



Commission Action

October 6, 2016

PROJECT Square Guidelines – Squares 378 and 379 935 Pennsylvania Avenue, NW Squares 378 and 379 Washington, DC	NCPC FILE NUMBER P7713
SUBMITTED BY National Capital Planning Commission	NCPC MAP FILE NUMBER 1.25(38.00)44352
REVIEW AUTHORITY Memorandum of Agreement, § V, 61 Fed. Reg.41789, 41791 (August 12, 1996)	APPLICANT'S REQUEST Preliminary approval of draft Square Guidelines for transmittal to GSA and release for public comment
	ACTION TAKEN Approved as requested

The Commission:

Notes that these Square Guidelines address many important objectives in the redevelopment of the current FBI Headquarters site. Stewardship of Pennsylvania Avenue, an indelible symbol of the city and nation, is of the highest priority. The Avenue links and symbolizes the separation between the executive and legislative branches of government; contains the city's and nation's most significant and iconic vista to the U.S. Capitol; and serves as a prime location for national and local ceremonies, parades, processions, protests, and events. From its conception, Pennsylvania Avenue was – and continues to be – the most symbolic and ceremonial feature of the nation's capital.

Notes that the FBI Consolidation and Exchange project is to contribute to offsetting the cost of the new suburban FBI Headquarters by maximizing the real estate value of the downtown FBI Headquarters site.

Notes that the redevelopment of Squares 378 and 379 present an unparalleled opportunity to contribute to the evolution of Pennsylvania Avenue by creating a mixed-use development that generates new economic, social, and cultural activity.

Notes that Public Law 104-134 (updated in 2002 via Public Law 107-217) Congressionally mandates GSA, NPS, and NCPC to administer, implement, and enforce the 1974 Plan. The Square Guidelines are intended to implement the 1974 Plan while respecting the principles of the Plan of the City of Washington, considering today's conditions.

Notes that GSA, NPS, and NCPC share stewardship responsibility to balance the economic and civic value of Pennsylvania Avenue using the best contemporary urbanism practices to increase the Avenue's economic vitality, improve user experience, and protect and enhance the cultural and historic significance of one of the nation's most important civic spaces.

Notes that the Congressionally-authorized 1902 McMillan Plan and the 1974 Plan were the result of deliberate and comprehensive redevelopment efforts to revitalize the Avenue's economic vitality, improve the physical condition of its public spaces and buildings, and restore its prominence as the nation's primary ceremonial street. While respecting the L'Enfant Plan ideas, these plans intentionally introduced development that deviates from the L'Enfant Plan.

Notes that since the Pennsylvania Avenue Initiative is in the early stages of assessing how to improve the Avenue; a new vision and physical changes have not been fully identified and evaluated. Therefore, these draft Square Guidelines are based on existing conditions.

Notes that deviating from the 1974 Plan principles for one site must be considered in context of the entire Avenue and will likely be applied to other sites with similar conditions.

Notes that there is general agreement among agency stakeholders on the draft Square Guidelines listed in items 1-18, below.

Approves the draft Square Guidelines listed in items 1-18, below, for Squares 378 and 379 in accordance with the Memorandum of Agreement, § V, 61 FED. REG.41789 (August 12, 1996), and transmits the preliminary action to the GSA under Section V of the 1996 Memorandum of Agreement:

AGREEMENT ON SQUARE GUIDELINES

Square Guidelines – General

1. Development Goals (*Section D. 1 – D.9*)¹
2. Coordinated Planning Area (*Section E.1.a*)
3. Development Parcels (*Section E.2.a – e*)
4. Uses (*Section E.3.a – c*)
5. Streets (*Section E.4.a - E.4.f*)
6. Curb Cuts (*Section E.5.a -b*)
7. Off-Street Parking and Loading (*Section E.6a – e*)
8. Site and Building Design (*Section E.7.a – c*)
9. Sidewalks and Open Spaces (*Section E.8.a -g*)
10. Gross Floor Area of Development (*Section E.9.a*)
11. Build-to line and Building Restriction Line (*Section E.10.c-d*)
12. Height of Development (*Section E.11.a and C.1*)
13. Roof Structures (*Section E.12.a-c*)
14. Subsurface Restrictions (*Section E.13.a-c*)
15. Signage and Lighting (*Section E.14.a-e*)
16. Special Design Consideration (*Section E.15.a-h*)

¹ The Section number in parenthesis references the Square Guideline number in Attachment 1.

17. Historic Preservation (*Section E.16.a-j*)
18. Phasing of Development (*Section E.17.a-c*)

Notes that there are six Square Guidelines that have outstanding issues among agency stakeholders related to building envelopes, listed below.

OUTSTANDING ISSUES

Square 379 Building Envelope²

1. Square 379 Build-to Line (*Section E.10.a-b*)
2. Square 379 Initial Height of Development (*Section E.11.b.1 and .2*)
3. Square 379 Maximum Height of Development (*Section E.11.b.3*)
4. Square 379 Upper-Story Setbacks (*Section E.11.b.4 and .5*)

Square 378 Building Envelope

5. Square 378 Initial Height of Development (*Section E.11.c.2*)
6. Square 378 Upper-Story Setbacks (*Section E.11.c.3*)

Square 379 Building Envelope

Notes that stakeholder discussions identified concerns related to the Square 379 building envelope including the build-to lines, initial and maximum height of development, and upper-story setbacks. These concerns stem from important but competing objectives, including the federal government's need to maximize the development potential of the site while also protecting Pennsylvania Avenue's civic role and public space, and how to reconcile the inconsistency between the L'Enfant Plan and 1974 Plan build-to lines.

Notes that the amount of developable area and public space available for civic use is affected by the build-to line, building heights and the re-establishment of D Street.

Notes that the build-to line conditions, cartway³ width, and heights contribute to the function, form, and character of the Avenue.

Notes that two distinct 20th century planning eras have contributed to the spatial dimensions and character of the Avenue today, changing the conditions as originally envisioned by the L'Enfant Plan. The 1901 McMillan Plan and the 1974 Plan – both Congressionally-mandated – respected and built upon the L'Enfant Plan. However, both responded to contemporary issues of their time, intentionally altering some combination of the cartway (*the area between curbs*), build-to lines, and building heights.

² For the purpose of these Square Guidelines, a Building Envelope is form by the building wall (build-to line), initial and lower heights, and upper-story setbacks.

³ Cartway is the area between the curbs.

Notes that the McMillan Plan, along the south side of the Avenue, set taller buildings back from the property line within the building yard; this relationship between the building setback and building height (distance of building face to centerline of the street equals the building height) retains a broad and open view of the U.S. Capitol.

Notes that the 1974 Plan, used this principle to site new building along the north side of the Avenue. Taller buildings are set back proportionally from the property line. These conditions result in a generous frame around vista to the U.S. Capitol. The increase in setback from the property line accommodates taller buildings than L'Enfant envisioned. Consequently, this creates inconsistencies between the 1974 Plan and the L'Enfant Plan.

Notes that through the 2016 Pennsylvania Avenue, NW - White House to the Capitol, Cultural Landscape Inventory (CLI), developed by NPS, the 1974 Plan is achieving recognition for the significance of the unifying landscape that strengthens the vista and identity of the Avenue. It will likely be eligible for the National Register of Historic Places.

1. Square 379 Build-to Line

Notes that on June 2, 2016, the Commission directed NCPC staff to work with the public and other local and federal stakeholders to prepare visual and technical studies to analyze the impacts and benefits of a build-to-line on Pennsylvania Avenue ranging from the property line (the L'Enfant Plan historic right-of-way) to 30 feet from the property line (allowing for a 27 foot to 57-foot sidewalk). Staff structured the build-to line alternatives analysis as follows. A summary of this analysis is provided in the Executive Summary beginning on page 23.

- A 50-foot setback from the property line (the 1974 Plan build-to line; also the existing condition).
- No setback from the property line (the historic L'Enfant Plan right-of-way) and a 10-foot setback from the property line; both have similar impacts and benefits; and
- A 20-foot and 30-foot setback from the property line; both have similar impacts and benefits;

The analysis studied impacts and benefits to:

- the developable area;
- the north building wall of the Avenue and the proportions that form the vista;
- the public realm and landscape;
- the surrounding context; and
- potential impacts to historic properties and applicable plans.

Notes that the L'Enfant Plan's build-to-line is the property line. Under today's conditions the property line is located approximately 27.5 feet north of the curb.

Notes the 1974 Plan establishes a build-to line of 50 feet from the property line. This creates a 77.5-foot sidewalk between building face and curb.⁴ This area between the curb and building face is under the administrative jurisdiction of the NPS.

Notes that during initial 106 Consultation meetings, the DC State Historic Preservation Office has stated that if the build-to line on Pennsylvania Avenue is not returned to the L'Enfant Plan right-of-way, it may constitute an adverse effect for the project, even if it is consistent with the 1974 Plan.

Notes that based on NCPC's analysis, a build-to-line at the L'Enfant Plan right-of-way (property line) will create the largest developable area. However, given the Avenue's existing conditions, it will change the character and function of the Avenue as follows:

- A constrained 27-foot sidewalk that only accommodates one row of trees;
- A narrow walking zone (due to the alignment of the unified streetscape elements);
- No room for active public space or civic activity between the curb and the building face.

Notes to fully re-establish the Avenue as L'Enfant had envisioned (with an 80-foot cartway, flanked by 30-foot walkways under a double row of trees, and 10 feet between the trees and buildings), requires moving the curbs, reducing the entire cartway, and designing and implementing a new streetscape between 3rd and 15th Streets.

Notes that re-establishing the L'Enfant Plan in its entirety (not just on Square 379/FBI site), requires reducing the cartway and moving the curbs which need to be studied and funded. Currently, there is no local or federal commitment to fund this infrastructure project.

Notes that based on NCPC's analysis, the alternative building setbacks of 20-30 feet (a 47- to 57-foot sidewalk) gives GSA public land (that is not part of the existing FBI site) while maintaining the Avenue's civic function and character intended in the L'Enfant and 1974 Plans.

- It retains adequate pedestrian walks, outdoor activity areas, and two rows of trees, which is consistent with L'Enfant's vision for the Avenue, as well as the 1974 Plan's vision for a unified landscape that frames the vista, provides the framework quality public space, and contributes to the character of the Avenue.
- It can support a diversity of functions within the public space, and accommodate a public realm program that retains a ceremonial character of the Avenue as distinct from other downtown streets.
- It establishes balance with similar build-to-lines of the Federal Triangle on the south side of the Avenue. The Department of Justice's build-to-line setback is 24 feet.
- It increases development area considerably over current conditions.

⁴ **Notes** that on Square 379, the dimension between curb and property line is 27.5-feet and the building face is 53.5 from the property line, which creates an 80-foot sidewalk between curb and building face).

- It creates greater opportunities to activate and program ground floor uses and the adjacent public realm.

Notes that a 30-foot setback moves the building closer to the historic build-to-line and serves as a transition between Market Square and 1001 Pennsylvania Avenue, which is consistent with the 1974 Plan's intent for the site to be a transition area between squares to the east and west.

2. Square 379 Initial Height of Development

Notes that along Pennsylvania Avenue, the 1974 Plan establishes the setback for the initial height of development at 50 feet from the property line and a setback of 100 feet from the property line to reach a maximum height of 160 feet.

Notes that the McMillan Plan and the 1974 Plan respect the L'Enfant Plan and one of its central features, the vista to the U.S. Capitol, through the use of a proportional design principle that establishes a 1:1 width to height ratio (distance from the center line of street to the building line as compared to the height of the building) that forms a view cone (the clear zone where no buildings encroach and that defines the unobstructed vista to the U.S. Capitol). This principle establishes a view that is proportionally balanced and helps unify the north and south sides of the Avenue, establishing the vista that frames the U.S. Capitol, which is a contributing element to the Plan of the City of Washington.

Notes that the Plan calls for Square 379 to serve as a transition area between the lower density residential/cultural character to the east and the higher density office and hotel character to the west.

Notes that to the east, the western tip of Market Square sits 10 feet from the property line with an initial height of 100 feet that steps up and back to 135 feet. While the building encroaches into the view cone, it is imperceptible because of the building's unique configuration on the lot.

Notes that as a transition site and in context with Market Square to the east, a very minor encroachment into the view cone that is perceptually insignificant is allowable.

Notes that the maximum initial height of buildings on Square 379, fronting on D Street, should be of a similar height as the initial building heights across the street at Square 378.

3. Square 379 Maximum Height of Development

Notes that the 1974 Plan establishes a 100-foot setback before reaching the maximum height of 160 feet, which falls outside the view cone (the clear zone where no buildings encroach and that defines the unobstructed vista to the U.S. Capitol) established by the proportional design

principle.⁵ This balances the proportion of development between the Federal Triangle and new development north of the Avenue.

Notes that the configuration of the triangular floorplate, established at a 30-foot build-to line, with an initial height below the Capitol view cone, and 1:1 upper-story setbacks, does not yield an upper-story floor plate that is leasable or adequate for mechanical equipment above heights of 140 feet.

Notes that the Residences at Market Square West reaches a maximum height of 135 feet and the office building at 1001 Pennsylvania Avenue reaches a height of 135 feet approximately 70-feet from the property line before stepping up to a maximum height of 160 feet.

Notes that given the square's configuration, a maximum height of 135-feet complies with the 1974 Plan and is compatible with adjacent development, and may afford buildings on Square 378 visibility to and from Pennsylvania Avenue.

Notes that as a transition site and in context with Market Square to the east, a minor encroachment into the view cone between the initial and maximum height that is perceptually insignificant is allowable.

4. Square 379 Upper-Story Setbacks

Notes that office buildings on adjacent blocks employ 1:1 upper-story setbacks, while residential floors, such as Market Square West employ a 0.6:1 upper-story setback.

Notes that a 1:1 setback results in upper story floors that are not noticeable to pedestrians on the street. Residential development with less than a 1:1 upper-story setback is designed in a manner to conceal the upper-story mass through the use of terraces or other architectural treatments.

Notes that upper-story setbacks on Square 379 should be compatible with surrounding development.

Approves the following guidelines for the Square 379:

Guideline E.10.a: Pennsylvania Avenue Build-to Line. *The Pennsylvania Avenue build-to line shall be a minimum distance of 30-feet north from the existing property line (the historic L'Enfant right-of-way) to meet the following performance criteria:*

- *locate and configure the Pennsylvania Avenue building wall to respect the vista to the U.S. Capitol;*

⁵ This principle is explained in Section 2 on the preceding page, in the project analysis, and illustrated in the supplement slides.

- *provide public space that can accommodate at least two rows of trees, pedestrian walkways consistent with the unified streetscape, and an activity zone along the building face;*
- *design the public space with flexibility to accommodate a variety of civic uses.*

This build-to-line may be moved south, closer to or at the property line provided:

- *the above stated public space criterion can be met;*
- *an amendment is completed to the 1974 Pennsylvania Avenue Plan to move the curb lines to reduce or reallocate the Pennsylvania Avenue cartway and sidewalk widths between 3rd and 15th Streets;*
- *a dedicated funding source is confirmed to implement the infrastructure and streetscape changes between 3rd and 15th Streets, NW associated with reconfiguring Pennsylvania Avenue.*

The build-to line shall be perpendicular and parallel to the Pennsylvania Avenue property line and is also considered to be the Pennsylvania Avenue building-restriction-line. Pedestrian walkways, public reservations or open spaces on Pennsylvania Avenue may traverse the build-to line and the building restriction line. Minor deviations may be allowed such as recesses or ornamental entrance bays per the General Guidelines and DC Zoning Regulations.

Guideline E.11.b.1: Initial Height of Development on Pennsylvania Avenue. *The initial height of buildings on Square 379 fronting Pennsylvania Avenue shall not exceed the distance as measured from the center line of the right-of-way, centered on the U.S. Capitol, to the established build-to line to ensure that the vista of the U.S. Capitol remains unobstructed.*

Guideline E.11.b.2: Initial Height of Development on 9th, 10th and D Streets. *The maximum initial height of building(s) fronting 9, 10, and D Streets shall not exceed 120- feet.*

Guideline E.11.b.3: Maximum Height of Development. *The maximum building height shall not exceed 135 feet, inclusive of penthouses.*

Guideline E.11.b.4: Upper-Story Setbacks. *Any portion of a building above the initial building height shall be setback at ratio of 1:1.*

Guideline E.11.b.5: Measuring Building Height. *The building height shall be measured from the Pennsylvania Avenue curb at the middle of the front of the building or structure to the highest point of the roof exclusive of any structure on the roof.*

Square 378 Building Envelope

Notes that the Commission supported building envelope guidelines that allow for high density development through the 2016 Plan Amendment approval process.

Notes that on June 2, 2016, the Commission commented favorably on the following guidelines included in the Agreement of Square Guidelines section (*page 5*).

- Establishing the build-to lines for 9th, 10th, D and E Streets at their respective property lines; and
- Allowing the maximum building height on Square 378, north of D Street, to achieve 160 feet, inclusive of penthouses, in accordance with the Height Act, the 1974 Pennsylvania Avenue Plan, and the Zoning Regulations.

5. Initial Height of Development on Square 378

Notes that the 1910 Height Act controls the height of buildings throughout the city, resulting in adjacent buildings fronting the same street to be compatible in height. Typically, new buildings adjacent or near a historic building are shaped by stepping down the new building to be compatible.

Notes that the initial height of buildings surrounding Square 378 range from 45 feet to 120 feet depending on the location. Buildings with the lowest initial heights are historic (on 10th and E Streets, NW) and contemporary buildings are typically higher unless shaped to be compatible with nearby historic buildings.

Notes that to be compatible with surrounding development, the Height Act requirements should be used to determine the maximum initial height of a building. Setting an initial maximum height allows flexibility to step a building down to meet or be compatible with historic buildings.

6. Upper-Story Setbacks on Square 378

Notes that, with one exception, the upper-story setbacks surrounding Square 378 are 1:1 and are primarily office buildings. Residential development at Market Square West uses a 0.6:1 upper-story setback.

Notes that a 1:1 setback results in upper story floors that are not noticeable to pedestrians on the street. Nearby residential development with less than a 1:1 upper-story setback is designed in a manner to conceal the upper-story mass through the use of terraces or other architectural treatments.

Notes that upper-story setbacks on Square 378 should be compatible with surrounding development.

Approves the following heights for Square 378:

Guideline E.11.c.2.a: *On Square 378, height of development shall comply with the following: Using the 1910 Height Act and District Zoning Regulations as a guide, the maximum initial*

building height for Square 378 shall be the height as established by measuring 110 feet from the highest elevation on E Street, NW, regardless of the street on which the building fronts.

Guideline E.11.c.2.b: *Any portion of the building above the maximum initial height shall setback at a ratio of 1:1 from the building face.*

Directs staff to release the Commission-approved draft Square Guidelines for a 30-day public comment period.

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10/06/2016

Julia A. Koster

Date

Secretary to the National Capital Planning Commission