

Subject: NCPC Staff Testimony (ZC Case No. 08-06A)

Good Evening Chairman Hood and members of the Zoning Commission,

I am Elizabeth Miller, Director of Physical Planning at the National Capital Planning Commission (NCPC) and I am here to testify on behalf of the staff at NCPC. Thank you for the opportunity to provide comments on the September 13, 2013 Zoning Regulation Review draft (ZRR). NCPC staff submitted our initial comments in a letter dated June 24, 2014 (ZC Exhibit 726). This letter and my testimony do not reflect our Commission's official comments, but does reflect staff's input we will provide to the Commission. Our intent is to comment early so we can resolve concerns before the ZRR is referred to NCPC for action.

The federal government's interests are related to Washington's function as the seat of the federal government and its role as the nation's capital. With respect to our comments today, our concerns focus on protecting the character of the views and settings of the most nationally significant civic resources in the monumental core, including the streets that link them. These national resources are also local landmarks that contribute the District's own sense of local identity and character.

Since June, staff has generally analyzed the impacts of the ZRR on these national resources and has concluded that there are only a handful of areas of the highest concern at this time. These areas include the blocks along important avenues and streets or sites that intersect, connect, or contribute to the character of the U.S. Capitol, the White House, the National Mall, and civic institutions, such as the Portrait Gallery, the National Archives, the National Building Museum, and Smithsonian. We are also interested in the blocks within transition areas along the important streets that connect these major landmarks to higher density commercial and residential zones.

Our June letter outlines our initial comments, but in the interest of time, I will focus on the matter of right (MOR) height increase and the impacts on the urban design quality of the national resources within the monumental core, including procedural concerns that limit the opportunity to protect these interests. I will also touch upon inconsistencies with the Pennsylvania Avenue Development Corporation Plan (PADC), and NCPC's advisory authority in existing overlay zones.

The first area of concern is the MOR height increase and the impacts on the urban design quality of the referenced national resources, as well as their adjoining streets and avenues. The proposed ZRR allows maximum building heights as a MOR in the Downtown, which today is only allowed through the Planned Unit Development (PUD) or Transfer of Development Rights (TDR) process. It is not our intent to comment on the advantages or disadvantages of the city's PUD process, however we have significant concerns regarding the consequences of the MOR increases in a handful of areas within the monumental core.

It does not appear that the visual impacts of the MOR increases have been studied to understand how the urban design character may change under the ZRR proposal. NCPC has visually analyzed targeted areas and would like to propose specific massing requirements for the Zoning Commission's consideration. However, our modeling has not been comprehensive. We

recommend that a process be put in place to protect local and national landmarks within the monumental core. Basic visual studies and design review for affected areas should be undertaken before assigning MOR heights to federal lands or to private lands that may negatively impact major local and national landmarks.

We are concerned that under the current proposal, there will no longer be an opportunity for the Zoning Commission, NCPC, or the public to provide input on the urban design quality or impacts of new development near places like the U S Capitol or the National Mall. The current PUD process is being eliminated in the downtown zone, where many of these national and local landmarks are located. We are concerned that a review process will not be in place to consider urban design issues. Additionally, the ZRR's proposal for design review within the downtown zone is limited to a portion of South Capitol Street and a threshold based on the FAR and street width. Therefore, it is unlikely that that design review will apply to the areas we care about. We believe that design review should be tied to geography and resources and linked to urban design goals and criteria. There are some great examples of urban design criteria in Subtitle Z that support many Comprehensive Plan goals, however, it appears to only apply to PUD's which, as noted earlier, will no longer be necessary to achieve the maximum height in the Downtown zone.

For example, today, the massing and symmetry of buildings on the blocks along North Capitol Street south of K Street respect the open sky of the U S Capitol, reinforcing its prominence as one of the nation's most important institutions. Although some blocks can develop to the maximum height using the current TDR program, the ZRR eliminates the need for the PUD and allows a MOR height increase to 130' east and 110' west of North Capitol Street without a mechanism for input to consider the relationships of new buildings to one another and to the U S Capitol Dome.

Another example is at the General Accounting Office, a federally owned block located just north of the National Building Museum. Although zoning does not apply to federal land, the city has placed an underlying zoning designation on this property and the ZRR proposes a height increase from 90' to 130' as a MOR. It is important to understand the impacts of this additional height on the view shed along the 4th Street axis from the National Mall to Judiciary Square and the National Building Museum.

NCPC staff has identified two approaches that may address our concerns regarding impacts to important national resources and would like to work with the Zoning Commission to address these in more detail. The first approach involves three modifications related to the Zoning Commission's design review authority: (1) the applicability of the Zoning Commission's Downtown Design Review could be expanded to include the blocks necessary to protect important national resources; (2) these additional areas should be subject to the Zoning Commission's design review criteria, and (3) the design review criteria should include provisions to consider the character and setting of important national resources.

The second approach involves establishing a Special Purpose Zone/Overlay Zone or similar mechanism for certain blocks adjacent to or approaching significant national resources. For example, an overlay zone along the blocks adjacent to Independence Avenue can provide the

review process and massing guidance for proposed redevelopment to minimize height impacts on the Smithsonian Institutions and the National Mall

Our June 24th letter also outlines a few other items by subtitle, including inconsistencies between the proposed zoning provisions and the PADC Plan and Square Guidelines, the regulatory document for a defined area between 3rd and 15th Streets (13 of the 29 blocks are inconsistent) Until the plan is modified (as part of the current Pennsylvania Avenue Initiative), the ZRR should be consistent with the PADC Plan by expanding the ZRR Pennsylvania Avenue subarea to cover all parcels contained within the plan and include reference to the square guidelines

Additionally, NCPC's advisory authority has been removed in the special purpose/overlay zones such as the Capitol Gateway, SE Federal Center and Union Station We understand that this was an oversight and respectfully request that our advisory review for these special purpose zones be retained to ensure that the city's development goals are supported and national interests are also protected

We will be submitting further detailed comments on the Foreign Mission component of the ZRR.

We appreciate the magnitude of the rigorous work that has gone into the ZRR While NCPC brings another lens to these planning issues, we share the stewardship responsibility to protect national resources and plan for the urban design quality with the Zoning Commission, the DC Office of Planning, and many other agencies and organizations that care deeply about the capital city

Given the importance of this rewrite effort and the complexity and magnitude of work, NCPC respectfully requests additional time to review, prepare a report, and hold a hearing before our Commission We look forward to continuing to work with the DC Office of Planning and the Zoning Commission to address these issues

Thank you for the opportunity for NCPC staff to provide these early comments and to work out these concerns