

NATIONAL CAPITAL PLANNING COMMISSION

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COMMISSION MEETING

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OPEN SESSION

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Monday,  
October 26, 2009

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The meeting came to order at 12:30  
p.m. in Suite 500 of the National Capital

Planning Commission headquarters at 401 9th  
Street, NW, Washington, DC, Preston Bryant,  
Chairman, presiding.

PRESENT:

PRESTON BRYANT, Chairman

PETER MAY, Department of the Interior

ROBERT E. MILLER, Council of the District of  
Columbia

JENNIFER STEINGASSER, Office of the Mayor of  
the District of Columbia

ARRINGTON DIXON, Mayoral Appointee

MICHAEL S. MCGILL, GSA

HERBERT F. AMES, Presidential Appointee

RALPH NEWTON, Department of Defense

JOHN M. HART, Presidential Appointee

STACIE S. TURNER, Mayoral Appointee

ELYSE GREENWALD, U.S. SENATE

NCPC STAFF:

MARCEL C. ACOSTA, Executive Director

DAVID W. LEVY, Director, Urban Design and  
Plan Revue

DEBORAH B. YOUNG, Secretariat

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Martin Luther King, Jr. National  
Memorial, Tidal Basin, West  
Potomac Park - Revised Perimeter  
Security

1 P-R-O-C-E-E-D-I-N-G-S

2 (12:33 p.m.)

3 CHAIRMAN BRYANT: Good afternoon.

4 Let's bring the meeting to order, and this is  
5 the October 26 meeting, special meeting of the  
6 National Capital Planning Commission. Before  
7 we get started, would you rise and join me  
8 with the Pledge of Allegiance?

9 (Whereupon, the participants  
10 recited the Pledge of Allegiance.)

11 We do have a quorum. If there is  
12 no objection, we will proceed as the order of  
13 business with the agenda that you have before  
14 you, which has been posted and advertised.

15 There are only two items on the agenda today.

16 [INSERT - AGENDA]

1                   CHAIRMAN BRYANT: One is my  
2 report, which has one item, and then we will  
3 move into the principal reason, to look at the  
4 -- to consider the revised perimeter security  
5 for the Martin Luther King, Jr. National  
6 Memorial.

7 REPORT OF THE CHAIRMAN

8                   The first item on the agenda, the  
9 report of the Chairman, I'd like to announce  
10 today that I am forming what we'll call the  
11 Tenth Street Southwest Quarter Task Force.  
12 The purpose of it is to advance the planning  
13 and implementation of the National Capital  
14 Planning Commission's long-range vision for  
15 the redevelopment of the Tenth Street Corridor  
16 into a national showcase of sustainability and  
17 a distinguished workplace, cultural hub, and  
18 visitor's destination.

19                   The Tenth Street Corridor was  
20 identified in the Monumental Core Framework  
21 Plan as a cornerstone strategy to position the  
22 overlook as a nationally significant cultural

1 destination and a physical and symbolic link  
2 between the downtown area, the National Mall,  
3 and the waterfront.

4           Currently, there is a disconnected  
5 street grid, massive scale of Tenth Street,  
6 and large single use office buildings.  
7 Together, they hinder mobility, obstruct  
8 vistas, and suppress commercial activity and  
9 give the impression of the area being  
10 isolated.

11           Transforming the Tenth Street  
12 Corridor will require close coordination among  
13 the federal and District officials and private  
14 property owners. The primary role of the task  
15 force will be to assess the feasibility of  
16 redeveloping the Tenth Street Corridor and to  
17 develop recommendations that will coordinate  
18 and prioritize improvements to transform the  
19 Corridor into a sustainable, walkable, and  
20 inviting mixed-use urban center.

21           I will chair the task force, and  
22 I've asked a number of Commission members to

1 join me. From the presidential ranks will be  
2 Mr. Hart and Ms. Turner from the mayoral  
3 appointees, and Mr. McGill, I think, will be  
4 on it, Mr. May, Ms. Tregoning, so some of us  
5 here will take an active role.

6 Bill Dowd and Elizabeth Miller  
7 from the Commission staff will support our  
8 work, and we hope to have the first meeting in  
9 mid-November, and we will probably meet once  
10 a month or once every other month, I think,  
11 for much of the year, and we will especially  
12 meet when there are important milestones or  
13 deliverables to be considered. So there is a  
14 memo that the Commission members have, and we  
15 will proceed in short order.  
16 [INSERT - MEMO RE 10TH STREET CORRIDOR]

1                   CHAIRMAN BRYANT: The second item  
2 on the agenda -- first of all, are there any  
3 questions or comments from Commission members?  
4 Okay.

5                   The second item on the agenda is  
6 the revised perimeter security for the Martin  
7 Luther King, Jr. National Memorial, and we  
8 have Mr. Shane Dettman from the NCPC staff to  
9 walk us through the facts.

10 Martin Luther King, Jr. National Memorial,  
11 Tidal Basin, West Potomac Park -  
12 Revised Perimeter Security

13                   MR. DETTMAN: Good afternoon, Mr.  
14 Chairman and members of the Commission. The  
15 National Park Service has submitted a revised  
16 Perimeter Security Plan for the Martin Luther  
17 King, Jr. National Memorial and seeks  
18 preliminary and final approval from the  
19 Commission. NCPC is reviewing this project  
20 pursuant to the legislation authorizing the  
21 construction and the location of the memorial,  
22 as well as the Commemorative Works Act.

1           The project site is located on the  
2 National Mall within West Potomac Park at the  
3 northwest edge of the Tidal Basin. Here is a  
4 closer look at the project site. The location  
5 of the future memorial is indicated by this  
6 red star. The site is generally bound by  
7 Independence Avenue on the north, the Tidal  
8 Basin on the south and the east, and the West  
9 Potomac Park polo grounds on the west.

10           You also see in this diagram some  
11 of the other memorials that exist in close  
12 proximity, including the Lincoln, World War  
13 II, the Korean War, as well as the D.C. World  
14 War I Memorial, all to the north. The FDR  
15 Memorial is located to the south and the  
16 Jefferson Memorial located here, across the  
17 Tidal Basin to the southeast.

18           At its September 2008 meeting, the  
19 Commission approved the preliminary and final  
20 site and building plans for the Martin Luther  
21 King, Jr. National Memorial, except for the  
22 security bollards, because the submitted

1 threat assessment information was inconclusive  
2 in supporting the need for perimeter security  
3 at the memorial.

4           The Commission also noted that if  
5 the National Park Service returned to the  
6 Commission with a subsequent perimeter  
7 security plan that additional environment  
8 information analyzing the impacts of perimeter  
9 security on the memorial and West Potomac Park  
10 would be helpful in the Commission's decision-  
11 making.

12           Finally, the Commission  
13 disapproved the design and location of the  
14 donor recognition wall within the visitor  
15 support building, because it was in violation  
16 of the Commemorative Works Act and not in  
17 compliance with NCPC's policies on donor  
18 recognition.

19           In response to the Commission's  
20 request, the applicant has removed this  
21 particular element from the project. In  
22 addition, the National Park Service has

1 submitted additional threat assessment  
2 information and environmental information to  
3 support the revised perimeter security plan  
4 that is before you today.

5           This image shows the overall site  
6 plan for the memorial as previously proposed.  
7 You can see the line of security bollards that  
8 was proposed across the memorial's forecourt.  
9 At the two side entranceways to the memorial,  
10 both in the northeast and in the southwest,  
11 four bollards were proposed there, and again  
12 you see the memorial's forecourt with the  
13 eight bollards across the forecourt there near  
14 the Mountain of Despair.

15           This is a closer look at the  
16 previous security plan. You see the eight  
17 bollards here, proposed to be located four  
18 feet apart from one another, and approximately  
19 37 feet away from the Mountain of Despair.

20           In pursuing a revised perimeter  
21 security plan, the National Park Service  
22 worked closely with the Martin Luther King,

1 Jr. National Project Foundation to develop a  
2 plan in accordance with NCPD's National  
3 Capital Urban Design and Security Plan  
4 objectives and policies, which were adopted by  
5 the Commission in May 2005. In so doing, the  
6 revised plan takes into account a number of  
7 design considerations, some of which are  
8 listed here before you.

9           They include implementing a  
10 landscape solution that effectively conceals  
11 the security elements, similar to what's been  
12 accomplished at the Washington Monument,  
13 enhancing the memorial's entry sequence,  
14 preserving significant or historic use sheds  
15 both into and out of the forecourt, minimizing  
16 the bollard count, responding to pedestrian  
17 circulation patterns, and selecting materials  
18 that are already part of the memorial design.

19           Other considerations made by the  
20 applicant include strategically placing  
21 architectural elements, providing a barrier  
22 from -- providing a buffer from nearby traffic

1 noise, and locating security elements inside  
2 the sidewalk and along the perimeter of the  
3 memorial.

4           During the design process, the  
5 applicant considered several design approaches  
6 to security the memorial's entry forecourt,  
7 partly in response to comments made by the  
8 Commission to explore ways to incorporate  
9 additional seating and shade into the revised  
10 perimeter security plan. These approaches  
11 include a number of different scenarios  
12 involving benches, bollards, trees, and  
13 planters.

14           After considering the pros and  
15 cons of each approach and with the input of  
16 the U.S. Commission of Fine Arts, the  
17 applicant identified the approach shown at the  
18 top left of this slide as the one to develop  
19 further and analyzed in a revised  
20 environmental assessment. This design  
21 utilizes a combination of retaining walls,  
22 bollards, and a depressed planter at the

1 entrance to the forecourt to provide the  
2 requisite level of perimeter security.

3           This image shows the overall site  
4 plan of the memorial, including the revised  
5 perimeter security plan. We have at the  
6 northeast side entrance, as well as the  
7 southwest side entrance -- we still have four  
8 bollards proposed for each of those entrances,  
9 and at the forecourt, instead of the line of  
10 bollards as previously proposed, you see here  
11 the depressed planter located at the entrance  
12 to the memorial forecourt, as well as bollards  
13 along this side of the planter and along the  
14 south side of the planter.

15           We'll take a closer look at that.  
16 Here we see the proposed planter containing  
17 some vegetation, as well as a couple trees.  
18 The pedestrian entrance to the east of the  
19 planter will contain two bollards. The  
20 entrance to the south of the planter will  
21 contain three bollards, and, again, the row of  
22 bollards has been replaced with the planter,

1 which moves the vehicle barrier out away from  
2 the Mountain of Despair and is approximately  
3 125 feet from that element.

4           This is a -- this is a slide  
5 showing comparison of the September 2008  
6 proposed plan and then the revised perimeter  
7 security plan over here on the right. The  
8 difference in the location of the vehicle  
9 barrier is shown by this red line, and, again,  
10 in contrast to the previous plan, the revised  
11 design extends the barrier line out away from  
12 the Mountain of Despair towards the  
13 intersection of Independence Avenue and West  
14 Basin drive, however, keeping all of the  
15 security elements on the inside edge of the  
16 sidewalk.

17           These two diagrams here show the  
18 site plan of the proposed planter containing  
19 two American elm trees. You can see the two  
20 bollards located here and the three bollards  
21 to the south of the proposed planter.

22           On the right, we see the proposed

1 planter with the trees removed simply for  
2 illustration purposes, and the numbers on this  
3 diagram indicate both the elevation of the top  
4 of the planter wall, as well as the actual  
5 height of the planter wall above the sidewalk.

6           The height of the wall above the  
7 sidewalk will actually range between one foot,  
8 three inches, which will take place along West  
9 Basin Drive, and two foot, three inches, which  
10 will take place along the backside of the  
11 planter, which faces the memorial forecourt.

12           The backside wall of the proposed  
13 planter is a consistent two foot, three  
14 inches, which essentially sets up a vehicle  
15 barrier line across that well. The grade  
16 within the planter will actually be sloping  
17 down away from the intersection of  
18 Independence and West Basin Drive in the  
19 direction of the back wall of the planter,  
20 which will expose a 36-inch barrier wall along  
21 that side.

22           Here we see a cross-section of the

1 proposed planter taken from Independence  
2 Avenue looking south. This would be West  
3 Basin Drive on this side. This would be the  
4 pedestrian side entryway to the other side of  
5 the planter.

6           As you can see, the grade actually  
7 slopes down inside the depressed planter,  
8 exposing that vehicle barrier wall along the  
9 backside, and this cross-section corresponds  
10 to the two images on the right, which show  
11 details fo the planter wall. So here we see  
12 at A the wall is at two foot, three inches  
13 high. At B, it's one foot, three inches high.

14           However, the top profile of the  
15 wall, no matter what the location, is a  
16 consistent two foot, 11 inches across the top.  
17 The walls have been designed in order to be --  
18 to utilize the same type of polished granite  
19 that's used in the retaining walls around the  
20 landscape berm, as well as their profile has  
21 been designed to match, as you can see here,  
22 match the points of the perimeter walls that

1 surround the berms, as well.

2           The type of tree to use within the  
3 planter was the subject of much discussion  
4 during the design and consultation process,  
5 and the applicant ultimately decided to go  
6 with the American elm tree, as opposed to  
7 utilizing cherry trees.

8           The planter will have two elm  
9 trees located -- spaced 30 feet apart. This  
10 would be consistent in the tree type with the  
11 street trees, American elms. The street trees  
12 along West Basin Drive and Independence are  
13 actually spaced 37 feet apart.

14           The two primary reasons why the  
15 applicant selected the American elm is because  
16 they're more reflective of the historic  
17 pattern, historical pattern of tree canopy in  
18 this area with larger elm trees along the  
19 street and smaller flowering cherry trees in  
20 the background as you work your way towards  
21 the Tidal Basin, and they were also selected  
22 for their higher branching pattern.

1           As can be seen in this photo here,  
2 the higher vase-like branching pattern of the  
3 American elm tree will provide some nicely  
4 framed views of the Mountain of Despair as  
5 visitors approach the memorial from crossing  
6 Independence Avenue, as long as -- as well as  
7 along Independence Avenue.

8           This shows a detail of the bollard  
9 that's being proposed. There are going to be  
10 -- they are designed to be consistent with  
11 some of the materials that already have been  
12 incorporated into the memorial. They're going  
13 to have a metallic bronze finish. They're  
14 going to be constructed to a height above the  
15 sidewalk of three foot, six inches.

16           They'll have a base diameter of  
17 ten and one-half inches, a top diameter of  
18 five and one-half inches, and, as I previously  
19 stated, the spacing between the bollards is  
20 actually an increase from what's previously  
21 proposed, from four feet to four foot, eight  
22 inches between bollard and bollard. The

1 spacing between a bollard and the side  
2 retaining wall such as the berm or the planter  
3 wall is four feet, four inches.

4           So this is a detail of the  
5 bollards proposed by the planter. Up here at  
6 the pedestrian entryway to the east of the  
7 planter, that entryway is 13 foot, four  
8 inches. It will require four bollards and,  
9 again, between the bollards is four foot,  
10 eight inches, and the space between the wall  
11 and the bollard is four foot, four inches.  
12 You see the three bollards to the south of the  
13 planter. That entryway is actually 18 feet  
14 wide.

15           This diagram shows the two side  
16 entryways to the memorial. They're both 22  
17 feet, eight inches wide and will require four  
18 bollards each.

19           This next demonstration is a short  
20 movie that's been prepared by the applicant to  
21 give you a sense of what the revised perimeter  
22 security plan will look like at the memorial

1 forecourt. So here we see the planter inside  
2 the sidewalk at the top of the forecourt.  
3 This is driving along Independence Avenue. We  
4 see the planter here and the high branching of  
5 the elm trees.

6           This is crossing Independence  
7 Avenue from the north and again along the  
8 sidewalk, making your way into the pedestrian  
9 entryway and down the forecourt. Here is the  
10 18-foot pedestrian entranceway on West Basin  
11 Drive, and this is making your way out of the  
12 memorial towards West Basin Drive, and,  
13 finally, out of the memorial towards  
14 Independence Avenue.

15           The staff's analysis focused on  
16 the potential impacts the revised perimeter  
17 security plan would have on public space and  
18 pedestrian accessibility, visitor use and  
19 experience, the National Mall and West Potomac  
20 Park, and the overall design of the memorial.

21           Regarding impacts to public space  
22 and pedestrian accessibility, the revised

1 perimeter security plan reinforces the  
2 importance of keeping public space open and  
3 accessible by seamlessly integrating the  
4 security elements into the design of the  
5 memorial and locating them entirely behind the  
6 sidewalk and out of public space.

7           Placement of the perimeter  
8 security elements behind the sidewalk will  
9 help keep the intersection of Independence  
10 Avenue and West Basin Drive, as well as the  
11 main pedestrian approach points at the bus  
12 drop-off area, as well as the visitor support  
13 building crosswalk free of unnecessary  
14 obstructions.

15           Staff find that although the  
16 planter is located in an area that will likely  
17 receive high pedestrian volume, the width of  
18 the entryways on either side of the planter  
19 and the clear site lines across the planter  
20 will continue to provide a safe environment  
21 for all pedestrians to pass in and out of the  
22 memorial.

1                   Furthermore, as opposed to the  
2 previous proposal, staff finds that the  
3 increased distance between the barrier line  
4 and the Mountain of Despair will keep the  
5 forecourt area that is closest to the  
6 memorial's main plaza free of obstruction.  
7 Staff finds that the revised perimeter  
8 security plan will not detract but will rather  
9 enhance visitor use and experience.

10                   The planter wall and elm trees  
11 will provide additional shade and informal  
12 seating where visitors can rest within the  
13 forecourt, and the higher branching pattern of  
14 the elm trees will provide framed views of the  
15 Mountain of Despair, adding an element of  
16 anticipation and drama to the visitor's  
17 experience of entering the memorial.

18                   Staff's analysis did not identify  
19 any adverse impacts caused by the revised  
20 perimeter security plan. Staff has determined  
21 that the use of the taller elm trees will  
22 relate well to the historical planting in this

1 area and of the National Mall and that the elm  
2 trees, along with other plantings throughout  
3 the memorial, will likely partially screen the  
4 memorial's forecourt and reduce the visual  
5 impacts on other adjacent memorials while  
6 still maintaining a relationship with those  
7 memorials and the adjacent historic landscape.

8           In contrast to the previous  
9 proposal, the revised plan is much more  
10 sensitive to the significance of the  
11 memorial's design. First, placing trees  
12 within the memorial forecourt actually  
13 reintroduces an aspect of the winning entry  
14 from the 2000 design competition, as well as  
15 the Commission's original concept approval in  
16 2005.

17           Use of a depressed planter has  
18 eliminated the need to install a line of  
19 security bollards that would effectively  
20 divide the space intended to symbolically and  
21 physically bring people together. Use of the  
22 planter has also reduced the number of

1 security bollards necessary at the forecourt  
2 entrance, and its depth will allow it to be  
3 consistent in height and detailing as the rest  
4 of the memorial.

5           The elm trees will provide the  
6 forecourt with some enclosure that will add to  
7 the contemplative nature of the space while  
8 still maintaining a visual connection out to  
9 the surrounding landscape and preserving views  
10 toward the Lincoln and Jefferson Memorials.

11           Finally, the location of the  
12 security elements along the perimeter, away  
13 from the main plaza of the Mountain of  
14 Despair, will respect the symbolism,  
15 significance, and message of the primary  
16 elements of the memorial.

17           Staff finds that with regards to  
18 the comprehensive plan, the project  
19 successfully carries out the policies within  
20 the visitor and federal workforce elements.  
21 These elements contain policies and encourage  
22 the Federal Government to balance the needs of

1 security with visitor accessibility by  
2 ensuring that federal attractions provide  
3 visitors safety while remaining accessible and  
4 esthetically pleasing, to encourage the  
5 inclusion of security needs into the design of  
6 buildings, streetscapes, and landscapes in a  
7 manner that enhances and beautifies the public  
8 realm and does not excessively restrict or  
9 impede operational use of sidewalks and to the  
10 design security to respond to site-specific  
11 conditions and to the design barriers that  
12 complement and enhance the character of an  
13 area and respect the historic context.

14           Staff has also analyzed the  
15 revised perimeter security plan against the  
16 Commission's National Capital Urban Design and  
17 Security Plan objectives and policies. These  
18 policies were adopted by the Commission in May  
19 2005 and address important planning and design  
20 issues that applicants should consider when  
21 designing physical perimeter security.

22           Staff finds that the project

1 effectively carries out these objectives and  
2 successfully balances the need for perimeter  
3 security with the need to protect public  
4 space. As stated earlier, at its September  
5 2000 meeting, the Commission noted that if the  
6 Park Service returned to the Commission with  
7 a subsequent perimeter security plan,  
8 additional environmental information analyzing  
9 the impacts of perimeter security on the  
10 memorial and West Potomac Park, it would be  
11 helpful in the Commission's decision-making.

12           In September 2009, the National  
13 Park Service completed a revised environmental  
14 assessment that analyzed two alternatives, a  
15 no-action alternative and an alternative to  
16 construct the memorial, including the revised  
17 perimeter security plan. Staff has reviewed  
18 the revised EA to identify environmental  
19 impacts created by the addition of perimeter  
20 security into the memorial. On October 23,  
21 2009, the Executive Director made a finding of  
22 no significant impact for the proposed

1 perimeter security plan for the Martin Luther  
2 King, Jr. National Memorial.

3 NPS determined that the memorial  
4 would have adverse effects and consulted with  
5 agencies and consulting parties to minimize  
6 and avoid them. An MOA was signed in August  
7 of 2008, prior to the Commission's review of  
8 last September. The MOA identified design  
9 issues that might require additional  
10 consultation, especially the recent  
11 introduction of security barriers.

12 NPS resumed consultation with the  
13 parties this summer and presented and  
14 discussed the revised perimeter security plan  
15 on August 25. NPS subsequently determined  
16 that the revised plan did not create any new  
17 or intensified adverse effects from those  
18 earlier identified.

19 The memorial required NPS to  
20 conclude consultation with a final comment  
21 period. The District of Columbia State  
22 Historic Preservation Office, the Advisory

1 Council on Historic Preservation, the National  
2 Trust for Historic Preservation, and NCP  
3 concurred with NPS's determination of no new  
4 or intensified adverse effects.

5           The National Coalition to Save Our  
6 Mall, however, objected to the writing --  
7 objected in writing on October 22, 2009,  
8 saying that the planter does add new or  
9 intensified adverse effects. NPS met with the  
10 Coalition to attempt to resolve their concerns  
11 and then referred the objection to the  
12 Advisory Council.

13           The Advisory Council did not agree  
14 with the Coalition's objections and, in fact,  
15 stated that the planter minimizes the adverse  
16 effect of the perimeter security. The Council  
17 recommended to the National Park Service to  
18 proceed with the final plans, subject to NCP  
19 review and approval. Letters from the  
20 Coalition and the Advisory Council have been  
21 provided to you, and they are at your places.

22           The Executive Director's

1 recommendation to the Commission notes that  
2 pursuant to the Commission's September 2008  
3 request, the applicant has supplemental threat  
4 assessment information to demonstrate the need  
5 for perimeter security at the memorial.

6           They have submitted additional  
7 environmental information regarding the  
8 potential impacts of the revised perimeter  
9 security plan on the memorial, the National  
10 Mall, and West Potomac Park and has removed  
11 the donor recognition wall from the visitor  
12 support building to comply with the  
13 Commission's September 2008 action.

14           The Executive Director commends  
15 the National Park Service for modifying the  
16 perimeter security plan to respond to the  
17 Commission's policies that govern perimeter  
18 security projects and therefore recommends  
19 approval of the preliminary and final revised  
20 perimeter security plan for the Martin Luther  
21 King, Jr. National Memorial, noting that the  
22 revised plan has been modified in accordance

1 with the National Capital Urban Design and  
2 Security Plan objectives and policies adopted  
3 by the Commission in May 2005.

4 Mr. Chairman, that concludes my  
5 presentation, and I am available to answer any  
6 questions you might have.

7 [INSERT - STAFF RECOMMENDATION]

1                   CHAIRMAN BRYANT: Thank you, Mr.  
2 Dettman.

3                   Are there any questions for Mr.  
4 Dettman from Commission members?

5                   Ms. Tregoning.

6                   COMMISSIONER STEINGASSER: Mr.  
7 Dettman, you talked about some of the ways in  
8 which this new design actually enhances the  
9 approach to the memorial itself, and you  
10 talked about the seating. Can you -- can you  
11 look at that, go back to that site again, and  
12 talk to me about the seating? I'm interested  
13 in the beveled edge of the planter and whether  
14 that's actually suitable for seating.

15                  MR. DETTMAN: Certainly. Let me  
16 take you back to the cross-section so we can  
17 take a look at that. Here we go.

18                  COMMISSIONER STEINGASSER: Yes.

19                  MR. DETTMAN: When the -- when the  
20 idea to do a depressed planter at the entrance  
21 to the forecourt first came up in consultation  
22 with the U.S. Commission of Fine Arts, the

1 idea of doing informal sitting but not  
2 necessarily seating was recommended by the  
3 Commission of Fine Arts.

4           There was a design proposed that  
5 actually increased the top profile of the  
6 wall. However, through consultation with the  
7 parties, as well as CFA, they felt that it was  
8 more important to actually match the profile  
9 of the walls that had been designed and  
10 approved around the landscape berms than it  
11 was to have a different design there.

12           So, essentially, it's informal  
13 seating. You can lean. You can sit. There  
14 is enough room to sit on top of the top  
15 profile of the wall, but, again, it's not  
16 actually being considered as formal seating,  
17 designed seating.

18           COMMISSIONER STEINGASSER: And the  
19 distance -- like, so let's say you're an  
20 elderly person coming to this wonderful  
21 memorial, and it's a long walk from wherever  
22 you're coming from. So you have to kind of

1 lean back over this -- you either can lean  
2 against the beveled edge, or you have to  
3 somehow hoist yourself onto the flat part to  
4 be able to actually sit?

5 MR. DETTMAN: I would not say that  
6 you would have to hoist yourself up on here.  
7 I believe that, you know, if this was a  
8 squared-off corner, yes, you can sit on that  
9 edge.

10 However, the distance between --  
11 you know, this dimension right here is not --  
12 it might be looking further than what it is,  
13 but it's really not all that far. You could  
14 actually back up to this and sit, and you  
15 would end up on top of the wall. You wouldn't  
16 have to hoist yourself up on the wall.

17 COMMISSIONER STEINGASSER: What is  
18 that distance? Do you know? Can you tell  
19 from your drawing there?

20 MR. DETTMAN: I can't tell from the  
21 drawing, but we can get that for you.

22 COMMISSIONER STEINGASSER: Okay.

1 That's what I'm concerned about. I mean, when  
2 -- for many people who were contemporaries of  
3 Reverend King, this is going to be a very  
4 important monument and a very important place  
5 to visit, and I actually really like the  
6 improvements that were made and how it  
7 heightens the sense of anticipation.

8 I think the forecourt is much more  
9 beautiful with this improvement, but I also  
10 think it would be a very natural thing to  
11 pause under the shade of the elm trees and  
12 look, you know, look into the memorial and  
13 pause and think about what a long journey it  
14 has been before you walk into the memorial,  
15 and I just think that would be a very natural  
16 place for people, you know, to literally sit,  
17 and the more that we could accommodate that,  
18 I think, the better, at least on that edge  
19 that faces the memorial itself.

20 COMMISSIONER MAY: Mr. Chairman, an  
21 I just add one point? The original design for  
22 the planter didn't really allow for seating at

1 all, and it was actually modified in order to  
2 incorporate that flat surface, and, again,  
3 that was in response to the comments from the  
4 Commission of Fine Arts, who expressed the  
5 need to have the ability to sit but not  
6 seating, per se.

7           And so what the designers tried to  
8 do here is strike a balance between having it  
9 work well with the rest of the memorial and  
10 then to incorporate that seating area, and  
11 this is where it wound up, so I think that  
12 there was -- there is a -- there was a desire  
13 to try to accommodate that seating in the  
14 process.

15           COMMISSIONER STEINGASSER: If do  
16 you feel confident, Mr. May, that that is  
17 accommodated, that an elderly person would be  
18 able to sit?

19           COMMISSIONER MAY: It certainly  
20 could be more accommodating for people to sit  
21 on it. It's not going to be the most ideal  
22 place to sit, but there are other places to

1 sit within the memorial itself, so it's a  
2 matter of striking the right balance. You  
3 wanted to, again, have a place where people  
4 could rest but not necessarily sit for long  
5 periods.

6 CHAIRMAN BRYANT: Mr. Ames?

7 COMMISSIONER AMES: Would you bring  
8 that picture back up? In the drawing in A, it  
9 shows a distance from the corner of the  
10 slanted part to the back of the wall to be two  
11 feet, 11 inches, correct? Well, just taking  
12 a little bit of a stab at a guess, I would  
13 guess that that slanted part on the back's  
14 probably about six inches, so you're bringing  
15 it back to two feet, five inches deep. Is  
16 that correct?

17 MR. DETTMAN: That would be my  
18 guess, too.

19 COMMISSIONER AMES: Well, you know,  
20 to me, I'm trying to figure in my mind. To  
21 me, that's a very short distance, and I  
22 personally think, by looking at it and

1 visualizing what I see there, that although  
2 it's not made for long-term seating -- I don't  
3 think that was what it was designed for,  
4 either -- I think the height and depth of it  
5 are very easily used to sit if you want to.

6 I think it takes a little  
7 imagination to figure out the distances there  
8 that are shown, and they're not long  
9 distances. I can't imagine having to hoist  
10 yourself up, unless you were a child, maybe,  
11 but I commend the design of that wall. I  
12 think you've done a great job. Rather than  
13 just having a wall that would not be used at  
14 all, going to something that could be used I  
15 think is very good.

16 COMMISSIONER MCGILL: Mr. Chairman?  
17 I've got a couple of questions. One, you  
18 stated something in your analysis about the  
19 tree screen would help screen the vista of the  
20 memorial from other memorials and thereby  
21 reduce its impact on those memorials, and I  
22 can't -- except for perhaps the World War I

1 memorial, I can't imagine where that would be  
2 applicable. I'm curious what made you reach  
3 that conclusion.

4 MR. DETTMAN: Well, I think the  
5 World War I Memorial is certainly one of the  
6 considerations. I think in my comments I had  
7 mentioned that it would lessen the visual  
8 impact on memorials that are in close  
9 proximity, as well as the surrounding historic  
10 landscape.

11 I think without the proposed  
12 planter, the design has a very wide open  
13 forecourt that actually creates visual impacts  
14 on the surrounding historic landscape and also  
15 kind of the historic -- the surround historic  
16 landscape actually presents a few impacts on  
17 the memorial itself.

18 I think by having the planter near  
19 the intersection of the top of the forecourt,  
20 it lessens the visual impacts caused by the  
21 memorial on the surrounding historic landscape  
22 and then gives that forecourt a little bit

1 more enclosure so that once inside the  
2 forecourt, you can kind of disconnect yourself  
3 from the surrounding historic landscape and  
4 actually start to experience the memorial.

5 COMMISSIONER MCGILL: Okay. The  
6 second question is about the elm trees. I'm  
7 curious how long they will have to be in place  
8 before they achieve the size and the clear  
9 area beneath them that you depict in the  
10 drawings.

11 MR. DETTMAN: I wouldn't be able to  
12 tell you an exact time. I do know that when  
13 the design was presented and approved by the  
14 Commission of Fine Arts, they conditioned  
15 their approval on the largest possible tree at  
16 the time of planting. I think they said a  
17 minimum of eight-inch caliper in order to --  
18 in order to give the sense of a mature  
19 landscape as soon as possible.

20 COMMISSIONER MCGILL: Okay.

21 CHAIRMAN BRYANT: Other questions  
22 for Mr. Dettman?

1 COMMISSIONER DIXON: Mr. Chairman?

2 CHAIRMAN BRYANT: Mr. Dixon?

3 COMMISSIONER DIXON: I just wanted  
4 one comment on the seating again. As you all  
5 know, I have had a mantra for the last few  
6 years that we try to make these barriers as  
7 useful and functional as possible, and I hope  
8 that the calculations made by my colleague  
9 here are correct that it will be seating --  
10 that it will be useful to people of all ages,  
11 but I think that there's been a lot of  
12 thinking that's gone into this, and I feel  
13 comfortable that that will be the case when  
14 it's done. Thank you.

15 CHAIRMAN BRYANT: Mr. Newton?

16 COMMISSIONER NEWTON: Mr. Chairman,  
17 is there a representative from the designer  
18 here that could address the seating and the  
19 angle on the -- and whether or not they've  
20 actually tried to place a human form on that  
21 and see where the legs strike the angle?

22 MR. KESSLER: Ron Kessler

1 representing MTTG on behalf of the Foundation.  
2 To answer your question about the seating and  
3 the two foot, three, I think it's important to  
4 understand that two foot, three is at the  
5 worse condition along the back of the -- back  
6 of the wall that faces the memorial.

7           As it wraps around and comes down  
8 toward the Independence Avenue side, it  
9 gradually gets lower, and as you're facing  
10 Independence Avenue, it's one foot, three  
11 above the sidewalk, as you can see in B, so I  
12 think the opportunity to have seating or be  
13 able to sit or, as one of the Fine Arts  
14 Commission members used the word "perch" on  
15 this wall, as opposed to have a formal seating  
16 -- I think that there are other opportunities  
17 as you get around the Independence Avenue.

18           Certainly one foot, three is lower  
19 than just a standard -- the chairs that you're  
20 sitting in are probably about 18 inches off  
21 the ground or a little bit more than that, so  
22 as it wraps around toward the forecourt side,

1 it gradually gets taller, so the opportunities  
2 for sitting around the Independence Avenue  
3 side and as you get closer to the bollards  
4 certainly is going to be accommodating for  
5 individuals to sit on.

6 COMMISSIONER STEINGASSER: I think,  
7 actually, I mean, if you were going to guess  
8 where people would sit, don't you think that  
9 the forecourt facing edge is the best seat in  
10 the house, so, you know, if you wanted to  
11 think about it that way, that that's where  
12 you'd be most likely to want to sit or perch?  
13 And I am just concerned.

14 I mean, I understand wanting to  
15 match the edges, but maybe even the angle and  
16 the width of the bevel is something that could  
17 change along that long edge to, you know, to  
18 make it easy for someone to take a moment to  
19 contemplate and anticipate entering into this  
20 memorial. That's what I'd be interested in.

21 MR. KESSLER: I agree that the side  
22 near the forecourt is where you can view the

1 Mountain of Despair. The only dimension on  
2 here that is one that cannot change is the two  
3 foot, three, because that's basically the one  
4 foot depression, plus the two foot, three  
5 gives you the three foot, three for the  
6 security requirement.

7 COMMISSIONER STEINGASSER: The  
8 other dimension would change.

9 MR. KESSLER: They could.

10 CHAIRMAN BRYANT: Additional  
11 questions? All right. Thank you very much.  
12 Mr. Dettman, do you have anything else? Okay.  
13 Thank you.

14 The applicant before us is the  
15 National Park Service on behalf of the Martin  
16 Luther King, Jr. National Memorial Project  
17 Foundation, Incorporated. We have at least  
18 two speakers here today from the applicants  
19 proper, Mr. Tom Strickland, who is the  
20 Assistant Secretary of Interior for Fish,  
21 Wildlife, and Parks, and Mr. John Jarvis, who  
22 is the Director of the National Park Service.

- 1 I would invite the first of them to come
- 2 forward at this time and identify yourself.
- 3 [INSERT - REGISTERED SPEAKERS]

1                   MR. STRICKLAND: Thank you, Mr.  
2 Chairman and members of the Commission. On  
3 behalf of Secretary Salazar, let me thank you  
4 for your work that precedes this new  
5 administration's time by many years, and we  
6 recognize the historic nature of this project,  
7 how important it is to the citizens of this  
8 country, and we greatly appreciate, Mr.  
9 Chairman, the willingness of the Commission to  
10 work, particularly over the last few months  
11 and weeks and even days as we have dealt with  
12 certain time issues, to accelerate your  
13 meeting and accommodate the other  
14 considerations. So we very much appreciate  
15 the courtesy that you and the Commission  
16 extended to the process and to the Department  
17 to accommodate this, so thank you very much on  
18 behalf of Secretary Salazar.

19                   I just would like to say that over  
20 the course of the months and years that this  
21 project has gone forward, it represents a  
22 dream that is very much in the spirit of the

1 person who is being honored. It will be a  
2 remarkable place and will be a great tribute  
3 to a great man's life and legacy and add  
4 immeasurably to the area that you all have  
5 such an important role in overseeing.

6           Secretary Salazar is deeply  
7 committed to this project. He is very much  
8 interested and would look forward, perhaps, at  
9 a future meeting to come and say hello and  
10 pass his greetings on. We're very much aware  
11 of the close working relationship, and, of  
12 course, Mr. May serves as a representative of  
13 the Department, but we very much want to have  
14 as constructive a relationship as we can going  
15 forward, and we think we have one.

16           We are very deeply appreciative of  
17 your good work, and should the Commission move  
18 forward today, that would be, again, a  
19 historic development in the reality of making  
20 this project happen, and then it would be  
21 posed for further steps to be taken even later  
22 this week, so thank you, Mr. Chairman. I'd

1 like to introduce our newly confirmed Director  
2 of the Park Service, John Jarvis.

3           MR. JARVIS: Well, I'll just echo  
4 Assistant Secretary's comments and thank you,  
5 Chairman, thank all of you on the Commission  
6 for your diligence and attention to detail.  
7 I noticed already that you like to really look  
8 at the details of things, as you should, since  
9 you and the National Park Service have these  
10 responsibilities for the extraordinary  
11 landscape that we have here in the nation's  
12 capital.

13           Certainly, this is not the first,  
14 certainly my first, but certainly not the  
15 first time the National Park Service has been  
16 here, and nor will it be the last. We have  
17 big plans for improvements on the National  
18 Mall, which Peter and Peggy O'Dell, our  
19 Regional Director here in the National Capital  
20 Region, are rolling out, and so we'll be back  
21 here. We really appreciate working with you,  
22 and I look forward to doing that personally,

1 as well, so thank you very much.

2 CHAIRMAN BRYANT: Mr. Strickland,  
3 Mr. Jarvis, thank you very much. I'd like to  
4 turn to the public participation part of the  
5 meeting, and we have two people who have  
6 signed up. Each person will be granted five  
7 minutes for remarks, and I would first like to  
8 call on Dr. Ed Jackson of the Martin Luther  
9 King, Jr. National Memorial Project  
10 Foundation. Mr. Jackson, welcome.

11 MR. JACKSON: Yes, sir. Mr.  
12 Chairman, I'd like to give our President and  
13 opportunity to speak in my stead. Mr. Harry  
14 Johnson.

15 MR. JOHNSON: Thank you, Dr.  
16 Jackson. Mr. Chairman, good afternoon.  
17 Commissioners, good afternoon. We believe  
18 this is a honor for us to come --

19 CHAIRMAN BRYANT: Please identify  
20 yourself. I'm sorry.

21 MR. JOHNSON: My name is Harry  
22 Johnson.

1                   CHAIRMAN BRYANT: Mr. Johnson,  
2     welcome.

3                   MR. JOHNSON: I'm the President and  
4     CEO of the Martin Luther King, Jr. Memorial  
5     Project Foundation. We view this as another  
6     step forward to building this wonderful legacy  
7     to Dr. King. We have been working very  
8     diligently for the past 12 years to make this  
9     a reality for the people of America.

10                  We believe that a step forward is  
11     a step in reality to say to the world that we  
12     are living out Dr. King's dream and that when  
13     this memorial is completed, people from all  
14     across this country and, indeed, the world  
15     will see a mall that is as diversified as this  
16     country when we have Dr. King on it.

17                  So we encourage your participation  
18     and your vote with this. We have worked very  
19     hard with this Commission and with others, the  
20     Park Service, to ensure that this is done, and  
21     we've worked very hard with Mr. May to do the  
22     changes for the security for this country, so

1 we encourage your vote to approve this  
2 process. Thank you very much.

3 CHAIRMAN BRYANT: Thank you very  
4 much. The second person signed up to speak is  
5 Dr. Judy Scott Feldman of the National  
6 Coalition to Save Our Mall. As Dr. Feldman is  
7 coming, I would like to thank her for her  
8 diligence in providing comment to us on what  
9 was an unexpectedly tight time frame, so thank  
10 you for that.

11 DR. FELDMAN: Your welcome. Thank  
12 you. Good afternoon, Chairman and  
13 Commissioners. I am Judy Scott Feldman, the  
14 Chair of the National Coalition to Save Our  
15 Mall. The National Coalition to Save Our Mall  
16 fully supports the Martin Luther King Memorial  
17 and execution of it.

18 We find the security an attractive  
19 solution. We would ask please do put seating  
20 so we don't come back in a couple of years and  
21 have to add benches.

22 Our concern regarding the security

1 planter is its configuration in relationship  
2 to the visitor services structure, as we  
3 described in our October 22 letter to the  
4 National Park Service. We hope you have been  
5 able to review our letter, as well as our  
6 October 19 comments on the new environmental  
7 assessment for the project.

8           The Park Service is asking final  
9 approval for the security components alone,  
10 and the Executive Director's report supports  
11 final approval, but we believe this Commission  
12 has a larger responsibility in its decision  
13 today and an opportunity to assert its  
14 planning authority on the longstanding problem  
15 of the proliferation of book stores and  
16 visitor centers on the Mall.

17           Even though the visitor facility  
18 is not before you, it is part of the project  
19 to which you have given inadequate review in  
20 the past. Today you are being asked to add to  
21 the piecemeal approval of this project.

22           As you are aware, the Congress

1 strong -- the Coalition strongly disagrees  
2 with the Park Service decision to include a  
3 house sized structure across the street from  
4 the memorial and visible from within the  
5 contemplative area of the memorial to sell  
6 books and souvenirs, house bathrooms, a ranger  
7 station, and a mechanical room.

8           Not only does this structure  
9 violate the Commemorative Works Act, as we  
10 explained in our comments in the 2009 EA, but  
11 its functions can also be accomplished through  
12 less intrusive means. The need for restrooms  
13 and books can be met more simply, for example,  
14 with a smaller kiosk for pamphlets, books, and  
15 CDs, and by renovating and expanding existing  
16 bathrooms across Independence Avenue without  
17 even coming close to violating the  
18 Commemorative Works Act, or, as with the  
19 Vietnam Memorial visitors center, any new  
20 structure could be required to be built  
21 underground.

22           None of these alternatives are

1 examined in the 2005 or 2009 EA, and they were  
2 not discussed the public consultation meetings  
3 to which all parties, not just Government  
4 agencies, were invited.

5           In our comments on the 2009 EA, we  
6 also point out that the visitor facility  
7 violates NCPC's own policies. Page eight of  
8 the EA states the visitor facility is  
9 consistent with the memorial and museum master  
10 plan. In fact, NCPC advises that these types  
11 of facilities "be limited to only small  
12 information kiosks and restroom facilities and  
13 should not contain buildings or interior  
14 spaces housing exhibits, display collections,  
15 or other interpretive products and programs  
16 normally found in museums, visitor centers, or  
17 education centers."

18           While the National Park Service is  
19 asking the Commission only to review the  
20 security component of the project, we believe  
21 the new 2009 environment document, which  
22 supercedes the 2005 document, requires the

1 Commission to retake its vote on the memorial  
2 and the visitor center.

3 NCPC based its 2008 decision on a  
4 2005 environment document that mentioned the  
5 possibility of a visitor facility but made no  
6 attempt to evaluate its impact on the natural,  
7 cultural, or aesthetic resources of West  
8 Potomac Park and the Mall, as required by the  
9 National Environmental Policy Act.

10 Even the new EA is incomplete, as  
11 it does not show a single elevation of the  
12 structure or evaluate impacts of the visitor  
13 facility on views to and from the memorial,  
14 the open space, and the 100-year flood plain.  
15 Based on the data provided in the EAs, one  
16 could conclude that this is an invisible  
17 building.

18 This Commission could decouple the  
19 visitor facility from the memorial itself, as  
20 it did in 2008 with the security component,  
21 and give final approval to the memorial and  
22 security now, letting the memorial itself move

1 forward. Decoupling the visitor facility  
2 would give the Park Service and the NCPC the  
3 time to revise the new EA, consider  
4 alternatives, and develop and open for comment  
5 its Mall plan, which should be addressing  
6 policy questions of restrooms and visitor  
7 facilities before erect -- before erecting yet  
8 another structure on the Mall.

9 I'd be happy to answer any  
10 questions.

11 [INSERT - FELDMAN WRITTEN TESTIMONY]

1                   CHAIRMAN BRYANT: Thank you. I  
2 would note for the Commission that the  
3 Advisory Council on Historic Preservation has  
4 issued a letter responding to Dr. Feldman's  
5 objections and has recommended that the  
6 National Park Service proceed.

7                   DR. FELDMAN: Excuse me, but I  
8 would point out that that is part of the  
9 National Historic Preservation Section 106  
10 consultation, but it's not NIPA or  
11 Commemorative Works Act. That's why we  
12 understand the Section 106 is complete. Thank  
13 you.

14                   CHAIRMAN BRYANT: Thank you. To  
15 bring the matter properly before the  
16 Commission, I would like to first -- I'm  
17 sorry?

18                   COMMISSIONER MAY: Mr. Chairman,  
19 can I just address some of the comments that  
20 were made?

21                   CHAIRMAN BRYANT: Sure.

22                   COMMISSIONER MAY: The Park Service

1 does not agree, obviously, that the visitor  
2 contact station violates the Commemorative  
3 Works Act. This is a matter that has been  
4 considered very carefully, and this facility  
5 does not constitute a visitors center, and the  
6 Park Service does have internal guidelines for  
7 this.

8           The primary component of visitor  
9 centers, which does not exist in this  
10 building, is that interpretive aspect of it,  
11 the exhibits or audiovisual or other displays  
12 that would -- that would help to interpret the  
13 memorial itself. That's one component of  
14 several that are in a typical visitors center,  
15 but it is probably the most important one, and  
16 it does not exist in this one. This is  
17 restrooms, a bookstore, and a visitor contact  
18 station for a ranger.

19           I would also note that the  
20 existence, the design, the placement of that  
21 facility was very carefully reviewed by the  
22 Commission of Fine Arts and by NCPA last year

1 and was considered to be fully compliant with  
2 the Commemorative Works Act, and both  
3 Commissions moved forward accordingly, and I  
4 think that's about all I would have to say  
5 about that.

6                   CHAIRMAN BRYANT: Thank you, Mr.  
7 May. To bring the matter properly before us,  
8 I would like to call on Mr. Dixon of the  
9 District of Columbia for purposes of a motion.

10                   COMMISSIONER DIXON: Mr. Chairman,  
11 members of the Commission, I'd like to make a  
12 motion to accept the Executive Director's  
13 report and also mention that this is,  
14 obviously, a very symbolic and deeply  
15 important step to recognize Martin Luther  
16 King.

17                   I have had the opportunity to meet  
18 him personally. I was a part of the process  
19 that got the holiday established, and I was  
20 also very active, as you all might know, in  
21 the Commission getting his place where he  
22 spoke in front of the Lincoln Memorial, the

1 exact place, as opposed to the side, and it is  
2 there now.

3           So I've been part of this for many  
4 years. I guess all of us have, quite frankly,  
5 this whole process. I think that it's  
6 particularly significant that the fragile  
7 nature of peace and non-violence be  
8 commemorated on our Mall now. We've done a  
9 lot about war there, which you know I have  
10 concerns about, but this is one that's clearly  
11 about peace and non-violence, which is a very  
12 fragile, fragile component of our society  
13 worldwide.

14           I would like to also express my  
15 appreciation to the citizens and the group  
16 that has been working, the Martin Luther King,  
17 Jr. National Foundation, who have been before  
18 us many times and who have worked hard behind  
19 the scenes doing and accommodating and making  
20 this thing go forward. I wish them well now  
21 and in the future, because work is still to be  
22 done, and I would also clearly recognize our

1 staff for doing all that they've been doing  
2 and particularly the Park Service, who works  
3 with us here and outside of these grounds,  
4 this building, and the staff, and, of course,  
5 the Fine Arts Commission, too. With that  
6 being said, I would like to make a motion.

7 CHAIRMAN BRYANT: Thank you, Mr.  
8 Dixon. I'd like to call on Commissioner  
9 Turner for purposes of a motion.

10 COMMISSIONER TURNER: Second.

11 CHAIRMAN BRYANT: It has been  
12 properly moved and seconded that we approve  
13 the new perimeter plan. It's open for further  
14 discussion. Hearing none, all in favor say,  
15 "Aye."

16 PARTICIPANTS: Aye.

17 CHAIRMAN BRYANT: Opposed, "No."  
18 It's been unanimously approved. Thank you  
19 very much.

20 (Whereupon, the foregoing matter  
21 was adjourned at 1:25 p.m.)

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