

# STAFF RECOMMENDATION

Eugene Keller

NCPC File No. 5907

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## MARTIN LUTHER KING, JR. NATIONAL MEMORIAL TIDAL BASIN, WEST POTOMAC PARK Washington, D.C.

Submitted by the National Park Service

August 28, 2008

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### Abstract

The National Park Service (NPS), on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation), has submitted preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial to be located in West Potomac Park at the Tidal Basin. The three main elements of the design include the *Mountain of Despair*, the curved *Inscription Wall* forming the main plaza area of the memorial interior, and the *Stone of Hope* that features the likeness of Dr. King centered within the plaza. The preliminary and final plans submitted for the National Memorial complete the design of the *Stone of Hope* and the *Mountain of Despair*. The final plans depict the Visitor Support Building in its completed design with finishes.

### Commission Action Requested by Applicant

Approval of preliminary and final site and building plans pursuant to Public Law 104-333, Public Law 105-201, and Public Law 99-952, as amended and the Commemorative Works Act (40 U.S.C. 8905)

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### Executive Director's Recommendation

The Commission:

**Approves** the preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial including the final design of the *Stone of Hope*, as shown on NCPC Map File No. 1.51(73.10)-42593, **except for** the security bollards because the submitted threat assessment is inconclusive in supporting the need for perimeter security at the Memorial.

**Notes** that additional environmental information regarding the potential effects of perimeter security on the Memorial and on West Potomac Park would assist the Commission in its decision-making;

**Disapproves** the design and location of the interior donor wall within the Visitor Support Building and requires the applicant remove the feature from the Memorial project in compliance with the Commemorative Works Act and the Commission’s policies on donor recognition.

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**DESCRIPTION OF PROPOSAL**

Background

The NPS has submitted, on behalf of the Martin Luther King, Jr. National Memorial Project Foundation, Inc. (the Foundation), the preliminary and final design for the Martin Luther King, Jr. National Memorial.

Site

The site for the memorial is a four-acre, triangular-shaped parcel of land located in West



**PROJECT SITE VICINITY LOCATION**

Potomac Park on the northwestern side of the Tidal Basin. The boundaries generally include Independence Avenue on the north, the Tidal Basin along the south and east, and an area adjacent to the realigned West Basin Drive on the west.

The authorizing legislation for the memorial was signed by President Clinton on November 12, 1996. The Commission approved the site for the memorial at its December 2, 1999 meeting.



**PRELIMINARY AND FINAL SITE AND BUILDING PLAN FOR THE  
MARTIN LUTHER KING, JR. NATIONAL MEMORIAL**

### Preliminary and Final Design Proposal

The submitted plans for the Martin Luther King, Jr. National Memorial implement a project design at its approved 1999 site. The preliminary and final plans demonstrate the further final design of the Visitor Support Building situated on the westside of West Basin Drive, and its intended associated features of a circulation plaza and landscaping at that location.

The primary vehicle approach to the memorial is maintained from Independence Avenue on the north and from West Basin Drive on the south. The principal memorial pedestrian access is provided from the intersection of Independence Avenue and West Basin Drive. Additional access points are from connecting walkways at Independence Avenue and from West Basin Drive further east and south of the main memorial entrance respectively.

The submitted preliminary and final plans complete the design direction for the following elements of the memorial:

- The *Stone of Hope*, which features the relief sculpture of Dr. King, maintains its approved elevation of 30 feet-9 inches in height, and has been completely designed as to its method of construction and its base composition and placement within the plaza pavement. Final elevation design of the sculpture and physical details of the image, including its latest minor revisions in stone, are provided in the submission.
- The final building plans for the visitor support structure are completed with its areas for public restrooms, a bookstore, and Park ranger visitor contact station.
- Changes in the preliminary and final design for the entry plaza situated at the front of the memorial facing the intersection of Independence Avenue and West Basin Drive. This forecourt area now includes eight bollards located 37 feet from the *Mountain of Despair*. The revision responds to the Park Service determination of a potential security weakness to the entry of the memorial in the event of domestic terrorist activity utilizing a vehicle. The design of the bollards utilizes a 36-inch-high bronze metal finish, with each of the eight posts four feet from the other, and only 6.5 inches wide at the bollard top and 8.5 inches wide at the bottom. Four bollards are also located at each memorial side entry sidewalk for the same purpose and of the same finish, dimensions and spacing within the walkways. All bollards are fully within the memorial precinct.
- The memorial planting design has been slightly modified at the forecourt to introduce three Red Maple trees at each side of the forecourt to provided more shade to the overall forecourt area.
- The memorial final site design incorporates a curved alignment for West Basin Drive that has been accepted by the District of Columbia State Historic Preservation Officer and other review agencies as the vehicle access approach along the west perimeter of the memorial.

Of the submitted final design features, the location and details of the bollards and added trees are the memorial elements that the Commission has not earlier reviewed in detail, along with final design details of the Visitor Support Building. Additionally, the applicant now submits the final *Stone of Hope* sculptural design for the Commission's review.

The Park Service has also responded to the request for a threat assessment supporting the need for, and placement of, proposed security elements in accordance with the Commission's submission requirements; the Commission's National Capital Urban Design and Security Plan Objectives and Policies (adopted May 5, 2005); and an analysis by the Park Service of how such perimeter security measures are supported in the existing NEPA document for the memorial project.

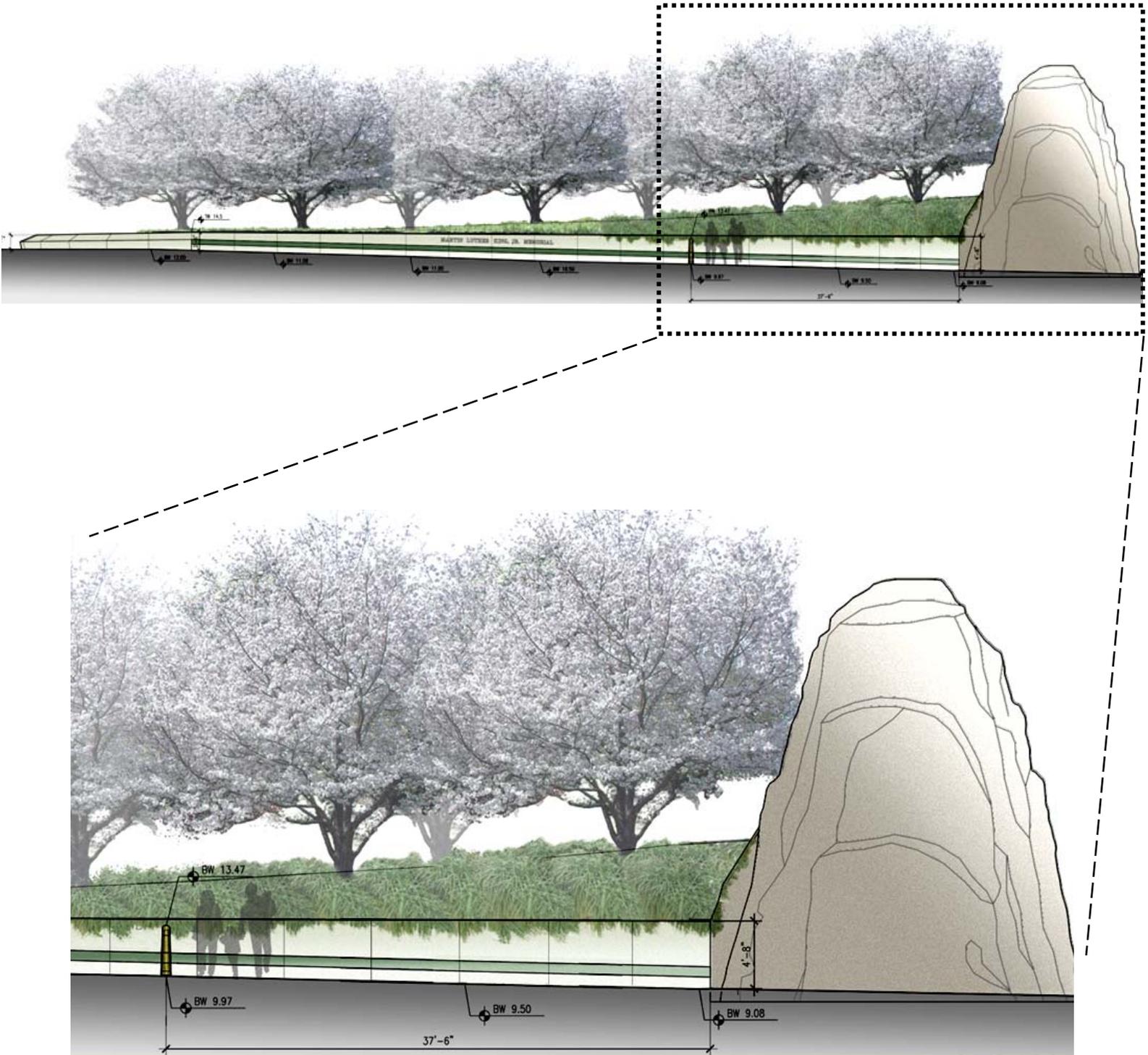
A revised Finding of No Significant Impact has been developed by the National Park Service, with evidence also of National Historic Preservation Act, Section 106 compliance for the introduction of security measures at the memorial. The drafted Memorandum of Agreement for Section 106 review discusses the

use of a security barrier noting "the NPS has determined that the undertaking will constitute an adverse effect on historic properties through physical alteration of site features; relocation or removal of nine cherry trees; demolition and reconstruction of a portion of West Basin Drive;



**LOCATION OF EIGHT BOLLARDS AT MEMORIAL'S FORECOURT**

provision of a visitor support facility which includes a bookstore for interpretive purposes; and the potential realignment of West Basin Drive and introduction of security barriers.”



**FORECOURT SECTION AND DETAIL INDICATING BOLLARD LOCATION**

**FOUR BOLLARDS AT  
NORTHEASTERN SIDE  
ENTRANCE WALKWAY**

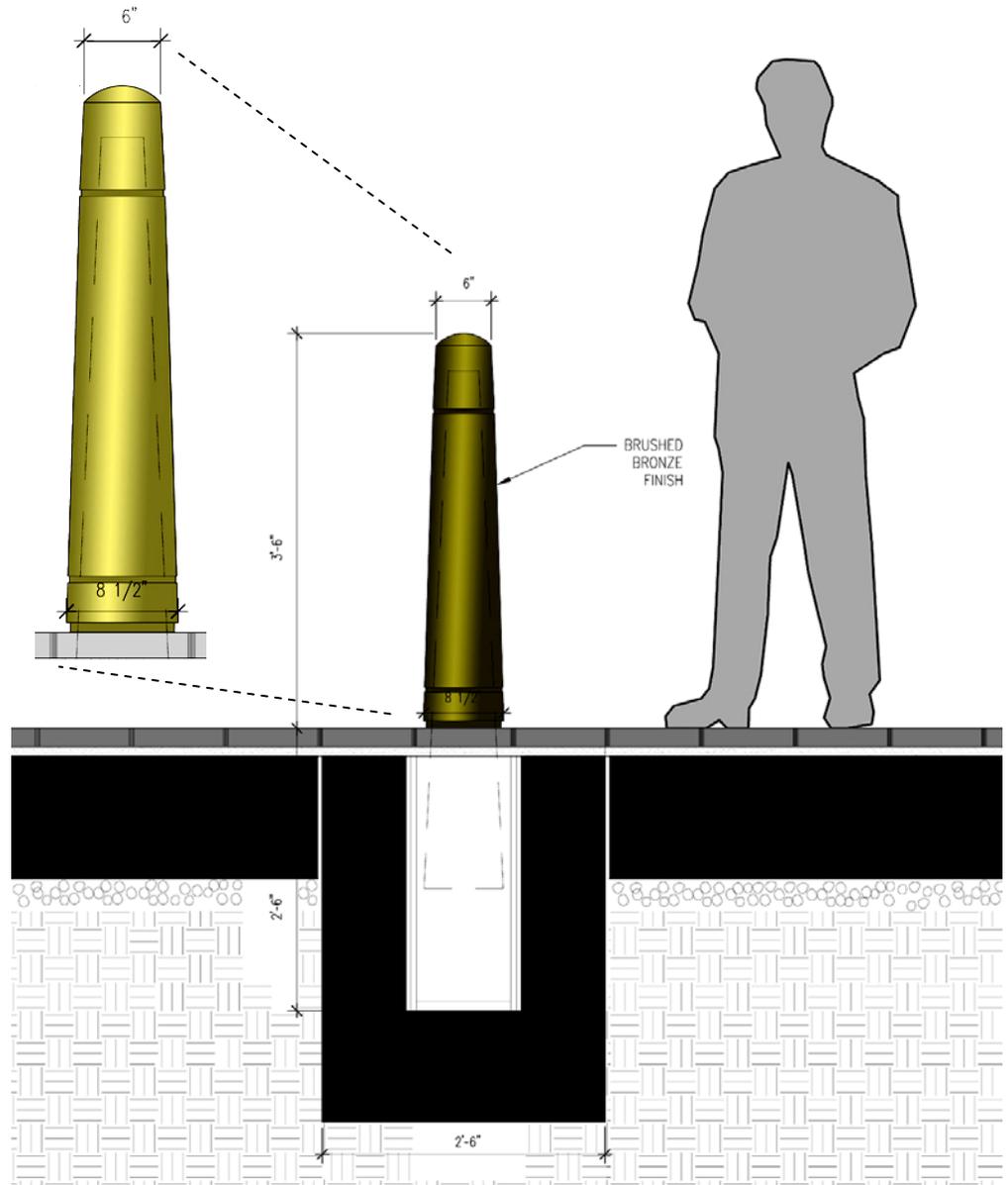


**FOUR BOLLARDS AT  
SOUTHWESTERN SIDE  
ENTRANCE WALKWAY**

The Visitor Support Building, situated at the west side of West Basin Drive, is approximately 40 feet south of the forecourt entrance to the memorial. A 40-foot wide distinct paved pedestrian cross-walk connects the building and forecourt, and features cast-in-place concrete as the surface material of the pedestrian cross-walk.

The building's final exterior consists of granite stone panels, decorative glazing, aluminum window walls, insulated glazing, metal wall panels, and a sun screen system of louvers. Doors are glass with metal framing at the bookstore and Park ranger area, while at the restrooms the doors are full metal clad hollow-core doors. Metal utility doors are exhibited on the west façade at the utility rooms. Roof overhangs have been increased slightly (1 foot).

The building's stone panel exterior consists of 1¼ inch granite veneer backed by 2-inch rigid insulation. The glass curtain wall systems at the north end of the structure are aluminum mullions spaced at 3 feet-10 inches square. The bookstore's window area has an aluminum shade system of 4-inch wide louvers situated in the mid-height area of the window walls. The translucent curtain walls of the restrooms, at the south end of the building, are spaced on a metal frame module of 4 feet -7 inches square. The building roof consists of a flat, polymer-modified



**PROPOSED DESIGN OF BOLLARD**

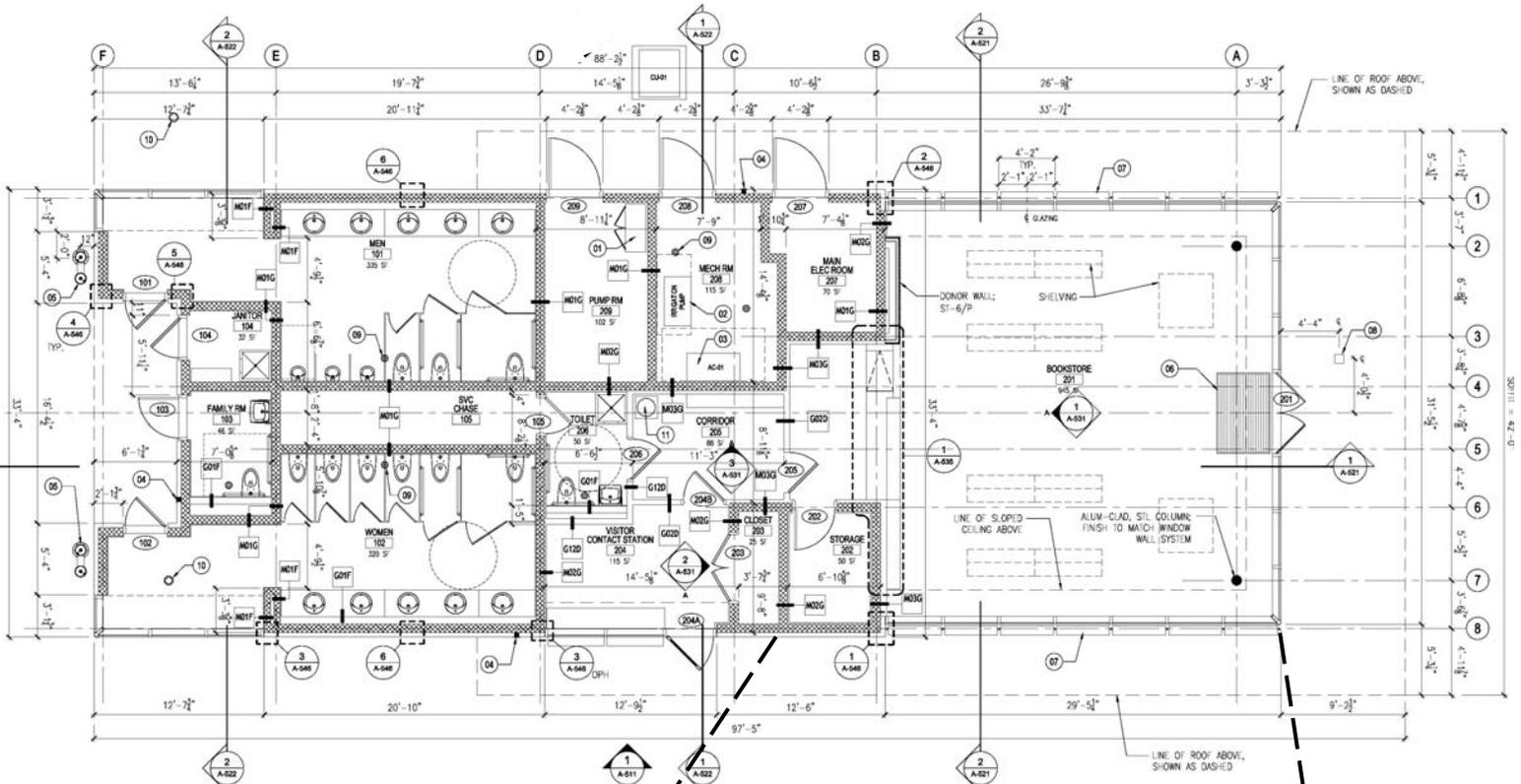
bituminous roofing built on rigid insulation over a metal deck. The highest level of the roof features a one-foot parapet that is faced in the granite veneer. Total height of structure is 14 feet.



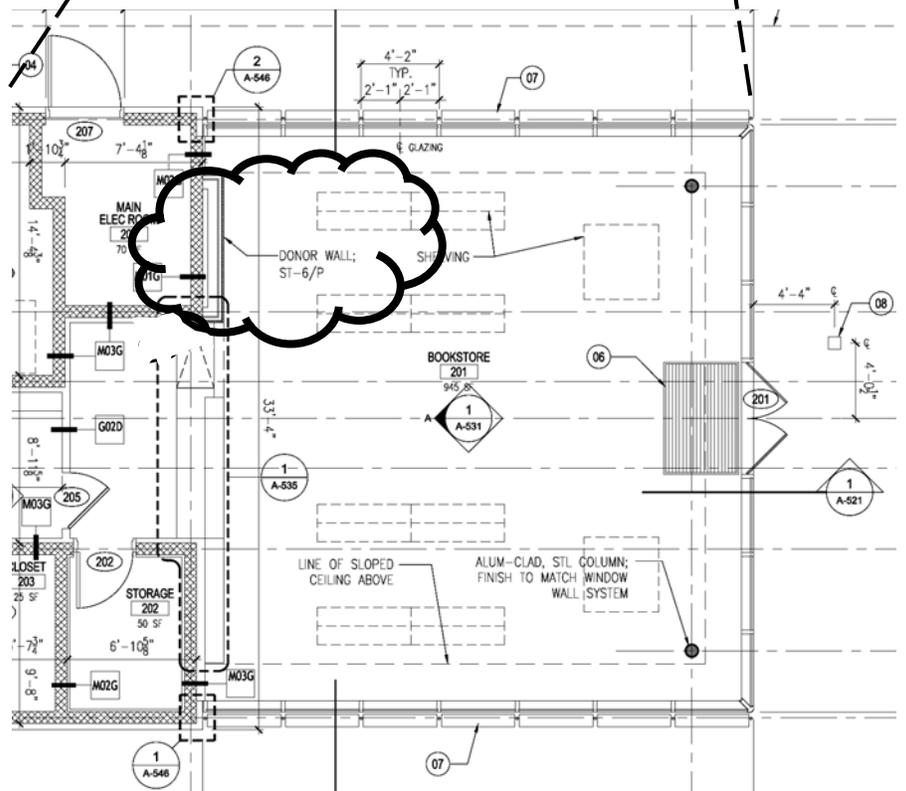
**FINAL EAST BUILDING ELEVATION AS SEEN FROM MEMORIAL AND WEST BASIN DRIVE**

**VISITOR SUPPORT BUILDING LAYOUT AND PLAZA DESIGN**





**VISITOR SUPPORT BUILDING  
DETAILED FLOOR PLAN,  
WITH DONOR WALL  
HIGHLIGHTED AT RIGHT**





### **PERSPECTIVE VIEW OF VISITOR SUPPORT BUILDING AS SEEN FROM NORTH**

The final design of the exterior building plaza exhibits exposed aggregate concrete pavement that is covered by the nine feet of overhang at the bookstore entrance. Four feet of overhang exists at the sides of the building, for about two-thirds the length, along the building's east and west façades. The plaza contains five granite benches and a high tree canopy that overshadows the seating areas.

As noted earlier, the forecourt planting is slightly modified by the introduction of three Red Maple trees on each side of the forecourt plaza. The addition of these trees, which feature a slightly higher growth profile, adds shade to the forecourt. Otherwise, the final landscape plans identify all trees to be 4 to 6 inch caliper specimens, as initially planted, and all shrubs to be 18 to 30 inches in height. The planting design of the memorial also features significant areas of bio-retention and soil permeability through the use of structural-cell subsurface structures placed under the West Basin Drive sidewalks and Visitor Support Building plaza.

### **PREVIOUS COMMISSION ACTION**

At its December 1, 2005 meeting, the Commission commented favorably on the overall design concept for the Martin Luther King, Jr. Memorial except for:

- The horizontal bridge of the Memorial Walk, adjacent to the "Mountain of Despair," which destroys the intended strong visual relationship between the signature "Mountain of Despair" and "Stone of Hope."

- The narrow entrance portal through the “Mountain of Despair” because it creates the potential to impede visitor movements through the memorial’s main entrance.
- The Ranger and Visitor Information Kiosk.

The Commission also recommended that the National Park Service and the Foundation, as they develop preliminary design plans for the memorial:

- Redesign the entrance portal between the “Mountain of Despair” to remove the bridge of the Memorial Walk that interrupts views to the “Stone of Hope” and beyond, and to provide more space for visitor movement in this entry area.
- Provide more detailed photo simulations that clearly indicate the visual impact that the berm of the proposed memorial would have on views to the Tidal Basin and beyond.
- Coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.



**FORECOURT PLANTING MODIFICATION WITH  
RED MAPLE TREES (THREE ON EACH SIDE)**

At the April 2006 meeting the Commission:

- Commended the Foundation for arriving at a simpler and refined focus to the Martin Luther King, Jr., Memorial. The revisions appropriately respond to the Commission’s

earlier review comments.

- Commented favorably on the revised design concept for the Martin Luther King, Jr. National Memorial, as shown on NCPC Map File No. 1.51(73.10)-41988, and reminded the Foundation to coordinate with the Park Service on the size, location, and programmatic requirements for the Ranger and Visitor Information Kiosk.
- Recommended that the opening of the “Mountain of Despair” be returned to its original design concept of 12 feet, to reinforce the fundamental concept of the “Stone of Hope” appearing to have been pulled forward from the “Mountain of Despair”.

Review of the project at the Commission’s December 2006 meeting resulted in the Commission commenting favorably on the revised design concept for the Martin Luther King, Jr. National Memorial, as shown on the NCPC filed plans.

At the July 10, 2008 NCPC Meeting, the Commission:

- Approved the preliminary site and building plans for the memorial’s Visitor Contact Station/Bookstore/Restroom Building only, as shown on the NCPC Map File No. 1.51(73.10)-42570, and;
- Noted that the Commission supports the overall design of the memorial, but is unable to move forward at this time because of unresolved issues surrounding the proposed introduction by the National Park Service of perimeter security elements that will impact the memorial design, and because the location of West Basin Drive is subject to change during the conclusion of the Section 106 consultation process;
- Discouraged the National Park Service from adding perimeter security to the design of the memorial because it is likely to disrupt the design concept for the memorial;
- Deferred preliminary approval of the memorial other than the Visitor Contact Station/Bookstore/Restroom Building, and required the applicant to:
  - o Provide the final alignment and roadway design for West Basin Drive.
  - o Provide a design for proposed security elements for the memorial, if the National Park Service demonstrates that such security elements are necessary. The submission for perimeter security elements must include a threat assessment supporting the need for, and design and placement of proposed perimeter security elements in accordance with: the Commission’s submission requirements; the Commission’s National Capital Urban Design and Security Plan Objectives and Policies (adopted May 5, 2005); an analysis by the Park Service of how such perimeter security measures are supported in the existing NEPA document for the

memorial project (or supplemental NEPA documentation); and evidence of Section 106 compliance for the introduction of perimeter security elements.

- Provide preliminary and final design for the sculpture for the *Stone of Hope*.

The applicant has submitted all information detailed in the items above as requested by the Commission's July 10<sup>th</sup> action. These include:

- A threat assessment of the memorial developed by the Department of Interior's office of Deputy Assistant Secretary for Law Enforcement and Security.
- A revised environmental finding supporting the review and evaluation of modifications of the memorial development dated August 2008.
- Further detailed final design of the relocation of West Basin Drive that is a required element of the memorial for access to the memorial site.
- The design and placement of proposed perimeter security elements in accordance with the Commission's submission requirements and the Commission's National Capital Urban Design and Security Plan Objectives and Policies.
- Submission of the preliminary and final design of the *Stone of Hope*.

## PROJECT ANALYSIS

Staff finds the submitted project drawings of the preliminary and final design of the Martin Luther King, Jr. National Memorial are substantially complete to a 95 percent information level, with modifications fully noted. The final design details included in the submission for the building and many memorial features are highly refined and clearly noted. Staff continues to view the final design of the Visitor Support Building as light and simple in its material composition; subdued in its massing; and is appropriately located to best serve the memorial's visitors. Nevertheless, an issue remains with the structure that limits staff's ability to recommend final approval without modification. That issue is the presence of an interior donor wall located at the north end of the building within the bookstore. The existence of this feature is in direct conflict with the Commission's policies on donor recognition specified by the Commission in 1988. Specifically, the building's interior donor wall conflicts with policy 2 which cites: "Donor/sponsor contributions to memorials to be located on public lands in the National Capital shall not be visibly acknowledged anywhere at the memorial site, including in or on an associated memorial building," (see attachment). Furthermore and perhaps most significant, the Commemorative Works Act that directly applies to this memorial specifies at Section 8905, Site and design approval, (b) Decision Criteria, Item 7: "Donor contributions. - Donor contributions to commemorative works shall not be acknowledged in any manner as part of the commemorative work or its site." **Staff, consequently, finds the design and location of the interior donor wall within the Visitor Support Building unacceptable, and requests the Commission require the applicant remove the feature from the memorial project.**

Regarding the bollards proposed for inclusion in the final design, staff has analyzed information provided by the Park Service in support of incorporating the bollards into the Memorial and

**recommends to the Commission that the information is inconclusive. Staff recommends that the Commission disapprove the proposed bollards at this time.**

Additionally, staff is unconvinced that inclusion of bollards as shown on the drawings will fully address the security concerns outlined by the applicant. Given this and given the potential visual and physical intrusion that the bollards will have upon the Memorial; staff at this time cannot support the placement of bollards in the Memorial's forecourt or side entry walkways. Also, additional information on the potential visual and physical effects of the bollards would assist the Commission in its decision-making.

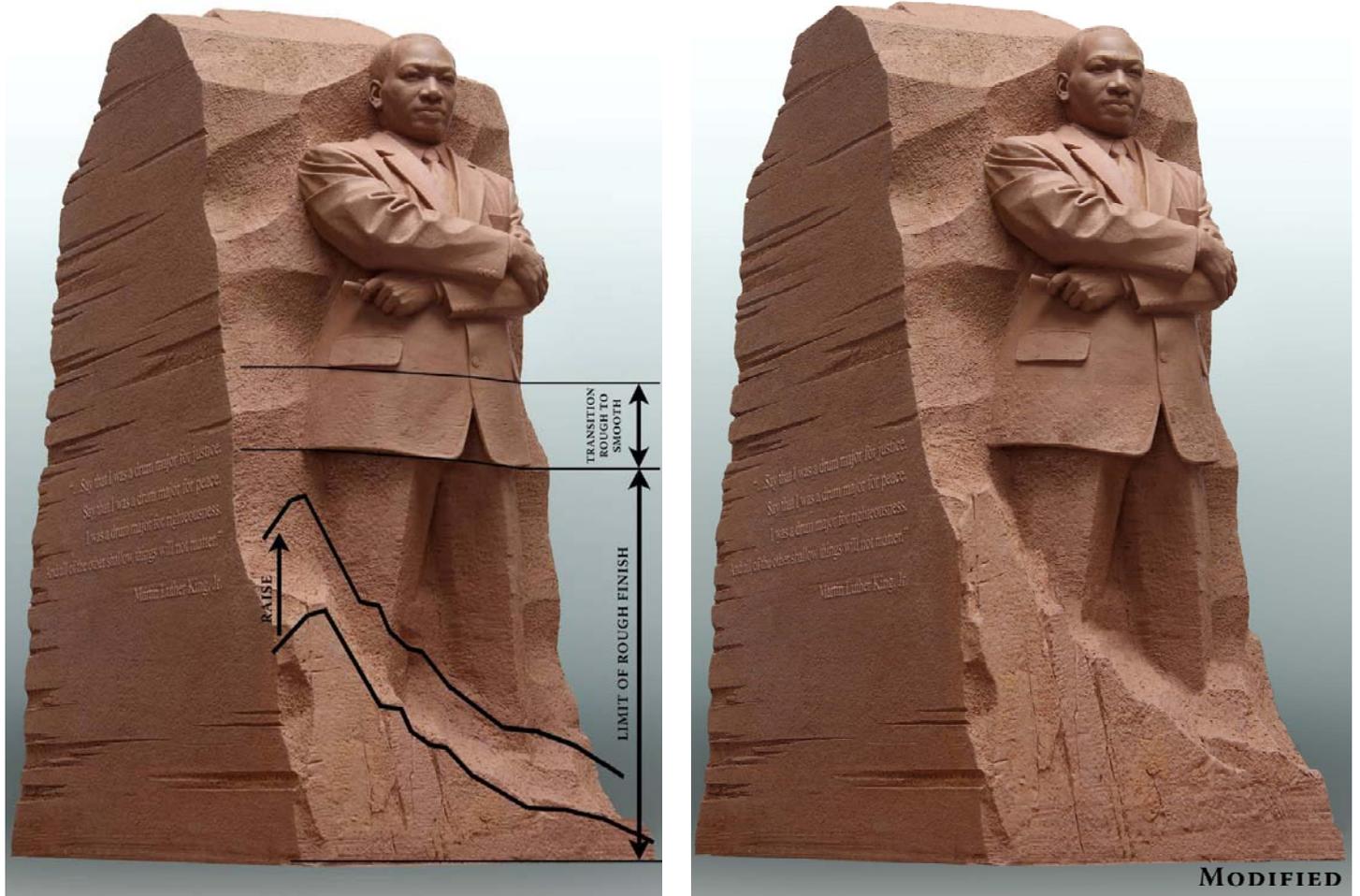
Staff acknowledges the applicant has investigated alternative approaches to addressing the inclusion of perimeter security at the Memorial. These alternate designs included creation of a landscaped "tiger trap" area at the front of the forecourt; the use of larger and more numerous bollards at the curb line of the Memorial site; the use of "boulder and rock" elements at the forecourt; and the use of site furniture—such as benches to establish a secure perimeter. Each approach was found by NCPC staff, the Commission of Fine Arts staff, and the consultants to the Foundation to be either out of place; disrupting to pedestrian pathways or viewsheds; more adverse to the simple design themes of the memorial; and further imposing toward the scale and pedestrian environment of the forecourt zone.

Pending additional information that more conclusively supports the need for perimeter security, **staff recommends approving preliminary and final design for the Memorial with the exception of the proposed bollards, and also recommends that additional environmental information regarding the potential effects of perimeter security on the Memorial and West Potomac Park would assist the Commission in its decision-making in this matter.**

The staff recommends this approach in support of the completed final design of the full memorial as a whole, and with the time constraints that are facing the Foundation to begin memorial construction.

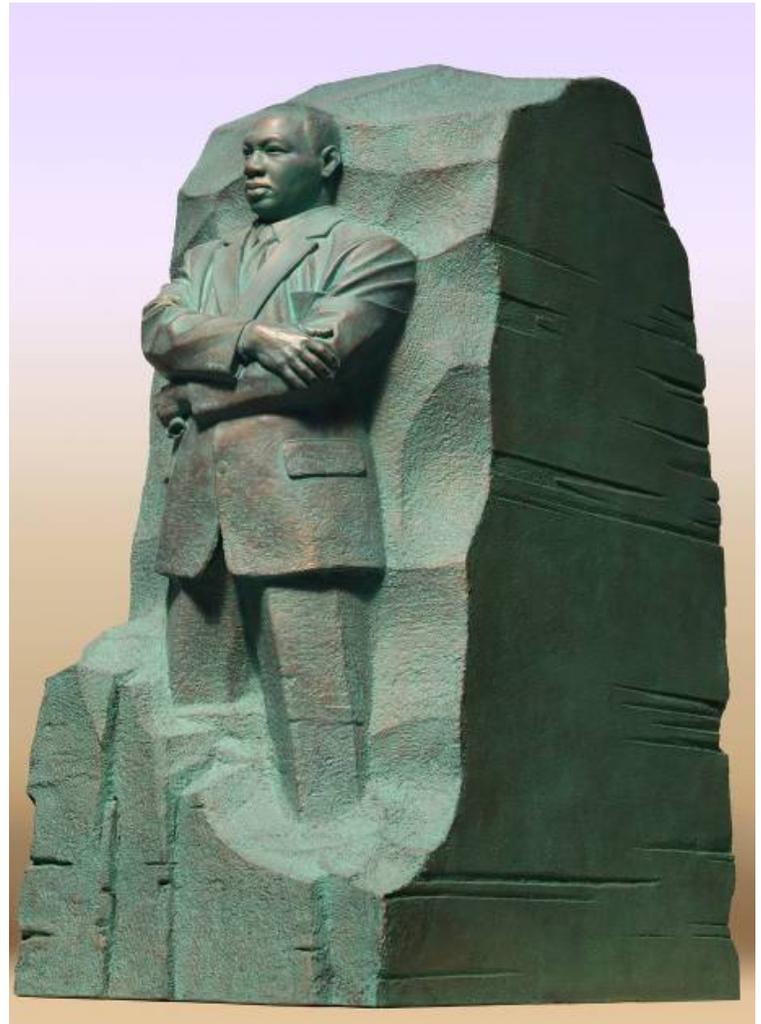
In the context of the complete memorial design, realignment of the south end of West Basin Drive to achieve added curvature to the road at the southwest area of the memorial has been finalized pursuant to District of Columbia State Historic Preservation Office recommendations. The Section 106 Memorandum of Agreement (MOA) has been completed, with a signed document agreed upon by the required signatories as to the status of West Basin Drive.

As noted by the earlier description of the sculpture issues in this report, the staff is pleased to observe the Foundation has submitted to NCPC the revised image for the *Stone of Hope* as requested. The revised *Stone of Hope* now depicts Dr. King's form in its same basic appearance of the figure of Dr. King with crossed folded arms at his chest. The image remains centered on the Tidal Basin side of the *Stone of Hope*. The edges of the sculpture are brought forward to



**EARLY CLAY MODEL OF SCULPTURE WITH MODIFICATIONS NOTED ON ORIGINAL IMAGE OF DR. KING AT LEFT**

reduce the apparent amount of relief of the image thickness at its edges, and the base of the rough stone area has been elevated to just above the knee level of the figure on the left, as one views the figure. The sculpture also carries a rough stone appearance on the left and right side in the area of the suit-coat pocket. Finally, Dr. King’s face has been somewhat altered to remove some facial-lines around the mouth and cheek area of the head. **Images of the sculpture are revised and submitted, as requested, for final approval. Staff recommends their approval.**



**UPDATED SCULPTURE IMAGE PORTRAYED IN BRONZE, AS OF AUGUST 2008**

The final minor alteration to the memorial is the introduction of Red Maple trees to the front edge of the memorial forecourt, at the north and south walls near West Basin Drive. This revision, after further study by the Foundation as requested by CFA, established an increased shade area within the forecourt for the comfort of visitors. **Staff finds the revision acceptable.**

**Consequently, the staff recommends the Commission:**

- **Approves** the preliminary and final site and building plans for the Martin Luther King, Jr. National Memorial, as shown on the NCPC Map File, **except for** the bronze bollards at the forecourt and side entry walkways;
- **Approves** the *Stone of Hope*, as submitted to NCPC;

- **Disapproves** the design and location of the interior donor wall within the Visitor Support Building and requires the applicant remove the feature from the memorial project in compliance with the Commemorative Works Act and the Commission's policies on donor recognition.

## CONFORMANCE

### Comprehensive Plan

The proposal is consistent with the Comprehensive Plan for the National Capital. Specifically, policies contained in the Parks and Open Space Element state that the federal government should:

- Enhance the great cross-axes of the Mall, and protect them from inappropriate development (Policy No. 4, page 109).
- Use monumental parks and landscapes to provide settings for public buildings, monuments, and memorials, and to create special environments for limited activities (Policy No.5, page 109).
- Site memorials in monumental and designed landscape parks in compliance with the Memorials and Museums Master Plan (Policy No.6, page 109).
- Maintain East and West Potomac Park as an extension of the Mall, as a valuable recreational open space, and as a space that can be used for outdoor cultural events, gatherings, and celebrations (Policy No. 8, page 109).

### National Environmental Policy Act (NEPA)

Staff finds that the preliminary and final design does not constitute any appreciable change to the potential environmental effects and related mitigation outlined in the project's July 2005 Environmental Assessment (EA) adopted by the Commission in November 2005. Consequently, the Commission's Finding of No Significant Impact remains valid for environmental review purposes in compliance with the Commission's procedures.

The submitted design maintains mitigation actions defined by the NEPA analysis of the EA. The concept issues of height of the berm and viewshed effects from that feature to and from the memorial have been addressed by the preliminary design implementation and in the further progress of the National Historic Preservation Act Section 106 Consultation process. The evaluation by staff of the location of the Visitor Support Building finds the 14-foot building height and the use of expanses of glass and exterior material finishes sustains the EA conclusions that the structure be small in scale and discreet. The EA specifically notes "An attractively designed structure located in the southwest corner of the site would enhance visitor comfort and

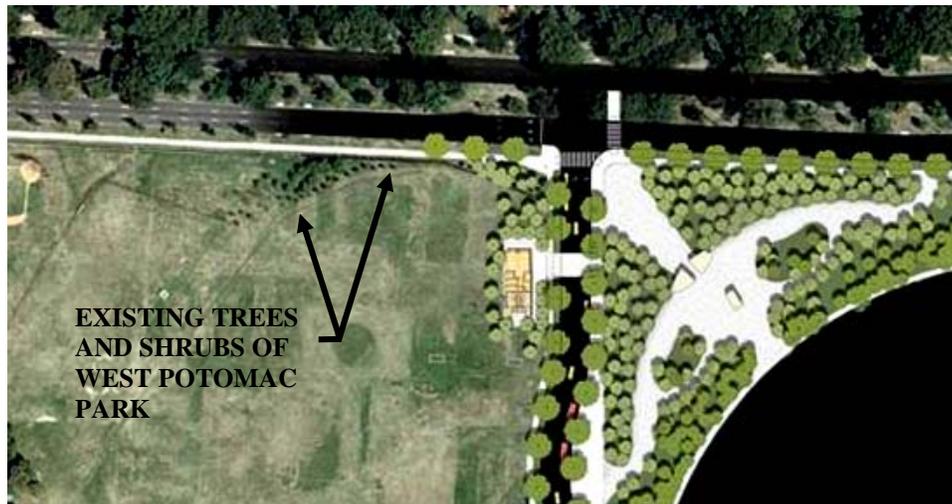
could also be used to house ranger or interpretive functions. Such a facility should be unobtrusive in scale, with a height similar to the memorial berm and a footprint of 1,750 square feet (approximately 1 percent of the site area).” The presently designed structure, at 2,932.5 square feet, is 1.9 percent of the memorial area and 1.6 percent of the complete project work site area. Staff finds the variation of the preliminary and final design, and the conceptual description of the possible structure in the 2005 EA, within the range of normally seen revision and refinement of building plans, as a project is brought to conclusion, and within less than one percent of a change in project site area as a result of its modifications. Consequently, no appreciable variance to the environmental outcome exists in regard to the structure.

The 2005 EA notes that visitors to the memorial would generate the need for a variety of on-site services, including restroom and interpretive facilities. Given that the nearest restrooms would be located more than 750 and 1,000 feet away at the World War II and FDR Memorials, respectively, numerous memorial visitors would be inconvenienced and discomforted by a lack of restroom facilities at the new memorial. Further, memorial visitors typically desire a bookstore or interpretive ranger to learn more about the subject matter. The EA cites that such facilities would be inconsistent with the design parameters established for the site under a previous NPS policy that emphasized centralized restrooms in the Mall area. However, NCPC project review of December 2005 noted the Park Service was reconsidering that policy in regard to this memorial. The EA of 2005 stated that because the memorial would attract more than 1.2 million visitors per year, restroom facilities should be provided as mitigation for memorial development.

Relative to its present location, as noted to all consulting parties under the NHPA Section 106 process, the Commission of Fine Arts (CFA) requested the Visitor Support Building be re-sited in November 2007. The CFA endorsed the relocation of the visitor support facility northward to be closer to the memorial entrance in April 2008. The members were critical of its earlier scale and location at the southwest, and also the building layout with its separated two-structure configuration, with an open shade-court centered between the walled buildings. CFA recommended consolidating the program into a single smaller building, compared to the central court configuration with flanking structures at each end.

In context to the building location near the forecourt entrance, the 2005 EA examines the viewshed area of West Potomac Park and observes: “Since the existing visual permeability of the site is limited and varies according to the vegetative cover and season, the quality of existing views across the site also varies. With the proposed memorial, current filtered views to the Tidal Basin from Independence Avenue would be screened, particularly for motorists. However, views through the site would still be available to pedestrians who could experience the entry vista and other views that the memorial would offer.” Staff found the EA evaluation applicable to the Visitor Support Building area as it is adjacent to West Basin Drive and the memorial’s forecourt. The preliminary and final site plans for the building maintain the character of varied vegetation screening and filtered views from Independence Avenue and West Potomac Park. Much of the existing vegetation northwest of the building is existing trees and shrubs adjacent to

Independence Avenue. It is supplemented by new additional plantings immediately north of the building site (see below). Thus, no change in the definition of the impact's context or intensity occurs as a result of the building location and the overall anticipated impacts as described by the existing EA. Consequently, the NCPC findings established from the EA remain unchanged.



### **EXISTING VEGETATION OF WEST POTOMAC PARK**

On the issue of the introduced bollards, the Park Service has revised its findings and supplemented it with a description of the bollards located within the memorial and its site. The Park Service review notes the EA evaluation of forecourt pedestrian pathways and access to the memorial remains applicable. NCPC staff finds that the information submitted by the National Park Service regarding the bollards does not fully address the need for the bollards or the potential impacts to the memorial's design and operation.

#### National Historic Preservation Act (NHPA)

The Park Service is serving as lead agency for the National Historic Preservation Act (NHPA) compliance. In March 1999, at the time the Tidal Basin site was being considered, NPS wrote to the D.C. State Historic Preservation Officer (DC SHPO) determining that a memorial at that location would potentially have an adverse effect on the landscape and National Register qualities of West Potomac Park.

On September 13, 2005 NPS wrote to the D.C. SHPO determining that the proposed concept design would potentially have an adverse effect on the National Register qualities of West Potomac Park: "The construction of an earthen berm, above the historically flat topography of the park, will introduce another raised element into the historic landscape." NPS noted that

similar modifications to the 20th-century engineered fill have occurred at other memorials. “As the design development and consultation continue, other potential adverse effects may be identified.”

The letter continues:

Mitigation of the impacts associated with other raised elements in this flat landscape has been accomplished during the design approval process by considering height and visual openings in the design. The Foundation, National Park Service, NCPC and CFA have agreed to limit the access of the memorial design from the area of the historic cherry trees, allowing an entrance, not unlike that of the FDR Memorial, but considerably less than was introduced by the construction of the Thomas Jefferson Memorial. This initial mitigation requirement is reflected in the submitted design and will be adhered to by the National Park Service in the ensuing design approval process.

NPS held consultation meetings on September 19, 2005, January 2008, March and April 2008, and on June 30, 2008. At the most recent meetings, the parties had discussed a further review period that was initiated on or about July 17 and extended to August 11, 2008. The June 30<sup>th</sup> meeting included representatives from the Foundation, the DC SHPO, the Advisory Council on Historic Preservation, NCPC, The National Coalition to Save Our Mall, and the Committee of 100.

The Park Service completed a Memorandum of Agreement (MOA) on August 25, 2008. The MOA proposes terms by which NPS will conduct future design review and Section 106 consultation for the project with agencies and the interested public. The MOA also determines the Area of Potential Effect, the determination of effect, and the affected historic resources. NPS, in consultation with the DC SHPO and other parties, has determined that West Potomac Park is the affected area. The historic resources are the contributing structures and features of West Potomac Park.

NPS’s determination of effect is described in its MOA: “The NPS has determined that the Undertaking, which includes site regrading and construction of an earthen berm; the relocation or removal of nine cherry trees; demolition, realignment and reconstruction of a portion of West Basin Drive and its signalized intersection with Independence Avenue may have an adverse effect on West Potomac Park, properties included in the National Register of Historic Places.”

The major part of the discussion for completing the agreement in the last months related to the Visitor Support Building design and the final alignment of West Basin Drive adjacent to the memorial. Comments from the consultations and review have enabled the NPS to resolve the location, and to amend the building design to provide shelter along the building perimeter. Other consulting party questions and issues have been directly responded to by the Park Service (see attachment). Staff notes there remains an issue of final design details of the West Basin Drive and its final alignment that must be consulted upon by the Park Service pursuant to MOA requirements. Further consultation is also required for any security measures for the memorial.

## COORDINATION

### Coordinating Committee

The Coordinating Committee reviewed the final memorial design and its updated modifications on August 13, 2008. The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented, the participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the District of Columbia Office of Housing and Community Development; the General Services Administration; the National Park Service; and the Washington Metropolitan Area Transit Authority.

### Commission of Fine Arts

At its meeting of June 19, 2008, the CFA reviewed a revised sculpture of Dr. King. The revised *Stone of Hope* now depicts Dr. King's form in its same basic appearance of the figure of Dr. King with crossed folded arms at his chest. The image remains centered on the Tidal Basin side of the *Stone of Hope*.

The CFA members requested a plaster or bronze maquette of the *Stone of Hope* be delivered for review by CFA at its next meeting, and a sample section of actual stone surface, with sculpted detail, be submitted to gauge the amount of carved relief contrast allowed by the selected stone. The members then moved to endorse the revised concept for the sculpture of the *Stone of Hope*.

The CFA has yet to review the further requested information on the *Stone of Hope* and the bollards at the memorial. The Commission meeting is scheduled for September 18, 2008.

**NATIONAL CAPITAL PLANNING COMMISSION**  
801 PENNSYLVANIA AVENUE, N.W., SUITE 301  
WASHINGTON, D.C. 20576

NCPC File No. 2904

**POLICIES**  
**RELATING TO THE RECOGNITION OF**  
**PRIVATE CONTRIBUTIONS TO**  
**MEMORIALS, MUSEUMS, AND OTHER CULTURAL FACILITIES**  
**ON PUBLIC LANDS IN THE NATIONAL CAPITAL\***

The National Capital Planning Commission has adopted the following policies as a guide to public agencies, memorial sponsors, special interest groups and private citizens soliciting private donations and/or contributed services for public projects in the National Capital. Although the Commission will review individual proposals for the recognition of donors and sponsors on their merits, it wants to alert these groups, prior to the solicitation of funds or contributed services, that it will not approve donor or sponsor acknowledgements which intrude on the integrity of the particular project or its environs.

**Policies**

1. Private donations or contributed services to memorials, museums and other cultural facilities to be located on public lands in the National Capital may be acknowledged in one or more of the following ways:
  - (a) Donor/sponsor names and/or the names of those whom donors/sponsors wish to commemorate may be inscribed on an honor roll and buried in a time capsule somewhere in or on the site.
  - (b) Donors/sponsors may be appropriately recognized at dedication ceremonies, e.g., in speeches and/or on the program.
  - (c) Responsible landholding agencies may give donors/sponsors certificates or plaques of appreciation that are suitable for display in their home or office.
2. Donor/sponsor contributions to memorials to be located on public lands in the National Capital shall not be visibly acknowledged anywhere at the memorial site, including in or on an associated memorial building.
3. Donor/sponsor contributions to non-building kinds of cultural facilities, such as gardens, to be located on public lands in the National Capital shall not be visibly acknowledged at the site itself.
4. Donor/sponsor contributions to museums and other cultural facilities that are to be located in public buildings in the National Capital shall not be visibly acknowledged on the exterior walls of the building itself or on its grounds.

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\*Approved by the Commission at its meeting on December 1, 1988.



## United States Department of the Interior

### NATIONAL PARK SERVICE

National Capital Region

1100 Ohio Drive, S.W.

Washington, D.C. 20242

AUG 21 2008

IN REPLY REFER TO:

D20 (NCR-LRP)

National Coalition to Save Our Mall  
9507 Overlea Drive  
Rockville, Maryland 20850

Dear Ms. Feldman:

I am writing in response to your letter of August 11, 2008 regarding the Memorandum of Agreement for the establishment of the Martin Luther King Jr. Memorial. According to your letter, the greatest concern of the National Coalition to Save Our Mall at this stage of design development is the Visitor Contact/Bookstore/Restroom facility. I will attempt to address the major issues raised in your letter.

#### Initial Size and Location of the Visitor Services Facility

We must respectfully disagree with your assertion that the Visitor Services Facility was not part of the 2005 design. The December 2005 Concept Plan for the Memorial, as presented to the National Capital Planning Commission (NCPC), included a visitor services facility of approximately 3600 square foot (SF) which was intended to be similar to the 2800SF visitor services facility at the Franklin Delano Roosevelt (FDR) Memorial. The exact size, configuration, and location of the facility have changed over the course of design development, in part as a result of Section 106 consultation, but the basic program has not changed. In fact, the size of the facility has instead been reduced by approximately 15 percent to approximately 3100SF. Attached is a drawing which was part of the NCPC presentation as confirmation that the facility has been part of the program for the memorial since 2005.

#### Section 106 Consultation Meetings during 2006 and 2007

As you know, the initial Section 106 consultation meeting occurred in September 2005 upon release of the Environmental Assessment (EA). After the submission of the Concept Design to the Commission of Fine Arts (CFA) and the NCPC in the fall of 2005, the size, configuration, and location of the visitor services facility was refined through consultation with the staff of the commissions and through a series of Revised Concept submissions. The Revised Concept submission was approved by NCPC in December of 2006. Between January and November of 2007, the Martin Luther King, Jr. Foundation reorganized its design team, and it was not until the November that the design of the Memorial was again moving forward. In the February of 2008, the Section 106 process was recommenced and the consulting parties were re-engaged. For further illumination of the history of the development of the design of the visitor facility, attached is the chronology that was developed at your request during the Section 106 process.

### Inclusion of the Visitor Services Facility in the Environmental Assessment

We must also disagree with the assertion that the visitor services facility is not addressed in the Environmental Assessment. The need for visitor services for the initial 2-5 million annual visitors to the Memorial and the expected long-term average of 1.2 million visitors per year is clearly expressed in the EA. Section 4.0, Environmental Consequences, provides the framework for the services that are to be provided by the memorial project. In particular, on page 4-5, the need for visitor services created by the memorial are described:

Visitors to the Memorial, particularly families and the elderly, would generate the need for a variety of on-site service, including restroom and interpretive facilities. Given that the nearest restrooms would be located more than 750 and 1000 feet away, at the World War II and FDR Memorials, respectively, numerous Memorial visitors would be inconvenienced and discomforted by a lack of restroom facilities. In addition, Memorial visitors typically desire a bookstore or interpretive ranger or museum space to learn more about the subject matter.

Your letter correctly states that the provision of such visitor services at the site of a new memorial were inconsistent with a National Park Service (NPS) policy which had guided the establishment of design parameters for the memorial, as recognized in the EA:

However, such facilities would be inconsistent with the design parameters established for the site under a previous NPS policy that emphasized centralized restrooms in the Mall area.

The discussion of visitor facilities does not end with this recognition, however. Rather the provision of the visitor facility is suggested as mitigation for the environmental effect of the newly created visitor needs:

Because the Memorial would attract more than 1.2 million visitors per year, restroom facilities should be provided. An attractively designed structure located in the southwest corner of the site would enhance visitor comfort and could also be used to house ranger or interpretive functions.

### The Visitor Services Facility is not a Visitor Center

NPS's Visitor Facility Planning Model (December 2004) describes the services that are typically found in a "Visitor Center", which include, but are not limited to a lobby, information desk, exhibit area, public restrooms, theater, interpretation offices, and support spaces. In contrast, the proposed visitor services facility for the Martin Luther King Jr Memorial includes only restrooms, mechanical space to support the Memorial, a ranger contact station, and a bookstore to serve the interpretive needs of the public. The proposed facility does not include an exhibit area, theater, or interpretive offices that are part of a typical NPS Visitor Center. It is also worth noting that according to the planning model, NPS Visitor Centers typically achieve a minimum size of 5000SF to 7000SF.

The NPS policy has been consistent with regard to what is or is not a Visitor Center. The restrooms/bookstore services that are currently provided at the Lincoln Memorial, the Washington Monument, the Jefferson Memorial, and at the FDR Memorial are basic services, necessary to the visitor experience. These facilities do not constitute Visitor Centers.

#### The Proposed Visitor Services Facility is Within the Boundaries of the Approved Site

During the Section 106 process and consultation with NCPC and the Commission of Fine Arts (CFA), the design has been refined and the Memorial has been reduced in scale. As a result of that refinement and the proposed reconstruction of West Basin Drive, the entire Memorial, including the visitor services facility, fits within the approved 4-acre site. Attached is a diagram based on the "Station and Offset Plan" from Construction Documents for the Memorial on which we have superimposed the dimensions of the 4-acre site as identified in the EA. As it is still within the limits of the originally-defined site, its impact to recreation in West Potomac Park is no greater than that of the original Concept Design. We also note that various locations for the visitor support facility were considered through the Section 106 process and ultimately the location west of the roadway was selected because it minimized impacts on the existing cherry trees and upon historic views within West Potomac Park. Finally, we note that the District of Columbia State Historic Preservation Officer (DCSHPO) has agreed that the visitor services facility creates no significant impacts beyond those of the Memorial itself, which the Memorandum of Agreement seeks to mitigate.

#### Further Responses Issues Raised by the Coalition

Your letter includes a list of ten specific questions, some of which have been addressed above. For the sake of completeness we have addressed any unanswered questions below.

1. The visitor support facility is considered part of the Memorial undertaking, as necessary support to the primary purpose of the Memorial as authorized by Congress.
2. The issue of the need for interpretive services was addressed in the narrative above.
3. The decision to locate the visitor facility west of West Basin Drive was made during 2006, between the March and December presentations to NCPC, as a result of consultations with NCPC, CFA, and the Memorial Foundation's design team. The effects on recreation are discussed above.
4. As discussed above, the visitor facility is within the 4-acre site.
5. As described above, the visitor facility conforms to the Commemorative Works Act.
6. The NPS definition of a Visitor Center is described above.
7. The National Mall Plan, now in progress, will address broader NPS policies with regard to the development of additional comfort facilities.
8. The proximity of restrooms at other memorials is addressed above and in the EA.
9. There is no universal policy regarding visitor support facilities at memorials – the need for such facilities is evaluated based on the location, subject matter, expected visitation, and other factors. Retail facilities are considered only to the extent that such services are necessary to the interpretation of the memorial. These policies are consistent with the Commemorative Works Act.

10. NPS's support of the proposed visitor services facility is based on the information provided above, not just on the premise that a portion of the Memorial site the former location of temporary buildings.

### Conclusion

We appreciate the Coalition's comments on the development of the Martin Luther King Jr. Memorial and we hope that we have addressed your concerns regarding the visitor support facility. However, we also recognize that the Coalition, and other consulting parties, may wish to discuss further the development of the visitor support facility. Toward this end we have amended the MOA to include the treatment of the visitor services facility as one of the three issues subject to further consultation. We hope that the Coalition will agree to support the MOA as it has been amended.

I would like to thank you for your patience in working out the MOA and I want to thank you for agreeing to review this response expeditiously.

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter May", with a long horizontal flourish extending to the right.

Peter May  
Associate Regional Director  
Lands, Resources and Planning

Enclosures