

# STAFF RECOMMENDATION

NCPC File No. MP24



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## MASTER PLAN FOR JUDICIARY SQUARE *Washington, D.C.*

Submission by the District of Columbia Courts

April 28, 2005

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### Abstract

The General Services Administration (GSA) has submitted, on behalf of the District of Columbia Courts, the final Master Plan for Judiciary Square. The Plan seeks to coordinate the reorganization of both the facilities and functions of the District of Columbia Courts, and to revitalize this historic Square. The Judiciary Square Master Plan includes building construction projects for the District of Columbia Courts, as well as concepts for open space landscapes, perimeter security, traffic, parking, and street edge treatments aimed at reestablishing the character of Judiciary Square and responding to modern day program requirements.

### Commission Action Requested by Applicant

Approval of 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.

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### Executive Director's Recommendation

The Commission:

**Approves** the Judiciary Square Master Plan, as shown on NCPC Map File Number 1.20(05.00)41564, **except for the realignment of the south curb line of E Street, NW, between 4<sup>th</sup> and 5<sup>th</sup> Streets, NW.**

**Defers action** on relocating E Street, NW curb line locations until such time as all parties can concur on the need for and design of lay-bys along the south side of the street. In the interim, curb lines shall be maintained in their current position and future landscaping and perimeter security projects along E Street shall be designed to accommodate the existing curb lines.

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## BACKGROUND AND STAFF EVALUATION

### PREVIOUS COMMISSION ACTION

In August of 2003, the Commission approved the draft master plan for Judiciary Square, except for the realignment of the traffic lanes along E Street between 4<sup>th</sup> and 5<sup>th</sup> Streets, NW. The Commission also approved the general concept of the perimeter security elements, but not their specific placement and required that the design and placement of each of the elements be submitted separately with appropriate justification prior to their construction.

The Commission required that the final Master Plan include:

1. A new landscaping/streetscape proposal that maintains the existing E Street curb line and is consistent with the “green precinct” concept.
2. Any modifications to the Master Plan that may result from the conclusion of the Section 106 consultation process.
3. Findings and recommendations, as appropriate, of the Judiciary Square Transportation and Security Study.
4. 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.

The applicant has satisfied the requirements outlined in items 2, and 4 above. Further discussion of the requirements outlined in items 1 and 3 is warranted relative to issues on E Street, NW that have developed since August of 2003. A detailed discussion of all four items follows.

### RESPONSES TO PREVIOUS COMMISSION ACTION AND STAFF EVALUATION

#### E Street Curb Lines

##### **Summary**

Although previous discussions of narrowing E Street during the draft master plan phase focused on concerns about modifications to historic fabric and traffic safety issues due to shifting traffic lanes, further staff consultations with the District Department of Transportation (DDOT) and the District of Columbia State Historic Preservation Office (DC SHPO) on these matters have resolved staff concerns on these issues. Staff now supports the master plan’s modified proposal to narrow E Street by shifting only the south curb northward by 11 feet, with one exception. Staff concurs with DDOT that narrowing E Street would require the provision of lay-bys along the south curb to accommodate anticipated pick-up and drop-off activity in this area. Staff does not concur with DDOT’s position that such lay-bys must be large enough to accommodate buses to serve the future National Law Enforcement Museum (NLEM), but that the lay-bys should be sized to accommodate taxis and passenger cars only. Staff believes that future bus traffic is best

accommodated along the south curb of F Street, near the corner of 5<sup>th</sup> Street, NW at the west end of the block, in accordance with the master plan recommendations. While the DC Courts have indicated their willingness to accept this modification to the master plan, other parties in the master plan area have been unable to reach consensus on this matter. Because there is no consensus and because the anticipated bus traffic will not materialize until the NLEM is built, staff is recommending that any and all modifications to the E Street curb line be excepted from approval of the master plan, and that any changes to the curb line required to accommodate the NLEM be worked out at such future time that the NLEM project is reviewed by the Commission. Additionally, staff recommends that all landscaping and perimeter security projects associated with implementing the Judiciary Square Master Plan along E Street must be designed to accommodate the existing curb line locations on E Street. The District of Columbia Courts and the NLEM will be required to coordinate with the DDOT to manage the south curb lane of E Street relative to the demand for future drop-off traffic at this location.

In the meantime, if parking is removed along the north curb of E Street, DDOT can still implement a road section that contains two travel lanes and two bicycle lanes in this block, in accordance with the *Judiciary Square Transportation and Security Study* recommendations.

### **Positions of Individual Parties**

#### DDOT

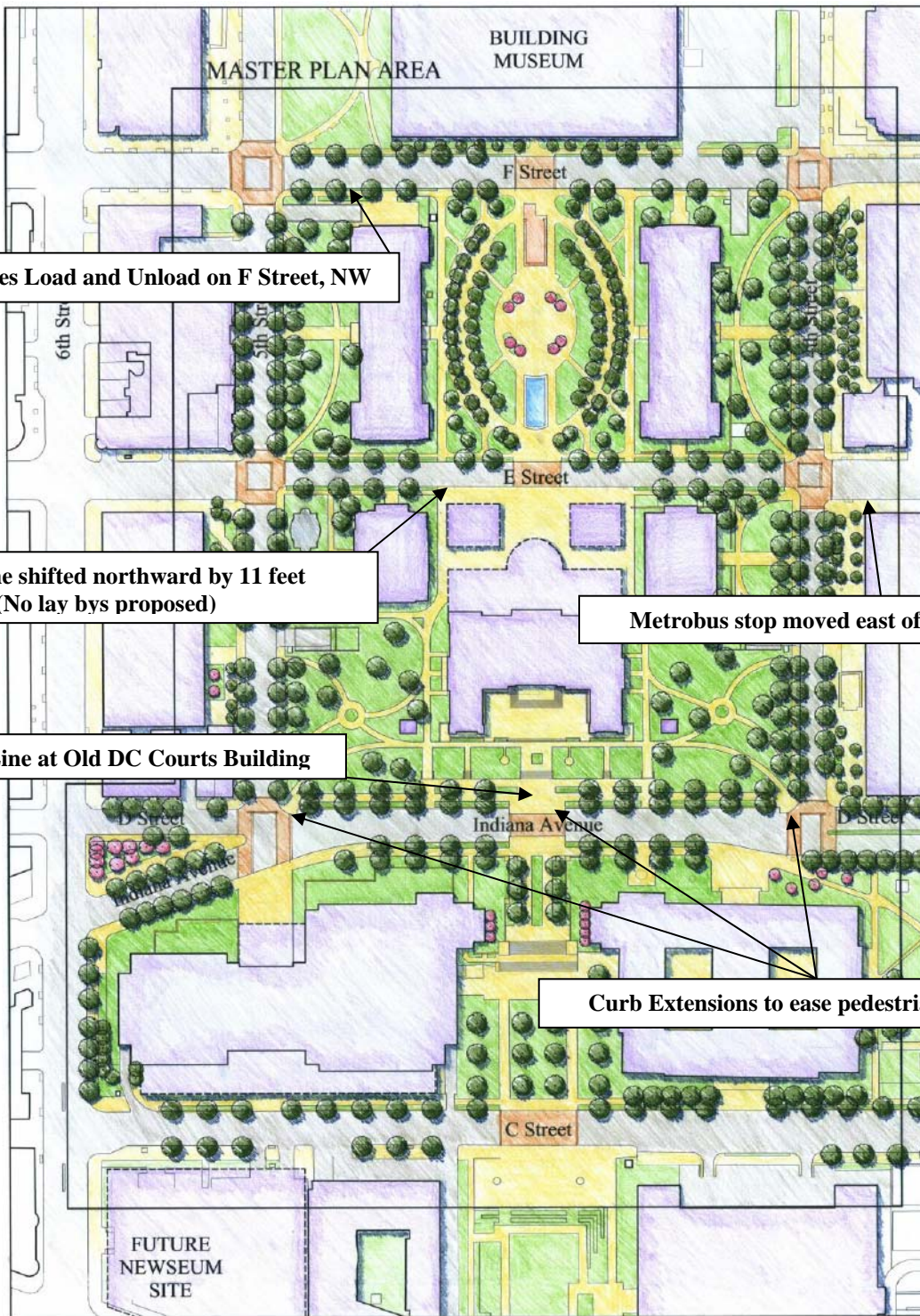
*The Judiciary Square Transportation and Security Study*, undertaken by DDOT, recommends providing two bus lay-bys in the south curb of E Street to accommodate the anticipated tour bus traffic that may be generated by the opening of the National Law Enforcement Museum. DDOT maintains that these lay-bys will be needed for the safety of both pedestrians and motorists in the vicinity of E Street.

#### DC Courts

The DC Courts Master Plan for Judiciary Square recommends that bus traffic for the NLEM be accommodated along the south curb of F Street, NW near the corner of 5<sup>th</sup> Street, NW, where such a bus drop-off area could be shared with bus traffic headed for the Building Museum. NLEM patrons would traverse the National Law Enforcement Officers Memorial, which they are likely to visit during their trip to the NLEM, on the way to the museum. The Master Plan shows no lay-bys along E Street. The DC Courts have indicated a willingness to support two smaller car-sized lay-bys, but only with the endorsement of the United States Court of Appeals for the Armed Forces.

#### United States Court of Appeals for the Armed Forces

The United States Court of Appeals for the Armed Forces is opposed to the inclusion of any lay-bys on E Street, citing security concerns.



**NLEM Buses Load and Unload on F Street, NW**

**Curb Line shifted northward by 11 feet  
(No lay bys proposed)**

**Metrobus stop moved east of 4<sup>th</sup> Street, NW**

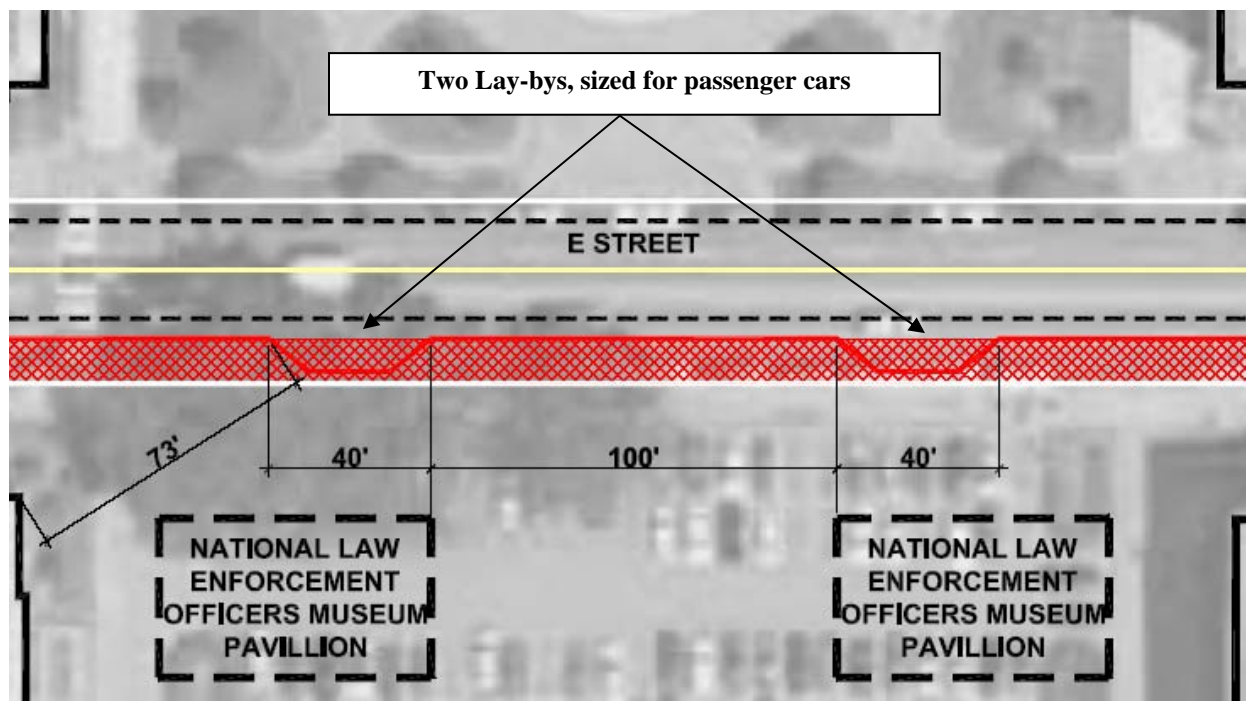
**Break in Tree Line at Old DC Courts Building**

**Curb Extensions to ease pedestrian crossing**

**Proposed Master Plan for Judiciary Square (Final)**



**Proposed Plans for E Street and F Street, NW (Final Master Plan)**



**NCPC Staff Proposal Acceptable to DC Courts**



**E Street Recommendation from *Judiciary Square Transportation and Security Study***

National Law Enforcement Museum (NLEM)

The NLEM continues to contend that it is unsafe and inconvenient for their patrons to off-load along F Street, be required to traverse the National Law Enforcement Officers Memorial, and cross E Street to reach the museum. NLEM also cites the need for disabled patrons to have easy access to the museum.

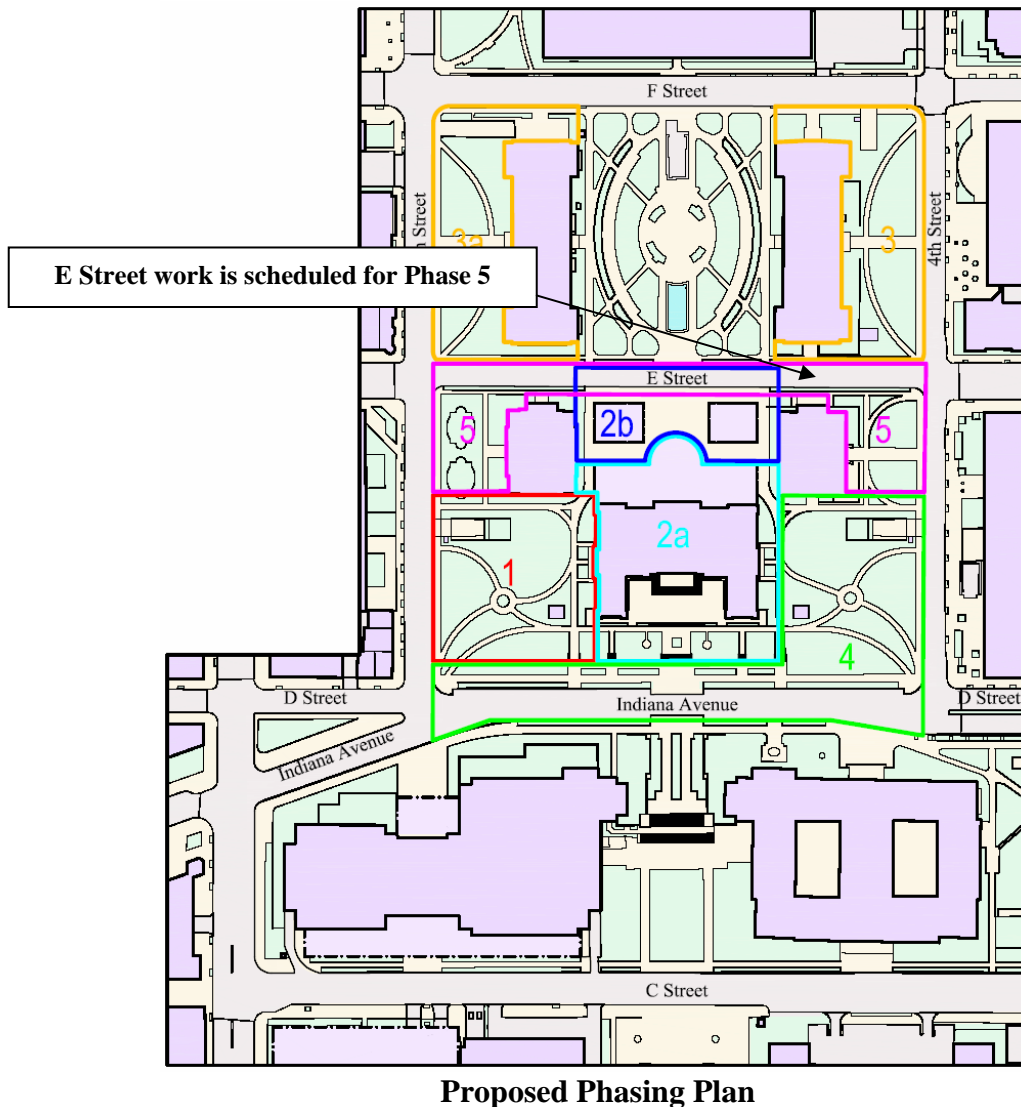
### NCPC Staff Proposed Compromise

NCPC staff maintains that NLEM patrons are likely to traverse E Street to visit the memorial whether or not buses use lay-bys on the south curb of E Street, and that the presence of buses at this location will visually interrupt the historic fabric of the square and that the noise and fumes from their idling engines will further intrude upon the experience of visiting all venues within the Square. Additionally, as it is likely that many pedestrians will have to cross E Street in any case, the presence of the tour buses along E Street will detract from visibility, increase traffic congestion, further add to pedestrian safety concerns, and interfere with the “green precinct” of Judiciary Square.

NCPC staff developed a compromise position that supports the Master Plan concept of putting tour buses on F Street, but provides for two smaller car-sized lay-bys along the south curb of E Street to accommodate the drop-off and pick-up of disabled passengers and the drop-off of taxi passengers for both the DC Courts and the NLEM. While representatives of the DC Courts accepted the compromise proposal, DDOT and the Court of Appeals for the Armed Forces have rejected it, and the NLEM has continually objected to any scheme that does not provide for bus lay-bys on E Street. DDOT contends that bus traffic is likely to use E Street regardless of whether the lay-bys are provided and that the large pedestrian volumes anticipated with the opening of the NLEM will create safety hazards at E Street. The Court of Appeals for the Armed Forces contends that any lay-bys in the vicinity of their building create a security threat that impacts the operation of their Court. Because the Court of Appeals opposes any lay-bys, the DC Courts has retracted their support of the NCPC staff proposal for smaller lay-bys at this location.

### **Recommendation**

**Staff regrets that parties to the Master Plan are unable to reach consensus relative to the alignment of E Street curb lines and finds it necessary to recommend that the Commission require E Street curb lines to remain unchanged in the Judiciary Square Master Plan.** The DC Courts will need to work with DDOT to develop curb lane management strategies that accommodate any needed drop-off activities that serve the courts, and the NLEM will need to make the case as part of its future project submission that bus lay-bys will be needed to serve its patrons. Work on E Street is scheduled for the fifth and final phase of work in the Judiciary Square Master Plan.



**Staff advises the Commission that maintaining the curb line of E Street may also result in:**

- A greater likelihood of parties in the area proposing bollards, rather than a landscape solution, for perimeter security along the south side of E Street.
- An inability to plant street trees along the south side of E Street.
- Reduced potential stand-off for both court buildings fronting on the south side of E Street.

If parking is eliminated along the north side of E Street, as planned, there will still be adequate room for two bicycle lanes and two lanes of vehicular traffic. Parking would be retained along the south side of E Street, and accommodations for drop-off traffic would have to be negotiated among the various parties as described above.



### Judiciary Square Transportation and Security Study

Since the Commission took action on the draft Master Plan for Judiciary Square in August of 2003, the District Department of Transportation (DDOT) commenced and completed its *Judiciary Square Transportation and Security Study*, culminating in recommendations for traffic movement, parking, pedestrian safety and building security for all tenants of Judiciary Square. NCPC staff participated in all phases of the *Study*.

Other than those for lay-bys along E Street, recommendations from the *Judiciary Square Transportation and Security Study* have largely been incorporated into the final Judiciary Square Master Plan. Minor additional differences are not noteworthy. Recommendations of particular note are modifications to the on-street parking supply and assignment of on-street spaces, and changes made to the alignment of Indiana Avenue to enhance the National Park Service reservation near 6<sup>th</sup> and D Streets, as well as those made to improve pedestrian crossing of the Avenue itself. **Staff is satisfied that, with the exception of recommendations for lay-bys along E Street, the Master Plan has incorporated, as appropriate, recommendations of the *Judiciary Square Transportation and Security Study* in accordance with previous Commission action.**

### Section 106 Consultation

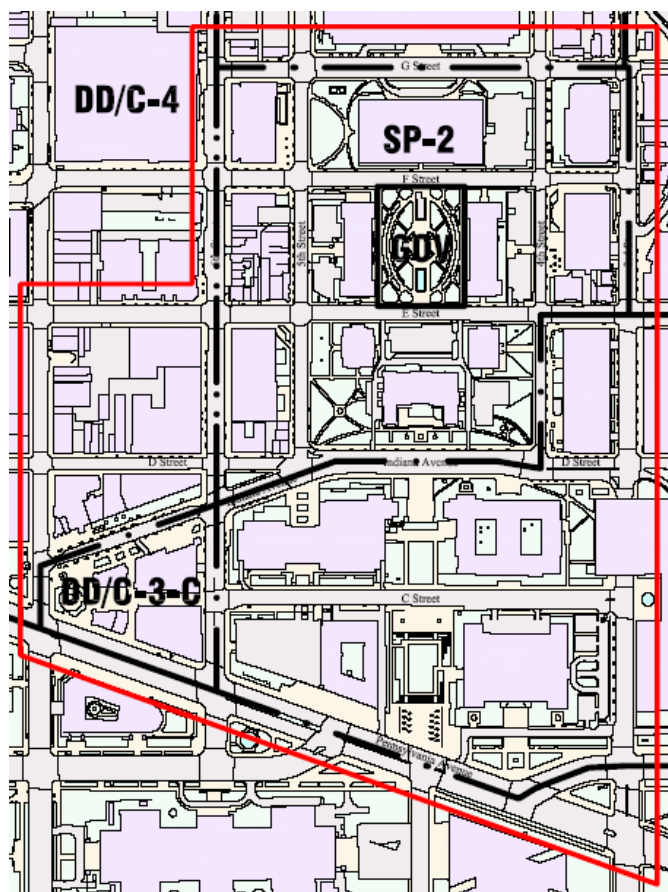
The Section 106 consultation has been concluded with the execution of a Memorandum of Agreement. NCPC served as the lead agency on behalf of the District of Columbia Courts. The discussions focused on retaining and improving the settings of the historic buildings and improving the character of Judiciary Square as a green precinct. Major objectives included the strengthening of axial views through the precinct, a refinement of street and reservation edges, and the planting of trees around the perimeter of the precinct to reinforce its distinct character. Additional information on the historic properties, the consultation parties, and the Memorandum of Agreement can be found later in this report.

**Staff is satisfied that modifications made to the Master Plan as a result of the Section 106 process satisfy the conditions of the previous Commission action. Design details for some elements will be refined as projects implementing the Master Plan are submitted to the Commission for review.**

### Service-Oriented Retail recommendations

The final Master Plan for Judiciary Square identifies locations around the Square that are suitable for enhanced development of ground floor retail uses. Many of these locations currently support some level of retail at the ground floor, but the current zoning of SP-2 prohibits ground floor retail and accompanying signage from fronting on streets surrounding the Square, thus rendering the retail spaces relatively inaccessible and invisible from pedestrian traffic generated by the uses in the Square itself.

The Master Plan recommends that the District of Columbia Zoning Commission consider a text amendment to allow such retail development to occur at the identified sites. Although a more detailed analysis of retail sites would have better responded to previous Commission action, **staff finds the included discussion reasonable and adequate to inform the District of Columbia Zoning Commission of the Commission's interest in retail uses surrounding the Square.**



**Current Zoning in Judiciary Square Area**



(a) 601 Indiana Avenue NW at Indiana Avenue – Au Bon Pain



(b) 5<sup>th</sup> Street and D Street NW - Subway Fast Food



(c) Judiciary Plaza at 450 5<sup>th</sup> Street NW - McDonalds



(d) The National Academies at 500 5<sup>th</sup> Street - Bookstore



(e) One Judiciary Square at 441 4<sup>th</sup> Street NW – Firehook Bakery



(f) One Judiciary Square at 441 4<sup>th</sup> Street NW – Food Court

**Retail Opportunities Identified**

### Additional National Law Enforcement Museum (NLEM) Concerns

In a draft memo dated June 7, 2003, the NLEM detailed extensive issues regarding the draft master plan. Given the fact that staff felt then, as now, that the master plan applied to the DC Courts and not to the NLEM, staff has determined that the majority of the concerns expressed in the June 2003 letter are not relevant to this review.

The two issues raised in the letter by the NLEOMF that are significant are related to the width of E Street and the need for security elements in the area between the pavilions. These two issues will continue to be reviewed by the Commission and coordinated among all parties as individual project designs proceed.

The DC Courts Master Plan was developed by the Courts at the direction of NCPC to guide the development of the buildings and open space under the jurisdiction of GSA and the Courts within the Judiciary Square precinct. It is staff's position that the master plan does not apply to the future development of the NLEM or the National Law Enforcement Officers Memorial. Therefore, any references to or recommendations regarding the design details of the Museum that are included in the DC Courts Master Plan should be regarded as non-binding upon the Museum, since the Museum will be evaluated independently.

NLEM representatives also expressed opposition to the master plan's depiction of emergency access drives to the Old DC Courthouse from E Street. The location of planned emergency access drives from E Street were approved by the Commission as part of the DC Courts interim site plan for this area in August of 2004, and may be required in accordance with local regulations. NLEM representatives contend that the Courts Master Plan cannot control either the Law Enforcement Officers Memorial or Museum sites because they were created by federal law. Staff has advised NLEM representatives that federal legislation authorizing construction of the NLEM does not preclude locating the emergency access drives as depicted by the DC Courts.

### 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.

At the April 13, 2005 meeting of the Coordinating Committee, the National Park Service offered additional comments. Many of these comments fall into the category of errata, and will be forwarded to the applicant to be corrected. Comments pertaining to landscaping will be addressed in future submittals when the applicant submits a concept landscaping scheme. One particular comment focused on the depicted location of the Darlington fountain, which was approved by the Commission under previous action.

The Committee forwarded the proposal to the Commission with the statement that the project has been coordinated with all agencies represented, The participating agencies were: NCPC; the District of Columbia Office of Planning; the District Department of Transportation; the General Services Administration; the National Park Service and the Washington Metropolitan Area Transit Authority.

#### National Environmental Policy Act

The District of Columbia Courts, as a joint lead agency with the National Capital Planning Commission, prepared 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 review and comment period. On July 30, 2003, the Executive Director completed a Finding of No Significant Impact, in accordance with the Commission's procedures, determining no environmental resources were significantly impacted by the contemplated Plan.

#### National Historic Preservation Act

NCPC served as the lead agency for the Section 106 review of the Master Plan. The consultation concluded with the execution of a Memorandum of Agreement (MOA) by the D.C. Courts, the District of Columbia State Historic Preservation Officer, and the Executive Director. *The MOA is attached.* The following agencies participated in consultation and have been invited to concur: the National Park Service, the General Services Administration, the U.S. Court of Appeals of the Armed Forces, and the National Law Enforcement Officers Memorial Fund. In addition, the Committee of 100 and the D.C. Preservation League participated in the consultation throughout the project.

The MOA acknowledges the Master Plan's objective of directing the historic preservation and orderly development of the Courts' projects in Judiciary Square, and the three major elements providing a framework for the D.C. Courts' future development: the open space (landscape) plan, the circulation plan, and the security plan. *All will require design development when individual projects are implemented, and will be separate undertakings requiring individual consultation under Section 106.* NCPC will continue to serve as the lead agency for the D.C. Courts' projects. The adverse effect is derived from the future addition to the Old D.C. Courthouse and the construction of the parking garage (both approved by the Commission and the subject of executed MOAs) and the future construction of the National Law Enforcement Museum (a project currently under review). In addition, the proposed security plan is inherently an adverse effect, although it represents the recognition that security design for individual buildings will be coordinated and the precinct treated as a whole. In other respects, the Master Plan enhances the setting of the buildings, especially the proposed landscape plan that will reinforce the sense of the Square as an enclave, and through the proposed improvements in the circulation plan.

Judiciary Square is a prominent reservation in L'Enfant's original plan for Washington. It straddles the 4<sup>th</sup> Street cross-axis and comprises a notable enclave within the original city. Other than the Old D.C. Courthouse, which was begun in 1820 and is one of the oldest extant buildings in Washington, the other court structures date to the 20<sup>th</sup> century. The National Building

Museum is housed in the Pension Building, which predates the campus design for the Square undertaken in the 1910s and implemented in subsequent decades. The Moultrie Courthouse and the National Law Enforcement Memorial are the most recent additions to the Square. Both the Old D.C. Courthouse and the Pension Building are National Historic Landmarks, and the other historic court buildings are contributing historic structures. Judiciary Square is included in the designations of both the L'Enfant Plan for the City of Washington and the Pennsylvania Avenue National Historic Site.