

Government of the District of Columbia

ZONING COMMISSION



Zoning Commission Order No. 224

Case No. 77-37

June 8, 1978

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on February 6 and 13, 1978 to consider amendments to the text of the Zoning Regulations regarding the implementation of the Pennsylvania Avenue Plan, as well as other changes to the various commercial districts. The proposals which were the subject of those hearings would have accomplished the following:

1. Raised the limit on building heights in the C-4 District to the maximum permitted under the Act of 1910,
2. Deleted the setback presently required at the 110 foot level in the C-4 District.
3. Equalized residential and commercial floor area ratios in all commercial districts,
4. Replaced lot occupancy limitations with a requirement for residential open space in all commercial districts,
5. Equalized the rear yard, side yard and court requirements for residential and commercial structures in all commercial districts,
6. Established a bonus incentive system for improved designs of buildings in the C-4 District,
7. Added certain new definitions,
8. Modified the arcade requirements in C-3-B and C-4 District,
9. Regulated the uses of rooftops in all commercial districts.

At the public hearings, there was testimony both in form of and opposed to the proposed amendments. The Commission also received a number of written submissions in the record after the hearing. One of the basic themes of the testimony was that the implementation of the Pennsylvania Avenue Plan should be separated from the other proposed changes to the commercial districts, and furthermore, that the regulations regarding the Pennsylvania Avenue Plan area should be separated from those applying to C-4 Districts. At its public meeting held on March 9, 1978, the Commission directed that the staff prepare a new zone district, to be called C-5, to be applied only to the Pennsylvania Avenue Plan area and that such new district be advertised for further hearings. The Commission directed that the remaining proposals related to other commercial districts be incorporated into the notice for Case 78-1, which discussed overall revisions to the commercial districts.

Pursuant to notice, an additional public hearing was held on April 12, 1978 to consider the C-5 District. The proposed district would have a maximum height of 130 feet, except that a height of 160 feet would be permitted under certain conditions along Pennsylvania Avenue. The proposed maximum Floor Area Ratio would be 10.0. The uses permitted would be the same as those permitted in C-4. The District also would contain a bonus incentive system, to allow a density up to 12.0 FAR, provided that certain amenities were provided in return for the increase in density over the normal maximum of 10.0 FAR. The C-5 District was proposed to be mapped for the entirety of the five squares fronting on Pennsylvania Avenue N. W. between 10th and 15th Streets .

These amendments were proposed to implement the Pennsylvania Avenue Plan- 1974. That plan was prepared by the staff of the Pennsylvania Avenue Development Corporation which was created by Congress by the Pennsylvania Avenue Development Corporation Act of 1972. In that Act, Congress declared that it was in the national interest to revitalize Pennsylvania Avenue in a manner suitable to its ceremonial, physical, historical and downtown functions. The Corporation began its work in late 1973, and, after extensive meetings with representatives of government, businesses, professional and community groups, a plan was eventually approved by the Board of Directors in November, 1974. The plan was subject to thorough review by the District of Columbia Government and the United States Department of the Interior prior to its approval. The plan was subsequently adopted by the U. S. Congress in May of 1975.

The plan divides the area within the jurisdiction of the Corporation into two general land use areas, with the J. Edgar Hoover FBI Building serving as the dividing point. The area west of the Building, between 10th Street and East Executive Avenue, was designated for high density office, retail, entertainment and hotel uses. The area east of the Building, between 9th and 3rd Streets, was designated primarily for residential use, but would also include some retail, office and government uses. The west site was designated for a maximum building height of 160 feet, while the east site was proposed for a maximum of 110 feet in height. These maximum limitations are more specifically detailed in the plan, and include required setbacks at the 135 foot level and lower heights adjacent to historic buildings. The plan also specifies maximum floor area ratios of 10.0 to 11.0 for the west site and 5.5 to 10 for the east sites.

In addition to the restrictions on private development described above, the plan also proposes major improvements to the public space along Pennsylvania Avenue. The Avenue will be completely landscaped and specially illuminated to distinguish its identity as the main street of the nation. Sidewalks will be widened and transformed into broad, tree-lined esplanades. Special public open spaces will be created at Market Square in front of the Archives between 7th and 9th Streets, at Western Plaza in front of the District Building between 13th and 14th Streets and Pershing Square in front of the Commerce Department between 14th and 15th Streets.

The west site is presently zoned C-4, which limits the height of buildings to 130 feet and the floor area ratio to 10.0. The east site is split between C-4 and C-3-B, which limits height to 90 feet and floor area ratio to 6.5. The requirements of the Plan are such that the existing zoning for the east site is generally compatible with the proposals of the plan. It is not necessary to make significant changes in the zoning to implement the plan for the east site.

The requirements of the plan for the west site are significantly different from the zoning. The changes of zoning proposed herein were designed to create a zoning mechanism which would implement the Pennsylvania Avenue plan particularly for the west site.

The Zoning Commission notes that the 1910 Height of Buildings Act (36 Stat. 452, 455) provides for a height limit of 160 feet along the "North side of Pennsylvania Avenue between First and Fifteenth Streets, Northwest." Until now, however, the Zoning Commission has not provided for that height in the Zoning Regulations at any point along Pennsylvania Avenue.

The Pennsylvania Avenue Development Corporation Plan, as previously cited, does provide for use of the 1910 Height Act limitation of 160 feet for the five blocks between Tenth and Fifteenth Streets, Northwest, along the North side of Pennsylvania Avenue. The Zoning Commission however, has herein limited the height at the building line to 135 feet, thus following the existing roof line on the south side of Pennsylvania Avenue, and has further required that a minimum fifty foot setback must be observed before the building height can rise to 160 feet. The Commission notes that several existing buildings in those particular blocks are already at the 160 foot height level, including the Willard Hotel, and the National Press Building. The F.B.I. Building, between Ninth and Tenth Streets, is also 160 feet high.

Because of the Acts of Congress that provide for that height in that area of the city, and because of the existing skyline having already established an urban design vista that would remain essentially unchanged, the Commission finds it desirable to support the basic legislative goals of the Pennsylvania Avenue Development Corporation which are, to enhance the architectural significance of the historic Avenue and to provide new development that can act as a catalyst for the physical and economic revival of the "old" downtown areas.

The Commission further anticipates that the very stringent development controls that are, by law, a part of the Pennsylvania Avenue Development Plan, will serve, together with the necessary Commission on Fine Arts approvals, as an excellent means of achieving a high quality total result, as development proposals for the various properties are received for consideration by the Corporation.

The Zoning Commission notes that this is a unique situation in the District of Columbia. This is the only area of the city where the Act of 1910 permits a height in excess of

130 feet. This is also the only area of the city where Congress has approved a specific plan of development for private property. The Commission therefore notes that by virtue of the actions taken herein, the Commission is not setting a precedent for generalized increases in height or density in other areas of the city.

The Commission also notes that under the terms of the PADC Act, the Corporation has the power to review and approve the design of all buildings within the plan area. The Corporation will adopt regulations in the future to govern the design of all buildings. The regulations adopted by this order contain a paragraph which requires that all new construction receive the prior approval of the Pennsylvania Avenue Development Corporation.

The proposed amendments were referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the proposed amendments will not have an adverse impact on the Federal Establishment or other Federal interests in the National Capital and are not inconsistent with the Comprehensive Plan for the National Capital.

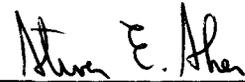
The proposed amendments are in the best interests of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and are consistent with the intent and purpose of the Pennsylvania Avenue Development Corporation Act and the Pennsylvania Avenue Plan. The Zoning Commission therefore hereby orders adoption of the following amendments to the Zoning Regulations and Maps:

1. Change from C-4 to C-5 of all of the property in Squares 225, 291, 254, 322 and 348.
2. All of those changes contained in the "Text and Amendments of Proposed C-5 District, "dated June 8, 1978, a copy of which is attached hereto and made a part hereof.

Vote of the Commission taken at the public hearing held on May 18, 1978: 3-0 (George M. White, John G. Parsons and Walter B. Lewis to adopt, Theodore F. Mariani and Ruby B. McZier not present, not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on June 8, 1978 by a vote of 3-0 (George M. White, John G. Parsons and Walter B. Lewis to adopt, Ruby B. McZier not voting, not having participated in the case, Theodore F. Mariani not present, not voting).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 16 JUN 1978.

TEXT AND AMENDMENTS OF PROPOSED C-5 DISTRICT

June 8, 1978

A. Add a new Section 5105 to Article 51 -- Use Regulations for Commercial Districts, creating a C-5 District (Pennsylvania Avenue Development (PAD) District and setting forth the permissible uses for that district.

Section 5105 -- C-5 District (Pennsylvania Avenue Development (PAD) District).

5105.1 -- The C-5 (PAD) District is established to promote and protect the public health, safety and general welfare and amenity in the area adjacent to the north side of Pennsylvania Avenue, Northwest, between 10th Street and 15th Street, N.W., consistent with the goals and mandates of the United States Congress set forth in the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871 et seq.) and in accordance with the plan promulgated under that Act.

Beyond these general purposes, the C-5 (PAD) is established for the following special purposes:

- (a) to encourage development to the potential permitted under the Act to Regulate the Height of Buildings in the District of Columbia, June 1, 1910, as amended, along a portion of the north side of Pennsylvania Avenue, Northwest as designated in that Act and the Pennsylvania Avenue Plan - 1974;
- (b) to reinforce Pennsylvania Avenue's unique role as a physical and symbolic link between the White House and the U.S. Capitol;
- (c) to improve land utilization in the prime location within the Downtown core of Washington, D.C.;
- (d) to improve the physical and economic relationship of the Downtown core of Washington, D.C.;
- (e) to encourage an appropriate mix of retail, entertainment, restaurants, and other facilities to serve shoppers, tourists and office populations; and,
- (f) to encourage the development of appropriate public spaces for their symbolic value as well as for their public use.

5105.2 -- Except as provided in Chapter 7, in the C-5 (PAD) District, 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 in the following paragraphs.

5105.3 -- The following uses are permitted as a matter-of-right:

5105.31 -- Any use permitted in a C-4 District under paragraph 5104.3; except that gasoline service stations are permitted only as an accessory use to a parking garage subject to the conditions of sub-paragraph 5101.32(i).

5105.4 -- The following uses are permitted if approved by the Board of Zoning Adjustment subject to the conditions specified in Section 8207 and below in each case:

5105.41 -- The uses as specified and controlled under sub-section 5104.4.

5105.5 -- Accessory uses and accessory buildings customarily incidental to the uses otherwise authorized by this section are permitted.

B. Amend the table in sub-section 5201.1 to include a height of buildings limitation for the C-5 (PAD) Districts:

| <u>5201.1 -- District</u> | <u>Height in Feet</u> | <u>Height in Stories</u> |
|---------------------------|-----------------------|--------------------------|
| C-5 (PAD) | 130' | No limit |

C. Renumber present paragraph 5201.23 as 5201.24 and insert new paragraph 5201.23 permitting the height of building limitation of sub-section 5201.1 to be exceed under certain conditions:

5201.23 -- In the C-5 (PAD) Districts, a building or other structure may be erected to a height not exceeding 160 feet, provided that:

5201.231 -- The building or other structure fronts on Pennsylvania Avenue, Northwest, between 10th Street and 15th Street, N.W., or on a public space or reservation adjacent thereto, as specified in paragraphs 1 and 2 of Section 5 of the Act to Regulate the Height of Buildings in the District of Columbia, June 1, 1910, as amended.

5201.232 -- The height of such building or other structure shall be measured only from the Pennsylvania Avenue curb opposite the middle of the front of the building or other structure to the highest point of the roof or parapet exclusive of any structure on the roof.

5201.233 -- That portion of such building or other structure which exceeds 135 feet in height shall be set back a minimum of 50 feet from the building line along Pennsylvania Avenue.

D. Add at the end of the first sentence of new paragraph 5201.24 the following restriction applicable to roof structures in a C-5 (PAD) District:

5201.24 . . . , except that in the C-5 (PAD) District, such a structure shall be set back from that portion of the perimeter of the roof fronting on a street a minimum distance equal to twice the height of the roof structure above the roof level on which it is situated.

E. Amend the table in sub-section 5301.1 to specify the permitted floor area ratio in the C-5 (PAD) District, as follows:

| <u>District</u> | <u>Floor Area Ratio</u> | |
|-----------------|---|-------------------------------------|
| | <u>Apartment House or Other Residential Use</u> | <u>Hotel or Other Permitted Use</u> |
| C-5 (PAD) | 10 | 10 |

F. Insert a new paragraph 5301.24 which permits the maximum floor area ratio to be increased in the C-5 (PAD) District:

5301.24 -- In the C-5 (PAD) District, the maximum permitted floor area ratio, as specified in paragraph 5301.1, may be increased as provided in sub-section 5307.1.

G. Add to the schedule appearing in sub-section 5302.1 on percentage of lot occupancy, the following material applicable to the C-5 (PAD) District:

| <u>District</u> | <u>Percentage of Lot Occupancy</u> |
|-----------------|------------------------------------|
| C-5 (PAD) | 100% |

H. Add to the schedule appearing in sub-section 5303.1 on rear yards, the following material applicable to the C-5 (PAD) District:

| <u>District and Structure</u> | <u>Minimum Depth of Rear Yard</u> |
|-------------------------------|---|
| C-5 (PAD) | |
| All Structures | Two and one-half inches per foot of vertical distance from the mean finished grade at the middle of the rear of the <u>structure</u> to the highest point of the main roof or parapet wall but not less than 12 feet. |

I. Add a new sub-section, to follow sub-section 5303.5, concerning the measurement of the depth of rear yards in the C-5 (PAD) District:

5303.6 -- In the C-5 (PAD) District, in lieu of measuring the rear yard from the rear lot line, the depth of rear yard required in sub-section 5303.1 may be measured as follows, subject to the configuration of the lot upon which the building or other structure is located.

5303.61 -- Where a lot abuts an alley, the depth of rear yard may be measured from the center line of the alley to the rear wall of the building or other structure. A rear yard on such a lot need not be provided below a horizontal plane 20 feet above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the 20 foot plane.

5303.62 -- Where a lot does not abut an alley, the depth of rear yard shall be measured as specified in the definition of rear yard, except a rear yard need not be provided below a horizontal plane 20 feet above the mean finished grade measured at the middle of the rear wall of that portion of the building or other structure below the 20 foot plane.

5303.63 -- In the case of a through lot or a corner lot abutting three or more streets, the depth of rear yard may be measured from the center line of the street abutting the lot at the rear of the building or other structure.

5303.64 -- In the case of a corner lot, a court complying with the width and area requirements of a closed court for a C-5 (PAD) District as specified in Section 5305.1 may be provided in lieu of a rear yard. For the purpose of this paragraph, the required court shall be provided above a horizontal plane beginning not more than 20 feet above the curb grade opposite the center of the front of the building and the width and area of such court shall be computed for the entire height of court.

J. Add a new paragraph 5304.16 to Section 5304, concerning side yards in a C-5 (PAD) District:

5304.16 -- In a C-5 (PAD) District, no side yard is required for any building or structure, but if such yard is provided, it shall be at least 2 inches wide for each foot of height of building, but not less than 6 feet.

K. Add to the schedule appearing in sub-section 5305.1 on the dimensions of open and closed courts the following material applicable to a C-5 (PAD) District:

| <u>District</u> | <u>Width of Open Court</u> | <u>Width and Area of Closed Court</u> |
|-----------------|--|---|
| C-5 (PAD) | | |
| All Structures | Two and one half inches per foot of <u>height of court</u> , but not less than six feet. | Width: Two and one-half inches per foot of <u>height of court</u> , but not less than 12 feet. Area: Twice the square of the required <u>width of court</u> dimension based on the <u>height of court</u> , but not less than 250 square feet. |

L. Insert a new Section 5307 at the end of Article 53 setting forth additional area and bulk regulations applicable to the C-5 (PAD) District:

Section 5307 -- Additional Area and Bulk Regulations Applicable to the C-5 (PAD) District

5307.1 -- Bonus Incentive System

5307.11 -- For the purpose of encouraging public amenities, development design, and in-town residential uses, the maximum permissible floor area ratio for a building or other structure in the C-5 (PAD) District specified in sub-section 5301.1 may be increased by a maximum additional floor area ratio of 2.0 for the improvements or amenities specified in the schedule below, provided that the criteria in sub-paragraphs 5307.121 through 5307.125 are satisfied. Where additional floor area or floor area ratio is awarded, any addition to the floor area ratio of the building or other structure created by such award may be used to exceed the floor area ratio limit in the C-5 (PAD) District prescribed in sub-section 5301.1. That limit shall not be exceeded by more than 2.0 FAR, even though more floor area ratio may be accrued by award under this paragraph.

In addition to those areas of a building normally included in the computation of gross floor area, the floor area of the following improvements or amenities are to be included in computing the gross floor area of the building of which they are a part: open arcade, enclosed pedestrian space, and through square connection.

Bonus Incentives

| <u>Type of Improvement</u> | <u>Maximum Floor Area Bonus or Floor Area Ratio Bonus</u> |
|--------------------------------------|--|
| (a) <u>Open Arcade</u> | 3 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of <u>open arcade</u> provided in accordance with sub-paragraph 5307.121. |
| (b) <u>Enclosed Pedestrian Space</u> | 4 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of <u>enclosed pedestrian space</u> provided in accordance with sub-paragraph 5307.122. |
| (c) <u>Through Square Connection</u> | 4 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of <u>through square connection</u> provided in accordance with sub-paragraph 5307.123. |
| (d) Theaters | 4 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of a legitimate theater or performing arts facility containing a minimum of 150 seats. Where a legitimate theater or performing arts facility contains 1200 or more seats, then an award of 8 gross square feet for each square foot of facility, may be made. The increase in bulk will be granted in accordance with sub-para. 5307.124. |
| (e) Residential Uses | additional <u>gross floor area</u> equal to a <u>floor area ratio</u> of 1.0 shall be granted where 20 or more residential units of any size are provided. |
| (f) <u>Closed Court</u> | 15 gross square feet may be added to the <u>gross floor area</u> of the <u>building</u> for each square foot of <u>closed court</u> in excess of the area requirement specified in sub-section 5305.1 for the C-5 (PAD) District in accordance with sub-paragraph 5307.125. |

5307.12 Bonus Criteria

5307.121 -- Open Arcades: Where an open arcade is provided, it must meet the following criteria to qualify for the award of the bonus specified in paragraph 5307.11:

(a) An open arcade for its entire length shall be along the perimeter of a building and adjoin a street. An open arcade shall also be open to the street it adjoins except for structural piers, columns or arches.

(b) An open arcade shall have an unobstructed and continuous passageway for its entire length of no less than 10 feet in width at any point.

(c) An open arcade shall be no less than 15 feet in height at any point within the arcade.

(d) An open arcade shall have its floor at the same level and continuous with the sidewalks, and shall connect to existing adjoining open arcades or shall be so constructed as to permit such connection in the future.

(e) The use of the area within an open arcade shall be essentially restricted to pedestrian uses, and vehicular access to or through an open arcade shall be minimized.

(f) An open arcade shall have retail and service uses fronting on it, with such uses directly accessible from the open arcade and the adjoining street.

(g) The floor area bonus awarded for the provision of an open arcade shall be computed on the basis of the floor area embraced within the boundary of the open arcade. Where vehicular access is permitted across an open arcade, that portion of the open arcade used as vehicular access space shall be excluded from the computation of the floor area of the open arcade for the purpose of determining the bonus incentive award under sub-paragraph 5307.11.

5307.122 -- Enclosed Pedestrian Space: Where an enclosed pedestrian space is provided in the C-5 (PAD) District, the space created must meet the following criteria before the floor area bonus in paragraph 5307.11 can be awarded:

(a) Access -- It shall be directly accessible to the public and shall be located so as to provide direct or indirect access to the public space of the main floor of the building.

(b) Ceiling Height -- The ceiling height shall be a minimum height of 20 feet above any floor level of the enclosed pedestrian space.

(c) Floor levels -- There may be more than one floor level in the enclosed pedestrian space, but inter-floor level barrier-free connections are required.

(d) Width -- The average horizontal dimensions between any of the walls forming an enclosed pedestrian space shall be at least 40 feet in width, but at no point shall the width be less than 30 feet, measured at the main pedestrian circulation floor level of the space; except when an entrance to the enclosed pedestrian space is provided at the facade of the building, the width of the entrance shall be no less than 20 feet.

(e) Overhead obstructions -- Pedestrian bridges, balconies, pennants, banners, lighting fixtures, mobiles or other decorative elements are permitted overhead obstructions, provided that they do not cover in the aggregate more than 30 percent of the floor area of the enclosed pedestrian space.

(f) An enclosed pedestrian space shall be appropriately lighted.

(g) Interfloor level connections, columns, or similar elements, planting, landscaping, ornamental fountains, statuary, bazaar furniture, kiosks, works of art, or other similar features are permitted within the enclosed pedestrian space, provided that pedestrian circulation is barrier-free and is not hampered by such features.

5307.123 -- Through Square Connection: Where a through square connection is provided in the C-5 (PAD) District, the space created within the square as the connection must meet the following criteria before additional gross square feet are awarded increasing the gross floor area of the building as specified in paragraph 5307.11:

(a) The exterior entrances of a through square connection shall be at the same level as the street it adjoins.

(b) A through square connection may be enclosed in whole or in part and must have an average width of at least 20 feet, but at no point shall the width be less than 15 feet. It shall have a minimum height of 20 feet.

(c) A through square connection may be created by linking one or more of the following: an open arcade, a portico, a plaza, an interior space or lobby of a building, a court, a rear yard, a side yard, or an enclosed pedestrian space. However, the floor areas of such features shall not be included in computing the floor area of the through square connection for determining the bonus incentive award under sub-paragraph 5307.11.

(d) Except for a building or other structure occupying a through lot or a corner lot bounded by three streets, no bonus incentive for a through square connection shall be awarded unless the Board of Zoning Adjustment has determined and is satisfied that the requirement of a continuous connection through the square can be accomplished.

(e) In the C-5 (PAD) District, a through square connection shall only be permitted between two parallel or opposite streets.

(f) A through square connection shall be appropriately lighted and shall be open to the public.

(g) A through square connection may contain ornamental fountains, sculptures, displays, or kiosks, provided that pedestrian circulation is barrier-free and is not hampered by such features.

(h) Only retail and service uses shall be provided along the through square connection.

5307.124 -- Theaters: The Board of Zoning Adjustment may authorize within a C-5 (PAD) District an increase in bulk as specified in paragraph 5307.11 for any new building containing a legitimate theater or similar performing arts facility. The Board may also prescribe appropriate conditions and safeguards to ensure the achievement of good design objectives, and in determining the precise extent of the increase permitted, the Board shall require that:

(a) The legitimate theater or similar performing arts facility is of a size and type appropriate for the C-5 (PAD) District;

(b) Adequate supporting facilities associated with the operation of a legitimate theater or similar performing arts facility, such as rehearsal areas, studios, or storage space are provided; and,

(c) Open spaces, open arcades, through square connections, enclosed pedestrian spaces, mass transit and vehicular circulation are adequate to accommodate the circulation of pedestrians or vehicles attracted by such facilities.

5307.125 -- Closed Courts: Where a closed court in the C-5 (PAD) District is enlarged for the purpose of obtaining an award of a bonus incentive, the following criteria shall be met:

(a) Uses -- A closed court shall be landscaped and may be used for a restaurant, a recreational purpose, or an exhibit purpose.

(b) Structures -- No permanent structure shall be permitted in the closed court, except structures incidental to the landscaping such as fountains or art objects. Temporary structures incidental to a cafe or an exhibit purpose are permitted.

(c) Access -- A closed court for which a bonus incentive award is sought shall be directly accessible to the public and shall be connected to the public space of the main floor of the building. Vehicular access or use of the closed court is prohibited if a bonus incentive is awarded.

(d) Only that portion of the area of a closed court in excess of the requirement under sub-section 5305.1 shall qualify for a bonus incentive as provided under paragraph 5307.11.

5307.13 Bonus Incentives -- Application, Review and Award

5307.131 -- Application, review and award under the Bonus Incentive System shall be made to the Board of Zoning Adjustment which shall process the application in accordance with its normal rules of procedure.

5307.132 -- Application shall be filed with the Board and it shall include the following information:

(a) A statement describing the amenity to be provided and the bonus requested including a detailed statement showing how the application meets the requirements of the regulations.

(b) A finished site plan showing the location and external dimensions of all buildings and other structures, utilities and other easements, walkways, driveways, plazas, planting, and any other open space.

(c) A landscape plan showing all existing contour lines and landscaping to be retained and all new contours, planting and landscaping.

(d) A circulation plan, including pedestrian and vehicular access ways and areas devoted to parking and loading.

(e) Floor plan of the level upon which a bonus element is proposed.

(f) Architectural elevations for all open sides of the proposed building.

(g) Computation of gross floor area and FAR of the proposed bonus element.

(h) A development schedule for the total site showing: the total lot area, total FAR, gross floor area devoted to each use, the total number by type of residential uses, the total number of off-street parking spaces, and the total number of off-street loading berths.

5307.133 -- Review and Award

The Board of Zoning Adjustment shall review the application made under the Bonus Incentive System and may award additional square feet in an amount not to exceed the limitations set forth in paragraph 5307.11 applying criteria in sub-paragraphs 5307.12 1 through 5307.125, provided that:

(a) The application has received the approval of the Pennsylvania Avenue Development Corporation;

(b) The application would be consistent with the intent and purposes of the C-5 (PAD) District by encouraging improved pedestrian circulation and activities, mixture of uses and more attractive urban design;

(c) The proposed development under a bonus award would not significantly and adversely impact upon adjoining property; and,

(d) Before taking final action on the application, pursuant to this sub-section, the Board has referred the application to the Municipal Planning Office for coordination, review and report of appropriate departments and agencies of the District of Columbia.

(e) The Board of Zoning Adjustment may require such other special conditions as it deems necessary to protect neighboring or adjacent property and to generally promote the public health, safety and welfare.

5307.2 Residential Recreation Space

5307.21 In a C-5 (PAD) District, when all or a portion of a building is devoted to a residential use other than a hotel, residential recreational space shall be provided as specified below:

(a) An area equal to not less than 5 percent of the gross floor area devoted to residential use shall be provided as residential recreation space.

(b) Residential Recreation Space shall be suitably equipped and/or landscaped and devoted to active or passive recreation of the residents.

(c) Residential recreation space may be located at ground level, on or above the residential plane, on rooftops or within a building or other structure. The area of a balcony shall not be counted to satisfy the residential recreation space requirement of a building where the balcony, or a portion of it, adjoins an individual residential unit and is accessible only from that unit.

(d) If any portion of a roof is to be used for residential recreation space, the roof area shall have no dimension less than 25 feet.

(e) No less than 50 percent of the total residential recreation space shall be outdoors.

(f) Residential recreation space shall have adequate safety and security provisions.

(g) Residential recreation space shall be freely accessible by all residents of the building served by that space.

(h) The floor area devoted to residential recreation space shall not be counted in determining the amount of off-street parking spaces or loading berths.

M. In Section 7202, Schedule of Requirements for Parking Spaces, add "C-5" (PAD) in all items of the schedule where the requirements presently apply to "C-4".

N. Add a new Sub-section 7202.5 specifying an additional requirement for parking in a C-5 (PAD) District.

7202.5 -- In a C-5 (PAD) District, the allocation of parking spaces shall be consistent with applicable public policy or plans in effect at the time of the zoning review.

O. In Section 7302, Schedule of Requirements for Loading Berths and Loading Platforms, add "C-5 (PAD)" in all items of the schedule where the requirements presently apply to "C-4".

P. Add the following new definitions to Section 1202:

Enclosed Pedestrian Space: An area, located within a building, designed for pedestrian use and enclosed on all sides, which may be covered by a roof of a transparent material which exposes the area to natural light.

Open Arcade: A continuous area, located along the perimeter of a building, designed for pedestrian uses, and which adjoins a street for its entire length, and except for structural piers, columns or arches, is open to the street.

Residential Recreation Space: An area on the lot or within the building or other structure which is equipped or landscaped for recreational use by the residents of the building or other structure and is freely accessible to such residents.

Through Square Connection: A continuous improved area through a square for pedestrians providing a connection between two parallel or opposite streets, or on a corner lot provided that the entrances to the area are not less than thirty (30) feet from the corner.

- Q. Modify the definition of Height of Court in Section 1202 to read as follows:

Height of Court: The vertical distance from the lowest level of the court to the highest point of any bounding wall.

- R. Insert a new Section 7616.

The new section defines the relationship of the Pennsylvania Avenue Development Corporation and the Pennsylvania Avenue Plan - 1974 to the District of Columbia Zoning Regulations.

Section 7616 -- Relationship of Pennsylvania Avenue Plan to Zoning

7616.1 -- Pursuant to Section 7(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 92-578, October 27, 1972), as amended, all new construction, including substantial remodeling, conversion, rebuilding, enlargement, major structural improvement of an existing building or demolition thereof, must receive prior approval and certification by the Corporation that such construction is consistent with the carrying out of the Pennsylvania Plan - 1974.

- S. All other appropriate technical changes to the Zoning Regulations of the District of Columbia to incorporate a C-5 (PAD) District.