THE JBG COMPANIES

April 8, 2005

Via Telefacsimile

RECEIVED
D.C. OFFICE OF ZONING
2005 APR -8 AM 10:41

Jerrily Kress, Director
DC Office of Zoning
441 4th Street NW, Suite 210 South
Washington, D.C. 20001

Re: BZA Application No. 17271 – 51 Louisiana Avenue

Dear Ms. Kress:

I am writing to you on behalf of the Applicant, JBG/Louisiana, L.L.C., ("JBG") in regards to correspondence to you from the William H. Pickle, Chairman, Capitol Police Board. I want to make you aware of the history of that issue and JBG's commitment to the safety and security over the proposed building and the Capitol Building.

By way of background, immediately prior to the BZA hearing on January 18, 2005, JBG was notified that the Architect of the Capitol, via Mr. Pickle, was opposed to the matter before the BZA for security concerns. JBG immediately responded in several ways. As you have seen in the Order, the Applicant engaged a world renowned security consultant to review the building design and its relative location to the US Capitol. The resulting *Ducibella Report* is attached for your review.

As reflected by JBG's letter of January 21, 2005 (copy attached), the Applicant met with the Sergeant of Arms on January 18, 2005 to discuss the situation, review the *Ducibella Report* and discuss measures by way to reduce the security risk. At that meeting, and in the January 21, 2005 letter, JBG re-affirmed its commitment to implement security measures in the building.

The Applicant is respectful of the concerns and remains very willing to adopt the security measures described in the Order as recommended.

Additionally, the Report points out that the roof of the proposed building is a significant distance from the Capitol and that at least five other existing buildings have equivalent sight lines to the Capitol. Of those five, at least two are a shorter distance from the Capitol. The report also points out that the new building will obscure the sight lines from the Hyatt Hotel, a building which is relatively open to the public and has transient and anonymous occupants.

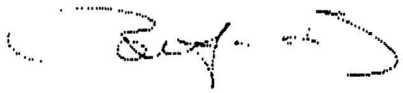
BZA
Case No. 17271
Exhibit No. 35

Board of Zoning Adjustment
District of Columbia
CASE NO. 17271
EXHIBIT NO. 35

As required by the Order and affirmed in JBG's January 21, 2005 letter, the Applicant is committed to meeting with and working with the Capitol Police Board to effectively create security counter measures and make the building, the neighborhood and the Capitol safe.

Thank you for your attention to the matter.

Sincerely,



Benjamin R. Jacobs

cc. Ellen McCarthy, DC Office of Planning
Alan Bergstein, Chief Land Use and Public Works
Geoffrey H. Griffis, Chairman BZA
Richard Nettler, Esquire

DUCIBELLA VENTER & SANTORE
SECURITY CONSULTING AND ENGINEERING SINCE 1961

CONFIDENTIAL & PRIVILEGED

January 17, 2005

Mr. Kai Reynolds
The JBG Companies
#400 - 4445 Willard Ave.
Chevy Chase, MD 20815

Subject: **51 Louisiana Avenue**
Security Context Study
Considerations & Recommendations

Dear Mr. Reynolds:

In response to an inquiry from The JBG Companies regarding the development of the property located at 51 Louisiana Avenue, we have reviewed the documentation forwarded to us and provide our professional assessment herein. Our observations are based on over 40 years of continuous professional security engineering practice on projects of significance throughout the world with extensive metropolitan experience in cities where there are security sensitive assets.

These clients include members of the United States government with significant security profiles and concerns, including the Dept. of Justice, The Dept. of State, The Dept. of Transportation, the Internal Revenue Service, the Secret Service, the U.S. Marshals, the Federal Protective Service, the GSA, the Social Security Administration, the Food and Drug Administration, the Dept. of the Interior, and others; as well as foreign government agencies in Kuwait, Saudi Arabia, The Republic of China, Canada, Hong Kong, Egypt, and Ireland.

Additionally, our commentary is tempered by security consultation and engineering commissions in the protection of political, diplomatic, judicial, financial, ecclesiastical, and cultural dignitaries in facilities including the United States Mission to the United Nations, the entire United Nations campus and its facilities, eight Federal Courthouses, the Connecticut Supreme Court, the Brooklyn Supreme Court, the Superior Court of New Jersey, the Brooklyn District Attorney's offices, the Commonwealth of Virginia legislative office building, the Kuwait Mission to the United Nations, the Freedom Forum, the Council on Foreign Relations, the William J. Clinton Presidential Library, the Thomas O'Neill Federal Building, the Federal Reserve banking system, and numerous others.

These experiences have sensitized us to the concerns identified in Mr. Hantman's, Architect of the Capital, letter dated January 3, 2005, to the Board of Zoning Adjustment, wherein he references the Senate Sergeant at Arm's concerns regarding the opportunity for 51 Louisiana Avenue to provide a potential sniper threat to the Senate Park section of the Capital grounds. We share the Sergeant at Arms' legitimate concern for the welfare of our political and legislative leaders. They are the backbone of our democracy and represent the body of individuals duly elected to manage our freedom. They are undeniably invaluable intellectual resources and consequently constitute a critical asset at risk.

The JBG Companies have requested that our firm provide the benefit of our professional experiences in the identification of a rational plan for mitigating the potential threat identified by the Senate Sergeant at Arms. Specifically, the use of the proposed new roof at elevation ..55' by a sniper. This new roof is to be part of the renovations and expansions at 51 Louisiana Avenue and is identified to be a potential location from which to target occupants of the Senate Chamber.

As part of our review and analysis, we have taken into consideration the information provided on four graphic analysis documents, as follows:

- Security Context Study: "Comparative Rooftop Elevations and Distances from Senate Wing, dated 1-18-05
- Security Context Study: "Existing Exposure area from Rooftops, dated 1-18-05
- Security Context Study: "Overlay Exposure Area from Rooftop of New Building, dated 1-18-05
- WDG Architecture: Building and Project Cross Section [Security Context Study], 51 Louisiana Avenue, dated 1-13-05.

These documents should be used in support of this letter (as an exhibit) in any subsequent discussions and/or representations to the appropriate government agencies. Due to the sensitive nature of this analysis, we strongly suggest that the distribution of these documents be kept to a limited and need to know basis.

Traditionally, it is a universally accepted security design practice, once the threat has been identified and the vulnerability of the institution defined, to protect that institution in a manner commensurate with the extent of the threat, the degree of its vulnerability, and the criticality of its assets. In that regard, the value of the assets has been determined and is undeniable. The threat of a sniper is legitimately credible, although the range from perpetrator to target is significant. The vulnerability is the assumed inability of the current facility glazing to preclude the effectiveness of an attack utilizing a high-powered rifle and an extremely skilled perpetrator with adequate time for equipment deployment and target acquisition.

With these considerations in mind, the logical solution is to address the facility and the internal assets at risk. This should be achieved by modifications to the openings, which provide the windows of opportunity for the potential criminal activity. There are several solutions which are routinely adopted with great success to mitigate this threat in similar circumstances in numerous other buildings. First, they include obscurescence of the target between the perpetrator and the building in which the target resides. This may be accomplished with landscaping, lighting, reflective materials selection, or other effective screening elements available to site design. Secondly, they include the fitment of ballistic rated glazings, which preclude the penetration of the target round. Thirdly, the obscurescence of the window opening through the use of screens, blinds, films, drapes, or other forms of reflective glazing, which preclude the ability to clearly sight a target from a distance (a quarter of a mile) as large as that which would exist from the roof of 51 Louisiana Avenue.

Subsequent to the events of 9/11/01, new security realities have focused the nation's attention on a greater range of more insidious threats and such have become the challenge of law enforcement, security professionals, urban planners, architects, engineers, and contractors. It has been our experience, without exception, that the range and scope of these threats warrant the protection of the

institution and the assets at risk, through a process of protective design specific to and implemented at the specific facility. This protective design rationale is clear and fundamentally in support of our democratic principals and quality of life. Otherwise, the risks of a single institution become the inherent responsibility and thus subsequent design mandate of the entire community. Due to the increasing diversity of these threats, the protective design response palette is every increasing thus potentially affecting every form of architecture and living environment, if the mitigating strategies are accepted as community design responsibilities, not the target at risk.

As an example, in support of this premise, we do not design new commercial high-rise office buildings to be responsive to an attack by an aircraft, by potential security breaches within the airline screening process. Rather, the security screening process is targeted for improvement. Imagine the cost and design impact on the American economy and American architecture if the skyscraper becomes the mitigating strategy for baggage security management breaches.

Similarly, we do not require the installation of ballistic rated glazing and non operable windows in all of the buildings which have a sight line view corridor to institutions where there may significant dignitaries in residence. Imagine the design mandate to retrofit all of the existing buildings or to require that all new buildings in Manhattan and Queens, which have such a view corridor to the United Nations' campus, be fitted with such ballistic protective design features.

In summary, it has been identified that there is an enormously dangerous precedent in extending the realm of protective design to an entire community for the benefit of a single, even if enormously significant, institution at risk. In the case of 51 Louisiana Avenue, the range of proposed influence would extend nearly a half mile in diameter into the urban fabric of Washington, D.C. from the Senate Park campus. This is a disturbing premise when one considers the other Federal Agencies (not including the Capital) within the District and the effect which such a new protective design standard would have on the surrounding Washington, D.C. community.

The above design process considerations not withstanding, there are additional practical solutions which should be implemented by The JBG Companies in response to the Senate Sergeant at Arms' concerns. Specifically, the roof of the 51 Louisiana Avenue facility should be made inaccessible to unauthorized individuals and the success of such inaccessibility should be monitored by an effective detection and assessment system.

This is readily accomplished through the specification of ballistic and forced entry rated doors, frames, and hardware that access the roof. The use of commercial motion detection and video surveillance equipment routinely provide detection and assessment of these secure access protocols and should be part of such a design to ensure its effective operation.

In anticipation of a sniper's requirement to utilize a weapon steadying appurtenance and to perform sighting system calibration, there is the reasonable expectation that a sniper, to be effective, will require equipment setup time and additional time to acquire the target. The use of a competently designed surveillance system can assure that such activities do not go undetected. Furthermore, a conscientious physical security design of the roof should preclude areas of undetectable refuge. Also, it is likely that the architects can develop a scrim and/or other form of obscurescence fencing on the roof at some distance inboard from the parapet, which would add another layer of significant

delay by preventing the sniper from having a clear line of sight and convenient setup point for target acquisition.

In support of these rooftop protective design measures, our experience in providing security designs in numerous other similar office building facilities has identified the opportunity to significantly mitigate the access of unauthorized persons. This is routinely accomplished by the issuance of ID credentials, the use of access control systems, security and concierge staffing, video surveillance, door monitoring systems, and other physical and electronic security measures. In summary, it is reasonable to expect that 51 Louisiana Avenue can be provided with a security management plan that would make it a far less attractive and opportunistic facility for a sniper attack than the adjacent five office buildings and hotel, all of which have essentially equivalent line of sight and firing range to the Senate Park section of the Capital grounds. Please refer to the exhibits identified previously in this letter for substantiation of this premise.

Furthermore, the modifications to 51 Louisiana Avenue will reduce sight lines from the adjacent hotel on New Jersey Avenue to the Senate Park, thus minimizing the use of this facility as a staging area. The hotel is a far more attractive location to initiate a sniper assault, as the anonymity of its occupants and their activities are indigenous to the hotel's operation, a circumstance which would be aggressively mitigated against through the institution of security systems, physical security designs, and personnel at 51 Louisiana Avenue.

In summary, the implementation of physical security measures at 51 Louisiana Avenue to safe guard roof access, prevent sniper line of fire, preclude unauthorized entry and to manage building activities would defer the use of the facility for the currently considered activity to one of the numerous other adjacent buildings.

In closing, it is our considered opinion that the most appropriate response for the protection of the Senate Park occupants is:

- The implementation of landscaping, which precludes line of sight to Senate Park building occupants from any one of the facilities along Louisiana Avenue between Constitution Avenue and North Capital Street.
- The application of appropriate physical protective designs for the window openings in the Senate building.
- The institution of a quality security design, as identified hereinbefore, and management plan for 51 Louisiana Avenue to preclude its use as a convenient site for potential sniper activities.

Respectfully submitted,

Robert Ducibella
Senior Principal

THE JBG COMPANIES

January 21, 2005

Mr. William Pickle
Sergeant of Arms Senate
United States Capitol, Room S151
Washington, DC

Dear Mr. Pickle:

Thank you for taking the time to meet and review the facts relating to our proposed development on New Jersey Avenue, N.W.

In light of our discussion, your agreement to review with your security experts the letter report of Ducibella Associates dated January 17, 2005 and accompanying exhibits I left with you and, your expressed intention to contact me in the coming week to further review the results of the foregoing I felt it appropriate to make you aware of the action taken by the Board of Zoning Appeals (BZA).

On Tuesday afternoon the BZA ruled 3-0 in favor of granting the relief we sought. Because there seemed to be some confusion on Mr. Hildebrand's part regarding our by-right, height entitlement, let me restate it; our site is zoned C-3-C and is within the Downtown East receiving zone which permits by-right the transfer of development rights and concomitant increase in building height to 110 feet. As I stated during our meeting, JBG currently owns development rights that are available for that site and the 110 foot height allowance is not an issue.

The BZA's action does not require the implementation of the security arrangements that we discussed. However, I am very respectful of the concerns you expressed and the importance of your mission; accordingly, I remain willing to implement the building security precautions I described to you during our meeting and as recommended in the Ducibella January 17, 2005 report.

The Ducibella Associates report indicates that the security risks associated with the now approved zoning variance are mitigated and in the case of existing buildings improved by taking the security steps he recommends. Accordingly, no increased security threat would result from acceptance of the ruling of the BZA. The Architect of the Capitol is on record as opposing the variance, thus no precedent would be set in the mere acceptance of the ruling of the BZA. I therefore respectfully request that the Architect of the Capitol accept the ruling of the BZA with regard to the approved zoning variances.

I am available at your convenience to discuss this project.

Thank you for your consideration of this matter.

Sincerely,

Benjamin R. Jacobs

4445 WILLARD AVENUE CHEVY CHASE, MARYLAND 20815-3690 (240) 333-3600 TELEFAX: (240) 333-3610

UNITED STATES CAPITOL POLICE BOARD

119 D Street, NE
Washington, DC 20510

FACSIMILE

To:	Mr. Benjamin R. Jacobs, The JBG Companies
Fax number:	(240) 333-3610
Subject:	Courtesy copy of letter concerning BZA Case 17271
Date:	03/30/05
Pages:	cover page plus 2

From the desk of...

Jeff Rupert
Executive Officer
119 D Street NE, Room 703 D
Washington, DC 20510

202-224-7025
Fax: 202-228-4264
Jeff_Rupert@cap-police.senate.gov

PHONE 225-2341

UNITED STATES CAPITOL POLICE BOARD

S-151 The Capitol
WASHINGTON, DC 20510

March 29, 2005

WILLIAM H. PICKLE, Chairman
WILSON LIVINGOOD, Member
ALAN M. HANTMAN, Member

Ms. Jerriley Kress
Office of Zoning, District of Columbia
414 4th Street NW; Suite 210 South
Washington, D.C. 20001

Re: BZA Case 17271 - JBG/Louisiana
51 Louisiana Avenue, NW
Request for Reconsideration

Dear Ms. Kress:

The Capitol Police Board (Board) understands that the Board of Zoning Adjustment is planning to issue a final order concerning the JBG Companies' request for a height variance at 51 Louisiana Avenue, NW. The Board has waited to request reconsideration because internal law enforcement experts have been actively reviewing and analyzing the potential security impacts that a height variance at 51 Louisiana, NW would have on the U.S. Capitol Complex. As a result of the analysis completed by internal security experts, the Board concludes that the variance under consideration will have a significant impact on Congressional security. Therefore, the Board respectfully requests the reconsideration of the variance currently being reviewed by the Board of Zoning Adjustment.

Moreover, pursuant to the authority of the Capitol Police Board under Public Law 108-447, December 8, 2004, to make determinations regarding the release of information which imports Congressional security, the Board also requests an opportunity to review information that is proposed for public release to protect against release of any security sensitive information or revealing any vulnerabilities of the U.S. Capitol Complex.

Attached for your review is a copy of a letter from the Capitol Police Board to Mr. Benjamin R. Jacobs, The JBG Companies, dated March 4, 2005, expressing the Board's security concerns.

Your consideration of the Board's security concerns and requests outlined above is greatly appreciated. The Board remains willing to provide any information that you may require for reconsideration. Please do not hesitate to contact me if I may be of assistance.

Very Respectfully,

William H. Pickle
Chairman
Capitol Police Board

Cc: Mr. Geoffrey H. Griffis

PHONE 224-2341

UNITED STATES CAPITOL POLICE BOARD

S-151 The Capitol
WASHINGTON, DC 20510

WILLIAM H. PICKLE, Chairman
WILSON LIVINGOOD, Member
ALAN M. HANTMAN, Member

March 4, 2005

Mr. Benjamin R. Jacobs
The JBG Companies
4445 Willard Avenue, Suite 400
Chevy Chase, MD 20815

Dear Mr. Jacobs:

On behalf of the Capitol Police Board, this correspondence is in response to your letter, dated January 21, 2005, regarding your proposed development in close proximity to the U.S. Capitol.

The Capitol Police Board and the United States Capitol Police have reviewed your request to accept the ruling of the Board of Zoning Appeals (BZA) regarding your proposed development on New Jersey Avenue, NW. However, after further consideration, we cannot accept your contention that there are no security issues. Indeed, our security and law enforcement professionals have advised that, from a security perspective, the variance to increase the height of the building would increase exposure and vulnerability to the Capitol complex, and as such, we are not able to accept or endorse the BZA ruling.

If you have any questions or would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

William H. Pickle
Chairman
Capitol Police Board

cc: The Honorable Wilson Livingood
Member, Capitol Police Board
The Honorable Alan M. Hantman
Member, Capitol Police Board
Chief Terrance W. Gainer
Member, *Ex Officio*, Capitol Police Board



THE JBG COMPANIES

4445 Willard Avenue, Suite 400
Chevy Chase, Maryland 20815
Phone: (240) 333-3000 (240) 333-3610

Fax

To:	Jerrily Kress, Director	**From:**	Benjamin Jacobs
Fax:	202-727-6072	**Pages:**	11. (includes cover)
Phone:	202-747-6311	**Date:**	4/8/2005
Re:	BZA Application No. 17271 – 51 Louisiana Avenue	**CC:**	Geoff Griffis, Chairman BZA

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• **Comments:**

D.C. OFFICE OF ZONING
2005 APR -8 AM 10:41

If this fax is illegible or incomplete, please contact:
Denise Pattakos, 240-333-3713