

STAFF RECOMMENDATION

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NCPC File No. 6321



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

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

August 28, 2008

Abstract

The National Law Enforcement Officers Memorial Fund requests approval of final site and building plans for the National Law Enforcement Museum. The Fund obtained preliminary site and building plan approval at the Commission's December 2007 meeting. The largely underground museum, with entrance pavilions and the surrounding shared plaza, will be constructed on federal land within the District of Columbia Courts complex in Judiciary Square, in accordance with Public Law 106-492, which authorized the project in 2000. The Commission is the federal agency responsible for ensuring the project's compliance with the National Environmental Policy Act and the National Historic Preservation Act. Both a Finding of No Significant Impact (FONSI) and a Memorandum of Agreement (MOA) have been concluded. The general plans and principles for the proposed museum, as well as the renovation and expansion of the D.C. Court of Appeals (the Courthouse) by the District of Columbia Courts and associated infrastructure improvements are described in the Judiciary Square Master Plan, which was approved by the Commission in May and August 2005.

Commission Action Requested by Applicant

Approval of final site and building plans pursuant to Public Law 106-492.

Executive Director's Recommendation

The Commission:

Approves the final site and building plans for the National Law Enforcement Museum, as shown on NCPC Map File No. 1.22(73.10)42566, with the exception of the proposed demolition and subsequent rebuilding of the areaway and disassembly of the generator for Court Building C.

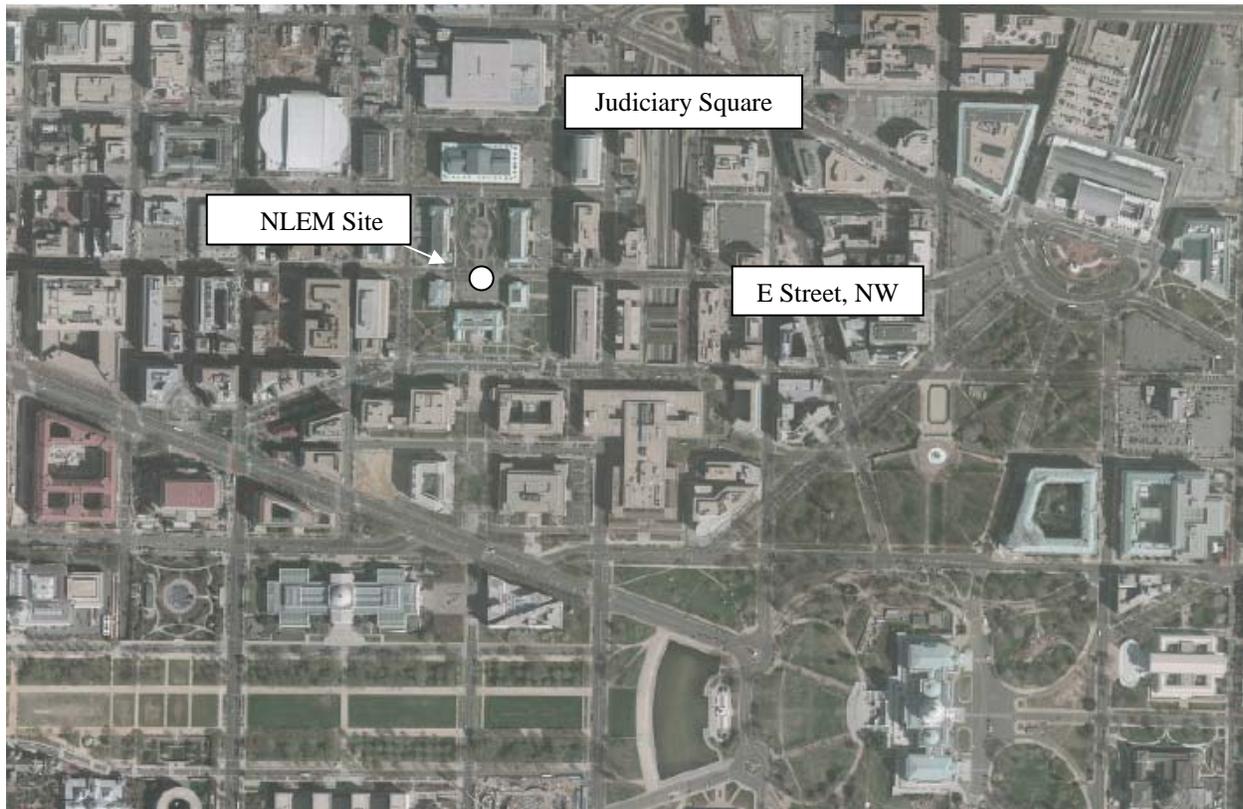
Notes that Public Law 106-942 requires consultation and coordination with the District of Columbia Courts throughout the duration of the project.

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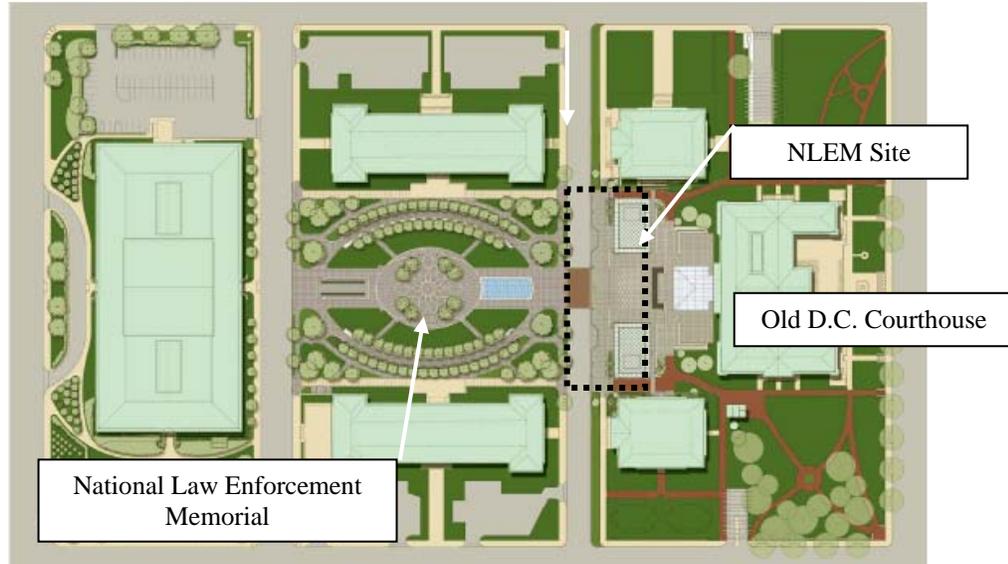
PROJECT DESCRIPTION

Site

The project is located in Reservation 7 in Judiciary Square. The two entrance pavilions will be located on the south side of the 400 block of E Street, NW. The National Law Enforcement Museum (the museum or NLEM) will be constructed below a former parking lot that served the District of Columbia Courts, between Court Building C and the United States Court of Appeals for the Armed Forces, as well as below the right-of-way of the 400 block of E Street, NW. The remainder of the area south of E Street will be further developed, following excavation, as a plaza that will be shared by the museum and the D. C. Courts.



NLEM Site in Judiciary Square (north at top)



NLEM Site in Judiciary Square (north at left)

Background

The Commission approved the preliminary site and building plans at the December 2007 meeting. Only minor changes have been made to the plans between the December 2007 preliminary plans and the final plans now under review. Requirements in the Commission's preliminary action have been met.

The Executive Director made a Finding of No Significant Impact (FONSI) prior to the December Commission meeting. The staff has determined that the four mitigating conditions in the FONSI have been met. They are described further in the NEPA section of this report.

Description

The final site and building plans are nearly identical to the preliminary site and building plans approved by the Commission at the December 2007 meeting. The plans include the design of the pavilions and plaza, the retaining walls and bollards inside the E Street south sidewalk, the glass skylights in the plaza, and the landscaped beds associated with each pavilion. In addition, plans and sections for the below-grade museum have been submitted.

The further developments on the final plans since December 2007 are: 1) the removal of the flush translucent pavers from the walking surface of the lower ramps to the Courthouse; and 2) the removal of two of the three proposed crosswalks across E Street, at the request of the District Department of Transportation (DDOT). In addition, there has been minor modification of the landscape plan. The translucent pavers will be constructed in the plaza, in a pattern with darker pavers of Impala Black granite. The translucent pavers will not be built in the entrance ramps to the Courthouse entrance. (The D.C. Courts has previously objected to this feature.) DDOT determined that one 40-foot wide central sidewalk at the center of the 400 block of E Street, NW would be safer for pedestrians than the three shown on the previous plans.

The design and dimensions of the pavilions have not changed since the preliminary review. They are consistent with the public law establishing the museum, which allows a height of 25 feet measured from the E Street curb at the centerline of the west pavilion. The exterior height of the pavilion is 25 feet, with the exterior walls of the pavilion's peristyle rising to a height of 16 feet 4 ½ inches. The public law allows up to 10,000 square feet of total area; the pavilions as designed total 7,695 square feet in area. Each measures 52 feet by 77 feet.

The design of the pavilions was refined during the course of 2006 and 2007 to take into account the sloping site. The height of the peristyles relates to the height of the belt course and portico base of the U.S. Court of Appeals of the Armed Forces and the granite base of the east pavilion relates to the height of the base of Court Building C. The pavilions will be clad in a transparent low iron glass. At the outer ends of the two pavilions (east and west), interior museum walls will be clad in opaque glazing to hide core functions and program areas. Exhibit shipping and receiving will be accommodated on the east side of the east pavilion through a recessed entrance.

The Courthouse ramps will be disassembled prior to the excavation of the museum, after which the Fund will rebuild the upper ramp runs as previously designed and constructed by the D.C. Courts; the Fund proposes rebuilding the lower runs with their slope reduced to 5% in order to eliminate the need for handrails.

The retaining walls are a minimum of 30 inches in height to meet the D.C. Courts' security requirements. The bollards are 36 inches in height and spaced four feet clear to comply with DDOT's requirements for full access. Square in plan, the bollards' structural cores will be clad with Impala Black granite for an exterior measurement of 16 inches by 16 inches.

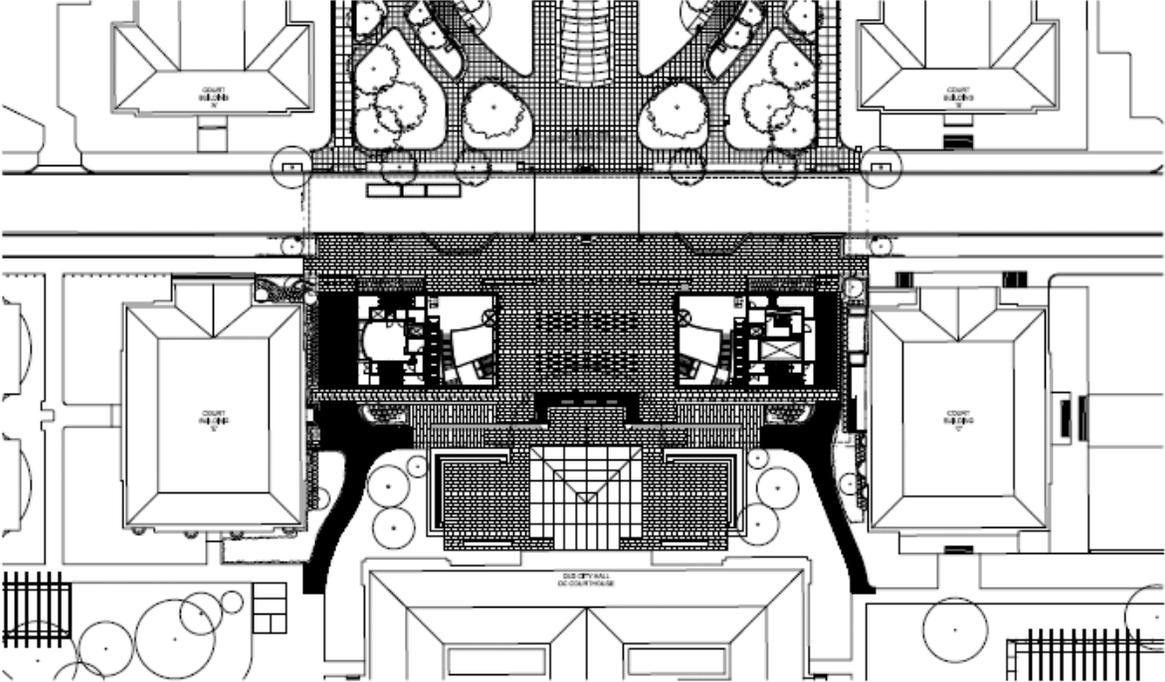


Final Site and Building Plans, September 2008, above.

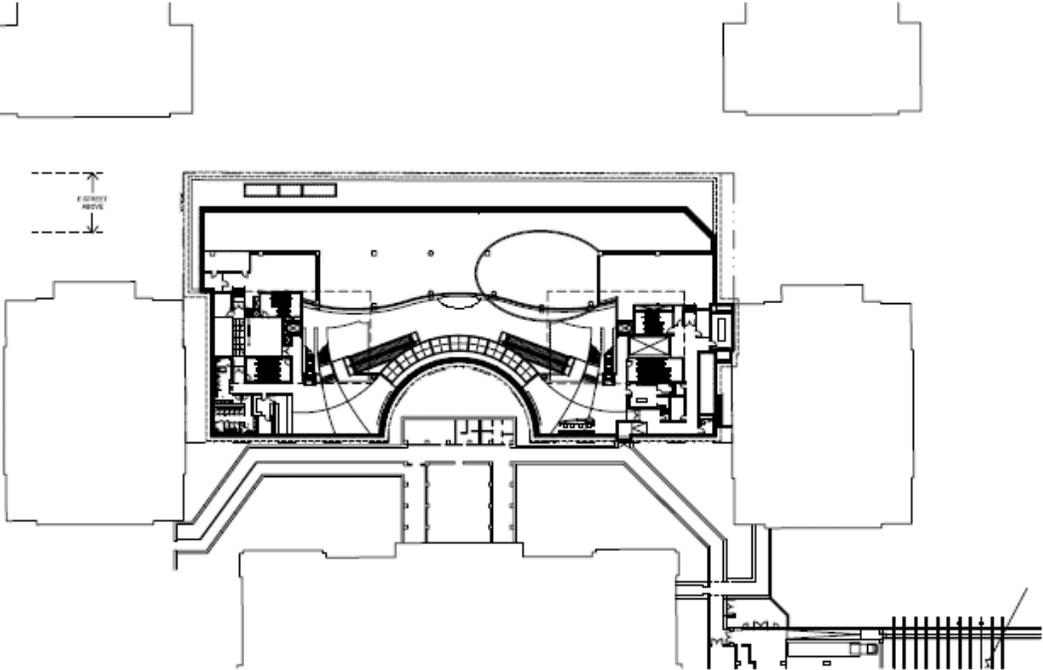
Revisions since Preliminary Site Plan approval in December 2007 (shown below) are: a single 40-foot sidewalk in center of block instead of three crosswalks; and the removal of translucent glass pavers in the lower runs of the ramps to the Courthouse. There are minor modifications in the landscape plan.



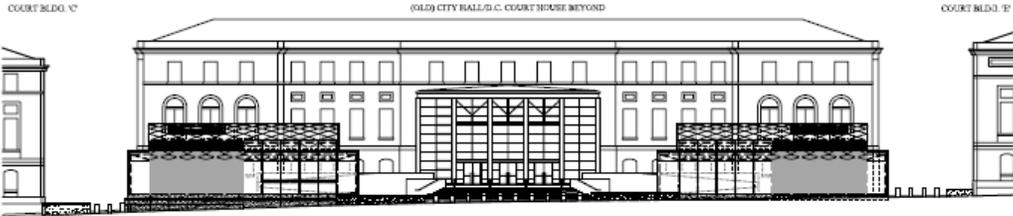
For comparison: Preliminary Site and Building Plans, approved December 2007



Final Site Plan



Plan for first level below grade (Ticketing Level) indicating shared service entrance from 4th Street, NW and adjacent service route to Courthouse and parking garage on 5th Street



E Street elevation



SOUTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

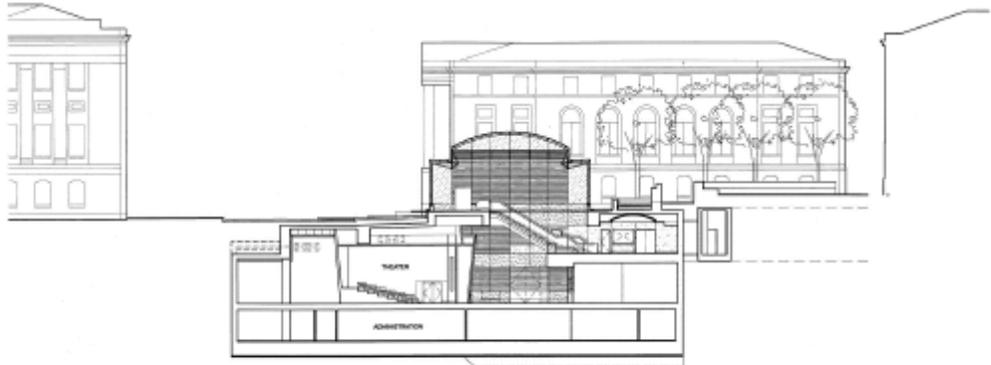


WEST ELEVATION
WEST PAVILION

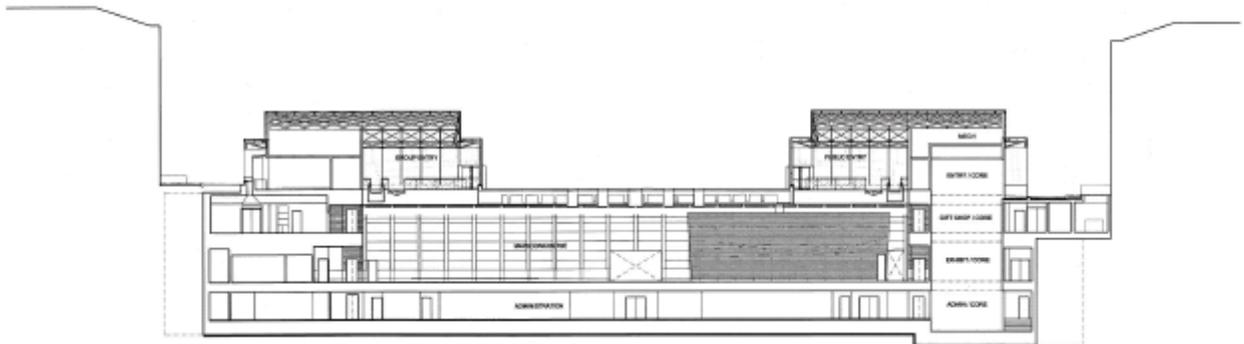


EAST ELEVATION
EAST PAVILION

Pavilion Elevations



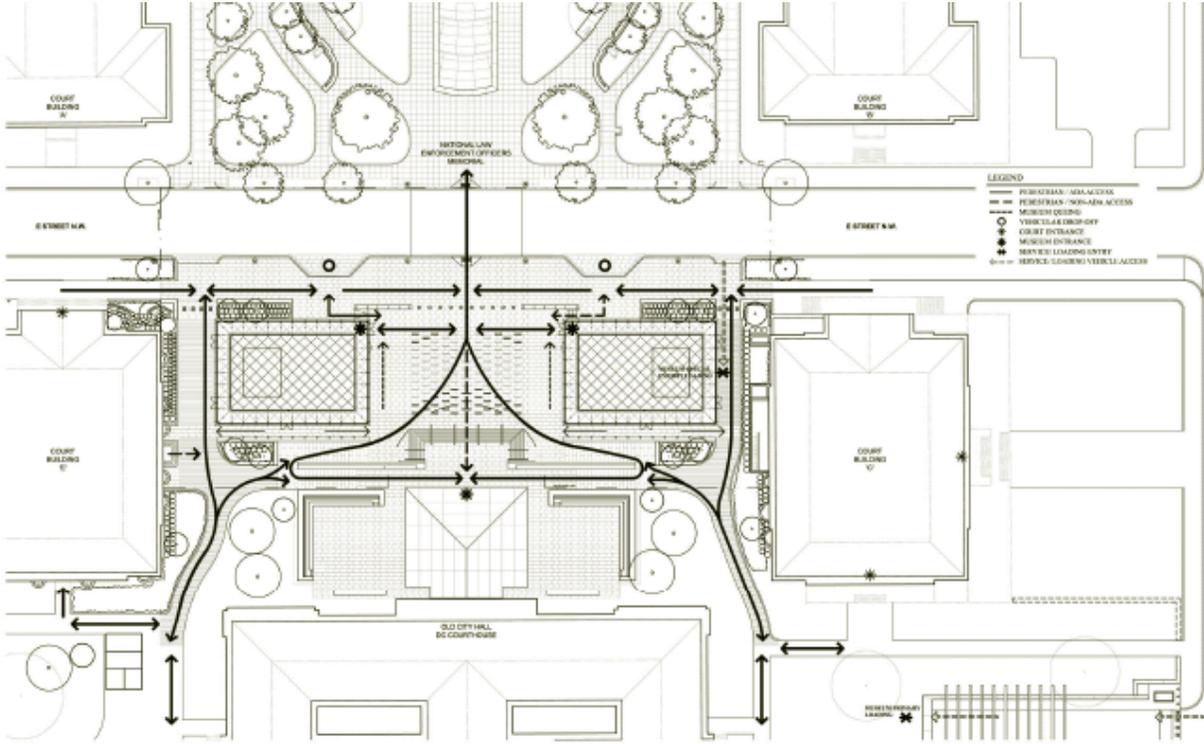
CENTER PLAZA SECTION LOOKING EAST



CENTER PLAZA SECTION LOOKING NORTH



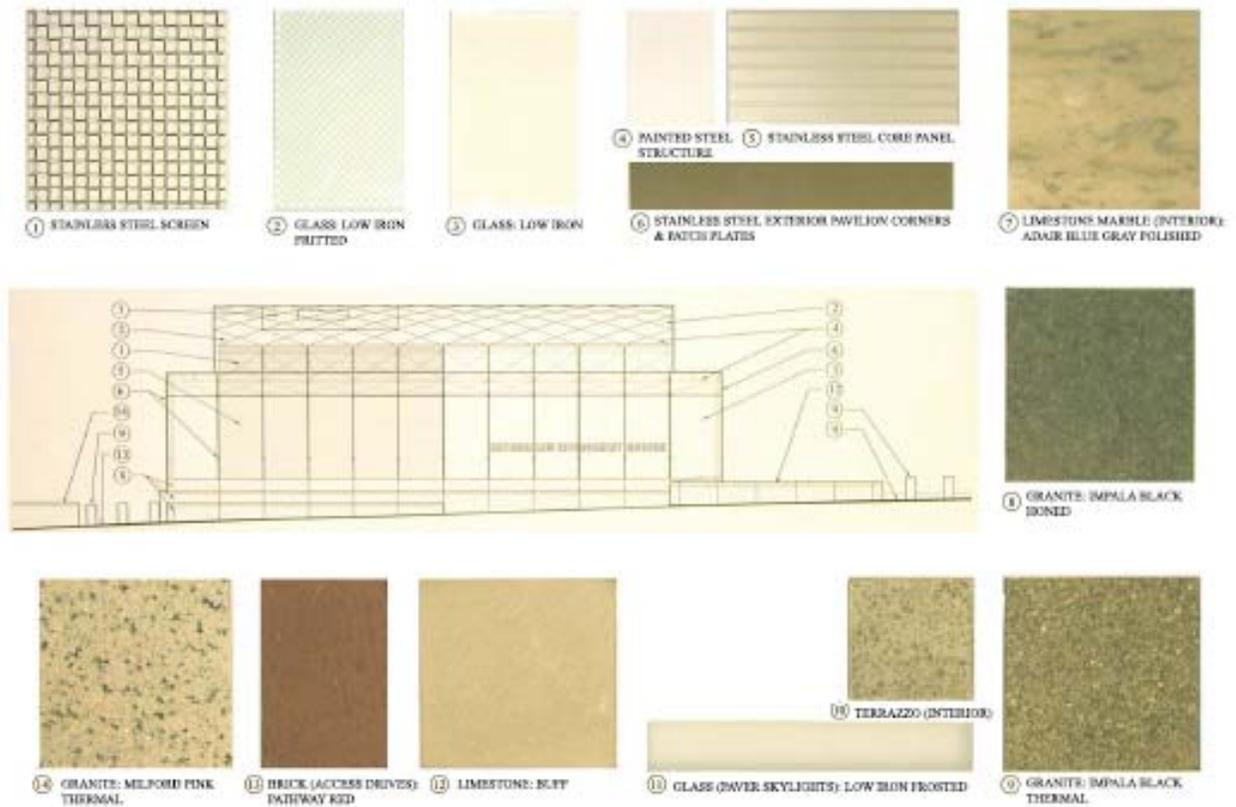
Sections



Circulation Plan



Rendering from E Street, looking east



Palette of Materials

ANALYSIS

The staff recommends that the Commission approve the final site and building plans for the National Law Enforcement Museum. The submission is nearly identical to the preliminary site and building plans approved by the Commission at the December 2007 meeting. In the staff’s judgment, the applicant has met the requirements of the Commission’s December 2007 Action, including the conditions for mitigation. The staff recommends that the Commission except from approval the proposed demolition (during the period of museum construction) and subsequent rebuilding of the existing areaway and the disassembly of the generator for Court Building C.

The final site and building plans are a refinement of the December 2007 preliminary site and building plans. They reflect extensive consultation between the Fund and the Courts, as well as with the Commission, the National Park Service (NPS), the U.S. Commission of Fine Arts (CFA), the D.C. State Historic Preservation Officer (DC SHPO), and the District of Columbia government in furtherance of the two adjacent development projects and in meeting the requirements of the museum’s authorizing legislation. The final plans are the result of agreements on perimeter security, shared access to the loading facility, the design of the shared plaza, and a refined pavilion design that responds more compatibly to the Courts’ historic buildings.

The Executive Director made a Finding of No Significant Impact (FONSI) prior to the December Commission meeting. The staff has determined that the applicant has accomplished the four conditions for mitigation; they are described in the following NEPA section of the report.

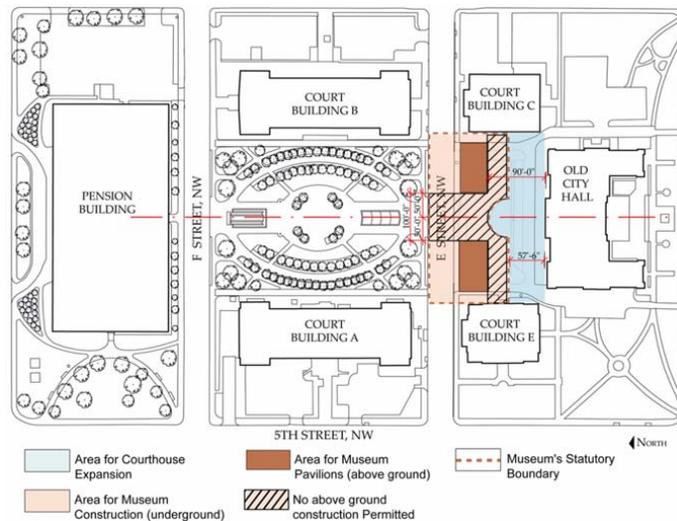
The Commission's Action in December 2007 "Not[ed] that the applicant must coordinate the location and design of the PEPCO vaults with the District of Columbia and the National Park Service." The District of Columbia Office of Planning (DCOP) coordinated the project at the June 18, 2008 Coordinating Committee meeting, stating that DCOP would require a covered grate on the PEPCO vault and that the District would continue its review directly with the applicant on that issue. Associated public space permits have not yet been issued and are still under review by District of Columbia agencies, including the Traffic Control Plan for vehicles and pedestrians on E Street during construction.

The Commission's December 2007 Action "direct[ed] the applicant to continue to coordinate with the D.C. Courts in accordance with Public Law 106-942, and with other District of Columbia agencies, to ensure that the final plans include the required information and mitigation actions to address anticipated construction impacts on operations and access throughout the site." The staff is satisfied that the submission includes sufficient information and proposed mitigation actions, some of which are part of ongoing consultation and coordination between the applicant and District of Columbia agencies that will issue permits, and some between the applicant and the D.C. Courts.

The applicant submitted a suggested plan for pedestrian access across the site to court buildings during construction of the museum. The D.C. Courts and the U.S. Court of Appeals for the Armed Forces have responded by correspondence. The D.C. Courts, in a letter of August 21, 2008, requested discussions, stating some concerns and asking for further information. The U. S. Court of Appeals stated general agreement with the proposal. The plan includes the construction of covered walkways across the construction site, in addition to or as an alternative to use of the Courthouse's side entrances. Handicapped access can be continued through the newly constructed garage to the west of the Courthouse.

Public Law 106-942

The museum construction is limited to a distance of 57 feet, 6 inches from the façade of the Old City Hall plus an area extending beyond that line and comprising a part of a circle with a radius of 40 feet measured from a point that is 59 feet, 9 inches, from the center of that façade." The legislation also requires that "above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the existing Old City Hall" and that "no portion of the aboveground portion of the Museum is located within the 100-foot wide area centered on the north-south axis of the Old City Hall." The following diagram, generated by staff, demonstrates the legislated building restrictions.



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

The Fund and the D.C. Courts have continued to exchange information. The Courts received the final site and building plans submitted to the Commission, as well as a proposed plan for temporary pedestrian access across the museum’s site during construction. The Courts wrote the Fund with its concerns and asked for further information. The applicant will reconstruct the lower runs of the ramps leading to the Courthouse upon completion of the museum construction.

The D.C. Courts have not agreed to the demolition and rebuilding of the areaway and disassembly of the existing generator for Court Building C. Therefore, staff recommends that the proposed demolition and subsequent rebuilding of the areaway and disassembly of the generator be excepted from the approval of the final site and building plans for the museum.

The Fund anticipates beginning construction and utility work at the site in spring 2009. The Courthouse is nearing the completion of its interior rehabilitation as well, and will be occupied again in Spring 2009. The staff met with D.C. Courts representatives on site in June to observe the rapid construction progress on the Courthouse’s entrance pavilion. Courts representatives continue to express concern to staff about the size and location of the pavilions in relation to the new entrance pavilion to the Courthouse.

CONFORMANCE

Comprehensive Plan for the National Capital

The proposal is consistent with the policies and objectives for Judiciary Square as stated in the District of Columbia Elements of the Comprehensive Plan for the National Capital.

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

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

The D.C. State Historic Preservation Officer concurred with the Executive Director’s determination that the museum pavilions constitute an adverse effect on the open space character of and views within Judiciary Square and on the Old City Hall. The D.C. SHPO has concurred that the refinements to the pavilion design in height, massing, and transparency constitute the most significant mitigation of the adverse effect, in furtherance of meeting the objectives of the policies stated above.

National Capital Urban Design and Security Plan

The museum will not require perimeter security devices in the surrounding public space. The approved concept for perimeter security for the D.C. Courts includes a security line placed between the two above-ground museum pavilions and at the east and west drive aisles near Court Building C and the U.S. Court of Appeals for the Armed Forces. This security line will run across the north edge of the shared plaza, which is also the museum roof. The Fund has incorporated this security line into its plans, and has hardened its proposed retaining walls to become part of the security line. This approach is supported in the Commission’s Urban Design and Security Plan and policies.

Judiciary Square Master Plan

The museum plaza design complies with the requirements of the approved Judiciary Square Master Plan in providing perimeter security for the District of Columbia Courts while retaining the central opening foreseen in the legislation. Further, the plaza design and dimensions incorporate the narrowing of the E Street right-of-way by eleven feet and the widening of the sidewalk on the south side.

National Environmental Policy Act (NEPA)

The Commission has served as lead federal agency for the purposes of the National Environmental Policy Act. The Executive Director issued a finding on the Environmental Assessment on September 28, 2007.

At the December 2007 meeting, the Commission conditioned final review on four mitigation measures in the Executive Director’s Finding of No Significant Impact (FONSI). The staff finds that the four conditions have been met with the submission of final site and building plans. They are:

- 1) *Obtaining concurrence from the Washington Metropolitan Area Transit Authority (WMATA) on the final site and building plans.* WMATA's letter dated May 30, 2008, stated that it was continuing its review but had no objection to the Commission's taking final action on the site and building plans.
- 2) *Minimizing adverse effects to the historic court buildings and Judiciary Square through finalization of the plans presented for preliminary site and building plan review, and the execution of a Memorandum of Agreement (MOA) pursuant to Section 106 of the National Historic Preservation Act.* The preliminary plans were used in the completion of the MOA to indicate the minimization of adverse effects through the design of the above-grade features of the museum. The MOA was executed on June 23, 2008 by the D.C. State Historic Preservation Office, the National Park Service, the applicant, and the Executive Director.
- 3) *Minimizing potential adverse traffic impacts resulting from the construction of the museum by filing plans with DDOT to manage re-routing of traffic from E Street during construction, especially during peak traffic.* A Traffic Management Plan was filed with DDOT and is currently being reviewed. (Pedestrians will use the walkways of the Law Enforcement Memorial to the north of E Street in concert with a temporary walkway for east-west movement during construction.)
- 4) *Demonstrating the incorporation of low intensity development (LID) practices in the final landscape plans for the plaza.* The applicant has submitted information on the structure of the below-grade cells that will be constructed to decrease storm water run-off.

National Historic Preservation Act (NHPA)

The Commission has served as lead federal agency for the provisions of the National Historic Preservation Act. The staffs of the Commission, the D.C. State Historic Preservation Office, the Commission of Fine Arts, and the National Park Service, as well as representatives of the Committee of 100 on the Federal City and the D.C. Preservation League, participated in the consultation.

The consultation resulted in the improved massing of the pavilions and their alignment and proportion in relation to the three court buildings surrounding them. The lowering of the cornice height of the pavilions, their greater transparency, and their improved massing were significant steps forward in the development of the design.

The Executive Director determined, and the DC SHPO concurred, that the placement of pavilions in Judiciary Square would have an adverse effect on Old City Hall, a National Historic Landmark, and the character of Judiciary Square's architectural and open space setting. The setting is also part of the Pennsylvania Avenue National Historic Site. A Memorandum of Agreement (MOA) was executed on June 23, 2008 by the DC SHPO, NPS, the applicant, and the Executive Director.

The improved architectural compatibility of the pavilions and the refinements to the Court's security barrier, in relation to the buildings and setting of Judiciary Square, minimized the adverse effect.

Two mitigation measures are also part of the agreement document. The Fund will prepare historic district nominations for a Judiciary Square Historic District for both the National Register of Historic Places and the D.C. Inventory of Landmarks and submit them in one year to the DC SHPO. The Fund will also prepare and print copies of a public brochure in non-technical language to be distributed at the museum and by the signatory agencies on the history of the development of Judiciary Square.

CONSULTATION

Coordinating Committee

The Coordinating Committee reviewed the final site and building plans on June 18, 2008, and forwarded it to the Commission with the statement that the project had been coordinated by all agencies present. The participating agencies were NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the Department of Housing and Community Development; the National Park Service; the General Services Administration; and the Washington Metropolitan Area Transit Authority. The representative for the District of Columbia Office of Planning noted that the PEPCO vaults must be covered and that the District will work directly with the applicant on this issue.

Commission of Fine Arts

The Commission approved the final plans for the museum at its May 2008 meeting, with no further directions for site or public space design.