

4.1.4 Land Use, Planning Studies, and Zoning

The following sections describe the affected environment for land use and zoning at the JEH parcel, highlighting planning studies.

4.1.4.1 Land Use

Land uses within in the vicinity of the JEH parcel are predominantly medium- to high-density residential, office commercial, and retail commercial combined with Federal local public facilities. These uses are interspersed with parks and open spaces. There are a number of culturally important facilities, such as museums and memorials, and other public buildings in the study area, within 1/4 mile from the JEH parcel including:

Arts and Entertainment

- Ford's Theatre
- Landmark E Street Cinema
- Warner Theatre
- Verizon Center
- Sidney Harman Hall
- Zenith Gallery
- Red Aspen Gallery

Civic and Open Space

- Naval Heritage Center
- Freedom Plaza
- U.S. Navy Memorial and Memorial Plaza
- The National Mall

Museums

- International Spy Museum
- Newseum
- Koshland Science Museum
- Museum of Arts and Sciences
- Smithsonian American Art Museum
- National Portrait Gallery
- National Museum of Natural History
- National Museum of American History
- National Gallery of Art

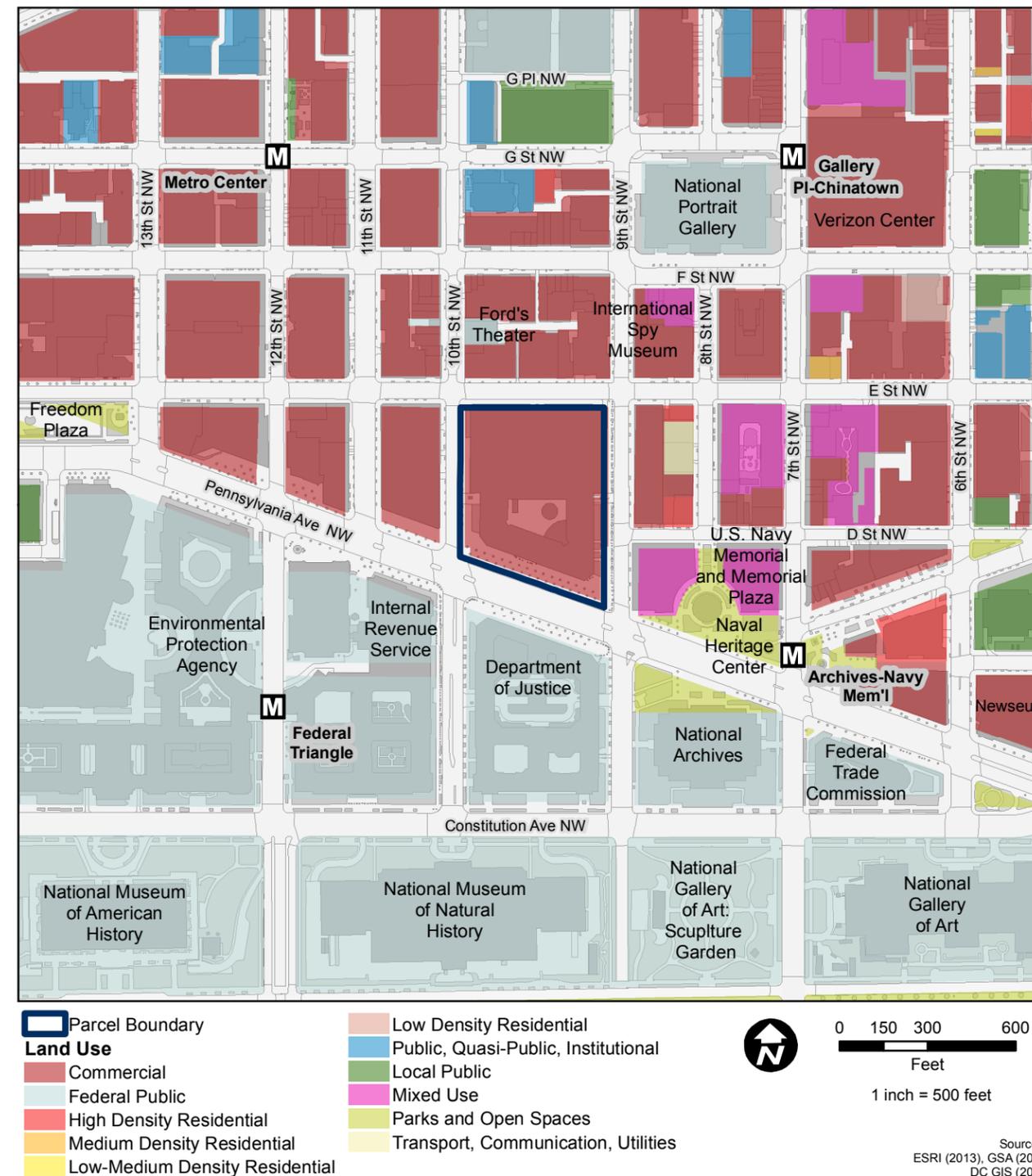
Each of these institutions offers exhibit space, lectures, and other services and activities open to the public.

Several Federal facilities are located in the study area, including:

- Department of Justice
- Internal Revenue Service
- U.S. Environmental Protection Agency
- National Archives
- Federal Trade Commission

Figure 4-8 illustrates the existing land use within 0.25-mile radius of the JEH parcel.

Figure 4-8: JEH Parcel Land Use Map



FLOOR AREA RATIO (FAR)

Floor-to-Area Ratio (FAR) is the total square feet of a building divided by the total square feet of the lot on which the building is located. Higher FARs indicate a higher density of development.

JEH LAND USE AFFECTED ENVIRONMENT OVERVIEW

- Land uses in the study area are predominantly medium- to high-density Federal, local public, mixed use, and commercial
- The parcel is currently zoned C-4 and within the Downtown Development Overlay district; proposed zoning for the site is D-7
- Land use plans and studies that guide development for the JEH parcel and its environs include: The Comprehensive Plan for the National Capital, The Pennsylvania Avenue Plan, The Pennsylvania Avenue Initiative, The Streetcar Land Use Study, and Extending the Legacy: Planning America's Capital for the 21st Century

4.1.4.2 Zoning

Zoning regulations are legal requirements controlling the height, bulk, number of stories, size of buildings, open spaces around them, and density and uses of buildings (D.C. Office of Zoning 2014b). The current JEH is a Federal facility so zoning does not currently apply. However, the parcel is currently designated C-4 (Central Business District) and in the Downtown Development Overlay district. Currently, Washington, D.C., government is in the process of updating its zoning regulations. This process started in 2007 and is likely to be completed by 2016. Given the potential future transfer of this parcel from Federal to private ownership and Washington, D.C.'s, ongoing rezoning process, the JEH parcel is proposed for the D-7 zone. This new D-7 zoning designation would permit the highest density commercial development that is achievable under the Height Act, through a Planned Unit Development process. In conjunction with sub-area regulations, D-7 reinforces Pennsylvania Avenue's unique role as a physical and symbolic link between the White House and the U.S. Capitol. Additionally, the regulations for the Pennsylvania Avenue Sub-Area promote concentrations of retail to reinforce the area's historic role as a center of retail commerce. A building or other structure with frontage on Pennsylvania Avenue may be 160 feet tall, as measured from the Pennsylvania Avenue curb at the middle of the front of the building to high point of the roof or parapet, providing that the portion of the building that exceeds 135 feet in height shall be set back a minimum of 50 feet from the building line along Pennsylvania Avenue.

The Floor-to-Area Ratio (FAR) and building height are two important development parameters that contribute to the development of the site. According to the proposed D-7 zoning, the maximum FAR of this parcel is not to exceed 8.5 without preferred uses/credits and not to exceed 10.0 with preferred uses/credits (D.C. Office of Zoning 2014c). To help ensure the provision of the range of uses essential a successful downtown, the following preferred uses generate credits that allow an increase in density: residential, art, full rehabilitation of historic structures, conversion of unused transferable development rights or combined lot development gross floor area, child care centers, and local small and disadvantaged business enterprises. The D-7 zone is not subject to inclusionary zoning (a zoning tool used to increase affordable housing opportunities in the city in exchange for additional density). The JEH building is located within the Pennsylvania Avenue Sub Area, as designated by the DC Office of Zoning. The DC Office of Zoning states that Pennsylvania Avenue should be maintained as a "mixed use monumental street with additional height to emphasize its role in physically linking the executive and legislative branches of the Federal government." (D.C. Office of Zoning 2014c).

The D-7 zoning category also describes other more specific land use, setback, and design review standards that would apply to the JEH parcel once the new zoning is finalized.

In addition to the proposed D-7 zoning, future development of the JEH parcel would be governed by the Height of Buildings Act of 1910, as amended in 2014. This act governs the height of buildings within Washington, D.C., restricting heights to 130 feet or less, depending on the width of the right-of-way of the street the building faces. The exception to this rule, applicable to the JEH parcel, is that buildings with principal entrances on Pennsylvania Avenue between 1st and 15th Streets NW may be up to 160 feet tall.

4.1.4.3 Regional and Local Land Use Studies

This section describes the regional land use and planning studies that form the framework for understanding the jurisdiction's vision and plans for the JEH parcel and its environs.

The Comprehensive Plan for the National Capital

The Comprehensive Plan for the National Capital, hereafter referred to as the Comprehensive Plan, is a document meant to guide future planning and development. The document is divided into two components: the Federal Elements and the District Elements. The Federal Elements targets planning for Federal facilities in the region, and the District Elements, guides future planning for the non-Federal portions of Washington, D.C. The District Elements are prepared by the Mayor and adopted by the Council of the District of Columbia.

Federal Elements of the Comprehensive Plan for the National Capital

The Federal Elements address matters related to Federal properties and Federal interests in the National Capital Region (NCR).¹ The Federal Elements are prepared pursuant to Section 4(a) of the National Capital Planning Act of 1952. The seven Federal Elements presented in the Comprehensive Plan are (1) Federal workplace, (2) foreign missions and international organizations, (3) transportation, (4) parks and open space, (5) Federal environment, (6) preservation and historic features, and (7) visitors. NCPC develops and administers these Federal Elements and is currently in the process of updating them. A new element on Urban Design is being developed.

The Federal Elements of the Comprehensive Plan for the NCR provide criteria for the location of Federal facilities and policies on Federal employment in the NCR. Subsequent to the exchange of the JEH parcel, the parcel would be under private rather than Federal ownership, and therefore the Federal Elements would not directly apply to the future development of the parcel.

¹ The boundaries of the NCR are given in chapter 1 and chapter 2.

District Elements

The District Elements of the Comprehensive Plan provides policies that guide the future physical development within Washington, D.C., including the private redevelopment of the JEH parcel, via the following three tiers of planning:

(1) The Citywide Elements

The first planning tier of the Comprehensive Plan contains a framework of objectives and policies covering 13 City Wide Elements to help guide public actions and shape private investment in Washington, D.C. (DCOP 2006). The elements, last amended in April 2011, are as follows: (1) framework; (2) land use; (3) transportation; (4) housing; (5) environmental protection; (6) economic development; (7) parks, recreation, and open space; (8) urban design; (9) historic preservation; (10) community services and facilities; (11) educational facilities; (12) infrastructure; and (13) arts and culture. These objectives and policies contribute to Washington, D.C.'s, overarching goals for the city.

The land use element establishes basic policies and actions guiding the physical form of the city and provides direction on a range of development, conservation, and land use compatibility issues. The main land use focused actions and policies include: promoting mixed-use development, as well as regional and neighborhood-serving retail, hotels, and entertainment uses; providing incentives for non-office uses; encouraging the development of new high-density and low- to moderate-income housing; and promoting active street life, public spaces, and pedestrian-friendly streets.

(2) The Area Elements

In the second planning tier, the Comprehensive Plan outlines the goals and objectives for 10 different neighborhoods that encompass Washington, D.C. The JEH parcel is located within the Central Washington Area Element, which is defined as the heart of Washington, D.C.

Under this tier, there are designated location-specific policies and actions to guide the growth and neighborhood conservation decisions. These policies aim for a mixed-use area with additional office growth, diverse housing developments, retail, and hotel and hospitality services. Other relevant policies include:

- **Policy CW 1.1.11 “Leveraging Public Development Sites and Policy”**: designates that publicly owned development sites such as urban renewal sites, Washington Metropolitan Area Transit Authority (WMATA) joint development sites, and the former Washington Convention Center site should implement key objectives and policies of the Central Washington Area Element. The plan further explains that these sites should be viewed as a portfolio of assets that must be strategically managed to meet Washington, D.C.'s, long-term needs.
- **Policy CW 1.1.13 “Creating Active Street Life and Public Spaces”**: states future planning should promote active street life throughout Central Washington through the design of buildings, streets, and public spaces. This includes providing streetscape improvements that make downtown streets more comfortable and attractive, and encouraging active ground floor uses.
- **Policy CW 1.1.8 “Promote Central Washington Retail”**: aims to promote Central Washington as a regional retail destination with particular interest on sustaining a concentrated regional shopping area at:
 - The F and G Street corridors between 7th and 15th streets NW
 - 7th Street NW in the Gallery Place and Penn Quarter neighborhoods
 - The Old Convention Center site
- **Policy CW 1.1.9 “Neighborhood-Serving Retail in Central Washington”**: ensures that Central Washington's retail uses serve not only the regional market, but also the local neighborhood market created by residential development within the area.

(3) The Small Area Plans

The third tier of planning, Small Area Plans, are technically not part of the Comprehensive Plan for the National Capital, as specified in Washington, D.C., municipal code. These plans supplement the Comprehensive Plan by providing detailed guidance for areas ranging from a few city blocks to a whole neighborhood or corridor. There is no Small Area Plan that includes the JEH parcel.

The Pennsylvania Avenue Plan (PAP)

In 1972, Congress created PADC to develop and execute a plan for the area along Pennsylvania Avenue between the U.S. Capitol and the White House (NPS n.d.). PADC's goal was to develop and execute a plan to promote the development and revival of the Avenue and its environs. Congress declared that it is in the national interest that this area “be developed, maintained, and used in a manner suitable to its ceremonial, physical, and historic relationship to the legislative and executive branches of the Federal Government and to the governmental buildings, monuments, memorials, and parks in or adjacent to the area” (40 USC 871 [1996]) (NPS n.d.a.). The corporation was run by a 15-member board of directors, eight of whom represented the private sector. The remaining seven were high-level public officials, including four Cabinet members; the mayor of Washington, D.C.; and the chairman of the City Council. Eight nonvoting members acted as liaisons to various organized arts, architecture, planning, and development interests in the city, and the Secretary of the Interior served as a voting member of the Board of Directors. In 1975, PADC released the Pennsylvania Avenue Plan (PAP), which established a framework for revitalizing the Avenue (NRHP 2007). The 1974 plan's main goals were to improve the aesthetic appearance of Pennsylvania Avenue, eliminate blight, and reinforce the Avenue's unique role as the physical and symbolic link between the White House and the Capitol. The plan is intended to provide for the revitalization of Pennsylvania Avenue as a vital part of downtown Washington, D.C. The following goals and objectives specific to land use are presented in the plan.



Aerial view of Pennsylvania Avenue. JEH building is in the foreground on the left. Photo courtesy of GHT limited

- Bridge together the north and south sides of the Avenue.
- Provide a mix of programming that could represent a pleasant place for residents and visitors alike during all hours of the day, offering comfortable places to stroll, rest, sit, talk, eat, and shop.
- Provide a mixture of commercial and cultural activities along the Avenue that would attract a wide variety of people and stimulate street life.
- Maintain a sense of historic continuity and evolution by preserving buildings representative of different eras and styles.
- Reduce hardships to existing businesses by staging development carefully and by providing effective relocation benefits.

In addition to the PAP, PADC developed square guidelines, which are specific design and development controls that cover the unique conditions of each block. These guidelines guide redevelopment to meet requirements of the landscaping plan, ensure compatible development within each block, and ensure the aesthetic and historic preservation goals for the plan area are met. No square guidelines were developed for the JEH parcel (squares 378 and 379) because the building existed at the time of their conception and was expected to exist indefinitely.

By 1996, the redevelopment plan for Pennsylvania Avenue had been largely implemented. Congress disbanded PADC on April 1, 1996, and its rights, properties, and authorities were assigned by Congress to GSA, NPS, and the National Capital Planning Commission (NCPC). Property holdings were transferred to GSA or NPS. GSA and NCPC became responsible for ensuring that future development conformed to the 1974 Plan (NRHP 2007). In 1996, these successor agencies signed a Memorandum of Agreement (MOA) that further clarified each agency's responsibilities with regards to amending, completing, redeveloping, and ensuring compliance with the PAP.

The PAP does not define requirements for these attributes for the JEH parcel (Squares 378 and 379) as the plan assumes the JEH parcel would remain in Federal ownership indefinitely. In order to minimize and avoid adverse impacts, GSA and NCPC have initiated an update to the PAP to ensure the redevelopment of this parcel would be consistent with the Plan. NCPC is currently in the process of drafting an amendment to the PAP that updates the General Guidelines for squares 378 and 379. GSA would submit the amendment to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate Congressional Committees per Section V of the 1996 MOA. After 60 legislative days, GSA would amend the plan. Subsequent to the plan amendment, NCPC would also develop Square Guidelines for Squares 378 and 379 to guide the design and aesthetics of the redeveloped parcel.

The Pennsylvania Avenue Initiative

The Pennsylvania Avenue Initiative was launched by the three successor agencies to PADC: NCPC, GSA, and NPS. The initiative aims to study short- and long-term needs of Pennsylvania Avenue and surrounding neighborhoods, identify a governance framework, and develop a vision for the Avenue that can meet local and national needs in the twenty-first century capital city (NCPC 2015). The initiative is studying Pennsylvania Avenue NW and the adjacent areas from the White House to the U.S. Capitol Grounds. The initiative, which started in 2014, will occur over several years. First, the contributing parties will develop a vision, which will be followed by a study of the short-term priorities and actions for the Avenue. Then, the long-term priorities and actions will be addressed. Figure 4-9 illustrates the jurisdictional boundaries of the Pennsylvania Avenue Initiative, and the location of the JEH parcel relative to these boundaries.

Figure 4-9: Pennsylvania Avenue Initiative Jurisdictional Boundaries

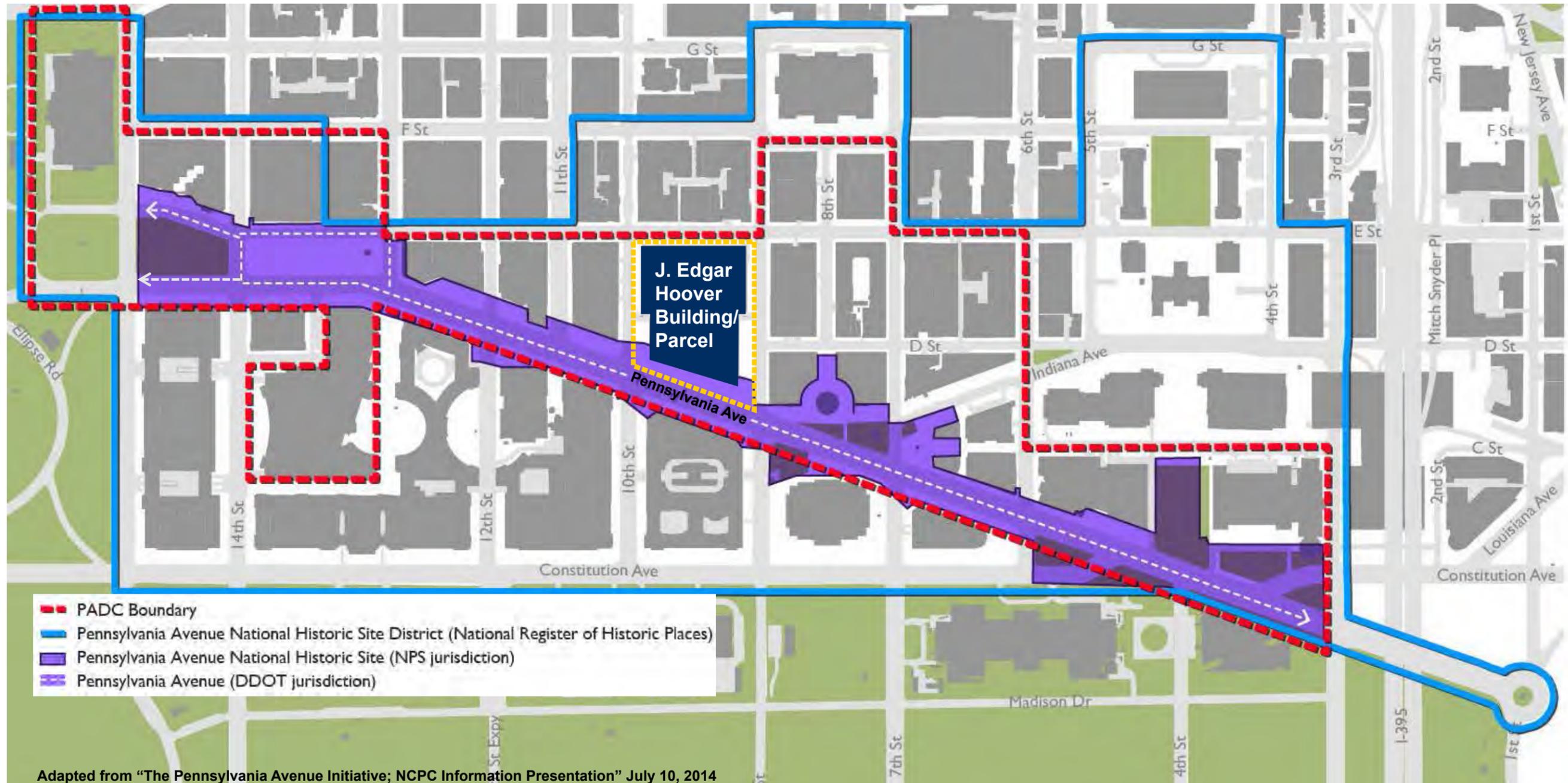
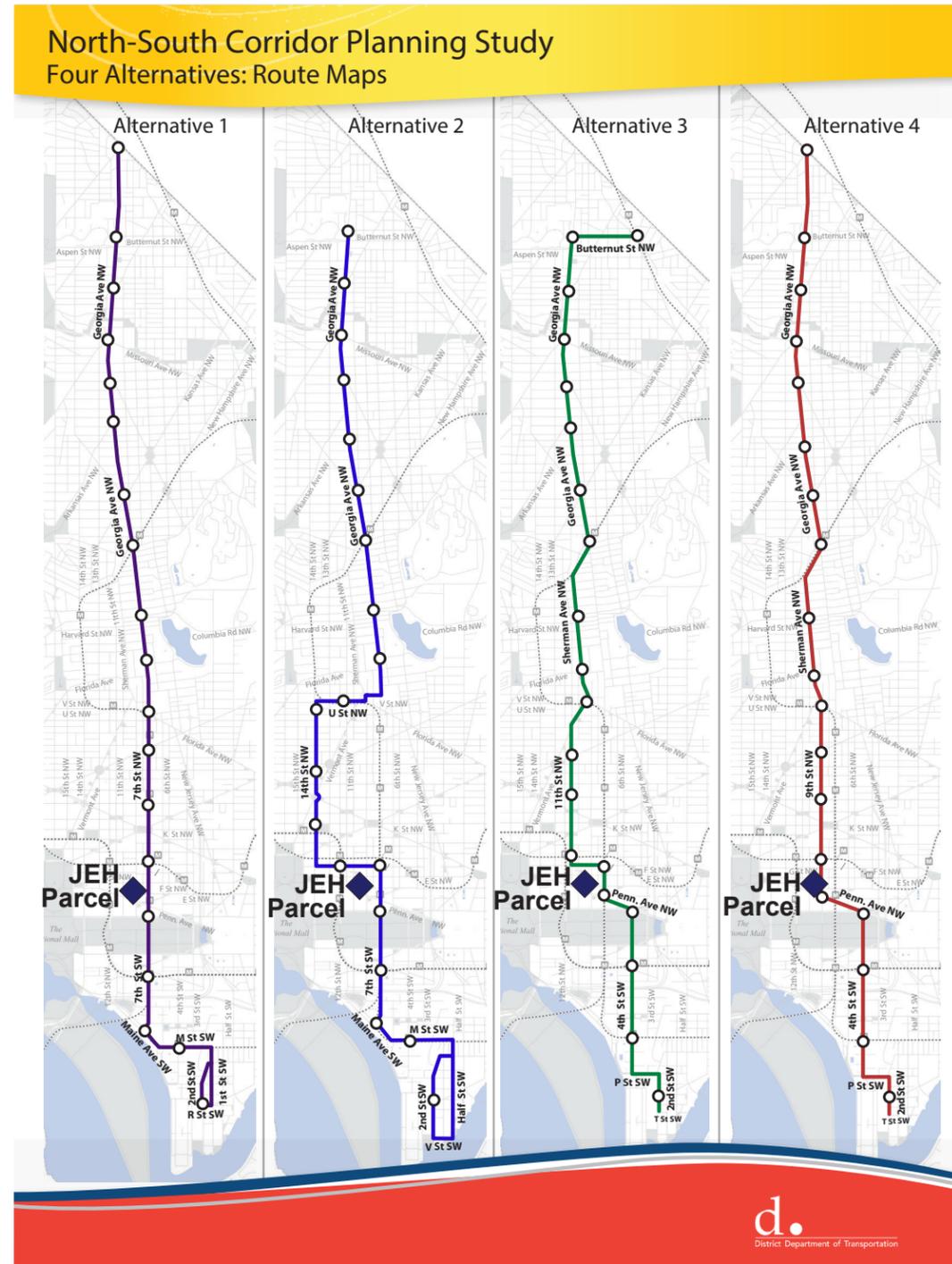


Figure 4-10: Washington, D.C. Streetcar North-South Corridor Planning Study: Four Alternatives



Streetcar Land Use Study

Washington, D.C., initiated plans to build a streetcar network based on a long-term assessment of the city's transportation needs. Integrated with Metrorail and other transit services, the 37-mile system would extend transit to large, underserved portions of Washington, D.C., and expand the benefits of transit for many areas already served by Metrorail (DCOP 2012).

There are currently four alternatives for the north-south line currently undergoing environmental review by the District Department of Transportation (DDOT) that are near the JEH parcel (DDOT 2014a). Alternative 1 would have a direct north-to-south alignment down 7th Street NW, passing one to two blocks east of the JEH parcel. Alternative 2 would meander through Washington, D.C., traveling from Georgia Avenue near Howard University, to 14th Street NW, and eventually along 7th Street NW, again passing one to two blocks east of the JEH parcel. Alternative 3 would also pass the JEH building one to two blocks east on 7th Street NW, and then travel along Pennsylvania Avenue. Alternative 4 would travel directly in front of the JEH building along Pennsylvania Avenue. To date, there has not been a preferred alternative identified for this transit corridor development nor is there an implementation or goal in-service date. DDOT would perform the required studies and environmental documentation to support their eventual decision. Figure 4-10 illustrates the four alternatives under consideration.

The area surrounding the JEH parcel is already well connected to a variety of public transit options that connect JEH to other locations throughout the NCR. Implementation of a north-south streetcar connection would complement the existing public transit options and is consistent with other land use plans in the study area.

Extending the Legacy: Planning America's Capital for the 21st Century

Extending the Legacy was prepared by NCPC in 1993 to provide the opportunity to address some of the city's urgent needs including jobs, housing, and transit (NCPC 1993). Developed in collaboration with a team of public- and private-sector architects, urban designers, economists, and transportation planners, and with input provided through public participation, the document builds on the planning traditions of the McMillan Plan and its predecessor the L'Enfant Plan of 1791. The five major themes of Extending the Legacy include (NCPC 1993):

1. Building on the historic L'Enfant and McMillan Plans, which are the foundation of modern Washington.
2. Unifying the city and the Monumental Core, with the Capitol at the center.
3. Using new memorials, museums, and other public buildings to stimulate economic development.
4. Integrating the Potomac and Anacostia Rivers into the city's public life and protecting the Mall and the adjacent historic landscape from future development.
5. Developing a comprehensive, flexible, and convenient transportation system that eliminates barriers and improves movement within the city.

Extending The Legacy plans to enhance 8th Street NW between the National Archives and Mount Vernon Square as the spine of a growing downtown arts and entertainment district. There would be new museums, theatres, and an opera house that would complement that National Portrait Gallery, the National Museum of Art, and the convention center. The plan also recommends incorporating government buildings into mixed-use districts that support a range of public activities, including shopping, dining, and entertainment.

4.1.5 Visual Resources

This section describes the visual resources and aesthetics within the vicinity of the JEH parcel.

There are 7 floors above ground (110 feet) on the Pennsylvania Ave NW side of the JEH building and 11 floors above ground (168 feet) on the E Street NW side. The exterior is composed of buff-colored concrete with deep-set windows on floors 3 through 11. The FBI building's fortress-like facades are "inaccessible that the building is out of character with the hopes for pedestrian-oriented development of the Avenue" (NPS 2007). Three rows of street trees exist within a broad sidewalk area along Pennsylvania Avenue NW, and one row of street trees exists within more narrow sidewalks along 9th Street NW and 10th Street NW. Large planters also line the sidewalks on all four sides. Street lamps along the sidewalks provide ample light from evening to early morning.

The JEH building is well-integrated into a dense, urban landscape surrounded by streets and buildings on all four sides. Immediately surrounding the JEH building are additional government, residential, and office buildings that are of a similar scale. The parcel itself is located along Pennsylvania Avenue, which is a unique corridor of historical and cultural importance. The visual and aesthetic character of the corridor has been guided by the planning and design principles found in the PAP, described in section 4.1.4.2, and the historic preservation goals of the Pennsylvania Avenue National Historic Site (NHS), described in section 4.1.7.2, which played a critical role in the beginning of the national historical preservation movement.

The buildings in the JEH study area contribute to the cultural and historical significance of the area. Pennsylvania Avenue, known as America's "Main Street" and "most magnificent" of avenues, is nationally recognized as the location for inaugural parades, state funerals, First Amendment marches, and national celebrations. Monumental architecture, with national ideals inscribed on the facades of Federal buildings, monuments, parks, fountains, and sculptures help to strengthen the Avenue with civic spaces. Section 4.1.7.2 provides a detailed description of the architectural qualities of the study area.

The JEH parcel exists in an area with unique views. The Capitol Building is clearly visible when looking southeast along Pennsylvania Avenue from the parcel, but the JEH building is not clearly visible from the Capitol. A variety of historically and visually noteworthy buildings and public spaces have views of the JEH building, including Market Square, National Archives, the Department of Justice, Old Post Office building, Evening Star building, and the William Jefferson Clinton Federal Building along Pennsylvania Avenue. Due to the alignment of Pennsylvania Avenue, intervening topography, and the presence of large, mature street trees, the JEH parcel is not within the White House viewshed. Ford's Theater has a direct view of the JEH parcel across E Street NW. Other prominent locations with limited views of JEH along 9th, 10th, and E Streets NW include the Smithsonian National Museum of Natural History and the National Mall.



View of JEH building from archives building, looking northwest

JEH VISUAL RESOURCES AFFECTED ENVIRONMENT OVERVIEW

- The JEH building is well-integrated into a dense urban landscape surrounded by streets and government and office buildings of a similar scale as the JEH building.
- The parcel itself is located along Pennsylvania Avenue, a unique corridor of historical and cultural importance whose visual character has been guided by the Pennsylvania Avenue Plan.
- The U.S. Capitol is clearly visible towards the southwest, while a variety of historically and visually noteworthy buildings have views of the JEH building.

**JEH CULTURAL RESOURCES
AFFECTED ENVIRONMENT
OVERVIEW**

- Because the JEH site is a fully developed urban site in a part of the city that is constructed on fill, there is little chance that there are extant archaeological resources.
- Six historic districts and 20 buildings and structures that are individually listed in or eligible for listing in the NRHP are located within the boundaries of the APE, notably the Pennsylvania Avenue NHS.
- GSA completed a Determination of Eligibility for the JEH building and concluded that the building did not meet the eligibility requirements for listing in the NRHP. The DC SHPO concurred with this determination on March 6, 2014.

AREA OF POTENTIAL EFFECT (APE)

A geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties

Table 4-1: Historic Districts and Structures in APE

Map ID	Resource Name	Listing/Eligibility
1	Central National Bank (Apex Building)	NRHP Listed
2	Court of Appeals (U.S. Court of Military Appeals)	NRHP Listed
3	Department of Treasury	NRHP Listed, NHL
4	District Building	NRHP Listed
5	Downtown Historic District	NRHP Listed
6	Federal Triangle Historic District	NRHP Eligible
7	Fifteenth Street Financial Historic District	NRHP Listed
8	Ford's Theater and Petersen House	NRHP Listed
9	General Post Office (General Land Office) (Hotel Monaco)	NRHP Listed
10	Hotel Washington	NRHP Listed
11	Lafayette Square Historic District	NRHP Listed, NHL
12	LeDroit Block	NRHP Listed
13	L'Enfant Plan	NRHP Listed
14	National Archives	NRHP Listed
15	National Bank of Washington	NRHP Listed
16	National Union Building	NRHP Listed
17	National Mall Historic District	NRHP Listed
18	Old City Hall (District of Columbia Court of Appeals)	NRHP Listed, NHL
19	Old Patent Office (National Portrait Gallery)	NRHP Listed, NHL
20	Old Post Office	NRHP Listed, NHL
21	Pension Building (National Building Museum)	NRHP Listed, NHL
22	Pennsylvania Avenue Historic Site Historic District	NRHP Listed
23	United States Courthouse for the District of Columbia	NRHP Listed
24	Temperance Fountain	NRHP Listed
25	Washington Loan and Trust Company	NRHP Listed
26	Willard Hotel	NRHP Listed

4.1.6 Cultural Resources

GSA, in consultation with the Washington, D.C., Historic Preservation Office (DC SHPO) and in accordance with the regulations implementing Section 106 of the National Historic Preservation Act (NHPA), has determined the Area of Potential Effect (APE) of the Proposed Action on historic properties. Its boundaries have been drawn primarily to acknowledge the prominence and the visibility of the JEH parcel along Pennsylvania Avenue and from a variety of prominent nearby locations. The National Mall Historic District was included in the boundaries of the APE to account for potential visual impacts on the National Mall and its historic resources.

4.1.6.1 Archaeological Resources

Because the JEH parcel is a fully developed urban site in a part of the city that is constructed on fill, there is little chance that there are extant archaeological resources. In addition, as a Federal project, the construction of the JEH building initiated in 1967 was subject to requirements of the NHPA, and any archaeological resources on the site would have been excavated and catalogued at that time if they were present. The potential that archaeological resources exist on the site is very low.

4.1.6.2 Historic Resources

Six historic districts and 20 buildings and structures that are individually listed in or eligible for listing in the National Register of Historic Places (NRHP) are located within the boundaries of the APE. Table 4-11 lists the historic districts and structures that were identified within the boundaries of the APE as well as the historic resources in proximity to the JEH parcel. Descriptions of the districts and the individually listed or eligible historic resources within the Pennsylvania Avenue NHS are described in this section.