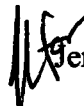


MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director

DATE: December 8, 2009

SUBJECT: **Setdown Report** and Pre-hearing Statement for a Text Amendment to 11 DCMR and a Map Amendment to Square 717, Lots 7001 and 7002 and Square 720, Lots 7000 and 7001 to guide development of the Union Station Air Rights

This report serves as the Pre-hearing Filing required by 11 DCMR §3013 as a prerequisite to the advertisement of the proposed text and map amendments.

Waiver of Rules for Late Submittal

This report is being submitted less than ten days prior to the Zoning Commission's consideration of the item and scheduled public meeting. The Office of Planning respectfully requests that the Commission waive its rule and accept the report into the record pursuant to §3000.8.

I. RECOMMENDATION

The Office of Planning (OP), in order to permit and guide development of the air rights over the railroad tracks north of Union Station, proposes text and map amendments. The text amendment would create zoning that would give the Zoning Commission authority to review and approve any development on the air-rights lots. The design review criteria of the proposed new zone would ensure that development reconnects the city, creates an active streetscape, utilizes the multi-modal transportation infrastructure concentrated at Union Station, and presents an appropriate face to nearby properties, landmarks and the Federal precincts of Capitol Hill. The map amendment would implement the new zone on the air-rights lots between Union Station and K Streets, NE. OP recommends that the amendments be set down for a public hearing. OP also proposes the public hearing notice locations shown in Attachment 2.

II. BACKGROUND

In 1997, in P.L. 105-33, the United States Congress directed that Amtrak convey its interest in approximately 14 acres of air rights above the rail yard adjacent to Union Station to the General Services Administration (GSA). Congress further directed GSA to sell those rights at auction for development. In 2002 GSA held a public auction which was won by Akridge Development. Akridge closed on the transaction in 2006 and subsequently recorded the air-rights lots with the

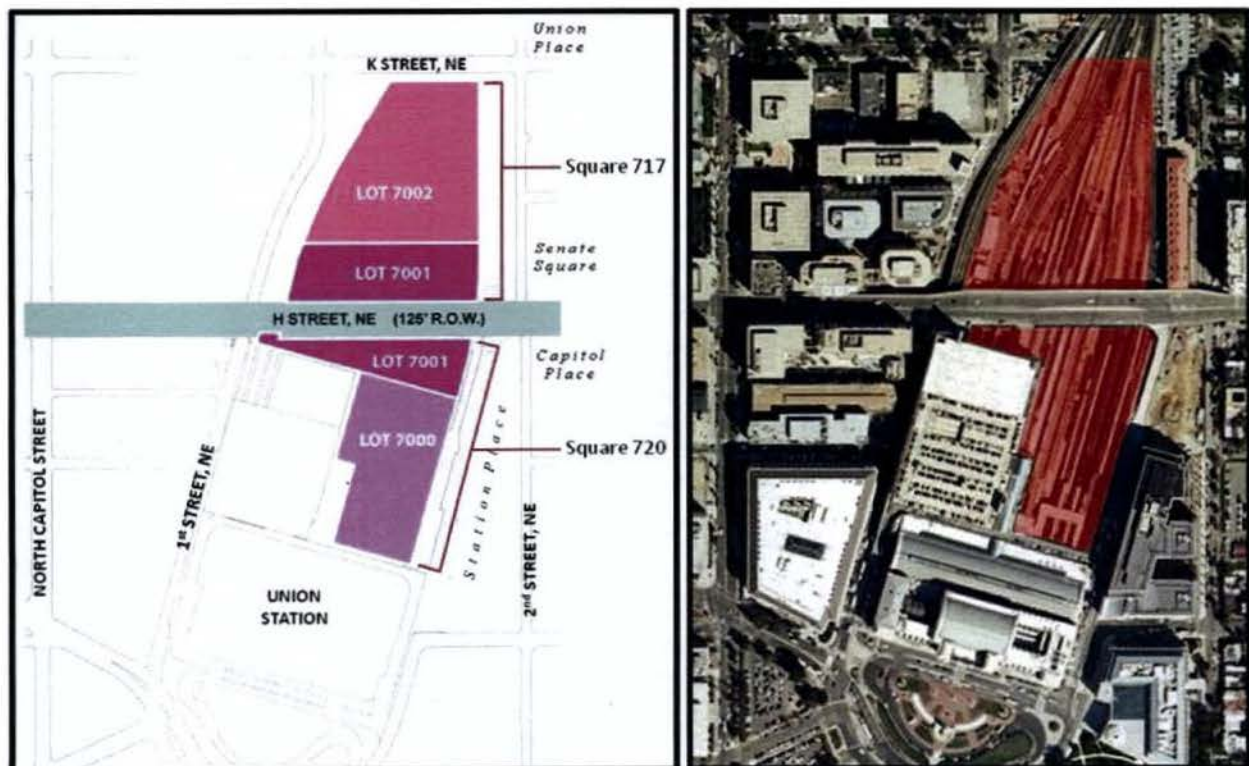
ZONING COMMISSION
District of Columbia

Office of the Surveyor. In the summer of 2009 Akridge approached the Office of Planning with a conceptual site layout for development of the site. The property owner's nascent plan is to construct a platform over the railroad tracks that would support buildings above. Some of the buildings would front on H Street and others would face internal private streets and courtyards. Akridge's design would improve access to Union Station from the north and provide a real streetscape for H Street.

The property owner conceived of an overlay to guide development on the site. But in OP's view, an overlay would add to the complexity of reviewing and administering development on the air-rights lots. OP proposes, therefore, the creation of a new zone that would both allow design review of development at this important location and set forth the zoning mechanisms to allow development on such a unique site.

III. SITE AND AREA DESCRIPTION

The new zone would only be applicable to the air-rights lots north of Union Station. Those lots extend from the rear of the station north to H Street, and from the north side of H Street to K Street. The properties are more specifically known as Square 717, Lots 7001 and 7002; and Square 720, Lots 7000 and 7001. The total size of the air-rights lots is 622,941 square feet, or 14.30 acres.



The subject properties are bounded by Union Station and the Union Station parking garage on the south and southwest. The western boundary north of H Street is formed by the WMATA Red Line right-of-way. Further to the west and northwest are the office buildings of NoMa. The Station Place office building is between the subject site and 2nd Street, NE, and between F and H Streets, NE. North of H Street on 2nd is the REA Building, a former railroad building, now privately owned, that houses office and retail uses. A parking lot is north of the REA Building. The air rights over the parking lot are controlled by a private sector developer. Three mixed use or residential developments on the east side of 2nd Street, between F and L Streets, are either approved or completed, including Capitol Place, Senate Square and Union Place. The block between Eye and K Streets has a mix of rowhouses and few small scale commercial properties. On the north end, the subject site terminates at the K Street right-of-way, though at that point K Street is underneath the railroad tracks. Please see Attachment 1 for an expanded aerial photograph and a zoning map of the surrounding area.

The land underneath the subject air-rights lots is occupied primarily by railroad tracks, though some railroad service and control structures are also located in that space. The land is zoned C-M-3 and M, which both permit as a matter-of-right a height of 90 feet and an FAR of 6.0. The elevation of the railroad tracks is approximately 55 feet above sea level. The curb and sidewalk at the crest of the H Street Bridge is at 82 feet 6 inches above sea level.

IV. COMPREHENSIVE PLAN POLICIES

The proposed zoning regulations would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1
- (5) Much of the growth that is forecast during the next 20 years is expected to occur on large sites that are currently isolated from the rest of the city. Rather than letting these sites develop as gated or self-contained communities, they should become part of the city's urban fabric through the continuation of street patterns, open space corridors and compatible development patterns where they meet existing neighborhoods. Since the District is landlocked, its large sites must be viewed as extraordinarily valuable assets... 217.5
- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6

- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7
- (11) The District of Columbia contains many buildings and sites that contribute to its identity. Protecting historic resources through preservation laws and other programs is essential to retain the heritage that defines and distinguishes the city... 218.4
- (17) An economically strong and viable District of Columbia is essential to the economic health and well being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District's economic development strategies must capitalize on the city's location at the center of the region's transportation and communication systems. 219.2
- (30) Residents are connected by places of "common ground," such as Union Station and Eastern Market. Such public gathering places should be protected, and should be created in all parts of the city as development and change occurs. 220.6
- (31) The District's communities are connected by a shared heritage of urban design, reflecting the legacy of the L'Enfant Plan, the McMillan Plan, the Height Act of 1910, and preservation of much of the historic urban fabric. After more than two centuries of building, the nation's capital is still a remarkable place. Urban design and streetscape policies must retain the historic, majestic, and beautiful qualities that make Washington unique among American cities. 220.7
- (34) As the nation's capital, the District should be a role model for environmental sustainability. Building construction and renovation should minimize the use of non-renewable resources, promote energy and water conservation, and reduce harmful effects on the natural environment. 221.3
- (35) Planning decisions should improve the health of District residents by reducing exposure to hazardous materials, improving the quality of surface and groundwater, and encouraging land use patterns and land uses that reduce air pollution and facilitate pedestrian and bicycle travel. 221.4

The new zone would also be consistent with major policies from various elements of the Comprehensive Plan.

Land Use Element

The Land Use Element speaks to the limited amount of developable land in the District of Columbia, especially in the Central Employment Area (CEA). That element states that most

infill and redevelopment in the core of the city will happen east of 5th Street, NW, and that large vacant sites can provide opportunities for civic focal points (Comprehensive Plan, pp. 3-8 – 3-9). The Land Use Element states that District zoning regulations should promote high-value land uses in the CEA that enhance the area's image as the center of the District "and that make the most efficient possible use of its transportation facilities" (Policy LU-1.1.4). Policy LU-1.1.5 cites NoMa as one of the new mixed use neighborhoods in the center city, and says that it should consist of "high-density residential, office, retail, cultural, and open spaces." That policy goes on to say that NoMa should be an attractive pedestrian-oriented neighborhood with high-quality architecture and public spaces. The Land Use Element also puts a strong emphasis on transit oriented development and infill near metro stations (Policy LU-1.3.2). In addition, the Plan states that the city should take steps to encourage infill where there is a gap in the urban fabric and where access is problematic or development is constrained by other factors (Policies LU-1.4.1 and LU-1.4.2). Zoning for infill sites should be compatible with the development pattern in surrounding neighborhoods (Policy LU-1.4.3).

Transportation Element

The Transportation Element supports transit-oriented development (Policy T-1.1.4) and states that "making the best use of infrastructure and finite land resources" is necessary to accommodate expected growth in jobs and residents (p. 4-4). That element also states that the transportation system benefits when development is focused on major transit routes (*ibid.*). The Transportation Element also emphasizes that integrated land use and transportation planning, as well as connectivity, livability and vitality, are "key to [the city's] future economic growth and its role as the nation's capital" (p. 4-1).

Other Citywide Elements

The Housing Element calls for substantial new high density housing in Central Washington (Policy H-1.1.6). The referenced policy states that higher density housing can help create mixed-use areas, create a vibrant street life and support retail and service uses. The Environmental Protection element speaks to the benefits of transit oriented development and utilizing transit. By "directing future growth to parts of the city where car ownership is an option and not a necessity," the District can help to reduce air pollution in the city and the region (p. 6-28). Policy E-4.1.5 emphasizes that taking advantage of multi-modal facilities can help reduce vehicle emissions. The Economic Development Element states that development of large sites should "ensure that their economic development potential is fully realized," and that they be used to revitalize neighborhoods (Policy ED-1.1.5). That element also calls for the continued growth of the office sector, especially in Central Washington (Policy ED-2.1.1).

The Central Washington Area Element

The subject site is located in the area described by the Comprehensive Plan as Central Washington. The Central Washington Area Element talks about the need for high density

housing in this part of the city (Policy CW-1.1.4). It also promotes an active street life by encouraging multiple entrances to ground floor uses and well designed public spaces and by discouraging blank walls and street-facing garage and loading entrances (Policy 1.1.13). In NoMa in particular, the Central Washington Element calls for “a particular emphasis on walking, bicycling, and improved transit connections” (Policy 2.8.3). The area element promotes air rights development on the subject site as a way to bridge the “railroad barrier and support the revival of the H Street commercial district to the east” (p. 16-42).

V. COMPREHENSIVE PLAN LAND USE MAPS

The Comprehensive Plan’s Generalized Policy Map describes the subject site as a Land Use Change Area. Land Use Change Areas include “the city’s large development opportunity sites” and represent “much of the city’s supply of vacant and underutilized land” (Comprehensive Plan, §223.10). The Plan goes on to state that:

The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks and civic facilities (§223.11).

Finally, new development on land use change areas is expected to include exemplary site and architectural design that is compatible with nearby neighborhoods (§223.12).

The Future Land Use Map suggests that the site is suitable for a mix of High Density Commercial and Federal uses south of H Street. North of H Street the Future Land Use Map suggests mainly a mix of High Density Commercial and High Density Residential uses, the same densities permitted throughout central Washington. Development pursuant to the proposed zoning would not be inconsistent with the land use maps of the Comprehensive Plan.

VI. NOMA VISION PLAN AND DEVELOPMENT STRATEGY

The study area for the NoMa Vision Plan and Development Strategy (NoMa Plan) encompasses the subject site. The NoMa Plan recognizes the extreme barrier that the railroad tracks form between east / west movement in this part of the city. It makes several recommendations to solve this problem and achieve other goals of the neighborhood. The NoMa Plan calls for a diverse mix of uses that takes advantage of the area’s proximity to transit and Capitol Hill, the consolidation of loading and parking functions away from pedestrian-oriented streets, improved access to Union Station from the north, and ground floor retail where necessary to activate streets (NoMa Plan, p. 1.3). More specifically, the NoMa Plan calls out H Street as “the east-west neighborhood connector and retail destination” (ibid.).

The NoMa Plan goes on to address the subject site in more detail. It suggests that “medium box to big box retail” may be appropriate for the site (p. 3.8). It also suggests that H Street have multiple street-level entrances to retail uses, and that a vertical connection to the subject site should occur near the intersection of 1st and K Streets, NE (ibid.). Other uses encouraged for the subject site include hotels, residential and community-oriented recreational and open space amenities (pp. 3.10, 3.20 and 3.21). Regarding design, the NoMa Plan encourages large residential building types to embed “townhouses” with exterior entrances in the base of the building to activate streets, bring more eyes to the street, and add to visual interest (pg. 5.15). Finally it says that the city should “Take advantage of new construction and high visibility of air-rights buildings to create a dramatic addition and focal point for the NoMa area and DC” but that there should be increased design review for “projects of significant importance” (ibid.). The proposed zoning would serve to further these goals and allow for Zoning Commission review of buildings and open spaces.

VII. H STREET, NE STRATEGIC DEVELOPMENT PLAN

The area of the subject site is referenced in the H Street, NE Strategic Development Plan (H Street Plan). The H Street Plan calls the area between North Capitol Street and 2nd Street, NE “The Hub” and recognizes that development in this location has the opportunity to “create a unique multi-modal center in the heart of the District” (H Street Plan, p. iv). To accomplish this, and to create an effective western gateway to the H Street corridor, the H Street Plan recommends direct entrances to uses on the H Street bridge and an inviting and pedestrian-friendly streetscape (ibid.). Though not in the “focus area” of the H Street Plan, development on the subject site is recognized as important to the continued success of H Street redevelopment (p. vi).

VIII. PROPOSED TEXT AND MAP AMENDMENTS

The Office of Planning proposes to create a new stand-alone zone called Union Station North, or USN. USN would consist of bulk and design provisions, including height, FAR, parking and street frontage requirements, as well as provisions necessary for the unique conditions associated with developing 14 acres over an active rail yard. USN would also establish a Zoning Commission design review and approval process, similar to that used in the Capitol Gateway Overlay, with a set of review criteria to evaluate development applications. The Office of Planning also proposes related text amendments to achieve the purposes of the USN zone and to properly administer applications submitted pursuant to the new zone. OP feels that this approach – creating a new, self-contained zone with all desired guidelines in one place – would be easier to administer and use for both staff and citizens than creating an overlay and doing piecemeal amendments throughout the Zoning Regulations. The proposed text of the USN zone and the other text amendments can be found in Attachment 3. The following analysis examines some of the principal points of the text amendment and the reasoning behind some of the provisions.

Applicability

The proposed zone would only be applicable from the elevation of the air-rights lots and above. Most of the area of the air-rights lots begins at an elevation of 80 feet above sea level and a smaller percentage begins at 70 feet above sea level. The land below the air-rights lots would retain its C-M-3 and M zoning. This would allow Amtrak to construct service buildings underneath the platform if necessary. This is a clearer approach than amending the C-M-3 and M zones to account for the unique situation of air-rights development over the Union Station tracks or rezoning to a commercial zone and amending that zone or creating an overlay to accommodate the subject site. This approach is also preferable to rezoning the air-rights lots to an existing commercial zone because of the detailed design review and rules governing streetscape and building form provided by the USN zone. These provisions are described below.

Purposes of the USN Zone

The USN zone sets forth several statements of purpose. In addition to achieving the goals of the Comprehensive Plan, the main objective of guiding development in this area is to reconnect the city from east to west. Although a B&O railroad line existed in this location for many years, connecting to a station at New Jersey Avenue and C Street, NW, the railroad infrastructure was greatly expanded with the opening of Union Station in 1907. Construction meant the demolition of much of a neighborhood known as Swampoodle, and the establishment of a necessary, though damaging, rift in the city. At that time tunnels at H, K, L and M Streets were constructed under the railroad tracks, and in 1962 a bridge was built at H Street. But generally the rift still exists between the portion of NoMa west of the railroad tracks and the H Street, NE commercial corridor and its immediate surroundings east of the tracks. Development on the air-rights lots should take whatever steps possible to reconnect this part of the city. This sentiment is further recognized by other purposes of the zone that call for an active streetscape, a mix of uses and a walkable environment.

Another important purpose of the USN zone is to ensure that new development relates positively to its surroundings. In this case the surroundings include Union Station and other historic buildings, the Federal precincts on Capitol Hill, and existing neighborhoods to the east and west. Any development that is visible from the south should provide a suitable relationship to Union Station. Development on the subject site should minimize impacts to other properties, including light, air, noise and odor impacts.

Height

Single Buildings for Zoning Purposes

The 1910 Height Act states that “no building shall be erected, altered, or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet.” That clause implies that a building

must front on a public street in order to determine what its maximum permissible height is, or in fact to derive any amount of height. In the case of the subject site, the only street that touches the property is H Street. But over a 14 acre site, there are likely to be building pads that do not front on a public street. The Office of Planning, therefore, proposes that all structures south of H Street be considered one building, and all structures north of H Street be considered one building, regardless of whether there is communication between the structures above the level of the platform. This would allow all structures to be considered to front on H Street and derive their height. Because of this arrangement a slightly different terminology must be used. The new zone uses “building” to refer to the group of structures either south or north of H Street; The zone uses “building unit” to refer to individual structures. That terminology will also be used in this report.

Measuring Point for Height

In case #02-35, the Zoning Commission established a revised definition of “Building, height of” which stated that if a building fronted on a bridge or viaduct its height should be measured from the natural grade below the bridge or viaduct. In order to achieve the goals of the 2006 Comprehensive Plan and the NoMa Plan, the Office of Planning proposes a measuring point for this zone different than that established in case #02-35, but still in keeping with the Height Act. The Height Act states that “the height of buildings shall be measured from the level of the sidewalk opposite the middle of the front of the building...”. In this case, since both buildings would front on H Street, the elevation of the sidewalk on the H Street bridge would be used, which is 82’6” above sea level at its highest point.

Several policies support this direction. The Land Use Element of the Comprehensive Plan, as noted above, states that District zoning regulations should promote high-value land uses in the CEA that enhance the area’s image as the center of the District “and that make the most efficient possible use of its transportation facilities” (Policy LU-1.1.4). Both the Land Use and Transportation Elements of the Plan emphasize transit oriented development and infill development near metro stations (Policies LU-1.3.2 and T-1.1.4), and the Transportation Element states that “making the best use of infrastructure and finite land resources” is necessary to accommodate expected growth in jobs and residents (p. 4-4). The Housing Element calls for substantial new high density housing in Central Washington and states that such housing could help create mixed-use areas, create a vibrant street life and support retail and service uses (Policy H-1.1.6). The Economic Development Element states that development of large sites should “ensure that their economic development potential is fully realized” (Policy ED-1.1.5).

Maximum Height

As was noted earlier in this report, the subject site is shown on the Comprehensive Plan’s Future Land Use Map as suitable for high density uses, the same designation as downtown and the adjacent NoMa neighborhood. Buildings built in high density areas often maximize the height allowed by the Height Act, sometimes as a matter-of-right through a TDR or CLD process. The

Comprehensive Plan also encourages additional density near transit stations, and the subject site has a uniquely high concentration of different transportation modes including walkable neighborhoods, bicycle connections such as the Metropolitan Branch Trail, metrorail, commuter rail, metrobus, commuter bus, future streetcar service, inter-city rail and inter-city bus. It is therefore appropriate that buildings be allowed to achieve a height of 130 feet in this location, but only with the proposed design review process to ensure development compatible with its surroundings.

Equitable Height and Development Envelope

The usual practice for achieving a height of 130' has been through the Planned Unit Development process. In this case OP recognizes up front that the principal benefit of this development is the construction of the platform and the resulting ability to activate H Street, reconnect the eastern and western sides of tracks, and reinforce the multi-modal transit hub of Union Station. In evaluating the potential development envelopes OP also recognized that to require the development to measure buildings from the historic grade as opposed to that allowed by the Height Act would result in effectively smaller development envelope than sites in similar high-density areas because of the required elevation of the platform. Therefore OP is proposing that for the unique circumstances of this location the height be measured from H Street, as allowed by the Height Act, and that all building units be subject to design review before the Zoning Commission.

Design Review

The proposed text amendment calls for Zoning Commission design review of any buildings, structures, parks or plazas in the USN zone. Design review applications could be either a Stage 1, Stage 2 or Consolidated application, with the scope of those applications similar to their PUD counterparts, and with specific review criteria to guide evaluations. A Stage 1 application would examine the arrangement of building units on the site, the massing of building units, the mix of uses, the size and layout of streets and other transportation ways, and the functioning of parking and loading. A Stage 2 application would examine the outward appearance of building units, the design of landscape and hardscape areas, the functionality of transportation ways and the internal layout of uses, and how these aspects of design implement the goals of the USN zone. A Consolidated application would examine all aspects of design using all the evaluative criteria. Applications could be for either a portion of the site or the entire subject property.

Design review of new development is called for in the NoMa Plan, and the proposed design review process would allow the District to achieve its goals for the site, including an effective street connection over the tracks, an active and vibrant development that is part of the larger community, and architecture that respects and complements its surroundings. If development on the subject site was to become entitled through the PUD process, the projects themselves – the construction of the platform and the establishment of an active connection between neighborhoods – would reasonably constitute the PUD amenities. By using a design review

instead, the process would be simplified, but the District would get the same amenities and a higher, more specific level of design review over this prominent site. In addition, some items that were previously considered amenities are now mandated, such as inclusionary zoning and green building methods.

Design Review Criteria

The design review criteria are listed in the aforementioned sections of the draft zoning text. They are meant to guide the design of any proposed development and aid staff and the Commission in their review of applications. The criteria are based on the purposes of the USN zone and stress connectivity to adjacent neighborhoods, active streetscapes, minimal adverse affects, exemplary architecture, pedestrian and bicycle mobility and environmental stewardship.

Mix of Uses

As described above, policy direction for this area encourages a true mix of uses. The Office of Planning proposes a maximum FAR of 6.5 on the subject site, of which a maximum of 5.5 could be non-residential uses including office, retail and hotel. In order to maximize development on the site, the property owner would need to provide 1.0 FAR of residential uses. This approach is the same as that used in most existing commercial zones. If 1.0 FAR of residential use is provided, OP estimates that it would equal approximately 500,000 square feet of gross floor area.

Development on the site would be subject to Inclusionary Zoning (IZ), including the ability to earn bonus density. IZ grants up to a 20% FAR bonus to residential density that meets the affordable set-aside requirements. Actual density on the site, therefore, could fall within a range depending on the total amount of residential density provided.

Parking and Loading

Automobile Parking

Union Station is unique in the number of different modes of travel servicing one location. It has the most transportation options of any site in the city. Union Station and the immediate vicinity are served by walkable streets, bike lanes and trails, metrorail, metrobus, circulator bus, commuter rail, commuter bus, intercity rail, intercity bus, and soon, streetcars. The proposed USN zone, therefore, has no requirement for a quantity of automobile parking. Developers may provide an amount they feel is appropriate, though the impacts of automobile access on other forms of transportation on the site will be evaluated through the design review process. Auto parking for a building unit may be located anywhere in the USN zone, or below the USN zone if additional development rights are negotiated for such a purpose.

Bicycle Parking

Presently bicycle parking is calculated as a percentage of required automobile parking. But in the case of the USN zone, where there is no automobile parking requirement, an alternative method must be employed. The proposed bicycle parking requirements are taken from the Office of Planning's recommendations resulting from the Zoning Review's Parking Working Group. OP combined a consultant report with an examination of best practices to arrive at requirements for indoor and outdoor bike parking.

Loading

The Office of Planning proposes that loading be required as in the C-3-C zone. But OP encourages the sharing of loading facilities, especially in a location like the USN zone where several building units will be connected "underground" through the platform to communal loading facilities. To further that objective, the USN zone includes criteria by which the Commission could evaluate special exception relief to allow shared or reduced loading.

Map Amendment

The Office of Planning recommends that the Commission map the new zone simultaneously with adoption of the new text. Implementation of the new zone will facilitate development at this multi-modal node.

IX. PUBLIC HEARING NOTICE LOCATIONS

Section 3014.3 requires the petitioner for a rulemaking case to post public hearing notices on "the street frontage of each square affected by the rezoning proposal". In this instance, Squares 717 and 720 are very large squares, amalgamated from several smaller squares, and not all of their street frontages will be directly impacted by the proposed rezoning. (The boundaries of the subject squares and the subject site can be seen in Attachment 2.) The Office of Planning, therefore, requests that the Commission modify the posting requirements to specify posting at the 11 locations indicated on the map in Attachment 2. The proposed posting locations would include the frontages of the affected squares along H Street, 2nd Street, and the portion of 1st Street next to the subject site, as well as K Street, F Street and a spot at the southern end of the subject site next to Union Station. This would be in addition to all other mandated forms of notification.

X. AGENCY REFERRALS

If this application is set down for a public hearing, the Office of Planning will refer it to the following District government agencies for review and comment:

- Department of Consumer and Regulatory Affairs (DCRA);

- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD);
- DC Water and Sewer Authority (WASA).

XI. COMMUNITY COMMENTS

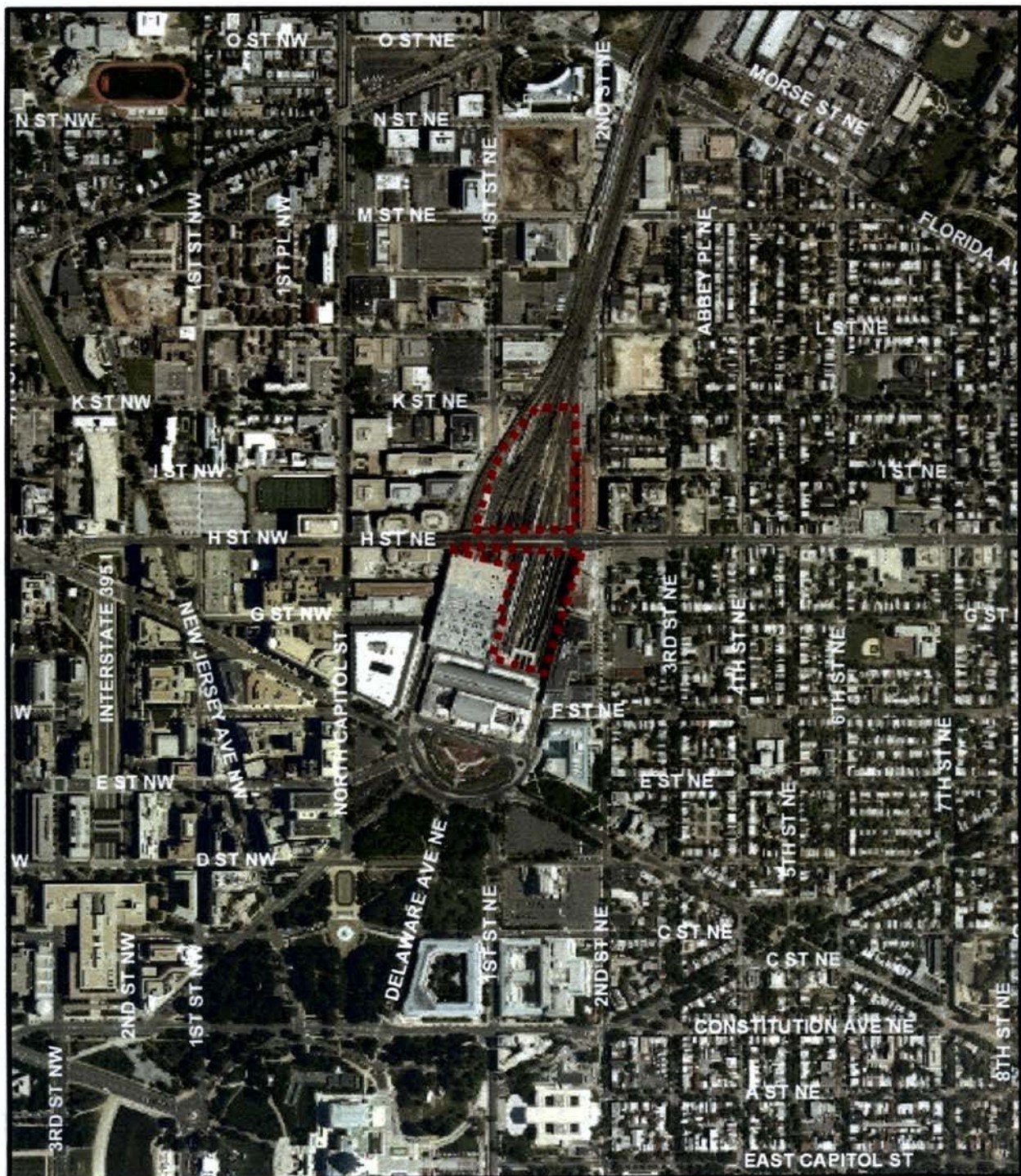
The subject site is located in ANC 6C. The Office of Planning met with the ANC's Planning, Zoning and Environment Committee to discuss the proposal with them and will continue to involve the ANC throughout the amendment process.

XII. ATTACHMENTS

1. Aerial Photo and Zoning Map
2. Proposed Public Hearing Notice Locations
3. Draft Text Amendments

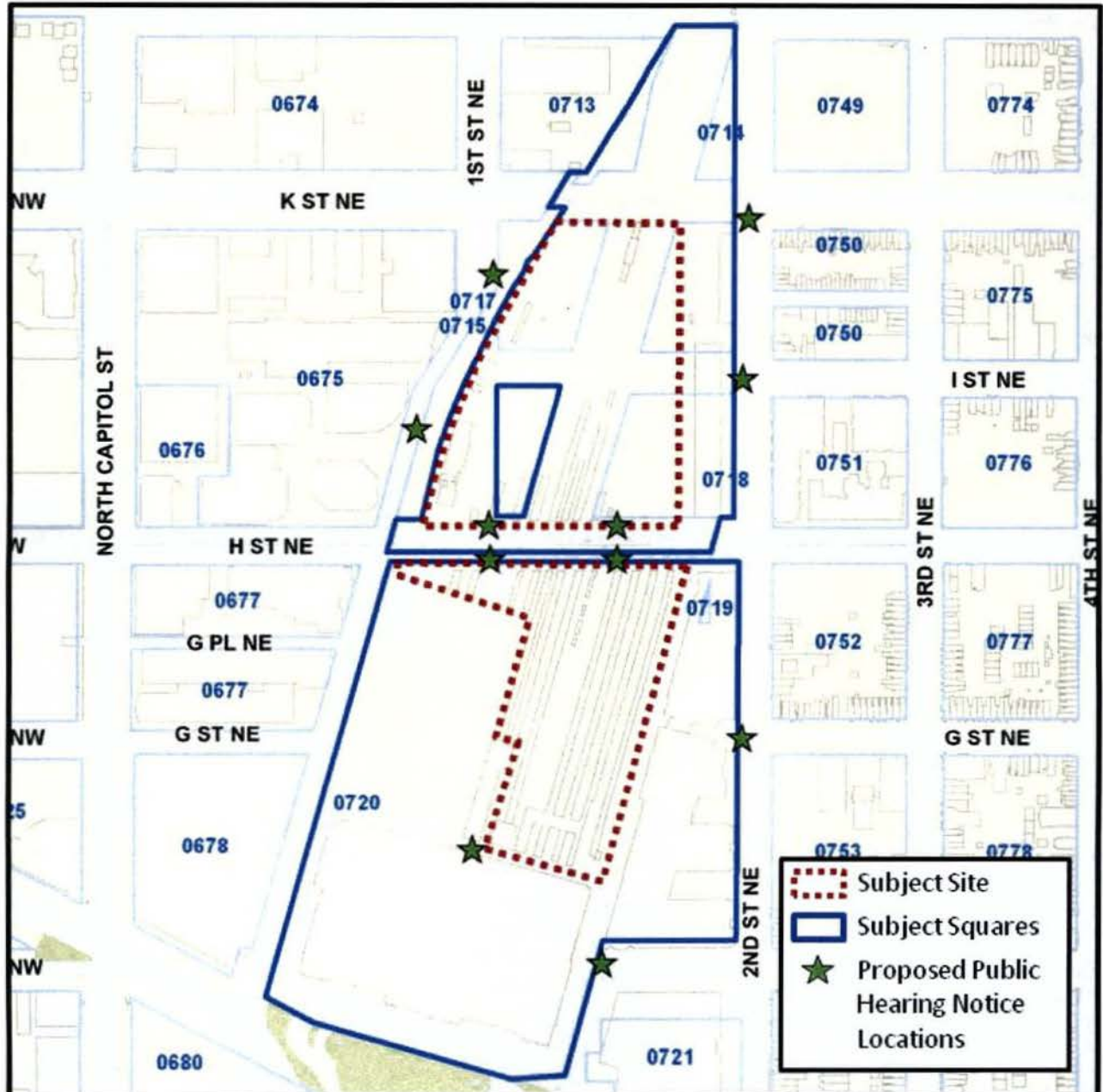
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Attachment 1
Aerial Photo and Zoning Map



Attachment 2

Proposed Public Hearing Notice Locations



Attachment 3
Draft Text Amendments

CHAPTER 29 UNIONS STATION NORTH (USN) DISTRICT

2900 PREAMBLE

2900.1 The Union Station North (USN) District is a Unique Location Districts created to implement the Comprehensive Plan and other public policy goals and objectives.

2900.2 Unique Location Districts are intended to apply to single large sites that require a cohesive, self-contained set of regulations to guide site design, building height and bulk, or other aspects of development.

2900.3 The USN District recognizes the unique characteristics and development constraints of the site and provides for appropriate, site specific methods for the measurement of height and density.

2900.4 The USN District shall constitute the Zoning Regulations for the geographic area referred to in § 2901. Where there are conflicts between this chapter and other chapters of this title, the provisions of the USN District shall govern.

2901 APPLICABILITY

2901.1 The Union Station North zone (USN) is mapped on the following squares and air rights lots, as described in the official records of the District Recorder of Deeds:

(a) Square 717, Lots 7001 and 7002 (between Union Station and H Street, NE);

(b) Square 720, Lots 7000 and 7001 (between H and K Streets, NE).

2901.2 The land and the volume of space below the air rights lots shall not be zoned USN. Development shall occur on top of a structural platform that will span the railroad tracks underneath ("the platform"). Some uses, including, but not limited to, parking, loading, mechanical, retail, office or residential may occur within the platform.

2902 PURPOSES

2902.1 The purposes of the USN zone are to:

- (a) **Implement the Comprehensive Plan** by ensuring that development of the air rights is not inconsistent with the goals and policies of the Comprehensive Plan including:
 - (1) Creating a catalytic development, providing a connection between neighborhoods west of the railroad tracks and east of the railroad tracks with an active streetscape;
 - (2) The infill of an underutilized property near a multi-modal transportation hub, the provision of a mix of high density commercial and residential uses; and
 - (3) Preservation and enhancement of Union Station, and general economic development of the NoMa area and the District of Columbia.
- (b) **Reconnect the City** by creating an urban fabric that will reconnect the H Street commercial corridor to the east, North Capitol Street to the west, NoMa to the north and west, and Union Station to the south.
- (c) **Provide a Suitable Visual Relationship to Surroundings** by ensuring the provision of exemplary architecture for any building in the USN zone, and encouraging upper story setbacks and minimized penthouses.
- (d) **Improve the Character of H Street** by establishing of H Street, NE, between 1st and 2nd Streets, NE, as an attractive, active, pedestrian oriented street with active ground floor uses and a varied façade.
- (e) **Utilize Transportation Infrastructure** by facilitating development that would take advantage of Union Station's unique combination of local, regional and national investment in pedestrian, bicycle, rail transit, bus transit and intercity rail infrastructure.
- (f) **Establish a Mix of Uses** throughout the USN zone including, but not limited to, residential, office, retail and hotel.
- (g) **Create a Walkable Environment** by requiring suitable ground floor uses, and appropriate site layout and building design.

2903 THE UNION STATION PLATFORM

- 2903.1 The buildings to be erected within the USN will be supported by two platforms erected above the existing tracks and separated by H Street, N.E. ("the Platforms" or the "Union Station Platform").

2903.2 In addition to providing structural support, the Platforms may house mechanical equipment, parking areas, and non-residential, residential and retail uses.

2903.3 Although portions of a Platform may extend below the volume of air rights lot, any provision of this Chapter pertaining to the Platform shall apply to the entire structure.

2904 SINGLE BUILDINGS AND BUILDING UNITS

2904.1 For the purposes of the USN District each Platform and all improvements constructed thereon are deemed to comprise a single building.

2904.2 Any part of a single building that is not connected to any other part other than through the Platform will be hereinafter referred to as a Building Unit.

2905 HEIGHT

2905.1 **The maximum height** of a building or structure on each Platform shall not exceed 130 feet.

2905.2 **The measurement of building height** may be taken from the elevation of the sidewalk on the H Street bridge at the middle of the front of the buildings, to the highest point of the roof or parapet rather than from grade as would otherwise be required by §199.

2906 ROOF PENTHOUSES

2906.1 Rooftop housing for mechanical equipment or a stairway or elevator penthouse it shall be erected or enlarged pursuant to §§ 770.6 through 770.8.

2906.2 A penthouse shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.

2906.3 A penthouse not intended for human occupancy may be erected to a height in excess of that authorized in the USN district subject to the provisions of the Height Act.

2906.4 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over an elevator shafts, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.

2907 FLOOR AREA RATIO (FAR)

- 2907.1 **The maximum FAR** for any single building in the USN district shall be 6.5.
- 2907.2 **The maximum non-residential FAR** for any single building shall be 5.5.
- 2907.3 For the purposes of **FAR measurement** the following shall apply:
- (a) Gross floor area shall include the area of all enclosed structures above the top of the platform.
 - (b) Lot area shall not include the private rights-of-way of private streets that generally serve the principal entrances to building units. The private right-of-way shall be defined as the curb-to-curb width of the cartway plus 16 feet on each side:
 - (c) Lot area shall include the private rights-of-way of private alleys or service roads, the principal use of which is for service, loading or automobile parking access.

2908 BICYCLE PARKING

- 2908.1 Bicycle Parking shall be provided as follows:

Type of use	Indoor Spaces	Outdoor spaces
Residential	One (1) for every three (3) units	One (1) for every twenty (20) units, with a minimum of two (2).
Non-residential	One (1) for every 10,000 square feet of gross floor area, with a minimum of two (2)	One (1) for every 40,000 square feet of gross floor area, with a minimum of two (2)
Retail/service	One (1) for every 10,000 square feet of gross floor area, with a minimum of two (2)	One (1) for every 5,000 square feet of gross floor area, with a minimum of two (2)

- 2908.2 All bicycle parking areas shall be well lit and provide convenient access to the uses they are intended to serve.
- 2908.3 Outdoor spaces may be provided in public space subject to the approval of DDOT.

- 2908.4 All required bicycle parking spaces shall be a minimum of two feet (2 ft.) in width and six feet (6 ft.) in length.
- 2908.5 An aisle five feet (5 ft.) in width shall be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- 2908.6 If a room or common locker not divided into individual spaces is used to meet these requirements, twelve square feet (12 ft.²) of floor area shall be considered the equivalent of one (1) bicycle parking space. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking shall be counted as one bicycle parking space.
- 2908.8 Signs shall be posted stating where bicycle parking spaces are located in each building or structure where bicycle parking spaces are required. The signs shall be located in a prominent place at each entrance to the building or structure. The sign shall have a white background with black lettering that is no less than two inches (2 in.) in height.

2909 OFF STREET AUTOMOBILE PARKING

- 2909.1 There shall be no minimum number of parking spaces required in the USN District.
- 2909.2 All accessory parking spaces are prohibited in the USN District and therefore the provisions of Chapter 21 do not apply except as noted in §2909.3.
- 2909.3 The size of parking spaces and aisles shall be as established in §2115.

2910 LOADING

- 2910.1 Loading shall be provided as required in Chapter 22 for the C-3-C zone.
- 2910.2 The Zoning Commission may, as a special exception, permit the reduction, elimination, relocation or consolidation of loading facilities, provided that the applicant demonstrates that:
- (a) The proposed number of loading facilities will be adequate to serve the related uses;
 - (b) The loading facilities are designed such that loading and unloading of service vehicles would be accomplished without the need to move good and materials across public areas;

- (c) The proposed loading facilities would not tend to affect adversely other modes of transportation using the adjacent public or private transportation way;
- (d) The proposed loading facilities would not tend to affect adjacent properties adversely;
- (e) The Commission may impose condition as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting transportation ways, or any other requirement it deems necessary to protect the adjacent property and the safety and function of other modes of travel.

2911 USES AS A MATTER OF RIGHT

- 2911.1 Any use permitted in the C-3-C district under §741 shall be permitted as matter-of-right.

2912 ACCESSORY USES AND BUILDINGS

- 2912.1 Any accessory use or building permitted in the C-3-C district under §742 shall be permitted as an accessory use or building in the USN district.

2913 SPECIAL EXCEPTIONS

- 2913.1 The uses specified in §§743 through 745 shall be permitted as special exceptions in the USN District if approved by the Board of Zoning Adjustment under §3104.

2914 GENERAL REQUIREMENTS

- 2914.1 All development shall meet the following requirements.
- (a) 100% of the ground floor H Street frontage of building units shall be occupied by the preferred uses listed in §§1710 and 1711, except for space devoted to building entrances or lobbies or space required to be devoted to fire control.
 - (b) Banks or financial institutions identified in §1710.1(g) shall occupy no more than 100 total linear feet of ground floor H Street frontage , and no more than 50 feet of ground floor H Street frontage in any one building unit.
 - (c) No single use shall occupy more than 100 total linear feet of ground floor H Street frontage.

- (d) Retail, service and arts uses on the ground floor of building units shall have a minimum slab to slab height of 14 feet.

2914 ZONING COMMISSION REVIEW

2914.1 All proposed buildings, structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, as well as any associated open spaces such as parks or plazas, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions. No review or approval by the Zoning Commission is required for construction of foundation systems within the USN zone.

2914.2 An application may consist of one or more building units, structures or open spaces.

2914.3 The following application types are available in the USN zone:

- (a) Stage 1 Review Application, which shall be examined for the arrangement of building units on the site, the general massing and height of building units, the mix of uses, the location of transportation ways, the size of streets, the location of open spaces, access to and from the platform, and how these aspects of the site design implement the goals of the USN zone, in accordance with the Review Criteria of §2917.
- (b) Stage 2 Review Application which shall be examined for the outward appearance of building units, the design of landscape and hardscape, the functionality of transportation ways, the general location of uses, and how these aspects of the design and architecture implement the goals of the USN zone, in accordance with the Review Criteria of §2919.
- (c) Consolidated Review Application which shall be examined for all the aspects of design mentioned in paragraphs (a) and (b) of this subsection, and examined against all the review criteria of §§2917 and 2919.

2914.4 The Commission may only approve an application that is not inconsistent with the Comprehensive Plan, is acceptable in a majority of applicable Review Criteria, generally furthers the purposes of the USN zone, and complies with the specific and general requirements of this chapter.

2915 AGENCY REVIEW

2915.1 The Office of Zoning shall refer the application to the Office of Planning, the Department of Transportation, Fire and Emergency Services, the Department of

the Environment and any other relevant District agencies for review and comment.

2916 STAGE 1 SUBMITTAL REQUIREMENTS

2916.1 An applicant requesting approval of a Stage 1 Review Application shall provide:

- (a) A completed application form, as may be designated from time-to-time by the Commission;
- (b) A written description of the proposal, including which criteria are met and how;
- (c) Site plans, elevations, renderings, photosimulations, aerial axonometric massing diagrams, or any other suitable materials necessary to describe the project;
- (d) A circulation plan, including the location of all transportation ways, off-street parking spaces and loading berths, including an indication of which spaces are designated for which use, and a reasonable numerical range of the number of parking spaces to be provided;
- (e) A comprehensive transportation assessment for the development under consideration, addressing pedestrian, bicycle, transit and automobile capacity and circulation;
- (f) The area and dimensions of each lot proposed for each building unit and the exact area of the application site;
- (g) The gross floor area and floor area ratio for each building unit, including a break-down for each use, and the total gross floor area and floor area ratio for the building, including a breakdown for each use;
- (h) Estimated quantities of potable water required by the project, and of sanitary sewage and storm water to be generated, including the methods of calculating those quantities; and
- (i) Any other information needed to understand the unique character and problems of developing the projects.

2917 STAGE 1 REVIEW APPLICATIONS

2917.1 An applicant for a Stage 1 Review shall provide information demonstrating how the application meets the following criteria:

- (a) **External Connectivity** – The development shall provide pedestrian connections in appropriate and feasible locations to surrounding development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill. A Stage 1 application shall indicate the location of all such proposed connections. Connections are especially encouraged near the intersection of 1st and K Streets, NE, 2nd and K Streets, NE and 2nd and Eye Streets, NE.
- (b) **Visual Relationship to Surroundings** – Provide a suitable massing relationship between proposed building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court, with particular attention paid to the eastern portion of the property north of Eye Street, NE. The application should also generally indicate what types of materials would be used on the portions of the exterior of the platform constructed pursuant to 2917.2 that would be visible to the public.
- (c) **Transportation Hierarchy** – Prioritize the movement of pedestrians, bikes and transit, and provide reasonable accommodation for automobiles. The location of parking and loading access shall not unduly impact the movement of pedestrians and bicyclists.
- (d) **Division of Building Form** – Avoid monolithic buildings or the creation of excessively large building blocks. Building unit massing and orientation should reflect the pattern of other development in the District. Provide division between building units through the use of streets, sidewalks, paths, plazas and parks, with a main multi-modal access point to both buildings from H Street NE.
- (e) **Publicly Accessible Space** – Any public space provided such as parks or plazas shall be easily visible and accessible.
- (e) **Mix of Uses** – The application shall demonstrate how the proposal contributes to an overall mix of uses in the USN zone.
- (f) **Impacts on Surroundings** – The proposed development shall not tend to substantially affect nearby properties adversely due to obstruction of light or air or because of noise, odors, or other impacts on air quality, including exhaust from trains. The development shall incorporate sufficient venting mechanisms for railroad uses below the site.
- (g) **Building Livability** – Mitigate vibration and noise caused by the movement of trains under residential buildings.

2917.2 Upon approval of a Stage 1 Review Application, the applicant may apply for a building permit to construct any portion of the platform related to that Stage 1 Review Application. An applicant must return to the Commission for review and approval of a Stage 2 Review Application or Consolidated Review Application prior to applying for a building permit or beginning construction for any other portion of the approved Stage 1 Review Application.

2918 STAGE 2 SUBMITTAL REQUIREMENTS

2918.1 An applicant requesting approval of a Stage 2 Review Application shall provide:

- (a) Information required in §2916;
- (b) Elevations, detail drawings, renderings or other graphics that clearly demonstrate the proposed architectural details, signage, materials to be used, and the lighting scheme for the building units;
- (c) Typical floor plans and sections that show the location of uses, access to uses, points of fenestration, general internal circulation, projections and any other feature necessary to understand the project, and a table showing the floor area of each use;
- (d) A detailed landscaping plan; and
- (e) A list of environmental features and characteristics of the development.

2919 STAGE 2 REVIEW CRITERIA

2919.1 An applicant for a Stage 2 Review shall provide information demonstrating how the application meets the following criteria:

- (a) External connections are designed to provide adequate size, materials, lighting and signage to move users easily and safely.
- (b) A suitable visual relationship is proposed between building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court, with particular attention paid to the eastern portion of the property north of Eye Street, NE.
- (c) Public and publicly accessible areas such as sidewalks, parks and plazas are activated through the use of operational entrances to retail, office, residential and other uses.

- (d) Visual façade permeability is provided. Where there are no operational entrances to uses, design of structures fronting on public and publicly accessible areas shall incorporate windows. Or, where windows are not appropriate, minimize, to the extent possible, unarticulated blank walls.
- (e) A high degree of environmental stewardship is demonstrated; Characteristics may include, but not be limited to:
 - (1) Onsite energy generation;
 - (2) Rainwater harvesting;
 - (3) Green roofs, including green spaces on the upper surface of the platform;
 - (4) Other landscaping on the upper surface of the platform such as rainwater capturing tree boxes;
 - (5) Use of native species, drought tolerant species, adequate planting depth and efficient irrigation in landscaping;
 - (6) Use of efficient plumbing fixtures and fittings, enhanced insulation and cool roofing;
 - (7) Use of environmentally friendly products in construction and operation;
 - (8) Natural lighting, including large windows, light wells and skylights;
 - (9) Natural ventilation, including balconies, terraces, operable windows and vent shafts; and
 - (10) Minimizing construction waste.
- (f) Residential uses shall incorporate private open space such as balconies and terraces for individual units where practical and architecturally compatible.
- (g) Public and private open spaces shall incorporate shaded areas and adequate seating capacity.
- (h) Adequate light and air is provided to all building units in the USN zone.

- (i) Convenient access is provided from any parking provided to the uses it is intended to serve.

2920 ASSOCIATED RELIEF

- 2920.1 Relief from any section of this chapter may be heard and decided by the Commission as a special exception in accordance with §3104.
- 2920.2 The Commission may hear and decide any additional request for special exception or variance relief for the subject property.
- 2920.3 Request for relief shall be advertised, heard and decided together with the application for Zoning Commission review and approval.

2921 TIMEFRAME FOR APPROVAL

- 2921.1 The Commission may approve timeframes within which time an application must be filed for a building permit or a Stage 2 application must be filed.

2922 MINOR MODIFICATIONS

- 2922.1 The Zoning Administrator shall have authority to approve minor modifications in the final plans approved by the Zoning Commission as set forth in §§ 2409.6 and 2409.7.

2923. SCHEDULE OF FEES

- 2923.1 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in § 3180.1(b)(16), plus such fees as apply to any additional zoning relief requested. The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Zoning Commission, which shall decide the appeal as a preliminary matter to hearing the application.

OTHER AMENDMENTS TO THE ZONING REGULATIONS

- To indicate that the USN zone is subject to Inclusionary Zoning and the bonus density granted pursuant to that requirement, amendments to Chapter 26 as follows:

- 2602.1 Except as provided in 2602.3, the requirements and incentives of this chapter shall apply to developments that:

- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, or W-1 through W-3 zone districts, unless exempted pursuant to §2602.3; and

2603.2 An inclusionary development of steel and concrete frame construction located in the zone districts stated in §2603.1 or any development located in a C-2-B, C-2-C, C-3, USN, CR, R-5-C, R-5-D, SP, W-2 or W-3- zone district shall devote the greater of 8% of the gross floor area being devoted to residential use or 50% of the bonus density utilized for inclusionary units.

2603.4 Developments located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP zone districts shall set aside 100% of inclusionary units for eligible moderate-income households.

- To declare that applications pursuant to Chapter 29 would be contested cases, an amendment to Section 3010.2(d) as follows:

3010.2(d) Applications for Zoning Commission review and approval pursuant to Chapters 16, ~~and 18~~ **and 29** of this Title.

- To clarify that applications pursuant to Chapter 29 should be scheduled for a hearing upon receipt by the Office of Zoning, an amendment to Section 3011.1 as follows:

3011.1 As soon as an application or petition is accepted for filing by the Director of the Office of Zoning, the Director shall place a copy of the application or petition in the public record of the Commission and refer a copy to the D.C. Office of Planning for review and recommendation on whether the matter should be processed further, except that applications for Zoning Commission review and approval pursuant to Chapters 16, ~~and 18~~ **and 29** of this Title, which are deemed complete by the Director, shall be immediately scheduled for hearing consistent with the notice provisions of this chapter. The exception from the requirements of this subsection shall not apply to an application for Zoning Commission approval pursuant to § 1606 unless accompanied by a written report of the Office of Planning certifying that the application is compliant with the standards of that section.

- To clarify that upon receipt by the Office of Zoning, an application pursuant to Chapter 29 should be referred to the Office of Planning, an amendment to Section 3012.1 as follows:

3012.1 As soon as an application or petition is set down for public hearing, the matter shall be referred to the D.C. Office of Planning and any other public agencies that may be requested to provide information and assistance, depending on the nature of the case. As soon as an application requesting Zoning Commission review and approval pursuant to Chapters 16, and 18 and 29 of this Title is accepted for filing by the Director of the Office of Zoning, a copy of the application shall be referred to the D.C. Office of Planning and other appropriate agencies for review and comment. A copy shall also be sent for review and comment to:

- (a) The National Capital Planning Commission of all Chapter 18 applications and those application for approval pursuant to 11 DCMR § 1603; and
- (b) The Capitol Police Board for those applications for approval pursuant to 11 DCMR § 1606.18.

- To declare that a building permit may be issued for a structure in the USN zone, even if that structure is not on a record lot, an amendment to Section 3202.3 as follows:

[Note: The following is the text from ZC #09-09, the Trapeze School.]

3202.3 Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled “An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities,” and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; Except a building permit may be issued for:

- (a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;
- (b) Boathouse, yacht club, or marina that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0;

- (c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure;
- (d) Trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7.
- (e) **A structure in the USN Zone to be constructed on an air rights lot that is not a lot of record.**

- To clarify the definition of a term used in the USN zone, an amendment to add one new definitions to §199 as follows:

199 Transportation Way – Any piece of infrastructure, the intent of which is to convey people or goods from one place to another. Examples include, but are not limited to, sidewalks, stairs, elevators, fixed guideways for transit, and streets. Transportation ways may be either on, above or below ground, and may be either publicly or privately owned. Transportation ways do not include internal components of any portion of a building.

- To include the Union Station North (USN) Districts in the list of Zone Districts, an amendment to § 105.1 as follows:

(s) Union Station North (USN)

- To allow for parking spaces to be provided on different lots, an amendment to §2116.1 as follows:

2116.1 Except as provided in §§214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 926, 2116.5, ~~and 2117.9(c)~~ **and 2901.7**, all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

Attachment 3
Draft Text Amendments

CHAPTER 29 UNIONS STATION NORTH (USN) DISTRICT

2900 PREAMBLE

- 2900.1 The Union Station North (USN) District is a Unique Location Districts created to implement the Comprehensive Plan and other public policy goals and objectives.
- 2900.2 Unique Location Districts are intended to apply to single large sites that require a cohesive, self-contained set of regulations to guide site design, building height and bulk, or other aspects of development.
- 2900.3 The USN District recognizes the unique characteristics and development constraints of the site and provides for appropriate, site specific methods for the measurement of height and density.
- 2900.4 The USN District shall constitute the Zoning Regulations for the geographic area referred to in § 2901. Where there are conflicts between this chapter and other chapters of this title, the provisions of the USN District shall govern.

2901 APPLICABILITY

- 2901.1 The Union Station North zone (USN) is mapped on the following squares and air rights lots, as described in the official records of the District Recorder of Deeds:
- (a) Square 717, Lots 7001 and 7002 (between Union Station and H Street, NE);
- (b) Square 720, Lots 7000 and 7001 (between H and K Streets, NE).
- 2901.2 The land and the volume of space below the air rights lots shall not be zoned USN. Development shall occur on top of a structural platform that will span the railroad tracks underneath (“the platform”). Some uses, including, but not limited to, parking, loading, mechanical, retail, office or residential may occur within the platform.

2902 PURPOSES

- 2902.1 The purposes of the USN zone are to:

- (a) **Implement the Comprehensive Plan** by ensuring that development of the air rights is not inconsistent with the goals and policies of the Comprehensive Plan including:
 - (1) Creating a catalytic development, providing a connection between neighborhoods west of the railroad tracks and east of the railroad tracks with an active streetscape;
 - (2) The infill of an underutilized property near a multi-modal transportation hub, the provision of a mix of high density commercial and residential uses; and
 - (3) Preservation and enhancement of Union Station, and general economic development of the NoMa area and the District of Columbia.
- (b) **Reconnect the City** by creating an urban fabric that will reconnect the H Street commercial corridor to the east, North Capitol Street to the west, NoMa to the north and west, and Union Station to the south.
- (c) **Provide a Suitable Visual Relationship to Surroundings** by ensuring the provision of exemplary architecture for any building in the USN zone, and encouraging upper story setbacks and minimized penthouses.
- (d) **Improve the Character of H Street** by establishing of H Street, NE, between 1st and 2nd Streets, NE, as an attractive, active, pedestrian oriented street with active ground floor uses and a varied façade.
- (e) **Utilize Transportation Infrastructure** by facilitating development that would take advantage of Union Station's unique combination of local, regional and national investment in pedestrian, bicycle, rail transit, bus transit and intercity rail infrastructure.
- (f) **Establish a Mix of Uses** throughout the USN zone including, but not limited to, residential, office, retail and hotel.
- (g) **Create a Walkable Environment** by requiring suitable ground floor uses, and appropriate site layout and building design.

2903 THE UNION STATION PLATFORM

- 2903.1 The buildings to be erected within the USN will be supported by two platforms erected above the existing tracks and separated by H Street, N.E. ("the Platforms" or the "Union Station Platform").

2903.2 In addition to providing structural support, the Platforms may house mechanical equipment, parking areas, and non-residential, residential and retail uses.

2903.3 Although portions of a Platform may extend below the volume of air rights lot, any provision of this Chapter pertaining to the Platform shall apply to the entire structure.

2904 SINGLE BUILDINGS AND BUILDING UNITS

2904.1 For the purposes of the USN District each Platform and all improvements constructed thereon are deemed to comprise a single building.

2904.2 Any part of a single building that is not connected to any other part other than through the Platform will be hereinafter referred to as a Building Unit.

2905 HEIGHT

2905.1 **The maximum height** of a building or structure on each Platform shall not exceed 130 feet.

2905.2 **The measurement of building height** may be taken from the elevation of the sidewalk on the H Street bridge at the middle of the front of the buildings, to the highest point of the roof or parapet rather than from grade as would otherwise be required by §199.

2906 ROOF PENTHOUSES

2906.1 Rooftop housing for mechanical equipment or a stairway or elevator penthouse it shall be erected or enlarged pursuant to §§ 770.6 through 770.8.

2906.2 A penthouse shall not exceed eighteen feet, six inches (18 ft., 6 in.), in height above the roof upon which it is located. Mechanical equipment shall not extend above the permitted eighteen foot, six inch (18 ft., 6 in.), height of the housing.

2906.3 A penthouse not intended for human occupancy may be erected to a height in excess of that authorized in the USN district subject to the provisions of the Height Act.

2906.4 Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over an elevator shafts, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this section otherwise authorizes.

2907 FLOOR AREA RATIO (FAR)

2907.1 **The maximum FAR** for any single building in the USN district shall be 6.5.

2907.2 **The maximum non-residential FAR** for any single building shall be 5.5.

2907.3 For the purposes of **FAR measurement** the following shall apply:

- (a) Gross floor area shall include the area of all enclosed structures above the top of the platform.
- (b) Lot area shall not include the private rights-of-way of private streets that generally serve the principal entrances to building units. The private right-of-way shall be defined as the curb-to-curb width of the cartway plus 16 feet on each side:
- (c) Lot area shall include the private rights-of-way of private alleys or service roads, the principal use of which is for service, loading or automobile parking access.

2908 **BICYCLE PARKING**

2908.1 Bicycle Parking shall be provided as follows:

Type of use	Indoor Spaces	Outdoor spaces
Residential	One (1) for every three (3) units	One (1) for every twenty (20) units, with a minimum of two (2).
Non-residential	One (1) for every 10,000 square feet of gross floor area, with a minimum of two (2)	One (1) for every 40,000 square feet of gross floor area, with a minimum of two (2)
Retail/service	One (1) for every 10,000 square feet of gross floor area, with a minimum of two (2)	One (1) for every 5,000 square feet of gross floor area, with a minimum of two (2)

2908.2 All bicycle parking areas shall be well lit and provide convenient access to the uses they are intended to serve.

2908.3 Outdoor spaces may be provided in public space subject to the approval of DDOT.

- 2908.4 All required bicycle parking spaces shall be a minimum of two feet (2 ft.) in width and six feet (6 ft.) in length.
- 2908.5 An aisle five feet (5 ft.) in width shall be provided between rows of bicycle parking spaces and the perimeter of the area devoted to bicycle parking.
- 2908.6 If a room or common locker not divided into individual spaces is used to meet these requirements, twelve square feet (12 ft.²) of floor area shall be considered the equivalent of one (1) bicycle parking space. Where manufactured metal lockers or racks are provided, each locker or stall devoted to bicycle parking shall be counted as one bicycle parking space.
- 2908.8 Signs shall be posted stating where bicycle parking spaces are located in each building or structure where bicycle parking spaces are required. The signs shall be located in a prominent place at each entrance to the building or structure. The sign shall have a white background with black lettering that is no less than two inches (2 in.) in height.

2909 OFF STREET AUTOMOBILE PARKING

- 2909.1 There shall be no minimum number of parking spaces required in the USN District.
- 2909.2 All accessory parking spaces are prohibited in the USN District and therefore the provisions of Chapter 21 do not apply except as noted in §2909.3.
- 2909.3 The size of parking spaces and aisles shall be as established in §2115.

2910 LOADING

- 2910.1 Loading shall be provided as required in Chapter 22 for the C-3-C zone.
- 2910.2 The Zoning Commission may, as a special exception, permit the reduction, elimination, relocation or consolidation of loading facilities, provided that the applicant demonstrates that:
- (a) The proposed number of loading facilities will be adequate to serve the related uses;
 - (b) The loading facilities are designed such that loading and unloading of service vehicles would be accomplished without the need to move good and materials across public areas;

- (c) The proposed loading facilities would not tend to affect adversely other modes of transportation using the adjacent public or private transportation way;
- (d) The proposed loading facilities would not tend to affect adjacent properties adversely;
- (e) The Commission may impose condition as to screening, lighting, coping, setbacks, fences, location of entrances and exits, widening of abutting transportation ways, or any other requirement it deems necessary to protect the adjacent property and the safety and function of other modes of travel.

2911 USES AS A MATTER OF RIGHT

- 2911.1 Any use permitted in the C-3-C district under §741 shall be permitted as matter-of-right.

2912 ACCESSORY USES AND BUILDINGS

- 2912.1 Any accessory use or building permitted in the C-3-C district under §742 shall be permitted as an accessory use or building in the USN district.

2913 SPECIAL EXCEPTIONS

- 2913.1 The uses specified in §§743 through 745 shall be permitted as special exceptions in the USN District if approved by the Board of Zoning Adjustment under §3104.

2914 GENERAL REQUIREMENTS

- 2914.1 All development shall meet the following requirements.
- (a) 100% of the ground floor H Street frontage of building units shall be occupied by the preferred uses listed in §§1710 and 1711, except for space devoted to building entrances or lobbies or space required to be devoted to fire control.
 - (b) Banks or financial institutions identified in §1710.1(g) shall occupy no more than 100 total linear feet of ground floor H Street frontage , and no more than 50 feet of ground floor H Street frontage in any one building unit.
 - (c) No single use shall occupy more than 100 total linear feet of ground floor H Street frontage.

- (d) Retail, service and arts uses on the ground floor of building units shall have a minimum slab to slab height of 14 feet.

2914 ZONING COMMISSION REVIEW

2914.1 All proposed buildings, structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, as well as any associated open spaces such as parks or plazas, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions. No review or approval by the Zoning Commission is required for construction of foundation systems within the USN zone.

2914.2 An application may consist of one or more building units, structures or open spaces.

2914.3 The following application types are available in the USN zone:

- (a) Stage 1 Review Application, which shall be examined for the arrangement of building units on the site, the general massing and height of building units, the mix of uses, the location of transportation ways, the size of streets, the location of open spaces, access to and from the platform, and how these aspects of the site design implement the goals of the USN zone, in accordance with the Review Criteria of §2917.
- (b) Stage 2 Review Application which shall be examined for the outward appearance of building units, the design of landscape and hardscape, the functionality of transportation ways, the general location of uses, and how these aspects of the design and architecture implement the goals of the USN zone, in accordance with the Review Criteria of §2919.
- (c) Consolidated Review Application which shall be examined for all the aspects of design mentioned in paragraphs (a) and (b) of this subsection, and examined against all the review criteria of §§2917 and 2919.

2914.4 The Commission may only approve an application that is not inconsistent with the Comprehensive Plan, is acceptable in a majority of applicable Review Criteria, generally furthers the purposes of the USN zone, and complies with the specific and general requirements of this chapter.

2915 AGENCY REVIEW

2915.1 The Office of Zoning shall refer the application to the Office of Planning, the Department of Transportation, Fire and Emergency Services, the Department of

the Environment and any other relevant District agencies for review and comment.

2916 STAGE 1 SUBMITTAL REQUIREMENTS

2916.1 An applicant requesting approval of a Stage 1 Review Application shall provide:

- (a) A completed application form, as may be designated from time-to-time by the Commission;
- (b) A written description of the proposal, including which criteria are met and how;
- (c) Site plans, elevations, renderings, photosimulations, aerial axonometric massing diagrams, or any other suitable materials necessary to describe the project;
- (d) A circulation plan, including the location of all transportation ways, off-street parking spaces and loading berths, including an indication of which spaces are designated for which use, and a reasonable numerical range of the number of parking spaces to be provided;
- (e) A comprehensive transportation assessment for the development under consideration, addressing pedestrian, bicycle, transit and automobile capacity and circulation;
- (f) The area and dimensions of each lot proposed for each building unit and the exact area of the application site;
- (g) The gross floor area and floor area ratio for each building unit, including a break-down for each use, and the total gross floor area and floor area ratio for the building, including a breakdown for each use;
- (h) Estimated quantities of potable water required by the project, and of sanitary sewage and storm water to be generated, including the methods of calculating those quantities; and
- (i) Any other information needed to understand the unique character and problems of developing the projects.

2917 STAGE 1 REVIEW APPLICATIONS

2917.1 An applicant for a Stage 1 Review shall provide information demonstrating how the application meets the following criteria:

- (a) **External Connectivity** – The development shall provide pedestrian connections in appropriate and feasible locations to surrounding development and surrounding neighborhoods including Union Station, NoMa west of the railroad tracks, and northern Capitol Hill. A Stage 1 application shall indicate the location of all such proposed connections. Connections are especially encouraged near the intersection of 1st and K Streets, NE, 2nd and K Streets, NE and 2nd and Eye Streets, NE.
- (b) **Visual Relationship to Surroundings** – Provide a suitable massing relationship between proposed building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court, with particular attention paid to the eastern portion of the property north of Eye Street, NE. The application should also generally indicate what types of materials would be used on the portions of the exterior of the platform constructed pursuant to 2917.2 that would be visible to the public.
- (c) **Transportation Hierarchy** – Prioritize the movement of pedestrians, bikes and transit, and provide reasonable accommodation for automobiles. The location of parking and loading access shall not unduly impact the movement of pedestrians and bicyclists.
- (d) **Division of Building Form** – Avoid monolithic buildings or the creation of excessively large building blocks. Building unit massing and orientation should reflect the pattern of other development in the District. Provide division between building units through the use of streets, sidewalks, paths, plazas and parks, with a main multi-modal access point to both buildings from H Street NE.
- (e) **Publicly Accessible Space** – Any public space provided such as parks or plazas shall be easily visible and accessible.
- (e) **Mix of Uses** – The application shall demonstrate how the proposal contributes to an overall mix of uses in the USN zone.
- (f) **Impacts on Surroundings** – The proposed development shall not tend to substantially affect nearby properties adversely due to obstruction of light or air or because of noise, odors, or other impacts on air quality, including exhaust from trains. The development shall incorporate sufficient venting mechanisms for railroad uses below the site.
- (g) **Building Livability** – Mitigate vibration and noise caused by the movement of trains under residential buildings.

2917.2 Upon approval of a Stage 1 Review Application, the applicant may apply for a building permit to construct any portion of the platform related to that Stage 1 Review Application. An applicant must return to the Commission for review and approval of a Stage 2 Review Application or Consolidated Review Application prior to applying for a building permit or beginning construction for any other portion of the approved Stage 1 Review Application.

2918 STAGE 2 SUBMITTAL REQUIREMENTS

2918.1 An applicant requesting approval of a Stage 2 Review Application shall provide:

- (a) Information required in §2916;
- (b) Elevations, detail drawings, renderings or other graphics that clearly demonstrate the proposed architectural details, signage, materials to be used, and the lighting scheme for the building units;
- (c) Typical floor plans and sections that show the location of uses, access to uses, points of fenestration, general internal circulation, projections and any other feature necessary to understand the project, and a table showing the floor area of each use;
- (d) A detailed landscaping plan; and
- (e) A list of environmental features and characteristics of the development.

2919 STAGE 2 REVIEW CRITERIA

2919.1 An applicant for a Stage 2 Review shall provide information demonstrating how the application meets the following criteria:

- (a) External connections are designed to provide adequate size, materials, lighting and signage to move users easily and safely.
- (b) A suitable visual relationship is proposed between building units and adjacent neighborhoods, Union Station and other historic landmarks, and the Federal precincts near the Capitol and the Supreme Court, with particular attention paid to the eastern portion of the property north of Eye Street, NE.
- (c) Public and publicly accessible areas such as sidewalks, parks and plazas are activated through the use of operational entrances to retail, office, residential and other uses.

- (d) Visual façade permeability is provided. Where there are no operational entrances to uses, design of structures fronting on public and publicly accessible areas shall incorporate windows. Or, where windows are not appropriate, minimize, to the extent possible, unarticulated blank walls.
- (e) A high degree of environmental stewardship is demonstrated; Characteristics may include, but not be limited to:
 - (1) Onsite energy generation;
 - (2) Rainwater harvesting;
 - (3) Green roofs, including green spaces on the upper surface of the platform;
 - (4) Other landscaping on the upper surface of the platform such as rainwater capturing tree boxes;
 - (5) Use of native species, drought tolerant species, adequate planting depth and efficient irrigation in landscaping;
 - (6) Use of efficient plumbing fixtures and fittings, enhanced insulation and cool roofing;
 - (7) Use of environmentally friendly products in construction and operation;
 - (8) Natural lighting, including large windows, light wells and skylights;
 - (9) Natural ventilation, including balconies, terraces, operable windows and vent shafts; and
 - (10) Minimizing construction waste.
- (f) Residential uses shall incorporate private open space such as balconies and terraces for individual units where practical and architecturally compatible.
- (g) Public and private open spaces shall incorporate shaded areas and adequate seating capacity.
- (h) Adequate light and air is provided to all building units in the USN zone.

- (i) Convenient access is provided from any parking provided to the uses it is intended to serve.

2920 ASSOCIATED RELIEF

- 2920.1 Relief from any section of this chapter may be heard and decided by the Commission as a special exception in accordance with §3104.
- 2920.2 The Commission may hear and decide any additional request for special exception or variance relief for the subject property.
- 2920.3 Request for relief shall be advertised, heard and decided together with the application for Zoning Commission review and approval.

2921 TIMEFRAME FOR APPROVAL

- 2921.1 The Commission may approve timeframes within which time an application must be filed for a building permit or a Stage 2 application must be filed.

2922 MINOR MODIFICATIONS

- 2922.1 The Zoning Administrator shall have authority to approve minor modifications in the final plans approved by the Zoning Commission as set forth in §§ 2409.6 and 2409.7.

2923. SCHEDULE OF FEES

- 2923.1 At the time of filing an application with the Zoning Commission, the applicant shall pay the filing fee specified in § 3180.1(b)(16), plus such fees as apply to any additional zoning relief requested. The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Zoning Commission, which shall decide the appeal as a preliminary matter to hearing the application.

OTHER AMENDMENTS TO THE ZONING REGULATIONS

- To indicate that the USN zone is subject to Inclusionary Zoning and the bonus density granted pursuant to that requirement, amendments to Chapter 26 as follows:

- 2602.1 Except as provided in 2602.3, the requirements and incentives of this chapter shall apply to developments that:

- (a) Are mapped within the R-2 through R-5-D, C-1 through C-3-C, USN, CR, SP, or W-1 through W-3 zone districts, unless exempted pursuant to §2602.3; and

2603.2 An inclusionary development of steel and concrete frame construction located in the zone districts stated in §2603.1 or any development located in a C-2-B, C-2-C, C-3, USN, CR, R-5-C, R-5-D, SP, W-2 or W-3- zone district shall devote the greater of 8% of the gross floor area being devoted to residential use or 50% of the bonus density utilized for inclusionary units.

2603.4 Developments located in CR, C-2-B through C-3-C, USN, W-2 through W-3, and SP zone districts shall set aside 100% of inclusionary units for eligible moderate-income households.

- To declare that applications pursuant to Chapter 29 would be contested cases, an amendment to Section 3010.2(d) as follows:

3010.2(d) Applications for Zoning Commission review and approval pursuant to Chapters 16, ~~and 18~~ and 29 of this Title.

- To clarify that applications pursuant to Chapter 29 should be scheduled for a hearing upon receipt by the Office of Zoning, an amendment to Section 3011.1 as follows:

3011.1 As soon as an application or petition is accepted for filing by the Director of the Office of Zoning, the Director shall place a copy of the application or petition in the public record of the Commission and refer a copy to the D.C. Office of Planning for review and recommendation on whether the matter should be processed further, except that applications for Zoning Commission review and approval pursuant to Chapters 16, ~~and 18~~ and 29 of this Title, which are deemed complete by the Director, shall be immediately scheduled for hearing consistent with the notice provisions of this chapter. The exception from the requirements of this subsection shall not apply to an application for Zoning Commission approval pursuant to § 1606 unless accompanied by a written report of the Office of Planning certifying that the application is compliant with the standards of that section.

- To clarify that upon receipt by the Office of Zoning, an application pursuant to Chapter 29 should be referred to the Office of Planning, an amendment to Section 3012.1 as follows:

3012.1 As soon as an application or petition is set down for public hearing, the matter shall be referred to the D.C. Office of Planning and any other public agencies that may be requested to provide information and assistance, depending on the nature of the case. As soon as an application requesting Zoning Commission review and approval pursuant to Chapters 16, ~~and 18~~ and 29 of this Title is accepted for filing by the Director of the Office of Zoning, a copy of the application shall be referred to the D.C. Office of Planning and other appropriate agencies for review and comment. A copy shall also be sent for review and comment to:

- (a) The National Capital Planning Commission of all Chapter 18 applications and those application for approval pursuant to 11 DCMR § 1603; and
- (b) The Capitol Police Board for those applications for approval pursuant to 11 DCMR § 1606.18.

- To declare that a building permit may be issued for a structure in the USN zone, even if that structure is not on a record lot, an amendment to Section 3202.3 as follows:

[Note: The following is the text from ZC #09-09, the Trapeze School.]

3202.3 Except as provided in the building lot control regulations for Residence Districts in § 2516 and § 5 of An Act to amend an Act of Congress approved March 2, 1893, entitled “An Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities,” and for other purposes, approved June 28, 1898 (30 Stat. 519, 520, as amended; D.C. Code, 2001 Ed. § 9-101.05 (formerly codified at D.C. Code § 7-114 (1995 Repl.))), a building permit shall not be issued for the proposed erection, construction, or conversion of any principal structure, or for any addition to any principal structure, unless the land for the proposed erection, construction, or conversion has been divided so that each structure will be on a separate lot of record; Except a building permit may be issued for:

- (a) Buildings and structures related to a fixed right-of-way mass transit system approved by the Council of the District of Columbia;
- (b) Boathouse, yacht club, or marina that fronts on a public body of water, is otherwise surrounded by public park land, and is zoned W-0;

- (c) Any combination of commercial occupancies separated in their entirety, erected, or maintained in a single ownership shall be considered as one (1) structure;
- (d) Trapeze school and aerial performing arts center to be constructed pursuant to § 1804.7.
- (e) **A structure in the USN Zone to be constructed on an air rights lot that is not a lot of record.**

- To clarify the definition of a term used in the USN zone, an amendment to add one new definitions to §199 as follows:

199 Transportation Way – Any piece of infrastructure, the intent of which is to convey people or goods from one place to another. Examples include, but are not limited to, sidewalks, stairs, elevators, fixed guideways for transit, and streets. Transportation ways may be either on, above or below ground, and may be either publicly or privately owned. Transportation ways do not include internal components of any portion of a building.

- To include the Union Station North (USN) Districts in the list of Zone Districts, an amendment to § 105.1 as follows:

(s) Union Station North (USN)

- To allow for parking spaces to be provided on different lots, an amendment to §2116.1 as follows:

2116.1 Except as provided in §§214, 510, 708, 730, 743.2(d), 753.1(c), 761.2, 803.1, 926, 2116.5, ~~and 2117.9(c)~~ **and 2901.7**, all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.