

NATIONAL LAW ENFORCEMENT MUSEUM

E Street at Judiciary Square, NW, Washington, D.C.

Finding of No Significant Impact

NOV 29 2007

Pursuant to Section 10 of the Commission's Environmental Policies and Procedures, I have evaluated the preliminary site and building plans for the National Law Enforcement Museum at Judiciary Square in Washington, D.C., as shown on NCPC Map File No. 00.00(73.10)-42421.

I find that the mitigation noted below is adequate to establish that the project would not significantly affect the human environment. These mitigation actions are:

- The applicant obtaining concurrence from the Washington Metropolitan Area Transit Authority (WMATA) on the final site and building plans prior to submission to the Commission.
- The applicant minimizing adverse effects to the historic court buildings and Judiciary Square by maintaining the open space and preserving the view corridor between the D.C Courthouse and the Pension Building as shown on the current plans; maintaining the transparency of the entry pavilions as shown on the current plans; and, continuing participation in the Section 106 consultation leading to the execution of a Memorandum of Agreement prior to submission of final site and building plans to the Commission.

- The applicant minimizing potential adverse traffic impacts resulting from the construction of the museum by updating as necessary and implementing plans filed in accordance with the requirements of the D.C. Department of Transportation to manage the re-routing of traffic from E Street during construction, and to manage construction activities and impacts at the site.
- The applicant demonstrating the incorporation of low intensity development (LID) practices in the landscape design drawings of the final plaza design.

Review of the project plans by the District of Columbia State Historic Preservation Officer in accordance with the National Historic Preservation Act, Section 106 requirements, has determined historic impacts are addressed by the proposal with its adherence to the conditions of the Memorandum of Agreement being developed.

Consequently, after review of the NCPC environmental assessment, I have determined pursuant to Section 102(2)(C) of the National Environmental Policy Act, the Council on Environmental Quality Regulations (40 CFR, Parts 1500-1508), and NCPC's Environmental and Historic Preservation Policies and Procedures that the project would not significantly affect the quality of the human environment.



Marcel Acosta
Acting Executive Director

Background

The National Law Enforcement Officers Memorial Fund, Inc. (Fund) has submitted preliminary site and building plans to construct a new museum at Judiciary Square. In accordance with Public Law 106-492, creating the establishment of the museum on U.S. Reservation Number 7, federal property, the Act also noted the design and plans for the museum are "...subject to the approval of - the Secretary (of the Interior); The U.S. Commission of Fine Arts (CFA); and, the National Capital Planning Commission."

The NCPC prepared an Environmental Assessment in cooperation with the National Park Service to assist in decision-making by evaluating the potential impacts on the environment of the proposed museum construction and operation. This environmental documentation is consistent with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations implementing NEPA [40 Code of Federal Regulations (CFR) 1500-1508], the National Historic Preservation Act (NHPA) of 1966, as amended, and NCPC's Environmental and Historic Preservation Policies and Procedures (adopted April 1, 2004).

A Memorandum of Agreement (MOA) for the proposed development is also being completed between the NCPC, the National Park Service, the District of Columbia State Historic Preservation Office (DC SHPO) and the Fund addressing the construction of the new museum and its site. The undertaking is covered under the MOA and will be finalized with the final design details of the project.

The NCPC announced on its website the availability of the EA for public comment. The EA, and comments about the EA analysis, are information that is made available for review in compliance with the requirements of the National Environmental Policy Act (NEPA) and the Commission's implementing Environmental and Historic Preservation Policies. NCPC initiated the public scoping process in August 2004 through a mailing notification announcing its intent to prepare an EA and accomplish compliance with the National Historic Preservation Act.

Standard for evaluation. Under NEPA, the Council on Environmental Quality (CEQ) regulations, and NCPC Environmental and Historic Preservation Policies and Procedures, an EA is sufficient and an Environmental Impact Statement need not be prepared if the EA supports a finding that the federal action will not significantly affect the human environment. The regulations of the Council on Environmental Quality define "significantly" as used in NEPA as requiring consideration of both context and intensity of impacts. 40 CFR §1508.27. Context means that the significance of the action must be analyzed in several contexts such as society as a whole, the affected region, the affected interests, and the locality. Intensity takes into account a number of factors specified in the regulation.

NCPC's requirements for a Finding of No Significant Impact (FONSI) are set forth in the Environmental and Historic Preservation Policies and Procedures at Section 10(E).

Public Comment. The NCPC, as the federal agency responsible for the prepared EA, dated September 2007, requested public comments on the EA Finding from September 28, 2007 to October 29, 2007. The EA availability was announced on the NCPC website starting September 28, 2007. As an action requirement of the Commission's environmental procedures, the FONSI is announced to the general public. The Commission posts the FONSI on the Commission website at www.ncpc.gov. The notice specifies a posted copy of the EA also. Additionally, the Commission Tentative Agenda for the Commission's December 6, 2007 meeting contained a notice regarding review of the proposed project. The Tentative Agenda is distributed to over 750 recipients. Three public comment letters were provided in response to the review period of the EA. A section of this document discusses specifics of the comments at page 10.

The proposed action

The proposed action is the implementation of the design and construction of the proposed National Law Enforcement Museum (NLEM). The purpose of the NLEM is to tell the story of law enforcement in the United States as a means of educating the general public about the mission, history, and issues of the law enforcement profession in the United States.

The design for the museum consists of a three level below-grade museum facility, two above-grade entrance pavilions and a public plaza and related site improvements, including walkways, planted areas, and skylights to the below-grade spaces as elements of the roof. The site comprises 42,790 square feet (.98 acres). A nearby facility (not a part of this project) is also planned consisting of a loading facility with loading berths and dock areas, a dock office, trash and recycling rooms and a tunnel connection below-grade linking the three court buildings (C, D and E) with a planned below-grade service tunnel. A below-grade link to this tunnel has been provided for in the design of both the new Court building addition and the first below-grade level of the museum. The purpose of this facility is to consolidate these potentially unsightly elements in an area away from the central space of Judiciary Square. This action resulted from a request made to both the Fund and the D.C. Courts by NCPC and the Commission of Fine Arts (CFA) to study the possibility of a joint loading facility. The design for the museum's above-grade appearance and configuration are subject to a public review and approval of plans by both NCPC and CFA.

Alternatives considered in the EA review

The EA examines two alternatives; the proposed action, and the no action alternative. The proposed NLEM is a complementary component to the National Law Enforcement Officers Memorial. The museum will complete the transformation of the center portion of the Judiciary Square area from a series of surface parking lots serving the courts into a monumental-quality, park-like, national memorial and museum complex. The new development would establish a compatible, yet distinctive, presence in its setting that accommodates the new entrance to the Old City Hall and enhances the north-south linkages and views to the major memorial to its north.

The No Action Alternative is described as the temporary security measures on the site with the interim establishment of the D.C. Court's entrance plaza. There would be no new perimeter security elements or streetscape enhancements beyond those of the interim plaza. The Fund would be unable to accommodate the new NLEM in conjunction with the Memorial at Judiciary Square since the museum cannot be built on the Memorial site and there are no other sites with access to the Memorial. Since the establishment of a NLEM has been authorized by Congress, implementation of the No Action Alternative would require further efforts to establish a National Law Enforcement Museum elsewhere in Washington.

Other Alternatives Considered during project development.

Several alternatives were examined but eliminated in the concept design development of the NLEM, as they would have an adverse impact on the nearby memorial and its landscaped setting. These alternatives differed specifically in the relationship of the museum entry plaza to the new north entrance to the Old City Hall and in the size and configuration of the museum entry pavilions.

Site Plan Option 1: This option contemplated the linkage between the two entry pavilions, across the 100' wide view corridor established by the legislation, of a skylight as a visual tie between the pavilions that, as part of the roof of the below grade portion of the museum, and would admit light into the central atrium of the museum. In this version, the massing of the pavilions was configured as two opposing wedge shapes with the higher portions of the roof toward the Court Buildings C and E. This version of the museum plan was submitted to the U.S. Commission of Fine Arts and approved for concept massing in April, 2003. Following this approval, the D.C. Court of Appeals presented a scheme for the addition of a new above-ground north entrance to the Old City Hall (Old Courthouse) building that envisioned the 100' wide view corridor being utilized to provide primary access, including handicapped access, via the museum's entry plaza. Site Option 1 was not feasible in conjunction with the Courts' plan for a new north entrance.

Site Plan Option 2: This option contemplated placing the museum entry within the memorial site. The study determined that the eastern entry structure area was un-buildable below grade due to the presence of the Metrorail station. This meant that all of the above-grade components of the entry structures would have to be on the west side, destroying the symmetry of the memorial and significantly diminishing memorial's architecture. Further, the scheme was discussed with the National Park Service, which advised NLEOMF that it would not agree to museum entrances on memorial properties that it controls.

Potential impacts

NCPC staff has found few potential environmental impacts with the proposed action, with most being short-term impacts. Those that exist are addressed by mitigation through project attributes or construction process actions that are presented in the EA and this finding, and are adhered to in the NCPC staff report on the proposed action.

Changes to cultural components of the environment are limited regarding the plans and are addressed by a National Historic Preservation Act, Section 106 review that is documented by the District of Columbia Historic Preservation Officer's completion of a Memorandum of Agreement that will soon be finalized.

Applying the standards, factors, and analysis here, the Executive Director must make the assessment of whether approval of the submitted preliminary site and building design will "significantly" affect the human environment based on the EA and the mitigation specified by the EA and considered by this finding. As to the factor of the context, this is a site-specific action, and the Executive Director looks at the effects on the locale. In regard to intensity, with the mitigation specified in the EA and exhibited in the design drawings, the proposal minimizes and does not present any major or significant adverse effects. It is determined by the staff that the resulting effects are not significant environmental impacting actions, due to the mitigation included with the present project design and noted below.

Potential effects identified by the EA analysis include the following issues regarding historic resource effects, visual impact, and transportation effects. None are significant impacts. Other issues of air quality, noise, economy/employment, community facilities, land use or vegetation were found not to be impact concerns of the proposed action, and do not require mitigation.

Historic Resources

The EA established that adverse effects to historic resources resulting from the implementation of the project are adverse but minimal to moderate. Mitigation that is recommended by the staff report and the EA for the historic feature impacts are noted at page 7.

With consideration of historical and landscape development processes known to have occurred in the area, there is little chance that significant archaeological resources are present within the proposed museum site area. Information used to assess the potential for archaeological remains was reviewed by the DC SHPO, and that agency agreed that there was insufficient evidence to support the preparation of a formal Archaeological Plan to identify and document archaeological resources prior to construction.

NCPC, in consultation with the DC SHPO and other parties, has determined that the construction of the pavilions (of any structures in Judiciary Square) will have an adverse effect on Judiciary Square and its contributing buildings, including Buildings C, D (Old City Hall), a National Historic Landmark, and building E.

The relocation of the surface parking to underground facilities elsewhere will have a positive effect on the setting of these existing historic buildings; however, the construction of the museum entry pavilions in the spatial and formal center of Judiciary Square will have an adverse effect on the open space that is framed by the historic buildings, on the relationship of the buildings to the Square, and to the setting.

The design and implementation of the museum has and will adhere to the conditions of a Memorandum of Agreement (MOA) that is being prepared as part of the Section 106 process, among NCPC, DC SHPO, National Park Service, and the Fund. The MOA will set forth stipulations that will avoid, minimize, and mitigate the above-listed adverse effects on the historic resources that might otherwise result from the construction. The following mitigation measures have been and will continue to be employed in the project design:

- The NLEOMF, as the owner of the museum, is implementing in its final construction documentation protection of the adjacent buildings from construction.
- The footprint, height, and massing of the entry pavilions have been reduced to the minimum amount possible to accommodate the functional requires necessary to support and operate the museum's building and activity program.
- The pavilion design has been refined from its original concept through the simplification and attenuation of its elements. These revisions clearly support the hierarchal relationship between old and new. The fenestration is consistent the proportions of the Old City Hall as coordinated with the DC SHPO.
- The cumulative effect of the new construction within the open space of Judiciary Square is minimized by efforts to ensure that the design of museum entry pavilions and museum plaza are compatible with the work intended by the Courts. The size, form, and materials are sympathetic to the new Court Addition construction and compatible with the historic buildings. The lowering of the "peristyle" elements coupled with their high transparency has reduced the intrusion of the pavilions into the view of the Court Buildings' porticos.
- To minimize any potential infringement on the east-west visual axis of E Street, the museum's entry pavilions have been sited as far back as possible from E Street without violating the "no-build zone" open area between the exterior walls of the Museum Entry Pavilions and Old City Hall as required by P.L.106-492.
- The impact of the Museum's service needs in the Square will be minimized as the NLEOMF has agreed to work with the D.C. Courts to share a loading facility that will be designed and constructed by the Courts. The Museum will be connected to this facility via a below grade connection at the boundary between the Court property and the NLEM. The design and placement of this combined service facility is not a part of this project.
- Walkways, site stairs, planters and other appurtenances, and security elements required for the protection of the D.C. Court of Appeals will be designed to be compatible with the historic designs and materials of the surrounding buildings and the security elements will be shielded from view as much as possible.
- The two lay-bys have been reduced in length to limit their use to automobile-sized vehicles and are to be placed to either side of the 100-foot wide view corridor established in the Master Plan. This will keep short-term vehicular drop-off out of the central view of the Old City Hall building from the Pension Building and vice versa; and from the Law Enforcement Memorial and other vantage points to the north of the Museum. The revised size and location of the lay-bys can accommodate the disabled and light deliveries.

Visual Effects

The visual impact review in the EA addresses potential changes to significant views that can be attributed to the proposed construction of the museum. For this analysis, five view areas, as determined by NCPC, were analyzed.

Over the short term, the construction of the museum would likely result in moderate visual impacts to views due to construction activities. Upon completion of the museum, the plaza paving, bollards, handicapped access ramps and other plaza elements that are above ground elements of the museum project would be the only attributes affecting the view areas. All views were found to be minor to moderately impacted.

To minimize the adverse visual effects resulting from the combination of the new North Entrance to the Old City Hall building and the new Entry Pavilions for the National Law Enforcement Museum, the following minimization/mitigation measures have been employed in the design of the museum:

- The pavilions have been minimized, within the limits of program, function and building code requirements, to reduce the potential for visual crowding, maximize the amount of open space, and preserve the view corridor between the Old City Hall Building and the Pension Building.
- The design of the entry pavilions maximizes transparency beyond the level called for in the design guidelines contained in the Urban Design Analysis submitted to NCPC on February 6, 2003. The necessary volume of the outer enclosure is rendered entirely in highly transparent low-iron content clear glass (walls and roof) to maximize visibility through the entry pavilions.
- Through the Section 106 consultation process, the actual size of the pavilions have been further reduced and configured in a manner that creates a more compatible composition of elements.
- The architectural expression of the entry pavilions for the museum is in a modern idiom that contrasts to the surrounding historic buildings, assuring that the pavilions are perceived as being “a design of their own time.”
- Design of walkways, site stairs, plinth walls, and other security elements will be compatible with the historic designs and materials of the surrounding buildings and, in the case of the security elements, be shielded from view as much as possible in conformance with the Judiciary Square Master Plan.

Transportation Effects

The construction of the project elements of the build alternative would not create additional disruptions beyond the initial closure of E Street for excavation of the museum building. The closure is anticipated to remain until the new E Street surface is reconstructed in the later phases of the project. The street will be reopened to public traffic once construction is complete, as described by the permit for temporary closure provided to the NLEM by DDOT, dated July 10, 2007, and effective January 2008.

The proposed construction activities associated with the museum would include the transport of workers, equipment, and materials to the site, transport of excavated soil from the site, and movement of equipment and vehicles on adjacent roadways. These activities would generate additional vehicle movement on roadways in proximity to the site and along haul routes, and therefore may constrain traffic movement somewhat. The potential roadway segments to be affected are all within the Judiciary Square Master Plan area and include segments of C, D, E, and F Streets and 4th, 5th, and 6th Streets.

Operation of the proposed facility would increase building space in the square by 85,000 square feet. Since the museum is providing no parking for its employees, there may be a minor impact on the local public parking facilities and/or the Metrorail/Metrobus system due to the commuting patterns of the museum's anticipated 60 + employees. However, it should be noted that 12 to 15 of these employees currently work within three blocks of the site at the NLEOMF offices at 7th and D Streets and the Visitor's Center on E Street between 5th and 6th Street and will relocate to this facility.

The existing modal split conditions of 35-45 percent using alternative transportation will continue. Therefore, minimal changes in employee traffic volumes and patterns are anticipated, resulting in a minimal impact on design year 2015 roadway traffic.

Operation of the proposed museum would represent new visitor facilities within Judiciary Square, creating a net increase of between 430,000 and 500,000 visitors per year within Judiciary Square. It is anticipated that museum visitors will either be largely local patrons who will come by private automobile or public transportation; or tourists who come by private passenger automobile or groups that come by chartered and/or school buses.

Buses will be directed to a special bus drop-off, designated and reserved for use by the museum, on 5th Street NW. Buses that have discharged their passengers will be driven to a location remote from the site for parking during the visitation of their passengers, and would return for necessary scheduled pick-up as established by each visiting group and coordinated with the museum staff.

To minimize the potential adverse traffic impacts resulting from the construction/operation of the museum development, the following mitigation measures will be employed:

- Maintain and implement the prepared plan, in accordance with DDOT, to manage the re-routing of traffic from E Street through the area during the time that excavation and build-back of the portions of the project that extend beneath E Street are in process. This plan has been filed and will be updated if necessary, based on final construction documents.
- Prepare a plan in accordance with DDOT to manage construction worker traffic and parking, construction material delivery and waste hauling, and activities that constrain traffic movements. It will adhere to the directions and conditions of the DDOT filed plan.

Pedestrian Impact

Construction of the museum alternative would affect both pedestrian and bicycle circulation on the site. Walkways and the plaza built as part of this project would connect to walkways that will be rebuilt as part of the additions and renovations to the Old City Hall project. A new entry plaza, shared with the Old City Hall will provide pedestrian and universal handicapped access from the E Street sidewalk to both the museum and to the stairs and ramps of the Old City Hall Building.

Bicycle circulation would be aesthetically improved through the square with the proposed narrowing of E Street and DDOT's proposed dedicated bicycle lanes on each side of E Street. Building the museum would produce no change to the existing bicycle circulation, except during the construction period when temporary re-routing addressed by the Fund's Traffic Plan, is in effect. This plan has been filed with DDOT in DDOT's permit process.

Stormwater Management

Upon completion, the museum would not increase the amount of impervious surface area on the site. However, the post-development rate of stormwater discharge from the site does decrease as a result of the improved Best Management Practices (BMP's). Stormwater detention chambers will be used to restrict stormwater discharge to a flow rate equal to what it would be if the site was entirely pervious.

Portions of the roof of the museum (plaza) would have landscape areas at the street that would delay surface area discharge during peak storm events. In addition, stormwater collected on the site will be routed through a sand filter that would further delay the storm-water and improve the water quality by filtering out contaminants prior to discharge into the stormwater system. The decrease in the volume of stormwater runoff that goes directly into the stormwater system during peak storm periods would increase the available capacity of the stormwater system and is anticipated to be a minor positive impact.

Comment issues received by NCPC and further considered

Comment Letter 1

From: Mr. Jim Ashe, Manager of Environmental Planning and Compliance, WMATA Engineering Services

Letter Dated: October 24, 2007

Comment 1: The EA analysis appears to omit other impacts to the WMATA system. The museum is located immediately adjacent to the WMATA's Red Line and the Judiciary Square Metrorail Station. Construction of the museum would require re-location of underground utilities that support this station, as well as coordination of the structural

engineering of the new museum and its potential effects to the underground station and tunnel.

Next, changes in traffic during construction might affect WMATA bus routes and such change will require coordination.

The National Law Enforcement Officers Memorial Fund, Inc. and its contractor have initiated the coordination of this project with WMATA. WMATA requests that NCPC include a provision that requires the NLEOMF to continue its coordination with WMATA and obtain WMATA concurrence before construction.

NCPC Response:

In the EA, at page 52, the NCPC evaluation notes approximately 9,400 travelers enter or exit the Judiciary Square Station. Also at that point, the EA recounts that WMATA also provides Metrobus service along E Street with stops on each city block.

NCPC staff concurs with the recommendation by WMATA and notes that a provision for the final review will include documented demonstration of review and approval from WMATA of the final NLEM plans.

Comment Letter 2

From: Harriet Tregoning, Director of the District of Columbia Office of Planning
Letter Dated: October 19, 2007

Comment 1: To off-set the two year closure of E Street during construction; the lost revenue from on-street parking and rent of vault space, and lack of programming in the plaza, DCOP recommends implementing the sidewalk widening and improvements identified in the Judiciary Square Master Plan for the entire block of E Street between 4th and 5th Streets.

NCPC Response:

The applicant has indicated to NCPC staff that discussions with the Mayor in 2005 noted street improvements and the narrowing of the street in the vicinity of the proposed museum would be accomplished by the NLEM and D.C. Courts as required by DDOT and in conformance with the NCPC approved Master Plan. The Fund will be meeting with DDOT to complete street plans in the coming weeks and in development of the final design for NLEM.

It should be noted that discussions have taken place over the past two years with the District of Columbia's Department of Transportation, WMATA, and The National Park Service on the disposition and design of E Street. Regarding the E Street improvements, the Fund will reconstruct that portion of E Street under its control which will include two travel lanes, a bicycle path on the north and south sides of the street, the widening of the

sidewalk and the two lay-by areas, in accordance with the Master Plan. The bus drop-off presently is now located along 5th Street and was a compromise, as a result of the D.C. Court's concern about having buses stopping and standing along E Street within the view corridor between the Pension Building and the Old City Hall Courthouse building, and security concerns about such large vehicles in proximity to Court buildings. The location of the bus drop-off was the subject of extensive discussions by and between NCPC, Commission of Fine Arts, DDOT and the D.C. Court of Appeals, and the agreement for the Judiciary Master Plan was a location that provided an access point to the museum for buses was along the east side of 5th Street between E and F Streets.

With regard to the consideration of the underground space as a vault, the Fund in researching its files finds the museum site is federal land, U.S. Reservation No. 7, and under the signed Public Law (106-492) authorizes the Fund to design and construct the museum at that location. Consequently, the District has no authority to collect vault space rent from this property. The Congress defined the museum boundaries and its disposition in the legislation that authorized the project.

As to the programming of plaza space, the design of the plaza has been carefully crafted as a space that accommodates through movement of pedestrian traffic, north to south, from the Pension Building (National Building Museum), through the Memorial to the D.C. Court of Appeals Courthouse and beyond. It also responds to the joint requirements and program needs, including Americans with Disability Act compliance features (universal access) for both the NLEM and the D.C. Court of Appeals.

Comment 2: Include Low Impact Development practices in the landscaping of the plaza design to decrease stormwater run-off and minimize the appearance of the security walls at the entrance to the plaza.

NCPC Response:

Upon completion, the museum would not increase the amount of impervious surface area on the site. A stormwater detention chamber will be used to restrict stormwater discharge to a flow rate equal to what it would be if the site was entirely pervious. Portions of the roof of the museum will have bio-retention landscape area, near the plaza towards the street, as limited size planting areas. Stormwater collected on the site will be routed through a sand filter that would further delay the stormwater and improve the water quality by filtering out contaminants prior to discharge into the stormwater system. This feature is located on the Mezzanine level below the East Entry Pavilion and in combination with planting beds to the north and south of the museum pavilions, function to decrease run-off. The planting beds are state-of-the-art "Structural Cells", making the museum one of the first projects in the District of Columbia to utilize this technology which allows each square foot of Structural Cell to equal 10 square feet of regular drainage area.

Due to full negotiations of the property use limits established by public law, the extent of agreement between the D.C. Courts and NLEM on the existence of additional landscape

elements has been contentious, with only the present elements agreed to by both parties. Moreover, the realities presented by the constraints of the height of the water table underground and its impacts to underground space, the grades that must be met at the sidewalks, and the bottom landing of the Court's monumental stair, do not allow adequate height to incorporate actual sustainable planting beds within the plaza nearer to the Courts. As with the plaza area, the areas to either side of the security walls (which also affect the grade transition between the relatively level plaza and the sloping sidewalk) are a part of the roof of the museum and the structural constraints do not allow planting areas to be depressed into the roof. Staff continues to be of the opinion that the Fund's proposal achieves the best balance of urban design, functional use, and architectural objectives.

Comment 3: The work with DDOT to resolve the outstanding transportation and mobility issue regarding the location of the bus drop-off, small vehicle lay-bys, street lights, bike lanes and six-foot pedestrian walkway on E Street that is to remain open throughout construction remains outstanding.

NCPC Response:

The bus drop-off and lay-by issues are discussed above at page 11. The EA notes measures during construction that would be implemented and coordinated by NLEM to undertake construction of the underground building. As portions of the NLEM construction would be permitted by District of Columbia responsible agencies to begin its implementation, NCPC finds the details of the street light locations, bike lane location and dimensions, and temporary provisions for the presence and location of pedestrian walking routes would be under the review and jurisdiction of the District Department of Transportation. The Fund has scheduled, and will continue to schedule, meetings with DDOT to define final requirements of the museum construction.

Specifics as to lights include six street lights in conformance with the D.C. Streetscape Standard specification. Two lights are on the north side of E Street and four on the south side. The spacing of the new street lights was established as follows: The street light on the north side E Street to the west of the centerline axis between the Pension Building and the Old City Hall Building is placed where there was a single, asymmetrically located light previously. A counterpart is being placed symmetrically on the east side of the axis and in line with the original on the north side of E Street. The resulting spacing is 60 feet on center. The two fixtures mentioned are mirrored on the south side of the street so that they will similarly frame the view corridor axis. The two additional fixtures on the south side are centered on the planters that are attached to the museum's pavilions in the widened sidewalk area between the lay-bys and the emergency drive curb cuts.

Bike lanes will be provided and demarcated in accordance with the Judiciary Square Master Plan as addressed in the EA, and the Fund will be providing bike lanes on both sides (north and south) of E Street.

A six-foot wide temporary walkway will re-route pedestrian traffic around the construction site to the north, through a portion of the National Law Enforcement Officers Memorial for the duration of the construction of the museum. This walkway is shown on the Traffic Control Plan, which was filed with DDOT when the Fund obtained its permit for temporary closure of E Street between 4th and 5th Streets, NW.

Comment 4: Resolve non-compliance with the Downtown Streetscape Regulations by working with DDOT to develop a Memorandum of Agreement for maintaining non-standard materials in the sidewalk and necessary mitigation for removing three existing street trees.

NCPC Response:

See response to Comment 3. Similar review of the concerns cited for the sidewalk surfaces and removal of trees would be discussed in achieving the permitting of the construction by local authorities. If the appropriate mechanism for achieving the review is a Memorandum of Agreement, the NLEM officials have indicated they will achieve completion of an agreement.

The three trees noted by the comment are being removed by the D.C. Courts project. Six trees affected by the NLEM proposal are being replaced in the final design of the NLEM site. Of those, four are street trees on the Memorial side of E Street and two are part of the Courts' construction that are disturbed by the construction to build the museum.

The Fund indicates to NCPC its full intent to maintain all sidewalk surfaces in all areas of the museum project. The sidewalks within the boundaries of the museum site are a part of the museum and therefore the Fund, by authorization of the public law, already has the responsibility to provide this maintenance.

Comment 5: NLEM should determine the location of Pepco vaults so that their impact on the environment can be assessed.

NCPC Response: According to NLEM officials, the final design plans of the NLEM will indicate the Pepco vaults are located north of the NLEM building within the National Law Enforcement Officers Memorial property. This relocation has been concurred with by the National Park Service.

Comment Letter 3

From: Mr. John G. Parsons, Associate Regional Director, Lands, Resources and Planning
National Park Service, National Capital Region
Letter Dated: November 1, 2007

Comment 1: While the National Park Service is fully supportive of the museum and its location, the EA could have included a listing of the alternative sites and buildings that were recommended or consider for use by the Memorial Fund.

NCPC Response:

NCPC staff notes the implementing legislation for the project provides parameters that noted the museum is to be bounded by court buildings but was not specifying or allowing the use of those buildings. In regard to alternative design configurations, the EA notes the progression of the museum design from earlier concept proposals to the present preliminary design phases.

Comment 2: The EA should include the memorial to General Jose de San Martin within Judiciary square from 1927-1970, which preceded the conversion of much of the open space area to parking. The San Martin memorial was relocated to Virginia Avenue and the square ultimately complimented by the National Law Enforcement Officers Memorial. The EA should discuss the Joseph Darlington memorial and the Lincoln Statue erected by the citizens of the District of Columbia.

NCPC Response:

NCPC staff notes the clarification of the previous memorial location history regarding the San Martin statue. It is noted also that the statue was removed from Judiciary Square prior to the development of the National Law Enforcement Officers Memorial. With regard to the Darlington Statue, Sculptor Carl Paul Jennewein created the golden bronze figures of a nymph and faun above a marble fountain in the Judiciary Square area at 5th and D Streets, NW, in 1923 at the request of Joseph James Darlington's colleagues from the Washington Bar Association, shortly after Darlington's death. The statue remains in the open space where it originally was located.

The square featured the Lincoln Memorial Statue as a life-size, marble statue of Abraham Lincoln in front of the Courthouse and was dedicated on the third anniversary of Lincoln's assassination, on April 15, 1868. It was the first public monument to Lincoln. Citizens quickly raised the funds for the statue. Washingtonian Lot Flannery was the sculptor and the statue was first placed atop a tall column. Placed in storage when the Courthouse was enlarged from 1919-1920, the statue was re-erected on its current pedestal on April 15, 1923 and remains on the south entrance to the Courthouse.

Comment 3: The EA demonstrates a visual simulation on page 93 that the NPS hopes is improved with the placement of a more substantial handrail that is reminiscent of the railing of the entry steps to the National Gallery of Art at Madison Drive, NW.

NCPC Response:

NCPC notes the simulation is of the DC Courts stairs from the north-facing Addition. The design review of final drawings had been accomplished and finalized by the Commission of Fine Arts and the NCPC for that project, with final project plans approved on August 5, 2004.

Comment 4: The NPS notes the construction of the museum is to be preceded by its approval of the plans and the determination of sufficient funding. The NPS is accomplishing a review of the museum plans and in the not too distant future will receive information to determine the availability of funds to complete the museum. The NPS would appreciate learning of any concerns from the District Courts and other Court representatives who have received the EA.

NCPC Response:

NCPC appreciates the NPS efforts for accomplishing the museum, and to date of this FONSI, has received no additional comments or concerns by the DC Courts.



October 24, 2007

Mr. Eugene Keller
National Capital Planning Commission
401 9th Street, NW, North Lobby, Suite 500
Washington, DC 20004

Dear Mr. Keller,

In the Notice of Public Availability dated September 28, 2007, NCPC requested comments on the *Environmental Assessment of the National Law Enforcement Museum*. The environmental assessment was prepared to support NCPC's decision about the proposed museum in compliance with the National Environmental Policy Act. The proposed museum would be located on E Street, NW, across from Judiciary Square, in Washington, DC.

While the environmental assessment indicates the project might lead to an increase in riders, the analysis omits other impacts to the WMATA system. The museum is located immediately adjacent to WMATA's Red Line and the Judiciary Square Metrorail station. Construction of the museum would require re-location of underground utilities that support this station, as well as coordination of structural engineering matters between the new museum and WMATA's existing underground station and tunnel.

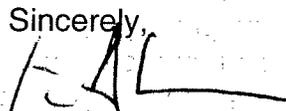
Next, changes in traffic during construction might affect WMATA bus routes; any such traffic change will require coordination.

The National Law Enforcement Officers Memorial Fund, Inc. and its contractor E&G Group have initiated the coordination of this project with WMATA.

For purposes of preparing any Finding of No Significant Impact on this project, WMATA requests that NCPC include a provision that requires the National Law Enforcement Officers Memorial Fund continue its coordination with WMATA and to obtain WMATA concurrence before construction. Failure to obtain WMATA concurrence could result in a significant impact to WMATA customers.

The contact for this project is Mr. Tom Robinson, Director, Joint and Adjacent Construction. His phone number is (202) 962-2526.

Sincerely,



Jim Ashe

Manager, Environmental Planning and
Compliance
Engineering Services

**Washington
Metropolitan Area
Transit Authority**

600 Fifth Street, NW
Washington, D.C. 20001
202/962-1234

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

October 19, 2007

Eugene A. Keller, ASLA
Community Planner
National Capital Planning Commission
401 9th Street, NW
North Lobby, Suite 500
Washington D.C. 20004

RE: Comments on National Law Enforcement Museum Environmental Assessment and Appendices

Dear Mr. Keller:

Please see the enclosed report on the *National Law Enforcement Museum Environmental Assessment*. The Office of Planning (OP) has visited the site, considered existing site and adjacent site conditions, reviewed the *Environmental Assessment and Appendices*, referred to the *Judiciary Square Master Plan*, and coordinated with the District Department of Transportation in order to prepare this report. We have determined the effects of the Museum Alternative, referenced *The Comprehensive Plan: District Elements for Urban Design and Environmental Protection, Downtown Streetscape Regulations, The District of Columbia Bicycle Master Plan* and other municipal regulations; and we recommend mitigation measures.

APPLICATION-IN-BRIEF

- Applicant: The National Law Enforcement Officers Memorial Fund
- Location: The project is located on E Street, NW, between 4th and 5th Streets, within the Judiciary Square court complex. It is located directly south of the National Law Enforcement Officers Memorial. The site is currently used as a surface parking lot.
- Proposal: The museum proposal includes a three level below-grade museum facility, two above-grade entrance pavilions and a public plaza and related site improvements, including walkways, planted areas and skylights to the below-grade spaces as elements of the roof of these areas. The public plaza is designed to be an extension of the National Law Enforcement Officer Memorial located on the north side of E Street.

BACKGROUND

The District of Columbia Courts prepared a Master Plan for the Judiciary Square Area, as requested by the National Capital Planning Commission (NCPC), in November 2002. The proposed museum site is included within the area covered by this master plan, which identified several key components that impact the design of this site:

1. A public plaza on the south side of E Street
2. Narrowing roadway in E Street from 45' to 32'
3. Widening sidewalks on both sides of E Street by 6.5'
4. Decorative paving within the road right-of-way on E Street in the center of the block
5. Hardened security fence at the curb along the south side of E Street and bollards in the center of the plaza

The Office of Planning received the *Environmental Assessment for the National Law Enforcement Museum* to review on September 28, 2007. NCPC is accepting comments on the document until October 29, 2007.

BASIS OF REPORT

The Office of Planning (OP) has reviewed the *Environmental Assessment and Appendices*, referred to the *Judiciary Square Master Plan*, considered existing site and adjacent site conditions, coordinated with the District Department of Transportation, and visited the site to prepare this report.

KEY ISSUES

The proposed improvements to the public space surrounding the National Law Enforcement Museum are an improvement over existing conditions. The proposed plaza and related site improvements transform what is now a surface parking lot into a public plaza for pedestrians. However, there are additional environmental consequences not identified in the *Environmental Assessment* that will result from the museum alternative. There are additional cumulative impacts requiring mitigation that need to be considered as environmental consequences.

Museum Alternative

The Judiciary Square Master Plan identifies the south side of E Street, between 4th and 5th Streets, as a public plaza - an urban space that contrasts with the adjacent landscaped building yards, open space, and gardens. The hardscape of the plaza creates a space for high levels of pedestrian activity and programming, making it a center of activity for the Judiciary Square area. The District Government maintains policies and plans that should be considered as part of evaluating this alternative.

The Comprehensive Plan: District Elements for Urban Design and Environmental Protection include the following policies that are applicable to the proposed plaza design:

- “Create a more coherent design character for Central Washington by improving the physical linkages between the monumental core, the business sub-districts on the perimeter of the National Mall, and the expanding mixed use areas to the east and southeast of Downtown. Urban design strategies should focus on making the entire area more walkable, discouraging monolithic architecture, improving signage and streetscape features, and adding new land uses which make the area more lively, interesting, and dynamic.”
- “Develop and apply attractive, context-sensitive security measures in the design of streets, plazas, and public spaces. These measures should use an appropriate mix of bollards, planters, landscaped walls, vegetation, and street furniture rather than barriers and other approaches that detract from aesthetic quality.”
- “Include street lighting that improves public safety while also contributing to neighborhood character and image.”
- “Encourage the programming of outdoor space with events and activities . . . that stimulate streetlight and active use.”
- “Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce storm water runoff, and create a stronger sense of character and identity.”
- “Promote an increase in tree planting and landscaping to reduce storm water runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.”
- “Ensure that infrastructure upgrades are carefully scheduled and coordinated with development and redevelopment plans in order to minimize traffic rerouting, pavement cuts for laying cable or placement of other infrastructure within the street right-of-way, street closings, disruptive subsurface excavation, and utility shut-offs.”
- “Develop, maintain, and improve pedestrian facilities. Improve the city’s sidewalk system to form a network that links residents across the city.”
- “Encourage the supply and management of public parking in commercial areas to afford priority to customers and others on business errands, and discourage the use of these spaces by all-day parkers, including establishment employees.”

E Street is included in the area that must comply with the Downtown Streetscape Regulations, which includes the following policies that are applicable to the proposed plaza design and vault locations:

- Sidewalks on E Street between 4th and 5th Streets “shall be paved with brick” and meet specific dimension and color requirements.
- “One row of trees shall be required on each side of the street.”
- “Trees shall be planted thirty-four to thirty-six feet (34 to 36 ft.) apart.”
- “Where necessary to avoid other fixed elements in the public space, trees may be planted a minimum of thirty feet (30 ft) apart or a maximum of fifty feet (50 ft.) apart.”

- “The standard streetlight fixtures for the Downtown Streetscape Area shall be . . . No. 16 Single Globe, forty feet (40’) on center . . . opposite across the street.”
- “PEPCO equipment serving new construction or substantial rehabilitation shall be located in vaults or on pads on private property; except the Director may approve a different location for a utility vault, pad, or manhole when the following conditions are satisfied: The proposed location for the utility vault shall not be within or under the major pedestrian movement areas; When proposed to be located on the public space between the sidewalk and the property line, the utility vault may be located in this area when . . . the utility vault is incorporated into the landscape design.”
- “Vault – a structure or an enclosure of space beneath the surface of the public space including, but not limited to, tanks for petroleum products, utility vaults and building vaults. If the structure of enclosure of space is divided horizontally into two (2) or more levels, the term “vault” shall be considered as applying to one (1) level only, and each level shall be considered as a separate vault.”

The District of Columbia Bicycle Master Plan includes the following policies that are applicable to the proposed design of E Street:

- “All bicycle network routes should be developed with facilities that provide a visible indication that they are a bikeway (bike lanes or signs).”
- The Proposed Bicycle Facilities Map shows E Street as the only continuous east to west route between the North Capital and 15th Streets in the downtown area.

The District of Columbia Municipal Regulations, Title 24: Public Space and Safety, define general provisions for public space – specifically vaults - that are applicable to the design of the museum alternative:

- “Public space rental permits shall be issued under the provisions of the D.C. Public Space Rental Act (the "Act"), D.C. Code § 7-1001 et seq. (1981), and the provisions of this chapter (DCMR Title 24: Chapter 2).”
- “Vaults shall not be used for any purpose prohibited by the Building Code (12 DCMR). Vaults may be used for storage of readily movable personal property, as sales or office space; for the storage of fuel; or for the parking of motor vehicles. Other uses not specifically forbidden by law or regulation may be approved by the Director if the Director finds it is in the public interest to do so.”

The District of Columbia Municipal Regulations, Title 18: Vehicles and Traffic, include the following regulations for on-street parking meters that are applicable to the design of the museum alternative:

- “For the purpose of establishing (parking) meter rates based on user demand for parking in various areas of the District, there shall be Premium Demand and Normal Demand Parking Meter Rate Zones.”

- The 400 block of E Street is within the “Premium Demand Parking Meter Rate Zone that allows \$1.00 per hour rates, between 7am to 6:30 pm (11.5 hours a day), five days a week.

Effects

The current proposal has the potential to be inconsistent with the District Elements of the Comprehensive Plan, Downtown Streetscape Regulations, and Municipal Regulations:

- Lack of programming, landscape, shade, or seating elements have the potential to create a plaza that is not lively, interesting, or dynamic, and does not promote pedestrian activity.
- The location and design of the proposed security elements in the center of the plaza are not integrated as elements of the public space and create the image of a city under siege.
- Use of non-standard paving materials for the sidewalk and roadway increases cost of maintenance to the District.
- Lack of standard light fixtures poses a threat to public safety and disrupts the consistent appearance of public space.
- The extent of underground construction precludes the planting of street trees on the south side of E Street and establishing a continuous tree canopy.
- The removal of on-street parking precludes the District from potentially installing 37 parking meters, a potential loss in revenue of \$110,630 annually.
- Extension of the urban plaza to the E Street curb results in a loss of definition of the public space and creates an imbalance of streetscape along the east to west E Street view corridor.
- Grading and design of plaza fails to reduce the storm water runoff.
- Absence of delineating bike lane on E Street fails to comply with the District’s bicycle master plan.
- During construction, the two-year, temporary closure of E Street – the only continuous east-west street between Massachusetts Avenue, Constitution Avenue, North Capital Street, and 15th Street – will disrupt vehicular circulation, WMATA bus routes, bike paths, and pedestrian mobility on a primary cross-town route.
- Construction of the museum under the E Street roadway constitutes a vault that requires a public space permit for a use subject to rent and will require special approval from the District Department of Transportation.
- The two vehicular lay-by areas on E Street do not accommodate tourists arriving by buses that are directed to a third lay-by on 5th Street. DDOT has expressed concerns about the bus lay-by on 5th Street and its impact on pedestrian and vehicular circulation.
- Location of PEPCO vaults is not specified and it is not possible to determine the impact they will have. Depending on the location of the vaults, additional effects may be identified.
- Three existing, mature shade trees at the sidewalk on E Street are being removed for construction of the underground facility.

Mitigation

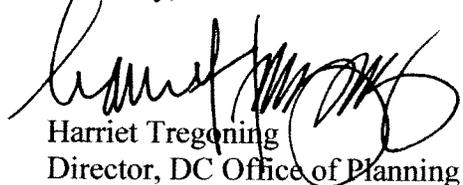
To minimize the potential adverse impacts resulting from the Museum Alternative, the following mitigation measures are recommended:

- Off-set the two-year closure of E Street during construction, lost revenue from on-street parking and rent from vault space, and lack of programming in the plaza by implementing the sidewalk widening and improvements identified in the Judiciary Square Master Plan for the entire block of E Street between 4th and 5th Streets.
- Include LID practices landscaping into the design of plaza to decrease storm water run-off, minimize the appearance of the security walls at the entrance to the plaza
- Work with DDOT to resolve outstanding transportation and mobility issues regarding the location of the bus lay-by, street lights, bike lanes, and 6' pedestrian walkway on E Street that is open throughout construction.
- Resolve non-compliance with Downtown Streetscape Regulations by working with DDOT to develop a Memorandum of Agreement (MOA) for maintaining non-standard materials in sidewalk and necessary mitigation for removing three existing street trees.
- Determine the location of PEPCO vaults so that their impact on the environment can be assessed.

The District of Columbia is confident that these issues can be worked out, and we look forward to finding a common ground that will allow this proposal to move forward as quickly as possible.

For further coordination on this project, please contact Chris Shaheen at (202) 442-7616, at the DC Office of Planning.

Sincerely,



Harriet Tregoning
Director, DC Office of Planning

HT/pz/cgb



United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

D20 (NCR-LRP)

NOV - 1 2007

Mr. Eugene Keller
National Capital Planning Commission
401 Ninth Street, N.W., Suite 500 North Lobby
Washington, D.C. 20004

Subject: Environmental Assessment National Law Enforcement Museum

Dear Mr. Keller:

The National Park Service, National Capital Region appreciates the opportunity to cooperate with the National Capital Planning Commission and the National Law Enforcement Officers Memorial Fund (Memorial Fund) in the review of the Environmental Assessment (EA) for the development of the National Law Enforcement Museum. The EA has been prepared in response to the museum project that was authorized by Public Law 106-492, approved November 9, 2000.

The act of November 9, 2000 provided that the Memorial Fund may construct the museum on Federal land on United States Reservation #7 as identified in Section 4 (a). The unique method used by Congress and the Memorial Fund is described in Section 1.4, but the EA does not include Appendix 5.6.3. While the National Park Service is fully supportive of the museum and its location, the EA could include a listing of the alternative sites/buildings that were recommended or considered for use by the Memorial Fund. Construction of the museum beneath the National Law Enforcement Officers Memorial was an early option, which we strongly objected to because of the memorial, and the existence of subway within the site. Consideration to using one of the Court Buildings to either side of the memorial was encouraged by the National Park Service during this pre legislative period.

Section 3.2.2 should include the memorial to General Jose de San Martin within Judiciary Square from 1927 – 1970, which preceded the conversion of much of the open-space area to parking. San Martin was relocated to Virginia Avenue, and the square was ultimately complimented by the National Law Enforcement Officers Memorial. The EA should also discuss the Joseph Darlington memorial and the Lincoln Memorial erected by the citizens of the District of Columbia.

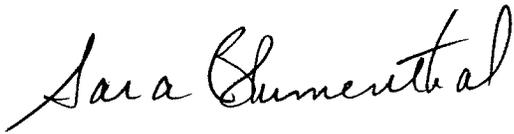
It is our hope that the visual simulation on Page 93 is improved with the placement of a more substantial handrail (not a component of the museum project) that is reminiscent of the railings on the entry steps to the National Gallery of Art from Madison Drive, N.W.

TAKE PRIDE[®]
IN AMERICA 

Although we have no permitting role in the construction of the museum, construction of the museum is to be preceded by our approval of the plans and the determination of sufficient funding. We are now accomplishing a review of the museum plans and in the not too distant future, will receive information to determine the availability of funds to complete the memorial. We would appreciate learning of any concerns from the Court representatives who are listed as a recipient of the EA. We understand that coordination is being accomplished so that the adjacent buildings and their functions, though inconvenienced, are not interrupted.

Should you have any questions or require additional information, please do not hesitate to contact me or Glenn DeMarr, our Project Manager, at (202) 619-7027.

Sincerely,

A handwritten signature in cursive script that reads "Sara Sumner".A circular stamp with the word "Acting" written inside.

John G. Parsons
Associate Regional Director
Lands, Resources and Planning