



Executive Director's Recommendation

Commission Meeting: January 5, 2017

PROJECT Square Guidelines Squares 378 and 379 935 Pennsylvania Avenue, NW Washington, DC	NCPC FILE NUMBER P7713
SUBMITTED BY National Capital Planning Commission	NCPC MAP FILE NUMBER 1.25(38.00)44456
REVIEW AUTHORITY 40 U.S.C. § 6702 and Memorandum of Agreement, § V, 61 Fed. Reg.41789, 41791 (August 12, 1996)	APPLICANT'S REQUEST Approval of Final Square Guidelines for transmittal to GSA
	PROPOSED ACTION Approve Final Square Guidelines as requested and transmit to GSA
	ACTION ITEM TYPE Presentation

PROJECT SUMMARY

Following preliminary review of the draft Square 378 and 379 Square Guidelines at the October 6, 2016 Commission meeting, the final proposed Guidelines include two new provisions and minor edits that improve clarity, organization, and grammar; correct omissions and errors; and reduce redundancy. The first new provision provides for District of Columbia Zoning Commission design review and approval of the future Development Plan; the second provision provides the opportunity for the agencies to coordinate with the future developer on the stormwater management plan. These are further addressed in the Executive Summary.

The National Capital Planning Commission (NCPC) staff worked closely with agency stakeholders and the public to develop these Square Guidelines that will inform the future redevelopment of Squares 378 and 379. The Square Guidelines establish development objectives and site specific design guidelines to coordinate local and federal interests and promote a once-in-a-generation opportunity to align the economic and civic framework for this important site. The Guidelines address important land use and urban design issues that will: (1) protect and enhance the Avenue's civic function and character, a significant national priority; and (2) strengthen the economic vitality and support the Avenue's role as a premier destination in Washington, DC.

The Squares are currently home to the J. Edgar Hoover FBI Headquarters (JEH site), bounded by Pennsylvania Avenue, 9th, 10th, and E Streets, NW in Washington, DC. Development on Pennsylvania Avenue between 3rd and 15th Streets, NW is distinct in that it is governed by the *1974 Pennsylvania Avenue Development Plan* (the 1974 Plan), in addition to local zoning. The 1974 Plan, prepared by the Pennsylvania Avenue Development Corporation (PADC), includes Square Guidelines that regulate most of the parcels along this portion of the Avenue. This unique planning tool allows federal and local partners to work collaboratively to enhance and protect Pennsylvania Avenue's real estate market, the function of its unified public spaces and physical framework, its iconic vista to the U.S. Capitol, and its symbolic role as the nation's most prominent civic street.

KEY INFORMATION

- NCPC staff worked collaboratively with GSA, the National Park Service (NPS), the U.S. Commission of Fine Arts (CFA) and the District of Columbia government (District) to draft the Square Guidelines (Attachment 1). The exceptional efforts of all agencies contributed to the Guidelines that support this redevelopment opportunity, providing local and national benefits for Washington and contributing to Pennsylvania Avenue's future role in the nation's capital.
- At its October 6, 2016 meeting, the Commission took three actions related to the Square Guidelines for Squares 378 and 379:
 1. The Commission reviewed the draft Square Guidelines and approved all the guidelines for transmittal to GSA, except for six building envelope related Guidelines.
 2. After review and discussion of the analysis related to the six building envelope Guidelines, the Commission approved the following Square Guidelines for transmittal to GSA¹:
 - **Square 379 Building Envelope:** Build-to Line, Initial Height of Development, Maximum Height of Development, and Upper-Story Setbacks
 - **Square 378 Building Envelope:** Initial Height of Development and Upper-Story Setbacks
 3. The Commission released the Guidelines for a 30-day public comment period.
- At the October 6 meeting, the Commission approved a minimum 30-foot build-to line (57-foot sidewalk) for the site along Pennsylvania Avenue to protect the vista to the U.S. Capitol and ensure adequate public space is available to support the goals of the 1974 Plan and the local and national civic functions that occur on the Avenue. The Guidelines allow the build-to line to be reduced if performance criteria related to the function and character of the Avenue can be met by amending the 1974 Plan to reduce or reallocate space among the cartway and sidewalks; and funding commitments to implement the infrastructure and streetscape changes between 3rd and 15th Streets is secured.
- Five public comments were received since the October 6, 2016 Commission meeting; they are provided in Attachment 2. A compilation of public comments on the concept and preliminary Guidelines, as well as public testimony at the respective Commission meetings, was provided with the Commission's October 6, 2016 meeting materials. These public comments and testimony can also be viewed at the Commission's archives.
- Since the October 6 Commission meeting, NCPC considered public comments and worked collaboratively with agency stakeholders to finalize the Square Guidelines. Two substantive revisions were made: a regulatory requirement for District of Columbia Zoning Commission design review in accordance with DCMR Title 11, Subtitle I,

¹ This analysis can be found in the October 6, 2016 Executive Director's Report and in the Commission's presentation archives.

Section 701 (*Square Guidelines Section B*); and a new general stormwater provision (*Square Guidelines Section E.15.h*). Other minor revisions improve clarity, organization, and grammar; correct omissions and errors; and reduce redundancy.

- Upon final Commission approval of the Square Guidelines, NCPC will transmit the Square Guidelines to GSA for consideration and acceptance, in accordance with the 1996 Agreement and the 2016 Programmatic Agreement.
- The future Development Plan will be reviewed by the U.S. Commission of Fine Arts, and the District of Columbia Zoning Commission and the Historic Preservation Review Board, unless the Square Guidelines are amended in the future.
- Within 30 days of receipt of the Commission's action, GSA will determine if they will proceed with NHPA Section 106 consultation on the Square Guidelines approved by the Commission. The exchange partner will participate in the applicable Section 106 activities as a Consulting Party.
- Because portions of the sidewalks along Pennsylvania Avenue are under the jurisdiction of the National Park Service, any reduction in the build-to line will require a transfer of jurisdiction of a portion of the NPS land to GSA in the future. This transfer will require consultation under Section 106 of the National Historic Preservation Act and Commission approval.

RECOMMENDATION

The Commission:

Approves the Square Guidelines for Squares 378 and 379 in accordance with 40 U.S.C. §6702 and the 1996 Memorandum of Agreement, § V, 61 FED. REG.41789 (August 12, 1996), and transmits the final action to the GSA under Section V of the 1996 Memorandum of Agreement.

Notes that two substantive revisions were made to the Square Guidelines since the Commission's preliminary approval on October 6, 2016:

1. Section B (Regulatory System): *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.* This adds a provision requiring District of Columbia Zoning Commission design review of future site redevelopment proposals.
2. E.15.g (Special Design Considerations): *The development team shall work closely with the regulatory agencies when addressing the following critical design elements: Stormwater management integrated into the building and landscape design.* This adds a provision that the developer should work closely with regulatory agencies regarding stormwater design and management.

Notes that minor revisions were also made to improve clarity, organization, and grammar; correct omissions and errors; address consistency issues; and reduce redundancy, if it was clear that the edit would not change the meaning of the Guideline. These minor revisions are called out because they read differently than the October 6 approved Guidelines. These revisions can be viewed in the Square Guidelines. See Attachment 1.A to view the tracked changes.

1. Section A (*Introduction/ Background*)
2. Section B (*Regulatory System*)
3. E.3.c.1. (*Rooftop Uses*)
4. E.9.a. (*Gross Floor Area of Development*)
5. E.10.d - e. (*Build-to Lines and Restriction Lines/ Bay Window provision*)
6. E.11.a - c. (*Height of Development on Sq. 379 and Sq. 378*)
7. E.12.a - b. (*Roof Structures; Penthouses/Elevator Override; setback from Pennsylvania Avenue*)
8. E.13.a. - b. (*Subsurface Restrictions*)
9. E.14.c - e. (*Signage*)
10. E.15.f. - i. (*Special Design Considerations*)

Previous actions	<p>In accordance with 40 U.S.C. § 6702 and Section V of the 1996 Memorandum of Agreement § V, 61 Fed. Reg.41789, 41791 (August 12, 1996), the Commission took the following actions:</p> <p>December 3, 2015 – Accepted the Plan Amendment to the 1974 Pennsylvania Avenue Plan.</p> <p>June 2, 2016 – Commented on the Square Guideline topics, concept building envelope Guidelines, and the re-establishment and configuration of D Street, NW and transmitted the comments to GSA.</p> <p>October 6, 2016 - Approved the Preliminary Square Guidelines for Squares 378 and 379 and transmitted to GSA, and released the Guidelines for a 30-day public comment period.</p>
Remaining actions (anticipated)	<p>January 5, 2017 – Approval of final Square Guidelines for transmittal to GSA for acceptance in accordance with 40 U.S.C. § 6702 and Section V of the 1996 Memorandum of Agreement. § V, 61 Fed. Reg.41789, 41791 (August 12, 1996).</p>

Attachments

- Attachment I. Square Guidelines
- Attachment I.A. New Guidelines and Minor Modifications with tracked changes
- Attachment 2. Public Comments
- Attachment 3. PowerPoint

PROJECT ANALYSIS

The purpose of this submission is to review the proposed final Square Guidelines for Squares 378 and 379, currently occupied by the J. Edgar Hoover FBI Headquarters Site (JEH site). The Guidelines address federal and local interests to ensure future development meets Washington, DC's wide-ranging urban planning and economic development goals. Preliminary review of the draft Guidelines was conducted at the October 6, 2016 Commission meeting, and a full analysis of the draft Guidelines was included in the Executive Director's Recommendation (EDR).

Since the October Commission meeting, staff collected public comments and met with federal and local agency stakeholders to finalize the Guidelines. The final proposed Guidelines were edited for clarity and contain two new provisions:

- District of Columbia Zoning Commission design review and approval for future Development Plans; and
- Developer and regulatory agency coordination on stormwater design and management.

Due to its location on Pennsylvania Avenue (the Avenue), redevelopment of the site poses a once-in-a-generation opportunity to illuminate the Avenue's unique character and dual roles serving the city and nation. Past and current Avenue planning efforts focus on strengthening its economic vitality and physical attributes, including its iconic vista to the U.S. Capitol, reinforcing it as the most recognizable street in the nation. The proposed final Square Guidelines support future contributions to the city's economic vitality and network of destinations, neighborhoods and work places, serving the day-to-day needs of Washington's citizens, employees, and visitors.

Unless the Square Guidelines are amended in the future, this is the final opportunity for the Commission to act on the redevelopment of Squares 378 and 379, though a staff review will be conducted to ensure the redevelopment's conformance with the *1974 Pennsylvania Avenue Development Plan, as amended* (1974 Plan) and Square Guidelines.

Site Description and Conditions

Squares 378 and 379 are bounded by Pennsylvania Avenue, 9th, 10th, and E Streets, NW in Washington, DC. The site is located on the southwestern boundary of the Penn Quarter neighborhood, the northern boundary of the Federal Triangle and the southeastern boundary of the Downtown Business Improvement District. Combined, the Squares are approximately 6.6 acres, roughly equal to three to four downtown city blocks.

The JEH site is part of the Pennsylvania Avenue National Historic Site, which includes the buildings, roadway, sidewalks, parks and plazas along the Avenue between the White House and U.S. Capitol. These elements are linked by a unified landscape and provide a proportional frame to the iconic views of the U.S. Capitol. The tree canopy, generous pedestrian walkways and flexible activity zones for civic events also contribute to the Avenue's character and important civic functions for the city and nation.

The current JEH site is a barrier between downtown Washington and the Monumental Core. This discourages pedestrian movement and creates challenges for optimal urban development and vitality along adjoining streets.

Purpose of Square Guidelines

The purpose of the Square Guidelines is to establish the specific design and development objectives for Squares 378 and 379. The Guidelines will be used to inform preparation of a Development Plan for the site. They will also be used by regulatory agencies to review future development and building plans for the site to ensure they are consistent with the design and development objectives of both the Guidelines and the 1974 Plan.

Previous Commission Actions

At its June 2, 2016 meeting, the Commission conducted a concept review of the Square Guideline topics and initial analysis of general massing and build-to-lines for the site. This provided guidance on the potential value of the site for prospective development teams submitting their offers to GSA on June 22, 2016. The Commission:

1. Commented favorably on restoring D Street, NW to its original L'Enfant Plan configuration and width of 70 feet, and on the build-to-lines and maximum height for Square 378; and
2. Directed staff to further analyze a range of build-to-lines between the property line (0 feet) and 30-feet north for Square 379 fronting on Pennsylvania Avenue.

At its October 6, 2016 meeting, the Commission took three actions related to the preliminary Square Guidelines for Squares 378 and 379:

1. Reviewed the draft Square Guidelines and approved all the Square Guidelines for transmittal to GSA, except for six building envelope Guidelines, described below.
2. After review and discussion of the analysis related to the following six building envelope Guidelines², the Commission approved these Guidelines for transmittal to GSA:
 - Square 379 Building Envelope:³ Build-to Line; Initial Height of Development; Maximum Height of Development; and Upper-Story Setbacks
 - Square 378 Building Envelope: Initial Height of Development and Upper-Story Setbacks
3. The Commission released the draft Guidelines for a 30-day public comment period.

This preliminary approval action was based on the staff analysis of Squares 378 and 379, included in the October 6, 2016 EDR. Regarding Square 379, this analysis studied impacts and benefits to the developable area; the building envelope, the vista to the U.S. Capitol; the function and character of the public realm and landscape; the surrounding context; and potential impacts to historic properties and applicable plans.

² This analysis can be found in the October 6, 2016 Executive Director's Report and in the Commission's presentation archives.

https://www.ncpc.gov/DocumentDepot/Actions_Recommendations/2016October/FBI_Building_Site_Square_Guidelines_Actions_P7713_October2016.pdf

³ For the purpose of these Square Guidelines, a building envelope is formed by the building wall (build-to line), initial and lower heights, and upper-story setbacks.

Square Guideline Amendments

Since the October 6 Commission meeting, NCPC staff collaborated with local and federal agency stakeholders to resolve outstanding issues. Discussions focused on important but often competing objectives to maximize the site's development potential with the need to protect the Avenue's civic character, role, and function. With exceptional collaboration among federal and local agency stakeholders, two new provisions were included in the Guidelines. The final proposed Guidelines support an unprecedented development opportunity benefitting both federal and local interests to align the economic opportunities of the site with the one of the most exceptional civic spaces in the nation's capital.

Five public comment letters were submitted on the draft Guidelines between October 6 and November 11, 2016. Comments were supportive of the proposed 30-foot build-to line that protects the vista to the U.S. Capitol and function and character of the public space, while allowing for additional development opportunities. Other comments expressed concerns about the reintroduction of D Street, NW and interest in adding more cultural events to the Avenue's public space.

New Guidelines. Based on public comments and stakeholder input, two new substantive provisions are included in the final proposed Guidelines:

Section B (Regulatory System): *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.* This new provision requires District of Columbia Zoning Commission design review of future site Development Plans.

The D-7 Zoning District limits development on Pennsylvania Avenue to 130 feet and up to the maximum allowable 160 feet with a Planned Unit Development (PUD). Because the Square Guidelines include a provision allowing the maximum 160-foot height on Square 378, in accordance with 40 U.S. Code § 6712, there is no opportunity for District of Columbia Zoning Commission review of the future Development Plan.

A 6.5-acre site of this size typically involves complex negotiations between the developer and local jurisdiction to allow for mixed land uses and additional density while providing community benefits such as affordable housing and local park improvements. The site will not be reviewed as a PUD; however, since the property is being transferred from public to private ownership, it is appropriate that the District of Columbia Zoning Commission have an opportunity to provide input and approve the design of such a significant downtown development.

Title 11 DCMR, Subtitle I § 701 provides for Zoning Commission design review and approval of projects in areas where there is a need for special review requirements or where there may be significant federal interests, such as North Capitol Street and Independence Avenue. The Section addresses siting, architectural design, site planning, landscaping, sidewalk treatment, and operations to ensure the proposed development will achieve local planning objectives, such as compatibility with the surrounding neighborhood and street patterns; vehicle and pedestrian circulation; appropriate facade articulation; minimize impacts on the environment, and protection of the vista to and from the U.S. Capitol.

E.15.g (Special Design Considerations): *The development team shall work closely with the regulatory agencies when addressing the following critical design elements: Stormwater management integrated into the building and landscape design.*

This new provision requires the developer to work closely with regulatory agencies regarding stormwater design and management. As stormwater management regulations in Washington have changed dramatically since the development of the JEH site in the 1960's, a redevelopment project of this size and prominence will require extensive collaboration with the District Department of Energy & Environment (DOEE) and other local agencies. Redevelopment of the site provides a significant opportunity for innovative stormwater management solutions in an area of the city prone to flooding.

Minor revisions. Revisions were also made to improve clarity, organization, and grammar; correct omissions and errors; address consistency issues; and reduce redundancy. These minor edits to the Square Guidelines are were made only if it was clear that the revision would not change the meaning of the Guideline. Eight of these minor revisions are called out to direct attention to the change either because the edit corrects an error or omission, or improves clarity of a guideline that has been discussed extensively. These revisions are shown in tracked changes on Attachment 1.A.

- **Section A (Introduction/Background)** – A new paragraph was added to reference public law and key regulatory documents that guide development along the Avenue.
- **Section B (Regulatory System)** – The section addresses the applicability of Square Guidelines and the Zoning Regulations. To improve clarity and reduce potential for misinterpretation, the proposed edits correctly reference public law and remove duplicative interpretative language to replace it with a direct reference to the Statutory language. When determining whether to follow the Square Guidelines or Zoning Regulations, 40 U.S.C. 6712 states:

“This subchapter and the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92-578, 86 Stat. 1266) do not preclude other agencies or instrumentalities of the Federal Government or of the District of Columbia from exercising any lawful powers in the development area consistent with the development plan described in section 5(a) of the Act (86 Stat. 1269) or the provisions and purposes of this subchapter and the Act. However, the agency or instrumentality shall not release, modify, or depart from any feature or detail of the development plan without the prior approval of the Administrator of General Services.”

- **E.3.c.1. (Rooftop Uses)** – Corrects omission error and improves clarity. Added clause to clarify that rooftop uses are only permitted on roofs below the maximum extreme height of 160 feet.
- **E.9.a (Gross Floor Area of Development)** – Edited for clarity to allow up to (but not requiring) a 10.0 FAR for commercial development.

- **E.10.d-e. (Build-to Lines and Restriction Lines/ Bay Window provision)** – No substantive revision, improves clarity and corrects omission error by calling out the streets to which this Guideline applies.
- **11.a-c. (Height of Development on Sq. 379 and Sq. 378)** – No substantive revisions. The Guidelines within each sub-section were reorganized/reordered and language revised to be consistent with defined terms and supplemented with illustrations to improve clarity.
- **E.12. a. and b. (Roof Structures and Penthouses/Elevator Override and setback from Pennsylvania Avenue)** – Corrects error and omissions regarding elevator enclosures on rooftops that are at the 160-foot maximum height of development. This is consistent with the application of Guidelines for other Squares in the PADDC planning area.⁴ Also added setbacks for rooftop structures fronting Pennsylvania Avenue, which is consistent with the Zoning Regulations.
- **E.14.c-d. (Signage)** – No substantive revision, but edits were made for clarity, consistency, and to align with common terms.

Proposed Final Square Guidelines

Based on the June and October Commission actions, public feedback and stakeholder input, the proposed final Square Guidelines (*Attachment 1*) provide the urban design and development parameters to frame future site development efforts. The Guidelines promote economic vitality, allow for high density development, improve circulation, and encourage a mix of uses, while respecting the function, character and quality of Pennsylvania Avenue's public realm, including its open spaces and iconic vista to the U.S. Capitol. A summary of the content for each of the Square Guideline topics follows.

1. **Coordinated Planning Area:** Establishes the need for a comprehensive Development Plan that coordinates development between Squares 378 and 379.
2. **Development Parcels:** Promotes re-establishing D Street, NW and encourages each square to contain multiple parcels or buildings to improve the scale of Square 378 and the horizontality of Square 379.
3. **Uses:** Reinforces the 1974 Plan's mixed-use goals by encouraging residential and cultural uses in addition to office space. It also encourages a variety of ground floor uses to support an active streetscape concentrated along the site's perimeter.
4. **Streets:** Addresses D Street, NW's alignment, function, character, and jurisdiction. This section calls for a 70-foot right-of-way for vehicular and pedestrian use, allows the street to be public or private, and encourages consolidating access points to the site to minimize pedestrian-vehicular conflicts.

⁴ One exception to the 160-foot maximum height along Pennsylvania Avenue was granted to Square 291, where a maximum 8-foot penthouse stairway was allowed to extend up to 168 feet.

5. **Curb Cuts:** Encourages consolidation of parking and service areas to minimize vehicular access points to the site; and limits location of curb cuts to provide for safe and uninterrupted pedestrian access along perimeter streets.
6. **Off-Street Parking and Loading:** Encourages consolidation of parking and loading functions, addresses vehicular circulation to minimize vehicular and pedestrian conflicts, and calls for screening of trash collection and loading areas.
7. **Site and Building Design:** Calls for best urban design practices in architecture and landscape architecture. Encourages a high-quality, pedestrian-oriented design compatible with the context of adjacent downtown blocks, ranging from the distinctive architecture of Pennsylvania Avenue for Square 379 and neighborhood scale of E Street, NW for Square 378.
8. **Sidewalks and Open Spaces:** Focuses civic activity on Pennsylvania Avenue and active uses along the perimeter of the Squares, and encourages the location and design of open spaces to maximize activation. Encourages secondary spaces, such as courtyards, for building occupant use.
9. **Gross Floor Area of Development:** Allows up to a 10 Floor Area Ratio (FAR) for non-residential development and an unlimited FAR for residential development, currently consistent with zoning regulations.
10. **Build-to Line and Building Restriction Line⁵:** Establishes a build-to-line a minimum distance of 30-feet from the Pennsylvania Avenue property line, resulting in a minimum sidewalk dimension of 57 feet and a building restriction line of 30 feet. Allows for a build-to line at or closer to the historic L'Enfant right-of-way provided certain criteria are met. Also allows architectural articulations to provide a visually engaging building façade.
11. **Build-to Height and Height of Development:** For Square 379, the initial building height shall not exceed the distance as measured from the historic center line of the right-of-way (aligned with the U.S. Capitol) to the build-to line along Pennsylvania Avenue. This ensures that the vista of the U.S. Capitol remains unobstructed. The initial building height is capped at 120 feet along 9, 10th and D Streets, NW. This section also calls for a 1:1 upper story setback, up to a maximum height of 135 feet. For Square 378, the initial height of the entire building is 110 feet from the highest elevation along the property line on E Street, NW with a 1:1 upper story setback, up to a maximum height of 160 feet, inclusive of penthouses.
12. **Roof Structures and Penthouses:** Penthouses are included in the maximum building height and roof structures must be set back a minimum of 1:1 from the edge of the building roof.

⁵ “**Build-to Line:** A front setback line that the front façade of the principal building of the lot must abut.” “**Building Line:** 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.” (*District of Columbia Zoning Regulations, Title 11, Subtitle B, Section 100.2*)

- 13. Subsurface Restrictions:** Prohibits installation of vaults and new utility connections along Pennsylvania Avenue and other public spaces throughout the site. Any subsurface construction must accommodate tree plantings to ensure healthy root growth.
- 14. Signage and Lighting:** Respects Square 378 and 379's location within a historic district by encouraging smaller-scale signage that does not use video or digital technology. Lighting should respect the historic vista to the U.S. Capitol and follow the lighting plan present on adjacent blocks of the Avenue.
- 15. Design Considerations:** Requires coordination with regulatory agencies on a number of site design details, such as land use, circulation, architectural quality, streetscape design, and security features.
- 16. Historic Preservation:** Addresses parameters to ensure future development is compatible with the site's prominent location within the City Plan of Washington and the Pennsylvania Avenue National Historic Site District, such as: reestablishing D Street, NW; building development patterns commensurate with the city's regulated block pattern; building design that respects and enhances the diverse historic architectural traditions represented in the area; and compatible use of materials befitting the historic Avenue.
- 17. Phasing of Development:** Provides for project phasing with submission and approval of a comprehensive Development Plan for the site. Requires temporary fencing and signage as part of the Development Plan submission, and safe access to all sidewalks and the public realm during demolition and construction.

Next Steps

Development Plan Review. Once a developer is selected for the FBI Headquarters Site Consolidation in March 2017, they will prepare a Development Plan for the JEH site. The review process for development plans in the PADC boundary is different than other area of the city. Typically, projects on private land are regulated by the DC Zoning Code. However, while several federal laws⁶ recognize the lawful powers of other agencies or instrumentalities of the Federal Government or of the District, these laws also set forth the primacy of the federal regulations and require zoning regulations to be consistent with the 1974 Plan regulatory documents. Any release, modification, or departure from any feature or detail of the development plan must receive approval from the Administrator of General Services⁷. The redevelopment will also be subject to other applicable laws, which include but are not limited to the Shipstead Luce Act⁸, the 1910 Height of Buildings Act⁹ and the District of Columbia Historic Landmark and Historic District Protection Act.¹⁰

⁶ 40 U.S. Code § 6712 - Powers of Other Agencies and Instrumentalities in the Development Area; the 1972 Pennsylvania Avenue Development Corporation Act (Public Law 92-578, 86 Stat. 1266); and the Code of Federal Register § 910.3.c.

⁷ Public Law 107-217, Aug. 21, 2002, 116 Stat. 1197

⁸ Public Law 71-231, 456 STAT 366, 40 U.S.C. § 9101

⁹ 36 STAT. 4352, DCMR § 5-405

¹⁰ DC Law 2-144 DC § §6-1101 et seq.

The Development Plan will be reviewed by the District of Columbia Zoning Commission, the Historic Preservation Review Board (HPRB) and the U.S. Commission of Fine Arts (CFA). In accordance with the 1996 Agreement, NCPC staff and GSA staff will review the Development Plan and the building permit(s) for consistency with the Square Guidelines. Unless the Square Guidelines are amended, this is the final opportunity for the Commission to act on the redevelopment of Squares 378 and 379. Therefore, it is important that the Guidelines provide enough information to evaluate the future Development Plan to achieve local and federal goals and interests.

Transfer of Ownership. The Square Guidelines build-to line for Pennsylvania Avenue results in a narrower sidewalk than the existing condition. In order to implement the new build-to line, a portion of the sidewalk fronting Pennsylvania Avenue currently owned and managed by the NPS will need to be transferred to GSA and included in the site exchange to a private developer. As with all federal land transfers in the National Capital Region, the transfer requires consultation under Section 106 of the National Historic Preservation Act (NHPA). As part of the process, it will also be reviewed and, if deemed appropriate, approved by NCPC.

The Pennsylvania Avenue Initiative. Currently the Pennsylvania Avenue Initiative (Initiative) is in the early stages of planning for the Avenue's future. The Initiative seeks to improve maintenance and operations and invigorate the character and role of one of the most important places in the nation's capital. An Executive Committee, comprising NCPC, GSA, NPS, and the District Government are overseeing the initial work to scope the Initiative. Initial discussions have included the possibility of exploring major physical improvements, such as reducing or reallocating space for the various uses within the area comprising the cartway and sidewalks. Changes to the right-of-way could potentially support major improvements to the transportation system, public space, and developable area. Changes could reconcile discrepancies between earlier planning guidance and address contemporary urban design issues such as perimeter security and stormwater management.

Throughout the development of Square Guidelines, interest grew in improving the user experience and economic strength along the entire Avenue. Both federal and local agencies want the Avenue to celebrate the connections between the local and national facets of the capital city. At the October 6 meeting, the Commission approved a minimum 30-foot build-to line (57-foot sidewalk) for the site along Pennsylvania Avenue to protect the vista to the U.S. Capitol and ensure adequate public space is available to support the goals of the 1974 Plan and the local and national civic functions that occur on the Avenue. The Guidelines support potentially moving the build-to line to or closer to the property line if performance criteria related to the function and character of the Avenue can be met; if the 1974 Plan is amended to reduce or reallocate space among the cartway and sidewalks; and funding commitments is secured to implement the infrastructure and streetscape changes between 3rd and 15th Streets.

As the Initiative advances, the scope will include the work to determine if a reduction in the cartway and reallocation of uses within the right-of-way are appropriate and feasible.

CONFORMANCE to existing plans, policies and related guidance

Comprehensive Plan for the National Capital The Square Guidelines align with many of the goals of the Federal and District Elements of the Comprehensive Plan. While the Comprehensive Plan does not provide specific guidance in terms of the build-to-line on Pennsylvania Avenue, it does support the goal of balancing its civic and economic health. The Federal and District Elements of the Comprehensive Plan contain policies that aim to protect the integrity, form and design of the L'Enfant Plan's system of streets and reservations. Additionally, District Element policies support public and private efforts to provide and maintain street trees to help frame axial views of L'Enfant streets.

Both the Federal and District Elements contain policies that support a unified and prominent Pennsylvania Avenue as set forth in the 1974 Plan and the Plan of the City of Washington (L'Enfant and McMillan Plans).

- District Elements include the Historic Preservation, Urban Design, and Central Washington Area Elements, support the urban design and planning legacy of Washington.¹¹ Most notably, Policy CW-1.1.13 states:
 - “Promote active street life throughout Central Washington through the design of buildings, streets, and public spaces. This should include:
 - h. Continuing the effort started more than 45 years ago to revitalize Pennsylvania Avenue through measures such as improved lighting, landscaping, and better use of Freedom Plaza.”
- Federal Elements of the Comprehensive Plan, including the Historic Preservation and Urban Design Elements, include policies related to implementing and supporting the 1974 Pennsylvania Avenue Plan.¹² The policies encourage a cohesive planning process to ensure a unified streetscape between 3rd and 15th Streets, NW. Policy UD.B.5.9 states:

¹¹ Relevant District Element policies include:

- Historic Preservation Element, Table 10.1: Listing of Historic Districts (1005.2)
- Policy HP-2.3.1: The Plan of the City of Washington
- Policy HP-2.3.3: Spatial Character of L'Enfant Plan Streets
- Policy HP-2.3.4: Public Space Design in the L'Enfant Plan
- Policy HP-2.3.5: Enhancing Washington's Urban Design Legacy
- Action HP-2.3.A: Review of Alterations to the Historic City Plan
- Action HP-2.3.B: Review of Public Improvements
- Policy CW-1.1.10: Central Washington Hotels and Hospitality Services
- Policy CW-1.1.13: Creating Active Street Life and Public Spaces
- Action CW-1.1.D: Focused Planning for “Catalytic” Sites
- Policy CW-2.2.2: East End Theater District
- Policy CW-2.2.3: Penn Quarter Neighborhood
- Policy CW-2.2.5: Links to Adjacent Areas

¹² Relevant Federal Element policies include:

- Historic Preservation Element Policies 1, 2, 3, 5, 6, and 7, located on p. 161
- UD.B.3.1,
- UD.B.3.3 – 3.7
- UD.B.4.4
- UD.B.5.9

“new uses or improvements on Pennsylvania Avenue between 3rd and 15th Streets, NW are cohesively planned, improved, and maintained in a manner befitting the avenue’s national and local role in a 21st century capital city, reflecting the ceremonial heart of the nation and the daily vibrancy of the city.

While the Comprehensive Plan supports both plans with policies that address a strong building wall, unified landscape and symmetry as it relates to vistas, it does not address the inherent conflict of the L’Enfant and 1974 Plan build-to-lines, nor does it prioritize one build-to-line over the other.

The 1974 Pennsylvania Avenue Development Plan - As noted above, the Square Guidelines meet the goals of the 1974 Plan; however, the Guidelines deviate from the proposed 50-foot build-to-line along the Avenue’s north side that is recommended for new development. Supported by the Commission’s October action, the Square Guidelines identify a build-to line setback of 30 feet (sidewalk width of 57 feet) to meet the intent of the 1974 Plan’s goals and unique program for the public realm. If a developer pursues a build-to line setback less than 30 feet, it must be accompanied by the appropriate planning studies and funding necessary to assess and implement the change along the Avenue between 3rd and 15th Streets, NW.

The Legacy Plan and Monumental Core Framework Plan - The Square Guidelines are supported by recommendations in the *Legacy Plan* and *Monumental Core Framework Plan*. The Framework Plan proposed reuse or redevelopment of the FBI Headquarters site to better connect downtown Washington and the monumental core. It also proposed re-establishing D Street, NW.

National Environmental Policy Act NCPC does not have a National Environmental Policy Act (NEPA) responsibility related to the proposed Square Guidelines because the Commission is not taking a formal approval action. GSA is preparing the final Environmental Impact Statement (EIS) on the FBI Headquarters Consolidation project in accordance with NEPA.

GSA released the DEIS for public comment on November 6, 2015 and the comment period closed January 6, 2016. GSA anticipates releasing the Final EIS in March 2017 for a 30-day public review period.

National Historic Preservation Act NCPC does not have a Section 106 responsibility related to the proposed Square Guidelines as the Commission’s action, if approved, will transmit the Square Guidelines to GSA for final approval. GSA will then lead consultation on the Square Guidelines under Section 106 of the National Historic Preservation Act (NHPA).

A Programmatic Agreement (PA) was signed on November 18, 2016 by GSA, NCPC, NPS, the Advisory Council on Historic Preservation, the District of Columbia State Historic Preservation Officer, the Maryland Historic Preservation Officer, the Virginia Historic Preservation Officer and other consulting parties. The primary purpose of the PA is to set up a clear and collaborative Section 106 review process for undertakings related to (1) development of the new FBI headquarters site; (2) development of Guidelines for Squares 378 and 379; and (3) redevelopment of the existing FBI headquarters site on Squares 378 and 379.

The process for reviewing, accepting, or revising the Square Guidelines as part of the Section 106 process is outlined in the PA. The PA also addresses the Section 106 process for the Development Plan that will be prepared by the developer.

CONSULTATION

The 1996 MOA that dissolved the PADC and transferred responsibilities to NCPC, GSA and the NPS requires that the development of Square Guidelines be done in close coordination with the District to ensure that local interests are addressed. Staff has coordinated closely with GSA, NPS, the Commission of Fine Arts, the District Departments of Planning and Transportation, and the DC State Historic Preservation Office throughout the preparation of the Square Guidelines.

Coordinating Committee - The Coordinating Committee reviewed the proposal at its December 14, 2016 meeting. Without objection, the Committee forwarded the final Square Guidelines to the Commission with the statement that the proposal has been coordinated with all participating agencies. The participating agencies were: NCPC, the GSA, the NPS, the District of Columbia Office of Planning, the District of Columbia Department of Transportation, and the Washington Metropolitan Area Transit Authority.

U.S. Commission of Fine Arts - The U.S. Commission of Fine Arts (CFA) reviewed the draft Square Guidelines in two Information Presentations held on July 14, and September 15, 2016. The October 2016 EDR provides additional details.

Public Meetings and Comments - To review comments or testimony received between June and October 6, 2016, please refer to the October 6 EDR. The Commission released the Draft Square Guidelines for 30-day public comment period that concluded on November 11, 2016. Attachment 2 contains five letters submitted by the public, two letters submitted by the Office of Planning, and for ease of reference, the October 6 testimony is also attached.

ONLINE REFERENCES

The following supporting documents for this project are available online:

- Project Synopsis
 - Background Information on the FBI Exchange Project; the Pennsylvania Avenue Initiative; the Pennsylvania Avenue, NW - White House to the Capitol Cultural Landscape Inventory; and Public Meeting Presentation Materials, and Public Comments.
 - Draft Environmental Impact Statement for the FBI Headquarters Consolidation
 - Programmatic Agreement signed November 18, 2016.
-

Attachments

Attachment I. Proposed Final Square Guidelines
Attachment I.A. New Guidelines and Minor Modifications with Tracked Changes
Attachment 2. Public Comments
Attachment 3. PowerPoint

ATTACHMENT 1
Proposed Final
Square Guidelines for Squares 378 and 379
January 5, 2016

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, 9th, 10th, 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 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 15th and 17th Streets, the Avenue likely has excess roadway capacity, and a transportation study is necessary to assess if reallocation of space within the Avenue's cartway¹ 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.

¹ 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 Parcel 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, including 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 (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, and 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.

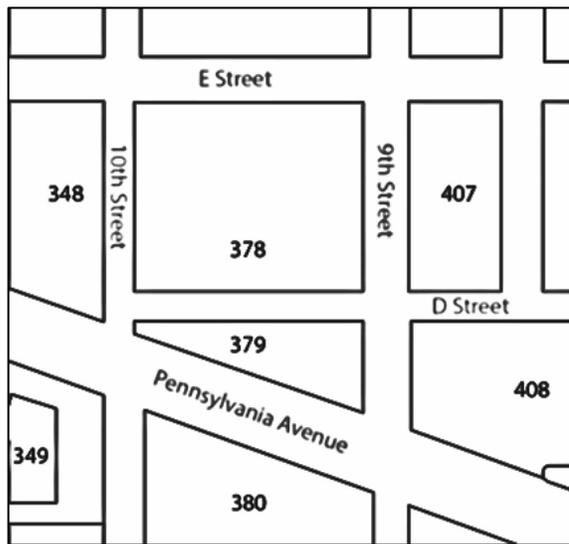


Figure I: Square Diagram

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 9th and 10th 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 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 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 9th, 10th, 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 9th 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 Pennsylvania Avenue 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 9th Street shall be located at the intersection at D and 9th 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 site and building 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, materials; the alignment of horizontal and vertical elements should reinforce the street wall, define streets and open spaces, as well as 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 10th 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 and 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, 9th, 10th, 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 programmed 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.

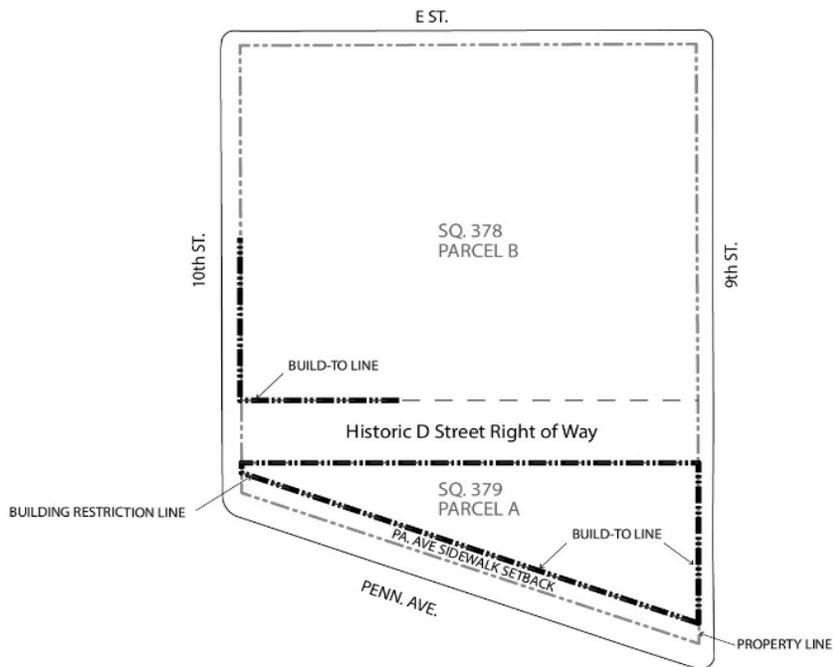


Figure 2: Illustration of Terms

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 south closer to or at the property line provided:

- The above stated performance criteria are 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.

- 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 Guidelines², unless otherwise permitted herein or by the District codes and regulations.
- c. Along the 9th, 10th, 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 9th, 10th, 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.

² 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 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.

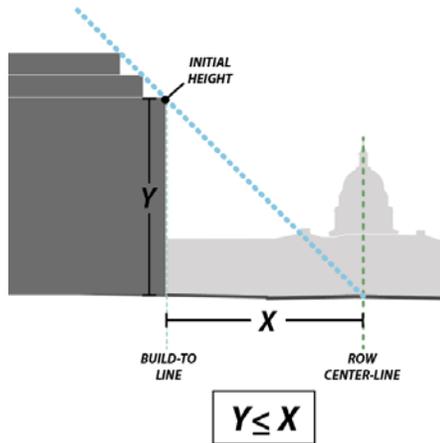


Figure 3: Illustration of the Pennsylvania Avenue 1:1 Initial Height Ratio

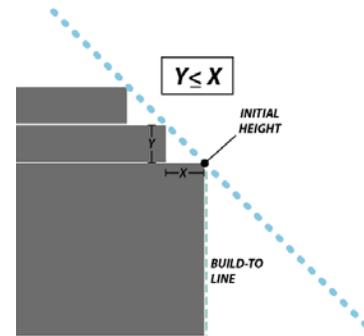


Figure 4: Illustration of the Upper-story Setback 1:1 Ratio

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 9th, 10th, D and E Streets shall be set back at a minimum 1:1 ratio³ 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.
- c. Any subsurface elements shall be constructed to allow the planting of trees that will thrive within sidewalks and open spaces.

³ 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 cannot be less than the vertical height of the roof structure (1:1), or twice the vertical height of the roof structure (2:1), respectfully.

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 view sheds to, from, or along the Avenue, and Federal Triangle, and the National Mall.
- d. Special signs, digital signs, full-motion video, 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 9th, 10th, 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 (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 constructed is phased, the sidewalks and public realm on Pennsylvania Avenue and 9th, 10th, 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 19th 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 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 20th 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 and ultimately informed and influenced the 1974 Plan that guides development today.

The enduring significance of the L'Enfant Plan and the McMillan Plans 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-20th 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 21st 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 areas 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 economic changing conditions. Of the two office structures built to that design, 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 a 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, incorporating three historic commercial structures, reflects 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 8th 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 8th 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 10th and 12th 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, 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 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 to moderate the increase in building heights, and implementing 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-19th 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 10th and 12th 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 as measured from the center line of the right-of-way to the height of adjacent buildings, this creates a 45-degree view cone that protects the vista of the U.S. Capitol. Largely in reaction to the perceived disorder of 19th 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 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 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 Nation who have lived and worked in the area; and to the monumental events of national importance which have occurred therein..."⁴ 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 a total of 52.5 feet given to the sidewalk. The 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.

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

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

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 an NPS Cultural Landscape Inventory for the Avenue. 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. A map and list of these structures are provided in Appendix A.

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 established the diagonal leg of the triangular urban geometry that symbolically separated and united 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 10th 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. The U.S. Storage Company (1909) at 418 10th Street, a contributing structure in the historic district.
13. The row of commercial buildings in the 1000 block of E Street (1860-1907), contributing structures in the historic district.
14. 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).
15. 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.

910.52⁵ 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.

⁵ 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.

Attachment 1.A

New Guidelines and Minor Modifications with Tracked Changes

This document includes the two substantive revisions that address District of Columbia Zoning Commission Design Review and Stormwater Management. It also includes Guidelines that were revised to improve clarity, organization, and grammar; correct omissions and errors; address consistency issues; and reduce redundancy. While these revisions are not substantive in nature in that they do not change the meaning of the provisions or Guidelines, they are provided here because they read differently than the October 6, 2016 approved Square Guideline document. Attachment 1, the Square Guideline document, provides a clean version which is easier to read.

Page 2, Section A: Introduction, Background

Added the following new paragraph to reference public law and key regulatory documents that guide development along the Avenue.

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.

Page 3, Section B: Regulatory System for Approval of Development Projects

Amended the provision to correctly reference public law and removes duplicative interpretive language to replace it with a direct reference to the Statutory language and added a new substantive provision requiring District of Columbia Zoning Commission Design Review.

As embodied in Public Law 104-134 and in accordance with 40 U.S.C. §6702871(f), the successors to the PADC — GSA, NPS, and NCPC are successors to the PADC and each have unique responsibilities for management of the real estate of the Pennsylvania Avenue National Historic Site, and implementation of the 1974 Plan, as set forth in the Statute and the supplemental 1996 Agreement.

~~In accordance with the 1996 Agreement, GSA and NCPC must determine that the Comprehensive Redevelopment Plan and, subsequently the building permit, are consistent with the Square Guidelines. The redDevelopment Pplan must comply with federal laws and these Square Guidelines and may be subject to other applicable laws and regulations as defined in 40 U.S.C. §6712. Some of these regulations or laws include including, but not limited to, 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. Unless the 1974 Plan, Square Guidelines, and related provisions are more specific or restrictive, the 1974 Plan and guidelines have primacy over the Zoning regulations. 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.

Attachment 1.A
New Guidelines and Minor Modifications with Tracked Changes

Page 7: E.3.c.1. (Rooftop Uses) – Corrects omission error and improves clarity. Added clause to clarify that rooftop uses are only permitted on roofs below the maximum extreme height of 160 feet.

3. Uses

c. Rooftop Uses

1. ~~Rooftop uses such as Ceafes, restaurants, gardens, and recreational facilities are encouraged on rooftops below the maximum height of 160 feet. The location and design should consider avoiding potential conflicts with residential uses.~~

Page 10: E.9.a. (Gross Floor Area of Development) – Edited for clarity to allow up to (but not requiring) a 10.0 FAR for commercial development.

Gross Floor Area of Development

- a. As a high-density mixed-use development, the overall maximum development density shall not ~~exceed be lower than that currently allowed in the DC Zoning Regulations, which is a 10 FAR for commercial development; there is no and unlimited FAR limitation for residential development when a building fronts on a street greater than 110 feet.~~

Page 11: E.10.d-e. (Build-to Lines and Restriction Lines / Bay Window provision) – No substantive revision; changes improve clarity, correct a numbering error, and correct an omission error by calling out the streets to which this Guideline applies.

~~ed. Cantilevered balconies are not permitted on Pennsylvania Avenue or any street. No building projections ~~over~~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 DC Municipal Code.~~

- ~~e. Cantilevered balconies are not permitted on Pennsylvania Avenue or any street. Bay windows may be permitted on 9th, 10th, D and E ~~any~~ 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.

Pages 12 and 13: E. 11.a.-c. (Height of Development on Sq. 379 and Sq. 378) – No substantive revisions. The Guidelines within each sub-section were reorganized/reordered and language revised to be consistent with defined terms and supplemented with illustrations to improve clarity.

11. Height of Development

- a. ~~Within the coordinated planning area, t~~The height of development ~~in the coordinated planning area 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 in the DC Municipal Code, may be used among buildings, except to join Squares 378 and 379 above D Street.~~

Attachment 1.A

New Guidelines and Minor Modifications with Tracked Changes

- b. On Square 379, the height of development shall comply with the following:
- ~~1. The initial height of buildings on Square 379 fronting Pennsylvania Avenue~~ height measurement 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. ~~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.~~
 - The maximum building height shall not exceed 135 feet, inclusive of penthouses.
 - 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. Capital remains unobstructed. As illustrated in Figure 3, 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 maximum initial height of building(s) fronting 9, 10, and D Streets shall not exceed 120 feet.~~
 - ~~3. The maximum building height shall not exceed 135 feet, inclusive of penthouses.~~
 - ~~4. Any portion of a building above the initial building height shall be setback at a ratio of 1:1 up to a maximum building height of 135.~~
 - ~~5. The building height for Square 379 shall be measured from the Pennsylvania Avenue curb at the middle of the front of the building or square to the highest point of the roof, exclusive of any structure on the roof. 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 ; the maximum height of 160 feet is achievable for this Square 378 can be achieved 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 shall be measured measurement is from the level of the sidewalk at the curb located at the center point Pennsylvania Avenue property line at the middle of Square 379's property line fronting Pennsylvania Avenue- to the highest point of the roof, exclusive of any structure on the roof.~~
 - The maximum height of buildings may reach 169 160 feet, inclusive of Penthouses. On Square 378, height of development shall comply with the following:
 - ~~b3.~~ Using the 1910 Height Act and District Zoning Regulations as a guide, tThe maximum initial building height for buildings on Square 378 shall not exceed be 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.
 - ~~34.~~ Any portion of the building above the maximum initial height shall have a be setback at a ratio of 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 the vertical rise of the portion of from the building above the designated initial height. face.

Attachment 1.A
New Guidelines and Minor Modifications with Tracked Changes

New Illustrations

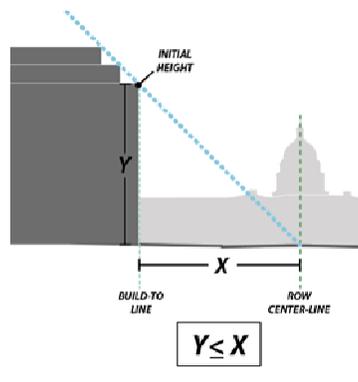


Figure 3: Illustration of the Pennsylvania Avenue 1:1 Initial Height Ratio

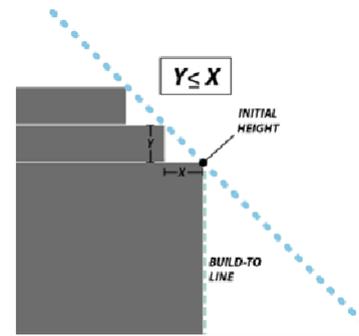


Figure 4: Illustration of the Upper-story 1:1 Ratio

Page 13: E.12.a. - b. (Roof Structures and Penthouses / Elevator Override and setback from Pennsylvania Avenue) – Corrects error and omissions regarding elevator enclosures on rooftops that are at the 160-foot maximum height of development. This is consistent with the application of Guidelines for other Squares in the PADC planning area. Also added setbacks for rooftop structures fronting Pennsylvania Avenue, which is consistent with the Zoning Regulations.

- a. No Penthouses are not permitted above the maximum allowable height described in E.1211 herein for Squares 378 and 379. A maximum eight-foot, non-occupiable stairway access or twelve-foot elevator enclosure is permitted above the maximum height of development or above the roof level on which the structure is located. Any enclosure shall be set back a minimum of 1:1 so it is not visible from the street. Mechanical equipment shall not be visible from the street, and shall be screened from adjacent uses.
- b. All roof structures, including permanent, temporary, or seasonal awning or enclosures, on buildings that front 9, 10th, D and E Streets shall be set back at a minimum of 1:1 so it is not visible from the street. Roof structures on buildings directly fronting on Pennsylvania Avenue shall be set back at a minimum distance of 2:1 ratio. distance equal to their respective heights from the edges of the roofs that front all streets and meet DC Zoning requirements. Mechanical equipment shall not be visible from the street and shall be screened from adjacent uses.

Page 13: E.13.a. - b. (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 ~~the Avenue~~ or 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.

Attachment 1.A
New Guidelines and Minor Modifications with Tracked Changes

Page 14: E.14.c. - e. (Signage) – Edits were made for clarity, consistency, and to align with commonly terms and definitions.

- 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 view sheds to, from, or along the Avenue, and Federal Triangle, and the National Mall.
- d. Special signs, ~~Off premise signs, or any signage with any fluctuating, pulsating, digital, or moving lights designed to change appearance, either by flashing images or use of digital signs, or full motion video, 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~~ are not permitted.
- e. Appropriately light building entrances, important architectural features, and open space elements ~~to reinforce and highlight the newly created block, street, and open space system.~~ 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.

Page 14: E.15.f. – i. (Special Design Considerations)

A new provision that corrects numbering and adds a provision to address stormwater management.

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

- ~~e.~~ f. The design and location of roof top structures and plantings, penthouses, cooling towers and mechanical equipment.
- ~~f.~~ g. The streetscape and its contribution to the physical setting, particularly Pennsylvania Avenue.
- ~~g.~~ h. Stormwater management integrated into the building and landscape design.
- ~~h.~~ i. Security features and their design and placement to minimize their appearance and intrusion into public space.

Attachment 2 | Summary of Public Comments
January 5, 2017 National Capital Planning Commission Meeting

This document includes the testimony and public comments received between October 6, 2016, and January 5, 2017. Prior public comments related to the project were included as part of the October 2016 Executive Director’s Report as Attachment 2. Contents include:

- *Meeting testimony from the National Capital Planning Commission and U.S. Commission of Fine Arts between June and September 2016*
- *Letters, comment forms, public meeting summaries and online/email comments between April and October 5, 2016*
- *Letters related to the Suburban Headquarters Site selection process between March and August 2016*

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GENERAL SUMMARY OF COMMENTS

GENERAL SUMMARY OF COMMENTS

Uses – emphasis on importance of ensuring there is a variety of land uses; emphasis should be on residential, include affordable housing, a grocery store, and children playground; ground floor uses that increase street level activity on all streets; and uses that increase evening and nighttime activities. Cultural uses were also suggested, such as those that interface with consulates as well as an Animation and Video Gaming Museum and Education Center.

Restoration of Existing Building - One commenter suggested retaining existing building and improve by opening courtyard for retail and restaurants and improve façade with glazing and green walls.

9th, 10th and E Streets - While the design and activity along Pennsylvania Avenue is of key importance, care must be taken not to overwhelm the adjacent streets; consider activity and design along E Street, 9th Street and 10th Street, NW to ensure they relate to the context of city fabric and consider their impacts on adjacent areas. Ground floor retail should be encouraged on all perimeter streets.

Pennsylvania Avenue Public Realm - While several members of the public feel strongly that the existing 75' sidewalk should be retained to maintain the grand scale and breadth of the avenue, a number also felt strongly that the sidewalks should be substantially narrowed to less than 30' to be commensurate with other areas of downtown that are more lively and active. Most of the individuals that commented stated that the sidewalks should be narrowed but maintained at a width that allowed adequate space for a variety of outdoor activities and civic uses, cafes, seating, and make pedestrian experience more pleasant and to encourage people to linger. Some stated importance of preserving tree line. Others commented on the importance of symmetry along the Avenue, including building wall and tree canopy. Suggestions were made to reduce the width of the cartway to minimize the expanse of pavement. Most everyone agreed on the need to enhance and activate pedestrian experience along the avenue by improving uses, public space, and design. For example, add a variety of active retail uses, especially restaurants with sidewalk cafes, special landscaping, retail kiosks and art works.

Opinions about heights ranged from maintaining lower height along the avenue to skyscrapers; generally, building heights should be similar to surrounding buildings; lower if the building sits closer to the street, higher if it sits back with a maximum of height 135'. Market Square residents are concerned that reduced setbacks and taller buildings will block views, light, and create shadows in units.

Materials – guidelines should call for masonry materials to be compatible with architectural style, do not permit glass boxes.

D Street – Many support opening up the D Street right-of-way for pedestrian activity and services, but concern about vehicular traffic due to awkward intersection at 10th Street, D Street and Pennsylvania Avenue.

Circulation - North south circulation north of D Street should be considered to bring more light into northern parcel. The traffic pattern surrounding the parcels, specifically on 9th and 10th, is sub-optimal.

Development – Overall development should be extroverted or outward facing to keep activity on perimeter streets, not interior facing to concentrate activity on the interior of the block. Scale of blocks and buildings will be important; should be many parcels, not large mega block buildings and building heights and build-to-lines will be very important in establishing the character of the future building complex.

Penthouses and Rooftop Uses – Penthouses should be kept within the 160' height limit and roof tops should include provisions for recreational areas, green roofs, gardens, and restaurants.

Phasing – Guidelines should ensure that if development is phased, there is an acceptable phasing plan that includes minimum developable areas and phasing locations.

COMMISSION MEETINGS AND AGENCY LETTERS

GSA (Aaron Hassinger) Remarks to the Executive Director's Recommendation
Commission Meeting: October 6, 2016
NCPC File Number P7713

Good afternoon Mr. Chairman and Commission members. Thank you for the opportunity to provide testimony on behalf of the General Services Administration.

GSA would like to thank NCPC for its efforts in developing the draft guidelines. We commend NCPC staff on the immense amount of work that has been accomplished and appreciate that it was no easy task. The EDR outlines substantive analysis and reasoning, but it also correctly notes that there remains significant disagreement over the development envelope for both squares 378 and 379. While there are a number of recommendations with which we agree, we do not support the EDR or the current square guidelines.

In order to address our more significant concerns, we respectfully ask the Commission to reject the proposed draft guidelines and withhold public comment until staff undertake a holistic analysis of applicable planning, urban design, and development principles, rather than focusing on elements in isolation. The unresolved issues for GSA include the Pennsylvania Avenue build-to line for Square 379, the width of D Street and its function, the initial heights on both Squares, and the maximum height on Square 379.

In June, GSA's testimony outlined specific concerns regarding the square guidelines that were echoed by some members of the Commission. I am going to re-state those concerns to emphasize their importance...

Again, Square Guidelines must be developed holistically. A focus on individual elements, rather than a cohesive, coherent whole, results in a level of detail and proscription that could negatively impact urban design quality and will reduce value to the taxpayer.

We recognize that both the L'Enfant Plan and the 1974 PADC Plan have standing and must be respected. However, the restoration of D Street to its historic configuration without also moving the Pennsylvania Avenue build-to line to adhere to the L'Enfant Plan seems an arbitrary "pick and choose" approach that fails to respect the integrity of either plan.

In making your decision, GSA encourages the Commission to consider the impact of the square guidelines as currently written, and their potential to stifle future design opportunities. As such, we suggest that the guidelines be developed in a less proscriptive manner with a consistent methodology, and with an approach that maximizes the opportunity of future design.

As I concluded in my June testimony, we realize and embrace this effort for its importance to achieving development objectives; allowing the FBI Headquarters Consolidation project to move forward; helping the City realize new economic benefits; and to the continued fulfillment of Pennsylvania Avenue's role as "America's Main Street". However, it is important to note, should the square guidelines fall short of meeting these objectives, GSA has the authority to employ an alternative approach to complete square guidelines for the Commission's review.

Mr. Chairman, thank you again for the opportunity to provide testimony on behalf of the General Services Administration.

DEVELOPMENT OF FBI SQUARES 378 & 379

I have been a business owner and resident of the Penn Quarter for 44 years. Development issues of the Penn Quarter are of particular interest to me, especially when it has to do with the most historic street in the Nation, Pennsylvania Ave., the "People's Avenue". I am passionately opposed to any development on the existing FBI site that does not have the interest of the entire Nation as its primary focus.

The smaller of the 2 squares, square 379 is of particular interest to me as it would be to any person visiting our great Capitol. We do not need another office building on this square, nor do we need a building that has a narrow setback from the street, interfering with the beautiful vista up and down the Avenue. All the great cities of the world have their grand Avenues; we must keep this stretch of Pennsylvania Ave between the White House and the Capitol, grand. If maximizing the total amount of square feet of the buildings is crucial, then D St. needs to remain closed. Reopening D St would add nothing to improving the traffic flow, and would greatly diminish the total square footage of the buildings. If for some obscure reason, it becomes necessary to reopen D St., perhaps a tunnel passage might be considered, allowing development from the second floor, upward.

A plan should be considered so that any development facing Pennsylvania Ave serves the interests of all people, not just self serving developers. My vision to making this Avenue greater is to have, yes, another museum, but a museum whose time has come; a National Museum entitled, "A Nation of Immigrants". How many times have we heard our political leaders using the expression, "we are a nation of immigrants"? Let's demonstrate this ! Such a museum would attract the attention and participation of foreign Embassies here in our city, and create tremendous daily activity on this historic Avenue. A grand Pennsylvania Ave sidewalk, as wide as the existing sidewalk, would provide the space for a variety of outdoor cafes serving foods from all over the world, with retail shops displaying and selling the arts, crafts, fashions, and wares from a variety of countries. The combination of outdoor cafes, retail establishments, and a

museum would create tremendous vitality to this historic Avenue, and get tourists to cross over to the north side of the Avenue.

A museum above the first floor restaurants and retail establishments, would tell the stories of people who have immigrated to our country, and demonstrate the many contributions that immigrants from all over the world have made to make our country the great Nation that it is today.

Such a project would create jobs, provide tax revenues, but most importantly, create something that would be a major attraction, not only to local residents but to all visitors from all parts of the world, and a source of pride for our citizens - a museum that we can all relate to. An office building could never do that ! We have plenty of office buildings that are already standing vacant.

Every great city has its grand Avenue, let's keep our historic Avenue vibrant and grand for generations to come.

Submitted by:
Dominick Cardella
Resident & Business Owner of Penn Quarter

October 6, 2016

Testimony before the Commission of Fine Arts
September 15, 2016

I am here on my own behalf as well as on behalf of the Pennsylvania Quarter Neighborhood Association of which I am the Executive Director. I worked at the Pennsylvania Avenue Development Corporation for 20 years and learned from John Woodbridge, the original executive director and an architect, and from Carter Brown, both of whom without realizing it taught me how to see urban spaces and not just experience them. From both I learned that the best form of urban design is one you experience and come away from feeling uplifted. But, unless schooled to examine the features, you won't realize why.

I think that looking at the new guidelines for the FBI site without regard of their impact on the Pennsylvania Avenue vista for its entire length is a mistake. Just as concluding that a 75-foot deep sidewalk is too deep to be an asset is a mistake.

There are a number of elements that John Woodbridge, who was also staff director of the President's Council on Pennsylvania Avenue and the Temporary Commission on Pennsylvania Avenue, thought were critical to strengthening the vista towards the Capitol. Carter Brown

saw some of these same elements when describing the reciprocal vista along the Rue Royale between the obelisk at the Place de la Concorde and the Madeleine. They both realized that “the Avenue is more than the sum of its separate developmental activities. Important as they are, they are but steps to realizing the plan for the Avenue as a whole.” These are quotes from The President’s Temporary Commission report. And this is what I wish to quickly review with you. They are:

- A uniform build-to line creating a 75-foot depth for the north sidewalk along The Avenue;
- A 135-foot uniform building height along the north side of The Avenue as that is then in balance with the building height of the Federal Triangle buildings on the south side of The Avenue, together with
- A required 50-foot setback at the 135-foot height to allow for a taller building addition that is not visible from The Avenue. Here I need to add that should the build-to line not be 50 feet to the rear of the property line, the setback before rising to any height greater than 135 feet should be as it has been: 100 feet back from the Pennsylvania Avenue property line;
- A landscape canopy to help unify the entire Avenue; and last,

- A wide sidewalk need not be boring.

First the building setback at grade.

In Elizabeth's power point presentation, you saw that because the block is one of the longest along the Avenue, ifis new development no longer set back 50 feet from the property line, the resulting development would create an entirely different environment than would a historic building, even one as tall as the Evening Star building at 11th Street, that is built at the property line. The historic buildings are but a fragment of the FBI site's length along The Avenue. There can be no question that a building some 450 to 500 feet in length that is not set back 50 feet from the property line will be an intrusion into the vista. Whether a 30-foot or 40-foot setback would maintain the expression of the vista is open to question. I ask that you make it clear that because the building setback on Pennsylvania Avenue is a critical element in the creation of a strong vista, new buildings that do not respect the overall pattern that includes a generous building setback would not be viewed favorably. The setback is a critical element in the urban design of the majestic vista from the Treasury to the Capitol.

Second and third, the uniform height and upper setback are significant contributions to creating the

splendid vista towards the Capitol.

Having a uniform building height as well as a uniform build-to line are not new elements; they were recommended in both the *Report of the President's Council on Pennsylvania Avenue*, published in 1964, and the *Report of the President's Temporary Commission on Pennsylvania Avenue*, published in 1967, and both the FBI headquarters and the Presidential Building at 12th and Pennsylvania Avenue followed the recommendations of the earlier report with regard to build-to lines, and setbacks. It is imperative that the portion of the buildings fronting on The Avenue be at the lower height to balance The Avenue's framing. The uniform height of the masonry buildings on both sides of The Avenue is another element that provides a sense of enclosure and balance. This balance is so critical to the vista that it is imperative that the 135-foot height along the Avenue be maintained. And, so that taller structures will not be visible as one walks along or crosses The Avenue, the 100-foot setback from the property line for these taller portions of the buildings must also be maintained. In the past, even new additions to existing buildings built to the property line had to be set back 100 feet from the property line.

As on the Rue Royale, a uniform building height on both sides of a view shed is a powerful element in creating a

magnificent vista. To do damage to the visible building height is doing damage to the vista of the most iconic structure symbolizing democracy. This element is even more important because there are small breaks in the uniform building setbacks at grade. In my mind a 160 foot building the length of the FBI site whether at the property line - the worst scenario possible - or set back a few feet would destroy over 50 years of planning, designing, and building a great vista for a great Avenue, one that is recognized around the world.

Third, without the setback at grade, the uniform landscape treatment will no longer exist.

Granted there are gaps already in the tree canopy, but none are as long as could be on the FBI block if the setback were reduced. And, again, most are because historic buildings existed or a public open space such as Market Square was created. There along The Avenue are two rows of trees on either side of the central plaza and a water feature that frames the 8th Street vista in one direction and the National Archives in the other direction. The tree canopy does as much to frame the Pennsylvania Avenue vista as do the building cornices and ornamental Washington globes at the curb. The National Park Service's cultural landscape inventory for The Avenue noted that The Plan and the Pennsylvania Avenue Development

Corporation's execution of The Plan "represents an innovative approach to urban design . . . [which] design intent for the avenue was to visually strengthen the link between the Capitol and White House through the creation of a more unified streetscape vocabulary of street furniture (lighting, seating, etc.), paving, and vegetation, with consistent building heights, broad setbacks, and a series of open spaces." This is not an element that should be toyed with. One day this vista and the tree canopy could be designated a historic landmark.

Fourth, a 75-foot sidewalk need not be boring.

The idea that the street is boring because of the sidewalk's width is a red herring. If one looks at either side of 9th Street between D and E streets, it is equally boring. – Why, because there is no variety to interest the eye – there are no shops or restaurants and the façade treatments are repetitive – and then there are the planters every three feet filled with gravel that is glued to the planter – not a green blade of grass or weed in sight.

The Pennsylvania Avenue Plan envisioned more sidewalk cafés than currently exist. Higher priced restaurants here as well as in France usually do not have outdoor café seating areas. And to be profitable there needs to be enough space for more than a few tables. We are

fortunate that the Occidental and Café du Parc owner sees the advantage of animating the sidewalk with outdoor seating. That is a prime example of what was envisioned for the entire north side of the Avenue. Fortunately, it is repeated in the block between 12th and 13th streets as well as along a portion of The Avenue between 10th and 11th streets. But the abutting uses in a number of blocks are not activity generators and elsewhere the restaurants do not want to have a café along the sidewalk. Fortunately, all the dining venues at Market Square have outdoor seating around the Navy Memorial, precisely what the space was designed for.

Let me add that the build-to line on Pennsylvania Avenue pales by comparison to the building line on the very active south side of the Champs-Élysées near the Arc de Triomphe. So, it is not the depth of the setback that prevents activity, on the contrary, it provides space for activity. It is how the building is designed and the abutting space within the building is tenanted that can prevent activity, regardless of the sidewalk depth. And it is for this reason that I say that a wide sidewalk is no more or no less boring than a narrow or mid-sized one and to say it is boring because it is wide is a red herring. If anything it provides more opportunities for animation.

One more note. I have seen two western capitals with great Avenues that are used, though not exclusively, for civic occasions – the Mall in London and the Champs-Elysées in Paris. They are wide avenues and as I noted the Champs-Elysées has far deeper sidewalks along the commercial portion of that avenue, near the Arc de Triomphe, than on Pennsylvania Avenue. These Avenues or parts of them can be but are not always boring, and the width of the sidewalk has nothing to do with the energy people feel when there. Pennsylvania Avenue need not be boring to walk along. The tree canopy, room for sidewalk cafés are two important features that make the sidewalk comfortable to walk along and that animate the space.

Would that there were a Trust for America's Main Street there would be no question about the sidewalk's appropriate depth, the building setbacks or any of the issues you now have to consider as you ensure that the Avenue's vista not be damaged for future generations.

Thank you for listening to me.



Statement of Nancy C. Somerville, Hon. ASLA, Hon. AIA
Representing the American Society of Landscape Architects

On
The FBI Building Square Guidelines

Before the
National Capital Planning Commission

October 6, 2016

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Chairman Bryant and Members of the Commission, thank you for this opportunity to comment on the FBI Square Guidelines. My name is Nancy Somerville. I am the Executive Vice President and CEO of the American Society of Landscape Architects, and I speak on behalf of ASLA.

My testimony this afternoon concerns the build-to line on the Pennsylvania Avenue side of Square 379. The American Society of Landscape Architects opposes the recommended change to the existing build-to line and strongly supports maintaining the existing 79-foot sidewalk and the three-row colonnade of trees.

As stated in the Executive Director's report, Pennsylvania Avenue is "the most symbolic and ceremonial feature of the nation's capital." The National Capital Planning Commission is correct to focus on the critical goal of protecting and enhancing this iconic space.

We commend NCPD for the thorough and thoughtful analysis that went into development of the proposed FBI Square Guidelines. In particular, we agree with NCPD's recommendation to restore D Street NW to the configuration in the L'Enfant Plan. However, we believe the NCPD recommendation for the build-to line along Pennsylvania Avenue significantly undervalues the existing building setback and the presence of the mature tree colonnade.

Visually, the 79-foot setback and the three rows of trees contribute to the overall importance and the ceremonial feel of the block and the avenue. Those same features provide an urban oasis for pedestrians. Anyone who has walked the north, sunny side of Pennsylvania Avenue during the summer months can attest to the welcome relief provided by three rows of mature trees.

The layout of the trees in front of the FBI building and along Pennsylvania Avenue emerged in the design of landscape architect Dan Kiley with architect Skidmore, Owings & Merrill. That design, for the Pennsylvania Avenue Pilot Block, was created between 1962 and 1965 to incorporate, as Kiley wrote, "L'Enfant's axial avenue into the contemporary urban situation. ...with parallel double and triple bands of littleleaf lindens." Kiley's lindens are now willow oaks that create large areas of beautiful dappled shade over a large area of that plaza-like sidewalk. They are arranged in a quincunx pattern, spaced alternately on centers from row to row, to render their pleasing spatial effect. To remove any of the rows destroys the pattern chosen by the designer.

In addition to evaluating the site through the lens of economic, civic, and historic preservation concerns, we need equally to recognize and consider environmental needs and goals. The Executive Office of the President, the U.S. General Services Administration, and the District of Columbia have all identified important environmental sustainability goals, recognizing the importance of maintaining and enhancing the natural systems that are essential to healthy communities and individual human well-being.

Natural systems, like the mature trees that currently front the FBI Building, are essential for cleaning and cooling the air and cleaning and retaining stormwater. The 2013 Sustainable DC Plan acknowledged the challenges the city faces with "water and air pollution, contamination of

lands, and the preservation of natural spaces, tree canopy, and parks.”¹ DC had already established a Green Area Ratio that defines minimum areas of green landscaping to manage stormwater, improve air quality, and mitigate urban heat island effects. The 2013 Plan added the goal of expanding the city tree canopy from 35 percent to 40 percent by 2032.

In 2011, the Obama Administration issued “Guidance for Federal Agencies on Sustainable Practices for Designed Landscapes,” a follow-up to Executive Order 13514, “Federal Leadership in Environmental, Energy, and Economic Performance.” Based on the Sustainable Sites Initiative™ or SITES®, the Guidance is to “be used by Federal agencies for landscape practices when constructing new, or rehabilitating existing, owned or leased facilities or when landscaping improvements are otherwise planned.”² The goals laid out in the document include: using landscape design to enhance community and create spaces for relaxation and restoration; maintaining existing historic landscapes and plantings; and using trees and other vegetation to promote long-term storage of carbon and reduce the urban heat island effect.

More recently, in 2016, the General Services Administration adopted the principles of the SITES v2 Rating System³ in its 2016 Facilities Standards. In doing so, GSA noted that use of the SITES framework will “better protect ecosystems and enhance the mosaic of benefits they continuously provide our communities, such as climate regulation, carbon storage and flood mitigation.”

The environmental concerns and goals outlined in these federal and city documents should be incorporated in the FBI Square Guidelines.

Finally, there will be few or no opportunities in the future to add green spaces and civic spaces to downtown DC. That argues for placing a very high value indeed on the landscaped spaces that remain. While we welcome the departure of the FBI Building, we cannot afford to lose the grand civic space and landscape of mature trees that has humanized the building’s face on Pennsylvania Avenue.

Long-term community, civic, and environmental concerns and goals should not be set aside in favor of short-term financial and development interests. We urge the National Capital Planning Commission to maintain the existing building setback on Pennsylvania Avenue and protect the three-row tree colonnade.

Again, we appreciate the work of the Commission. Thank you for your time and consideration of our concerns. We will be happy to provide any additional information or assistance as review of the FBI Square Guidelines proceeds.

¹ *Sustainability DC: Sustainable DC Plan*, Office of the Mayor, District of Columbia, 2013.

² “Guidance for Federal Agencies on Sustainable Practices for Designed Landscapes,” Council on Environmental Quality, October 2011.

³ The Sustainable Sites Initiative™ (SITES®) v2 Rating System is a set of comprehensive, voluntary guidelines together with a rating system that assesses the sustainable design, construction, and maintenance of landscapes. It is used by landscape architects, designers, engineers, architects, developers, policy-makers, and others to guide land design and development.



Coalition for Smarter Growth

DC • MD • VA

October 5, 2016

L. Preston Bryant, Jr.
Chairman
National Capital Planning Commission
401 9th Street, NW
Washington, DC 20004

Re: Agenda Item 5A, J. Edgar Hoover Building Site Square Guidelines/Squares 378 and 379

Dear Chairman Bryant and members of the commission:

We are writing with regard to Agenda Item 5A to express our support for the preliminary square guidelines as drafted. They reflect significant analysis and attention to design details which will restore urban vitality to this important site.

However, we understand that the General Services Administration (GSA) is seeking a change to the guidelines to allow for removal of two of the three rows of trees along the Pennsylvania Avenue sidewalk. GSA may be asking for this in order to maximize the building envelope and the value of the site, but it is more important to maintain visual integrity and consistent form for our grandest avenue. Therefore, while we recognize that today the sidewalk is too wide, we oppose narrowing it to the extent proposed by GSA. We concur with the preliminary guidelines, and L'Enfant's original plan, for two rows of trees and a sidewalk at least 30 feet in width.

If GSA's request for a larger building envelope derives from concern about making the finances of the FBI relocation work, then we would insist that they instead find cost savings through reducing the amount of parking to be provided at the suburban sites. GSA's push to vastly expand parking will certainly increase the total cost of the parking component of the project. It would be a terrible irony to have the L'Enfant plan and our grandest boulevard compromised in order to pay for more parking at the suburban locations.

Too much parking would lead to other costs as well, including additional traffic and road infrastructure costs and lower Metro ridership. The advantage of the two Metro station sites under consideration is that they will encourage "reverse commuting," using the excess capacity of Metrorail in the outbound direction in the morning and inbound in the evening. These additional riders are a bonus – filling trains that would otherwise run almost empty yet incur costs for drivers, electricity and maintenance. These riders will help reduce the operating subsidy that comes from tax revenues.

According to WMATA's Connect Greater Washington study if we are able to achieve TOD buildout at all of our Metro stations, we could move Metrorail from an operating subsidy to a surplus by 2040. If we fail to do so, then the subsidy costs will continue to rise. Therefore it is certainly in the federal interest to locate the FBI and all office-related federal facilities at urban and suburban Metro stations.

Page Two
Coalition for Smarter Growth
Support for Preliminary Guidelines for Squares 378 & 379
October 5, 2016

In conclusion, we support the Preliminary Guidelines for Squares 378 and 379 and the retention of two rows of trees and at least a 30-foot sidewalk. We also reiterate our opposition, as communicated in our July 11, 2016 letter, to GSA's proposal to increase the parking at the Metro station locations.

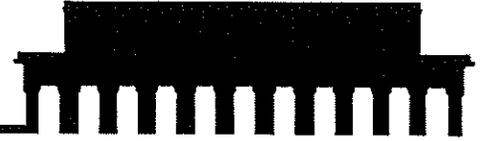
Sincerely,

A handwritten signature in black ink, appearing to read "Stewart Schwartz". The signature is written in a cursive, flowing style.

Stewart Schwartz
Executive Director

PS: I authorize Cheryl Cort to deliver this testimony on behalf of the Coalition for Smarter Growth.

Encl: Chesapeake Bay Foundation and coalition letter to GSA, July 11, 2016



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**TESTIMONY ON THE DRAFT SQUARE GUIDELINES
FOR SQUARES 378 AND 379 (FBI BUILDING SITE)
BEFORE THE
NATIONAL CAPITAL PLANNING COMMISSION
OCTOBER 6, 2016**

**CAROL F. ATEN REPRESENTING
THE COMMITTEE OF 100 ON THE FEDERAL CITY**

The Committee of 100 on the Federal City is pleased to provide comments on the Draft Square Guidelines for Squares 378 and 379, the current site of the J. Edgar Hoover FBI Building. We would like to commend the Commission staff on their excellent and illuminating analysis of alternative locations for the build-to line and height configurations. The modeling showing the impact on the vista was most useful in understanding the implications of the decisions you are making here today.

We know you all are well aware that this is probably a once-in-a-generation opportunity to make decisions with this level of impact on the future vitality of Pennsylvania Avenue. The right redevelopment of this site must not be sacrificed at the altar of economic development. This is valuable real estate, but it's value and that of other property on Pennsylvania Avenue rests on the kinds of requirements that you are now considering. We need an attractive and vibrant Pennsylvania Avenue. This site and Pennsylvania Avenue overall are important to our city and to our country.

In general, we agree with the Executive Director's Recommendation. We found the discussion and rationale cogent and persuasive but would like to provide some specific comments.

We concur with the recommendation to reduce the width of the sidewalk and put the build-to line 30 feet back from the property line. From the modeling, it is clear that this creates the best "frame" for the vista of the Capitol. Building to the property line/L'Enfant line would clearly intrude on the vista and make the sidewalk too narrow for a lively streetscape and civic activities. This section of Pennsylvania Avenue should be alive and attractive with streetscape features, outdoor cafes, art works, etc. These activities require appropriate width. While the L'Enfant line would seem to have historic merit, it was predicated on a much

narrower Avenue and makes little sense in the today's context. We recognize that the current building line (50 feet back from the property line) is consistent with the 1974 Pennsylvania Avenue Development Plan. However, we now know from experience and can see from the modeling that this width creates a gap in the frame of the vista and bleeds the energy from the streetscape. The proposal before you creates a good transition between the surrounding blocks, allows for two rows of trees, provides space for enlivening uses, makes room for civic activity, and best frames the iconic vista of the U.S. Capitol.

We also want to note our support for the heights as proposed in the guidelines and the strict limitations on signage.

We would like to see guidelines that are as strong and as detailed as possible directing lively uses along the Avenue. The required uses will be a critical element of any new development if we are to take advantage of this important opportunity to add vitality to the Nation's Main Street.

We strongly support the proposal to reopen D Street as part of the L'Enfant grid. However, we would like the possibility of using it solely for pedestrian use to continue to be on the table. We believe a vehicular intersection at D and 10th will be awkward. We would like to see below ground parking and loading entering from 9th Street and exiting onto E Street considered as an option that would allow D Street to be pedestrian only. We agree that a coordinated parking and loading system is needed for the whole complex without any of that on Pennsylvania Avenue itself.

The Committee of 100 has a long history of interest and participation in the planning and development of Pennsylvania Avenue. Judging by the number and scope of comments on the draft guidelines, there is great public interest and recognition of the importance of Pennsylvania Avenue and this site. But, at the end of the day, the National Capital Planning Commission is the entity charged with the responsibility to "get it right", and we urge the Commission to take a long range view and adopt measures that provide the opportunity to create an even more attractive and lively Pennsylvania Avenue in the future.

Chairman Bryant & Commissioners

My name is Knight-Paul III. I work for Gould Property Co a family owned real estate investment and development company. We build and own for our own account and our holdings include office, residential, hotel and retail. We have built 3 buildings within a block of Pa Ave and own an interest in another building on the Avenue.

We were among the first to build residential within the PADC area [2 bldgs]. They would not have been built if the PADC had not required it. ~~We were not happy with this PADC requirement~~ because we owned our land before the formation of the PADC and we were not happy when the residential requirement was imposed. However working with the PADC we found a way to make it work.

And you know what? Those two ~~little~~ apartment buildings have been a wonderful success. Steady & diverse investments should be highly valued

Don't confuse the quick buck with long-term value. Our community, and hence our government will also benefit from a mix of uses - residential, office, retail, possibly hotel and cultural if at all possible. Taxes from a variety of uses should be preferred over a single real estate tax on office.

The Guidelines for the redevelopment of Sq. 378 & 379 are critical, but the Plan for Pennsylvania Avenue is more important. [Too bad the Pa Ave Initiative ~~does not~~ has not been completed to inform the FBI plan]. The Avenue belongs to our whole country. Is there a more stirring site than the sun on the Capitol Dome at the end of Pa Avenue? Have you seen the moon rise over the Capitol? This broad, generous avenue is ~~symbolic of our democracy~~ an invaluable symbol of our democracy. It is the setting for the Inaugural Parade and perhaps more importantly a setting for our 1st Amendment right to assemble and petition our Government. ~~It cannot be too wide~~ Don't crimp

or crop this vista. Don't narrow
the Avenue. All the arguments
to reduce the setback and narrow
the Avenue are essentially mercantile.
You will hear that the sidewalk is
too wide, but most retailers will
tell you they need company, customers
and residents. Think of retail from
Freedom Plaza to the Canadian Embassy
[I am counting the Newseum]

Name: Mark Eckenwiler
Location: Washington, DC
Email: 6c04@anc.dc.gov

Comments:

The built-to line for Square 379 should be substantially reduced from the current ~50' setback, for several reasons.

First and foremost, this extremely large setback creates a needless void in the streetscape. While sidewalk cafes and other uses can absorb some of this space, those uses and the related buildings are too removed from normal foot traffic and thus do not engage well with the street. (This is seen most clearly in the unused expanse in front of 1001 Pennsylvania Ave NW, although it appears at other locations as well further west on the Avenue.) While well-intentioned, the 1974 Plan badly underestimated the sterility of such large setbacks.

A 25' setback from the property line would mirror that across the street at the Justice Department's RFK Building. Benefits of this choice include sufficient space for a single allee as well as for sidewalk cafes or similar uses ancillary to building ground-floor tenants.

Although not determinative, this lower setback would also allow for more developable space, increasing both the economic value of the new configuration and the economic vitality of the corridor.

In addition, the former D Street right-of-way should definitely be re-established from 9th Street to 10th Street to improve pedestrian and vehicular circulation. In planning for the distribution of that ROW, the Commission should strongly consider allocating only 10' for each of the east and west travel lanes.

This has two conspicuous advantages. First, a 10' lane will promote lower, safer speeds. D Street at this location should not require, nor should its configuration invite, speeds above 25mph. However, the 11' lanes depicted in the September 2016 staff presentation would counterproductively promote higher vehicle speeds. Second, narrowing the travel lanes allows for an additional 2' of overall sidewalk width, 1' on each side, to improve pedestrian safety, convenience, and comfort.



**COMMENTS OF THE DC OFFICE OF PLANNING
ON THE PROPOSED SQUARE GUIDELINES FOR REDEVELOPMENT OF THE FBI BUILDING SITE**

At its meeting on January 5, 2017, the National Capital Planning Commission (NCPC) will consider actions on proposed Square Guidelines for the redevelopment of Squares 378 and 379, now occupied by the Federal Bureau of Investigation.

Over the past year, the Office of Planning (OP) has participated actively on the Stakeholder Task Force assisting NCPC in developing draft Square Guidelines for the FBI site. The task force has benefited from an exceptional effort by all concerned. OP has continued internally with its own expansive thinking and in-depth analysis of the site and its context, along with relevant policies and aspirations expressed in the District and federal elements of the Comprehensive Plan. Those are the current planning guides that should help shape the approach to this site, in the same way that historic plans inform our thinking.

OP appreciates the integration of many viewpoints into the proposed Square Guidelines, and looks forward to continuing dialogue as the process for redevelopment of this site continues. OP has previously expressed its position on several basic principles. OP supports both the reopening of D Street to its original configuration, and returning development to the historic Avenue building line. OP further recommends that further planning should aim toward these goals:

- 1) Shape the frame for the Capitol vista using a more comprehensive approach based on both economic revitalization and public space design objectives;
- 2) Emphasize the revitalizing characteristics of contemporary urbanism, in contrast to the unchanging character of the Federal Triangle; and
- 3) Avoid rigid design prescriptions, so that NCPC Commissioners, Zoning Commission, and other stakeholders will retain a meaningful opportunity for design review over development that is not expected until as much as 10 or more years in the future.



RECOMMENDATIONS

The Square Guidelines for the FBI site should reflect strong and compelling visions for the character of both the public sidewalks along Pennsylvania Avenue, and the private buildings that will revitalize the avenue and create its street wall. These different concerns need to coexist in harmony, and the goals for one consideration should not override those for the other. OP does not yet find that balance in the proposed Square Guidelines.

The Office of Planning recommends that the Commission direct its staff to continue refining the Square Guidelines together with the Stakeholder Task Force, to include further consideration of the following:

The guidelines should promote the vibrancy and dynamism of Pennsylvania Avenue as Washington's downtown Main Street, projecting a forward-looking vision for the future.

- Redevelopment of the FBI site is a unique opportunity to bring new commercial life, residents, and vitality to the Avenue, demonstrating the best of contemporary urbanism, and remaining true to the original directive to be both “lively, friendly, and inviting, as well as dignified and impressive.”
- The character of such development is fundamentally different from monumental government buildings, and the architectural controls for the FBI site should be more nuanced and flexible rather than attempting to “balance” the Federal Triangle.
- Variety is invigorating in downtown streetscapes and can add a refreshing contrast through modulation of building form and height.

The guidelines should more fully embrace a distinct design character for the downtown side of the Avenue.

- The guidelines should reflect the Pennsylvania Avenue Plan's goals for economic development and social benefits to the city, and for restoring animating vitality to the Avenue, as strongly as they reflect efforts to unify its landscape treatment.
- The guidelines should encourage contextual design on the FBI site that reinforces street wall continuity with historic commercial buildings along the downtown side of the Avenue.
- The guidelines should not impose excessive uniformity or horizontality on building height and form.

- The guidelines should allow for a reasonable degree of contrast in height and massing, while still ensuring compatibility with the historic character of Pennsylvania Avenue. Vertical accents in height could be offset by lowered sections of the street wall that introduce variety and scale.
- The guidelines should include more evaluation and direction to ensure that the 520-foot-long Pennsylvania Avenue building frontage, more than double the length of adjacent blocks, is broken down in scale and architectural character into smaller units.
- If the developer of Squares 378 and 379 foregoes construction on a portion of private property for public use, the guidelines should address fair compensation through additional building height consistent with the Height of Buildings Act, and through projections over public space within the limits established by the city's 19th-century public space regulations.

The guidelines should identify the landscape goals for the Avenue sidewalk, but those goals should not override equally important goals for commercial revitalization.

- The Pennsylvania Avenue Initiative provides a framework for further consideration of sidewalk landscape goals, as well as alternatives that include reconfiguration of the Avenue roadway.
- The public space in the Pennsylvania Avenue right-of-way should be used in a way that most efficiently meets all of the city's 21st-century needs for transportation and walkability.

ANALYSIS

Planning for Washington's Main Street

There are excellent examples of American Main Streets that could serve as a model for improving Pennsylvania Avenue. These are streets like Pennsylvania Avenue—streets that include a civic side and a commercial side, with an imposing city hall or court house or college campus on one side of the street, and a bustling row of shops and eateries and business establishments on the other. The arrangement is a familiar and comfortable prototype for all Americans, and one that could be nurtured along Pennsylvania Avenue with great success.

This type of clear and simple expression of democratic symbolism—the meeting of government and its citizens—is what the L'Enfant plan is all about. The city's plan creates a place for government, and a place for the people, and brings those places into an architectural

relationship. From that relationship and the interaction it enables, the lives and values of both sides commingle, just as the shape of the city reflects our democratic aspirations and ideals.

Rather than trying to even out the sides of Pennsylvania Avenue, and blurring these intended distinctions, we should build on them with confidence that a strong manifestation of the dialogue between the citizens and their government is a fitting symbol for the city and the nation. We should try to make Pennsylvania Avenue the best example of what it already is, and will always remain: a street with two very different sides, one dominated by the dignified halls of government, and the other dominated by commerce and the life of the city.

To respect and enrich this fundamental condition, the principles for building along the Avenue need to be different on the two sides. The government side is fully built out and will not substantially change. On the city side, however, development will continue, and we should guide that development in a way that will express both freedom of private expression and respect for communal civic values.

The planners who imagined the rebirth of Pennsylvania Avenue beginning in the 1960s understood this Main Street vision. Their report says:

Pennsylvania Avenue also carries the primary axis of government through the heart of the people's city. Along the Avenue the Government can be said to live with the people, and its solemn buildings are juxtaposed to the workaday centers of business and commerce.

— *Pennsylvania Avenue*, Report of the President's Council on Pennsylvania Avenue, April 1964, p. 6

Pennsylvania Avenue is in its origins a commercial street—the Main Street of the City of Washington, and symbolically the Main Street of the Nation. Thus it is a benefit for the FBI site to be returned to the private sector for *commercial* development. It is consistent with what the Avenue's planners expected:

Accordingly, this Avenue was intended and should be designed to serve a community of interest between the Government and the private citizen engaged in business or the professions. Upon the wisdom of the governmental development of the Avenue will depend in large measure the health of downtown business enterprise, and upon the cooperation of such enterprise will depend in large share the dignity of this "grand axis of the Nation."

— *Pennsylvania Avenue*, p. 6

Vibrant commercial development is what the Avenue needs. We should allow that new development to breathe, and to express the strength and freedom of commercial life in all of its robust and jostling diversity. Confident and assertive architecture must be a part of that character if it is to be worthy of a place on Pennsylvania Avenue. Expressing the pulsating life of the city should be the goal:

A note of alarm was to be perceived in the comments of the committee [created by President Kennedy in May 1961, soon after his inauguration] on the increasing separation of the Capitol from the liveliest areas of the present-day city. The committee had characterized the Avenue as “the grand axis of the City as also of the Nation, leading from the Capitol to the White House,” and also called it the symbolic passage between two lofty centers of government – illustrating the separation of powers but also their linkage in a deeper unit. Now a fundamental question was raised: Was this unity to be weakened as the living center of the city floated out Connecticut, Massachusetts, and Wisconsin Avenues, leaving the Capitol building more and more isolated, surrounded by memorials to institutions and leaders of the 19th century, but less and less in vital physical contact with the great enterprises of the present?

– *Pennsylvania Avenue*, p. 1

The Mall is, in the very best sense, a reflection of the Past. Pennsylvania Avenue is the Present.

– *Pennsylvania Avenue*, p. 6

Framing the Vista to the Capitol

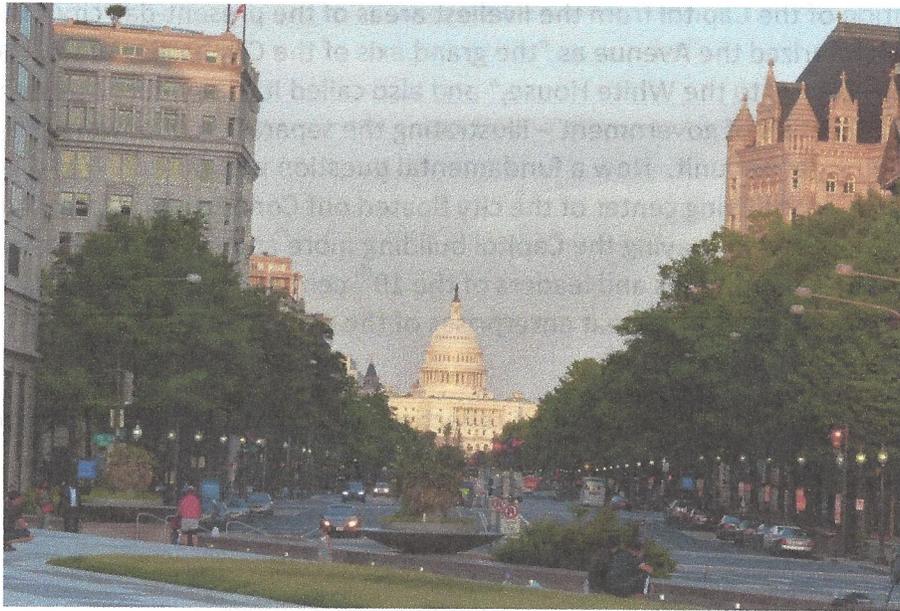
In its heyday at the turn of the twentieth century, a strong commercial vitality activated the Pennsylvania Avenue streetscape. Prominent on its skyline were domed mansards of grand hotels, sculpted turrets of banks and offices, and crested cornices of elaborate commercial fronts. These displays of business confidence echoed the magnificence of the Capitol and celebrated a commonality of civic purpose: public and private exuding the same spirit.

To regain that sense of civic unity, architects need sufficient freedom for inspiration when designing for the FBI site. Allowing such freedom means not stifling opportunities for private commercial buildings to assert a sense of civic pride through their architectural expression. That is an essential way for the life of the city to contribute to the civic ensemble along Pennsylvania Avenue. Commercial buildings cannot do this well if they are stiffly controlled by rigid parapet and setback lines drawn from the principles that order the monumental Federal Triangle complex.

A rigid order for framing the vista of the Capitol is both unnecessary for protecting the view and counterproductive to the goal of creating a vibrant Main Street. A symmetrical view cone for the street section is not needed to preserve an unobstructed vista. New construction on the FBI site does not need to match the conditions of the Federal Triangle buildings on the south side; that would be counterproductive.

Existing historic buildings already enter a hypothetical view cone in a way that seems natural and appropriate. The tower of the Old Post Office and its high-pitched mansard roof do not

obstruct the vista of the Capitol, nor does tall Evening Star Building, nor does the Willard Hotel obstruct the view to the Treasury. These buildings shape and enhance the vistas.



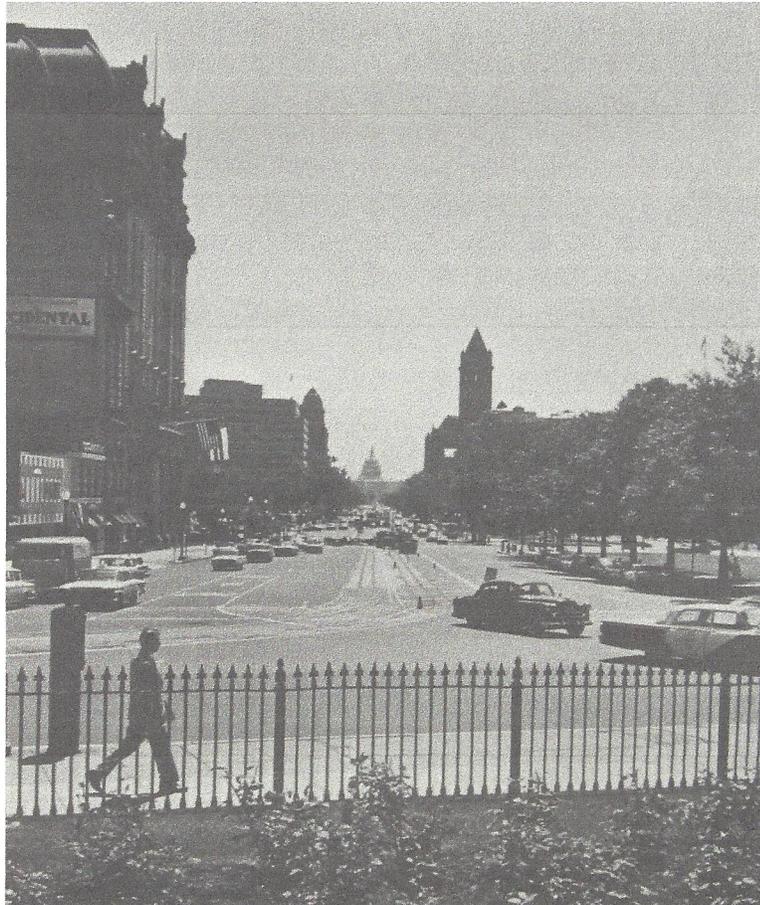
As with any great urban vista, the buildings along Pennsylvania Avenue exist in a symbiotic relationship with the focal monuments at the end of the avenue. The pre-eminence of the civic monuments and the grandeur of the buildings lining its approach magnify and support each other. The confident, visible expression of pride of place in the buildings creating the street wall *enhances* the distinction and character of the vista.

Contemporary Needs and Values

When ideas for the rebirth of Pennsylvania Avenue were conceived in the 1960s, planners had the task of developing a 10-year program for future federal office space in the city. Much of that federal construction was slated for the north side of the Avenue, in what they called a Northern Triangle. With that conception, it is not surprising that they proposed to balance the Federal Triangle, albeit with somewhat taller buildings on the north side at about 10 stories or 120 feet. The assumption was that redevelopment could work from a clean slate and make an even grander Pennsylvania Avenue with federal buildings on both sides.

But the values of urbanism were very different in the early 1960s, and the values of historic preservation were not even acknowledged in law. There was little hope that the grand hotels lining the Avenue—including the Willard and the Raleigh—would even survive; and as it turned out, the Raleigh did not. At that time, it was not seen as even possible to include fine examples of the city's commercial legacy in the redevelopment plans, and thus much of the architectural character that once enriched the Avenue was lost.

The task now, more than a half-century later, is to replace federal office with private mixed use development. This will help return to the Avenue's north side to its historic commercial character, according to contemporary values in urbanism. Those values should allow for the best of contemporary commercial architecture to contribute visibly to the Avenue, in the same way that historic buildings on both sides of the Avenue contribute to its character and record of history. Simply recycling the old rules developed under different circumstances at a distant time is not sufficient to the task.



– Pennsylvania Avenue in 1962, photo from *Pennsylvania Avenue*

The first part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the real economy of the Asian countries. The second part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The third part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The fourth part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The fifth part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The sixth part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The seventh part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The eighth part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The ninth part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries. The tenth part of the paper is devoted to a review of the literature on the effects of the 1997-1998 Asian financial crisis on the financial markets of the Asian countries.

TO: Marcel Acosta, Executive Director
National Capital Planning Commission
FROM: ^{JLS}for Eric Shaw, Director, DC Office of Planning
DATE: December 5, 2016
SUBJECT: Supplemental Comments – Development Guidelines for Squares 378 and 379

The Office of Planning (OP) submits the following two supplemental comments to those submitted by OP on Friday December 2, 2016.

1) Under the heading “**Regulatory System for Approval of Development Projects**” (shown as B. in November 4, 2016 version, page 3) we suggest the following changes to reference the review authority of the Zoning Commission and to clearly state the more restrictive of either DC zoning or the Guidelines apply:

In accordance with the 1996 Agreement, GSA and NCPC must determine that the Comprehensive Redevelopment Plan and, subsequently the building permit, are consistent with the Square Guidelines. The redevelopment plan must comply with federal law and these square guidelines and may be subject to other applicable law and regulations as defined in 40 U.S.C. 6712, including, but not limited to, 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. ~~Unless the 1974, Square Guidelines, and related provisions are more specific or restrictive, 1974 Plan and guidelines have primacy over the Zoning regulations.~~ **When there is a difference between the 1974 Plan General Guidelines or Square Guidelines and the zoning regulations the more restrictive shall apply.** 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 by the District of Columbia Zoning Commission pursuant to Title 11 DCMR, Subtitle I § 701.

2) Under the heading **Specific Urban Design and Planning Guidelines**, item number 9 (page 11) we suggest the following changes to avoid having the guidelines read as if they are zoning regulations:

9. Gross Floor Area of Development

- a. As a high-density mixed-use development, the overall maximum **allowable** development density shall ~~not be as lower than that currently allowed~~ **be as permitted** in the DC Zoning Regulations (**Title 11 DCMR**), ~~which is a 10 FAR for commercial development and unlimited FAR for residential development when a building fronts on a street greater than 110 feet.~~

Thank you for your consideration.

**OCTOBER 11 - NOVEMBER 10, 2016
PUBLIC COMMENTS**

-----Original Message-----

From: Carol Aten--Committee of 100 on the Federal City [<mailto:info@ncpc.gov>]
Sent: Thursday, November 10, 2016 2:56 PM
To: NCPC General Information <info@ncpc.gov>
Subject: FBI Square Guidelines Feedback

A new comment has been submitted online.

To approve this comment for publication, click the link below:

<http://www.ncpc.gov/comment/approve.php?cid=682>

Name: Carol Aten--Committee of 100 on the Federal City
Location: Washington, DC
Email: carolaten@aol.com

Comments:

The Committee of 100 on the Federal City commends the National Capital Planning Commission on the proposed square guidelines for the site of the J. Edgar Hoover Building (FBI Headquarters) and urges the Commission to adopt them as final.

The proposed guidelines are well-considered and comprehensive and will provide important guidance to a future developer. Most importantly, the guidelines protect the public interest in Pennsylvania Avenue and honor its significance as the nation's Main Street. It is important that the future space along Pennsylvania Avenue be wide enough to accommodate landscape features (two rows of trees) and space for animated urban activity (sidewalk cafes, art works, kiosks, etc)

We fully support the proposed build-to line along Pennsylvania Avenue which provides adequate space for urban activities. We believe that this design for Pennsylvania Avenue in the 21st century is consistent with L'Enfant's vision for a broad ceremonial street with a double row of trees. Because the "cartway" has been widened significantly, using the old L'Enfant line would limit the public space so important for civic events and permit only a single row of trees.

L'Enfant outlined his plan at the end of the eighteenth century (1791) and could not have anticipated that buildings would be so high or that the Avenue width (curb to curb) would be as wide as it is today in the 21st century. He did, however, wish that it frame the vista of the U.S. Capitol. The modeling by the NCPC staff clearly shows that the vista is best served by the guidelines now proposed.

The proposed square guidelines for Squares 378 and 379 build on previous planning, experience, and modeling to provide the best opportunity to realize this once-in-a generation opportunity to "get it right" on this most important of streets. This section of Pennsylvania Avenue in the future must be an active urban space, not just a narrow sidewalk.

-----Original Message-----

From: John Abowd [<mailto:info@ncpc.gov>]

Sent: Monday, October 10, 2016 4:44 PM

To: NCPC General Information <info@ncpc.gov>

Subject: FBI Square Guidelines Feedback

A new comment has been submitted online.

Name: John Abowd

Location: Washington, DC

Email: ja@studio3877.com

Comments:

Strongly advise against D Street NW continuation.

Keep it pedestrian and allow bicycle travel. See City Center DC I Street NW. Extension will add additional traffic complications and miss out on pedestrian passage way that is becoming commonplace within new mixed use developments. See: Brookland Arts Walk and development at Square 0245.



The National Theatre

Executive Offices

October 25, 2016

Mr. L. Preston Bryant, Jr., Chairman
Mr. Marcel Acosta, Executive Director
National Capital Planning Commission
401 9th Street, NW, North Lobby, Suite 500
Washington, DC 20004

Re: FBI Site

Dear Chairman Bryant and Mr. Acosta:

In my role as Executive Director of The National Theatre, it was my pleasure to attend the NCPC presentation on the proposed guidelines for the FBI site. As a performing arts venue located on Pennsylvania Avenue for almost 200 years, The National Theatre has a keen interest in their formulation.

In particular, it is the hope of our Board of Directors that the guidelines will include a significant cultural component. A cultural anchor on the FBI site will help more fully realize the promise of Pennsylvania Avenue as it was first envisioned by Senator Daniel Patrick Moynihan and it will have significant benefits in terms of the economic vitality of the city.

To have along Pennsylvania Avenue, The National Gallery, The Warner Theater, The National Theatre, The Newseum and then something equally grand on the FBI site will reinforce the perception of Washington as a global city. Further, a sequence of vibrant cultural offerings is one of the best ways to pedestrianize and animate America's "Main Street;" particularly during the evenings and on weekends. It can enliven a section of the city that is often dark after 6:00 p.m. It also presents another opportunity for students in the city to have access to the arts and will be a great destination for tourists.

Finally, The National Theatre feels that a strong cultural component on the FBI site can also be a powerful symbol of the indispensable role of culture in our national life. We very much appreciate your consideration of our views on this important matter.

Very truly yours,

Sarah K. Bartle
Executive Director

cc: Mayor Muriel Bowser
Denise Turner Roth, Administrator
U.S. General Services Administration

-----Original Message-----

From: thomas coleman [<mailto:info@ncpc.gov>]

Sent: Sunday, October 30, 2016 6:58 PM

To: NCPC General Information <info@ncpc.gov>

Subject: FBI Square Guidelines Feedback

Name: thomas coleman

Location: 915 e street nw, apt. 1113, washington d.c. 20004

Email: colemath@gmail.com

Comments:

Regarding re-establishing D Street NW, which "shall be reintroduced through the site between 9th and 10th Streets to reestablish Squares 378 and 379 and provide for public access," I oppose re-establishing D Street NW. I would support re-establishing it ONLY if it is a pedestrian and bike-only street. I am basing this opposition on the following points:

Study on traffic impacts - I live next door from the FBI Building (across the street), and I would like a study comparing the potential traffic impacts of re-establishing D Street as opposed to keeping Squares 378 and 379 merged. The traffic impacts may make traffic work on Pennsylvania Avenue worse (from extra turns) and/or result in next to no change in traffic. Either of these implications would not warrant re-establishing the street. I would like to see some non-arbitrary and capricious justification as to why you are re-establishing D Street. For instance, deliveries could be made underneath the building similar to City Center. I have seen no rationale why this is not an option since re-establishing D Street would only further the traffic congestion and noise in the area.

Second, I also argue that re-establishing D Street would constitute a major federal action with non-categorically excluded environmental impacts under the National Environmental Policy Act. In addition there is independent utility for this action which requires a separate environmental document from the document for the FBI location.

Third, this action triggers Executive Order 12866 Review given its economic impacts on Washington D.C. (I have not seen documentation why this action is not scoped within E.O. 12866). Severing squares 378 and 379 would create local impacts with significant economic impacts from a cost-benefit perspective. For instance, where is the economic analysis quantifying the economic benefits (fully discounted) and economic costs as required under OMB Circular A-4. The impacts from severing 378 and 379 would warrant economic analysis separate from the larger land swap, and I have not seen this analysis.

Last, I argue that the Height Act of 1910 REQUIRES that the height of Squares 378 and 379 both be consistent (either 160 feet or 120 feet, but not mixing and matching). Section 5 of the Height Act of 1910 allows an extreme height of one hundred and sixty feet for buildings on the north side of Pennsylvania Avenue. It would be inconsistent with this section to create disparate heights (120 v. 160 feet). Either choose 120 feet or 160 feet; however, I would prefer 160 feet personally because there is a dearth of office and residential real estate in Washington D.C. It would be economically disastrous to let this prime real estate proceed with a height less than 160 feet.

From: Thomas Coleman [<mailto:colemath@gmail.com>]
Sent: Friday, November 18, 2016 7:05 PM
To: NCPC General Information <info@ncpc.gov>
Subject: Re: dec. 1 commission meeting written comments

Regarding re-establishing D Street NW, which "shall be reintroduced through the site between 9th and 10th Streets to reestablish Squares 378 and 379 and provide for public access," I oppose re-establishing D Street NW. I would support re-establishing it ONLY if it is a pedestrian and bike-only street. I am basing this opposition on the following points:

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Thank you,

Thomas Coleman
915 E street nw, apt 1113
Washington DC 20004

-----Original Message-----

From: Vincent Verweij [<mailto:info@ncpc.gov>]
Sent: Sunday, October 16, 2016 8:30 PM
To: NCPC General Information <info@ncpc.gov>
Subject: FBI Square Guidelines Feedback

A new comment has been submitted online.

Name: Vincent Verweij
Location: Washington
Email: v.w.verweij@gmail.com

Comments:

This proposed redevelopment is a great opportunity to open up the city in this area. While park squares throughout the city provide necessary relief from high density buildings, this area is largely devoid of public green space. With a sensible building, and some well-designed naturalistic green spaces, this can provide more opportunities to untighten the feel of this area. It would also fall in line with our more recent biophilic cities designation, and the Chesapeake Bay's need for more nature integrated into our urban design.

**Final Square Guidelines
Squares 378 / 379
935 Pennsylvania Avenue, NW**

Project Number P7713

National Capital Planning Commission

**Approve the Final Square Guidelines with Comments and
Transmit to the General Services Administration**



Today's Presentation

Part 1: Recap of the Commission's October 6, 2016 Actions

- Build-to Line
- Height
 - Pennsylvania Avenue Initiative

Part 2: Proposed Final Square Guidelines

- Review changes to guidelines

Part I

Recap of Commission Actions

October 6, 2016

On October 6, 2016, the Commission:

APPROVED the draft Square Guidelines below for Squares 378 and 379 in accordance with the Memorandum of Agreement, § V, 61 FED. REG.41789 (August 12, 1996), and transmitted this action to the GSA under Section V of the 1996 Memorandum of Agreement:

Square Guidelines – General

Development Goals (*Section D. 1 – D.9*)

Coordinated Planning Area (*Section E.1.a*)

Development Parcels (*Section E.2.a – e*)

Uses (*Section E.3.a – c*)

Streets (*Section E.4.a - E.4.f*)

Curb Cuts (*Section E.5.a -b*)

Off-Street Parking and Loading (*Section E.6a – e*)

Site and Building Design (*Section E.7.a – c*)

Sidewalks and Open Spaces (*Section E.8.a -g*)

Gross Floor Area of Development (*Section E.9.a*)

Build-to line and Building Restriction Line (*Section E.10.c-d*)

Height of Development (*Section E.11.a and C.1*)

Roof Structures (*Section E.12.a-c*)

Subsurface Restrictions (*Section E.13.a-c*)

Signage and Lighting (*Section E.14.a-e*)

Special Design Consideration (*Section E.15.a-h*)

Historic Preservation (*Section E.16.a-j*)

Phasing of Development (*Section E.17.a-c*)

On October 6, 2016 , the Commission:

Reviewed, discussed, and APPROVED the following six outstanding issues related to the building envelop for Squares 378 and 379 in accordance with the Memorandum of Agreement, § V, 61 FED. REG.41789 (August 12, 1996), and transmitted this action to the GSA under Section V of the 1996 Memorandum of Agreement:

Square 379 Building Envelope

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*)

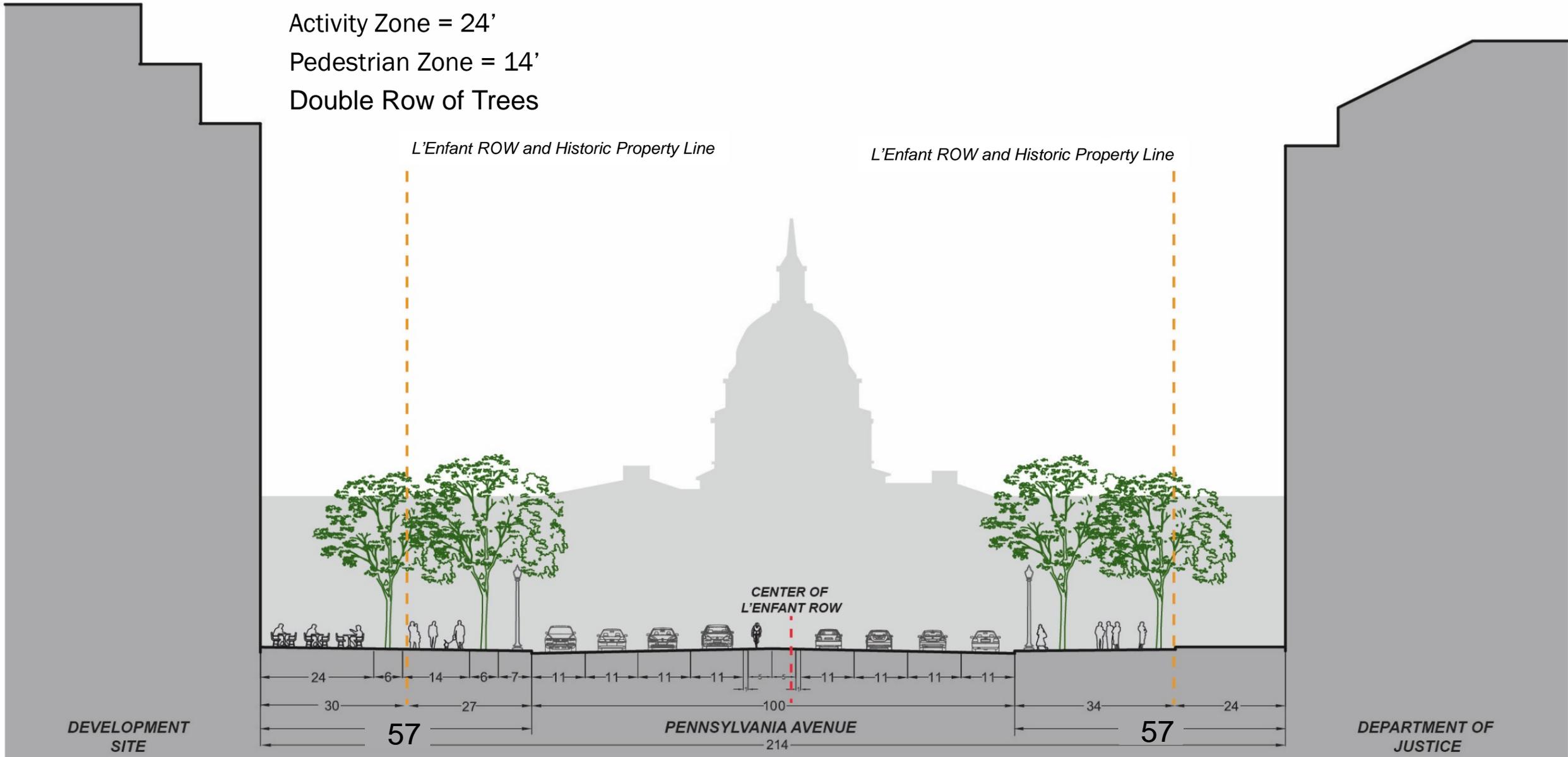
DIRECTED staff to release the Commission-approved draft Square Guidelines for a 30-day public comment period.

Build-to-line Recommendation – Part 1

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;*
- *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,*
- *design the public space with flexibility to accommodate a variety of civic uses.*

Build-to Line = 30'
 Sidewalk = 57'
 Activity Zone = 24'
 Pedestrian Zone = 14'
 Double Row of Trees

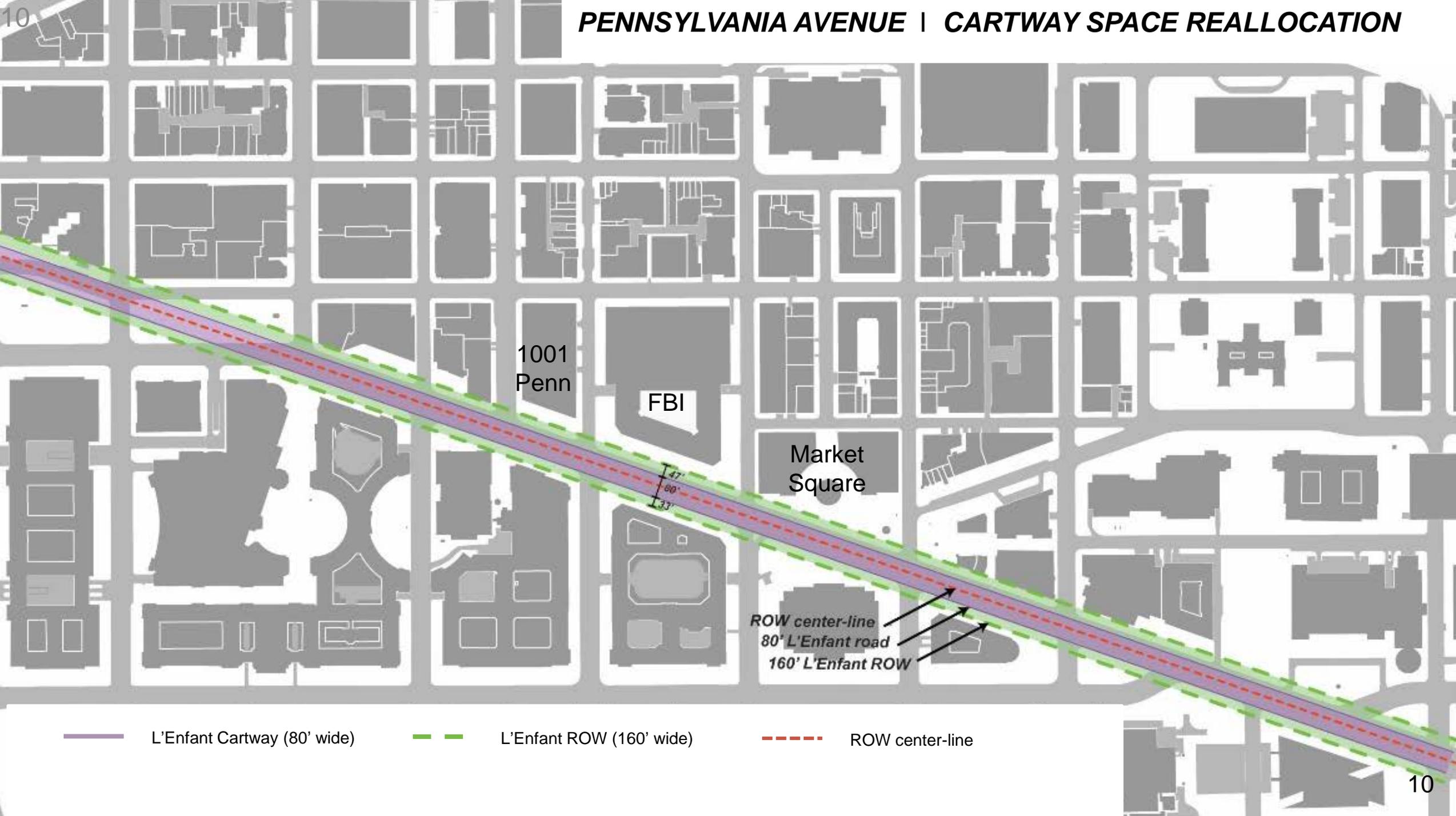


Build-to-line Recommendation – Part 2

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

- *the three public space criterion can be met;*
- *the 1974 Pennsylvania Avenue Plan is amended 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.*

PENNSYLVANIA AVENUE | CARTWAY SPACE REALLOCATION



1001 Penn

FBI

Market Square

ROW center-line
80' L'Enfant road
160' L'Enfant ROW

47'
80'
133'

L'Enfant Cartway (80' wide)

L'Enfant ROW (160' wide)

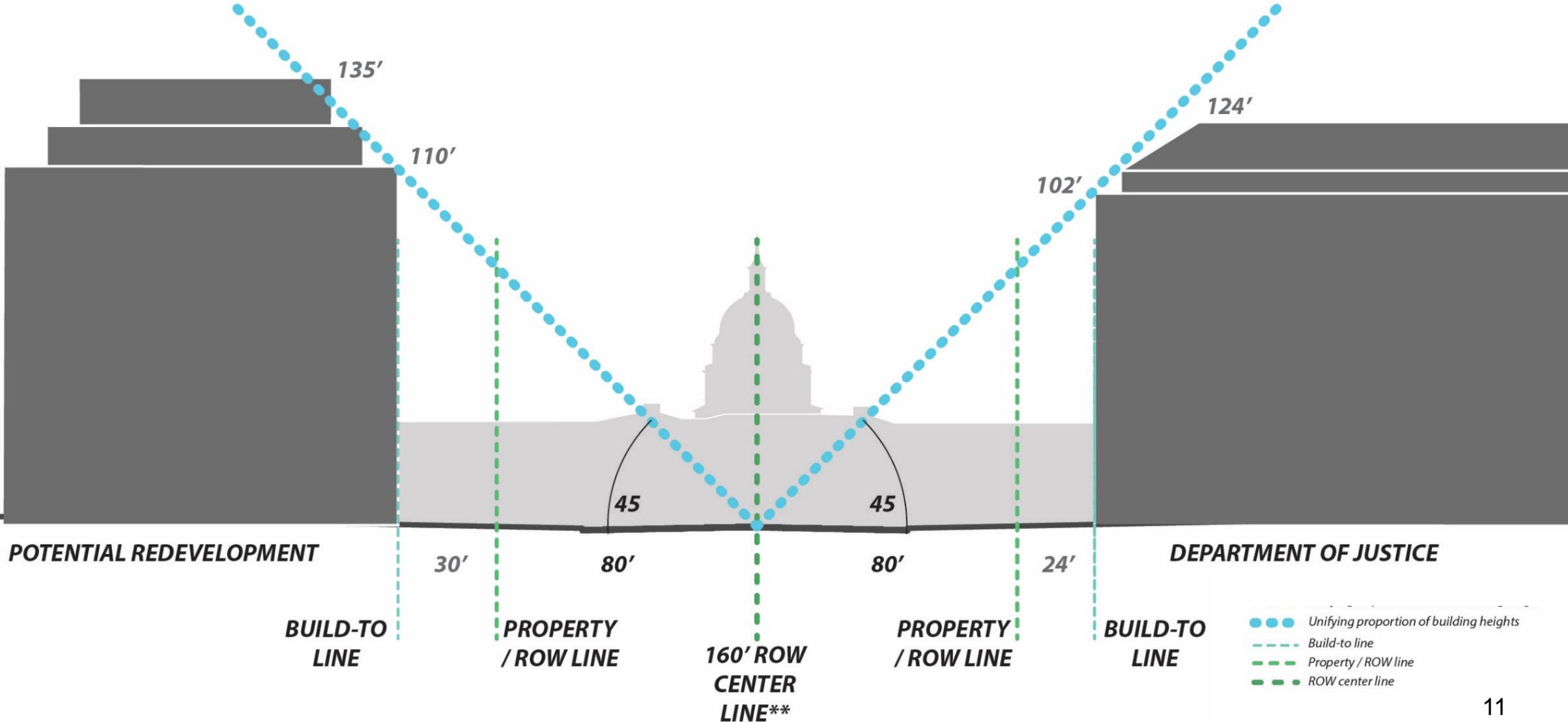
ROW center-line

SQUARE 379 POTENTIAL REDEVELOPMENT AND DEPARTMENT OF JUSTICE

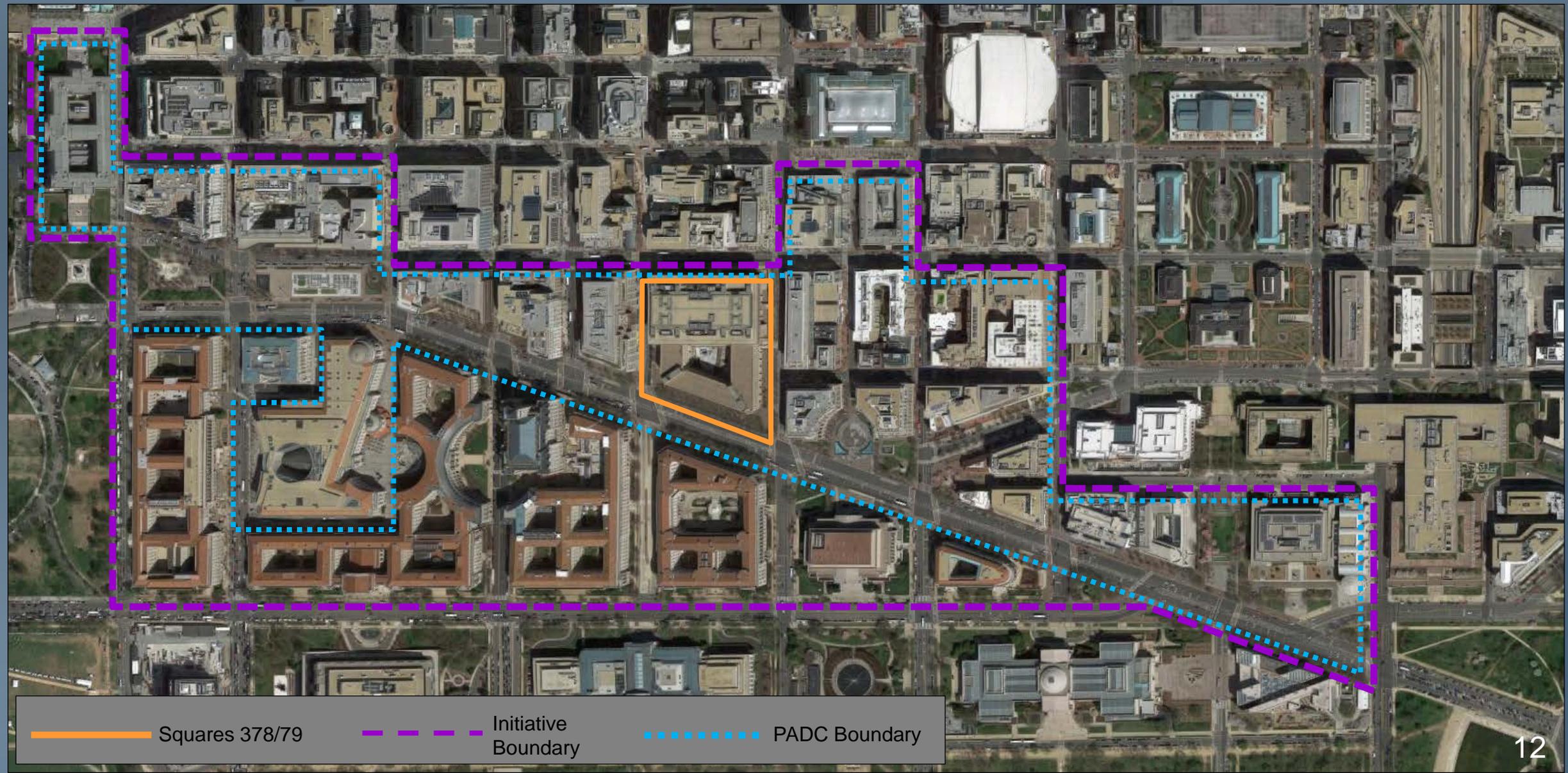
The section cut is taken from the middle of the potential redevelopment on Square 379 and the Department of Justice.

*Buildings reach a height of 160' at a point 100' north of the property line/ROW line per the 1974 Plan. Square Guidelines regulate this as 50' from the new building line, which is setback 50' north of the property line/ROW line.

** The center of the cartway is offset 4' north of the ROW center line.



The Pennsylvania Avenue Initiative



Part 2

Proposed Final Square Guidelines and Recommendation

Summary of two substantive changes and minor revisions to the Square Guidelines since the Commission's preliminary approval in October:

- **Section B (Regulatory System):** 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.
 - This adds a provision requiring Zoning Commission Design Review of future site redevelopment proposals.
- **E.15.g (Special Design Considerations):** The development team shall work closely with the regulatory agencies when addressing the following critical design elements: Stormwater management integrated into the building and landscape design.
 - This adds a provision that the developer should work closely with regulatory agencies regarding stormwater design.
- **Minor Revisions:** Improve clarity, organization, and grammar; correct omissions and errors; address consistency issues, and reduce redundancy.

Overview of Related Activities in 2016/2017

