

**APPENDIX A  
DEVELOPMENT CONTROLS**

**Part 1-1 SUBSTANTIVE CONTROLS**

**1-1.1 Heights of Buildings and Structures**

- (a) Buildings along the north side of Pennsylvania Avenue from Third Street to Ninth Street shall have a uniform height of 90 feet, measured plumb from finished grade level at the middle front of the building to the highest point of the facade. Roof structures may be erected to the height of 110 feet behind a line 45 degrees from the horizontal starting at the 90 foot elevation mark on the facade.
- (b) Buildings in squares 407, 408, 431, 432, 458, 459, 460 and the western half of square 457, to the extent that they are part of the perimeter of the housing and mixed-use development shown on the Land Use Map, No. G-21, shall have a height uniform with that prescribed in Section 1.1 (a), projected back in a horizontal plane from the new building line along Pennsylvania Avenue. The inner portions of these blocks shall step down to lower heights, as generally depicted on Corporation drawings, Nos. DC 36, DC 37 and DC 38. Buildings in the eastern half of square 457 shall not exceed 110 feet in height measured vertically from curb level opposite the middle of the front of the building to the highest point of the roof or parapet.
- (c) Buildings in square 406 shall not exceed the height of the Tariff Commission Building, except that behind a line 25 feet in back of any building face (the line to be projected parallel to the plane of the building face), building heights may be increased to 85 feet, measured from the curb level at the center of the block along Eight Street to the highest point of the roof or parapet.
- (d) Buildings along the north side of Pennsylvania Avenue from Ninth Street to Eleventh Street shall not exceed 110 feet in height, inclusive of roof structure, measured vertically from the curb level opposite the middle front of the building.
- (e) Buildings along the north side of Pennsylvania Avenue from Eleventh Street to Fifteenth Street shall not exceed 135 feet in height inclusive of roof structures, measured from the curb level opposite the middle front of the building.

- (f) Buildings or portions thereof 100 feet, or more, north of the new building line along the north side of Pennsylvania Avenue between Ninth Street and Fifteenth Street may have a maximum height of 160 feet, exclusive of roof structures, the height to be measured plumb at the new building line on Pennsylvania Avenue.
- (g) Exceptions to the maximum or uniform building heights prescribed in paragraphs (a) through (f) may be granted by the Corporation, to the extent permitted by law, for existing buildings selected for retention in the development area, and for such other buildings as special circumstances in the view of the Corporation may warrant. Exceptions for buildings lower than the uniform heights prescribed will be granted for buildings newly proposed for construction, when such proposed buildings are not to be located on corner sites. No exceptions to the maximum heights prescribed will be granted, except for existing buildings.

#### 1-1.2 Building Setbacks

- (a) Buildings along the north side of Pennsylvania Avenue from Third Street to Seventh Street and from Ninth Street to Fifteenth Street shall be set back 75 feet from the existing curb line of the Avenue, measured horizontally (zero slope) along a line 90 degrees to the center line of the Avenue. The foregoing setback shall constitute the new building line for said portions of Pennsylvania Avenue. The Corporation may permit buildings to be set back from the new building line, but only in the center of blocks, not on corner sites. New construction to project in front of the new building line may be permitted when the construction is to be adjacent to an existing building selected for retention, which itself projects in front of the new building line, and the proposed projection's construction is necessary to complete unfinished portions of the existing building. To the extent feasible, the new construction to complete the existing building shall match stringer course lines, window lines, and any other dominant architectural features of the existing, adjacent building.
- (b) Buildings along the north side of Pennsylvania Avenue from Seventh to Ninth Street shall be set back to a building line drawn perpendicular to and between Seventh and Ninth Streets, which line shall be 630 feet south of the south curb of E Street at its intersection with Seventh Street.
- (c) Buildings along other streets in the development area may be constructed to the existing building lines. In addition, the projection over public space of the Presidential Building is permitted to the same extent on any other buildings along the east side of Twelfth Street, between Pennsylvania Avenue and E Street. Other air rights construction may be approved by the Corporation, but such construction shall not be permitted to project in front of the new building line along Pennsylvania Avenue.

### 1-1.3 Pedestrian Walkways

- (a) Arcades should be provided continuously along the north side of Pennsylvania Avenue, behind the new building line, from Fourth Street to Fourteenth Street.
- (b) The construction of an upper pedestrian level, similar to that of the Presidential Building, is encouraged for all buildings to be constructed from Tenth Street to Thirteenth Street along the north side of Pennsylvania Avenue.

### 1-1.4 Floor Area Ratios

- (a) The maximum permissible floor area ratio in the part of the development area to the west of Tenth Street shall be 10.0; except that: (i) Buildings and other structures in Square 225 shall have an FAR not in excess of 7.5; and (ii) Buildings and other structures in Squares 291, 322, and 348 may have an FAR of 11.0; Provided, That the extra FAR of 1.0 herewith provided is used for residential apartments.
- (b) The maximum permissible floor area ratios in the part of the development area to the east of Ninth Street shall be as follows: (i) in Squares 407, 408, 431, 432, 458, 459, 460 and the western half of 457 maximum FAR shall be 4.0 (any subsurface construction for the use of the National Archives shall not be computed in determining the allowable FAR); (ii) in the eastern half of Square 457 the maximum FAR shall be 8.5; (iii) in Square 491 the maximum FAR shall be 6.5; and (iv) in Square 406 the maximum FAR shall be 5.0.

### 1-1.5 Design and Materials

- (a) The quality of design and materials used for buildings and other structures, and improvements within the development area shall be natural and of the best quality, consistent with the importance of Pennsylvania Avenue as the nation's ceremonial boulevard. Buildings and other structures shall be designed and constructed to relate harmoniously to each other and to existing buildings to remain on both sides of the Avenue.
- (b) Sloped roofs must be tile covered consistent in color range with that of existing buildings on both sides of Pennsylvania Avenue. All metal trim, window and door frames shall be of a dark color.

### 1-1.6 Lighting, Paving and Landscaping

- (a) All outdoor public areas shall conform to applicable plans of the Corporation. Exterior areas shall be a logical design extension of the building itself, and compatible, natural paving materials of the best quality shall be used.

- (b) Lighting fixtures for general illumination shall be of a concealed source. Metal housings for such fixtures and standards shall be of a medium Duranodic Bronze finish.
- (c) Street furniture, e.g. waste baskets, benches, shall be of a consistent design throughout the development area compatible with design standards established by the Corporation.
- (d) Lighting, paving and landscaping of Pennsylvania Avenue shall be consistent with the Special Street Plan for Pennsylvania Avenue on file with the National Capital Planning Commission, as modified by the Corporation.

#### 1-1.7 Signs

- (a) The design and placement of signs and their lighting should be thoroughly studied to achieve a pleasing result. In general, a company's logo or graphics can be used, provided that scale, color, lighting and visibility are well handled.
- (b) Location of signs shall be limited to two areas – the building facade and near the entrance of buildings. The facade sign should be the primary identification and shall be so located as to relate well with the architecture of the building and street visibility. No sign shall project more than six inches from the building wall. Entrance signs should be directional in nature and define primarily the entrance; and, therefore, its design should be restrained.
- (c) Internally illuminated signs shall have the logo transparent and the background opaque. The colors will be restricted in a dark background with light graphics. Any illumination of signs or building graphics shall be by white light only.
- (d) Arcade signage for individual shops shall be of a consistent thematic scheme of character, graphics, materials and lighting.
- (e) Roof signs, signs with moving parts, and signs with flashing illumination are prohibited.
- (f) Nonconforming signs and building graphics shall be phased out over a specified period of time.

#### Part 1-2 USES

- 1-2.1 No building or premises shall be used and no building shall be erected or altered which is arranged, intended, or designed to be used except for one or more of the uses listed as follows:
  - (a) Amusement enterprise
  - Apartment building
  - Artist Studio

Assembly hall, auditorium, or public hall  
Bar or cocktail lounge  
Clinic for humans  
Church  
Collection station for dry cleaning, dyeing, or laundry  
Community Center building  
Convalescent or nursing home  
Dental laboratory  
Department store  
Dressmaking shop  
Electric substation  
Embassy  
Hotel  
Laundry, self-service, not more than 20 machines  
Laundry or dry cleaning establishment  
Library  
Multiple dwelling-new construction  
Museum or Art gallery  
Natural gas regulator station  
Newsstand  
Office—any purpose  
Office of professional person  
Parcel delivery services  
Park  
Parking garage  
Parsonage, vicarage or rectory  
Philanthropic or eleemosynary institution  
Playground  
Public utility pumping station  
Radio or television broadcasting studio  
Religious reading room  
Row dwelling  
School — private other than trade  
Public transportation station or depot  
Sunday school building  
Swimming pool  
Telephone exchange  
Temporary building for construction industry  
Theater, including motion picture theater  
Transportation right-of-way  
Underground conduit or pipeline

- (b) In addition to the above, the following general uses are permitted: (i) Sales — general merchandise, food, apparel and accessories, furniture, home furnishings and equipment, and hardware; and (ii) Services — finance, insurance and real estate, personal services, business, repair (except auto and marina), professional, governmental and educational.

## Part 1-3 CORPORATION REVIEW PROCEDURES

### 1-3.1 Requirement of Certification by the Corporation

- (a) No agency or instrumentality of the Federal or District of Columbia Governments shall undertake the erection, construction, conversion, or alteration of any structure within the development area except upon prior certification by the Corporation that such action is consistent with the carrying out of the development plan and in accordance with the regulations of this Chapter.
- (b) The District of Columbia Government or an agency or department thereof, shall not issue any building permit for the proposed erection, construction, conversion or alteration of any structure within the development area until after having received certification in writing from the Corporation that the proposed action is in compliance with the development plan and the regulations of this Chapter.
- (c) The District of Columbia Government, or an agency or department thereof, shall not issue a certificate of occupancy in accordance with Section 8104 of the Zoning Regulations of the District of Columbia, in force as of the effective date of these regulations, for any structure for which the erection, construction, conversion or alteration required the issuance of a certification of compliance by the Corporation; until the Corporation notifies the appropriate District of Columbia official in writing that a certificate of occupancy may issue.

### 1-3.2 Approval of Project Plans by Corporation

- (a) A Government agency or private party hereafter, "applicant", proposing the erection, construction, conversion, or alteration of any building or other structure within the development area shall submit the following items to the Corporation as application for approval of the project: (i) A finished site plan showing the location and external dimensions of all buildings and other structures, utilities and other easements, walkways, driveways, plazas and open spaces; (ii) Typical floor plans and architectural elevations for all open sides of each building; (iii) A circulation plan, including pedestrian and vehicular access ways and areas devoted to parking and loading; (iv) A development schedule showing for each building: the lot area, FAR, height, total gross floor area, gross ground floor area, percentage of lot occupancy, proposed uses, the FAR and gross floor area devoted to each use, and the number of off-street parking spaces and loading spaces devoted to each use; (v) A landscape plan showing all existing grades, landscaping to be retained, and all new grades, planting and landscaping; and, (vi) A detailed statement, drawings, and other information necessary for understanding the design characteristics or other amenities which are to be provided by the project.

- (b) No application shall be processed until all the required information is furnished.
- (c) Within 30 days of receipt of the completed application, the Corporation shall review the application, holding such conferences and consultations with the applicant or his agents as are deemed desirable by the Corporation. The Corporation shall review the application to determine whether or not the proposed project is in conformity with the development plan and implementing regulations of this Chapter. Before the expiration of the 30 days, the Corporation may either: (i) reject the application with prejudice, in which case the applicant may not proceed with the implementation of the proposed project; or (ii) reject the application without prejudice, in which case the applicant will be informed of suggested major modifications to bring the application into conformity with the requirements of the development plan. In this instance if the applicant wishes to pursue his proposals further, he must make the changes recommended and resubmit the application as if it were a new application; or (iii) conditionally approve the application and transmit the application to the Commission of Fine Arts.
- (d) If after the receipt of an application the Corporation determines that the proposals for the project are generally satisfactory, but that certain changes should be made and further consultations with the applicant are necessary, and that the applicant needs additional time to consider and work up the changes, the time for action specified in paragraph (c) may be extended an additional 60 days, with the written concurrence of the applicant.
- (e) Immediately after conditionally approving an application pursuant to subparagraph (c)(iii), the Corporation shall transmit the application, together with any appropriate comments, to the Chairman of the Commission of Fine Arts. The Commission shall have 30 days from transmittal to review and return to the Corporation the plans contained in the application, insofar as they relate to height and appearance, color, and texture of the materials of exterior construction, and overall aesthetic effect of any building or other structure. The Commission may make such comments and recommendations as it deems to be advisable.
- (f) Within 15 days of return to the Corporation of the application by the Commission of Fine Arts, the Corporation shall, having given due consideration to any recommendations of the Commission, issue to the applicant either a certificate of compliance with the development plan, or a rejection without prejudice pursuant to subparagraph (c) (ii).
- (g) Whenever the District of Columbia Government receives an application for a certificate of occupancy subject to section 1-3.2(c), it shall transmit such application to the Corporation, which shall promptly review the application for conformity with the development plan and advise the transmitting official as to whether the certificate should issue.

(h) All determinations made and issued by the Corporation pursuant to paragraphs (c), (f), and (g), shall be in writing and signed by the Executive Director of the Corporation as the officer charged with the authority to make such determinations.

### 1-3.3 Applicant's Right to Hearing

Any applicant aggrieved by a denial of a certificate of compliance pursuant to Section 1-3.2 (c)(i), or a denial of approval for the issuance of a certificate of occupancy may appeal such decision to the Board of Directors of the Corporation. If such an appeal is sought, notification of appeal must be submitted to the Executive Director of the Corporation in writing within 30 days of receipt by the applicant of the determination to be appealed. The Board of Directors shall hear the appeal at the next scheduled meeting of the Board; *Provided*, that such meeting takes place more than 30 days after the filing of notice of appeal. If the next meeting is scheduled within 30 days of the notice of appeal, the hearing, at the appellant's option, shall be at the meeting next hereafter; *Provided*, that the appellant shall have a hearing within 90 days of filing a notice of appeal.