

COMMISSION ACTION

NCPC File No. MP24



DRAFT MASTER PLAN FOR JUDICIARY SQUARE

Washington, D.C.

Submission by the General Services Administration

August 7, 2003

Commission Action Requested by Applicant

Approval of draft master plan pursuant to (40 U.S.C. § 8722(e) and Section 5 of the National Capital Planning Act (40 U.S.C. § 8722(b)(1)), and D.C. Code § 10-603.

Commission Action

The Commission:

- Approves the draft Judiciary Square Master Plan, as shown on NCPC Map File No. 1.20/1.22(05.12)41202, except the realignment of the traffic lanes along E Street between 4th and 5th Streets, NW.
- Approves the general concept of the perimeter security elements, but not their specific placement; and requires that the placement of these elements be submitted to the Commission as part of each building project, along with a security assessment and justification that includes alternative protection techniques, such as building hardening, vehicular circulation, and hardened streetscape elements.
- Requires for final approval that the Master Plan include:
 - ? A new landscaping/streetscape proposal that maintains the existing E Street curb line and is consistent with the “green precinct” concept.
 - ? Any modifications to the Master Plan that may result from the conclusion of the Section 106 consultation process.
 - ? Findings and recommendations, as appropriate, of the Judiciary Square Transportation and Security Study.

- ? In place of the specific zoning text recommendations, a plan that shows an assessment of potential retail sites around Judiciary Square, to provide guidance to the District of Columbia in developing possible zoning changes to encourage service-oriented development in the Master Plan area.
- Waives the requirement in the Master Plan Submission Guidelines relating to approved Master Plans and agrees to consider preliminary and final design plans for the parking garage at the corner of 5th and D Streets, NW, and concept and preliminary design plans for the National Law Enforcement Museum and Old D.C. Courthouse/City Hall prior to approval of a final Master Plan for Judiciary Square, provided, however, that the National Law Enforcement Officers' Memorial Fund, Inc. and the District of Columbia Courts reach an agreement on the design of the plaza area between the pavilions of the National Law Enforcement Museum and north of the proposed new entrance to the Old D.C. Courthouse/City Hall prior to submission of concept design plans for the National Law Enforcement Museum and the Old D.C. Courthouse/City Hall.

Deborah B. Young
Secretary to the National Capital Planning Commission

DRAFT STAFF RECOMMENDATION

D. Zaidain
NCPC File No. MP24



DRAFT MASTER PLAN FOR JUDICIARY SQUARE

Washington, D.C.

Submission by the General Services Administration

July 31, 2003

Abstract

This project was presented to the Commission at its July 10, 2003 meeting. The Commission tabled consideration of the project for 30 days and requested the District of Columbia Courts and the National Law Enforcement Officers Memorial Fund to meet to resolve outstanding issues, and offered to have NCPC staff participate in the meeting(s).

The General Services Administration (GSA) has submitted, on behalf of the District of Columbia Courts (D.C. Courts), a draft Master Plan for Judiciary Square. This plan seeks to coordinate the reorganization of the facilities and functions of the D.C. Courts and to revitalize this historic Square. In August of 2002, the Commission deferred a conceptual review for the Courts' proposed underground parking garage at 5th and D Streets, NW until a draft Master Plan for the Square was submitted to the Commission. As a result, a six month long master planning process was initiated and managed by GSA and a team of consultants, and included the participation of the National Capital Planning Commission, Commission of Fine Arts, and various District of Columbia public agencies. The resulting draft Judiciary Square Master Plan includes various construction projects for the D.C. Courts' operations as well as numerous landscape, open space, and street treatments to restore the character of Judiciary Square. At this stage, the applicant is seeking comments on the draft document. Section 106 and NEPA processes have been initiated but not completed. The District Department of Transportation (DDOT) will begin work on a Judiciary Square Transportation and Security Study in late summer and estimated time required for completion is five months. The D.C. Courts and The National Law Enforcement Officers Memorial Fund (NLEOMF) are working on a Memorandum of Understanding (MOU) regarding design, control and use of a plaza planned for the south side of the 400 block of E Street NW that will provide access for both the National Law Enforcement Museum and a new entrance for the Courts on the north façade of the Old D.C. Courthouse/City Hall.

Commission Action Requested by Applicant

Approval of draft master plan pursuant to (40 U.S.C. § 8722(e) and Section 5 of the National Capital Planning Act (40 U.S.C. § 8722(b)(1)), and D.C. Code § 10-603.

Executive Director's Recommendation

The Commission:

Approves the draft Judiciary Square Master Plan as shown on NCPC Map File No. 1.20/1.22(05.12)41202 **except** for the following element:

- The realignment of the traffic lanes along E Street between 4th and 5th Streets, NW.

Approves the general concept of the perimeter security elements, but not their specific placement; and **requires** that the placement of these elements be submitted to the Commission as part of each building project, along with a security assessment and justification that includes alternative protection techniques, such as building hardening, vehicular circulation, and hardened streetscape elements.

Requires for final approval that the Master Plan include:

- A new landscaping/streetscape proposal that maintains the existing E Street curb line and is consistent with the “green precinct” concept.
- Any modifications to the Master Plan that may result from the conclusion of the Section 106 consultation process.
- Findings and recommendations, as appropriate, of the Judiciary Square Transportation and Security Study.
- In place of the specific zoning text recommendations, a plan that shows an assessment of potential retail sites around Judiciary Square, to provide guidance to the District of Columbia in developing possible zoning changes to encourage service-oriented development in the Master Plan area.

Waives the requirement in the Master Plan Submission Guidelines relating to approved Master Plans and agrees to consider preliminary and final design plans for the parking garage at the corner of 5th and D Streets, NW, and concept and preliminary design plans for the National Law Enforcement Museum and Old D.C. Courthouse/City Hall prior to approval of a final Master Plan for Judiciary Square, provided, however, that the National Law Enforcement Officers’ Memorial Fund, Inc. and the District of Columbia Courts reach an agreement on the design of the plaza area between the pavilions of the National Law Enforcement Museum and north of the proposed new entrance to the Old D.C. Courthouse/City Hall prior to submission of concept design plans for the National Law Enforcement Museum and the Old D.C. Courthouse/City Hall.

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BACKGROUND AND STAFF EVALUATION

PREVIOUS COMMISSION ACTION

At its July 10, 2003 meeting, the Commission tabled consideration of the draft Master Plan for Judiciary Square for 30 days and directed the D.C. Courts and the NLEOMF to meet to resolve outstanding issues, offering NCPC staff assistance. Since that time staff has continued to refine its analysis of the proposed security elements in the Master Plan, and facilitated communication between the D.C. Courts and the NLEOMF. On July 11, D.C. Courts and NLEOMF exchanged information regarding their respective requirements for the design and function of the plaza area between the proposed museum pavilions and north of the proposed new entrance to the Old D.C. Courthouse/City Hall. Because of conflicting travel and vacation schedules, Judge Wagner of the D.C. Courts and Craig Floyd of the NLEOMF have been in communication but have not been able to meet in person to resolve conflicts that exist between those requirements.

For the August, 2002 Commission meeting, the General Services Administration submitted to the National Capital Planning Commission a concept plan for a below grade parking facility at the corner of 5th and D Streets, NW within Judiciary Square. During the Commission hearing on August 1st 2002, several concerns were discussed by the Commission, including the entrances to the garage, the landscaping above, and the lack of an overall Master Plan for the Courts' operations within the Square. The outcome of that proceeding was the deferment of the garage proposal and all other forthcoming D.C. Court projects until a Master Plan for Judiciary Square was submitted for Commission review. This has led to the submittal of this draft Master Plan.

Additional past Commission actions include an approval on October 7, 1999 for final site and building plans for exterior renovations and site improvements at the Municipal Center Building, 300 Indiana Avenue (Case MP24/5964). During research on this project, staff also discovered various documents and reports regarding a 1974 Master Plan for Judiciary Square, but no official Commission action has been found. It is clear from NCPC's files that there has not been a Master Plan for Judiciary Square since the late 1970s.

RELATED ACTIVITIES

National Law Enforcement Museum

On January 24, 2000, Congress passed Public Law 106-492, which authorized the construction of the National Law Enforcement Museum. The law allows for the construction of an underground structure, which will extend below E Street NW and will be entered through two pavilions to be built above grade south of the E Street right-of-way. Further, the legislation specifically states [the museum shall be designed so that]:

- It provides an area for expansion of the Old City Hall [referred to in the Judiciary Square Master Plan as The Old D.C. Courthouse] within an area "extending to a line that is at least 57 feet, 6 inches, north of the northernmost façade of Old City Hall and parallel to that façade; 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.” [see **Attachment 8** for illustration]

- The underground portion of the museum has a footprint of not less than 23,665 square feet.
- Above ground, there is a no-build zone of 90 feet out from the northernmost face of the north portico of the Old City Hall running east to west parallel to Old City Hall.
- The aboveground portion of the museum consists of two entrance pavilions totaling a maximum of 10,000 square feet, neither of which shall exceed 6,000 square feet and the height of neither of which shall exceed 25 feet, as measured from the curb of the westernmost pavilion.
- 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.

Architect Davis Buckley has been commissioned by the NLEOMF to design this project and presented an initial concept to the Commission for information purposes in January of 2003.

Staff recognizes the need for coordination between the NLEOMF and other projects recommended in the Judiciary Square Master Plan. Staff is aware of meetings held between representatives of the D.C. Courts, the National Law Enforcement Fund, Davis Buckley, the General Services Administration and Master Plan consultant team on March 5, April 22, May 5, and May 6 of 2003. Furthermore, staff convened a meeting with these parties on June 24, 2003. The Master Plan recognizes and reflects the legal area established for the museum and Old D.C. Courthouse/City Hall addition. No further detail related to the design of the National Law Enforcement Museum or of proposed additions to the Old D.C. Courthouse/City Hall is displayed in this plan.

District Department of Transportation Study

In May of 2003, the District Department of Transportation finalized a scope of work for the Judiciary Square Transportation and Security Study. This study will address circulation and parking in the Judiciary Square area, as well as security concerns related to the handling of prisoners at area courts. This study has been initiated and will take approximately five months to complete. The draft Judiciary Square Master Plan recognizes this study and the fact that many of the issues related to traffic mitigation, bus movement, drop off and security related transportation issues will be addressed in the Judiciary Square Transportation and Security Study.

DESCRIPTION OF PROPOSAL

The Judiciary Square Master Plan seeks to coordinate the future facility projects for the District of Columbia Court operations, which is the predominant tenant in the Square. The Plan also makes recommendations for a variety of landscape, streetscape, open space and security

improvements aimed at securing and revitalizing the Square. The Plan's stated objective is to create a "green precinct" and to re-establish Judiciary Square as a symbolically important place within the original L'Enfant City. Historically, this Square has functioned as a municipal and judicial center and is the location of several historically significant buildings, including the Old D.C. Courthouse/City Hall Building and the Superior Court Buildings A, B, and C. The Square also includes the National Law Enforcement Officers Memorial, located between E and F Streets and completed in the late 1990s, and the future site of the National Law Enforcement Museum, located between the National Law Enforcement Officers Memorial and the Old D.C. Courthouse/City Hall.

Master Plan Study Area

The Master Plan study area includes 23 acres known as Judiciary Square and is defined as F Street to the north, C Street to the south, 5th Street to the west and 4th Street to the east. The Plan also extends to a portion of Indiana Avenue, which includes US Reservation 187, as well as the portion of 6th Street that stretches along the frontage of the Moultrie Courthouse. The site is within the original L'Enfant City, and is located one block from the Pennsylvania Avenue corridor. The Square is served by Metrorail (Judiciary Square Station – Red Line), numerous Metrobus Routes and is one block west of an access road to the I-395/Center Leg Freeway. **Attachment 1** displays the Master Plan location and boundaries.

The Master Plan area includes six buildings that are listed as contributing structures within the Pennsylvania Avenue National Historic Site. These buildings include the Old D.C. Courthouse/City Hall Building, the Municipal Center, the U.S. Court of Military Appeals Building, and the D.C. Superior Court Buildings A, B, and C. All of the right-of-ways within Judiciary Square are historic L'Enfant streets and are considered to be contributing elements to the Pennsylvania Avenue National Historic Site. They are also designated as Special Streets under the Federal Elements of the Comprehensive Plan for the National Capital.

Master Plan Recommendations

The Plan evolves from an overall urban design concept of establishing the Square as a "green precinct" within this area of downtown Washington, D.C. This concept entails the revitalization of the open spaces, orienting pedestrians to the north/south axis connecting to the National Mall, and preserving the historic character of the built environment. A rendering illustrating the overall vision of the square, including the various building additions, is included as **Attachment 2** of this report. The following is a summary of the recommendations of the draft Judiciary Square Master Plan.

- Reorganization of Court Functions and Overall Building Program

The main focus for the drafting of this Master Plan is the reorganization of District of Columbia Court functions within Judiciary Square. Part of this reorganization was triggered by the D.C. Family Court Act of 2001, which mandated the consolidation of various family related courts into one location. The remaining functions will be redistributed throughout the existing buildings located within the Square, causing these buildings to undergo interior and in some cases exterior

renovations. The following is a summary of the overall program for the reorganization of the D.C. Court functions:

- *Court of Appeals Relocation to Old D.C. Courthouse/City Hall.* This will entail the interior and exterior renovation of the Old D.C. Courthouse/City Hall Building. The exterior improvements include a 37,000-square-foot addition to the building, which entails an above ground entrance pavilion added to the north side of the existing structure. This will reorient the building to the interior of the square through a new public entry on the north of the building. This entry will include a 100-foot-wide entrance plaza. The existing southern entrance of the building will be maintained for ceremonial functions.
 - *Civil Division relocations to Courts Building B.* This building will be renovated on its interior only, and will house Civil Court, including Tenant Court and Small Claims Court, as well as general office space. These Civil Courts are the higher volume courts and are currently located in the Moultrie Building in the southwestern portion of the Square.
 - *Family Court Relocation to Moultrie Building.* As described above, the Family Court Act called for the consolidation of family related court functions into one geographic location to increase public accessibility. This Family Court will be accommodated in a renovated Moultrie Courthouse on the southwestern portion of the Square. This renovation includes interior space reorganization and exterior additions on both the north and south sides of the building, totaling 97,000 square feet.
- Garages and Service Areas

A significant element of the Master Plan includes the removal of five existing surface parking lots. These lots are located on the eastern side of the Old D.C. Courthouse/City Hall Building, the eastern side of the Courts Building B, and the west side of Courts Building B. The end result is the removal of all surface parking lots within the Square, as the National Law Enforcement Museum will displace the remaining surface lot. Aside from the museum space, the redevelopment of these sites is being incorporated into the overall landscape and open space concept of the plan.

To accommodate the parking needs of the court and government functions of the Square, the Master Plan proposes to construct three new parking garages, all of which have secured entryways. Following is a summary of these three garages:

- The first garage will be constructed at the corner of 5th and D. This project was deferred by the Commission in August 2002. It will accommodate approximately 250 parking spaces and will be accessed from a new drive on 5th Street. The garage will have underground connections to the Old D.C. Courthouse/City Hall Building and the U.S. Court of Appeals for the Armed Forces Building.

- The second garage will be constructed in the northeastern portion of Judiciary Square at the corner of 4th Street and F Street, NW. The proposed number of spaces in this garage would total 150 with an ingress/egress point located on F Street, NW.
- A third garage is proposed at the southeastern corner of the square at 4th Street and Indiana Avenue, NW. This garage would include approximately 150 parking spaces and would be accessed from a drive on 4th Street.

The Master Plan further states that these underground facilities will be sufficiently sunken so as to permit planting of large canopy trees and other landscaping. The appurtenances, including emergency stairs and venting requirements will be placed in landscaping areas away from pedestrian circulation, or will be integrated into landscaped retaining walls associated with the parking garage. Details of these appurtenances and landscape plan will be included in plans for the parking garage which will be submitted to the Commission separately.

In order to accommodate the Courts' service needs within the Square, a new underground loading facility is proposed on the east side of the Old D.C. Courthouse/City Hall Building. This service area will specifically serve the Old D.C. Courthouse/City Hall Building, the U.S. Court of Appeals for the Armed Forces Building, and Courts Building C through a below grade connection. The service area will be accessed from 4th Street by the same drive serving the eastern parking garage.

- Landscape and Open Space Elements

The draft Master Plan has extensive landscape and open space elements that are aimed at beautifying the Square and creating a green precinct within the original L'Enfant City. **Attachment 3** displays the overall landscape concept and the proposed pedestrian path network. Specifically the landscape and open space elements include the following features:

- A double row of street trees along the 4th and 5th Street axes on the Judiciary Square side.
- A system of curvilinear pedestrian paths that connect to public sitting areas and provide circulation through the Square.
- The planting of canopy trees of the same species and spacing through the John Marshall Plaza area to reinforce the north-south axis to the national Mall.
- Additional canopy tree plantings along the proposed re-designed portions of E Street and Indiana Avenue as well as along the F Street frontage.

As the Master Plan sets out general perimeters for this landscape concept, specific details of these appurtenances and landscape plan will be included in plans for the parking garage which will be submitted to the Commission separately.

- Street and Streetscaping Improvements

Two significant recommendations in the draft Judiciary Square Master Plan are the reconfiguration of E Street and Indiana Avenue within the boundaries of the Square. These recommended improvements are summarized as follows:

- *E Street*. The Master Plan proposes to eliminate the two existing parking lanes and redesign the street as a three-lane roadway between 4th and 5th Streets. There would be one westbound lane, an eastbound lane and a lane on the south side of the roadway dedicated to taxi and automobile drop-off zones. This would extend the curb lines 6.5 feet on both sides of the street adding a total of 13 feet of usable landscape/pedestrian space. This proposed improvement would eliminate 46 parking spaces that are specifically dedicated for the Metropolitan Police Department. **Attachment 4** illustrates this reconfiguration.
- *Indiana Avenue*. The Master Plan also proposes to extend the north curb of Indiana Avenue approximately 26 feet so as to make the Indiana Avenue curblines between 4th and 5th Streets consistent with the D Street curb. This will also entail removing the existing diagonal parking in this area and replacing it with parallel spaces. This improvement would eliminate a total of 41 spaces, with 27 of those being reserved for government use. **Attachment 5** illustrates this reconfiguration.

In addition to the described landscaping concept, the Master Plan proposes decorative paving on E Street, F Street, Indiana Avenue, C Street and at the various intersections to delineate pedestrian crossing areas and reinforce the central spine of the Square. The rendering shown in **Attachment 2** illustrates the above-described improvements.

- Security Design

Included in the draft Master Plan are a number of recommendations regarding the installation of perimeter security measures designed to secure the Square within the landscaped environment. No security study has been presented to support these recommendations, and some measures disturb historically significant street alignments and intrude on the pedestrian environment. The following bullet points describe the proposed perimeter security design for Judiciary Square. **Attachment 6** graphically displays the security design concept.

- The Plan recommends a 30-inch-high plinth wall be installed on the southern portion of the Square between E Street and Indiana Avenue. The design of this plinth wall is to be in keeping with the rusticated bases of the buildings on the Square, and the Plan recommends that seating be incorporated into the plinth wall where appropriate.
- For the remaining perimeter of the Square, the Plan recommends a 30-inch-high, hardened fence element, designed in a manner to control the access points to the Square's circulation paths. The Plan recommends incorporating this element mainly along the 4th Street, 5th Street and E Street axes as well as around the Moultrie Courthouse building.
- Three security posts are proposed at the access drives for the three new underground parking structures.

- Additional elements include the installation of bollards through the spine of the Square at each street opening as well as hardened streetscape furniture along the north side of C Street and at the corner of 5th Street and F Street.
- Transportation Management and Improvements

As part of the master planning process, a Transportation Management Program (TMP) has been developed to help increase the percentage of employees using public transit, rideshare programs, and participating in seeking transportation alternatives. The TMP recommends the following programs be implemented by the D.C. Courts:

- The appointment of an Employee Transportation Coordinator for each organization
- Ridesharing, Carpools and Vanpools programs
- Transit subsidies and amenities
- Parking Management
- Alternative Work Hours
- Guaranteed Ride Home Program
- Telework Telecommunicating Programs
- Bike and Walking Programs

In addition to these transportation management strategies, the draft Master Plan recommends various improvements to the transportation system within Judiciary Square. The following is a summary of these recommended improvements:

- Signalization improvements to be implemented at the intersections of 3rd Street at D Street, E Street, F Street and Constitution Avenue to accommodate project future/horizon year traffic volumes.
- A bus drop-off zone to be provided along 6th Street, northbound between Pennsylvania Avenue and C Street to serve the Newseum during off-peak weekday hours and weekends only.
- A drop-off lane to be provided on the south side of F Street, west of the Police Officers Memorial in addition to the drop-off lane to be installed on the south side of the re-designed E Street.

As stated above, DDOT is undertaking a study of the transportation system in and around the Square. This study is now underway and the Master Plan recognizes that more substantive recommendations regarding bus movement and traffic will be made as a result of that study.

- Zoning Recommendations

The area immediately adjacent to Judiciary Square is zoned SP-2, Special Public Interest District. This zoning classification permits as a matter-of-right residential, educational, and artistic and community oriented uses. The draft Master Plan includes an objective to create a

mixed-use environment around the square so as to provide restaurants and other services to those who live and work in the vicinity. Given that the SP-2 Zone does not allow for such uses, the Master Plan recommends that Section 502 of the Zoning Regulations be amended to allow these uses at an appropriate scale for the Judiciary Square environment.

- Implementation Schedule

The draft Master Plan provides significant detail on the implementation and timing of the above described building projects and improvements. Generally, it is expected that implementation of the Plan will be accomplished through several independent projects over a period of a decade or more. The Master Plan has outlined the following sequence of projects, organized according to short-term vs. long-term timeframe:

Short-Term

1. *Construction of the West Garage.* This project includes the construction of the underground parking facility located at 5th and D Streets and the landscape concept above. The D.C. Courts and the US Court of Appeals for the Armed Forces have committed to jointly fund this project. This project is in the design phase and will be the first project submitted from this Master Plan.
2. *Renovation and Expansion of the Old D.C. Courthouse/City Hall.* This project entails the addition and interior renovation of the Old D.C. Courthouse/City Hall to accommodate its new function. The Master Plan acknowledges the fact that this project will require extensive coordination with the National Law Enforcement Officers Museum.
3. *Expansion and Renovation of the Moultrie Courthouse.* This project will include the expansion of this courthouse on both the north and south façade in order to accommodate the new family courts program.

Long-Term

1. Construction of the North Underground Garage (4th and F Streets)
2. Construction of the East Garage and Indiana Avenue Re-design
3. E Street Re-design
4. Security Upgrades not implemented with the individual projects

STAFF EVALUATION

The General Services Administration has submitted this draft Master Plan in order to receive approval or request modifications on the various elements described above. Section 106 and NEPA processes have been initiated and are ongoing.

“Green Precinct” Concept

Staff endorses the overall design concept of a “green precinct” for Judiciary Square. The general landscape and pedestrian circulation recommendations successfully define the perimeter of the Square and provide a north-south orientation through its spine which will be a welcome improvement to this historic area. Staff specifically endorses the following elements:

- *The general building program and the footprints for new construction projects.* The general footprint as illustrated in the draft Master Plan for the Old D.C. Courthouse/City Hall addition does not conflict with the parameters set forth in the legislation for the National Law Enforcement Museum. Further, the specific design for the Museum is beyond the scope of the Master Plan and the structures depicted in the Master Plan for that project are considered placeholders for that space.
- *The location of the entrances to the underground parking and service facilities.* In reviewing the west garage concept plan in August 2002, the Commission expressed its concern about any access points to below grade facilities on Indiana Avenue. The Master Plan addresses this concern by locating the access points in appropriate locations on 5th Street and 4th Street.
- *The re-alignment of Indiana Avenue.* The extension of the northern curb, the removal of parallel parking and the related improvements on Indiana Avenue will improve this area by increasing the pedestrian space and bringing the Indiana Avenue curb line to a consistent point with D Street to the East and West.

The following elements of the draft Master Plan should be further refined.

Consistency with the National Capital Urban Design & Security Plan

The National Capital Urban Design and Security Plan (UDSP) organizes the Monumental Core of Washington, DC into several contextual areas and recommends distinctive perimeter security treatments for each area. Using the UDSP as a guide, agencies and their consultants develop site-specific perimeter security plans based on their specific security requirements. Judiciary Square is located within the Downtown area where the UDSP recommends hardened streetscape furniture as the appropriate solution. This solution is intended to reinforce the existing character of the Downtown area. However, Judiciary Square has a unique character compared to the typical Downtown streetscape. The urban design concept recommended in the Judiciary Square Master Plan establishes an open, campus-like green environment, and one that will differentiate the square from the surrounding dense urban setting. Given this contrast, Judiciary Square should be provided with perimeter security elements that are suitable to this context. In the interest of maintaining a suitable balance between security requirements and the protection of historic street alignments and the quality of the pedestrian realm, however, the specific placement of those elements should be justified on the basis building-specific security assessments. Alternative security protection techniques such as building hardening, vehicular circulation, and use of hardened streetscape elements, should also be considered. The following are staff comments on specific recommendations for perimeter security enhancements in the Master Plan.

The proposed 30-inch plinth wall proposed for the southern portion of the E Street/Indiana Avenue Square is an appropriate solution for perimeter security within the Urban Design and Security Plan. This plinth wall is appropriately located within the building yard and will provide additional security to the Old D.C. Courthouse/City Hall as well as provide a complementary element to the surrounding landscape. Staff recommends that when detailed design is pursued for the plinth wall that seating elements be incorporated. The wall will help accent the area to the south of the building, particularly as this will function as a ceremonial entrance.

The hardened fence proposed along the E Street curb is consistent with the Urban Design and Security Plan and a similar treatment is proposed within the Federal Triangle. With the proposed E Street narrowing, a setback of 25 feet from the main structure to the cartway will be provided for Court Buildings A, B, C and the US Court of Military Appeals. Without the narrowing the setback is 19 feet on the south side. Neither distance is sufficient to prevent significant damage to the building from a vehicular threat in the street. With neither a security assessment nor an alternatives analysis, staff has not been provided with enough information to determine if these elements are the most appropriate solution, and recommends that alternative perimeter security enhancements be resubmitted in the context of a building-specific security assessment.

Staff has similar concerns with the hardened street and fence elements proposed for the Moultrie building. As proposed, there is a setback of approximately 20 feet from C Street to the proposed southern addition to the building. It is unclear at this phase of conceptual design as to whether or not perimeter security is the best possible solution in this location. Again, staff recommends that alternative perimeter security enhancements be resubmitted in the context of a building-specific security assessment. Alternative solutions that could be determined to be appropriate, for example, could include building hardening and structural reinforcement in the proposed addition.

An additional concern related to the proposed security elements pertains to the bollards proposed at the center of the square from F Street to Indiana Avenue. While bollards are considered an appropriate security solution within the Urban Design and Security Plan, and they will doubtless be required in some areas of Judiciary Square, there is not enough information at this conceptual level of submission to adequately assess their number or location. Additional information should be provided in the Master Plan regarding the design of bollards within Judiciary Square, but their specific number and location should be determined on a site specific basis in the context of building-specific security assessments.

Given the issues outlined in this security design evaluation, staff recommends that the Commission approve building perimeter security elements, but not their specific placement. Specific plans for the placement of building perimeter security elements are to be submitted to the Commission separately, along with a security assessment and justification, and an assessment of alternative security protection techniques such as building hardening, vehicular circulation, and use of hardened streetscape elements.

E Street Re-Alignment

With neither a security assessment nor an alternatives analysis, staff has not been provided with enough information to support the proposal to narrow the E Street cartway and to extend both curb lines 6.5 feet. The Master Plan proposes this re-alignment in the interest of providing an increased setback for the Court buildings along the E Street spine and providing additional room for landscaping improvements. By extending the pedestrian space, these buildings will have an approximate setback of 25 feet, where approximately 19 exist now. As stated above, neither distance is sufficient to prevent significant damage to the building from a vehicular threat in the street. Staff believes that the narrowed cartway of this historic and Special Street would adversely affect the character of the street and would create an inconsistent curb line to the East and the West. The extensive landscaping around the perimeter of the Square successfully distinguishes the Square from the surrounding blocks, and the narrowing of E Street is unnecessary in establishing unique sense of place for the Square. The narrowing of E Street will also result in a 9' shift in alignment of the east/west traveling lanes in the block of E Street between 4th and 5th Streets, as shown in **Attachment 7**. Staff believes this will create dangerous intersection conditions, especially at the intersection of 5th and E Streets. E Street is the most heavily traveled east-west street in the study area after Pennsylvania Avenue, with an average daily traffic load of 9,400 vehicles per day in 1999, and 10,100 per day in 2000. DDOT has been asked to comment on the impact of this redesign. Pending response from DDOT, it is staff's position that the proposed narrowing of E Street will negatively affect the form, function and historic integrity of the street.

District of Columbia Judiciary Square Transportation and Security Study

As stated above, the District of Columbia Department of Transportation (DDOT) has initiated a study to address circulation, parking and security concerns in the Judiciary Square area. In this context, security relates to the handling of prisoners at area courts and its impact to the efficient movement of vehicles and pedestrians. It is staff's opinion that issues and recommendations regarding parking and bus movements in Judiciary Square cannot be fully addressed until this study is concluded. **Therefore, it is staff's recommendation that the Master Plan not be given final approval until this study is completed and its conclusions and recommendations incorporated into the Master Plan where appropriate.**

However, the draft Master Plan contains sufficient information to allow the underground parking garage at 5th Street and D Street, NW to move forward for review. This garage is a replacement for the eliminated surface lots and not intended to compensate for any removal of street parking. DDOT's study will address parking issues on city streets within the Square. The removal of street parking is specifically tied to the underground garages at 4th and F Streets and 4th Street and Indiana Avenue and not at the 5th and D Streets garage. Typically, the Commission will not approve, or recommend favorably, project plans for an installation for which there is no approved Master Plan. Recognizing that the draft Master Plan for Judiciary Square includes the conceptual elements of the underground parking garage to be located at 5th and D Streets NW, **it is staff's recommendation that the underground garage at 5th and D Streets be authorized to move forward for final review prior to the completion of DDOT's study and the final approval of the Judiciary Square Master Plan.**

Further, the conceptual and preliminary design review of the proposed addition to the Old D.C. Courthouse/City Hall building is not related to the issue of city street parking as the project will deal with specific design review in these early stages. However, in its final review of this project the Commission will need to understand the recommendations of DDOT's study as it relates to bus movement and parking issues on E Street. **Therefore, it is staff's recommendation that the Commission authorize the conceptual and preliminary review for this project but not grant final approval until the DDOT Study is complete and the Judiciary Square Master Plan has received final approval.**

Coordination between the National Law Enforcement Museum and the Old D.C. Courthouse/City Hall

There have been numerous meetings held between the various parties representing both the District of Columbia Courts and the National Law Enforcement Officers Memorial Fund. The key points of contention have involved the interaction of the Old D.C. Courthouse/Old City Hall Building and the National Law Enforcement Museum to be located directly adjacent. At a meeting held at NCPC on June 24th, the District of Columbia Courts and the National Law Enforcement Officers Memorial Fund agreed to resolve this conflict by drafting and signing a Memorandum of Understanding (MOU) between both parties. Following the Commission meeting on July 10, representatives of the Courts and the NLEOMF told staff that the focus of their conflict was restricted to the design of, and not legal jurisdiction over, the plaza area between the proposed museum pavilions and north of the proposed new entrance to the Old D.C. Courthouse/City Hall. On July 11, D.C. Courts and NLEOMF exchanged information regarding their respective requirements for the design and function of the plaza, but because of conflicting travel and vacation schedules, Judge Wagner of the D.C. Courts and Craig Floyd of the NLEOMF have been in communication but have not been able to meet in person to resolve conflicts that exist between those requirements. **Staff recommends that the D.C. Courts and NLEOMF reach an agreement on the design of the plaza area between the pavilions of the National Law Enforcement Museum and north of the proposed new entrance to the Old D.C. Courthouse/City Hall before submitting concept and preliminary plans for those projects.**

Zoning Recommendations

The Master Plan recommends a text amendment to the SP-2 zoning district to allow for a wider range of service and restaurant uses surrounding the square. While staff supports this concept, a text amendment is not the appropriate approach to achieve this goal and any specific recommendations for map or zone changes around the Square is beyond the purview of this Master Plan. **Staff recommends that the Master Plan recommendation as it pertains to zoning be removed. In its place, staff recommends the Master Plan include a plan showing an assessment of potential retail sites around Judiciary Square to provide guidance to the District of Columbia in developing possible zoning changes that encourage service-oriented development.**

Coordinating Committee

The Coordinating Committee reviewed this item at its meeting on June 18, 2003, and forwarded the proposal to the Commission with the statement that the project has not been coordinated. The participating agencies were NCPC; the District of Columbia Office of Planning; Fire Department; the Department of Housing and Community Development; the District Department of Transportation; the General Services Administration; and the National Park Service.

National Environmental Policy Act

The District of Columbia Courts, as a joint lead agency with the National Capital Planning Commission, assisted in preparing an Environmental Assessment (EA) for the Master Plan and its associated projects. The EA was distributed to the public and local, state, and federal agencies on June 25, 2003 for a 30-day comment period. The document was available for review at NCPC and the Martin Luther King Library in Washington, DC, and on the World Wide Web at the NCPC website. The availability of the document was noticed in the *The Washington Post*, a newspaper of general and wide circulation. Participants in the NEPA scoping process were provided a copy of the EA for their review and comment. The Commission has received no direct comments concerning the EA.

NCPC staff has determined the master plan and project review and approval does not require an environmental impact statement, because no environmental resources are significantly impacted by either the intensity of the action or its context. This means that the consequences of the plans were analyzed relative to several circumstances as a whole (both human and natural environment), the affected interests, and the proposal's local and cumulative effects. Staff has reviewed the action for extraordinary circumstances as sanctioned by NEPA and recommended to the Executive Director a Finding of No Significant Impact (FONSI) effective July 31, 2003, in accordance with the Commission's procedures.

As the lead federal agency, NCPC has provided opportunity for comment on the EA until the closing of the review period on July 25, 2003. The general public and other reviewing entities identified no outstanding environmental issues. NCPC staff has recommended master plan alterations that are within the scope of the EA analysis and would not alter the environmental conclusions achieved.

The EA analysis indicates there are no significant environmental issues that included consideration of landscape treatment, potential building massing, pedestrian and vehicular circulation, and exterior site design security considerations for master planning purposes. It also includes discussions of lighting and paving materials, and preservation aspects of both architectural and open space features.

The Master Plan site is not subject to flooding and does not exhibit surface water drainage limitations or significant effects.

Circulation routes for both pedestrian and vehicular traffic are accommodated in the Plan concept. Maintaining vehicle circulation routes in the vicinity of 4th Street, F Street, and E Street, NW, which are commuter and local traffic links, is important to feasible implementation. The relocation

of the proposed underground parking garages appears to be an important improvement obtained in the master plan process.

Metrorail access is achieved from the Judiciary Square red line station, and is deemed adequate and acceptable by the Master Plan analysis. The Master Plan also identifies other improvements to vehicular circulation including the removal of most, but not all, on street parking in the area of Indiana Avenue. Limited alteration of intersections and traffic signalization is contemplated around the perimeter of the Square.

Mitigation Actions To Be Implemented

Mitigation actions proposed for implementation in the approval of the review of the master plan are listed below and are listed with the resource potentially affected, which includes:

- Land Use

To reduce potential of perceived crowding and to create the maximum amount of open space between the Old DC Courthouse and the National Building Museum, the Commission staff will coordinate and review the size and mass of the National Law Enforcement Museum entry portals to ensure a compatible design with the new addition to the Old DC Courthouse.

- Soil resources and Surface Water

In compliance with the District of Columbia Department of Consumer and Regulatory Affairs permitting regulations, and the *1987 Standards for Soil Erosion and Sediment Control*, erosion and sediment control measures will be implemented and demonstrated in final individual project construction drawings reviewed by Commission staff. To avoid or minimize the potential for sedimentation and contamination impacts to surface waters due to development of the proposed proposal. The design will include:

- Plans to identify and accelerate the reestablishment of vegetation at disturbed areas of individual project areas to be revegetated.
- To further reduce the potential for sedimentation and contamination impacts to surface waters, proposed impervious surface features such as sidewalks will be designed to minimize surface area to the extent practicable.

- Vegetation Resources

Final construction drawings, reviewed by Commission staff, will include site development plans that indicate:

- During construction, heavy equipment will be strictly confined to areas of proposed development limiting the disturbance of vegetation to the minimum necessary.
- To reduce the potential for erosion, and to accelerate the reestablishment of vegetation, disturbed areas will be revegetated as soon as possible after construction activity is completed.

- Traffic Effects

To minimize the potential adverse traffic impacts resulting from the implementation of the Judiciary Square master plan, the following mitigation measures would be employed by NCPC staff:

- During the proposal's submission reviews, identify and ensure a plan is developed, in coordination with District of Columbia Department of Transportation, to manage construction worker traffic and parking, construction material delivery and waste hauling, and activities that would constrain traffic movements. The plan should be prepared by the proponent for each project and should minimize equipment and vehicle movements on roadways during peak AM and PM weekday traffic periods.
- In review of the final project submitted designs, ensure the master plan projects implement signalization and geometric improvements at the intersections of 3rd Street at D Street, E Street, F Street, and Constitution Avenue to accommodate projected future/horizon year traffic volumes.
- Review and recommend to the Commission the proposed Transportation Management Plan (TMP) in the master plan and identify, if required, any modifications or additional conditions to address objectives of the TMP.

- Noise

To ensure that the applicants project components of the master plan provide best management practices during construction, the final project plans submitted for review and approval to NCPC would demonstrate a construction management plan to comply with District of Columbia noise regulations to ensure that short-term construction-related noise is mitigated and noise levels between 7:00 a.m. and 7:00 p.m. would not exceed 80 dBA at a distance of 25 feet outside the construction site boundary.

- Hazardous Materials

To minimize the potential adverse impacts on hazardous materials that could result from the implementation of the Judiciary Square Master Plan, the following mitigation measures would be provided in the submission of project plans to NCPC review staff, coordinated with the District of Columbia Environmental Health Administration, Hazardous Waste Division and the District of Columbia Department of Consumer and Regulatory Affairs, to demonstrate a written plan:

- To remove and contain hazardous waste materials including asbestos-containing materials (ACM) and lead-based paints consistent with applicable handling regulations by licensed contractors and trained personnel.
- To accomplish environmental soil testing for contamination that includes analysis of soil samples by a certified lab, and development of provisions for removal and containment consistent with applicable regulations.
- To collect, transport, and dispose of asbestos- or lead-bearing waste by a specially licensed contractor in accordance with the requirements of Title 40 CFR Volume 23 Part 763.
- That addresses hazardous materials to be removed and which would be shipped, consistent with applicable transfer regulations and procedures, to a hazardous

waste disposal facility. There are a number of such facilities in the surrounding states that are licensed to handle such material.

- To segregate wastes to reduce quantities of hazardous waste.
- To haul hazardous wastes by a licensed hazardous waste hauler with permanent labeling.
- To dispose of hazardous and non-hazardous waste in accordance with all federal, state, and local regulations.

- Visual effects

To reduce the potential adverse visual impacts resulting from implementation of the Judiciary Square master plan, the following mitigation measures would be employed by staff in review of the succeeding implementation of projects:

- Review development of entrances to garages to coordinate that materials used are compatible with surrounding historic structures, and shield minimize entrances from view through the use of landscaping and other design elements.
- Review the design of walkways, appurtenances, plinth walls, and other security elements to be compatible with the historic designs and materials of the surrounding buildings and to be shielded from view as much as possible.
- Construct the secured entrance on the north elevation of the Old DC Courthouse in compliance with the Secretary of the Interior's Standards to ensure its architectural and visual compatibility with existing historic resources.
- Coordinate and minimize the size and mass of the entrance pavilions to the National Law Enforcement Museum to reduce the potential for crowding, maximize the amount of open space, and preserve the view corridor between the Old DC Courthouse and the Pension Building (National Building Museum).
- Consider placing the service area for Building B within the adjacent underground garage.
- Ensure that the tree spacing within the Square does not disrupt views of the historic buildings.

National Historic Preservation Act

NCPC is serving as lead federal agency for the Section 106 review of the Judiciary Square Master Plan. The Executive Director initiated consultation on May 8, 2003 with the D.C. State Historic Preservation Officer (D.C. SHPO) and the Advisory Council on Historic Preservation (ACHP). The SHPO staff has participated in Master Plan team meetings since the beginning of work on the Master Plan this past winter and has contributed conceptually to the development of the documents. The ACHP staff recently attended a coordination meeting for two projects in the Master Plan, the parking garage and the Old City Hall addition.

The Committee of 100 on the Federal City and the D.C. Preservation League were also invited to participate in consultation and have accepted. The draft Master Plan and EA documents have been distributed to them for their review. A group consultation meeting was held on July 2.

The Master Plan identifies issues and provides a framework for a coordinated planning approach to future projects in Judiciary Square. These projects, and the Master Plan itself, provide a welcome opportunity to improve the appearance and function of Judiciary Square. The Executive Director's determination is that the anticipated projects have the potential to cause adverse effect to historic properties listed in the National Register of Historic Places. A more specific determination cannot be made at this time. The historic properties include individual buildings such as the National Building Museum and the Old D.C. Courthouse/City Hall and historic districts such as the Pennsylvania Avenue National Historic Site.

The development of the Master Plan and its review by agencies and the public provides an opportunity to identify the significant historic features of the area and the character-defining elements that should be protected as individual projects are designed. Therefore, while the Section 106 consultation during the Master Plan process is helping to identify issues for further consideration during individual project development, each project will be subject to its own Section 106 review. These individual reviews can take advantage of the Master Plan consultation, but will also take into account any effects to historic resources that might arise from further project development.