

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

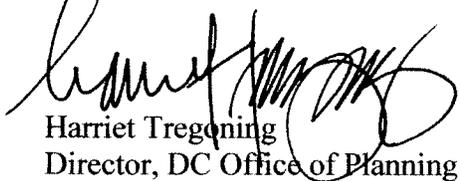
To minimize the potential adverse impacts resulting from the Museum Alternative, the following mitigation measures are recommended:

- 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 runoff, 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



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



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.

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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,



Acting

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