

# STAFF RECOMMENDATION

David Levy

NCPC File No. 6321



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**NATIONAL LAW ENFORCEMENT MUSEUM  
ENTRANCE PAVILIONS AND PLAZA  
JUDICIARY SQUARE, NW  
Washington, D.C.**

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

March 29, 2007

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## Abstract

The National Law Enforcement Officers Memorial Fund requests approval of the revised concept for the National Law Enforcement Museum entrance pavilions and surrounding shared plaza. The Fund obtained concept approval for the pavilions at the December 2004 Commission meeting, but the design of both the pavilions and the plaza has changed since that time. The largely underground Museum is being constructed on Federal Land within the District of Columbia Courts complex in Judiciary Square, in accordance with Public Law 106-492, which authorized the project in 2000. The District of Columbia Courts' Judiciary Square Master Plan and renovation of Court Building D affect this project and are likewise affected by it. Staff has worked closely with all of the stakeholders in Judiciary Square to achieve agreement on a series of complex issues to date.

## Commission Action Requested by Applicant

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

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## Executive Director's Recommendation

The Commission:

**Comments favorably**, as shown on NCPC Map File No. 1.20(73.10)42144, **on:**

1. The design of the entrance pavilions, which were modified to improve pavilion massing and alignment in relation to the three court buildings surrounding them, including lowering the pavilion cornice height.
2. The design of the plaza skylights, which were modified to be flush with the plaza pavement surface.

3. The incorporation of perimeter security in the design for and at the request of the District of Columbia Courts.
4. The combination of bollards and retaining walls in the design of the District of Columbia Courts' perimeter security line, using elements that provide security while also functioning to improve site grading conditions.
5. The increased width of the path of travel along the centerline of the plaza from 36 feet to 55 feet, 7 inches, which approximates the 60 foot wide opening approved for the District of Columbia Courts' interim plan.

**Supports** the design as achieving a composition of plaza and perimeter security elements that resolves a variety of functional issues while responding to the design objectives of the Judiciary Square Master Plan and the security objectives of the D.C. Courts, and

**Directs** the applicant to continue working with the Courts to achieve consensus before submitting for preliminary approval.

**Finds** that the applicant has satisfied the requirement of the previous Commission action that the applicant obtain Department of Consumer and Regulatory Affairs approval for an alternate emergency access plan for the Old D.C. Courthouse.

**Directs the applicant to** increase the height of the proposed perimeter security/retaining walls to 30 inches to meet the District of Columbia Courts' security requirements.

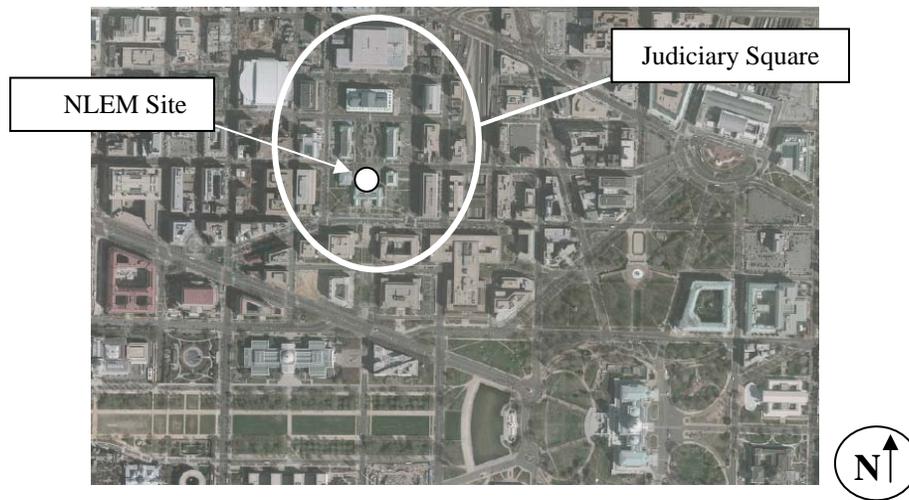
**Recommends** that the applicant coordinate with the District of Columbia Courts and the United States Court of Appeals for the Armed Forces in the redesign and construction of E Street, NW.

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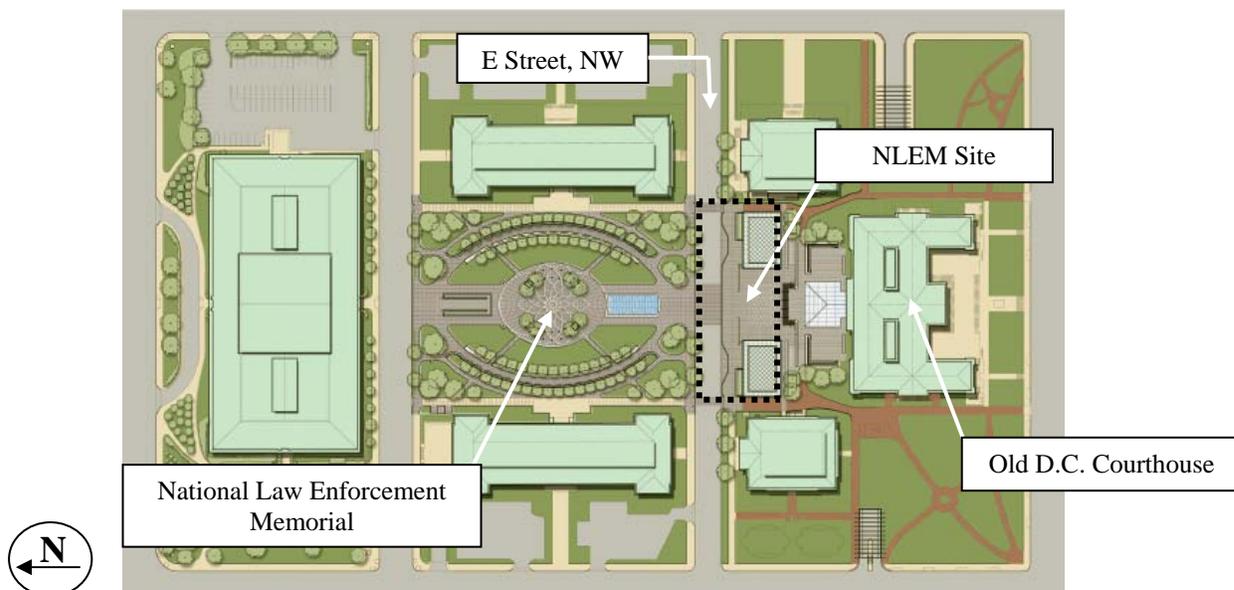
## PROJECT DESCRIPTION

### Site

The project is located on United States Reservation 7, both above and below ground, and below ground under the right-of-way of the 400 block of E Street, NW within the Judiciary Square area of the District of Columbia. This largely underground museum will be constructed below a former parking lot that served the District of Columbia Courts, between Court Building C and the United States Court of Appeals for the Armed Forces. Judiciary Square houses the District of Columbia Courts complex, the National Building Museum, and the National Law Enforcement Officers Memorial, among other uses. Two above-ground entry pavilions for the National Law Enforcement Museum (Museum) will be located within the Reservation. The remainder of the above ground area outside of the E Street right-of-way will be developed as a shared plaza that will serve the Museum, the District of Columbia Courts and the United States Court of Appeals for the Armed Forces. The Commission approved an interim design for the plaza submitted by the D.C. Courts on August 5, 2004, directing that this design would be replaced by the Museum's permanent design when approved by the Commission. The proposed permanent design is before the Commission today.



**Project Vicinity**



**Site of National Law Enforcement Museum**

Background and Analysis of New Submission Materials (Pages 3 through 10)

**February 2007 Submission**

On December 29, 2006, the National Law Enforcement Officers Memorial Fund (Fund) submitted a revised concept for the National Law Enforcement Museum (Museum) for review at the Commission's February 1, 2007 meeting. While the February submission included improvements to the architecture of the Museum's entrance pavilions, the urban design elements for the surrounding plaza did not comply fully with the previous Commission action on the project and the submission included errors and elements that had not been properly coordinated with the District of Columbia Courts and other project stakeholders. On January 29, 2007, the

Executive Director returned the submission to the Fund with the concurrence of the Commission's Executive Committee, noting that the project submission was not complete and was therefore not ready to move forward for Commission review. The Executive Director noted specifically that:

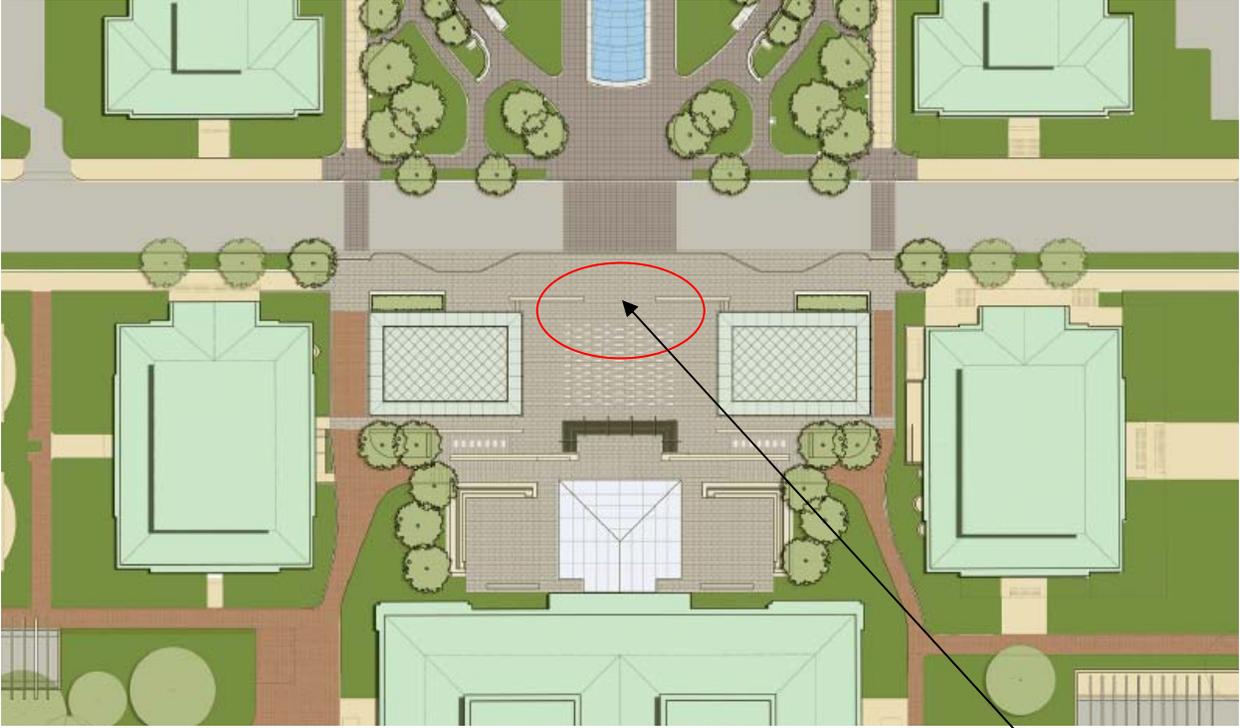
1. Some elements of the design, namely the two proposed plaza retaining walls and the pavilion revolving doors, may not be permissible under the project's authorizing legislation, which requires that no above ground elements of the Museum be placed in the 100-foot-wide area centered on the Old D.C. Courthouse.
2. The retaining walls impeded access to the District of Columbia Courts and within the Judiciary Square precinct.
3. The submission must include a perimeter security line for the District of Columbia Courts in accordance with the approved Judiciary Square Master Plan.
4. Additional information was needed to evaluate the proposed skylight elements in the ramps leading to the Old D.C. Courthouse.
5. The proposal included elevating E Street and that this proposal had not been coordinated with NCPC staff or with other parties to ongoing consultation on the project.
6. The required lay-bys along the south curb of E Street, NW were depicted incorrectly.
7. The proposed landscaped areas at the south side of each pavilion appeared to constrain pedestrian movement into the plaza from the south.
8. The project drawings seemed to indicate a functional connection below ground between the Museum and Court Building C.

### **Applicant Responses**

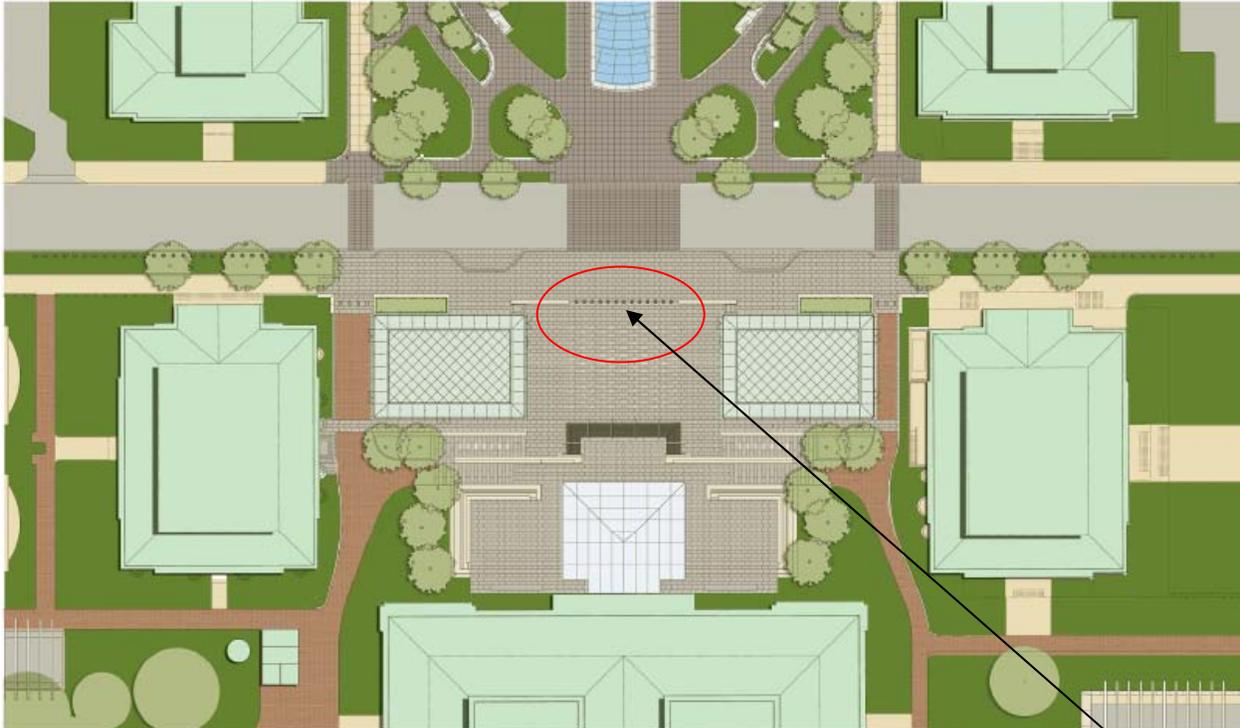
Subsequent discussions with the applicant and with representatives of both the Commission of Fine Arts and the National Park Service resulted in the revised concept submission submitted for review at the April 2007 submission meeting. This revised submission addresses the issues raised in the January 29, 2007 Executive Director's letter as follows:

1. The pedestrian passage between the proposed retaining walls has been increased from 36 feet to 55 feet, 7 inches; and the plaza grading modified accordingly.
2. Perimeter security has been added to accommodate the requirements of the District of Columbia Courts, and the retaining walls have been incorporated into the perimeter security line.
3. Additional information has been provided about the design of proposed skylight elements in the ramps leading to the Old D.C. Courthouse.
4. Additional information has been provided regarding the need to elevate E Street, NW.
5. The applicant has corrected project drawings to reflect the correct size and placement of lay-bys along the south curb of E Street, NW.
6. Additional information has been provided regarding the landscaped areas at the south side of each Museum pavilion.
7. The applicant has clarified that the Museum will not functionally connect to Court Building C below grade.
8. The applicant has provided in-depth analysis of proposed plaza grades to inform decision-making about the need for retaining walls in the plaza.

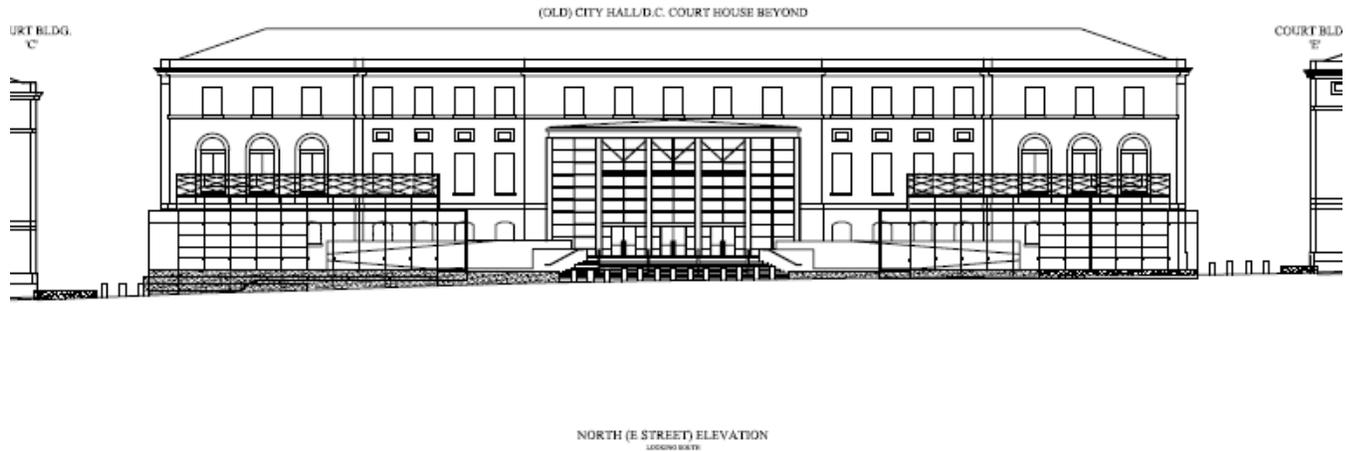
The applicant disagrees that some elements of the design are not permissible under the project's authorizing legislation.



**Plaza Scheme from February 2007 Submission with 36 foot wide opening** →



**Proposed Revised Plaza Scheme with 55 foot, 7 inch wide opening and Perimeter Security** →



### **North Elevation of Proposed Pavilions with Perimeter Security Barriers**

#### **District of Columbia Courts Issues on New Submission Materials (from March 15, 2007)**

The District of Columbia Courts remains dissatisfied with the urban design solutions proposed by the Fund. In correspondence dated March 15, 2007, the Courts indicated that remaining concerns are:

1. The width and location of the driveways on either side of the plaza.
2. Retaining walls located within the 100-foot-wide area centered on the Old D.C. Courthouse, and any Museum signage that might be placed on the walls.
3. Skylights in the 100-foot-wide area centered on the Old D.C. Courthouse.
4. Skylights in the ramps leading to the Old D.C. Courthouse.
5. Landscaped areas at the south side of each Museum pavilion.
6. Pavilion entrances facing the plaza.

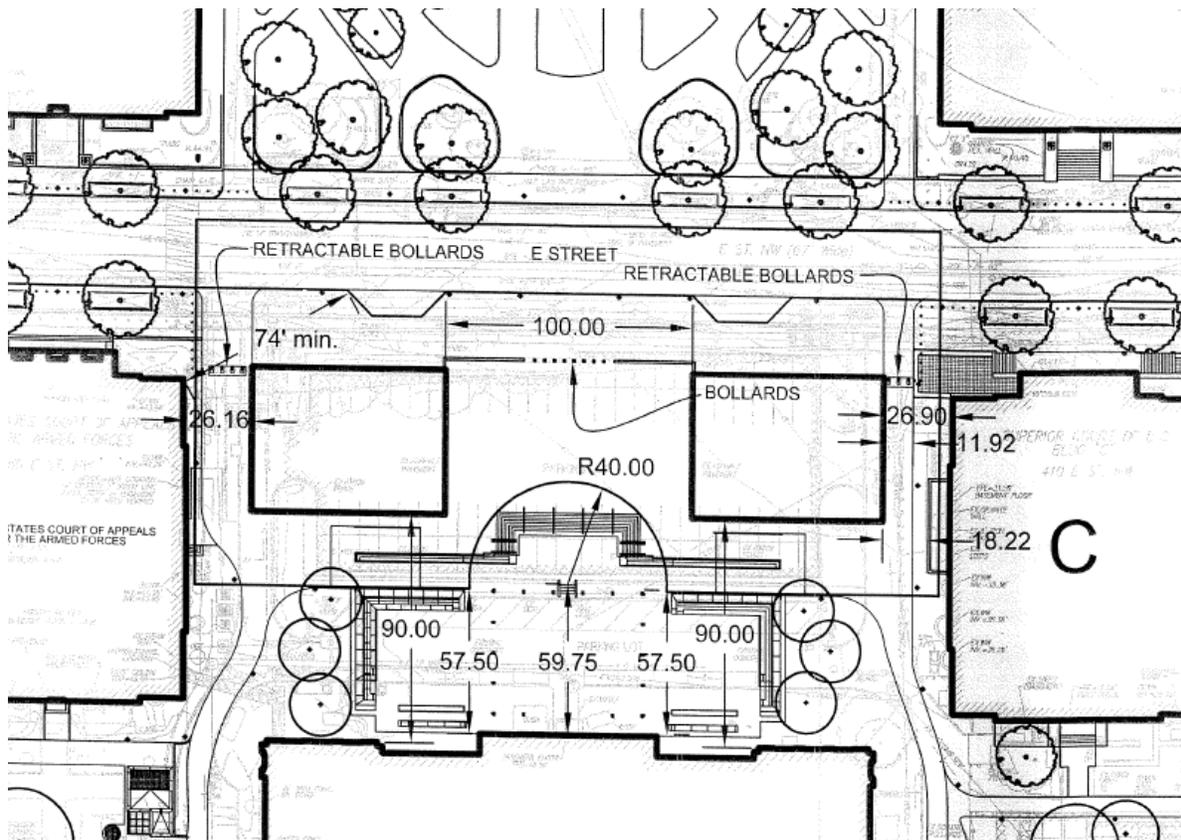
In summary, the Courts indicated that “any proposed design elements which would limit or compromise the Courts’ security and impact unencumbered access to the Court will be strongly opposed.”

#### **Summary of Staff Analysis**

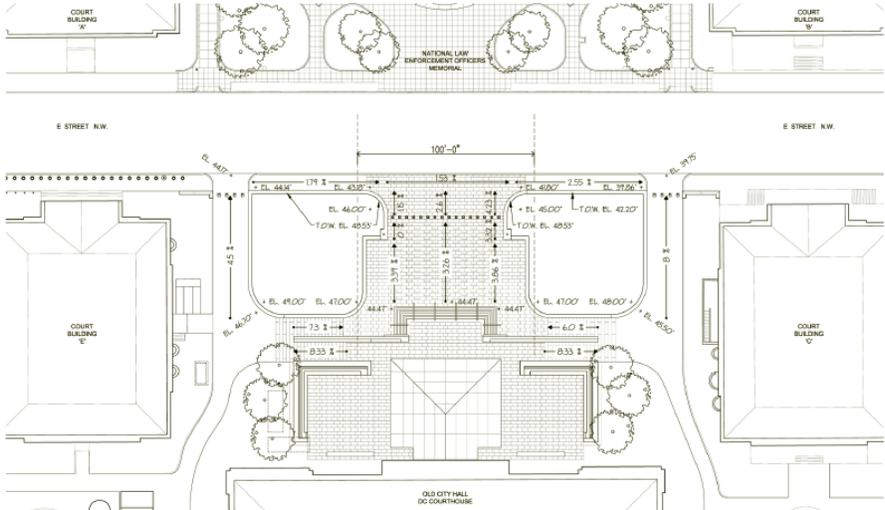
The revised submission is complete and responsive to the previous Commission action on the project. Additionally, staff considers the revised design to be a significant improvement over the design presented for consideration at the February 2007 meeting and that the applicant has been cooperative and responsive in addressing the Executive Director’s concerns and the requests of the District of Columbia Courts. The architectural and urban design features of the project represent in the staff’s opinion the best balance between the oft-competing requirements of the Museum and the Courts in the Judiciary Square precinct. The submission also successfully incorporates changes to the pavilions requested by the District of Columbia State Historic Preservation Officer.

Specifically, the applicant has modified the project's urban design elements in response to staff comments regarding plaza grading, and has incorporated the required perimeter security line for the District of Columbia Courts using principles from the Commission's Urban Design and Security Policies, which encourage applicants to use hardened site features to achieve perimeter security where possible. Additionally, the proposed perimeter security scheme comports with the requirements expressed to the Fund by the District of Columbia Courts in a letter dated December 20, 2007, with the attached drawing shown below. The applicant has also increased the opening between the proposed retaining walls at the north side of the plaza from 36 feet to 55 feet, 7 inches, approximating the 60 foot opening approved by the Commission for the Courts' interim plan, which also used a combination of bollards and retaining walls to provide security while manipulating the site's difficult grades.

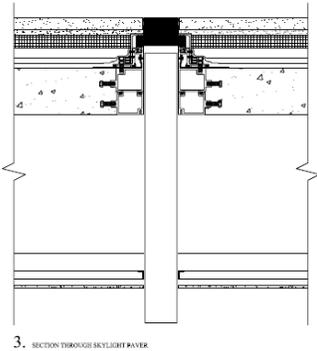
Regarding the Executive Director's request for additional information on other design elements, staff is satisfied that the additional information provided regarding the elevation of E Street, skylight elements in the ramps, and landscaping at the south side of the pavilions and the applicant's further analysis of plaza grades ameliorate its concerns with the February submission.



**Minimum Plaza Security Requirements Provided by D.C. Courts**



**D.C. Courts Interim Plaza Plan**



**Section through Skylight Element in Plaza**

**Summary of Concerns and Status**

NCPC Concerns

Retaining Walls impede access	Resolved
Perimeter Security included	Resolved
Skylights in ramps	Resolved
E Street elevation	Resolved
Lay-bys	Resolved
Functional connection to Building C	Resolved

Additional Court Concerns

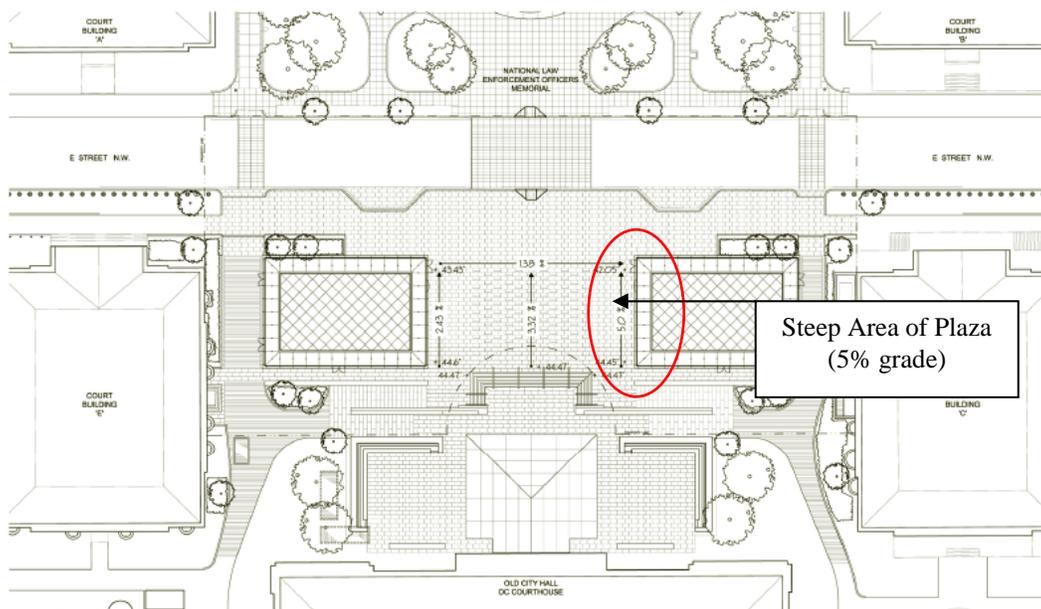
Width and location of plaza driveways	Resolved
Skylights in the plaza	Resolved (previously)
Pavilion entrances facing the plaza	Not required
Legislative Compliance	Unresolved
Retaining walls, pavilion entrance doors,	
Landscape beds at south side of pavilions	

Staff recommends that the Commission comment favorably on the proposed submission because the architectural and urban design solutions presented are the best solutions possible in balancing the difficult site grades, perimeter security needs, historic preservation requirements, and circulation needs of the Courts, the Museum, and surrounding precinct; however, staff notes that some elements of the design may not comply with the project's authorizing legislation, which requires that no above-ground portions of the Museum may be located within the 100-foot-wide area centered on the Old D.C. Courthouse. Project elements that fall into this category include the retaining walls and portions of the revolving doors used for entering each Museum pavilion. Additionally, proposed landscape beds at the south side of each pavilion may be prohibited by the legislation. It may be necessary for the Fund to address this issue before proceeding to the preliminary Commission approval stage.

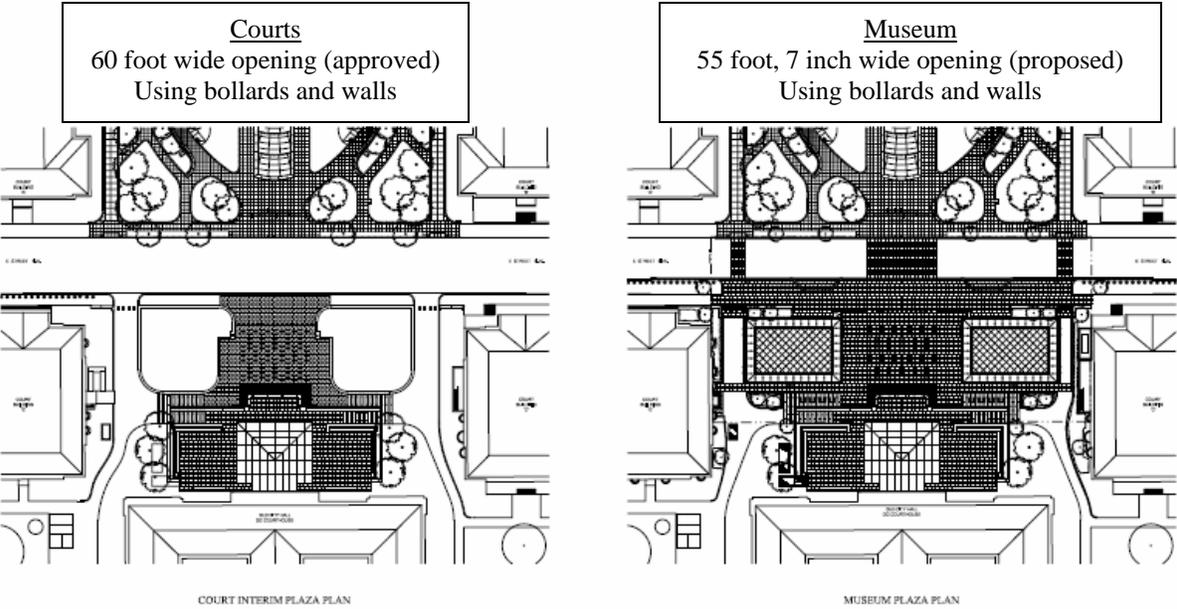
### Plaza Grading

The current submission for the Museum requires retaining walls on either side of the plaza centerline in order to flatten the plaza grade to improve its appearance and function. Without the walls, the plaza would appear slanted downward from west to east, and the area of the plaza along the west façade of the east Museum entrance pavilion would be extremely steep. Although the plaza could be graded without the walls and still meet requirements of the Americans with Disabilities Act (ADA), the resulting grade would not be ideal from an urban design standpoint.

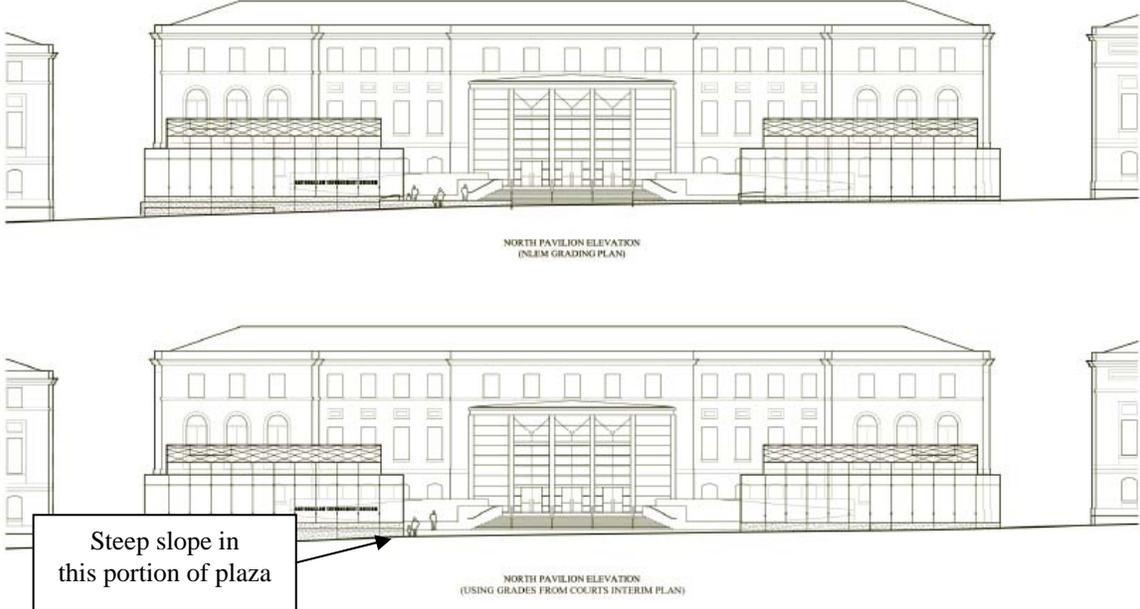
The Fund's proposed retaining walls accomplish the same result as that of the Courts' approved interim plaza design, which also employed retaining walls to achieve this correction in grade. In fact, the Museum proposal is markedly similar to that of the Courts. Both use a combination of walls and bollards across the front of the plaza, and both achieve an opening through the center of the plaza of approximately the width of the Old D.C. Courthouse steps. In the case of the Courts, the opening is approved at approximately 60 feet, while the Museum proposes 55 feet, 7 inches. Both proposals place above-ground elements in the 100 foot-wide-area centered on the Old D.C. Courthouse.



**Plaza Grading without Retaining Walls**



**Comparison of Courts Interim Plaza Plan and Proposed Museum Concept Plan**



**Comparison of Plaza Grading with and without Retaining Walls**

Additional Background and Analysis (Pages 11 through 27)

**Authorizing Legislation**

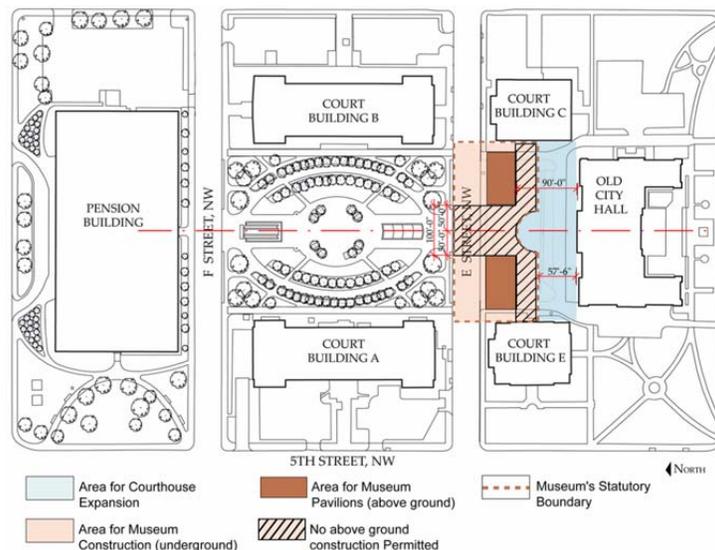
Public Law 106-142 of November 9, 2000, otherwise known as the National Law Enforcement Museum Act, authorizes the National Law Enforcement Officers Memorial Fund, Inc. to “...construct a National Law Enforcement Museum on Federal land located on United States Reservation #7, on the property bounded by—(A) the National Law Enforcement Officers Memorial on the north; (B) the United States Court of Appeals for the Armed Forces on the west; (C) Court Building C on the east; (D) and Old City Hall on the south.” The legislation permits the Fund to construct part of the Museum underground below E Street, NW.

Regarding consultation, the legislation requires the Fund to “...consult with and coordinate with the Joint Committee on Administration of the District of Columbia courts in the planning, design, and construction of the Museum.” It also provides that “The design and plans for the Museum shall be subject to the approval of--(A) the Secretary [of the Interior]; (B) the Commission of Fine Arts; and (C) the National Capital Planning Commission.”

Several other provisions of the Act are relevant here. The authorizing legislation establishes parameters for the Museum design to accommodate “underground planned use by the courts of the District of Columbia for renovation and expansion of Old City Hall” by limiting Museum construction to a distance of 57 feet, 6 inches from the façade of the Old City Hall 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.”

Finally, the legislation requires that “above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall” and that “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.”

The following diagram, generated by staff, demonstrates the above building restrictions:



**NCPC Staff-generated diagram depicting Legislative boundaries**

## **Coordination and Consultation**

This project has moved through Commission review concurrent with two other important projects in the Judiciary Square complex: the D.C. Courts' Judiciary Square Master Plan and the renovation of the Old D.C. Courthouse (Building D). Action on each of these projects has affected the others as the Commission and other parties have strived to balance the oft-competing needs of the various projects. Commission staff has conducted extensive consultation with both the Fund and the D.C. Courts in cooperation with Commission of Fine Arts staff. This consultation process has resulted in the resolution of a lengthy list of issues over the past several years. Relevant previous Commission actions for both the Museum and the Judiciary Square Master Plan are listed below for the Commission's information and use:

### **Previous Commission Actions**

April 1, 2004, Approval of design concept for National Law Enforcement Museum: The Commission waived its requirement that the surrounding Judiciary Square Master Plan be completed prior to the Museum approval process, allowing Museum design to proceed; and directed the National Law Enforcement Officers Fund and the District of Columbia Courts to cooperate on design and planning of all projects in the Judiciary Square area. The Commission action was:

#### **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, and from the new courthouse entrance.
- 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.

August 5, 2004, Approval of the Courts' interim design for the shared plaza. The Commission approved the Courts' interim design for the plaza pending approval of a permanent design that accommodated the Museum. The Commission action was:

**The Commission:**

**Approves** the final site and building plans for the entrance pavilion to the Old District of Columbia Courthouse as well as the permanent and interim features of the entrance plaza and other site modifications, as shown on NCPC Map File 1.20(38.00)-41405, as being consistent with the principles of the draft Judiciary Square Master Plan and with the historic setting of the buildings and open space of Judiciary Square.

**Notes** that the D.C. Courts is continuing to study the feasibility of allowing the museum underground access to the Courthouse's service entry from 4<sup>th</sup> Street, NW.

December 2, 2004, Approval of National Law Enforcement Museum Concept Revised

The Commission approved the Museum pavilions, but not the plaza elements. This Commission action is referred to extensively later in this report. The Commission action was:

**The Commission:**

**Approves** the design concept for the National Law Enforcement Museum entrance pavilions, Judiciary Square, 605 E Street, NW, as shown on NCPC Map File No. 1.20(38.00)41492.

**Excepts** from approval the skylight/water-feature/bench elements, the ramps leading to the Old D.C. Courthouse entry plaza, and the curb location and drop-off areas.

**Directs** the applicant to undertake the following as design development proceeds:

- Continue to coordinate with the D.C. Courts to refine and reach agreement on the design of perimeter security elements required by the Courts, of the handicapped ramps to the Old D.C. Courthouse's entry plaza, and of the skylight/water-feature/bench elements in the "no build" zone between the two pavilions.
- Coordinate with the D.C. Fire and Emergency Medical Services Department to ensure that the design meets their requirements for emergency vehicle access.
- Coordinate with the U.S. Court of Military Appeals and the D.C. Courts to ensure that the design does not hinder access to or operations of the U.S Court of Military Appeals or of Court Building 'C'.
- Document all coordination efforts and concurrences by affected adjacent property owners regarding the design development of the NLEOMF's museum facility.

**Commends** both the NLEOMF and the D.C. Courts for their progress towards an agreement to share the Courts' service entry from 4<sup>th</sup> Street.

May 5, 2005, Approval of Judiciary Square Master Plan. The Commission required the District of Columbia Courts to develop a plan to share its 4<sup>th</sup> Street loading docks with the Museum, and excepted from approval other outstanding issues affecting both parties. The Commission action was:

**The Commission:**

- Approves the Judiciary Square Master Plan, as shown on NCPC Map File No. 1.20(05.00)41202, except the realignment of the south curb line of E Street between 4<sup>th</sup> and 5<sup>th</sup> Streets, NW, the design, placement and use of lay-bys on E Street, and the use of F Street, NW, for bus drop-off/pick-up.
- Directs the D.C. Courts to submit a revised submission to NCPC by July 1, 2005 for consideration at the August 4, 2005 NCPC meeting; that includes a resolution of the above items coordinated among the relevant parties as well as resolution between the D.C. Courts and the National Law Enforcement Officers Museum regarding shared use of the planned 4<sup>th</sup> Street loading dock.

**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.

August 2005, National Law Enforcement Museum revised concept submission. The National Law Enforcement Officers Memorial Fund withdraws its revised concept submission when NCPC staff objects to above-ground skylight/bench/water feature elements proposed within the 100-foot-area centered on the north-south access of the Old City Hall building (Old D.C. Courthouse).

August 4, 2005, Approval of Judiciary Square Master Plan, Amended.

The Commission approved final changes to the Master Plan negotiated among the parties, including the Fund. The Commission action was:

**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.

### Proposal

The applicant proposes to build an underground museum with two above-ground entry pavilions, and a shared plaza that will serve the Museum, D.C. Courts, and Court of Appeals for the Armed Forces. The pavilions have been modified through consultation under the Section 106 process. The applicant has redesigned the skylights in the shared plaza. The skylights will serve the Museum below ground. Additional skylights will be located in the ramps leading to the Old D.C. Courthouse. The skylights will be flush at grade along the plaza and the ramps. Retaining walls that ease the change in plaza grade from the steps of the Old D.C. Courthouse to the E Street sidewalk will sit between the plaza and the sidewalk. The retaining walls will span approximately half of the distance across the 100-foot-wide area between the two pavilions, leaving a 55 foot, 7 inch wide clear walking space through bollards at the plaza entrance.



**East-West Section through Museum**

The Fund has worked with NCPC, CFA, and D.C. SHPO staffs, and with the Courts, to refine the design of the Museum entrance pavilions and the plaza since the Commission took initial action on the Museum's concept design in December 2004. The current submission includes the

following changes or new elements, developed through consultation, since the last Commission action:

1. Reduced height/modified design of pavilions
2. Modified plaza grade
3. Modified design for skylights to be incorporated into the plaza
4. The addition of skylights in the ramps leading to the Old D.C. Courthouse
5. Modified design of the ramps leading to the Old D.C. Courthouse
6. Modified landscaping on the plaza
7. Modified retaining walls between the E Street sidewalk and the plaza
8. Addition of perimeter security for the District of Columbia Courts
9. Raised elevation of E Street, NW
10. Modified east and west drive aisles to reflect approvals from the Department of Consumer and Regulatory Affairs

Each of these modifications is discussed in more detail below:

1. Reduced height/modified design of pavilions

Through consultation with the State Historic Preservation Officer, the Fund has modified the design of the east and west Museum pavilions to complement the architecture of Court Building C and the Court of Appeals for the Armed Forces, which flank the pavilions to the east and west respectively. The cornice line of both pavilions was lowered by three feet.

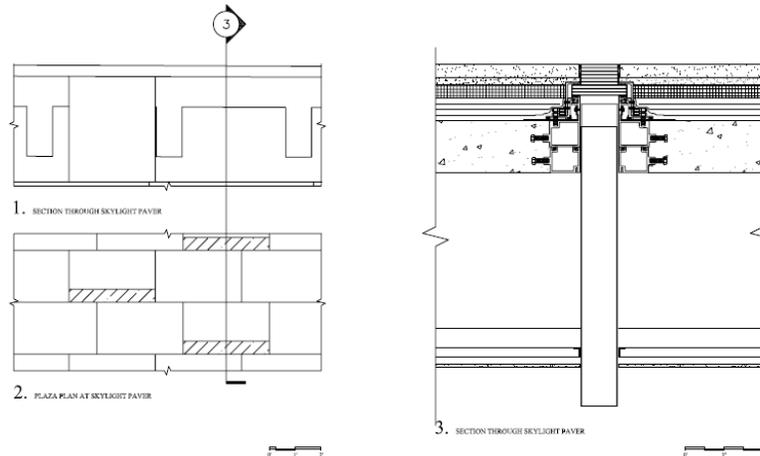
2. Modified plaza grade

The plaza grade has been modified to be less flat from west to east than the previous grade proposed by the applicant, in order to reduce the length of the retaining walls to increase the opening for pedestrians at the center of the north side of the plaza.

3. Modified design for skylights to be incorporated into the plaza, and

4. Addition of skylights in the ramps leading to the Old D.C. Courthouse (Old City Hall)

The skylight/water feature/bench elements proposed previously by the applicant have been omitted and have been replaced with a series of skylights flush at grade level that will project downward into the Museum roof structure and ceiling to provide light to the Museum portions below ground. This modified skylight design was developed through consultation among the interested parties. Additionally, the applicant has added similar skylights within each of the two handicapped ramps leading to the Old D.C. Courthouse Building (Old City Hall).



**Detail of Plaza Skylight**

**5. Modified design of the ramps leading to the Old D.C. Courthouse**

The slope of the lower portion of the ramps leading to the Old D.C. Courthouse has been reduced to eliminate the need for handrails. The lower portion of these ramps is outside of the area reserved by the legislation for expansion of the Courts.

**6. Modified landscaping on the plaza**

Staff initially objected to the landscape layout due to concerns that the beds might impede pedestrian movement, but has withdrawn its objection after further consultation with the applicant and with staff members of the Commission of Fine Arts and the National Park Service. The location of these beds may be prohibited by the project's authorizing legislation.

**7. Modified retaining walls between the E Street sidewalk and the plaza**

The proposed retaining walls have been shortened in length, so that they occupy only about 50 % of the plaza opening compared with 65% in the previous scheme. The proposed 55 foot, 7 inch wide opening is comparable to the approved 60 foot wide opening proposed by the Courts in the interim plaza plan.

**8. Addition of perimeter security for the District of Columbia Courts**

The design has been modified to include the required perimeter security line for the Courts, and the perimeter security has been incorporated into the proposed plaza design. The applicant modified the previous proposal for retaining walls at the north side of the plaza and modified the plaza grade to accommodate perimeter security and provide a wider opening for pedestrians.

9. Raised elevation of E Street, NW

The applicant has demonstrated that the elevation of E Street must be raised in order to narrow the street's cartway. The elevation of the north curb of E Street along the National Law Enforcement Officers Memorial will not be raised. Raising the elevation of E Street must be coordinated further with the Courts as the project moves toward preliminary design approval.

10. Modified east and west drive aisles to reflect approvals from DCRA

The widths of access drive aisles along the west and east sides of the plaza have been modified after consultation with the District of Columbia Department of Consumer and Regulatory Affairs. The west drive aisle now measures 20 feet, while the east drive aisle measures 12 feet, 6 inches wide. The west aisle will be used for emergency and utility access into the plaza and the east aisle will be used only for Museum exhibit loading and unloading. DCRA has certified that the Old D.C. Courthouse, Court Building C, and the Court of Appeals for the Armed Forces can be accessed from either E Street or from Indiana Avenue by emergency personnel responding to an incident at this location.



**Project Site Plan**



**Model of Project looking south across the National Law Enforcement Officers Memorial**

## ANALYSIS

### Executive Summary

Through extensive consultation with NCPC, National Park Service and CFA staffs, the Fund and the District of Columbia Courts have cooperatively planned and designed the Museum and the Old D.C. Courthouse renovation, and have planned for overall development in Judiciary Square. Both the Fund and the Courts have achieved goals for their respective projects through their willingness to compromise on important aspects of both projects and have resolved difficult challenges of building both projects in this complex and tightly-constrained space. Both parties have worked diligently to meet the requirements of their respective projects' authorizing legislation.

Through the development and approval of the D.C. Courts' Judiciary Square Master Plan, the Courts have provided the Museum with shared access to their underground loading facility. The Fund agreed to position its tour bus parking area on 5<sup>th</sup> Street in order to address the E Street security needs expressed by both the Armed Forces and D.C. Courts. The Fund worked with the State Historic Preservation Officer to modify the design of the Museum's above ground pavilions to relate more successfully to the surrounding historic buildings.

In this submission, the Fund has modified its design to incorporate perimeter security for the Courts, basing its design on information transmitted to the Fund by Court representatives. The Fund has modified the plaza grade and increased the opening at the front of the plaza by an additional 50% in response to comments made by the Courts and by the staffs of NCPC, CFA, and the National Park Service.

The resulting submission represents in staff's opinion the best architectural and urban design balance among the many competing interests in the Judiciary Square area, although some aspects of the proposed design may not meet the requirements of the project's authorizing legislation.

## ISSUES

The following issues remain and must be resolved prior to the applicant's submission of designs for preliminary Commission approval:

### Issue: Authorizing Legislation prohibits above-ground portion of Museum in 100-foot-wide Area

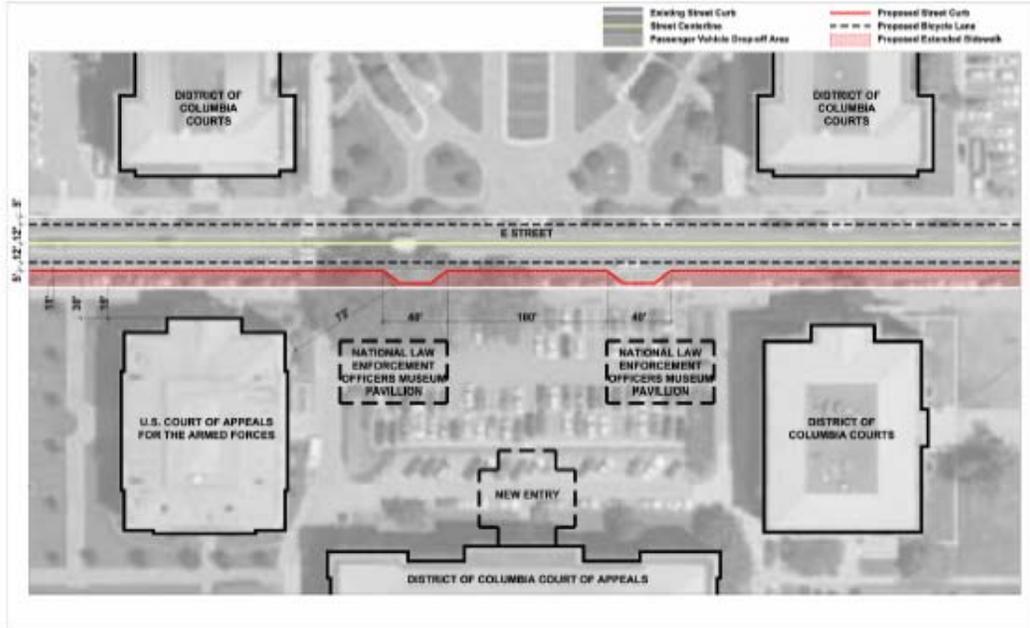
Public Law 106-142, authorizing the Museum, requires that "no portion of the aboveground portion of the Museum is located within the 100-foot-wide area centered on the north-south axis of the Old City Hall [Old D.C. Courthouse]." Staff notes that some elements of the design, while they may represent the best architecture and urban design solutions, may not comply with the project's authorizing legislation. These elements are the proposed retaining walls and portions of the revolving doors used for entering each Museum pavilion. Additionally, the landscaped areas at the south side of each pavilion are proposed for an area where no above ground construction is permitted by the legislation. The Fund will need to obtain clarification on intent of the legislation or build consensus with the District of Columbia Courts on the intent as the project moves forward.

### Issue: Height of Retaining Walls along E Street Sidewalk

Staff advises the Commission that although the applicant has reduced the length of the retaining walls at the north side of the plaza and incorporated the walls into a perimeter security scheme for the District of Columbia Courts, the height of the retaining walls does not meet the Courts' requirement of 30 inches. The applicant should increase the height of the retaining walls to 30 inches at the preliminary submission in order to meet this requirement.

### Issue: Proposal Elevates the Grade of the E Street Public Right-of-way

A staff comparison of the existing and proposed grades in the project area indicates that the applicant is proposing to raise existing grades in the public right-of-way of E Street, NW. The Judiciary Square Master Plan requires E Street to be narrowed, relocating the street centerline and therefore requiring the south curb to be elevated above its existing position. E Street will remain a public right-of-way even after the Museum is constructed beneath it, and other portions up and down the roadway will be affected by a rise in elevation at this location. The applicant indicates that the grade of E Street can be elevated without affecting the elevation of the north curb line, which abuts the National Law Enforcement Officers Memorial. However, raising the elevation of E Street at the center of the block will have to be coordinated with the Courts when E Street is narrowed along the entire length of the block. The Fund will need to coordinate with the District of Columbia Courts and the United States Court of Appeals for the Armed Forces in the redesign and construction of E Street, NW.



**Narrowing of E Street: Judiciary Square Master Plan**

District of Columbia Courts' Issues from December 20, 2006

Over the course of several years, and in order to facilitate Commission approval of the Judiciary Square Master Plan, the renovation of the Old D.C. Courthouse, and the National Law Enforcement Museum, the District of Columbia Courts have made concessions in the design and planning of Court facilities. The most notable of these is the Courts' agreement to allow the National Law Enforcement Museum to share their 4<sup>th</sup> Street underground loading docks with the Museum. The loading docks are being constructed as part of the renovation of the Old D.C. Courthouse at no expense to the Museum. In return, the Fund has made concessions in the design of the Museum. Because of the complex nature of siting the Museum within the Courts complex, additional concessions from both parties will be necessary as their respective projects move forward. On December 20, 2006, the Courts noted their outstanding concerns as follows. These issues were supplemented by the Courts March 15, 2007 email referenced above.

1. Construction in 100-foot-wide Area

The Courts maintain, in a letter to the Commission dated December 20, 2006 and follow-up correspondence dated March 15, 2007, that the Fund's proposed plaza design does not meet the requirements of the Museum's authorizing legislation which provides a 100-foot-wide area centered on the north-south axis of the Old City Hall (Old D.C. Courts Building) within which "no aboveground portion of the Museum is located..." The Courts consider the retaining walls to "intrude upon the entranceway to the Old Courthouse..." The Courts also object to the Museum's entrance doors being located off of the plaza area directly behind these retaining walls, rather than along E Street. The retaining walls, pavilion entrance doors, and landscaped areas at the south side of the pavilions all fall into the area where "no aboveground portion of the Museum is located..."

Staff notes that this issue is unresolved.

## 2. Security

The Courts maintain that they must control access into the secure perimeter of the Old D.C. Courthouse.

Staff notes that this issue will need to be resolved prior to construction.

## 3. Access: Emergency Access to Courts' Buildings

Following extensive staff consultations with the Courts and the Fund, and as part of the Judiciary Square Master Plan approval, the Commission approved the agreement of both parties to accept the emergency access plan for the Court buildings surrounding Reservation 7 until such time as the Fund could secure approval from the District of Columbia for an alternate plan that did not require crossing the plaza to respond to emergencies at the Courts complex. The Fund has successfully fulfilled the requirement to obtain such alternate approvals from the District of Columbia Department of Consumer and Regulatory Affairs.

Staff is satisfied that this Commission requirement has been met.

## 4. Relocation of Lay-Bys (not in accordance with Master Plan)

In their December 20, 2006 letter to NCPC, the D.C. Courts indicate that the Fund's revised concept submission for the Museum incorrectly indicates the agreed-upon sizes and locations for the E Street lay-bys that will serve both the Courts and the Museum. These discrepancies potentially affect the Courts' security. The Fund has corrected its drawings to reflect the approved size and location of the lay-bys.

Staff notes that this issue has been resolved.

## 5. Structural Integrity of Courts' Buildings

In their December 20, 2006 letter to NCPC, the D.C. Courts indicate that they are "quite concerned about preserving the structural integrity of the Old Courthouse, the USCAAF, and Building C during construction of the museum." Staff agrees that this is an important issue, but recommends to the Commission that it is more appropriately resolved following concept approval. However, the Museum concept drawings originally appeared to indicate that the Museum would overlap and provide a functional connection to Court Building C below ground. The Fund has clarified that this will not be the case, but that a new areaway will be constructed north of the existing Building C areaway to serve the Museum.

Staff notes that this issue is germane to any urban construction project and must be handled as construction proceeds.

## CONFORMANCE

### National Capital Urban Design and Security Plan

The Fund has stated that the Museum will not require perimeter security devices in the surrounding public space. The approved concept for perimeter security for the D.C. Courts includes a security line placed between the two above-ground Museum pavilions and at the east and west drive aisles near Court Building C and the U.S. Court of Appeals for the Armed Forces. This security line will run across the north edge of the shared plaza, which is also the Museum roof. The Fund has incorporated this security line into its revised concept submission, and has hardened its proposed retaining walls to become part of the security line. This approach is supported in the Commission's Urban Design and Security Plan and policies. The parties should work together using the requirements of the Master Plan as a framework to produce the preliminary and final designs for these security elements.

### Comprehensive Plan

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.

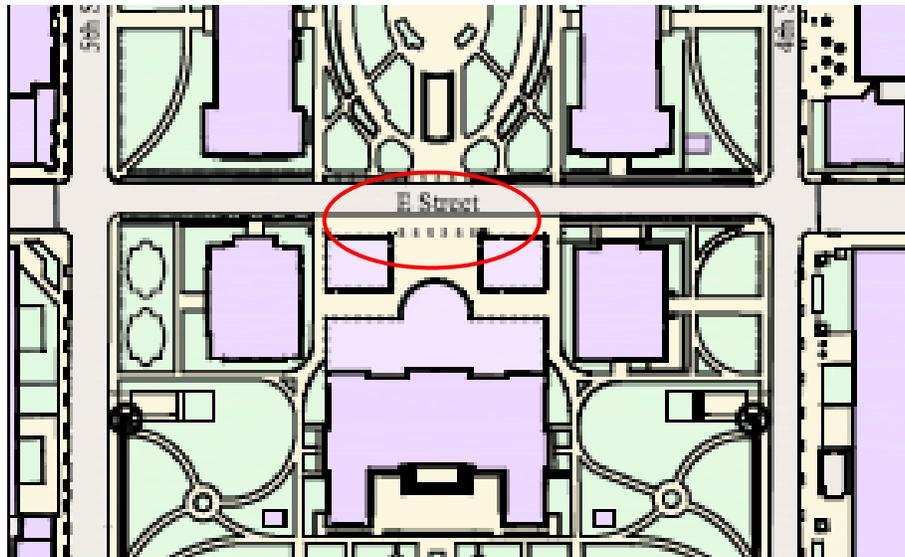
The proposal is partially consistent with the federal policies that apply to Judiciary Square. In the Preservation and Historic Features Element of the Comprehensive Plan, policies state:

- “Identify and protect both the significant historic design integrity and the use of historic landscapes and open space.”
- “Protect the settings of historic properties, including views to and from the sites where significant, as integral parts of the character of the property.”
- “Ensure that new construction is compatible with the qualities and character of historic buildings and their settings ...”

Although the redesigned pavilions are compatible with the above policies because of their rectangular geometries, the final design of the plaza design will determine whether or not the project is fully compatible.

### Judiciary Square Master Plan

The revised concept submission complies with the requirements of the approved Judiciary Square Master Plan in providing perimeter security for the District of Columbia Courts and in providing a wider opening through the north end of the plaza that is compatible with that approved as an interim plan for the District of Columbia Courts.



**District of Columbia Courts Security Line from approved Master Plan**

National Environmental Protection Act (NEPA)

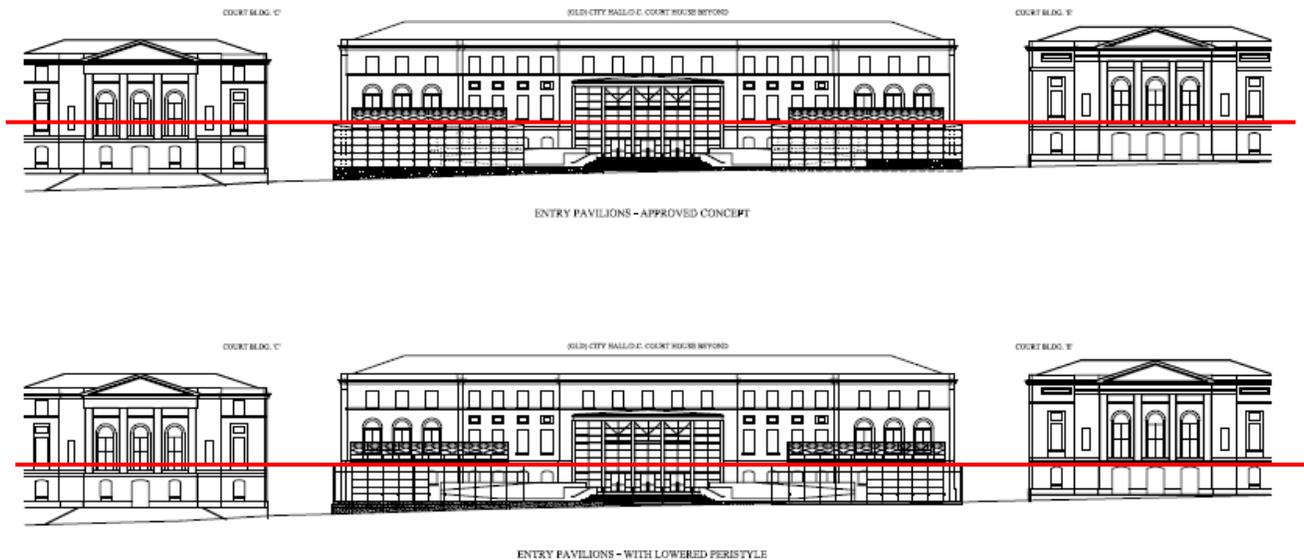
While NCPC procedures do not require an applicant to submit an environmental document at the Concept review stage, an Environmental Assessment is being prepared for this project for preliminary and succeeding stages of review, as required by the Commission's Environmental and Historic Preservation procedures. Staff has reviewed and commented on development of the draft Environmental Assessment, which the Fund indicates will be released for public review and comment following Concept approval. NCPC staff will once again review and comment on the document when it is released to the public. Prior to preliminary approval, the Executive Director must issue a finding on the Environmental Assessment.

National Historic Preservation Act (NHPA)

The Commission is serving as lead federal agency for the provisions of the National Historic Preservation Act. The staffs of NCPC, the D.C. State Historic Preservation Office, and the Commission of Fine Arts, as well as representatives of the Committee of 100 and the D.C. Preservation League, have participated in several consultation meetings over the past several years.

So far, the consultation has resulted in the revised concept design, which shows the improved massing of the pavilions and their alignment in relation to the three court buildings surrounding them. The staff commends the applicants for lowering the cornice height of the pavilions during the consultation; it was a significant step forward in the development of the design.

The applicants have drafted an environmental assessment that incorporates information useful to the Section 106 review. Staff has reviewed and commented on several iterations of the draft, which has not yet been submitted formally to NCPC. The applicants have also drafted potential stipulations for a Memorandum of Agreement for the project. (The Executive Director has found that the placement of pavilions in Judiciary Square would have an adverse effect on Old City Hall and the character of the Judiciary Square architectural and open space setting.)



**Elevations depicting lowering of Museum cornice height relative to adjacent Court buildings**

The project applicants have been creative in researching the site and the history of Judiciary Square. Their team includes an architectural historian and an archaeologist, as well as the architects.

Staff anticipates that the MOA stipulations, when they are finalized, will focus on minimization of the adverse effects through development of the pavilions and their setting. There may also be an educational component showcasing the history of the site.

**CONSULTATION**

NCPC Staff Consultation

NCPC staff met numerous times with the applicant over the course of the past year to resolve issues and offer comments on the proposed design. Staff also met with representatives of the District of Columbia Courts during this time period, co-hosting several meetings of both parties along with staff from the Commission of Fine Arts and the State Historic Preservation Officer. Through this process, staff has been able to nurture several important design improvements, including a skylight design that is flush with the surface of the shared plaza, improvements to the handicapped ramps leading to the Old D.C. Courthouse, and modifications to the design of the Museum entrance pavilions to make them more complementary to the surrounding architecture and precinct.

Most recently, on March 8, 2007, staff met with the applicant and with representatives from CFA and NPS staffs to review the Fund's revised concept submission. The three review staffs made additional comments, which have been reflected in the revised submission for the April

Commission meeting. Staffs of the three review agencies concur that the revised submission strikes an appropriate balance among competing interests in the Judiciary Square area for the architecture and urban design of the Museum and the shared plaza.

#### Coordinating Committee

The Coordinating Committee at its January 10, 2007 meeting reviewed the proposal and forwarded it to the Commission with the statement that the project has been coordinated with all agencies represented. The participating agencies are: NCPC, the District of Columbia Office of Planning, the National Park Service and the General Services Administration.

#### Commission of Fine Arts

The Commission of Fine Arts reviewed and approved the revised concept plan for the National Law Enforcement Museum pavilions and surrounding shared plaza on October 19, 2006 citing concerns about coordinating the design of the E Street lay-bys with the proposed perimeter security elements required for the District of Columbia Courts. The location of the required perimeter security line, and its relationship with the E Street lay-bys, was coordinated through the Judiciary Square Master Plan, approved by NCPC on April 4, 2005. The approved security line sits south of the E Street sidewalk, across the sidewalk from the E Street lay-bys.