

# Final Square Guidelines for Squares 378 and 379

## Approved January 5, 2017

The 1974 Pennsylvania Avenue Plan, as amended, the General Guidelines at 36 C.F.R. Part 910, and these Square Guidelines control development on Squares 378 and 379 in accordance with the congressionally recognized 1974 Plan for Pennsylvania Avenue. These documents form the basis and criteria by which approval of development proposals may be granted in accordance with 40.U.S.C. 6702 and the 1996 Memorandum of Agreement (1996 Agreement) between the U.S. General Services Administration (GSA), the National Park Service (NPS), and the National Capital Planning Commission (NCPC).

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## **A. Introduction**

### **Background**

Squares 378 and 379 (site) are bound by Pennsylvania Avenue, 9<sup>th</sup>, 10<sup>th</sup>, and E Streets, NW in Washington, DC and currently house the J. Edgar Hoover (JEH) building. The Squares are located on the western boundary of the Penn Quarter neighborhood, the northern boundary of the Federal Triangle, and the southeastern boundary of the Downtown Business Improvement District. When the Pennsylvania Avenue Development Corporation (PADC) was developing the *1974 Pennsylvania Avenue Plan*, the federal JEH building was under construction. Therefore, the PADC did not prepare Square Guidelines for these blocks.

Per Public Law 92-578, the Pennsylvania Avenue Development Corporation (PADC) developed the 1974 Pennsylvania Avenue Plan. Since 1974, the Pennsylvania Avenue Plan has been amended (1974 Plan) to update it and to revise the Square Guidelines contained therein. The 1974 Plan includes Square Guidelines that regulate site development of most of the parcels along this portion of the Avenue. When the PADC was dissolved in 1996, Congress transferred and distributed PADC's various stewardship roles and responsibilities via Public Law 104-134 among NCPC, GSA, and the National Park Service (NPS). A 1996 Memorandum of Agreement (1996 Agreement) addresses the process for amending the 1974 Plan and Square Guidelines.

In accordance with the 1996 Agreement, NCPC, anticipating the site's redevelopment for private use, transmitted a proposed amendment of the 1974 Plan to GSA in December 2015 to allow for private high-density, mixed-use development on the site. In accordance with 40 U.S.C. § 6701, GSA transmitted the amendment to four congressional committees for a 60-day review; without receiving any comments from these committees, GSA completed the amendment in March 2016. The plan amendment includes general principles for property redevelopment or reuse.

These Square Guidelines assume that the future owner will demolish the existing structure to allow for new construction. If the owner retains all or part of the existing building, some of these Square Guidelines will still apply. However, depending on the type, extent and location of the building's modification, these guidelines may need to be amended.

### **Pennsylvania Avenue Initiative**

In late 2013, NCPC, GSA, and NPS, successors to the PADC, in partnership with the District of Columbia Government (District), began the Pennsylvania Avenue Initiative, an effort to address challenges shared among a number of federal and local agencies with jurisdictional responsibility over Pennsylvania Avenue (Avenue). Preliminary analysis indicates that with the closing of E Street, NW between 15<sup>th</sup> and 17<sup>th</sup> Streets, the Avenue likely has excess roadway capacity, and a transportation study is necessary to assess if reallocation of space within the Avenue's cartway<sup>1</sup> is possible, desirable, and/or financially feasible.

If future studies reveal that a cartway reduction and reallocation of space between buildings is feasible, it could affect the building lines, the width of sidewalks, the streetscape, the vistas, and potentially increase the development capacity of several parcels along the Avenue. These potential changes will require careful consideration and compliance with the National Environmental Policy Act and the National Historic Preservation Act. A reduction in the cartway will require design of a new comprehensive state-of-the-art sustainable streetscape plan and identification of and commitment to fund improvements for the entire Avenue.

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<sup>1</sup> The cartway is the area between the curbs along Pennsylvania Avenue.

These significant changes will require an amendment to the 1974 Plan or development of a new plan, including potential modification of the Square Guidelines for properties along the Avenue. Examples of such modifications may include moving the build-to lines closer to or at the property line, or a change in the initial or maximum building height for new development. Determining if these potential changes are appropriate and feasible will take time; however, this could occur before a future developer submits a redevelopment plan for Square 379 in conjunction with the FBI Consolidation and Exchange Project.

## **B. Regulatory System for Approval of Development Projects**

As embodied in Public Law 104-134 and in accordance with 40 U.S.C. §6702, the successors to the PADC — GSA, NPS, and NCPC— each have unique responsibilities for management of the real estate of the 1965 Pennsylvania Avenue National Historic Site, and implementation of the 1974 Plan as set forth in the statute and the 1996 Agreement.

The Development Plan must comply with federal laws and these Square Guidelines, and may be subject to other applicable law and regulations as defined in 40 U.S.C. §6712, such as the Shipstead-Luce Act, the Height of Buildings Act of 1910, the District of Columbia Municipal Regulations, and the District of Columbia Historic Landmark and Historic District Protection Act. If the 1974 Plan or Square Guidelines are silent or do not address a particular land development provision or criteria, the zoning regulations will control development.

Development projects on Squares 378 and 379 shall be subject to review and approval by the District of Columbia Zoning Commission pursuant to Title 11 DCMR, Subtitle I, §701.

## **C. Planning and Urban Design Context**

### **Overview**

Combined, Squares 378 and 379 comprise approximately 6.6 acres, roughly equal to three to four downtown city blocks. The 1974 Plan identifies the site as a transition area between taller high-density office and hotel uses to the west and lower residential and cultural buildings to the east. Currently, the site supports one large single-use office building, has large setbacks and perimeter security barriers, and significantly lower heights fronting Pennsylvania Avenue. Together, these characteristics provide a physical transition between the monumental core and downtown, as well as the use and densities east to west along the Avenue.

Together, the building size, single office use, and large setbacks devoid of ground floor uses creates an anomalous zone of inactivity along the Avenue. Combined with the distinct development patterns and the various scales between development north and south of the Avenue, the site currently contributes to the barrier between downtown and the monumental core. This discourages pedestrian movement and challenges optimizing urban development and vitality along adjoining streets.

Redevelopment of the site presents an opportunity to bring new life and energy to the Avenue, demonstrating the best of contemporary urbanism, while respecting the historically significant urban planning and design context. A quality, high-density development with a carefully planned mix of uses will enhance both Pennsylvania Avenue and downtown, allowing residents, workers, and visitors to enjoy the Avenue's unique legacy and engage the capital city in exciting new ways.

### **Application of Historic and Contemporary Plans**

As in previous eras, current planning ideals and practices reflect contemporary environmental and societal issues, as well as unresolved urban problems from previous planning efforts. While each of Pennsylvania Avenue’s planning legacies (1791 L’Enfant Plan, 1901-1902 McMillan Plan, and the 1974 Plan) remain important and relevant, they also present inherent shortcomings and conflicts. Considering each plan’s contribution to the conditions of the built environment, it is not realistic to expect to restore all attributes of any one plan. See Appendix I (pages 16-24) for more information on the planning efforts.

As noted in the Introduction (Section A), the Pennsylvania Avenue Initiative is in the early stages of planning for the Avenue’s future. One objective of this effort is to reconcile unresolved issues from previous eras and address contemporary urban challenges. Until a new plan is prepared or new regulatory framework instituted, it is important to consider the hierarchy among the federal and local laws, acts and regulations, and apply them in context to these legacy plans and contemporary urban planning and design practices. As parcels redevelop and the Avenue evolves, it is important to respect and protect the principles of each of the three guiding plans while applying contemporary practices to address current challenges.

### **D. Development Goals**

A full understanding of Pennsylvania Avenue’s historical development, including its diverse architectural traditions and the important planning legacies and challenges is important when preparing a Development Plan and the design character of buildings and public spaces. The Avenue’s historical development is summarized in the Planning and Urban Design Context Section C and Appendix I, in the 2007 National Register nomination, and in the 2016 Cultural Landscape Inventory for Pennsylvania Avenue, NW: White House to the U.S. Capitol.

As part of a comprehensive Development Plan, Squares 378 and 379 share development goals that inform a number of common guidelines. However, because of Square 379’s relationship to Pennsylvania Avenue and Square 378’s relationship to downtown, each square should also have unique guidelines that respond to its own context and orientation within the city.

Using contemporary best practices in urban planning and design, development should:

1. Support the Avenue’s role as a significant national and a local destination that reinforces to citizens and visitors that they are in the nation’s capital.
2. Respect the historic significance of Pennsylvania Avenue, its various planning eras, its monuments, museums, and the Federal Triangle; together these represent the presence of the federal government in our nation’s capital.
3. Develop an exceptional urban destination that increases the economic vitality beyond the workday and contributes to the city’s vision for a lively and pedestrian friendly “Living Downtown” that includes residences and a range of other dynamic uses.
4. Respect the L’Enfant Plan Street and Open Space Framework that reinforces the rhythm and regularity of the city’s development pattern and reinforces the importance and special quality of the major civic plaza at Market Square and the diagonal Pennsylvania Avenue, including the importance of its broad and open vista to the U.S. Capitol.
5. Respect the balance of urban expression along the Avenue that leaves the civic buildings dominant, reinforcing a cohesive and distinct street.

6. Extend and reclaim the street network to reduce the monumentality of these blocks and restore circulation, improve pedestrian connectivity, and increase street level activity.
7. Respect Pennsylvania Avenue’s cohesive and distinct streetscape and landscape plantings, the defining characteristic that sets it apart from other streets in the city.
8. Ensure development is compatible with and contributes to enhancing the historic, symbolic, and ceremonial character of Pennsylvania Avenue, and to the commercial character and variety of the city’s historic downtown.
9. Develop these blocks with distinct high quality urban design that incorporates the best practices in contemporary architecture, landscape architecture, and sustainable design.

**E. Specific Urban Design and Planning Guidelines**

1. Coordinated Planning Area
  - a. A Development Plan shall be prepared for the coordinated planning area inclusive of Squares 378 and 379 and the adjacent sidewalk areas, recognizing that the design of each square should be distinct.

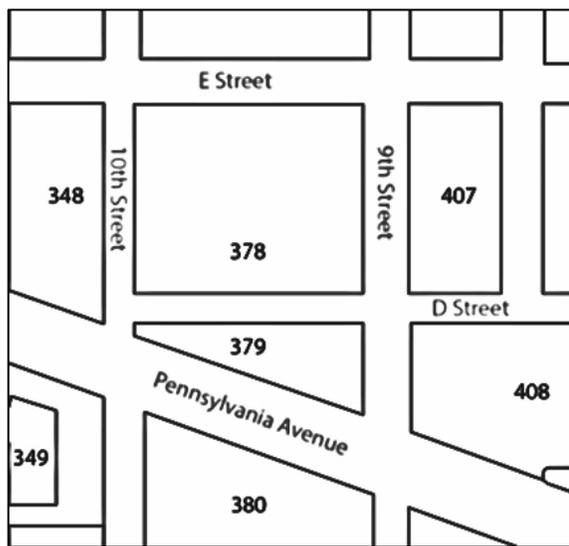


Figure I: Square Diagram

2. Development Parcels
  - a. Maintaining or developing the coordinated planning area as one large block is not permitted.
  - b. D Street shall be reintroduced through the site between 9<sup>th</sup> and 10<sup>th</sup> Streets to reestablish Squares 378 and 379, and provide for public access.

- c. Square 379 shall be planned as a coordinated block and may contain more than one development parcel or building.
- d. Square 378 shall be planned as a coordinated block and should contain smaller parcels and multiple buildings.

3. Uses

a. General

- 1. Increase the mix of uses along the Avenue, such as residences and commerce, as well as arts, cultural, and other destination uses in accordance with the District's Cultural Plan to attract locals and visitors, and increase economic vitality beyond the workday.
- 2. On Square 379, a mix of uses from the following categories set forth in the Zoning Regulations is encouraged: cultural/civic, arts, hotel, entertainment, retail, residential, or office. Uses that increase opportunities for the public to access buildings and maximize day, evening, and weekend activity on Pennsylvania Avenue are highly encouraged. Examples include hotels and cultural, civic, and art uses, such as Art exhibition, Arts retail and education and multi-function uses; and Museums.
- 3. On Square 378, a mix of uses from the following categories set forth in the Zoning Regulations is encouraged: hotel, residential, retail, office, entertainment, arts, and cultural uses. Art related uses are encouraged along E Street and a sizable residential component is highly encouraged within the block to add day, evening, and weekend activity, and to balance the mix of uses essential to a "Living Downtown," a place where people live, shop, recreate, visit, and work.

b. Ground Floor Uses

- 1. Ground floor uses along the perimeter of the buildings facing all streets shall be primarily devoted to retail, arts and culture, hospitality, eating and drinking establishments (restaurants), and institutional uses that generate pedestrian activity and provide amenities, retail services, and experiences for visitor, worker, and residential markets. These uses shall be directly accessible from the perimeter streets.
- 2. A development program of all office with ground floor retail does not constitute a mix of uses. To maximize ground floor activity, office buildings are encouraged to locate primary lobby areas on the second floor. Building frontage devoted to office lobbies with more than one structural bay of frontage are encouraged to design and program lobbies to support multi-functional spaces, such as art displays, meeting spaces, or a reception area and lecture hall.
- 3. Reserve building corner locations, where there is a concentration of foot traffic and more visibility, for retail, arts, and cultural uses. Retail service uses, such as Financial Service institutions, are not allowed at these corner locations because of their limited foot traffic and limited operating hours. On Pennsylvania Avenue, no more than thirty linear feet of building frontage shall be devoted to financial service uses.
- 4. On Square 379, examples of ground floor use particularly suited for Pennsylvania Avenue may include a mix of civic, arts and cultural uses, retail, and restaurants. Cafes and public seating areas within sidewalk setback areas are encouraged. For example, Market Square and the 600 block of Indiana Avenue currently provide this type of use mix.

5. On Square 379, uses that limit visibility or accessibility into the ground floor of a building, require large blank walls, or are a type of retail or service operation that is not appropriate for Pennsylvania Avenue are not permitted. For example, Day Care Centers with large blank walls and Printing and Shipping Centers with operational areas visible to the street are not appropriate uses. These uses are encouraged to locate on side or interior streets where they do not interrupt the ability to maximize ground floor transparency and activity along Pennsylvania Avenue's street frontage.
6. On Square 378, examples of ground floor uses particularly suited for 9<sup>th</sup>, 10<sup>th</sup>, D, and E Streets may include a mix of retail and services, food stores, bakeries, restaurants, arts-related uses, theatres, libraries, newsstands, tourist retail, and fitness/yoga studios. For example, Seventh and F Streets, NW currently provide this type of mix.

c. Rooftop Uses

1. Cafes, restaurants, gardens, and recreational uses are encouraged on rooftops below the maximum height of 160 feet. The location and design should avoid potential conflicts with surrounding residential uses.

4. Streets

- a. Establish the L'Enfant Plan 70-foot D Street right-of-way through the site as the primary street to reestablish the two original city squares; use the existing intersection at 9<sup>th</sup> and D Street to access and service the interior of these blocks; and create a physical and visual relationship between Pennsylvania Avenue and the Judiciary Square area.
- b. D Street, as either a public or a private street, should retain the function and character of a public District of Columbia street and comply with DC Downtown Streetscape Standards. Any below grade parking and service areas between Squares 378 and 379 shall be designed to allow D Street to retain its' street function and character.
- c. On Square 378, secondary circulation, particularly in the north-south direction, is highly encouraged for pedestrian access between D and E Streets and into downtown, as well as to provide access to the interior of the block and between adjacent side streets. These secondary circulation routes should use the District of Columbia's accepted practice of subdividing the largest squares of the L'Enfant Plan into smaller parcels with minor streets, alleys, and pedestrian pathways suitable for pedestrian-oriented development.
- d. Extend the street network into the site to limit and manage pedestrian-vehicular conflicts throughout the site, and promote pedestrian connectivity between Pennsylvania Avenue and the surrounding downtown.
- e. Secondary circulation internal to Square 378 should accommodate comfortable pedestrian, bicycle, and vehicular movement if appropriate to its function and compatible with designated uses.
- f. The design of the 1974 Pennsylvania Avenue Plan sidewalks shall be consistent with current Pennsylvania Avenue Streetscape standards, such as tree planting, street furniture, and lighting.

5. Curb Cuts

- a. No curb cuts are permitted on Pennsylvania Avenue. Any curb cut on 9<sup>th</sup> Street shall be located at the intersection at D and 9<sup>th</sup> Street, NW, unless approved by the District Department of Transportation.
- b. Minimize and consolidate curb cuts to on-site parking and service areas to minimize disruption to pedestrian movement along sidewalks.

6. Parking and Loading

- a. Site and building design should consolidate on-site parking and on-site loading service areas to the maximum extent feasible, preferably locating these areas below ground and concealing them within building envelopes.
- b. Minimize the number and size of access points for parking or loading along the squares' perimeter streets, or locate such access points in a service alley.
- c. Design loading and parking areas to provide forward pull-in and forward exit vehicular circulation; vehicle back-up maneuvers into public space are not permitted.
- d. Screen any exterior loading areas and trash collection areas in a manner complementary to the building's architecture.
- e. Incorporate any security features associated with building operations into the design of the building and site to minimize their appearance and intrusion into public space.

7. Site and Building Design

a. General design considerations

1. The architectural design of buildings on the site shall be commensurate with the high design quality that characterizes the city's historic downtown. Especially along Pennsylvania Avenue, distinguished contemporary architecture should contribute to, but not dominate the composition of the Avenue's building walls and vistas.
2. The layout, configuration, and design of buildings shall respond to and be compatible with the hierarchy of avenues, streets, and open spaces established by the L'Enfant Plan.
3. Building design should introduce an intermediate scale, variety, and interest to reduce the size of the blocks. For example: this can be achieved by constructing multiple buildings, storefronts and openings; by varying elevations, planes, and building materials; and articulating building bases, registration lines, and rooflines.
4. Building mass and design should complement surrounding buildings in scale, proportion, setbacks, and materials; the alignment of horizontal and vertical elements should reinforce the street wall and define streets, open spaces, landmark elements, and view corridors.

b. Building Design on Square 379

1. The building(s) design should achieve a high level of design quality befitting Pennsylvania Avenue's unique character and importance.

2. Building design should contribute to and complement the vista of the U.S. Capitol and the composition of buildings and open spaces along the Avenue by considering the use, mass, proportion, materials, and development character. For example, this can be achieved by:
    - (a) Scaling and designing the building's apex at 10<sup>th</sup> and Pennsylvania Avenue to complement the architectural expression along the Avenue and enhance its vista;
    - (b) Incorporating materials into the building design that are compatible with its context;
    - (c) Generally aligning architectural registration lines or patterns and entrance locations to coordinate among the blocks; and
    - (d) Minimizing visual competition with the U.S. Capitol or other important historic buildings and landmarks.
  
  3. On Pennsylvania Avenue and D Street, the site and building(s) design should perceptually reduce the length of the block and horizontality of the building, as well as establish a pedestrian scale. For example, this can be achieved by:
    - (a) Creating more than one standalone building on the block with a pedestrian passage way; or
    - (b) Modulating and articulating the building's façade design to improve the scale and create visual interest.
  
  4. Development should respect the composition, rhythm, and patterns of the building wall along the Avenue, and the massing of adjacent development to frame views, anchor building corners, and contribute to the corridor's balanced composition.
- c. **Building Design on Square 378**
1. The design of these buildings should achieve an inspired level of design that contributes to the variety and character of downtown.
  2. Building design should consider the scale, form, and character of development on adjacent blocks through use of build-to-lines, sympathetic height relationships, registration lines, and building access points.
  3. Maximize ground floor accessibility, visibility, and activity by orienting ground floor uses, primary public activities, and social spaces along the perimeter sidewalks, and by orienting building access to adjacent open spaces and street intersections.
8. **Sidewalks and Open Spaces**
- a. Development should support and be compatible with the framework and hierarchy of streets and primary civic spaces along Pennsylvania Avenue and downtown, as well as provide a variety of appropriately scaled informal secondary open space(s) with pedestrian amenities.
  - b. The focus of civic activity should remain on Pennsylvania Avenue. The configuration of secondary open space should not compete with, or detract from, dominant primary civic spaces along the Avenue and at Market Square, nor deter the ability to carry out the traditional civic activities that typically occur on the Avenue, such as the Inaugural Parade, public assembly, and special events. Any secondary ground level open spaces on Square 379, along Pennsylvania Avenue or its intersecting streets, shall be designed, maintained, and operated as public open space.
  - c. The size, shape, and use of any secondary reservation or open space on Square 378 or 379 should be informed by its relationship to on-site and adjacent building uses, building-lines, and open spaces. Civic, cultural, or commercial uses should be located near the secondary public open

spaces to increase access to and activate these outdoor spaces. Secondary interior semi-private or private incidental open spaces or pathways may serve occupants and users of the individual buildings.

- d. Create active spaces by focusing active ground floor uses, public activities and social spaces along the square's perimeter sidewalks on Pennsylvania Avenue, 9<sup>th</sup>, 10<sup>th</sup>, D, and E Streets.
  - e. Sidewalks and secondary open spaces should provide for pedestrian comfort and amenities, and include hardscape and landscape elements appropriate to the function of the space, such as lighting, street furnishings, and/or public art. These secondary open spaces shall be programed and designed to support the Avenue's role as a significant national and local destination.
  - f. Along Pennsylvania Avenue, the streetscape elements and design shall be compatible with the historic character of the Pennsylvania Avenue National Historic Site and consistent with the current Pennsylvania Avenue Streetscape. Streetscape design along 9, 10, E, or D Streets shall comply with the District's Streetscape regulations and standards.
  - g. Incorporate any security features into the site and building design to minimize their appearance and intrusion into public space.
9. Gross Floor Area of Development
- a. As a high-density mixed-use development, the overall maximum development density shall not exceed a 10 Floor Area Ratio (FAR) for commercial development; there is no FAR limitation for residential development when a building fronts on a street greater than 110 feet.

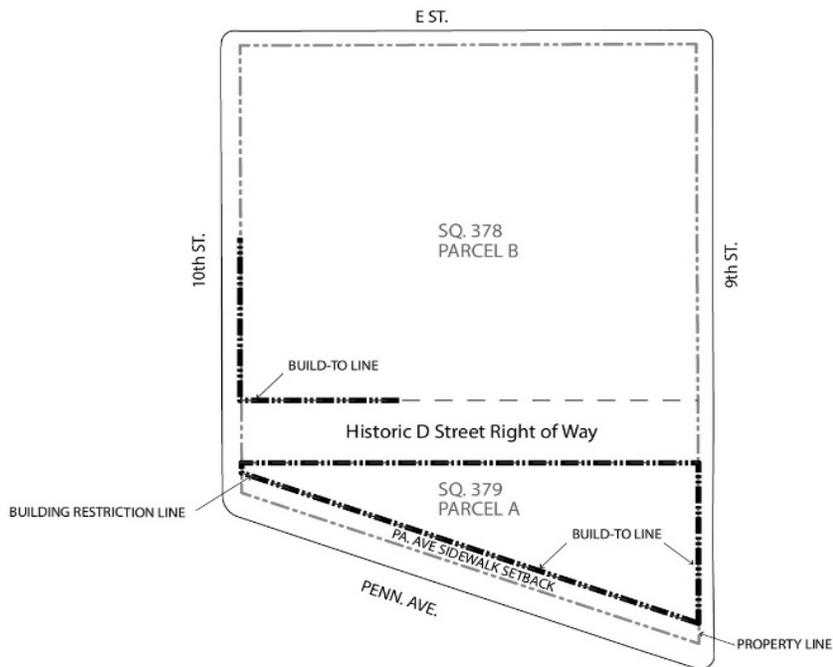


Figure 2: Illustration of Terms

10. Build-to Line and Building Restriction Line

- a. The Pennsylvania Avenue build-to-line shall be a minimum distance of 30-feet north from the existing property line (historic L'Enfant right-of-way) to meet the following performance criteria:
1. Locate and configure the Pennsylvania Avenue building wall to respect the vista to the U.S. Capitol;
  2. 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; and
  3. Design flexible public spaces to accommodate a variety of civic uses.

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

- The above stated performance criteria are met;
- An amendment is completed to the 1974 Plan to move the curb lines to reduce or reallocate the Pennsylvania Avenue cartway and sidewalk widths between 3<sup>rd</sup> and 15<sup>th</sup> Streets;
- A dedicated funding source is confirmed to implement the infrastructure and streetscape changes between 3<sup>rd</sup> and 15<sup>th</sup> Streets, NW associated with reconfiguring Pennsylvania Avenue.

- b. The build-to line shall be perpendicular and parallel to the Pennsylvania Avenue property line; this line is also 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 (recesses and projections) may be allowed as permitted by the General Guidelines<sup>2</sup>, unless otherwise permitted herein or by the District codes and regulations.
- c. Along the 9<sup>th</sup>, 10<sup>th</sup>, D, and E Street frontages, the build-to-line is located at the property line. Minor streets, alleys, pedestrian walkways, or open spaces may traverse or interrupt the build-to line.
- d. Cantilevered balconies are not permitted on Pennsylvania Avenue or any street. No building projections within airspace, beyond the building-restriction-line, are permitted on Pennsylvania Avenue, except minor architectural articulations or embellishments, which may be permitted as defined by the General Guidelines and the District's Municipal Code.
- e. Bay windows may be permitted on 9<sup>th</sup>, 10<sup>th</sup>, D, and E Streets to articulate the facade provided:
1. Bay window projections shall be a minimum of 20 feet above the sidewalk and a minimum of 20 feet below the top of the building façade on the property line.
  2. Projections may extend up to a maximum of four feet from the property line.
  3. Individual projections shall be no more than 15 feet in width, and no more than 50 percent of the building frontage may have projections.

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<sup>2</sup> General Guidelines are found in Title 36 of the Code of Regulations, Section 910.

## 11. Height of Development

- a. Within the coordinated planning area, the height of development is specified herein and shall be that allowed by the 1910 Height of Buildings Act, the 1974 Plan, and District Zoning Regulations. Use of a Meaningful Connection(s), as defined by the District may join buildings, except to join Squares 378 and 379 above reinstated D Street.
- b. On Square 379, the height of development shall comply with the following:
  1. The building height measurement shall be from the level of the sidewalk at the curb located at the center point of the Square to the highest point of the roof, exclusive of any structure on the roof.
  2. The maximum building height shall not exceed 135 feet, inclusive of penthouses.
  3. The initial height of buildings fronting directly on Pennsylvania Avenue shall not exceed a 1:1 ratio to ensure that the vista of the U.S. Capitol remains unobstructed. As illustrated in Figure 3, the 1:1 ratio is defined as the height of the initial vertical rise of the building wall shall not exceed the horizontal distance measured from the centerline of Pennsylvania Avenue, on center with the U.S. Capitol, to the build-to line along the Avenue.
  4. The initial height of buildings fronting 9, 10, and D Streets shall not exceed 120 feet.
  5. Any portion of a building above the initial building height shall have a 1:1 upper-story setback ratio up to the maximum building height. As illustrated in Figure 4, the upper-story setback shall not be less than the vertical rise of the portion of the building above the designated initial height.
- c. On Square 378, height of development shall comply with the following:
  1. The maximum allowable height shall be consistent with the 1974 Plan and the 1910 Height of Buildings Act. A maximum height of 160 feet is achievable for Square 378 by establishing frontage on Pennsylvania Avenue in accordance with the Height Act. If a building is determined to have frontage on Pennsylvania Avenue, then the building height measurement is from the level of the sidewalk at the curb located at the at the center point of Square 379's property line fronting Pennsylvania Avenue to the highest point of the roof, exclusive of any structure on the roof.
  2. The maximum height of buildings may reach 160 feet, inclusive of Penthouses.
  3. The maximum initial height for buildings on Square 378 shall not exceed the height as established by measuring 110 feet from the level of the sidewalk at the highest curb elevation on E Street, NW, regardless of the street on which the building fronts.
  4. Any portion of the building above the maximum initial building height shall have a 1:1 upper-story setback ratio up to the maximum building height. As illustrated in Figure 4, the upper-story setback shall not be less than the vertical rise of the portion of the building above the designated initial height.

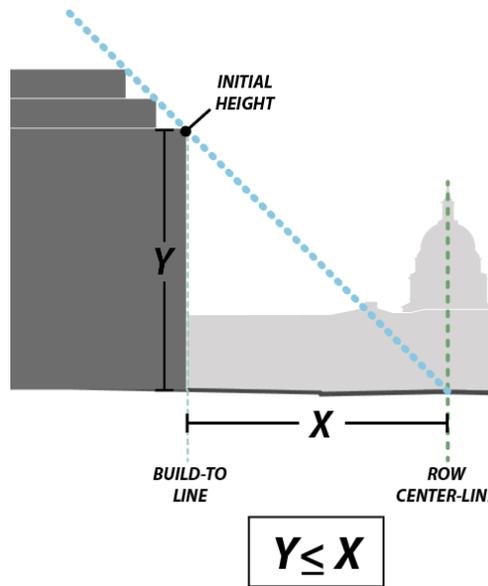


Figure 3: Illustration of the Pennsylvania Avenue 1:1 Initial Height Ratio

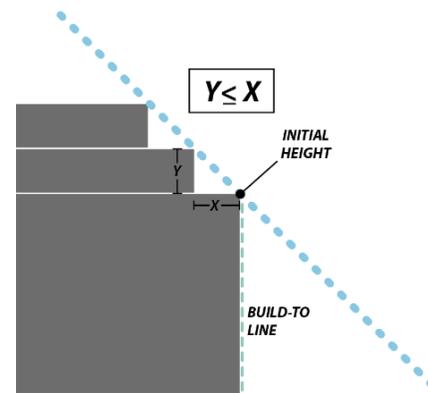


Figure 4: Illustration of the Upper-story Setback 1:1 Ratio

## 12. Roof Structures/Penthouses

- a. No Penthouses are permitted above the maximum allowable height described in E.11 herein for Squares 378 and 379. A maximum eight-foot stairway or elevator enclosure is permitted above the maximum height of development or above the roof level on which the structure is located.
- b. All roof structures, including permanent, temporary or seasonal awnings or enclosures, on buildings that front 9<sup>th</sup>, 10<sup>th</sup>, D, and E Streets shall be set back at a minimum 1:1 ratio<sup>3</sup> so it is not visible from the street. Roof structures on buildings directly fronting Pennsylvania Avenue shall be set back at a minimum distance of 2:1 ratio. Mechanical equipment shall not be visible from the street and shall be screened from adjacent uses.
- c. Building design should ensure that all roof structures, screens, and mechanical screens are integral parts of the overall building composition and treated as positive elements of the building mass and architectural expression. Roof screens and structures shall be of similar materials and quality as other parts of the building façade.

## 13. Subsurface Restrictions

- a. No new vaults or uses are permitted within the Pennsylvania Avenue sidewalk setback and no new connections to water, gas, electric, telephone, and sewer lines shall occur on Pennsylvania Avenue. Tree pits shall align with the Avenue's contiguous streetscape design.
- b. No use should be permitted nor object installed in vaults under public space along adjacent streets that requires the installation of open grille work hatch covers, gratings, ventilators or similar devices between the curb line and the new building line.

<sup>3</sup> The 1:1 and 2:1 Rooftop Structure Ratios are determined by the setback or horizontal distance measured from the edge of the roof to the structure. This distance cannot be less than the vertical height of the roof structure (1:1), or twice the vertical height of the roof structure (2:1), respectively.

- c. Any subsurface elements shall be constructed to allow the planting of trees that will thrive within sidewalks and open spaces.

14. Signage and Lighting

- a. Signage and awnings shall be oriented to the pedestrian and designed at a scale and of materials that are compatible with the Avenue's architectural vocabulary.
- b. Establish a clear and comprehensive signage and lighting plans for Squares 378 and 379. Coordinate these plans with the Pennsylvania Avenue lighting plan and existing systems in the downtown area.
- c. Signage above the second floor of the building is not permitted on Square 379. All signage on Squares 378 and 379 shall be designed to respect the civic qualities of Pennsylvania Avenue and not encroach or dominate the viewsheds to, from, or along the Avenue, Federal Triangle, and the National Mall.
- d. Special signs, digital signs, full-motion videos, billboards, off-premise signs, pole signs, or any signage that is internally illuminated or designed to change appearance with fluctuating, pulsating, flashing, or moving images or parts are not permitted.
- e. Appropriately light building entrances, important architectural features, and open space elements. This shall be achieved in a manner that does not distract or compete with the U.S. Capitol or other important civic buildings or structures, such as the National Archives, the U.S. Navy Memorial, or Federal Triangle government buildings.

15. Special Design Considerations

The development team shall work closely with the regulatory agencies when addressing the following critical design elements:

- a. Vehicular circulation on the site, including off-street parking and loading access.
- b. The arrangement of uses, and their contribution to the physical setting along the streets, particularly Pennsylvania Avenue.
- c. The façade along Pennsylvania Avenue and 9<sup>th</sup>, 10<sup>th</sup>, and E Streets, particularly its registration lines, building corners, edges, entrances, storefronts, and signage.
- d. The transition of heights and upper-story setbacks.
- e. Awnings, canopies and other means of weather protection.
- f. The design and location of roof top structures and plantings, penthouses, cooling towers, and mechanical equipment.

- g. The streetscape and its contribution to the physical setting, particularly Pennsylvania Avenue.
- h. Stormwater management integrated into the building and landscape design.
- i. Security features and their design and placement to minimize their appearance and intrusion into public space.

16. Historic Preservation

- a. The DC State Historic Preservation Officer has concurred with GSA's determination that the FBI building is not eligible for listing in the National Register. There are no archaeological resources on the property, since the site was excavated well below grade to construct the underground parking.
- b. The site layout and building design should respect the rhythm, patterns, and hierarchy of the underlying street grid and public spaces established by the L'Enfant Plan.
- c. D Street should be restored to its full L'Enfant Plan right-of-way width of 70 feet.
- d. On Pennsylvania Avenue and D Street, the site and building(s) design should promote compatibility with the scale of other buildings on the Avenue's north side by perceptually reducing the length of the block and horizontality of the building, and establishing a pedestrian scale. For example, this can be achieved by:
  - (a) Creating more than one standalone building on the block with a pedestrian passage way; or
  - (b) Articulating the building's façade design to improve the scale and create visual interest.
- e. On Square 378, subdivision of the square into smaller parcels should be accomplished in a manner consistent with the District's accepted practices of subdividing the largest squares of the L'Enfant Plan with minor streets and alleys suitable for pedestrian-oriented development.
- f. The design character of new buildings on the site shall be developed with an understanding of the diverse historic architectural traditions represented in the area.
- g. New buildings shall respect and enhance the character of the historic setting.
- h. The reintroduction of D Street will re-establish a prow-like corner at the west end of Square 379. A new building at this location will occupy a position of unusual prominence in the vista toward the U.S. Capitol and shall be treated with sensitivity to ensure it enhances and does not compete with the vista.
- i. The streetscape and open spaces adjacent to Square 379 shall respect the coherent landscape design established by the 1974 Plan as documented in the NPS Cultural Landscape Inventory.
- j. Masonry is the dominant façade material along Pennsylvania Avenue and on the grid streets surrounding the site. New buildings should respect the material palette of the surrounding historic properties, while still expressing vibrancy through material selections and treatments that reflect the best of contemporary design.

17. Phasing

- a. A Development Plan shall be prepared for the coordinated planning area inclusive of Squares 378 and 379. Phased construction may be permitted subject to conformance with the approved Development Plan.
- b. Individual buildings may proceed through the permitting processes provided they are in conformance with these Square Guidelines and the Development Plan reviewed by GSA and NCPC.
- c. If development is constructed in phased, the sidewalks and public realm on Pennsylvania Avenue and 9<sup>th</sup>, 10<sup>th</sup>, and E Streets shall be maintained and open to public use at all times during construction. All interim areas, walls, fences, signage, and lighting related to construction shall be of high quality design and subject to review and approval by U.S. Commission of Fine Arts and the District of Columbia.

## **APPENDIX I: Planning Legacies and Historic Preservation**

### **Planning Eras and Legacies**

The site is within the Pennsylvania Avenue National Historic Site (National Register District), an area with a multi-layered planning and cultural history. Pennsylvania Avenue became Washington's first "Main Street" because of its unique position in L'Enfant's 1791 Plan for the capital city and its environs grew organically throughout the early 19<sup>th</sup> century. After the Civil War, during the Victorian era, the District's governing Commissioners adopted a system for landscaping the L'Enfant rights-of-way, creating park reservations along the avenues, and allowing controlled building projections into the public space. These civic design rules focused attention to a finer grain and intimate scale, and to public comfort that shaped the character of the landscape and street walls along the city's public thoroughfares.

With the capital's centennial at the turn of the early 20<sup>th</sup> century, the 1901 McMillan Plan was concerned with reinforcing the importance of the L'Enfant Plan and reclaiming Pennsylvania Avenue's stature within the nation's capital, thereby focusing on redeveloping the south side of the Avenue. In the mid-20th century, two Presidential Councils prepared plans for the Avenue, in 1964 and 1968. These plans focused on redeveloping the north side and unifying the north and south sides of the Avenue; this ultimately informed and influenced the 1974 Plan that guides development today.

The enduring significance of the L'Enfant Plan and the McMillan Plan are recognized by their historic designations as part of the *Plan of the City of Washington* (listed in the National Register), as well as numerous policies in the *Comprehensive Plan for the National Capital's* federal and local elements. More recently, the *1974 Pennsylvania Avenue Plan* and its landscape components are beginning to achieve similar recognition for their significance in the city's late-20<sup>th</sup> century planning history, including development of public-private partnerships and for the establishment of streetscape improvements to support economic revitalization.

Each of these eras or plans contributed to shaping the nationally recognized character of Pennsylvania Avenue. However, none of these plans were fully implemented, leaving an Avenue that reflects sometimes conflicting planning and design ideals. Many of the planning principles remain fundamental today as an inherent part of the city's unique legacy, but there are new issues confronting urbanism in our time, and new principles developed to help address them. Therefore, it is important to look at the conditions along Pennsylvania Avenue with a critical eye and the benefit of hindsight, and to begin making the contributions that 21<sup>st</sup> century urbanism can bring to the Avenue.

### **Historic Context**

Architectural and urban character of the historic district includes major examples of the Federal, Victorian, City Beautiful, Modernist, and post-Modernist eras. The mixture of prominent and historically significant urban structures from each of these eras conveys a sense of historic evolution and diversity of cultural expression in a democracy. Building materials are a unifying characteristic of the historic district. Masonry is the dominant façade material of the historic buildings along Pennsylvania Avenue and on the grid streets surrounding the site. Limestone is the most common stone used by far, with occasional examples of granite, marble, and terra cotta. Brick is the typical material of the smaller commercial buildings in the historic district.

At the same time, the diversity can present a design challenge, especially for the Avenue frontage on Square 379. Pennsylvania Avenue has sometimes been criticized for its lack of coherence, and both the McMillan and Pennsylvania Avenue Plans sought to address this concern. The federal era landmarks that occupy the vantage and focal points of L'Enfant's vistas exemplify the balanced classical design ideals adopted during the early years of the republic. Victorian era landmarks like the Old Post Office just to the west, and the three bank and insurance buildings facing Market Square just to the east, are characterized by picturesque, largely vertical design expression and irregular skylines accentuated by towers and turrets. The bank buildings exemplify the Victorian celebration of the irregular corner lots that are typical in L'Enfant's city plan (including on Square 379), and the Old Post Office is among the most assertive of the city's architectural landmarks, with its tower featuring prominently on the skyline.

In contrast to the Victorian structures are the equally prominent landmarks, both commercial and governmental, of the City Beautiful era. The commercial buildings include the Evening Star Building and Willard Hotel, both prominent along the Avenue to the west of Square 379. While distinctly different from their predecessors in their Classical design inspiration, these two tall buildings are also strongly vertical in expression, in part due to their relatively narrow frontages on the Avenue.

The Federal Triangle is the largest example of a City Beautiful civic center complex in the nation, and one of the crowning achievements of the McMillan Plan. Occupying nearly the entire south side of the Avenue, the Federal Triangle buildings, along with the earlier District Building, represent the conscious rejection of Victorian architectural design ideals and the assertion of a new American order. Their strongly horizontal cornice lines and assertive Neo-Classical facades establish a controlled regularity that does not characterize either the earlier landmarks or the commercial context on the Avenue's north side.

In the same way that the McMillan Plan rejected the architectural and urban design ideals of the Victorian era, so too the Pennsylvania Avenue Plan (1974, evolved from earlier 1964 and 1968 plans) rejected both monumental classicism and Victorian eclecticism in favor of large architectural Modernism. The 1974 Plan was not implemented precisely how it was envisioned, as a line of uniform modern buildings opposite the Federal Triangle. Changes occurred to accommodate historic structures, ownership, and changing economic conditions. Of the two office structures built to that design (Modernism), one has been refaced, and the other, the FBI building, is expected to be replaced. Perhaps the most lasting design contribution of the 1974 Plan is the landscape program of parks and sidewalks lined with multiple rows of trees.

With the adoption of a Historic Preservation Plan in 1977, and the substantial amendments governing construction in the Eastern Sector of its development area in 1982, the PADC shifted its urban design guidance toward contextual post-Modernism, based on infill development and a more sympathetic approach to traditional urbanism. Two of the most prominent examples of this era flank the FBI redevelopment site. To the west, 1001 Pennsylvania Avenue (1986) is a pioneering example of preserving modest commercial facades in large-scale new construction. It incorporates five building facades and fragments into a larger new building, using an innovative approach to building massing to evoke an irregular traditional streetscape, while maintaining solidity and presence on Pennsylvania Avenue. To the east, Market Square (1990) responds strongly to the monumental classicism of the Federal Triangle with its massive colonnade, while also reflecting the transition to downtown with commercial-style office facades capped by terraced apartments. Though not part of the PADC redevelopment program, the Artisan Condominium (2006) on E Street to the north incorporates three historic commercial structures, reflecting a similar design approach.

## The L'Enfant Plan

The L'Enfant Plan established the hierarchy of streets and avenues, blocks, building sites and public spaces that provide the framework for the layout and disposition of buildings throughout the city. L'Enfant placed the Congress House and the White House on a hill and ridge about two miles apart and connected them with a broad and diagonal avenue, now known as Pennsylvania Avenue. Supporting this central composition were two north-south cross-axes, one leading to Judiciary Square, intended for the Supreme Court, and the other at the 8<sup>th</sup> Street midpoint, leading to an intended national church on the site of the Patent Office. Diagonal avenues and streets radiating from Judiciary Square reinforced its importance, and the crossing of diagonal avenues at 8<sup>th</sup> Street created Market Square. Other crossings between Pennsylvania Avenue and the grid created a sequence of open spaces, including Freedom Plaza and a much smaller elongated open space between 10<sup>th</sup> and 12<sup>th</sup> Streets.

In a 1791 letter to President Washington, L'Enfant laid out his intent for the street plan, *“These avenues I made broad, so as to admit of their being planted with trees leaving 80 feet for a carriage way, 30 feet on each side for a walk under a double row of trees, and 10-feet between the trees and the buildings”*. As the city grew, the width of the 160' right-of-way and its cartway and walking paths/sidewalks was modified over time. Development of the Federal Triangle further modified the proportions of the Avenue by setting the buildings back from the property line within their building yards. The Department of Justice sits back approximately 24-feet from the property line.

The 1974 Plan also modified the spatial organization of the Avenue. This was done by reallocating the space within the cartway, simplifying intersections, realigning the Avenue's western portion to create Freedom Plaza, strengthening the vista to the U.S. Capitol, increasing the setback from the property line, and establishing upper-story setbacks on new building parcels on the north side of the Avenue. This spatial reorganization moderated the increase in building heights and implemented a comprehensive streetscape plan. These urban design interventions introduced landscape plantings and street furniture to unify the visual and physical continuity along the Avenue and enhance the frame and vista toward the U.S. Capitol.

From today's perspective, L'Enfant's legacy lives, but some of his core planning ideas were adapted or modified as the plan was implemented or new plans prepared over time. Along Pennsylvania Avenue, for example, the weak western terminus at the Treasury Building pales in comparison to the magnificent view of the Capitol in the opposite direction. The Federal Triangle complex on the south side of the Avenue blocked some of L'Enfant's open views to the Mall, and the balance between civic buildings and the private city is also vastly different from what was conceivable more than 200 years ago.

The L'Enfant Plan's fundamental organizing principles most relevant to this planning area are:

1. Reciprocal vistas that provide orientation, establish commanding views to and from civic places, and symbolize the structure of civic and community life.
2. Avenues that connect major buildings, monuments, and public places.
3. A continuous street grid to maintain the scale of the city's development pattern, to encourage pedestrian circulation, support commerce, and preserve an open visual character.
4. A hierarchical system of avenues, streets, and open spaces that form blocks with strong building walls and circles, squares, or parks with important civic landmarks that reinforce the reciprocal vistas.

## **Victorian Era Planning**

Though often overlooked, the system of urban design controls introduced by the District Commissioners to guide the city's development during the late-19<sup>th</sup> century was no less consequential for the development of Pennsylvania Avenue and the embellishment of Washington. "Boss" Alexander Robey Shepherd's brief explosion of public works inaugurated the post-war transformation of the capital in the 1870s, but led to fiscal ruin. In response, Congress imposed a Commissioner system of government, and after the Civil War, drew upon the engineering and managerial expertise of the Engineer Commissioner from the U.S. Army Corps of Engineers, giving him a powerful role in shaping the city.

The Commissioners immediately developed a system for guiding the capital's growth into a mature city. Introduced in the 1878 building code regulations, the system they created is still in effect today, and is responsible for much of the urban design character of central Washington. It includes a network of privately maintained green space, known as "parking," in the wide public rights-of-way of L'Enfant streets and avenues. Where these continuous front yards converge at the avenues, federal reservations create a series of small triangular parks that punctuate the avenues with places for relaxation and civic art. The rules also shaped private buildings by establishing closely regulated allowances for building projections into the public rights-of-way. These controls allowed better daylighting of building interiors; they also maintained the definition of continuous street walls, while supporting sculptural form, a variety of scales, and visual interest in architectural expression. Along Pennsylvania Avenue, tower and bay projections were allowed only at the intersections with other avenues and lettered streets. Commercial storefronts could also project into sidewalk space.

Both aspects of this Victorian urban design system can be seen along Pennsylvania Avenue today. The merger of two triangular reservations formed Freedom Plaza, and the triangular reservations between 10<sup>th</sup> and 12<sup>th</sup> Streets remain as widened sidewalk space. At Market Square, several reservations create Market Square and Indiana Plaza, and the sidewalk green space extends up Indiana Avenue. Five historic statues and monuments embellish these public spaces. The projecting towers and turrets of the Old Post Office and the cluster of buildings around Market Square accentuate the public spaces.

The primary principles of Victorian Era planning that are most relevant today are:

1. Introducing continuous green lawns and landscaping along the streets and avenues, in space not needed for public sidewalks.
2. Enhancing the major public parks with landscaping, statuary, and amenities for the public.
3. Developing the minor federal reservations along the avenues as a series of parklets with similar civic monuments and landscape amenities.
4. Enhancing building layout, commercial activity, and the character of street facades through a controlled system of projections into public space.
5. Emphasizing the unique character of the L'Enfant Plan by allowing sculptural building form to accentuate the angled building lots created by the diagonal avenues.
6. Providing opportunities for private commercial and residential structures to contribute to the city's image, through displays of civic and commercial pride that complement the major public buildings.

## **McMillan Plan**

The McMillan 'Kite' Plan carved out a special monumental core around the National Mall. The Federal Triangle is a defining feature of the McMillan Plan and part of its civic legacy that contributes to the identity of the nation's capital. Despite its changes to L'Enfant's plan, the McMillan legacy provides an extraordinary architectural ensemble of neo-classical buildings along Pennsylvania Avenue's south side. It respects the L'Enfant Plan by using principles of proportion that

established a 1:1 ratio between setbacks and heights. This ratio is determined by measuring from the center line of the right-of-way to the build-to line that sets the maximum initial height of adjacent buildings, creating a 45-degree view cone that protects the vista of the U.S. Capitol. Largely in reaction to the perceived disorder of 19<sup>th</sup> century industrial cities, and in keeping with the City Beautiful Movement, key design principles include:

1. Comprehensive urban planning.
2. Designs that evoke civic pride and enhance the appearance of the city.
3. Grand uniform neoclassical buildings and majestic civic monuments often set in a park-like settings or within building yards.
4. A distinct separation of land uses and limiting building heights.
5. Configuring structures to create order, balance, and harmonious compositions.
6. Use of a design principle of balanced proportions.

### **1974 Pennsylvania Avenue Plan**

The 1974 Plan builds on President Johnson's and President Nixon's 1964 and 1968 plans for the Avenue; these successor plans aspired to reinforce key L'Enfant Plan principles while also responding to the development pattern and monumentality of the Federal Triangle. The motivations for the 1974 Plan were similar to those for the McMillan Plan: to replace a decaying section of downtown with a modern building precinct that would help revitalize the city. The 1974 Plan's central design ideas were to balance the Federal Triangle on the south with an equally grand series of contemporary buildings on the Avenue's north side, and to unify the composition with a magnificent landscaped boulevard reminiscent of European promenades.

Among its goals, the 1974 Plan sought to: (1) preserve and enhance the historical value associated with the Pennsylvania Avenue National Historic Site established in 1965 as a "fitting memorial to the great personages of this National who have lived and worked in the area; and to the monumental events of national importance which have occurred therein..."<sup>4</sup>; and (2) achieve an improved pedestrian environment along Pennsylvania Avenue while being realistic about the vehicular traffic volumes at that time. The Plan compared L'Enfant's original idea for the Avenue—an 80-foot roadway flanked by 40-foot sidewalks—to the 1974 condition of a 107.5-foot roadway with approximately 50 feet given to the sidewalk. The 1974 Plan trimmed 7.5 feet from the roadway's south side to allow a double row of trees there, but concluded that "[b]ecause of the heavy volumes of traffic that now use Pennsylvania Avenue, the roadway itself cannot be reduced significantly, at least for the foreseeable future. Thus, if substantial additional pedestrian areas are to be provided, it will be necessary to alter somewhat the original 160-foot width of the Avenue." The prospect of a permanent reduction in traffic volume suggests an intention to consider a reduction in the width of the cartway and a reallocation of space within the right-of-way.

Like L'Enfant's plan for the city, the 1974 Plan was modified as it was implemented. The full continuity of sidewalk setbacks was not achieved, and the vision of uniformly designed buildings on the north side was gradually abandoned in response to historic preservation, planning, and economic concerns. By 1977, the plan was amended by a historic preservation plan, and by 1982, it was amended to promote an infill approach to development that retained more of the existing city fabric and street plan. The result is a mixture of buildings along the Avenue that relies on the continuous canopy of trees to unify the streetscape and frame the vista along the Avenue.

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<sup>4</sup> "The Pennsylvania Avenue National Historic Site Washington, DC" Order of Designation, 30, September 1965.

The 1974 Plan's cultural landscape was recently determined historically significant for the period 1791-1996 for its role in city planning, including the effect of the historic preservation movement on the 1974 Plan and its landscape. Additionally, the cultural landscape unifies the streetscape and modernistic principles of uniting social, economic, and political issues associated with the Avenue. This is achieved while retaining the essence of the Avenue's historic framework, its symbolism linking and separating the branches of government, and dignity as a ceremonial route.

The 1974 Plan's goal to add residences and new business was achieved, and resulted in the remarkable revitalization of downtown Washington that continues today. The parks and tree-lined sidewalks have also been transformative and contributing elements to the Avenue's twentieth-century identity and its desirability as a destination for national and local civic gatherings and events. Even as the parks and streetscape age and show the need for maintenance, these public landscapes are now achieving recognition for historic significance, and appear to meet the criteria for listing in the National Register as documented in the 2016 NPS Cultural Landscape Inventory for the Avenue between the White House and the U.S. Capitol. Many of the 1974 Plan's economic and planning goals were met, and while the plan's most lasting contribution may be the urban landscape program of parks and tree-lined sidewalks, the Avenue is no-longer sustaining everyday vitality along the street nor providing the desired continuity and connectivity between downtown and the Mall.

The primary principles of the 1974 Plan and its amendments that are most relevant today are:

1. Reinforce the symbolic link between White House and U. S. Capitol.
2. Bridge the monumental core and downtown.
3. Stimulate street life with commercial and cultural activities.
4. Diversify land uses, provide places to live, and accommodate needs and amenities for residents and visitors.
5. Preserve historic structures and the continuity of city fabric through infill development.
6. Foster economic life and maximize the tax base.

### **The Legacy Plan and Monumental Core Framework Plan**

Since the development of the 1974 Plan, contemporary federal planning guidance continues to advocate for Pennsylvania Avenue to serve as one of the most prominent civic spaces in Washington. *Extending the Legacy: Planning America's Capital for the 21st Century* and the *Monumental Core Framework Plan* see the Avenue's role as a bridge between the downtown and monumental core. The Framework Plan also encourages establishing new destinations along the Avenue, including reuse of the FBI Headquarters site.

### **The Comprehensive Plan for the National Capital**

The Planning Act authorizes preparation of the Comprehensive Plan. The *Comprehensive Plan for The National Capital* is a 21 century plan. It guides planning and development in Washington, DC and the surrounding region. The Comprehensive Plan is a unified plan comprised of two components—the Federal and District Elements. Federal Elements are prepared by NCPC, and provide a policy framework to guide decision making for federal lands and facilities, or projects that may affect federal land or facilities in the National Capital Region. The District Elements are developed by the District of Columbia and address traditional city planning issues such as land use, housing, urban design, parks and open space, and economic development. There are also specific Area Elements for every part of the District. The federal elements most relevant to Squares 378 and 379 are: *Urban Design*, *Historic Preservation*, and *Visitors and Commemoration*. District elements of particular relevance are *The Central Washington Area Element* and *The Urban Design Element*.

It will be important to review and apply the most recently adopted plans and comply with its policies. Some of the contemporary policies and practices that are relevant today include:

1. Respect for traditional urbanism in the form of mixed-use districts and walkability instead of single-use auto-oriented development.
2. Preservation of a sense of place, historic buildings, and the character of communities.
3. Sustainability, resiliency, green infrastructure, and incorporation of nature into the city.
4. Expression of contemporary architectural forms and materials.
5. Increase in work place mobility and decrease in office space usage.
6. Preference for diversity and social equity.
7. Security protections.
8. Use of zoning tools to achieve planning and development goals, such as the Arts sub-area in downtown Washington.
9. Awareness of the benefits of public space programming, public-private partnerships, and other ways of managing and sustaining vital civic activities.

### **Historic Preservation**

The DC State Historic Preservation Officer concurred with GSA's determination that the FBI building is not eligible for listing in the National Register. There are no archaeological resources on the property, since the site was excavated well below grade for the construction of underground parking.

Squares 378 and 379 comprise the largest available development site within the Pennsylvania Avenue Historic District (the Pennsylvania Avenue National Historic Site, designated by the Secretary of the Interior in 1965). The historic district is listed in the DC Inventory of Historic Sites and the National Register of Historic Places. The symbolic and ceremonial character of Pennsylvania Avenue and the commercial character of the city's historic downtown are both qualities recognized as reasons for the district's national historic significance. Because of the site's size and central location within the historic district, new construction will have a major effect on the character of the district and the setting of nearby historic landmarks. The size and extent of the site provide an opportunity to construct buildings that relate to both traditions.

### **Historic Properties**

The site is within the 1965 Pennsylvania Avenue National Historic Site (National Register District). While there are no historic resources on the site, its surroundings include many historic landmarks and structures contributing to the character of the historic district. Historic structures in the area may be pertinent to or affected by development on Squares 378 and 379 because they face the site, are visible from the site, or occupy focal points for L'Enfant plan vistas that bound or intersect the site. These structures are listed on page 24.

Construction on the site will affect the *Plan of the City of Washington*, which includes both the L'Enfant and McMillan Plans, and is a historic landmark listed in the DC Inventory and National Register. The plan is considered eligible for designation as a National Historic Landmark. The L'Enfant Plan established the street patterns and the hierarchy of streets, avenues, blocks, and public spaces that provide the framework for the layout and disposition of buildings throughout the city. The buildings on the grid streets form part of the continuous urban fabric of the downtown area. This relatively even texture serves as the background for the major public spaces and civic buildings that dominate the city's urban design image. Pennsylvania Avenue establishes the diagonal leg of the triangular urban geometry that symbolically separates and unites the legislative and executive branches of the government. This unique position and prime vistas have made the Avenue

one of the most-photographed locations in the city, documented in countless views that help to create the evolving historical image of the nation's capital.

Within the immediate area, second only to the Pennsylvania Avenue vista in symbolic importance are those from Judiciary Square, L'Enfant's intended location for the Supreme Court. The Old City Hall (1820-83) was built on this vantage point, and from the front of that building, now occupied by the District of Columbia's highest court, there are commanding views of the city in several directions. Before construction of the FBI Building, one of these views, westward along D Street, led from Judiciary Square to Pennsylvania Avenue and the Federal Triangle.

Development of the Federal Triangle also modified L'Enfant's street layout, notably blocking the open Avenue between Judiciary Square and the Washington Monument, it also introduced a new set of secondary urban vistas. Most notable is the dramatic counterpoint between the National Archives and Patent Office along 8th Street, L'Enfant's north-south axis at the mid-point on Pennsylvania Avenue. In addition to the visual terminus for the D Street view at Pennsylvania Avenue, the corner pavilion on the Justice Department creates a similar visual terminus looking westward on C Street. Another addition from the same era is the vista down 10<sup>th</sup> Street to the domed National Museum of Natural History.

The sidewalk landscape and its features will be affected by development on Square 379 if the building line is moved closer to the property line. As noted in the NPS Cultural Landscape Inventory, the unifying continuity of the sidewalk landscape is important even as the sidewalk conditions adjust to the variety of building conditions along the Avenue. Significant landscape elements pertinent to the development include those constructed by the PADC in the 1980s, notably five parks and the continuous Avenue landscape of brick sidewalks, trees, lighting, and street furniture. The sidewalk landscapes, including that on the FBI site, contribute to the cultural landscape's character. While the landscape's individual elements are not itemized as contributing elements, they contribute overall to creating a coherent landscape design along the Avenue. The closest of the five parks to the FBI site are Market Square (1987) and Indiana Plaza (1988) to the east, and Freedom Plaza (1980-82) to the west. Also notable is the small plaza in front of the Old Post Office, with its pavement design by artist Aleksandra Kasuba (1981). These open pauses break the continuity of the linear sidewalks at strategic locations, creating a rhythm along the Avenue.

### **Historic Structures**

- a. Affected historic structures in the area may be pertinent to or affected by development on Squares 378 and 379 because they face the site, are visible from the site, or occupy focal points for L'Enfant plan vistas that bound or intersect the site. These structures include:
  1. The Federal Triangle (1927-38), a historic landmark listed in the DC Inventory and considered eligible for separate listing in the National Register of Historic Places. The National Archives (1931-37) within the Triangle is a historic landmark in the DC Inventory, and each of the other Federal Triangle buildings is considered eligible for separate recognition as a historic landmark. Closest to the FBI site are the Justice Department (1931-35), Internal Revenue Service (1930-35), and Post Office Department (1931-34).
  2. The Old Post Office (1891-99), a historic landmark listed in the DC Inventory and National Register.
  3. The District Building (John A. Wilson Building, 1904-08), a historic landmark listed in the DC Inventory and National Register.
  4. Old City Hall (now DC Superior Court, 1820-83), a historic landmark listed in the DC Inventory and National Register, and a National Historic Landmark.

5. The Old Patent Office (1836-67), a historic landmark listed in the DC Inventory and National Register, and a National Historic Landmark.
6. The General Post Office (1839-66), a historic landmark listed in the DC Inventory and National Register, and a National Historic Landmark.
7. The U.S. Capitol (1793-1962), a National Historic Landmark listed in the DC Inventory and the Architect of the Capitol's list of protected Heritage Assets, but statutorily exempt from National Register listing.
8. The Treasury Department (1836-1869), a historic landmark in the DC Inventory and National Register, and a National Historic Landmark.
9. The Evening Star Building (1898) at 1101 Pennsylvania Avenue, a DC Inventory historic landmark.
10. The Willard Hotel (1901), 1401 Pennsylvania Avenue, a DC Inventory historic landmark.
11. Ford's Theatre (1863) and the Petersen House (1849), where Abraham Lincoln died, historic landmarks listed in the DC Inventory and National Register, and a National Historic Site.
12. The former Potomac Electric Power Company headquarters (1930) at 999 E Street, a contributing building in the historic district, and eligible for historic landmark designation.
13. The U.S. Storage Company (1909) at 418 10<sup>th</sup> Street, a contributing structure in the historic district.
14. The row of commercial buildings in the 1000 block of E Street (1860-1907), contributing structures in the historic district.
15. The row of three commercial buildings at 905 to 919 E Street, contributing structures in the historic district: the Darby Printing Building (1910), 915 E Street (1924), the Washington Tobacco Company (1912), and Stockett-Friske Printing Company (1916).
16. The cluster of historic buildings at Market Square, including: Central National Bank (1887), Matthew Brady Studio (1850s), National Bank of Washington (1889), Firemen's Insurance Company (1882), and adjacent commercial buildings (about 1818-26).

## **Appendix II: Definitions**

**DCMR Subtitle I Building** means a structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel. When separated from the ground up or from the lowest floor up, each portion shall be deemed a separate building, except as provided elsewhere in this title. The existence of communication between separate portions of a structure below the main floor shall not be construed as making the structure one (1) building.

**910.52<sup>5</sup> Buildable Area** means that portion of the established *development parcel* which can be devoted to buildings and structures. Generally, this area is bounded by any applicable building restriction lines, right-of-way lines and development parcel lines. It shall be the buildable area of a development parcel rather than “lot,” as it is established in the D.C. Zoning Regulations, that will be utilized to establish the maximum gross floor area of a development within specified portions of the Development Area.

**DCMR 2016 Building Area** means the maximum horizontal projected area of a principal building and its accessory buildings. Except for outside balconies, this term shall not include any projections into open spaces authorized elsewhere in this title, nor shall it include portions of a building that do not extend above the level of the main floor of the main building, if placed so as not to obstruct light and ventilation of the main building or of buildings on adjoining property.

Building area shall not include: building components or appurtenances dedicated to the environmental sustainability of the building; cornices and eaves; sills, leaders, belt courses, and similar ornamental or structural features; awnings, serving a window, porch, deck or door; uncovered stairs, landings, and wheelchair ramps that serve the main floor; and chimneys, smokestacks, or flues.

**DCMR 10-C 9901 Compatible** means possessing characteristics that allow for a harmonious relationship. Compatibility does not require matching or copying of attributes, and may involve the relation of dissimilar things that are juxtaposed to produce an agreeable effect.

**910.59 Development Parcel** means an area of land established by the corporation to be a minimum site on which a development may occur under the Plan and any applicable Square Guidelines adopted by the Corporation. A development parcel does not need to be under the ownership of a single individual or entity. A proposal for a development parcel may be formulated by any number of individuals or entities, so long as it accommodates the needs and requirements of affirmative action, historic preservation and other policies of the Corporation, and at the same time responds to the goals of comprehensive planning and design for that particular coordinated planning area.

**DCMR 2016 Lot** means the land bounded by definite lines that, when occupied or to be occupied by a building or structure and accessory buildings, includes the open spaces required under this title. A lot may or may not be the land so recorded on the records of the Surveyor of the District of Columbia.

**90.53 Building Restriction Line** means a line beyond which an exterior wall of any building of a *development* may not be constructed or project, except that architectural articulation, minor architectural embellishments, and subsurface projections are permitted.

**DCMR 2016 Building Line** means a line beyond which property owners have no legal or vested right to extend a building or any part of the building without special permission and approval of the proper authorities; ordinarily a line of demarcation between public and private property, but also applied to building restriction lines, when recorded on the records of the Surveyor of the District of Columbia.

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<sup>5</sup> Refers to Section 910 of Title 36 of the Code of Federal Regulations.

**910.55 Build-to Line** means a line with which the exterior wall of a building in a development is required to coincide. Minor deviations from the build-to line for such architectural features as weather protection, recesses, niches, ornamental projections entrance bays, or other articulations of the façade are permitted, unless otherwise prohibited by the applicable Square guidelines or the District of Columbia’s codes and regulations.

**Height Act, Section 5** – States that no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; but where a building or proposed buildings confronts a public reservation formed at the intersection of two or more streets, avenues, or highways, the course of which is not interrupted by said public reservation, the limit of height of the building shall be determined from the width of the widest street, avenue, or highway. Where a building is to be erected or removed from all points within the bounded lines of its own lots, as recorded, by a distance at least equal to its proposed height above grade the limits of height of fireproof or noncombustible buildings in residences sections shall control, the measurements to be taken from the natural grades at the buildings as determined by the commissioners. No building shall be erected, altered, raised on any manner as to exceed the height of one hundred and thirty feet on a business street or avenue as the same is now or hereafter may be lawfully designed, except on the north side of Pennsylvania Avenue between First and Fifteenth streets, NW where an extreme height of one hundred and sixty feet will be permitted.

The height of a building on a corner lot will be determined by the width of the wider street.

Spires, towers, domes, minarets, pinnacles, penthouses, ventilations, shafts, chimneys, smokestacks, and fore sprinkle tanks may be erected to a greater height than any limited prescribed in this Act with the same may be approved by the Commissions of the District of Columbia: Provided that such structures when above such limit of height shall be fireproof, and except in the case of a penthouse which is erected to a height of one story of 20 feet or less above the level of the roof, no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed. And provided that penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof.

**Height Act Section 7 Measuring Height.** That for the purposes of this Act, the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building to the highest point of the roof. If the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit the greater height. No parapet walls shall extend above the limit of height.

**910.54 Build-to Height** means a specified minimum height of development to which the exterior wall of a building in a development must rise. Minor deviations from the build-to height for architectural embellishments and articulations of the cornice and roof level are permitted, unless otherwise prohibited by the applicable Square guidelines or the District of Columbia’s codes and regulations.

**910.61 Height of Development** means the vertical distance measured from a specified point at the curb level to the highest point of the roof or parapet of the development, whichever is higher, exclusive of all roof structures except as otherwise specified.

**DCMR Title 11 608.9 Height of Building Fronting Pennsylvania Avenue** means the vertical distance measured from the Pennsylvania Avenue curb at the middle of the front of the building or other structure to the highest point of the roof exclusive of any structure on the roof.

**DCMR 2016 Height of Building** means the vertical distance measured from the level of the curb, opposite the middle of the front of the building to the highest point of the roof or parapet or a point designated by a specific zone district.

The term “curb” shall refer to a curb at grade. When the curb grade has been artificially changed by a bridge, viaduct, embankment, ramp, abutment, excavation, tunnel, or other type of artificial elevation or depression, the height of a building shall be measured using Rules of Measurement for Height (Subtitle B § 308).

**Meaningful Connection** means to be considered one “building” for zoning purposes, separate structures must be connected in the following way: 1) the connection is above ground, and 2) the connection is enclosed, and 3) the connection either: a) is common space shared by users of all portions of the structure (e.g. a lobby or recreation room), or b) allows open passage between separate portions of the structure (e.g. an unrestricted doorway or walkway).

**910.66 Sidewalk Setback** means that area between a building restriction line and the right-of-way of a street into which projections except architectural articulations, minor architectural embellishments, and subsurface structures are prohibited. The area is to be dedicated to open space activities related to the public improvements program of the Pennsylvania Avenue Development Corporation. Subsurface structures may intrude into the area if they are in compliance with the Square Guidelines.

**DCMR 2016 Front Setback** means the distance required between a building and a street lot line, and measured from the street lot line inward to the lot.

**910.67 Square guidelines** establish the Pennsylvania Avenue Development Corporation’s specific intent with regard to design and development objectives relative to each individual coordinated planning area.