

IN REPLY REFER TO:  
NCPC File No. ZC #08-06A

**SEP 15 2014**

Chairman Anthony Hood  
Zoning Commission for the District of Columbia  
441 4<sup>th</sup> Street NW, Suite 210 South  
Washington, DC 20001

RE: NCPC Comments on Proposed Text Amendments to DC Zoning Regulations

Dear Mr. Hood:

As a follow-up to our letter dated June 24<sup>th</sup>, 2014 and our testimony at the Zoning Commission on September 4, 2014, National Capital Planning Commission (NCPC) staff is submitting specific recommendations and technical analyses that address our previously stated concerns with the proposed text amendments to the District of Columbia Municipal Regulations Title 11, Zoning Regulations (zoning updates).

These comments represent the issues that staff would present to the NCPC if the zoning updates were formally referred to us as currently drafted. NCPC staff is offering its comments so that we can continue to work collaboratively with staff of the Zoning Commission (ZC) and the DC Office of Planning (DCOP) to resolve areas of concern prior to future Commission review in accordance with the National Capital Planning Act<sup>1</sup>.

This letter includes specific recommendations for four planning areas. These recommendations are only focused on core federal interest issues. This letter also consolidates all of NCPC staff's additional comments and recommendations including those contained in the June 24<sup>th</sup> letter. These can be found in the Appendices. Under separate cover, NCPC submitted comments on the chancery provision of the zoning update to supplement the State Department's letter to the Zoning Commission dated July 21, 2014.

### **The Zoning Rewrite: Primary Areas of Concern**

The L'Enfant City, and particularly the monumental core, includes some of the most important civic and cultural resources in the city and nation. These elements contribute to Washington's distinctive character and delineate major symbolic areas that are central to the functions and

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<sup>1</sup> The Act states that NCPC may prepare a report and recommendations to the Zoning Commission on the relation, conformity, or consistency of proposed amendments to zoning regulations and maps with the *Comprehensive Plan for the National Capital (Comprehensive Plan)*. See 40 U.S.C. §8724(a) (2012)

image of the nation's capital. These national resources are also local landmarks that contribute to the District's identity and character. Of particular interest is the urban design quality of 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.

As previously stated there are four primary areas of concern addressed within this letter:

- 1) Building heights and mass on major streets and avenues and near national and local landmarks and resources within the monumental core.
- 2) The need for a design review process for development on such streets and avenues near national and local landmarks and resources within the monumental core.
- 3) Zoning inconsistencies with the Pennsylvania Avenue Development Corporation Plan.
- 4) NCPC advisory role in existing overlay zones.

**1) Building heights and mass on major streets and avenues and near national resources within the monumental core, (Downtown Zone, Subtitle I).**

Staff's analysis has identified three areas where matter of right (MOR) building height in the proposed zoning updates will impact the views and settings of prominent national resources: Independence Avenue, North Capitol Street, and South Capitol Street.

**Independence Avenue –Proposed D-8-B-1 Zone**

See Appendix A, for an illustration of the points below.

Staff's comments on Independence Avenue are based on the SW Ecodistrict Plan (2009) and Plan Addendum (2014), both accepted by NCPC.

Like Constitution Avenue, Independence Avenue is a major avenue adjacent to the National Mall within the monumental core of the city. It is home to the Smithsonian Institution's southern campus and a host of large federal buildings that are relatively low in height. These federal buildings are similar in height to the Smithsonian buildings and generally cannot be seen over the rooflines of the Smithsonian buildings when standing on the National Mall. As a result, the experience of the National Mall is that of a truly public space within a park-like setting framed by trees and civic institutions.

As shown in Appendix A, the proposed D-8-B-1 zone allows for 130' buildings with an additional 20' penthouse (setback at a 1:1 ratio) at the property line. As proposed, this will impact the character of the Mall and in particular the views of the Smithsonian Castle when standing in the center of the Mall. It also impacts the urban design of Independence Avenue by creating 150' buildings (penthouse included) on the south side of the avenue when the Smithsonian buildings across the street are 50-80' in height.

These recommendations below are in response to the zoning update. We strongly believe a more detailed planning effort is needed to address the relationship between the street grid, street widths, parcel configuration, and building massing.

**Recommendations:**

- **Allow a maximum allowable building height of 110' (plus the 20' penthouse setback at a 1:1 ratio) for the area on the south side of Independence Avenue shown in Appendix A. While this would still result in new development being seen from the Mall (especially behind the Smithsonian Castle), it would lessen the impact of the proposed D-8-B-1 zone.**
- **Setback the buildings 88' from the right-of-way centerline on Independence Avenue to align with the corner of the USDA building at 12th and Independence. This would be similar to the setbacks of the Smithsonian buildings and help to mitigate the proposed height. See Appendix A for more detail.**

**North Capitol Street – Proposed D-3-B-1, D-4-B-1, and D-5-B-1 Zones**

See Appendix B for an illustration of the points below.

The vista of the U.S. Capitol along North Capitol Street is one of two primary north/south axes that establish the urban design framework and fundamental symbolic design basis for the city, and it is one of the most important gateways to the monumental core. NCPC reinforced the importance of this avenue – and all axial streets to the U.S. Capitol – when it adopted the 2013 Height Act Study.

North Capitol Street's topography is similar to 16<sup>th</sup> Street north of the White House. From Florida Avenue, the street generally slopes down towards the Capitol, therefore, the mass and location of buildings along these blocks strongly influence our perceptions about the scale of the Capitol dome and its preeminence within the pedestrian's line of site. At the same time, North Capitol is at the confluence of the new, higher densities of the NOMA commercial neighborhood on the east, and lower densities that have historically characterized this area on the west.

NCPC staff prepared two conceptual visual studies to better understand how and whether the proposed zoning would impact the viewshed to the U.S. Capitol and the urban design character of the street (attached in Appendix B). The first visual study of North Capitol Street faces south

from K Street, an area that defines the composition of buildings and open spaces immediately to the north of the U.S. Capitol. *As proposed in the zoning update, there are four separate zones with different MOR heights that bisect North Capitol within this five-block area: D-5-B-1, D-4-B-1, D-3-B-1, and other areas not included in the Downtown Zone on the west side of the street north of G Street.* There are also several prominent federal properties and lands within this portion of North Capitol Street. The visual study considered strategies to create a cohesive building edge on these blocks and to ensure that the dome is not diminished by the proposed Matter of Right building heights.

The second visual study south of M Street illustrates the undefined edges along each of the blocks within the corridor, weakening the composition among buildings on either side of the street. This results in the impression that North Capitol is defined by the edges of the areas around it, rather than the preeminence of the dome and as a distinctive place unto itself. North Capitol Street should be developed as a distinct, cohesive corridor with urban design strategies that address these important transitions in density and land use, reinforce the quality of views to the Capitol, and promote the potential of this street as one of our city's most important gateways. Given the complexity of the land use conditions and urban design issues, NCPC staff does *not* make a recommendation for the blocks to the north of K Street. However, we welcome the opportunity to work with the Office of Planning through the Comprehensive Plan or more specific study, as appropriate, to consider urban design strategies for the entirety of North Capitol Street within the L'Enfant City.

#### **Recommendations:**

- **On lands subject to zoning and not subject to any other height restrictions<sup>2</sup>: require a 1:1 step back at 110' feet within the Proposed D-5-B-1 Zone from Louisiana Avenue to K Street, NW. This step-back will ensure that the Capitol dome is not diminished by the proposed Matter of Right building heights and will also encourage a consistent cornice line in the blocks immediately adjacent to the Capitol.**
- **NCPC staff seeks to clarify the status of the D-3-B-1 Zone, which has a proposed MOR height of 110 feet. However, this is also identified as a receiving zone area. If, as a receiving zone, the maximum height allowed is 130 feet, staff recommends a 1:1 step-back at 110 feet. See Appendix B for an illustration.**
- **Over the longer-term, NCPC staff recommends that the urban design framework for North Capitol Street corridor within the L'Enfant City be addressed through the Comprehensive Plan or a more specific study as appropriate.**

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<sup>2</sup> Additional height requirements identified in the Schedule of Heights of Buildings Adjacent to Public Buildings found in Subtitle A, Chapter 4, §403, Appendix G.

### **South Capitol Street – Proposed D-4-B-1 and D-5-B-1 Zones**

Like North Capitol Street, South Capitol Street is a primary axis that establishes the urban design framework and symbolic basis for the city, and is also one of the most important gateways into the capital city. Historically, there has been a tremendous gap between the potential of this corridor and its condition. However, in recent years, new development, such as the stadium, a handful of buildings, and the proposed Frederick Douglas Bridge have begun to reclaim South Capitol as an important place for both the future growth of the District and as a monumental civic boulevard.

In 2003 the South Capitol Street Urban Design Study was prepared for the entire corridor by the District of Columbia, the National Capital Planning Commission, and the Anacostia Waterfront Corporation. To this day it remains the vision for this important gateway from the waterfront to Independence Avenue; however, the zoning to implement this joint vision stops short at M Street where the area transitions to high density zoning. The proposed zoning has created the following situation from the waterfront to the Capitol:

- The four blocks between the waterfront and M Street have maximum allowable heights ranging from 80' – 110' and must setback 15' from the property line and step-back at the upper stories.
- The next 5 blocks north of M Street are zoned for 130' in height with no setback or step-back. It should also be noted there will be no design review for these blocks under the proposed zoning.

The result when developed will be an incongruous street wall and poorly framed viewshed that will diminish the street's potential to achieve more than the appearance of a thoroughfare. NCPC staff have begun to model the effect of the proposed zoning and will share this modeling with both the District Office of Planning and our Commission.

### **Recommendations:**

- **At a minimum, on lands subject to zoning and not subject to any other height restrictions<sup>3</sup>: require a 1:1 step back at 110' feet for the blocks between M Street, SW and the freeway. Similar to North Capitol Street, this step-back will ensure that the Capitol dome is not diminished by the proposed Matter of Right building heights and will also encourage a consistent cornice line.**

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<sup>3</sup> Additional height requirements identified in the Schedule of Heights of Buildings Adjacent to Public Buildings found in Subtitle A, Chapter 4, §403, Appendix G.

- **As previously indicated in the National Capital Planning Commission's 2006 comments, the Commission recommended that the Zoning Commission consider extending the Capitol Gateway Overlay along South Capitol Street north of M Street. NCPC staff welcomes the opportunity to reengage with the South Capitol Street Task Force to consider additional urban design strategies for the entity of South Capitol Street from the waterfront to the Capitol.**

**2) The need for a design review process for development on streets and avenues near national and local landmarks and resources within the monumental core.**

As proposed, the design review process within the Downtown Zone (Subtitle I) is limited to a portion of South Capitol Street (South of M Street) where development exceeds high FAR and ROW thresholds. No other downtown streets are subject to design review.

The Downtown Zone area includes and abuts the monumental core and many L'Enfant Plan viewsheds, which are protected cultural resources under the National Register of Historic Resources.<sup>[1]</sup> NCPC staff is concerned that there will not be a sufficient opportunity for the Zoning Commission, NCPC, or the public to provide input on the urban design quality or impacts of new development on streets adjacent to nationally important places such as the U.S. Capitol or the National Mall, which abut streets within the Downtown Zone.

Design review should be tied to geography and resources and linked to urban design goals and criteria. Subtitle Z contains urban design criteria that support many Comprehensive Plan goals. Under section 800.1, design review is in place to "Recognize that some areas of the District warrant special attention due to particular or unique characteristics of an area or project" and to "promote high-quality, contextual design." We believe specific areas within the monumental core meet the thresholds established here; however, as we understand it, these criteria will *not* apply to areas within the Downtown Zone, or more importantly to the monumental core.

A basic level of design review may be appropriate for certain streets that are adjacent to critical national resources or that contribute to the quality of views to critical landmarks within the monumental core. Viewsheds are defined by the visibility of the landmark at the end of the street, as well as its visual quality and preeminence within its immediate setting. Viewshed quality is generally defined by a composition of natural and built elements on a multi-block scale, including such primary elements as street trees, streetscape infrastructure (lights, furniture, etc.), open spaces, and building mass. Over the long term, we would welcome the opportunity to work with the Office of Planning or others, as appropriate, to evaluate areas within the monumental core that warrant design review.

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<sup>[1]</sup> For more information, see the National Register Nomination Form:  
<http://pdfhost.focus.nps.gov/docs/NRHP/Text/97000332.pdf>.

In the interim, there are several steps we can take through the ZRR to immediately ensure that a process is in place to balance local and national goals and to protect the city's major landmarks. Staff recommends that the ZRR address the corridors where redevelopment is most likely to occur on a multi-block scale.

*Using the District's 2013 Height Study Capacity Analysis Map, the District's Zoning Map, and the proposed Matter-of Right heights as set forth in the ZRR, staff identified blocks along those streets and avenues located within high density areas where redevelopment is anticipated or planned near major national landmarks or within significant viewsheds. For maps and further explanation, see Appendix C/Exhibits 1 and 2.*

Design review should be in place to ensure that these areas evolve in such a way that meets both local and national goals to protect and enhance the city's major cultural resources. The areas of national interest include:

- a. Major axial streets and viewsheds that establish the urban design framework of the city, particularly on axis to the U.S. Capitol and White House; and
- b. Streets with adjacencies to critical national resources.

Based on this analysis, staff identified the areas within the monumental core that merit Zoning Commission design review. We recommend that the Zoning Commission consider adding the following streets for design review:

- (1) North Capitol Street, a major axial street and viewshed to the U.S. Capitol (between Louisiana Ave and New York Ave);
- (2) South Capitol Street, a major axial street and viewshed to the U.S. Capitol (between C Street, SW and the waterfront);
- (3) New Jersey Avenue (between Louisiana Ave and Massachusetts Ave);
- (4) 16<sup>th</sup> Street, a major axial street and viewshed to the White House (between H Street, NW and I Street, NW);
- (5) The D-8-B-1 zone, including Independence Avenue (between 6<sup>th</sup> and 12<sup>th</sup> Streets, SW), Maryland Ave (between the circle and 6<sup>th</sup> Street, SW), 10<sup>th</sup> Street, SW (between Independence Avenue and Banneker Park).

**Recommendations:**

- **Expand the Zoning Commission's Downtown Design Review to include the blocks likely for redevelopment (as set forth above) and necessary to protect important national resources and balance local and national interests (Appendix C/Exhibit 3).**
- **Amend the existing design review criteria in the Subtitle Z, Chapter 8 to include provisions that consider the character and setting of important national resources.**
- **Apply the design review criteria, Subtitle Z, Chapter 8 to the proposed Zoning Commission design review to the streets above (Appendix C/Exhibit 3).**
- **Lastly, NCPC respectfully requests that the Zoning Commission refer projects on the most important avenues/streets of national interest to NCPC for advisory review and comment at the time of application. These are shown in Appendix C/Exhibit 3 and include:**
  - 1. North Capitol Street, a major axial street and viewshed to the U.S. Capitol (between Louisiana Ave and K Street, NW)**
  - 2. South Capitol Street, a major axial street and viewshed to the U.S. Capitol (between C Street, SW and Virginia Avenue/the Freeway);**
  - 3. New Jersey Avenue (between Louisiana Ave and Massachusetts Ave)**
  - 4. 16th Street, a major axial street and viewshed to the White House (between H Street, NW and I Street, NW);**
  - 5. The D-8-B-1 zone, including Independence Avenue (between 6th and 12th Streets, SW), Maryland Ave (between the circle and 6th Street, SW), SW (between Independence Avenue and Banneker Park).**

**3) Zoning inconsistencies with the Pennsylvania Avenue Development Corporation Plan –**  
Please see Appendix D for the list of concerns/recommendations previously submitted to the Zoning Commission.

**4) NCPC advisory authority in existing overlay zones**  
Please see Appendix E for the list of concerns/recommendations previously submitted to the Zoning Commission.

## Conclusion

The enclosed comments are provided by NCPC staff for your consideration. These comments do not represent an official Commission action, but reflect the comments and recommendations staff would make to the National Capital Planning Commission on the proposed text. NCPC staff have enjoyed a very collaborative relationship with the staff at the District Office of Planning and look forward to the opportunity of additional engagement on these recommendations.

If you have any questions, please contact Diane Sullivan at (202) 482-7244 /diane.sullivan@ncpc.gov.

Sincerely,



Marcel C. Acosta  
Executive Director

Cc: L. Preston Bryant, Jr., Chairman  
National Park Service  
General Services Administration  
Architect of the Capitol  
Advisory Council on Historic Preservation  
Smithsonian Institution  
Department of Defense  
District Office of Planning

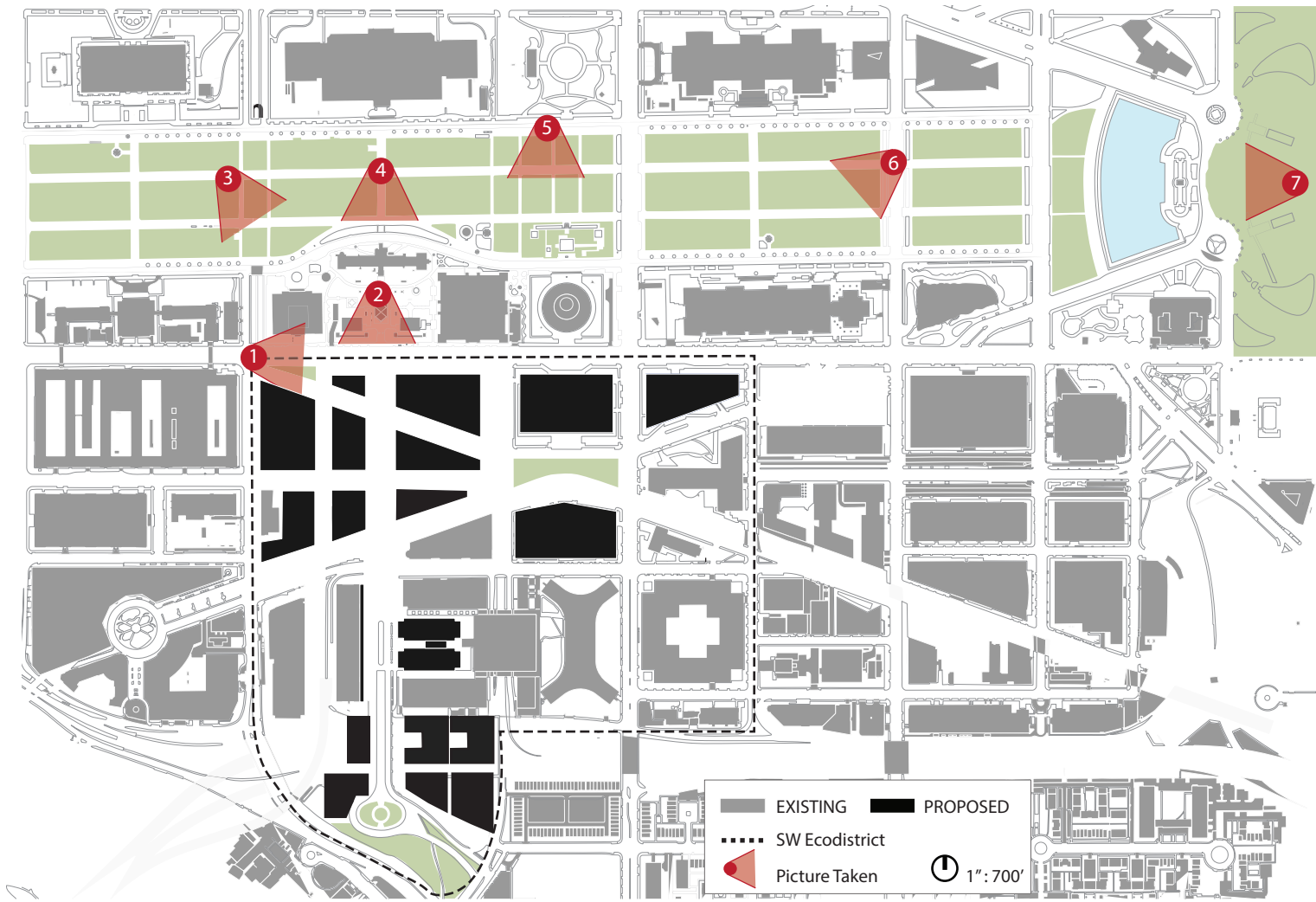
## **APPENDIX A**

### **Visual Modeling Study for Independence Avenue**

Appendix A includes two subsections that address our concerns and recommendations for Independence Avenue.

**Subsection 1:** This section includes the visual modeling study for Independence Avenue that we submitted with our June 24th letter. It shows a series of images based on existing conditions, NCPC's proposed massing for Independence Avenue ("SW Ecodistrict Plan") and the proposed D-8-B-1 zone.

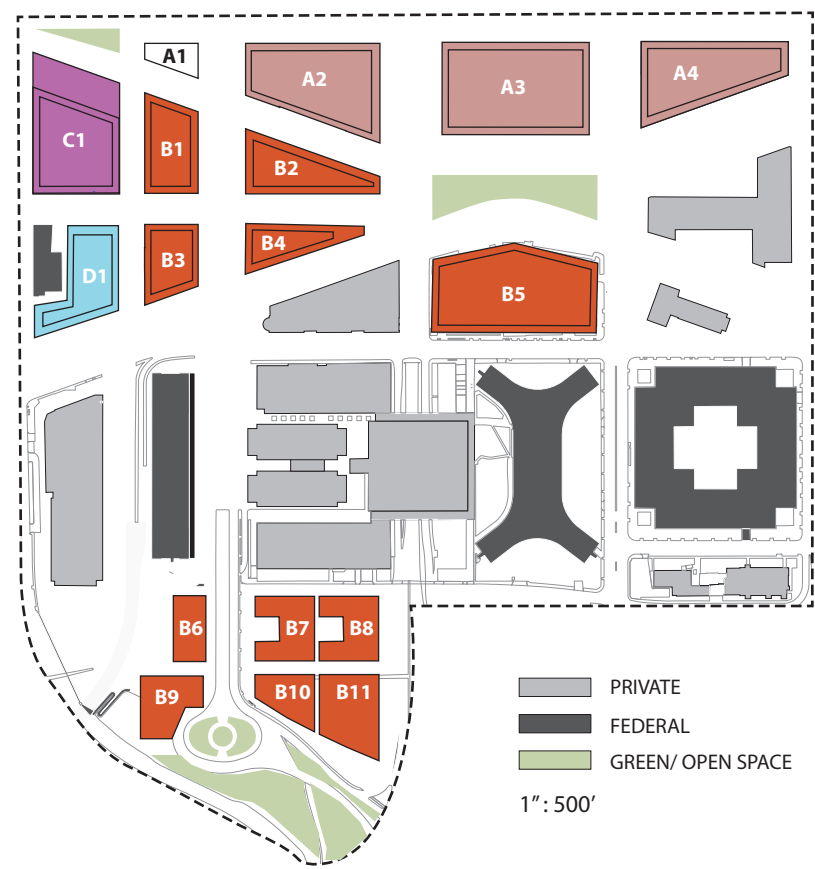
**Subsection 2:** This section graphically shows our recommendations including the area of development on the south side of Independence Avenue that should be limited to 110' (assuming an additional penthouse of 20' setback at 1:1 ratio) and the proposed setback line of 88' from the right-of-way centerline.



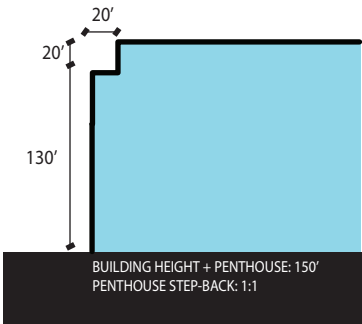
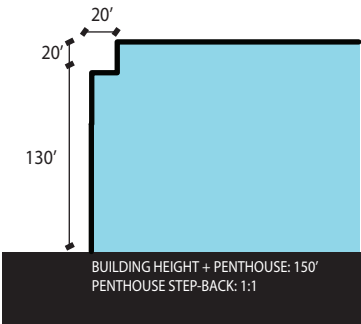
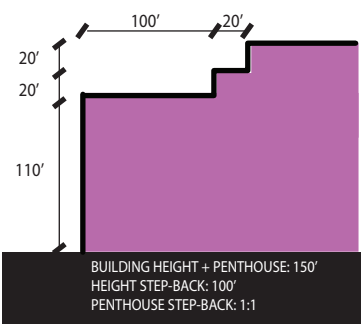
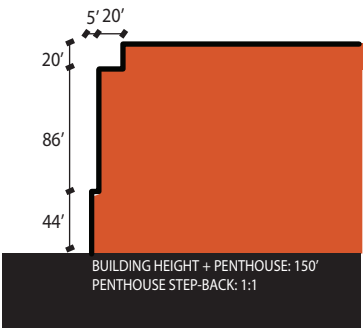
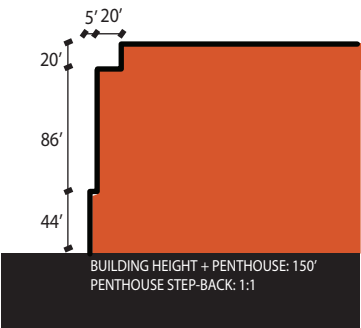
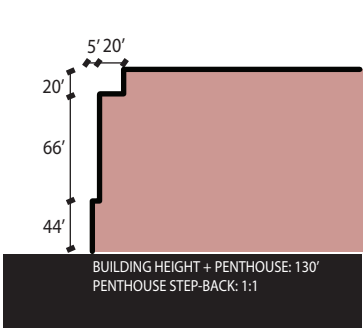
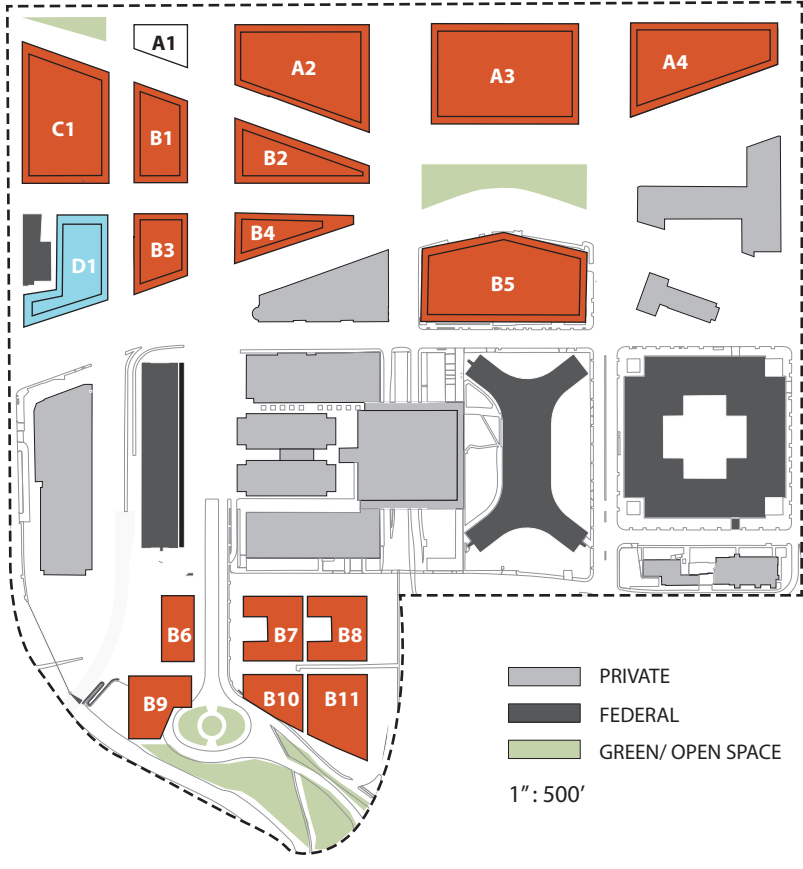
- MODELING NOTES
- 1. Penthouse step-backs were applied on all sides of a building.
  - 2. Step-backs were applied for additional height along designated streets only, which are 10th Street and Independence Avenue.
  - 3. Building A1 in Scheme 1 is 70' tall with no step-backs and no penthouse. In Scheme 2 it is 130' tall with no step-backs and no penthouse.

MASSING ALTERNATIVES

SCHEME 1 Proposed SW Ecodistrict Massing



SCHEME 2 Proposed D8B1 Zoning Massing



Existing Condition



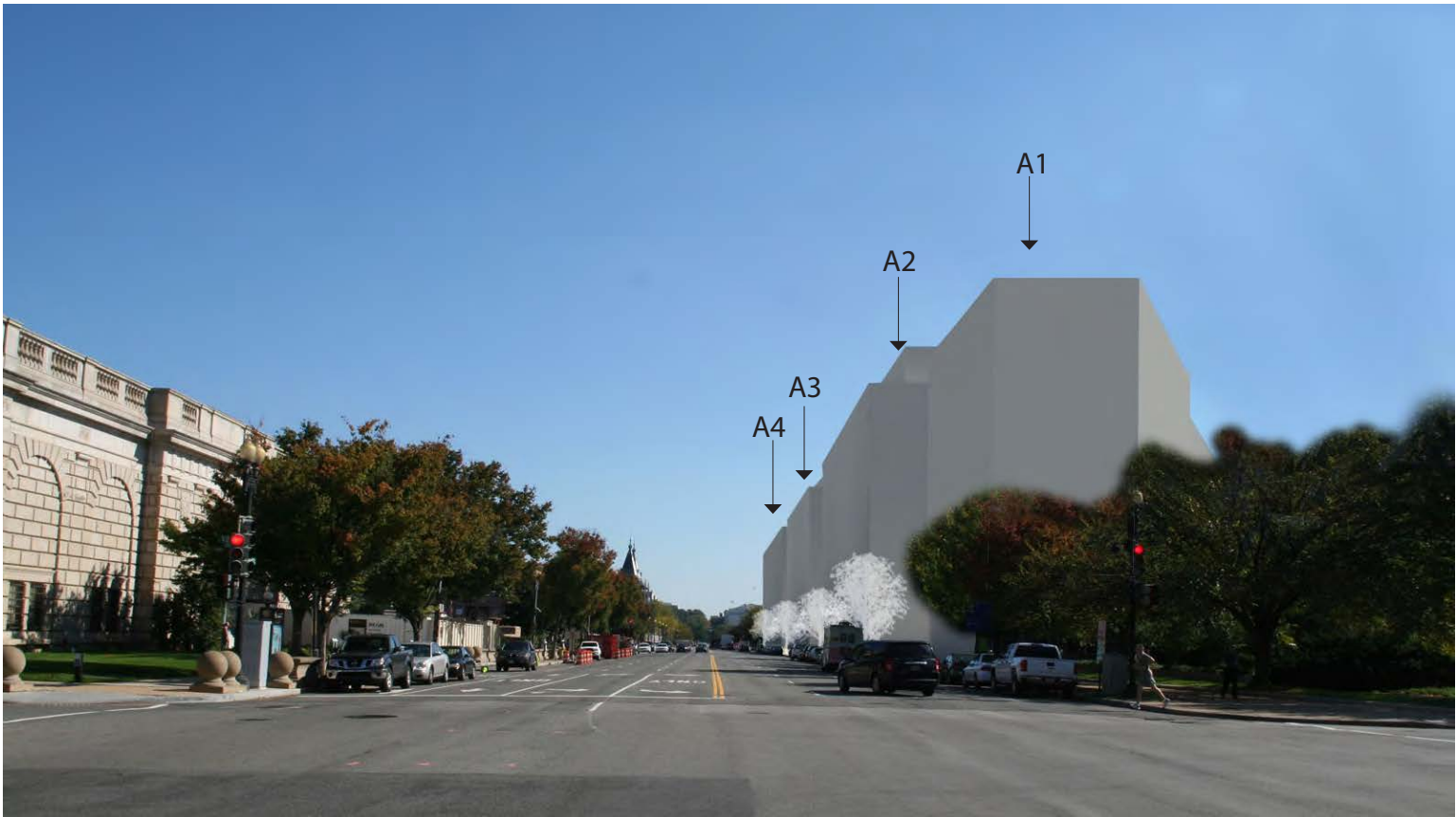
Scheme 1  
SW Ecodistrict Plan  
Concept

A1:  
Building Height = 70'  
Penthouse = none  
Build to line = 34' from the  
property line



Scheme 2  
Proposed D8B1

A1:  
Building Height = 130'  
Penthouse = none  
Build to line = the property  
line



Existing Condition

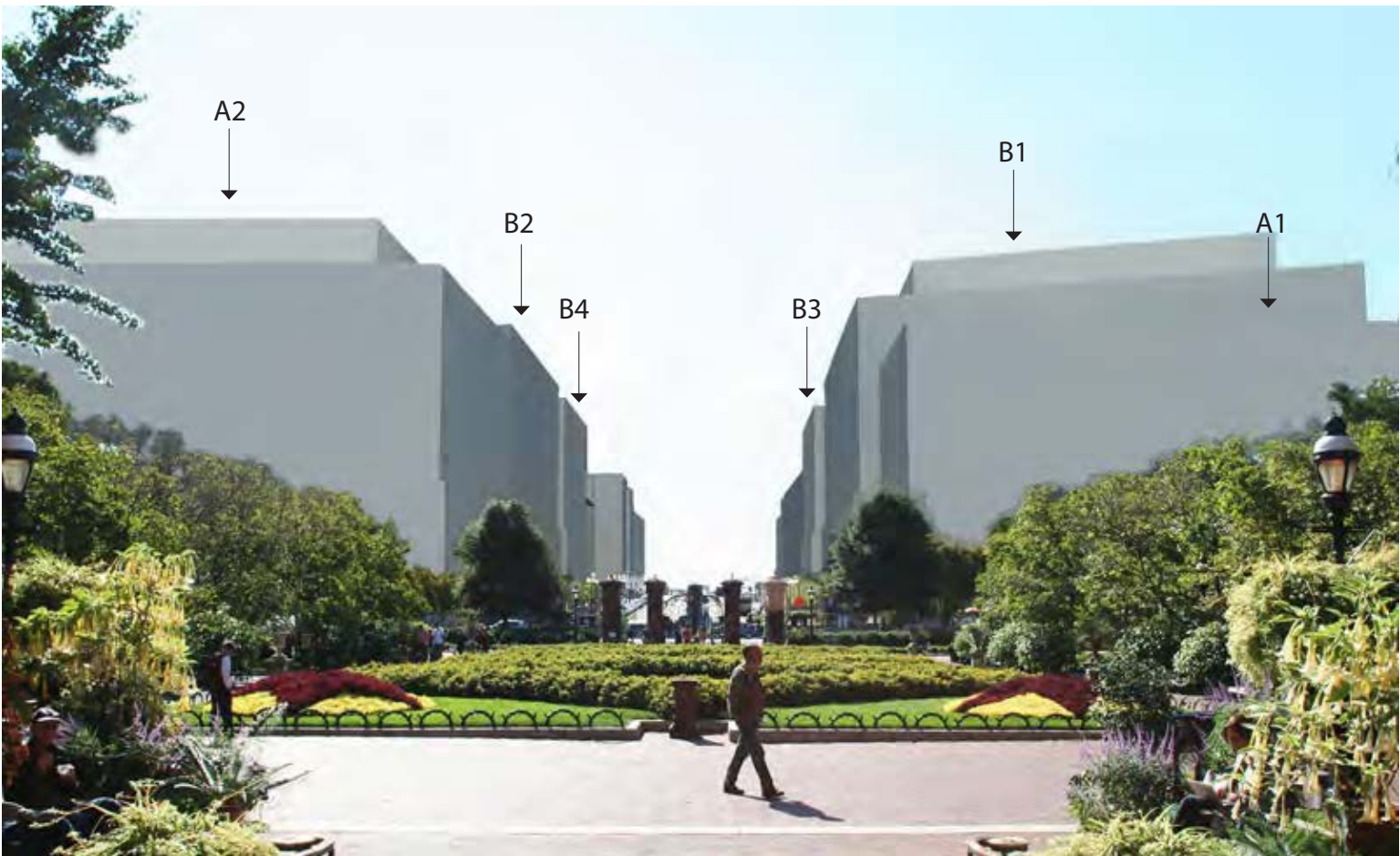


Scheme 1:  
SW Ecodistrict Plan  
Concept

A1:  
Building Height = 70'  
Penthouse = none  
Build to line = 34' from the  
property line

A2:  
Building Height = 110'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = 34' from the  
property line

B1-B4:  
Building Height = 130'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = the property  
line



Scheme 2:  
Proposed D8B1

A1:  
Building Height = 130'  
Penthouse = none  
Build to line = the property  
line

A2:  
Building Height = 130'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = the property  
line

B1-B4:  
Building Height = 130'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = the property  
line



Existing Condition



Scheme 1:  
SW Ecodistrict Plan  
Concept

A1:  
Building Height = 70’  
Penthouse = none  
Build to line = 34’ from the  
property line

A2-A3:  
Building Height = 110’  
Penthouse = 20’ (setback at  
1:1 ratio)  
Build to line = 34’ from the  
property line

B1-B4:  
Building Height = 130’  
Penthouse = 20’ (setback at  
1:1 ratio)  
Build to line = the property  
line



Scheme 2:  
Proposed D8B1

A1:  
Building Height = 130’  
Penthouse = none  
Build to line = the property  
line

A2-A3:  
Building Height = 130’  
Penthouse = 20’ (setback at  
1:1 ratio)  
Build to line = the property  
line

B1-B4:  
Building Height = 130’  
Penthouse = 20’ (setback at  
1:1 ratio)  
Build to line = the property  
line



Existing Condition



Scheme 1:  
SW Ecodistrict Plan  
Concept

A1:  
Building Height = 70'  
Penthouse = none  
Build to line = 34' from the  
property line

A2:  
Building Height = 110'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = 34' from the  
property line

B1:  
Building Height = 130'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = the property  
line

C1:  
Building Height = 130'  
Stepback = 100' at 110' in  
height  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = the property  
line



Scheme 2:  
Proposed D8B1

A1:  
Building Height = 130'  
Penthouse = none  
Build to line = the property  
line

A2:  
Building Height = 130'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = the property  
line

B1/C1:  
Building Height = 130'  
Penthouse = 20' (setback at  
1:1 ratio)  
Build to line = the property  
line



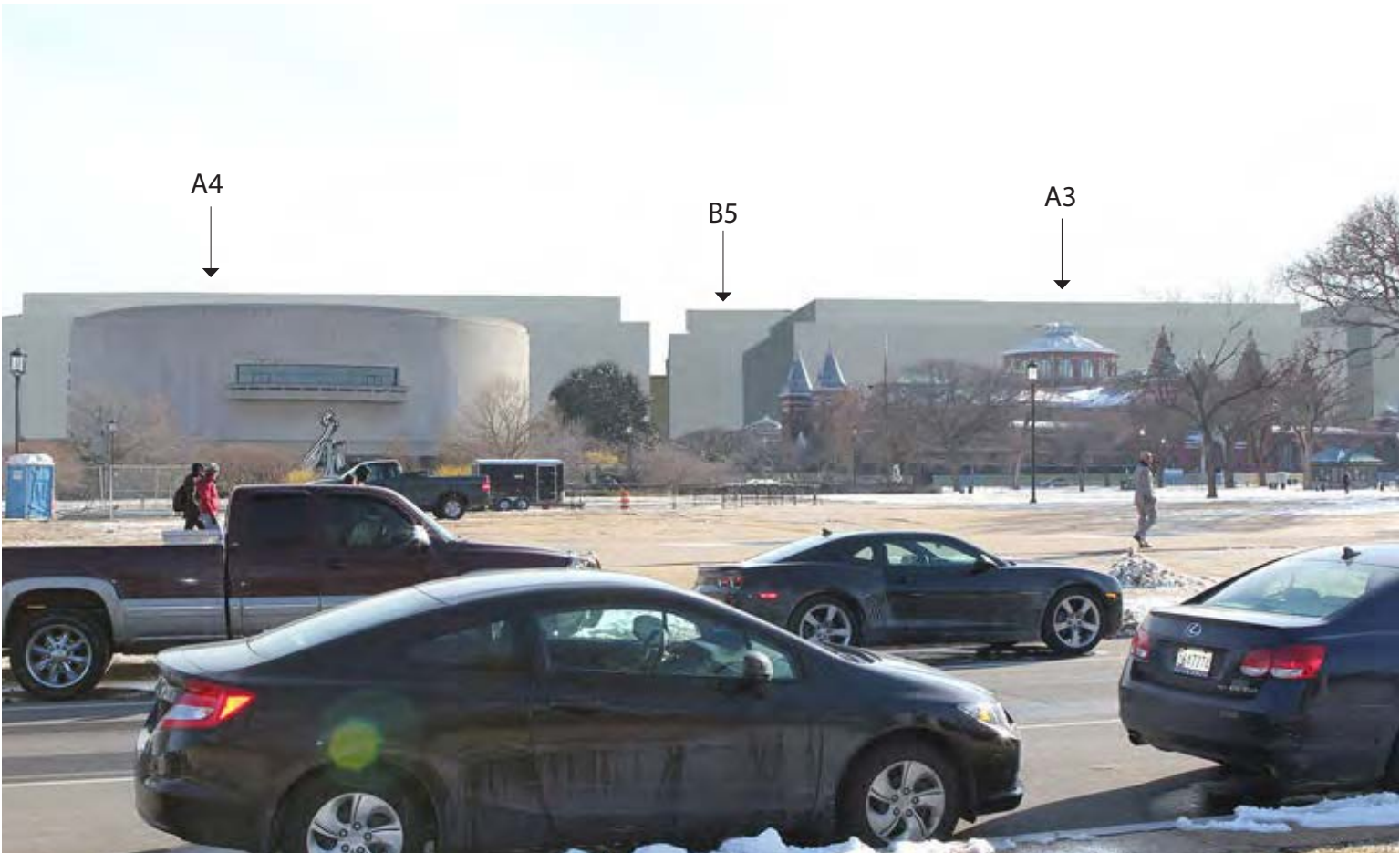
Existing Condition



Scheme 1:  
SW Ecodistrict Plan  
Concept

A3-A4:  
Building Height = 110'  
Penthouse = 20' (setback  
at 1:1 ratio)  
Build to line = 34' from the  
property line

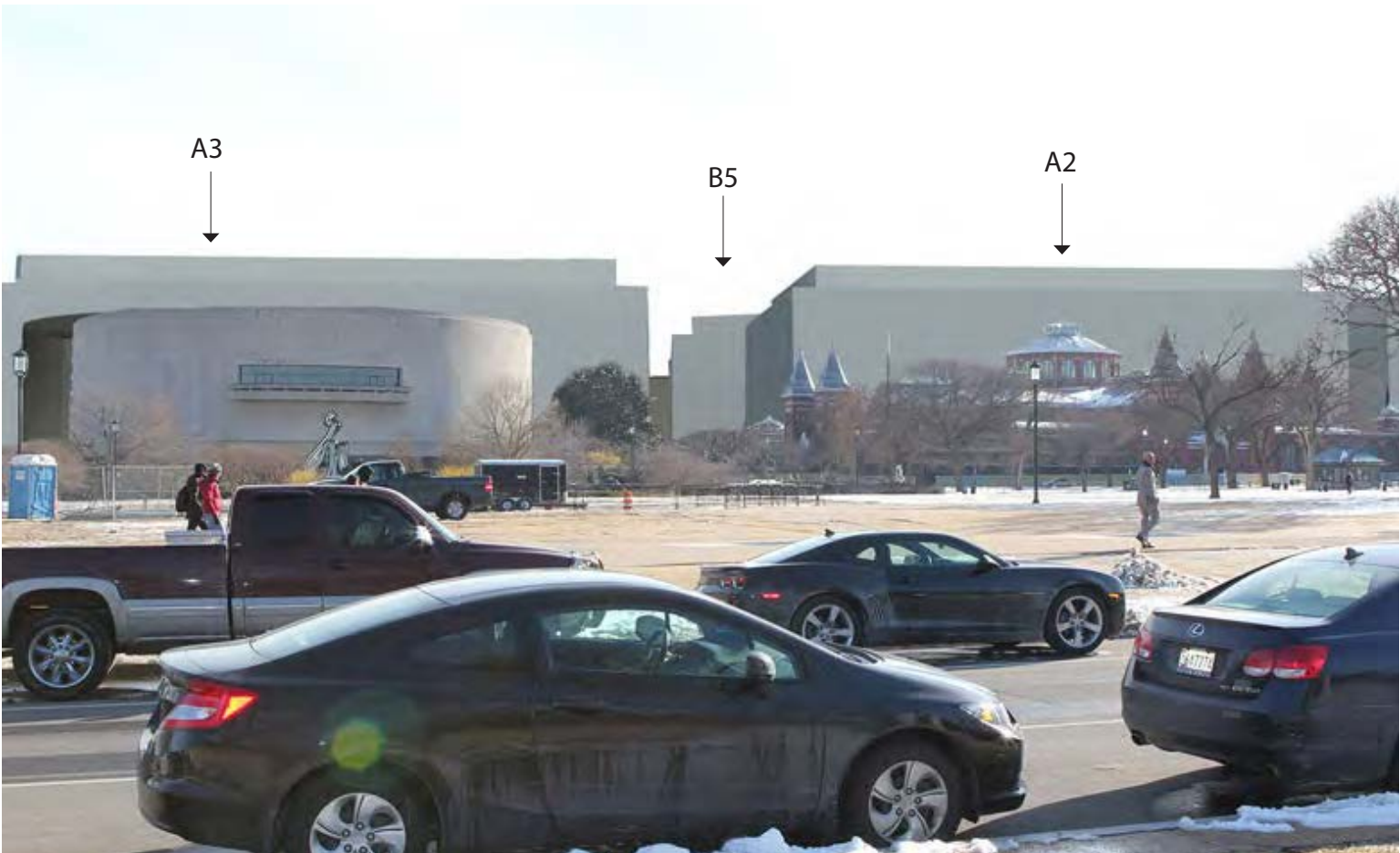
B5:  
Building Height = 130'  
Penthouse = 20' (setback  
at 1:1 ratio)  
Build to line = the property  
line



Scheme 2:  
Proposed D8B1

A3-A4:  
Building Height = 130'  
Penthouse = 20' (setback  
at 1:1 ratio)  
Build to line = the property  
line

B5:  
Building Height = 130'  
Penthouse = 20' (setback  
at 1:1 ratio)  
Build to line = the property  
line



Existing Condition



Scheme 1:  
SW Ecodistrict Plan  
Concept

A2-A3:  
Building Height = 110'  
Penthouse = 20' (setback at 1:1 ratio)  
Build to line = 34' from the property line

C1:  
Building Height = 130'  
Stepback = 100' at 110' in height  
Penthouse = 20' (setback at 1:1 ratio)  
Build to line = the property line



Scheme 2:  
Proposed D8B1

A1:  
Building Height = 130'  
Penthouse = none  
Build to line = the property line

A2-A3:  
Building Height = 130'  
Penthouse = 20' (setback at 1:1 ratio)  
Build to line = the property line

C1:  
Building Height = 130'  
Penthouse = 20' (setback at 1:1 ratio)  
Build to line = the property line



Existing Condition



Scheme 1:  
SW Ecodistrict Plan  
Concept

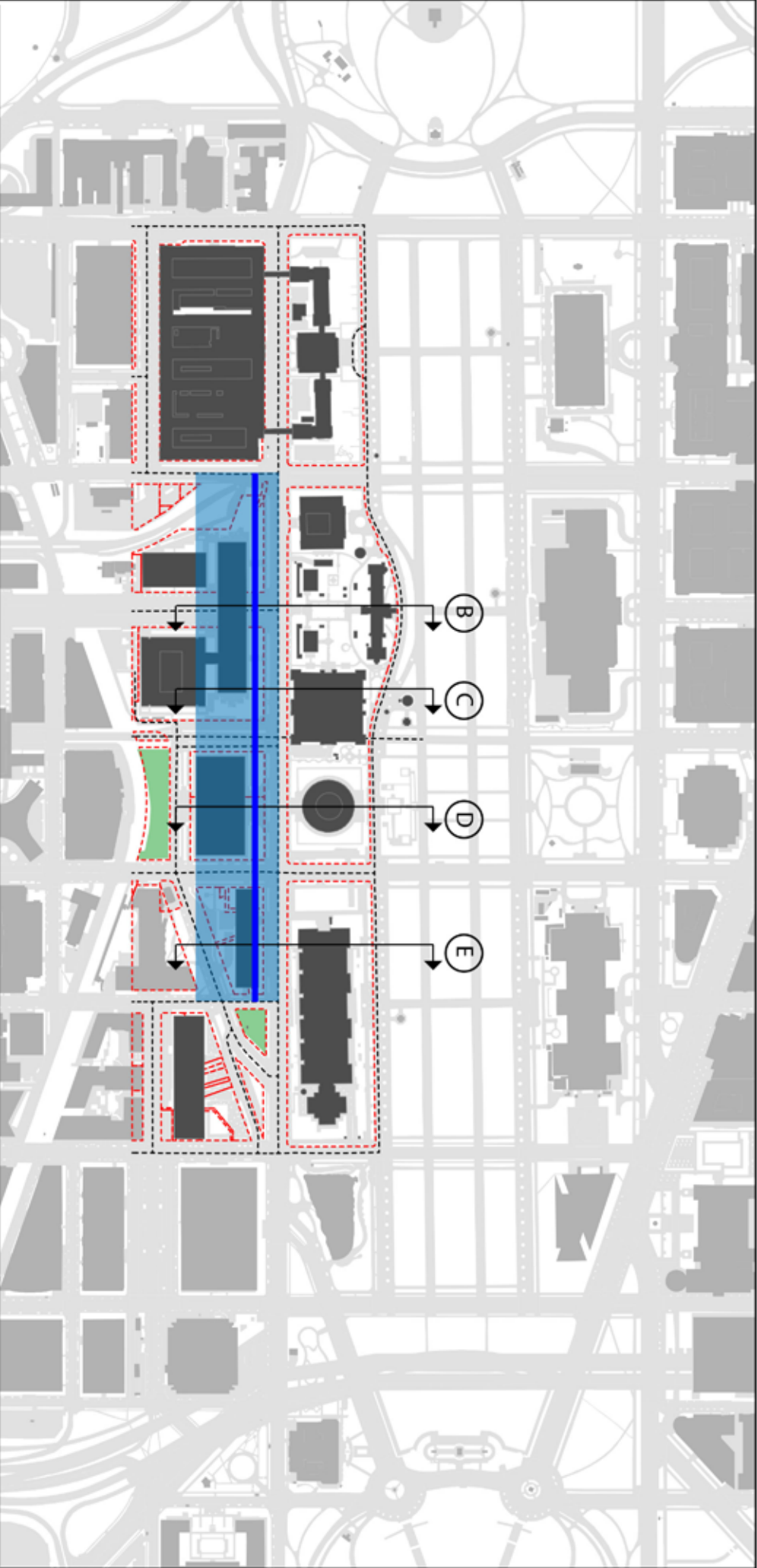
A2:  
Building Height = 110’  
Penthouse = 20’ (setback at  
1:1 ratio)  
Build to line = 34’ from the  
property line



Scheme 2:  
Proposed D8B1

A2-A3:  
Building Height = 130’  
Penthouse = 20’ (setback at  
1:1 ratio)  
Build to line = the property  
line





**Independence Avenue Overlay Zone**

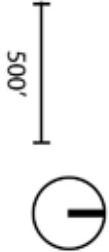
The overlay zone allows for 110 foot building height + 20 foot penthouse with a 1:1 setback. The overlay zone is bounded by the 12th Street SW ROW centerline to the west, 6th Street SW ROW centerline to the east, Independence Avenue SW ROW centerline to the north, and the southern boundary of the overlay measures 362 feet south of the Independence Avenue SW ROW centerline. The southern boundary also aligns with the southern building edge of the FAA Orville Building.

**Independence Overlay Zone Setback Line**

The setback line is 88 feet south of the Independence Avenue ROW centerline

--- ROW Centerlines

- - - Property Lines

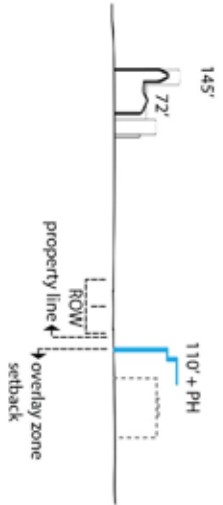
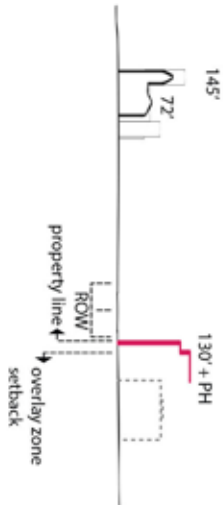
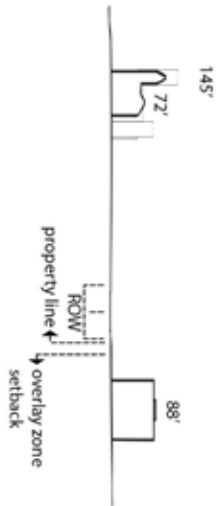


Existing Condition

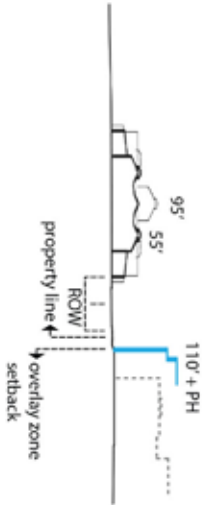
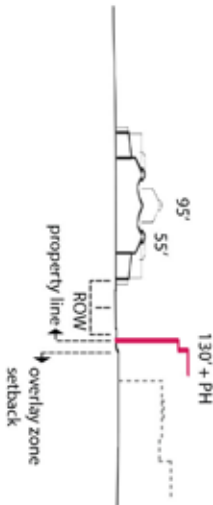
Zoning Rewrite

Proposed Independence Avenue Overlay Zone

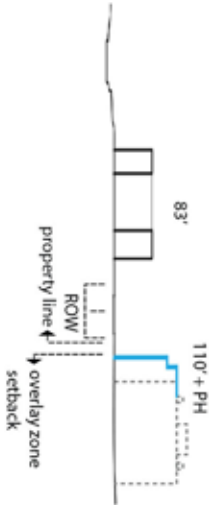
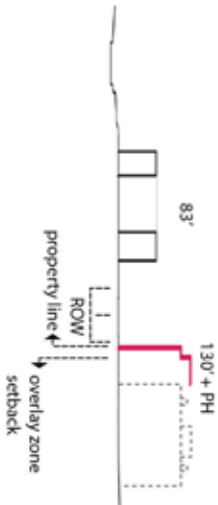
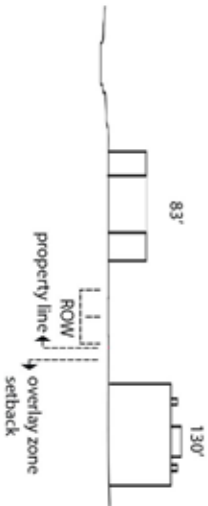
**B** Castle + DOE



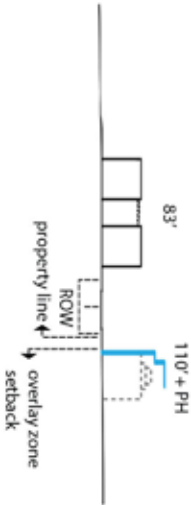
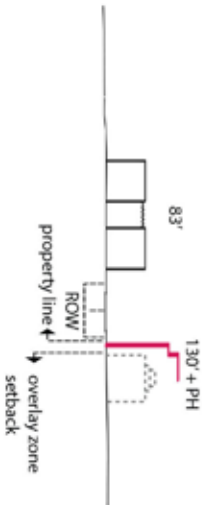
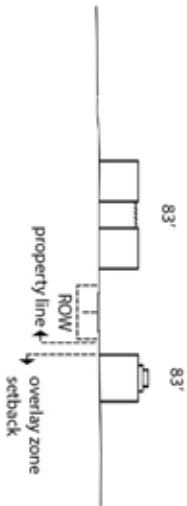
**C** A&I + DOE



**D** Hirshhorn + FAA (Orville)



**E** NASM + FAA (Wilbur)



## **APPENDIX B**

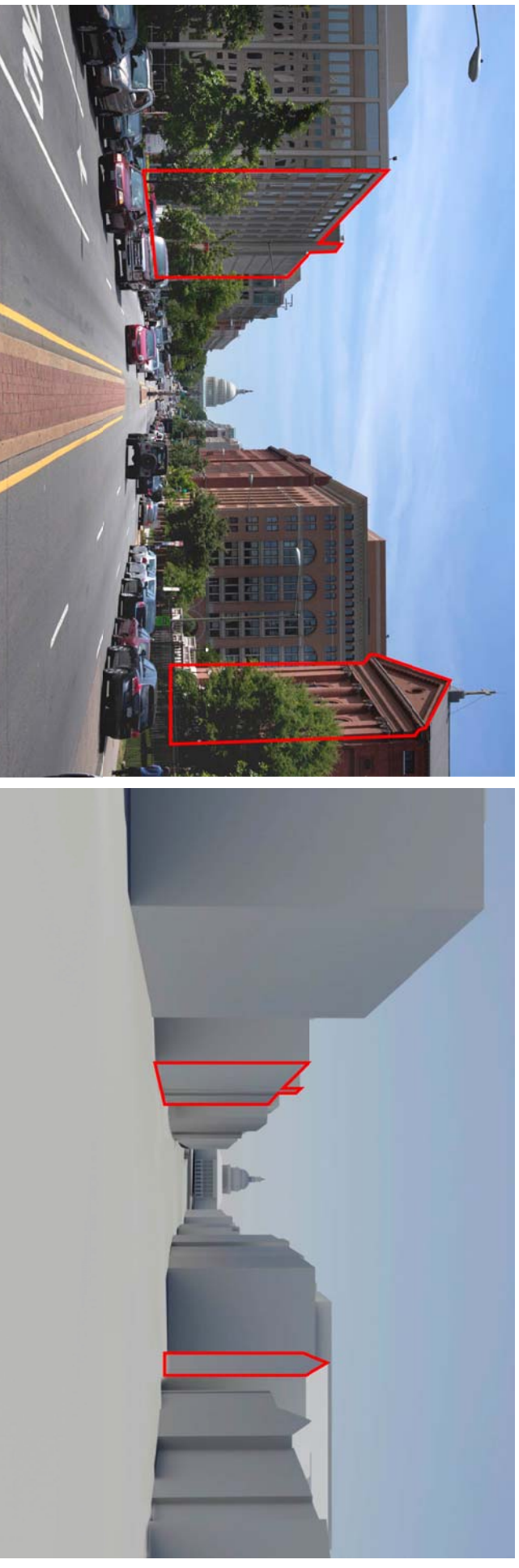
### **Visual Modeling Study for North Capitol Street**

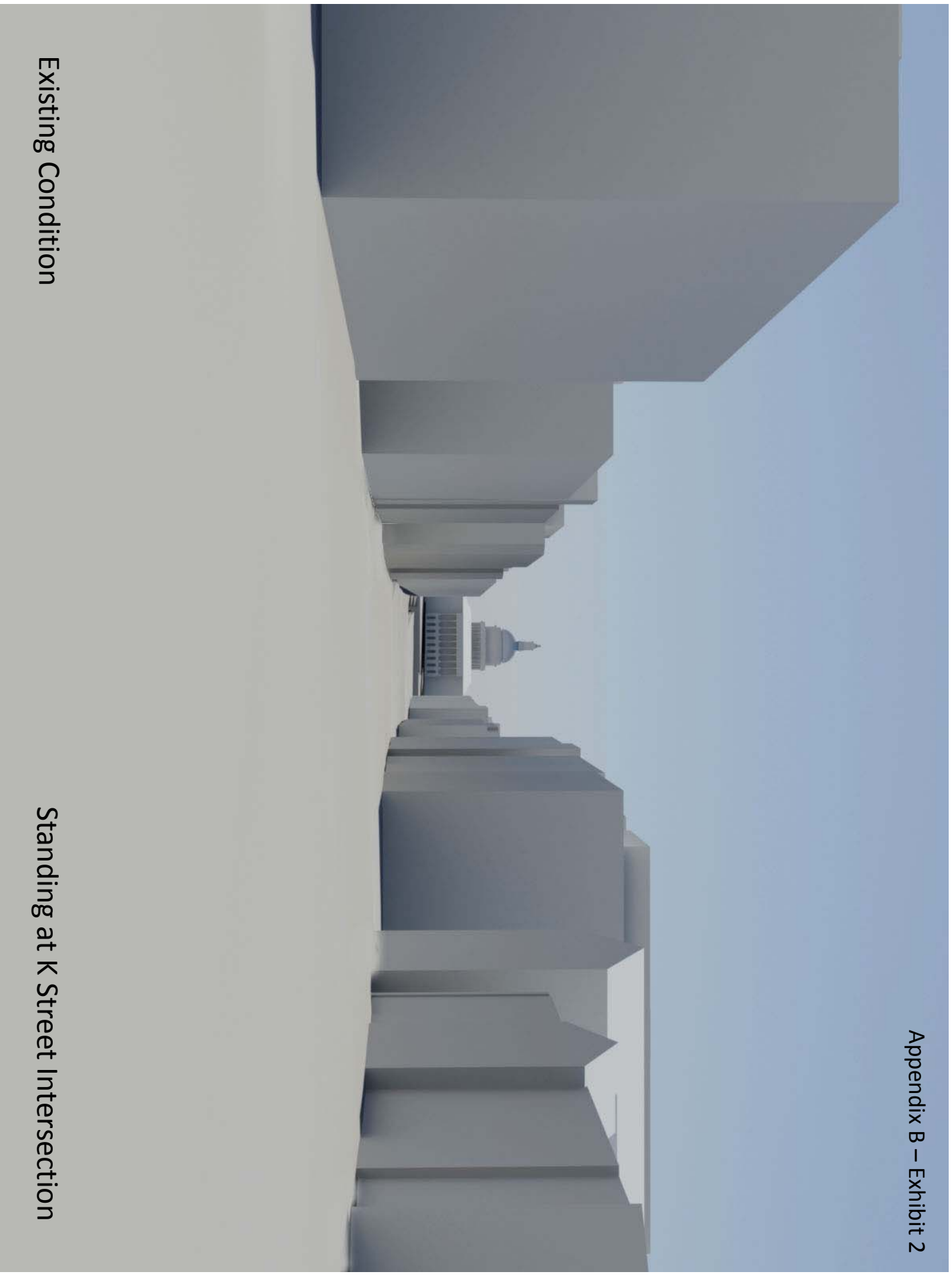
## North Capitol Street Visual Study

The rendered simulation on the right shows the existing condition standing at the K Street NW intersection. The buildings outlined in red in both images below serve as reference points to compare the real photo (left) with the rendered simulation (right).

Photo source: DCOP Height Master Plan Modeling Study

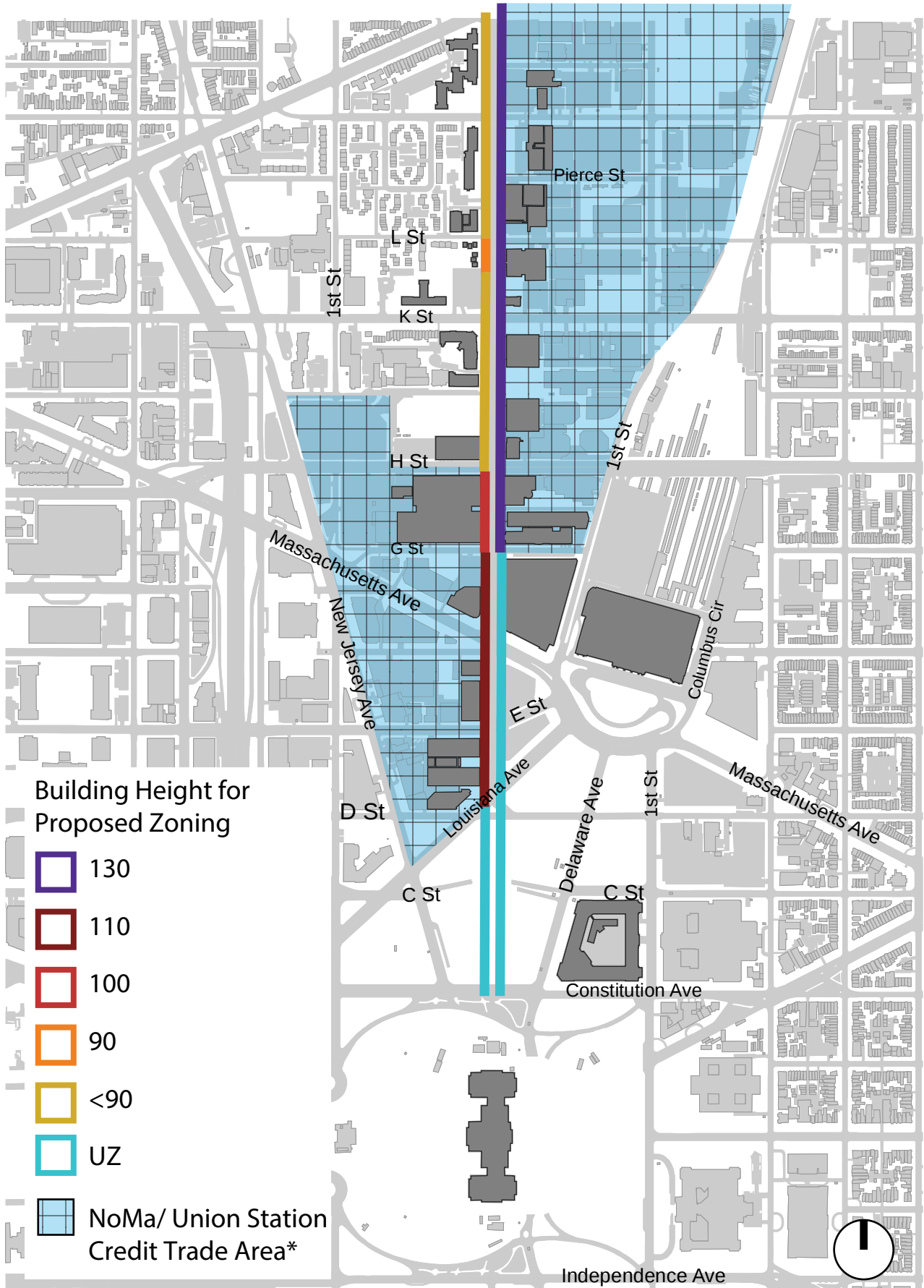
Modeling data source: DCGIS





Existing Condition

Standing at K Street Intersection



North Capitol Street Existing Structures and Proposed Zoning Heights

\* Note: Assumes all buildings within the NoMa/ Union Station Credit Trade Area can achieve a height of 130'

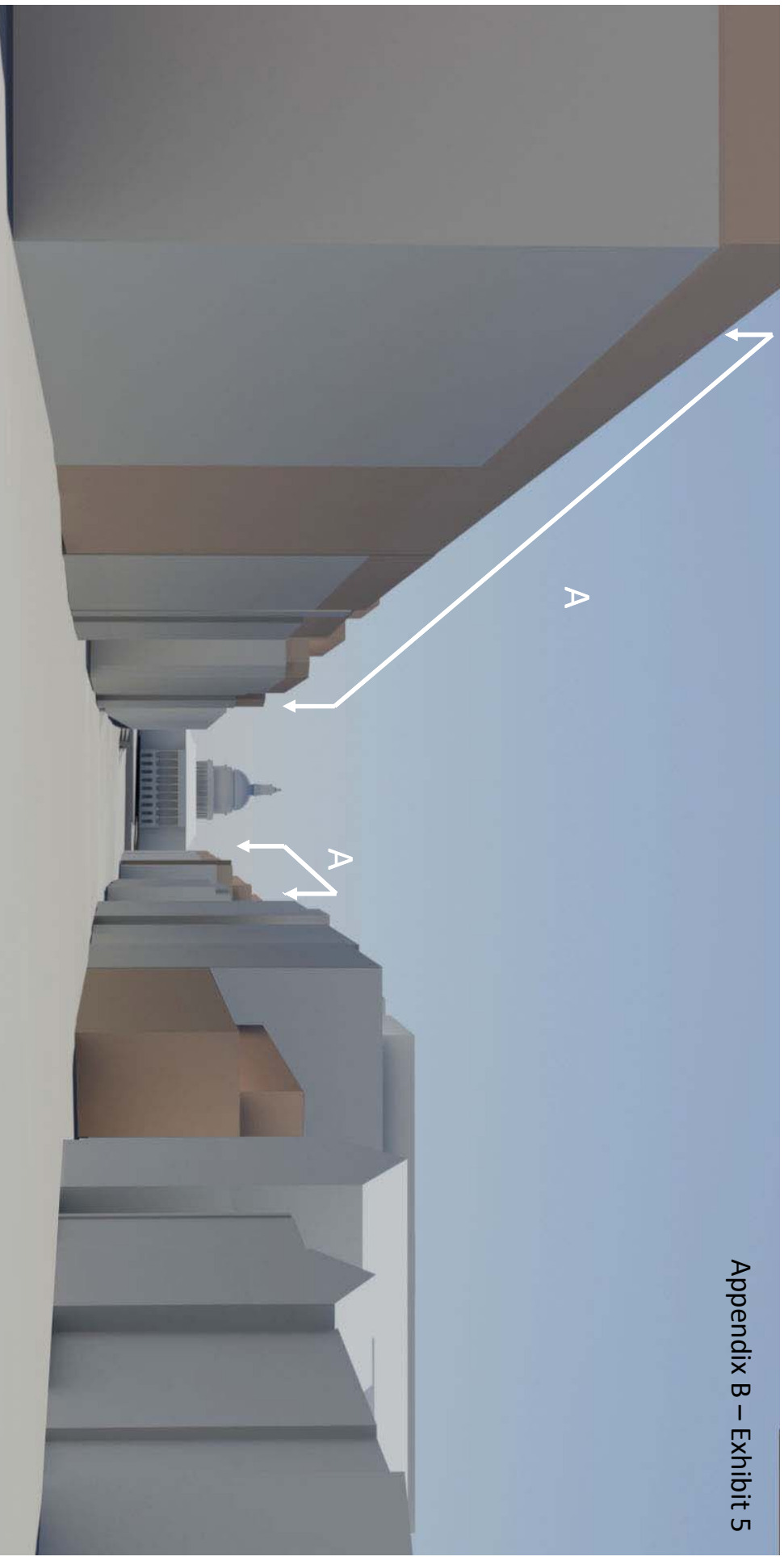


## Proposed Zoning\*

\*Notes for the purpose of visual analysis:

- A. Assumes the structures within the NOMA/Union Station Credit Trade Area on the west side of North Capitol Street can achieve a maximum height of 130 feet
- B. Assumes the football field in S.Q. 622 will redevelop
- C. Assumes historic structures and places will not redevelop
- D. Height restricted under the Height of Buildings Act of 1910, as amended.

Standing at K Street Intersection



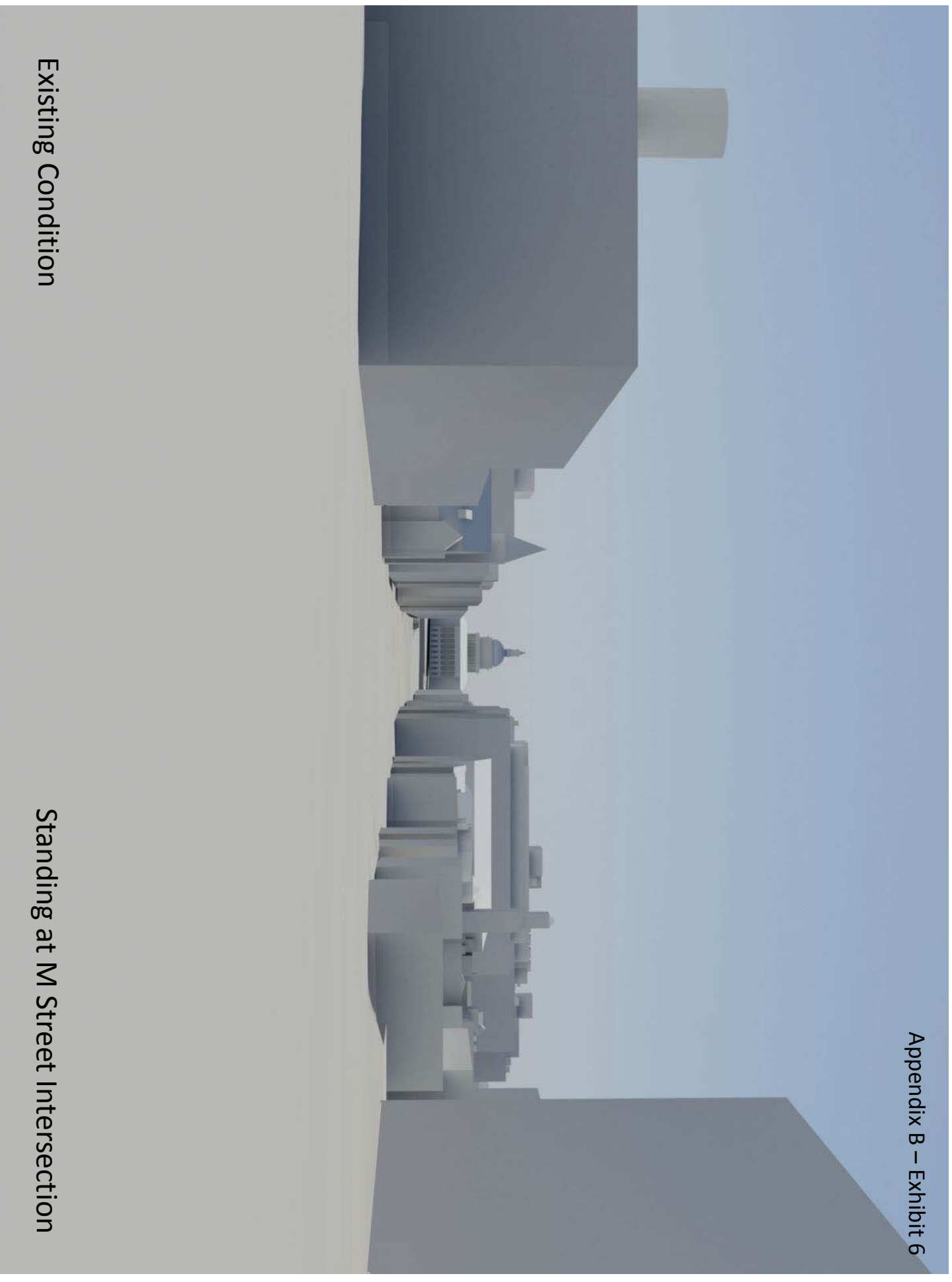
## Concept Proposal\*

110' + additional 1:1 height step back  
for 20' + penthouse

### \*Notes:

A. Proposes a base height of 110' feet with a 1:1 height step back for any additional height for all areas where 130 feet may be achieved as a matter of right or within credit trading areas.

Standing at K Street Intersection



Existing Condition

Standing at M Street Intersection



## Proposed Zoning

Note: This conceptual visual study illustrates the undefined edges and difficult transitions between densities on either side of this corridor under proposed zoning. This potential building composition results in the impression that North Capitol is defined by the edges of the zones around it, rather than the preeminence of the dome and as a distinctive corridor. Given the complexity of the land use conditions and urban design issues, NCP staff does *not* make a recommendation for the blocks to the north of K Street, including the intersection shown in this illustration. However, we recommend that the urban design framework for North Capitol Street up to Florida Avenue be addressed through the Comprehensive Plan or more specific study, as appropriate. Future study should consider urban design strategies that address these important transitions in density and land use, reinforce the quality of views to the Capitol, and promote the potential of this street as one of our city's most important gateways.

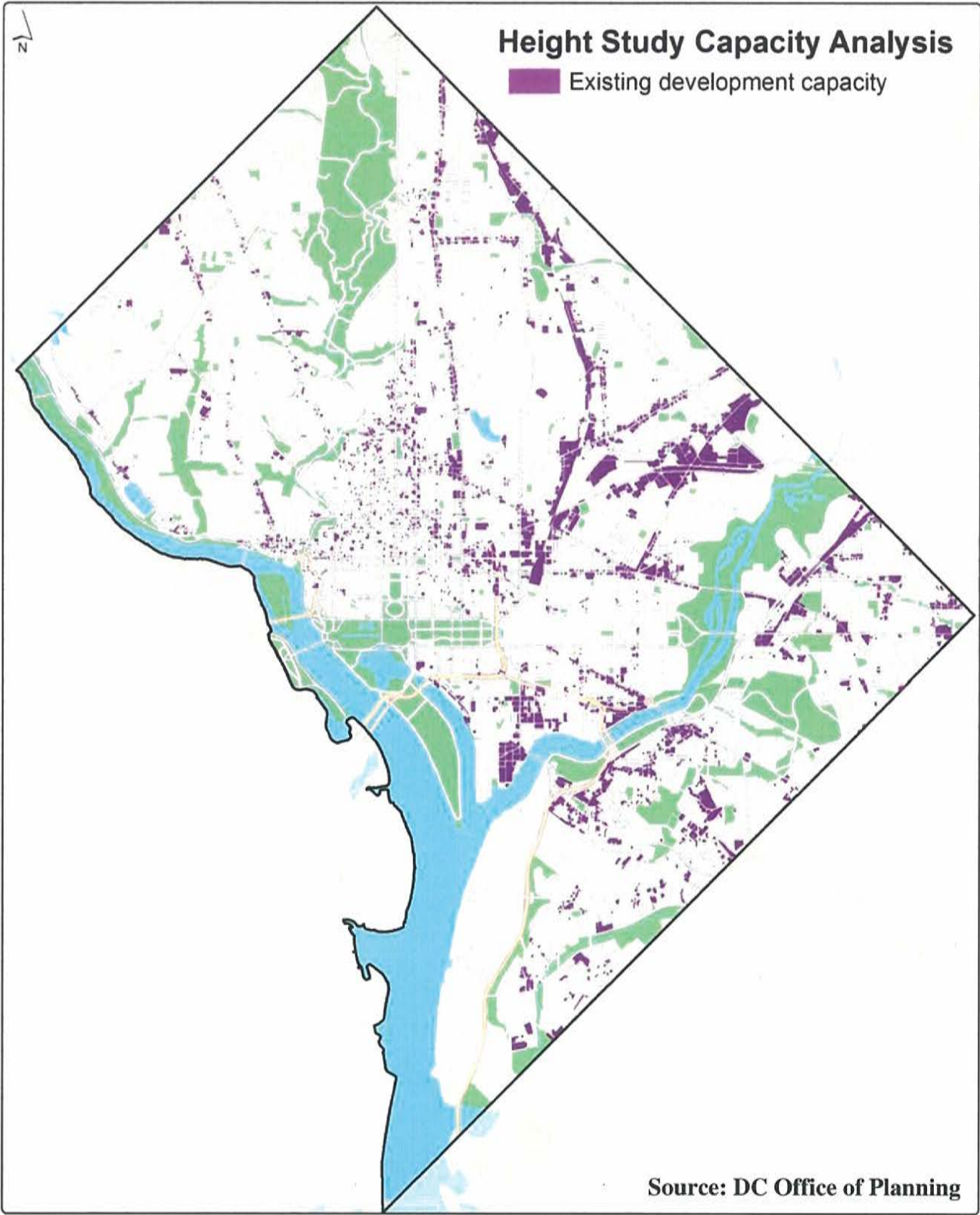
Standing at M Street Intersection

**APPENDIX C**

**Exhibit 1: Height Study Capacity Analysis,  
DC Office of Planning, Height Study Report (2013)**

The 2013 Height of Buildings Study, a joint effort of the District of Columbia Office of Planning and NCPC, includes two useful maps for the purposes of evaluating the minimum number of additional streets that should be included in ZC design review. NCPC and DCOP submitted recommendations to the U.S. Congress in 2013.

First, is the District of Columbia's "Height Study Capacity Analysis," which identifies parcels where development capacity can be achieved based on a series of thresholds set forth in the District's portion of the report.



## APPENDIX C

### Exhibit 2: DC Matter of Right Building Heights

Second, during the Height Study, the District also prepared the Zoning Heights Map shown below, which shows general matter of right areas throughout the city, including within the Downtown Zone. This map depicts matter of right heights and *does not* show spots that are subject to TDRs and PUDs. But, it is a general snapshot of current zones that are built to the limits of the Height Act (in medium blue) and areas that may be developed in the future (in brown).

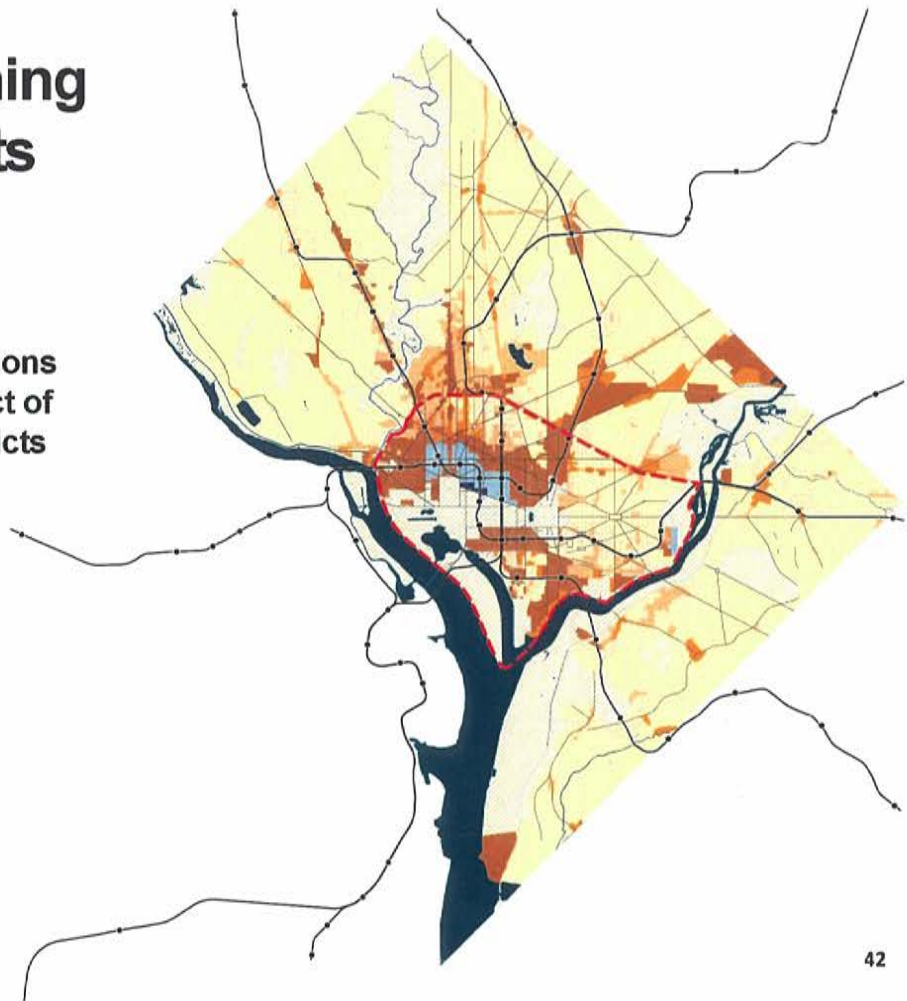
**Source: DC Office of Planning**

## Current Zoning Height Limits

**Building heights are based on the regulations outlined in the District of Columbia Zone Districts**

### Building Height Limits

- 160 feet limit
- 130 feet limit
- 110 feet limit
- 90 feet limit
- 70 feet limit
- 60 feet limit
- 50 feet limit
- 40 feet limit
- Areas not zoned
- ¼ mile pedestrian shed
- L' Enfant City boundary

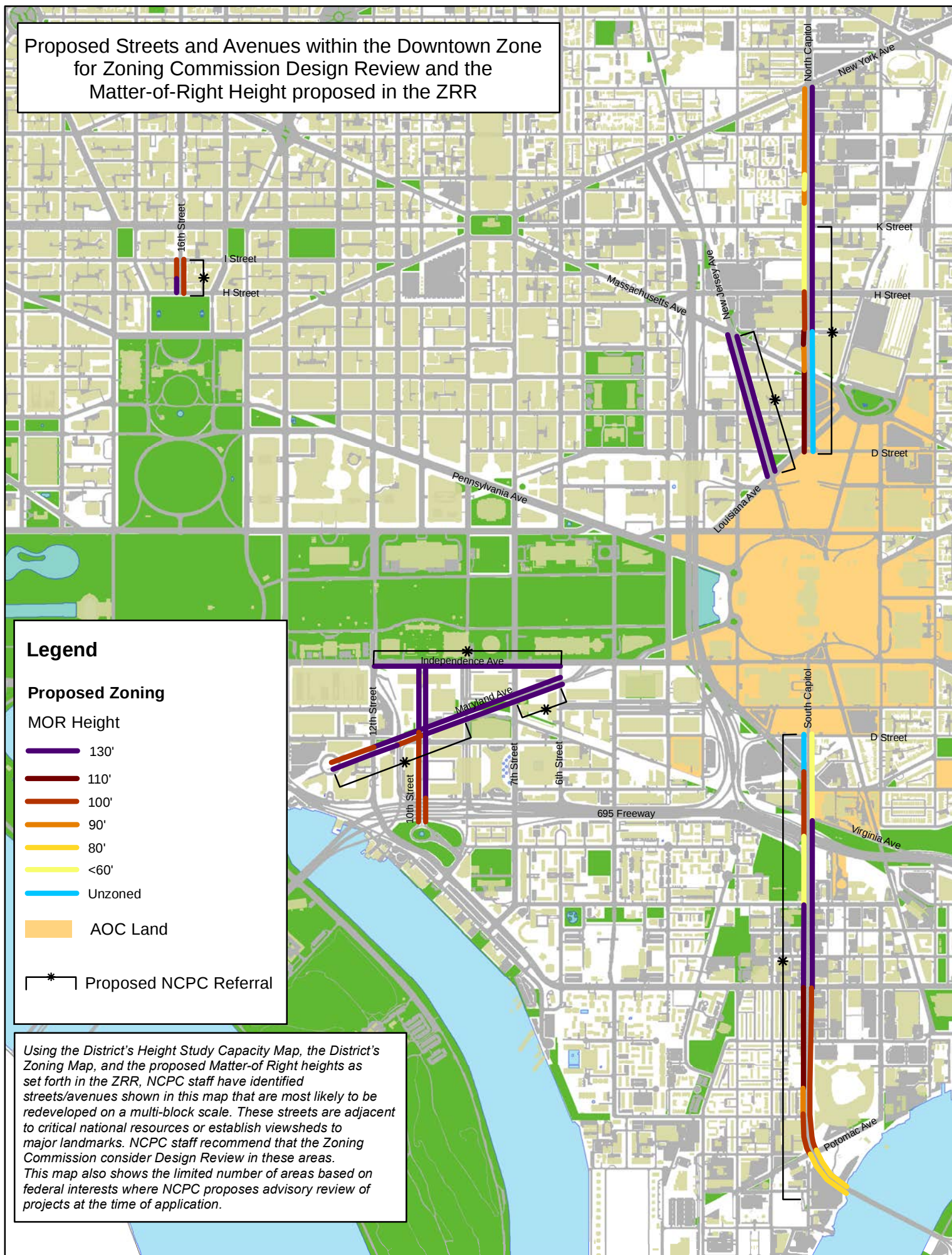


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**APPENDIX C / Exhibit 3**

**Zoning Commission Design Review Map / NCPC Referral**

Proposed Streets and Avenues within the Downtown Zone  
for Zoning Commission Design Review and the  
Matter-of-Right Height proposed in the ZRR



## APPENDIX D

### Pennsylvania Avenue Development Corporation

#### Background

When Congress dissolved the Pennsylvania Avenue Development Corporation (PADC) in 1996, it transferred various responsibilities along Pennsylvania Avenue to the GSA, NCPC and NPS.<sup>4</sup> 40 U.S.C. § 6702(d) states that “The National Capital Planning Commission is responsible for ensuring that development in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan – 1974.”

The Pennsylvania Avenue Development Corporation Plan (the PADC Plan) and Square Guidelines provide federal guidance on the planning, design and development of 23 squares along and near Pennsylvania Avenue, NW. U.S. Code Chapter 40 § 6712 states that select agencies or instrumentalities of the federal or District of Columbia governments may exercise any lawful powers in the PADC Plan area that are consistent with the PADC Plan. These currently include GSA, NPS, and NCPC. The District Department of Transportation has jurisdiction over the Avenue’s cartway.

The proposed zoning for portions of Pennsylvania Avenue, NW between the White House and the U.S. Capitol (specifically as it relates to building heights, footprint setbacks, and upper story setbacks) is inconsistent with the PADC Plan and Square Guidelines, and also inconsistent with the Federal Elements of the Comprehensive Plan.

- The zoning updates regarding Pennsylvania Avenue Sub-Area (Subtitle I, Section 608) fail to encompass all squares within the PADC Plan statutory defined area. See 40 U.S.C. § 6711 and Appendix B for boundary map. Thus, while some portions of the Plan area are zoned D-7-B-1, other areas are zoned D-6-B-1 or D-6-B-2. However, the character described in the Sub-Area Objectives is applicable to all squares within the PADC Plan boundary.
- The sections of D-6-B-1 (Subtitle I, Section 210) and D-6-B-2 (Subtitle I, Section 211) regarding building setbacks, upper story step-backs, and overall height requirements are inconsistent with the PADC Plan. This may lead to confusion regarding the development potential of a site.
- It appears that the Height and Upper Story Setback Development Conditions (Subtitle I, Section 306) allows a matter of right height of 160 feet beginning at the building line for buildings within the Pennsylvania Avenue Historic District and fronting Pennsylvania Avenue. This proposed requirement is not consistent with the building setbacks and upper story step-backs required in the Plan before the maximum height is

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<sup>4</sup> See 40 U.S.C § 6701 et. seq

attained. If this interpretation is correct, the proposed language in the zoning update is inconsistent with the PADC Plan and Square Guidelines, and should be amended. Note: Provisions in DCOP's Subtitle memo dated November 4, 2013 are also unclear.

NCPC therefore requests that the proposed text in the zoning updates be amended to recognize the Pennsylvania Avenue Development Corporation Plan and Square Guidelines, and address inconsistencies between them. Our letter dated June 24<sup>th</sup> letter (Appendix A) includes a redline of this section of the zoning code that would address our concerns.

## **Appendix E**

### **Additional Comments by Subtitle**

#### **All Subtitles**

**We recommend all references to the term “Central Area” be changed to “Central Washington.”** This will avoid confusion with “Central Area” references such as in Subtitle I Section 100.2(g) with the term as defined in Subtitle B and 45 DCR 1046.

#### **Subtitle A: Authority and Applicability**

**We recommend specifying NCPC’s authorities in Section 400.1 as this section specifies the Commission of Fine Arts’ authorities.** To provide clarity to administrators, building permit applicants, architects and lay people reviewing the zoning regulations, it’s advisable to specify NCPC’s role in processing and reviewing proposed buildings or other structures. Suggested language:

*In addition to all provisions of this title, District of Columbia agencies shall advise and consult with the National Capital Planning Commission (NCPC) before preparing construction plans to be paid for at least in part from federal or District amounts (40 U.S.C. §§8722 (b,d)); NCPC may make a report and recommendation on the relation, conformity, or consistency of proposed amendments of the zoning regulations and maps with the comprehensive plan for the National Capital; and the Planning Commission may also submit to the Zoning Commission proposed amendments or general revisions to the zoning regulations or the zoning map for the District of Columbia. (40 U.S.C. §§8724(a))*

**We recommend adding a section that articulates Pennsylvania Avenue Development Corporation (PADC) authorities, specifically those transferred to NCPC.** The PADC Plan and related authorities are important tools to reinforce the connection between the White House and the Capitol, and to integrate the Monumental Core with commercial activities to the north. NCPC has a critical role to review and determine the consistency of development proposals within the PADC area for compliance with the PADC Plan, pursuant to 40 U.S.C. § 6702(d) and the Memorandum of Agreement dated July 25, 1996, 61 Fed. Reg. 41789

#### **Subtitle G – Mixed Use Zones**

##### **Naval Observatory Overlay District**

##### **Current Code:**

DCMR 1 § 3012 covers Agency Reports required under the Zoning Commission Procedures, Rules of Practice, and Procedure.

- 3012.1(a)(2) - Those applications for approval [by the Zoning Commission] pursuant to 11 DCMR § 1610.1(a) and (d)” shall be sent for review and comment to the National Capital Planning Commission.
- 1531.4 The NO Overlay District is intended to provide additional controls on private land, in order to protect recognized Federal interest concerns. The concerns include the critical scientific mission performed at the Naval Observatory and the security needs of the Vice-President's residence.
- 1531.5 The NO Overlay District shall act to further restrict the development controls permitted in existing districts to reduce or eliminate any possible harm or restrictions on the mission of the Federal establishment within the NO Overlay District.

### **Proposed Code:**

This overlay would become Mixed Use Zone – Naval Observatory (M-28).

While the new standards for the area generally mirror the existing ones, there is no corollary section that specifies NCPC review. NCPC is also coordinating with the Navy to ensure that the proposed code is consistent with the Naval Observatory Lighting Study that was completed in May 2012. The Navy is submitting comments under separate cover that address their desire to expand the zone to the south and incorporate the lighting standards outlined in their study.

### **Subtitle I: - Downtown Zones**

Our comments on Subtitle I are included in this letter and our letter dated June 24<sup>th</sup>, 2014.

### **Subtitle K: Special Purpose Zones**

The current zoning code gives NCPC advisory review for development projects within the following overlay zones (defined as special purpose zones in the proposed code): the SE Federal Center, Capitol Gateway, and Union Station North Overlay Districts. The purpose of this review is for NCPC to ensure the protection of national interests. The rationale behind these previous commitments is outlined in Appendix A of the June 24<sup>th</sup>, 2014 letter.

It is our understanding that NCPC’s advisory review has been preserved in Subtitle K; however, there is no reference to NCPC in this subtitle. NCPC respectfully requests that our advisory review for these special purposes zones that was previously granted in various zoning actions be made clear in this subtitle.

### **Subtitle W: Mapping**

We advise that proposed modifications to overlay zone regulations may be inconsistent with the Comprehensive Plan and other federal authorities. The proposal to eliminate or modify the

existing overlay districts could significantly impact federal interests. We refer you to our earlier comments on the overlay proposal as provided in the Office of Planning's October 15, 2009 Proposed Amendments to Zoning Regulations – Downtown (Attachment A). NCPC may provide additional comments as we continue to review the October 9, 2013 proposed amendments.

#### **Subtitle X: General Procedures**

Under separate cover, NCPC submitted comments on the chancery provision of the Zoning Rewrite to supplement the State Department's letter to the Zoning Commission dated July 21, 2014.

#### **Subtitle Y: Board of Zoning Adjustment Practices and Procedures**

**We advise that changes to Board of Zoning Adjustment (BZA) practices and procedures must be referred to NCPC.** NCPC staff has found that previous changes to BZA practices and procedures haven't consistently been conveyed to NCPC. The statutory language of 40 U.S. C. § 8724 confers discretionary authority on NCPC to comment on proposed amendments to zoning regulations and maps. As the BZA Practices and Procedures are incorporated into the Zoning Regulations, the D.C. Zoning Office is obligated to send changes thereto to NCPC. NCPC may decline to comment on the proposed changes but the discretion is ours vis-à-vis offering a recommendation versus the zoning office determining whether or not to refer.

#### **Z: Zoning Commission Practices and Procedures**

**We advise that changes to Zoning Commission (ZC) practices and procedures must be referred to NCPC.** NCPC staff has found that previous changes to ZC practices and procedures haven't been consistently conveyed to NCPC. The statutory language of 40 U.S. C. § 8724 confers discretionary authority on NCPC to comment on proposed amendments to zoning regulations and maps. As the ZC Practices and Procedures are incorporated into the Zoning Regulations, the DC Zoning Office is obligated to send changes thereto to NCPC. NCPC may decline to comment on the proposed changes but the discretion is ours vis-à-vis offering a recommendation versus the zoning office determining whether or not to refer.

**For Example: Section 604.3.** This section states that Zoning Commission may proceed without referral to or report from the NCPC. Any text amendment (even rules of practice and procedure) is required to be referred to the NCPC for review per the National Capital Planning Act. The Commission is not obligated to comment but it has the right to comment if it so chooses.

**We recommend adding a provision to Chapter 900 that reflects Section 12 of the District of Columbia Public Space Utilization Act.** Staff finds that Chapter 9—Air Space Development clearly outlines the policies and procedures, including NCPC's authority to review and approve all development applications for airspace. To clarify policies and procedures for development by public agencies, we recommend adding a provision that refers to the authority of the Federal and

District governments to construct structures in airspace, per Section 12 of the District of Columbia Public Space Utilization Act (DC Official Code § 10-1121.01).