision of two small passenger car sized lay-bys (40 feet total length each) along the south curb line of E Street, NW between 4<sup>th</sup> and 5<sup>th</sup> Streets, NW as depicted.

- The provision of two curbside bus loading spaces along the east curb line of 5<sup>th</sup> Street, NW, just north of E Street, NW as depicted.
- The revised design for the 4<sup>th</sup> Street, NW loading docks to accommodate the additional needs of the National Law Enforcement Museum, including the addition of a Museum Receiving space, and enlarged Dock Master/Security office, and a knock-out panel in the service corridor for a future connection to the National Law Enforcement Museum as depicted.
- The District of Columbia Courts' commitment to enter into a mutually enforceable Memorandum of Agreement with the National Law Enforcement Officers Memorial Fund, Inc. that ensures the National Law Enforcement Museum's long-term use of the 4<sup>th</sup> Street loading docks to accommodate their loading needs provided to the Courts and to NCPC staff; establishes operational, maintenance and cost-sharing arrangements for the loading docks; and includes a dispute resolution process.
- The agreement between the District of Columbia Courts and the National Law Enforcement Officers Memorial Fund, Inc. to accept the emergency access plan for the Old D.C. Courthouse developed by the Courts as an interim solution until such time as the D.C. Department of Consumer and Regulatory Affairs approves an alternate plan that does not require fire truck access to the E Street front of the Old D.C. Courthouse.

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#### PREVIOUS COMMISSION ACTION

At the May 2005 Commission meeting, the Commission took action to approve the Judiciary Square Master Plan, with the exception of the realignment the south curb line of E Street, NW, between 4<sup>th</sup> and 5<sup>th</sup> Streets; the design, placement and use of lay-bys on E Street; and the use of F Street, NW for bus loading and unloading. The Commission required that the applicant return at the August 2005 meeting with resolution of these issues among all parties as well as a plan to share 4<sup>th</sup> Street loading dock facilities with the National Law Enforcement Museum (NLEM), per previous Commission action.

To facilitate a timely response to the May 2005 Commission action, staff convened and moderated a series of negotiating sessions among the applicant and project stakeholders. Four meetings were held between May and July to resolve outstanding issues. Attendees included staff members from the following agencies and their consultants:

- National Capital Planning Commission
- Commission of Fine Arts
- District of Columbia Historic Preservation Office
- District of Columbia Courts
- United States Court of Appeals for the Armed Forces
- National Law Enforcement Officers Memorial Fund, Inc.

All meeting participants concurred with decisions reached at the meetings. Although representatives of the District Department of Transportation and the National Building Museum

did not participate in these meetings, both parties have endorsed the decisions reached at the meetings.

Through these meetings, staff was able to craft resolution of all outstanding issues, resulting in the following:

1. A revised D.C. Courts loading dock design that includes facilities to serve the National Law Enforcement Museum as well as a connection to the Museum below grade.
2. A written commitment from the D.C. Courts to share the loading docks.
3. Two small (passenger car sized) lay-bys along the south curb of E Street, as previously recommended by staff.
4. A narrowed E Street, the south curb line moved northward, with room for street trees and landscape perimeter security elements.
5. A curbside tour bus drop-off area on 5<sup>th</sup> Street, NW to serve the National Law Enforcement Museum.

Additionally, although not required by the May Commission action, the parties developed a shared understanding of the process for resolving issues surrounding emergency vehicle access to the D.C. Courts.

## PROPOSAL

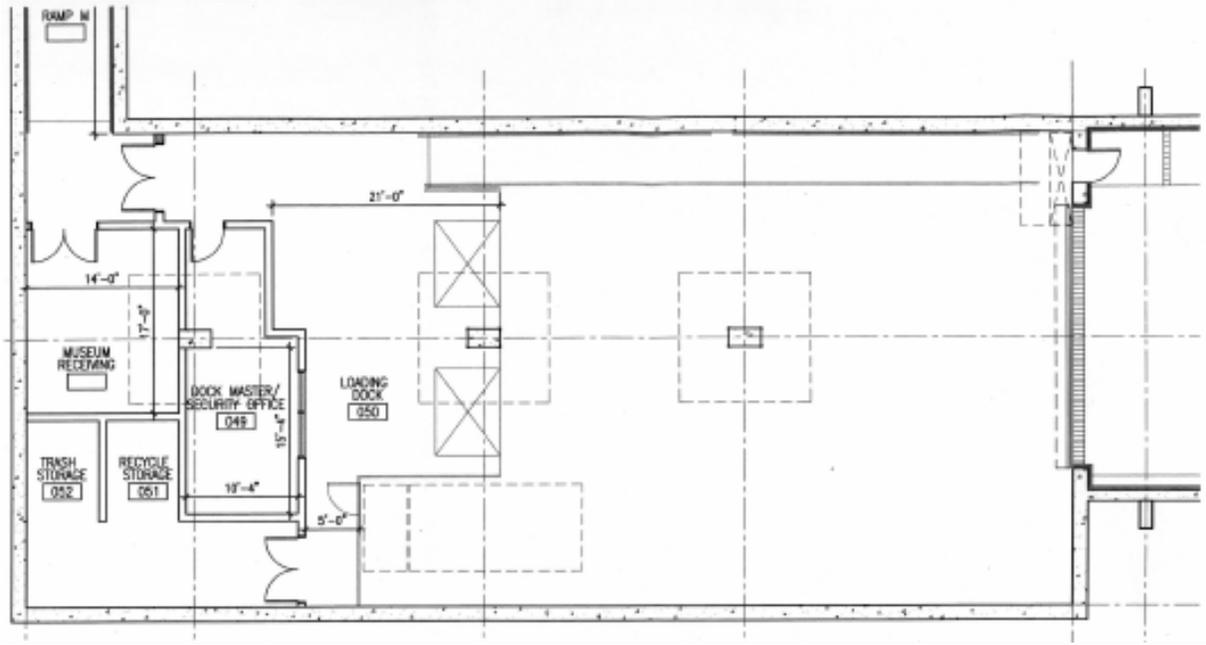
The applicant has submitted revisions to the master plan, entitled Amendment 1, to reflect agreements reached at the meetings with other project stakeholders. A summary of each revision is reflected below.

### Reconfigured 4<sup>th</sup> Street Loading Docks

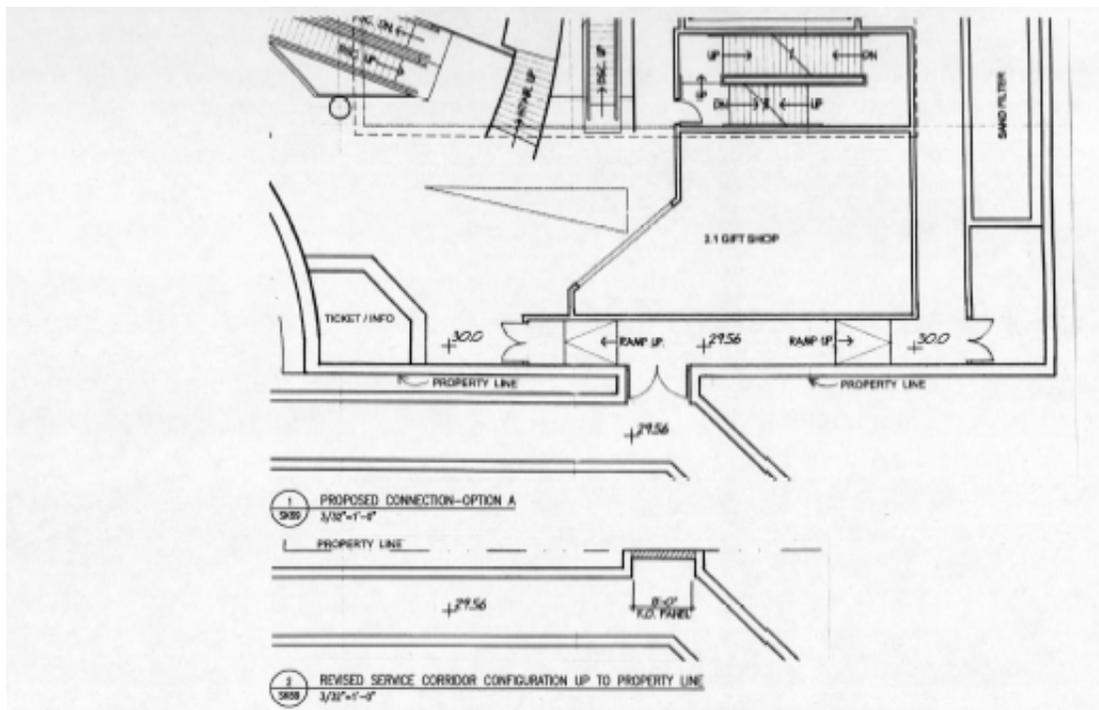
The loading docks planned by the District of Columbia Courts have been redesigned to accommodate additional NLEM needs. A designated Museum receiving area and an expanded Dockmaster/Security office are included as part of the new design. Trash and recycling facilities have been positioned to accommodate all users. The applicant's architect has analyzed the combined loading requirements of the Museum, the D.C. Courts and the United States Court of Appeals for the Armed Forces and determined that other aspects of the loading dock design are adequate to handle the identified needs. Staff concurs with this finding. The D.C. Courts and the NLEM will enter into a Memorandum of Agreement to govern operational, maintenance, and cost-sharing arrangements for the use of the shared facility. The D.C. Courts will fully fund the cost of constructing the loading docks.

### Connection between the Loading Docks and the Museum

The D.C. Courts have redesigned the underground service corridor connecting the 4<sup>th</sup> Street loading docks to Court facilities so that it will also connect to the NLEM. As part of the Courts' construction of the service corridor, a knock-out panel will be provided in the north wall for a future connection to the Museum. The Museum will make the connection during the construction phase of the NLEM project.



**Proposed Reconfigured Loading Dock Support Area to Accommodate NLEM**



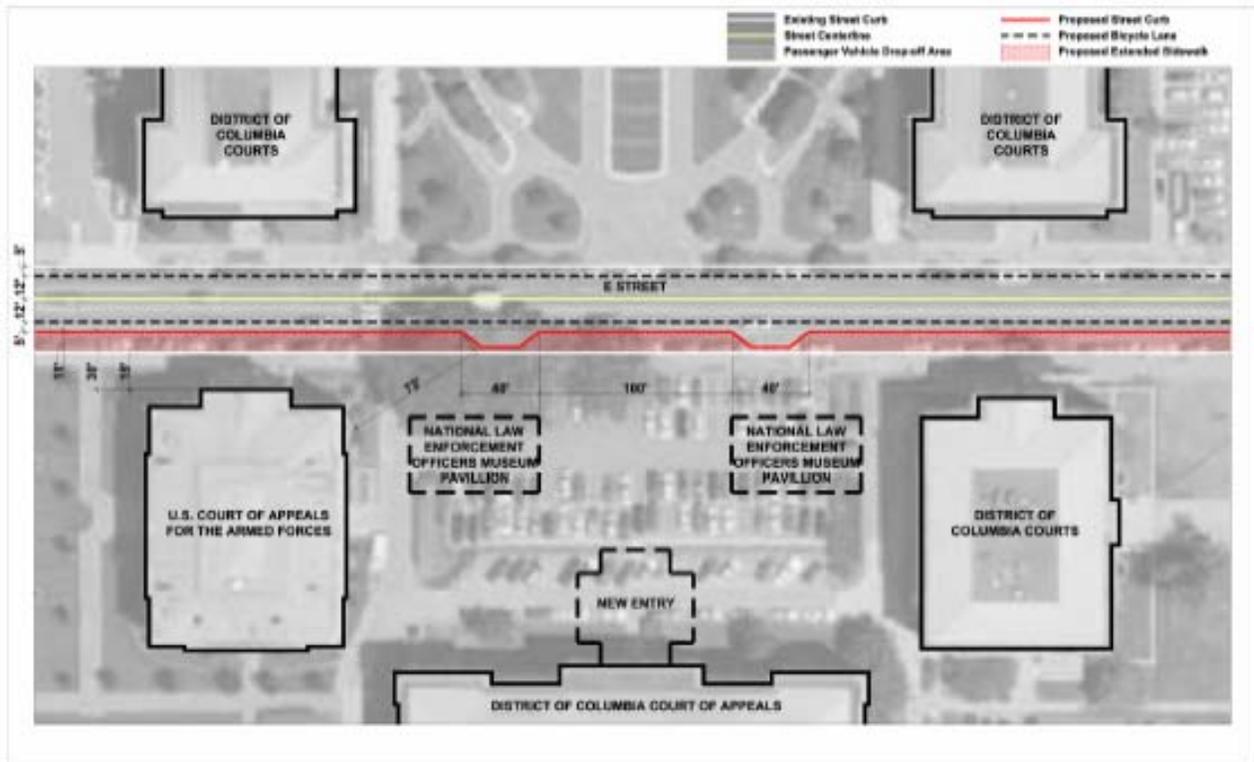
**Proposed Connection between Loading Dock Service Corridor and NLEM**

### E Street Curb Line and Lay-bys

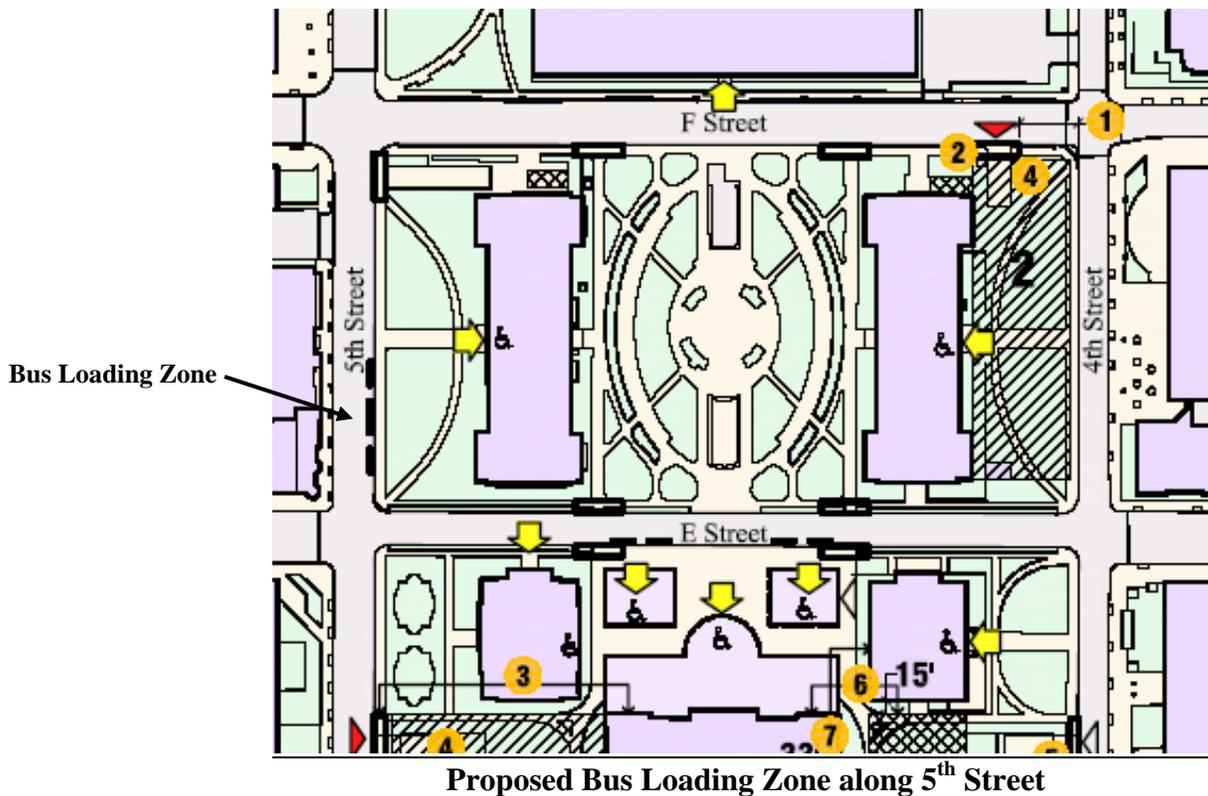
E Street will be narrowed by moving the south curb line 13 feet to the north, resulting in two travel lanes (one in each direction) and two bike lanes. The existing eastbound Metrobus stop at the east end of the block will be relocated across 4<sup>th</sup> Street, as previously approved. Two passenger vehicle sized lay-bys, each 40 feet long including transition areas, will be placed along the south curb line of the street, one in front of each NLEM pavilion as shown below. Lay-bys will not be placed within the 100 foot view corridor centered on the north-south axis of the Square. An approximate distance of 73 feet will be maintained between the westernmost lay-by and the nearest corner of the United States Court of Appeals for the Armed Forces. Bus loading and unloading will not be accommodated on E Street.

### Bus Loading Area on 5<sup>th</sup> Street, NW

A bus loading/unloading area will be placed alongside the existing east curb of 5<sup>th</sup> Street north of its intersection with E Street to serve the National Law Enforcement Museum. This area may be shared with the National Building Museum. The loading/unloading area will be placed 50 feet north of the intersection and be no longer than 100 feet in length, accommodating two buses at any one time. Bus loading/unloading areas will not be developed on either E or F Streets.



**Proposed Narrowed E Street with Passenger Vehicle Lay-bys**



## STAFF ANALYSIS

Amendment 1 satisfies all of the requirements of the May 2005 Commission action, with the two clarifications noted below. The parties involved in the negotiations to resolve the aforementioned issues have agreed to support the design revisions represented by Amendment 1, as well as the development of a Memorandum of Agreement to cover operations, maintenance, and cost-sharing for the 4<sup>th</sup> Street loading docks. All parties willingly compromised in order to bring the master plan to resolution. Staff finds that all issues have been resolved to the satisfaction of all parties, and recommends that the Commission approve the final master plan for Judiciary Square.

### Memorandum of Agreement for Shared Use of 4<sup>th</sup> Street Loading Docks

The specific details laid out in Amendment 1 for the proposed Memorandum of Agreement to share the 4<sup>th</sup> Street loading docks go beyond the agreement made by the parties during the May to July negotiating sessions. The agreement made by the parties at those meetings was to enter into an MOA to share the loading docks, accommodating the National Law Enforcement Museum's identified loading needs.

### Emergency Access to the Old D.C. Courts Building

The Amendment 1 text regarding emergency access to the Old D.C. Courts Building goes beyond the agreement reached during the May to July negotiating sessions. During those sessions, the D.C. Courts and the National Law Enforcement Officers Museum Fund, Inc. (NLEOMF) agreed to accept the Courts emergency access planned approved by the D.C. Department of Consumer and Regulatory Affairs (DCRA) until such time as the NLEOMF could negotiate an alternate plan with DCRA that did not require fire trucks to cross the plaza to reach the E Street front of the Old D.C. Courts Building.

### CONFORMANCE

#### National Capital Urban Design and Security Plan

The master plan for Judiciary Square includes a concept for perimeter security for the entire precinct. Detailed designs for specific perimeter security projects, conforming to the master plan, will be submitted for Commission review at such time as they are developed.

#### National Environmental Protection Act (NEPA)

The District of Columbia Courts, as a joint lead agency with the National Capital Planning Commission, prepared an Environmental Assessment (EA) for the Master Plan and its associated projects. The EA was distributed to the public and local, state, and federal agencies on June 25, 2003 for a 30-day review and comment period. On July 30, 2003, the Executive Director completed a Finding of No Significant Impact, in accordance with the Commission's procedures, determining no environmental resources were significantly impacted by the contemplated Plan.

#### National Historic Preservation Act (NHPA)

NCPC served as the lead agency for the Section 106 review of the Master Plan. The consultation concluded with the execution of a Memorandum of Agreement (MOA) by the D.C. Courts, the District of Columbia State Historic Preservation Officer, and the Executive Director. *The MOA is attached.* The following agencies participated in consultation and have been invited to concur: the National Park Service, the General Services Administration, the U.S. Court of Appeals of the Armed Forces, and the National Law Enforcement Officers Memorial Fund. In addition, the Committee of 100 and the D.C. Preservation League participated in the consultation throughout the project.

The MOA acknowledges the Master Plan's objective of directing the historic preservation and orderly development of the Courts' projects in Judiciary Square, and the three major elements providing a framework for the D.C. Courts' future development: the open space (landscape) plan, the circulation plan, and the security plan. *All will require design development when individual projects are implemented, and will be separate undertakings requiring individual consultation under Section 106.* NCPC will continue to serve as the lead agency for the D.C. Courts' projects. The adverse effect is derived from the future addition to the Old D.C. Courthouse and the construction of the parking garage (both approved by the Commission and

the subject of executed MOAs) and the future construction of the National Law Enforcement Museum (a project currently under review). In addition, the proposed security plan is inherently an adverse effect, although it represents the recognition that security design for individual buildings will be coordinated and the precinct treated as a whole. In other respects, the Master Plan enhances the setting of the buildings, especially the proposed landscape plan that will reinforce the sense of the Square as an enclave, and through the proposed improvements in the circulation plan.

Judiciary Square is a prominent reservation in L'Enfant's original plan for Washington. It straddles the 4<sup>th</sup> Street cross-axis and comprises a notable enclave within the original city. Other than the Old D.C. Courthouse, which was begun in 1820 and is one of the oldest extant buildings in Washington, the other court structures date to the 20<sup>th</sup> century. The National Building Museum is housed in the Pension Building, which predates the campus design for the Square undertaken in the 1910s and implemented in subsequent decades. The Moultrie Courthouse and the National Law Enforcement Memorial are the most recent additions to the Square. Both the Old D.C. Courthouse and the Pension Building are National Historic Landmarks, and the other historic court buildings are contributing historic structures. Judiciary Square is included in the designations of both the L'Enfant Plan for the City of Washington and the Pennsylvania Avenue National Historic Site.

## CONSULTATION

### Coordinating Committee

The Coordinating Committee reviewed this item at its meeting on June 18, 2003, and forwarded the proposal to the Commission with the statement that the project has not been coordinated. The participating agencies were NCPC; the District of Columbia Office of Planning; Fire Department; the Department of Housing and Community Development; the District Department of Transportation; the General Services Administration; and the National Park Service.

At the April 13, 2005 meeting of the Coordinating Committee, the National Park Service offered additional comments. Many of these comments fall into the category of errata, and will be forwarded to the applicant to be corrected. Comments pertaining to landscaping will be addressed in future submittals when the applicant submits a concept landscaping scheme. One particular comment focused on the depicted location of the Darlington fountain, which was approved by the Commission under previous action.

### Commission of Fine Arts

Staff members for the Commission of Fine Arts participated in the development of the staff recommendations contained herein, and have expressed concurrence with them.

### District of Columbia Department of Transportation

The District of Columbia Department of Transportation concurs with the staff recommendations herein, per discussions with Mr. Douglas Noble, Associate Director for Traffic Services.