



GSA National Capital Region

September 25, 2015

Anthony J. Hood, Chairman
Zoning Commission for the District of Columbia
441 4th Street NW
Suite 210 South
Washington, DC 20001

Re: GSA Comments to the Case Number (ZC Case No. 08-06A) Title 11, Zoning Regulations – Comprehensive Text Revisions – ZC Proposed Action December 2014

Dear Mr. Hood:

The U.S. General Services Administration (GSA) commends the District of Columbia for its efforts to update the City's zoning regulations and, as a member agency of the National Capital Planning Commission, supports the City's goals to promote sustainable economic development by creating regulations that provide for a balanced mixture of land uses, streamlined development process, quality urban design, livability and historic preservation.

Given the current and foreseeable Federal authorizing and appropriations climate, consistent with Executive Order and other applicable authority, GSA has initiated a nationwide program involving innovative reutilization transaction structures to meet the long term needs of Federal agencies and achieve best value to the government and taxpayers. Under this program, the Federal government may exchange underutilized Federal assets with private developers for construction services. As you may know, GSA is considering the exchange of several prominent parcels in Washington, DC, which if redeveloped could catalyze investment in their surrounding neighborhoods and hasten realization of the City's long-term vision for those areas. While the Federal government is not subject to local zoning, a number of Federal facilities and buildings owned by GSA are located within areas in Washington, DC where the proposed zoning regulations would apply if GSA were to divest the U.S. of its title in those buildings and facilities. It is in this context that GSA has evaluated the proposed zoning and identified general themes and specific requirements that are counter to our shared goals and will impair the economic feasibility of our program.

GSA's primary concerns are summarized below, with more detailed comments and proposed revisions included as Attachment #1 to this letter.

Large-Scale Government Uses. GSA supports the goals and purposes of the Downtown Zones but asserts that "Large-scale government uses" would directly support the implementation of these goals in many aspects. Requiring a special exception to allow large-scale government uses, which the zoning language does not define or quantify, may be counter to achieving some of our shared goals and would unfairly burden a large government use(s). At a minimum, it would seem that it would not be in any party's interest if this provision prohibited or negatively affected the Federal government's leasing transactions with the private sector community.

U.S. General Services Administration
301 7th Street, SW
Washington, DC 20407
www.gsa.gov

ZONING COMMISSION
District of Columbia
CASE NO.08-06A
EXHIBIT NO.1052

Historic Properties. Over 45% of GSA's portfolio in the National Capital Region is comprised of properties that are either a National Historic Landmark, National Register-listed or National Register-eligible. Placing density restrictions on historic Federal buildings or the portion of the lot within the historic structure's footprint where GSA may divest the U.S. of its interests creates limitations that may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm. For Federal buildings where GSA may divest the U.S. of its interests, GSA must complete National Environmental Policy Act compliance and National Historic Preservation Act (Section 106) consultation. Our comments request inclusion of zoning language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s).

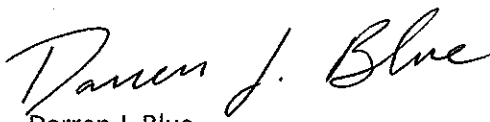
D-8 Zone. GSA intends to be a long-term owner and operator of real estate throughout the D-8 zone for the foreseeable future and as such will be the primary catalyst to foster the transition of the area. The proscriptive language of the D-8 zone as currently drafted will adversely affect shared redevelopment goals and ultimately the feasibility of executing projects to re-utilize various properties that could improve the public realm. GSA recommends language that provides for flexibility comparable to that which is proposed for other downtown zones to allow the Federal government, the District of Columbia, and other stakeholders the opportunity to work collaboratively to establish a comprehensive urban plan that can meet the goals of all parties.

Restoration of L'Enfant Streets. GSA shares the belief that restoration of historic L'Enfant Plan streets is desirable. However, restoration goals must be balanced with practical realities of contemporary urban design, supporting the local transportation network, and real estate best practice.

GSA strongly recommends the formulation of a stakeholder working group to develop a street network for the D-8 Zone that balances all stakeholder considerations including development feasibility, historic preservation, urban design and transportation.

GSA appreciates the opportunity to comment on this important initiative and looks forward to continued participation in the zoning process. If you have any questions, please feel free to contact Mina Wright at (202) 401-4522.

Sincerely,



Darren J. Blue

Regional Commissioner
Public Building Service
National Capital Region

GSA Comments to the Case Number (ZC Case No. 08-06A) Title 11, Zoning Regulations – Comprehensive Text Revisions – ZC Proposed Action December 2014

**Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015**

200 Density - 200.2 (a) and (d) and 200.3.

GSA General Comment: Placing density restrictions on historic Federal buildings or the portion of the lot within the historic structure's footprint where GSA may divest the United States of its interests creates limitations that may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm. For Federal buildings where GSA may divest the U.S. of its interests through disposition, GSA must complete NEPA to evaluate the disposal action and identify reasonably foreseeable development scenarios to determine the indirect impacts of the disposal action. National Historic Preservation Act (Section 106) compliance will be completed prior to disposition incorporating GSA's consultation with appropriate parties.

GSA Specific Comment: GSA requests inclusion of language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s) from Section 200.

200 Density - 200.4 (c)(1).

GSA Specific Comment: GSA requests clarification as to why properties in D-2 are not eligible to use credits.

303 Uses Permitted by Special Exception - 303.1(c). Large-scale government uses.

GSA General Comment: GSA supports the goals and purposes of the Downtown Zones as defined in Section 100.1(b), but asserts that "Large-scale government uses" would directly support the implementation of these goals in many aspects. Requiring a special exception to allow large-scale government uses, which the zoning language does not define or quantify, may be counter to achieving some of our shared goals and would unfairly burden a large government use(s). At a minimum, it would seem that it would not be in any party's interest if this provision prohibited or negatively affected the Federal government's leasing transactions with the private sector community.

GSA Specific Comment: Delete 303.1(c). If language is to be retained, GSA requests further definition of the term 'large-scale government use' and identification of criteria for its determination.

GSA Comments to the Case Number (ZC Case No. 08-06A) Title 11, Zoning Regulations – Comprehensive Text Revisions – ZC Proposed Action December 2014

**Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015**

509 Density (D-2) - 509.4.

GSA Specific Comment: GSA requests clarification as to why properties in D-2 are not eligible to use credits.

510 Height (D-2) - 510.2.

GSA General Comment: Placing density restrictions on historic Federal buildings or the portion of the lot within the historic structure's footprint where GSA may divest the U.S. of its interests creates limitations that may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm. For Federal buildings where GSA may divest the U.S. of its interests through disposition, GSA must complete NEPA to evaluate the disposal action and identify reasonably foreseeable development scenarios to determine the indirect impacts of the disposal action. National Historic Preservation Act (Section 106) compliance will be completed prior to disposition incorporating GSA's consultation with appropriate parties.

GSA Specific Comment: GSA requests inclusion of language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s) from Section 510.2.

516 Density (D-3) - 516.1(c).

GSA Specific Comment: Add 'then' to 516.1(c). Edit to read "If conditions (a) or (b) are not satisfied, THEN through the employment of credits provided for by Subtitle I, Chapters 8 and 9"

517 Height (D-3) - 517.2.

GSA General Comment: Placing density restrictions on historic Federal buildings or the portion of the lot within the historic structure's footprint where GSA may divest the U.S. of its interests creates limitations that may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm. For Federal buildings where GSA may divest the U.S. of its interests through disposition, GSA must complete NEPA to evaluate the disposal action and identify reasonably foreseeable development scenarios to determine the indirect impacts of the disposal action. National Historic Preservation Act (Section

GSA Comments to the Case Number (ZC Case No. 08-06A) Title 11, Zoning Regulations – Comprehensive Text Revisions – ZC Proposed Action December 2014

**Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015**

106) compliance will be completed prior to disposition incorporating GSA's consultation with appropriate parties.

GSA Specific Comment: GSA requests inclusion of language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s) from Section 517.2.

524 Density (D-4) - 524.2(c).

GSA Specific Comment: Add 'then' to 524.2(c). Edit to read "If conditions (a) or (b) are not satisfied, THEN through the employment of credits provided for by Subtitle I, Chapters 8 and 9"

524 Density (D-4) and 525 Height (D-4) - 524.2 and 525.1.

GSA General Comment: For Federal buildings fronting Constitution Avenue in zones D-3 and D-4, placing uniform development requirements where GSA may divest the U.S. of its interests promotes real economic development goals and real estate feasibility. For Federal buildings that GSA may divest the U.S. of its interests, GSA must complete NEPA to evaluate the disposal action and identify reasonably foreseeable development scenarios to determine the indirect impacts of the disposal action. National Historic Preservation Act (Section 106) compliance will be completed prior to disposition incorporating GSA's consultation with appropriate parties.

GSA Specific Comment: GSA requests that buildings fronting Constitution Ave be held to the higher 110' maximum permitted height and 9.0 maximum permitted FAR of D-3 zone. In lieu of a 9.0 maximum FAR, include language that allows for the height of buildings fronting Constitution Ave. to exceed 90 ft. with similar language as has been drafted in Section 525.2(a)-(e).

525 Height (D-4) - 525.3.

GSA General Comment: Placing density restrictions on historic Federal buildings or the portion of the lot within the historic structure's footprint where GSA may divest the U.S. of its interests creates limitations that may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm. For Federal buildings where GSA may divest the U.S. of its interests through disposition, GSA must complete NEPA to evaluate the disposal action and identify reasonably foreseeable development scenarios to

GSA Comments to the Case Number (ZC Case No. 08-06A) Title 11, Zoning Regulations – Comprehensive Text Revisions – ZC Proposed Action December 2014

Attachment #1 – Detailed Comments and Proposed Revisions Dated September 25, 2015

determine the indirect impacts of the disposal action. National Historic Preservation Act (Section 106) compliance will be completed prior to disposition incorporating GSA's consultation with appropriate parties.

GSA Specific Comment: GSA requests inclusion of language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s) from Section 525.3.

539 Density (D-5) - 539.1(c).

GSA Specific Comment: Add 'then' to 539.1(c). Edit to read "If conditions (a) or (b) are not satisfied, THEN through the employment of credits provided for by Subtitle I, Chapters 8 and 9."

540 Height (D-5) - 540.3.

GSA General Comment: Placing density restrictions on historic Federal buildings or the portion of the lot within the historic structure's footprint where GSA may divest the U.S. of its interests creates limitations that may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm. For Federal buildings where GSA may divest the U.S. of its interests through disposition, GSA must complete NEPA to evaluate the disposal action and identify reasonably foreseeable development scenarios to determine the indirect impacts of the disposal action. National Historic Preservation Act (Section 106) compliance will be completed prior to disposition incorporating GSA's consultation with appropriate parties.

GSA Specific Comment: GSA requests inclusion of language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s) from Section 540.3.

562 Density (D-6) - 562.1(c).

GSA Specific Comment: Add 'then' to 562.1(c). Edit to read "If conditions (a) or (b) are not satisfied, THEN through the employment of credits provided for by Subtitle I, Chapters 8 and 9."

Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015

569 Density (D-7) - 569.1(a)(b)(c).

GSA Specific Comment: This section includes a reference to an incorrect provision and suggests that the use of credits are limited to residential use. GSA assumes the intent is to allow credits to be used for non-residential density and suggests the following text edits:

“(a) *if all* of the building’s FAR is devoted to residential use;

(b) If all FAR exceeding the non-residential density permitted in Subtitle I § 569.3 Density (D-7) is devoted to residential use, or

(c) If conditions (a) or (b) are not satisfied, *then* through the employment of credits provided for by Subtitle I, Chapters 8 and 9.”

570 Height (D-7) - 570.1, 570.2 and 570.3

GSA General Comment: For a building in the D-7 zone on a lot fronting Pennsylvania Avenue, N.W., between 9th and 10th Streets, N.W, the proposed D-7 zoning limits the building height to 130’ and allows a height of 160’ subject to a Planned Unit Development (PUD). Language as proposed will create confusion regarding development feasibility, which will negatively impact GSA’s ability to meet shared objectives for redevelopment of the site. Moreover, GSA asserts the Pennsylvania Avenue Plan Amendment and attendant Square Guidelines, the product of collaboration among multiple District and Federal stakeholders, will provide the ability to meet shared objectives for the site without changes to the zoning. Pursuant to 40 USC 6712, modification or departure from any feature or detail of the 1974 Pennsylvania Avenue Plan without the prior approval of the GSA Administrator is prohibited. Requiring a property owner to go through the PUD process to achieve building heights otherwise allowed by the Pennsylvania Avenue Plan may undermine the Plan’s dominance on redevelopment of Squares 378 and 379 and such limitations would be inapplicable to development proposals.

Specific Comment: GSA requests language limiting heights below those allowed in the Pennsylvania Avenue Plan be eliminated.

1) Sections 570.2 and 570.3 Height (D-7) limit the height to 130’ and also require a PUD to achieve a height of 160’. GSA recommends these sections be deleted.

2) Section 570.1 Height (D-7) should be amended into include 9th Street. The section also references Sections 608.11 and 608.12, which do not exist. Instead, it should

**Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015**

reference Section 404, Additional Design-based Requirements and Permissions (from Chapter 4). To address these concerns, GSA recommends the following text edit:

“A building in the D-7 zone on a lot fronting Pennsylvania Avenue, N.W. between 9th and 15th Streets, N.W. may be erected to a height of one hundred sixty feet (160 ft.), subject to the Pennsylvania Avenue sub-area regulations in Subtitle I §§ 608.9 through 608.10 Pennsylvania Avenue Sub-Area and *Subtitle I § 404 Additional Design-Based Requirements and Permissions.*”

GSA Specific Comment: GSA requests adding maximum permitted height guidance for buildings not fronting Pennsylvania Avenue.

575 Development Standards (D-8)

GSA General Comment: GSA supports many of the goals that are currently defined in the Development Standards in Section 575.1. However, GSA intends to be a long-term owner and operator of real estate throughout the D-8 zone for the foreseeable future and as such will be the primary catalyst to foster the transition of the area. The proscriptive language of the D-8 zone as currently drafted will adversely affect shared redevelopment goals and ultimately the feasibility of executing projects that could improve the public realm. Absent significant changes in the current language, GSA may be unable to execute redevelopment within the D-8 Zone as funding requirements to implement broad change are directly tied to Return on Investment of the real estate within it, specifically the Independence Avenue parcels. GSA must continue to balance the current authorizing and appropriations environment as it makes informed decisions that are best for the needs of Federal tenants, the Washington, D.C. community, and the taxpayer. GSA recommends language that provides for flexibility comparable to that which is proposed for other downtown zones to allow the Federal government, the District of Columbia, and other stakeholders the opportunity to work collaboratively to establish a comprehensive urban plan that can meet the goals of all parties.

575 Development Standards (D-8) - 575.2

GSA General Comment: D-8 includes zoning text that prescribes a rights-of-way network that cannot be realized, because it will affect overall density. The rights-of-way suggested in the zoning language may generally exceed the rights-of-way needed for transportation purposes and prescribes a network that does not reflect a balancing of all considerations. GSA shares the belief that restoration of historic L’Enfant Plan streets is desirable. However, restoration goals

**Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015**

must be balanced with practical realities of contemporary urban design and real estate best practice; conditions to consider must include real estate feasibility, value to the taxpayer, urban design quality, and achievement of historic integrity. GSA finds the current language to be overly prescriptive and inconsistent with contemporary urban design best practice. A rigid provision to restrict construction within a street right-of-way that was included in the 1791 L'Enfant Plan, does not allow for redevelopment flexibility within segments of L'Enfant streets that have lost integrity, and whose restoration would not necessarily add functional or aesthetic value, even if reconstituted. While there are circumstances where restoration may be desirable, appropriate, feasible, and justified, there are other circumstances where restoration may not be feasible or recommendable for a myriad of legitimate reasons.

GSA strongly recommends the formulation of a working group consisting of GSA, DCOP, DCRA, DDOT, NCPC, NPS, and other stakeholders to be determined, to create a street network for the D-8 Zone that balances the concerns and considerations of ALL stakeholders. The collaborative work of a D-8 working group would result in a new D-8 street network (“D-8 Street Grid”), that supports common objectives and would be incorporated into the D-8 zoning regulations in a subsequent amendment; the “D-8 Street Grid” would then become the basis of the D-8 zoning regulations.

GSA Specific Comment: 575.2 and 575.2(a) - Delete all text. GSA recommends new text: “Eligibility for construction of a structure, building, or building addition in the D-8 Zone shall be in accordance with the forthcoming “D-8 Street Grid” (see general comments under 575 Development Standards (D-8) - 575.2). Any restrictions in Subtitle I § 575.2 may be modified by the Zoning Commission pursuant to an application for special exception approval consistent with Subtitle X, Chapter 9.”

576 Density (D-8) - 576.1(c).

GSA Specific Comment: Add ‘then’ to 576.1(c). Edit to read “If conditions (a) or (b) are not satisfied, THEN through the employment of credits provided for by Subtitle I, Chapters 8 and 9.

576 Density (D-8) - 576.5(b).

GSA Specific Comment: Delete 576.5(b) and edit to read “the D-8 Street Grid”.

**Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015**

576 Density (D-8) - 576.6.

GSA General Comment: Placing density restrictions on historic Federal buildings or the portion of the lot within the historic structure's footprint where GSA may divest the U.S. of its interests creates limitations that may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm. For Federal buildings where GSA may divest the U.S. of its interests through disposition, GSA must complete NEPA to evaluate the disposal action and identify reasonably foreseeable development scenarios to determine the indirect impacts of the disposal action. National Historic Preservation Act (Section 106) compliance will be completed prior to disposition incorporating GSA's consultation with appropriate parties.

GSA Specific Comment: GSA requests inclusion of language that specifically excludes any Federally owned historic landmarks or contributing building(s) in a historic district(s) from Sections 200 and 576.6.

581 Special Exceptions (D-8) - 581.1.

GSA General Comment: The intent of the NCPC referral process as proposed is unclear; review for non-Federal actions is currently beyond NCPC's purview. GSA respectfully requests specificity regarding the criteria to be used, the extent of evaluation, and proposed the authority for NCPC advisory review.

GSA Specific Comment: GSA recommends removal of NCPC referral for review and comment. If NCPC referral is to become mandatory, it is assumed that advisory review shall be limited to the Federal Interest. Additional language to clarify CFA review in accordance with the Shipstead Luce Act, where applicable, is also recommended.

581 Special Exceptions (D-8) - 581.2(b).

GSA General Comment: GSA supports the goal that the suggested/forthcoming "D-8 Street Grid" (see comments under Subtitle I § 575 Development Standards (D-8) - 575.2) properly balance and address the need for greater connectivity for pedestrians and vehicles; this goal should identify and inform the planning effort and should serve as the basis for the restoration or re-establishment of historic street rights-of-way where possible.

GSA Specific Comment: GSA recommends deleting 581.2(b) and reference instead to the forthcoming/suggested D-8 Street Grid.

**Attachment #1 – Detailed Comments and Proposed Revisions
Dated September 25, 2015**

581 Special Exceptions (D-8) - 581.2(f).

GSA General Comment: GSA does not recommend zoning include evaluation of proposals against specific LEED certification standards, as this system may be subject to change or evolution in the long-term. Moreover, LEED certification language seems overly prescriptive for zoning and is not specifically required in any other downtown zone.

GSA Specific Comment: GSA recommends language be changed to: “The project shall minimize impacts on the environment, as demonstrated through the provision of an evaluation of the proposal against DC’s Green Construction Code and Green Area Ratio requirements.”

581 Special Exceptions (D-8) - 581.3.

GSA Specific Comment: GSA recommends deletion of “With the exception....for government purposes,”; and beginning the sentence instead with “A property in the D-8 zone that does not conform...”

581 Special Exceptions (D-8) - 581.3(b).

GSA General Comment: GSA supports the goal that the suggested/forthcoming “D-8 Street Grid” (see comments under Subtitle I § 575 Development Standards (D-8) - 575.2) properly balance and address the need for greater connectivity for pedestrians and vehicles with input from DDOT; this goal should identify and inform the planning effort and should serve as the basis for the restoration or re-establishment of historic street rights-of-way where possible.

GSA Specific Comment: GSA recommends deleting 581.3(b), as DDOT’s input will be addressed in the forthcoming/suggested “D-8 Street Grid”.

608 Pennsylvania Avenue Sub-Area - 608.4 and 608.9

GSA Specific Comment: Section 608.4 Pennsylvania Avenue Sub-Area includes a table designating street segments and adjacent zoning that would apply to the heights of buildings on Squares 378 and 379. GSA recommends deleting the 9th Street, NW *West D-6 Adjacent Zone and D-6* from Pennsylvania Avenue, NW, North, which includes a D-6 Adjacent Zone and replace with D-7.

GSA Comments to the Case Number (ZC Case No. 08-06A) Title 11, Zoning Regulations – Comprehensive Text Revisions – ZC Proposed Action December 2014

Attachment #1 – Detailed Comments and Proposed Revisions Dated September 25, 2015

GSA Specific Comment: Section 608.9 Pennsylvania Avenue Sub-Area references how to measure heights of buildings. As noted earlier, the amended Pennsylvania Avenue Plan will address measuring the heights of buildings. GSA recommends changing the text to “The height of the building or structure fronting on Pennsylvania Avenue *governed by the Pennsylvania Avenue Development (PADC) Plan of 1974, as amended, and attendant Square Guidelines.*”

618 Independence Avenue - 618.5(a), (b) and (c).

GSA General Comment: GSA supports a setback on Independence Avenue, however the zoning setback requirements on Independence Avenue appear to be more restrictive than previous GSA and NCPC discussions. Setbacks previously allowed for selective development on Independence Avenue to achieve 130’ height when properly set back from the avenue. More restrictive setbacks may adversely affect potential redevelopment goals and ultimately the feasibility of executing a project that could improve the public realm.

GSA Specific Comment: GSA recommends a change to the language of 618.5(a), (b) and (c) to reflect a 110’ height with a specified setback to accommodate the maximum permissible height of 130’ height beyond.

618 Independence Avenue - 618.5(e).

GSA General Comment: GSA supports the minimization and harmonization of mechanical equipment on buildings along Independence Avenue, however the requirement for “one (1) enclosure” is overly prescriptive and is not required in any other zone; the design of mechanical equipment and rooftop silhouettes should be addressed in design review versus zoning regulations.

GSA Specific Comment: GSA recommends editing language to read “Mechanical equipment enclosure(s) shall harmonize with the main structure in architectural character, material, and color; and”.

701 Zoning Commission Review of Buildings, Structures, and Uses - 701.2 and 701.3

GSA Specific Comment: Sections reference 702.1(a), 702.4 and 702.5 which seem to define areas and additional design review provisions. GSA was unable to locate and therefore unable to provide comments on Subtitle 702. Please provide clarification.