

District of Columbia Office of Planning



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DISTRICT OF COLUMBIA
OFFICE OF PLANNING

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JS*

DATE: December 6, 2010

SUBJECT: **Public Hearing Report** 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

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 Commission approve the text and map amendments.

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, and the company closed on the transaction in 2006. 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 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. The design would improve access to Union Station from the north and provide a real streetscape for H Street.

The Commission set this application down at its December 14, 2009 public meeting. At that time the Commission requested additional graphics to explain the massing of potential buildings and their relationship to their surroundings. The Commission also requested more information about site access and how the zoning text could guarantee a mix of uses. The graphics attached

ZONING COMMISSION
District of Columbia

CASE NO. 09-21

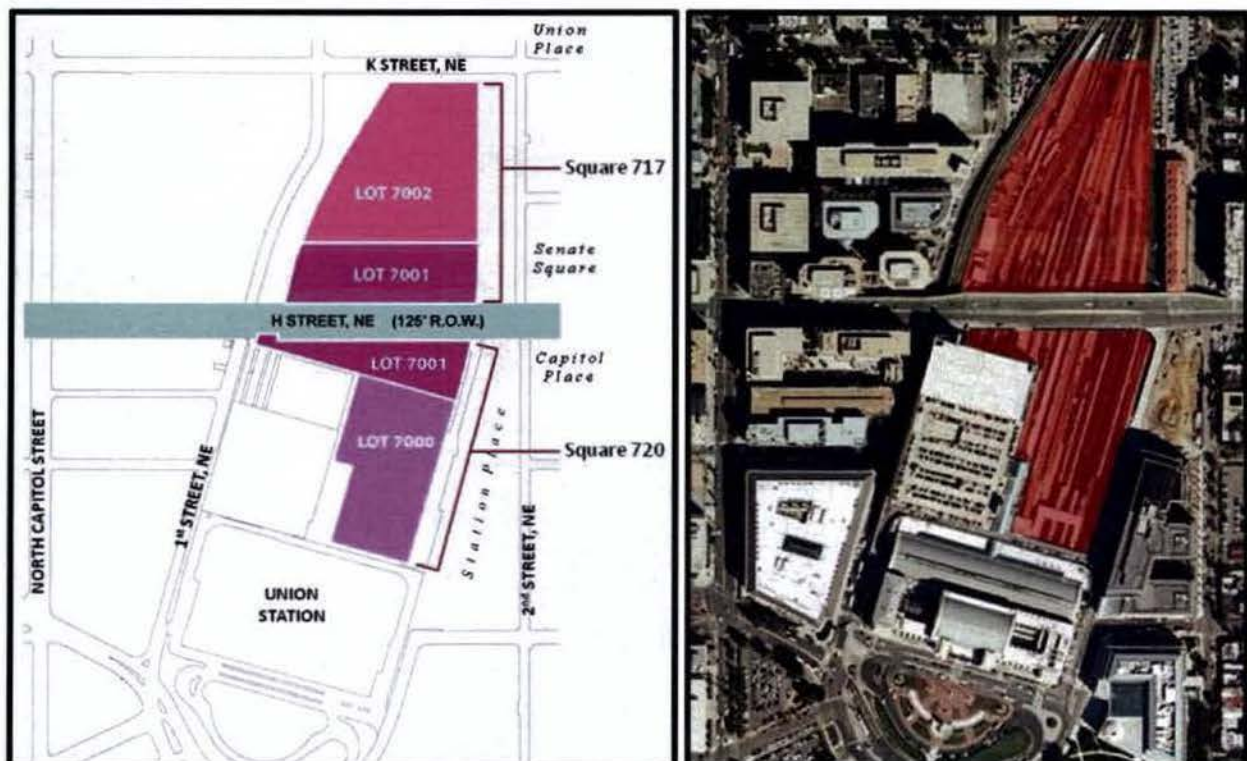
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to this report, which will be described in more detail below, include sections through the site and renderings from different vantage points to help describe potential massing, as well as site access diagrams and information on the heights and densities of surrounding buildings. The revised text also addresses the mix of uses on the site. Updates since the setdown meeting will be described in more detail in this report.

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. Please see Attachment 1 for survey plats and metes and bounds of the subject property and Attachment 2 for an expanded aerial photograph and zoning map of the surrounding area.



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.

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 H Street is at 82 feet 6 inches above sea level.

H Street Streetcar

At the setdown meeting, the Commission requested additional information about the streetcar. The District Department of Transportation has proposed, and is currently installing tracks for a new streetcar system on H Street, NE. The current plan calls for the streetcar to run from the Benning Road Metro to Union Station. At the initial phase of development, the streetcar is proposed to pierce the H Street bridge near 3rd Street and run into the old H Street tunnel under the railroad tracks. Longer-term plans call for the streetcar line to cross town on H Street and, further west, K Street. This can be accomplished once the H Street bridge is strengthened to hold the extra load. There are no plans to lower the height of the bridge.

IV. COMPREHENSIVE PLAN

The proposed text and map amendments are not inconsistent with the Comprehensive Plan. The proposal is supported by the Plan's Guiding Principles as well as numerous policies from its citywide and area elements. The Plan gives strong support to transit oriented development and infill development, especially where the urban fabric of the city can be restored. More specifically, the Plan supports the development of the subject site as a high density mixed use neighborhood, but one that would give special attention to its surroundings, including landmarks and existing neighborhoods. Comprehensive Plan support also extends to the NoMa Vision Plan and Development Strategy and the H Street, NE Strategic Development Plan, which both recognize that development of the air rights site can help bridge the gap between east and west and help to stimulate new development along H Street. A complete review of the applicable Comprehensive Plan policies can be found in Attachment 3.

V. PROPOSED TEXT AND MAP AMENDMENTS

The Union Station North zone (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. Related text amendments are proposed in other sections as necessary to achieve the purposes of the USN zone and to properly administer applications submitted pursuant to the new zone. The proposed text of the USN zone and the other text amendments can be found in Attachment 4. 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 and would allow Amtrak to construct service buildings underneath the platform if necessary. The USN zone is a more straightforward 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. 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 (described below).

Modification Since Setdown – Applicability of the Zone

In response to comments received at the ANC, OP has added language that makes clear that the USN zone cannot expand beyond its currently stated boundaries. Members of the community were concerned that the USN zone might be applied to adjacent lots in the future. Section 2901.3 states that the USN shall not be applied outside of the ascribed lots listed in § 2901.1.

Purposes of the USN Zone

The USN zone sets forth several statements of purpose. In addition to achieving the general 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 public 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 existing grade below the bridge or viaduct. In order to achieve the goals of the 2006 Comprehensive Plan and the NoMa Plan, the proposed measuring point for this zone would be 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 H Street would be used, which is 82’6” above sea level.

Several policies support this direction. The Land Use Element of the Comprehensive Plan, as noted in Attachment 3, states that District zoning regulations should promote high-value land uses in the Central Employment Area 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).

Furthermore, Action LU-1.1.C states that, for air rights sites, the zoning and the means of measuring height consistent with the Height Act should be determined based on the characteristics of each particular site. Specific to this site, Policy LU-1.1.5 encourages high-density residential, office, retail, and other uses in the Union Station air rights. The Capitol Hill Area Element also states that “any future development in the air rights adjacent to the H Street overpass...should be measured consistent with the Height Act and relate positively to [its] surroundings...” (Policy CH-2.1.7).

Maximum Height

As noted in Attachment 3, 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. Comprehensive Plan policy LU-1.1.5 also calls for high density mixed uses on the site. Buildings built in high density areas, especially those in the Central Employment Area, 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 development on this site be allowed to achieve a high level of density. The USN district proposes a maximum of 6.5 FAR, much less than adjacent properties in NoMa, but still considered to be “high density”. In order to provide maximum design flexibility, the text proposes an allowable height of 130 feet, but only with the proposed design review process to ensure development compatible with its surroundings. The volumetric flexibility provided by the combination of a 6.5 FAR and a 130 foot height will allow for the insertion of streets, alleys and other open spaces, as well as stepdowns, setbacks and other design modifications to better relate to adjacent development.

Modification Since Setdown – Northeast Corner of USN

Of special interest to OP and the community is the relationship of development at the northeast corner of the USN zone to the existing neighborhood to the east. The northeast corner is the only location where the USN zone would be proximate to moderate density residential development; the closest rowhouses are approximately 200 feet from the proposed USN boundary. At the time of setdown OP had already called out this location in the review criteria as one requiring extra attention, and since that time OP has strengthened the guidelines for the northeast corner of the property. Height in that area would now be limited to 90 feet, though the commission could permit a height of 110 feet if it finds that the design of building units in that area is exceptional and that the increased height would not have negative external impacts. In the future this part of the USN zone will likely be screened by development on the lot between 2nd Street, NE and the Union Station air rights lots, though to date nothing has been proposed for that site. In Attachment 6 please refer to the site sections on pages A5 and A6 and view studies 8 and 8A for graphical representations of the proposed step down in height.

Equitable Height and Development Envelope

The usual practice for achieving a height of 130' has been through the Planned Unit Development process, which also usually entails additional density. 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 non-existent grade as opposed to that allowed by the Height Act would result in effectively smaller development envelope than sites in similar and adjacent 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 a Consolidated application, with specific review criteria to guide evaluations. A Stage 1 application would examine the arrangement of building units on the site, the massing and height of building units, the mix of uses, the size and layout of streets and other transportation ways, the functioning of parking and loading, and how these aspects of site design implement the goals of the USN zone. 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 architectural 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.

Modification Since Setdown – Extent of Review

It should also be noted how construction in the air rights will occur. Foundation Systems are defined in the proposed regulations as primarily vertical supports, beginning at the ground level and extending upwards (§ 2903.4). Foundation Systems would not be subject to review under the USN. The Platform, a generally horizontal structure which is built on top of the Foundation Systems, will have a structural function, but will also contain parking, loading and mechanical uses, and may contain residential, commercial and pedestrian access uses. The Platform, therefore, would be subject to review under the USN zone.

Design Review Criteria

As stated above, specific design review criteria are included in the USN. These are intended to guide the design of any development, and guide the Commission, staff and the community in their evaluation of applications. The Stage 1 and Stage 2 criteria are listed in §§ 2921 and 2923 of the draft zoning text, respectively. The criteria are based on the purposes of the USN zone and stress connectivity to adjacent neighborhoods, active streetscapes, minimal external effects, exemplary architecture, pedestrian and bicycle mobility and environmental stewardship.

Modification Since Setdown – Community Review

Since setdown, OP added an additional review criterion to both the Stage 1 and 2 reviews. In both reviews, the applicant must demonstrate that community outreach has occurred. Like with all other review criteria, this one must be met for the Commission to approve the application. The Office of Planning strongly encourages community input on applications, and this intent is also advanced outside of the review criteria. Section 2918, Community Review, states that the ANC shall have party status to any application in the USN, and has the right to participate fully in public hearings before the Zoning Commission.

FAR and Mix of Uses

The USN zone permits a maximum FAR of 6.5, equivalent to the matter-of-right FAR in the C-3-C district. While considered high density, it is lower than the density of most of downtown, including the portion of NoMa directly to the west of this site. The proposed maximum FAR, combined with a maximum height of 130 feet, would provide the flexibility to allow for the insertion of streets, alleys and other open spaces, as well as stepdowns, setbacks and other design modifications to better relate to adjacent development

Modification Since Setdown – Mix of Uses

As described in the attached Comprehensive Plan analysis, policy direction for this area encourages a true mix of uses. The Commission indicated at the setdown meeting that a stronger guarantee of a mix of uses would be preferable to simply limiting non-residential FAR. A phased approach is proposed and outlined in § 2908 of the text, which would limit non-residential FAR to 3.0 until 0.5 FAR of residential is built and a certificate of occupancy issued for it. Non-residential uses would still be capped at 5.5 FAR, meaning that additional residential would be needed to maximize the allowed 6.5 FAR. In addition, the Commission's approval criteria of § 2917.8, and the Stage 1 design review criteria would require a mix of uses over the entire site. If 1.0 FAR of residential use is provided, it would produce 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. It should also be noted that no PUDs could occur in the USN zone, and that development would be guided solely by the parameters set forth by the proposed text and by the Inclusionary Zoning bonuses.

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 minimum requirement for 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.

Since the setdown meeting, OP has included a clause that requires decoupled parking (§ 2911.3). And although no parking is required in the USN zone, new zoning language includes basic parking space and drive aisle size standards for any parking that is provided.

Bicycle Parking

In the existing zoning regulations, 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 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 USN zone proposes loading requirements as in the C-3-C zone. The sharing of loading facilities is permitted in the USN zone in recognition that several building units can be connected 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.

Informational Graphics, Including Site Sections and View Studies

At the setdown meeting, the Commission requested additional information about the potential arrangement of buildings, access to the site, and building massing, as well as skyline and viewshed studies.

A set of exhibits that address those points, prepared by the property owner at the request of the Office of Planning, can be found in Attachment 6. The graphics include data on building heights above sea-level, heights and FARs permitted by zoning, "section" drawings showing the potential height of buildings in the USN zone along with surrounding buildings, building-unit location and access diagrams, and a series of viewshed studies from various points around the neighborhood.

One of the site sections, Sheet A3 of the graphics package, shows that the measuring point for height in the USN would not result in a drastic pinnacle on the skyline, but would rather continue the overall horizontal nature of the city's buildings. The viewshed studies assume one potential series of building units and potential massing on the site and do not represent an actual development proposal. The theoretical building footprints can be seen in the key plan of each rendering. The renderings show that for much of the neighborhood development in the USN will be screened by existing tall buildings. Renderings 8 and 8A show the northeast corner of the USN, both with and without a theoretical matter-of-right building at the southwest corner of 2nd

and K Streets. These view studies, along with the cross section on Sheet A6, show the step down in building height at this corner of the USN zone.

View study 3 shows Union Station and potential USN development from the vantage point of 1st Street, NE, near Senate office buildings. The relationship of development in the proposed zone to Union Station is emphasized throughout the zoning text. In addition to being a focus of the design review criteria, the creation of a positive architectural relationship between the two developments is given importance in the purposes of the zone. It should also be noted that in addition to the Zoning Commission reviewing the architecture of this development, the terms of the sale of the property state that the State Historic Preservation Officer has approval authority over any development in the air rights.

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.

VI. AGENCY COMMENTS

The Office of Planning received an email on this application from the Fire and Emergency Management Services Department (FEMS). The email indicated that they have no issues at this time, but when development applications are submitted they will review them for fire apparatus access. The Metropolitan Police Department also emailed OP. Like FEMS, they have no objection to the zoning proposal, but will gauge impacts to police services when specific developments are proposed. The Department of Housing and Community Development submitted a referral that voiced their support for the creation of the USN zone. Finally, the District Department of Transportation (DDOT) officials in charge of the streetcar line had no comment on the proposal.

OP also sent unanswered requests for comments to the Department of Consumer and Regulatory Affairs (DCRA), the Department of the Environment (DDOE), the Department of Parks and Recreation (DPR), the Department of Public Works (DPW), and DC Water. Although no comments were received from DCRA, OP briefed the Zoning Administrator on the key points of the proposed zoning.

VII. COMMUNITY COMMENTS

The subject site is located in ANC 6C. The Office of Planning has met several times with the ANC's Planning, Zoning and Environment Committee, most recently on November 30th. The Committee voted to recommend that the full ANC support the application. OP is scheduled to present the application to the full ANC on December 6th.

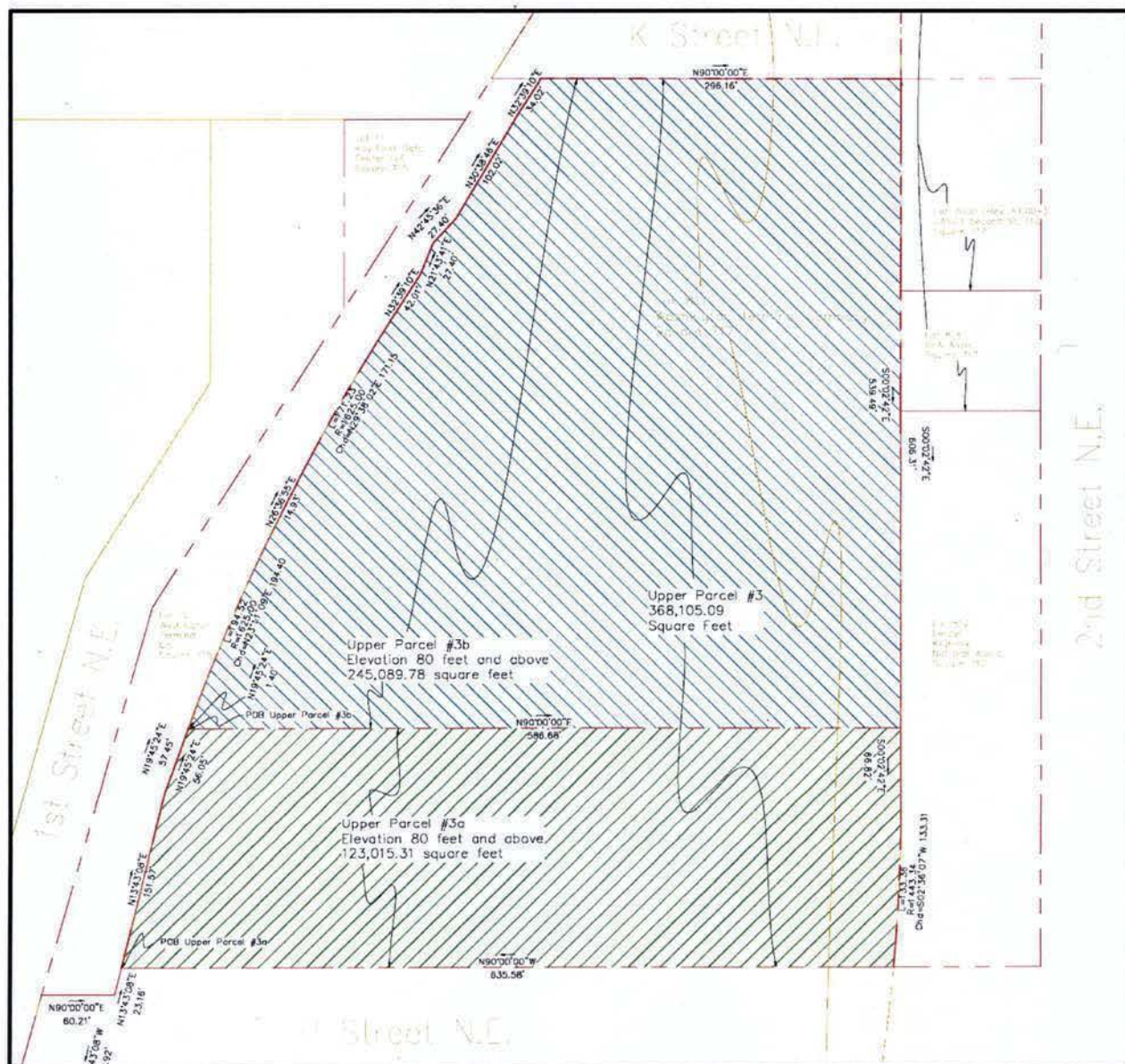
VIII. ATTACHMENTS

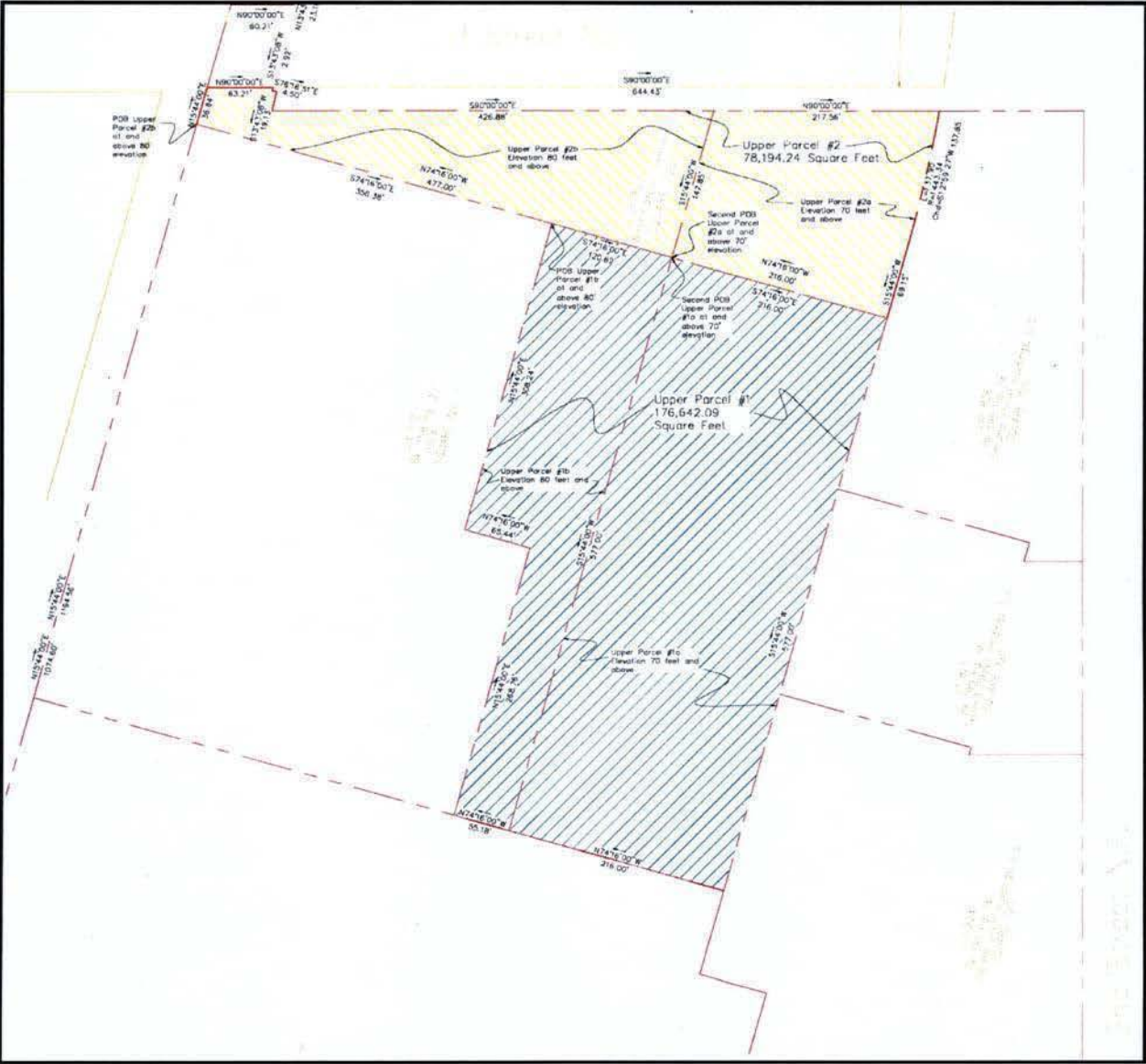
1. Survey Plats and Metes and Bounds of Subject Properties
2. Aerial Photo and Zoning Map
3. Comprehensive Plan Analysis
4. Proposed Text Amendments – with proposed changes from advertised text highlighted*
5. Agency Comments
 - a. Email from Fire and Emergency Management Services (FEMS)
 - b. Email from Metropolitan Police Department (MPD)
 - c. Memorandum from Housing and Community Development (DCHD)
 - d. Email from District Department of Transportation (DDOT) streetcar staff
6. Informational Graphics, Including Site Sections and View Studies

JS/mrj

- * Since the setdown meeting, the Office of Planning and the Office of the Attorney General have continued to refine the text, beyond the changes proposed at the time of setdown by the Zoning Commission and therefore advertised in the public hearing notice. Refinements include edits to make the intent of various sections more clear, new sections or new text in response to community comments, and edits to make the text legally sufficient. The core principles and structure of the USN remain intact. Additions and deletions from the public hearing notice are highlighted in Attachment 4.

Attachment 1
Survey Plats and Metes and Bounds of Subject Properties





Legal Descriptions Proposed Air Rights Lots

Upper Parcel 1

REFERENCE POINT OF BEGINNING, Beginning at the Intersection of the North Line of Massachusetts Avenue and the East Line of First Street N.E. Thence with the Easterly Line of First Street N.E. N15°44'00"E 1,074.60 feet to a point, Thence departing the aforementioned First Street N.E. S 74°16'00"E 356.38 feet to the Point of Beginning for Upper Parcel 1 part 1b: Thence at elevation 80 feet (1929 USCGS Datum) and above, S74°16'00"E 120.62 feet to a point, Thence S15°44'00"W 577.00 feet to a point, Thence N74°16'00"W 55.18 feet to a point, Thence N15°44'00"E 268.76 feet to a point, Thence N74°16'00"W 65.44 feet to a point, Thence N15°44'00"E 308.24 feet to the Point of Beginning and also included another contiguous part, commencing from said Point of Beginning S74°16'00"E 120.62 feet to a Second Point of Beginning for Upper Parcel 1 part 1a at and above elevation 70 feet (1929 USCGS Datum) thence the following courses and distances S74°16'00"E 216.00 feet, thence S15°44'00"W 577.00 feet to a point, thence N74°16'00"W 216.00 feet to a point, thence N15°44'00"E 577.00 feet to the Second Point of Beginning, and both parts comprising Upper Parcel 1 containing 176,642.09 square feet of Air Space.

Upper Parcel #2

REFERENCE POINT OF BEGINNING, Beginning at the Intersection of the North Line of Massachusetts Avenue and the East Line of First Street N.E. Thence with the Easterly Line of First Street N.E. N15°44'00"E 1,074.60 feet to the Point of Beginning for Upper Parcel #2 part 2b, Thence at elevation 80 feet (1929 USCGS Datum) and above N15°44'00"E 36.84 feet with the Easterly Line of First Street N.E. to a point, said point being on the Southern Line of H Street N.E., Thence with the South Line of H Street N.E. (80 feet wide) East 63.21 feet to a point, Thence continuing with the South Line of H Street N.E. (variable width) S13°43'08"W 2.92 feet to a point, Thence S76°16'51"E 4.50 feet to a point, Thence, S13°43'08"W 19.13 feet to a point, Thence East along the South Line of said H Street N.E. (125 feet wide), 426.88 feet to a point, Thence departing the South Line of H Street N.E. S15°44'00"W 147.85 feet to a point, Thence N74°16'00"W 477.00 feet to the Point of Beginning and also included another contiguous part, commencing from said Point of Beginning S74°16'00"E 477.00 feet to a Second Point of Beginning for Upper Parcel 2 part 2a at and above elevation 70 feet (1929 USCGS Datum) thence the following courses and distances N15°44'00"E 147.85 feet to a point on the South Line of H Street N.E., thence with the South Line of H Street (125 feet wide) East 217.56 feet to a point, thence leaving the South Line of H Street N.E. along an arc curving to the right an arc distance of 137.90 feet, radius of 1443.34 feet, and a chord running of S12°59'27"W 137.85 feet to a point of tangency, Thence S15°44'00"W 69.15 feet to a point, Thence N74°16'00"W 216.00 feet to the Second Point of Beginning, and both parts comprising Upper Parcel 2 containing 78,194.24 square feet of Air Space.

Upper Parcel #3a & b New A&T Lots

REFERENCE POINT OF BEGINNING, Beginning at the Intersection of the North Line of Massachusetts Avenue and the East Line of First Street N.E. Thence with the Easterly Line of First Street N.E. N15°44'00"E 1194.56 feet and crossing H Street N.E. (80 feet wide) to a point said point being the point intersection of the Easterly Line of First Street N.E. and the Northerly Line of H Street N.E., Thence East along the Northerly Line of H Street N.E. (80 feet wide) 60.21 feet to a point, Thence continuing with the Northerly Line of H Street N.E. (variable width) N13°43'08"E 23.16 feet to the Point of Beginning for Upper Parcel #3, Thence at and above 80 feet in elevation (1929 USCGS Datum) the following courses and distances N13°43'08"E 151.57 feet to a point, Thence N19°45'24"E 57.45 feet to a point of curvature, Thence along an arc curving to the right an arc distance of 194.52 feet, with a radius of 1,625.00 feet, the chord running N23°11'09"E 194.40 feet to a point of tangency, Thence N26°36'55"E 14.93 feet to a point of curvature, Thence along an arc curving to the right an arc distance of 171.23 feet, with a radius of 1,625.00 feet, the chord running N29°38'02"E 171.15 feet to a point of tangency, Thence N32°39'10"E 42.01 feet to a point, Thence N21°43'41"E 27.40 feet to a point, Thence N42°45'36"E 27.40 feet to a point, Thence N30°38'46"E 102.02 feet to a point, Thence N32°39'10"E 34.02 feet to a point on the Southerly Line of K Street N.E. (80' wide), Thence East along the Southerly Line of K Street N.E. (80' wide) 296.16 feet to a point, Thence departing K Street N.E. S00°02'42"E 606.31 feet to a point of curvature, Thence along an arc curving to the right an arc distance of 133.36 feet, with a radius of 1,443.34 feet, the chord running S02°36'07"W 133.31 feet to a point on the Northerly Line of H Street N.E. (125' wide) Thence West along the Northerly Line of H Street N.E. (125' wide) 635.58 feet to the point of beginning and containing 368,105.09 Square Feet of Air Space.

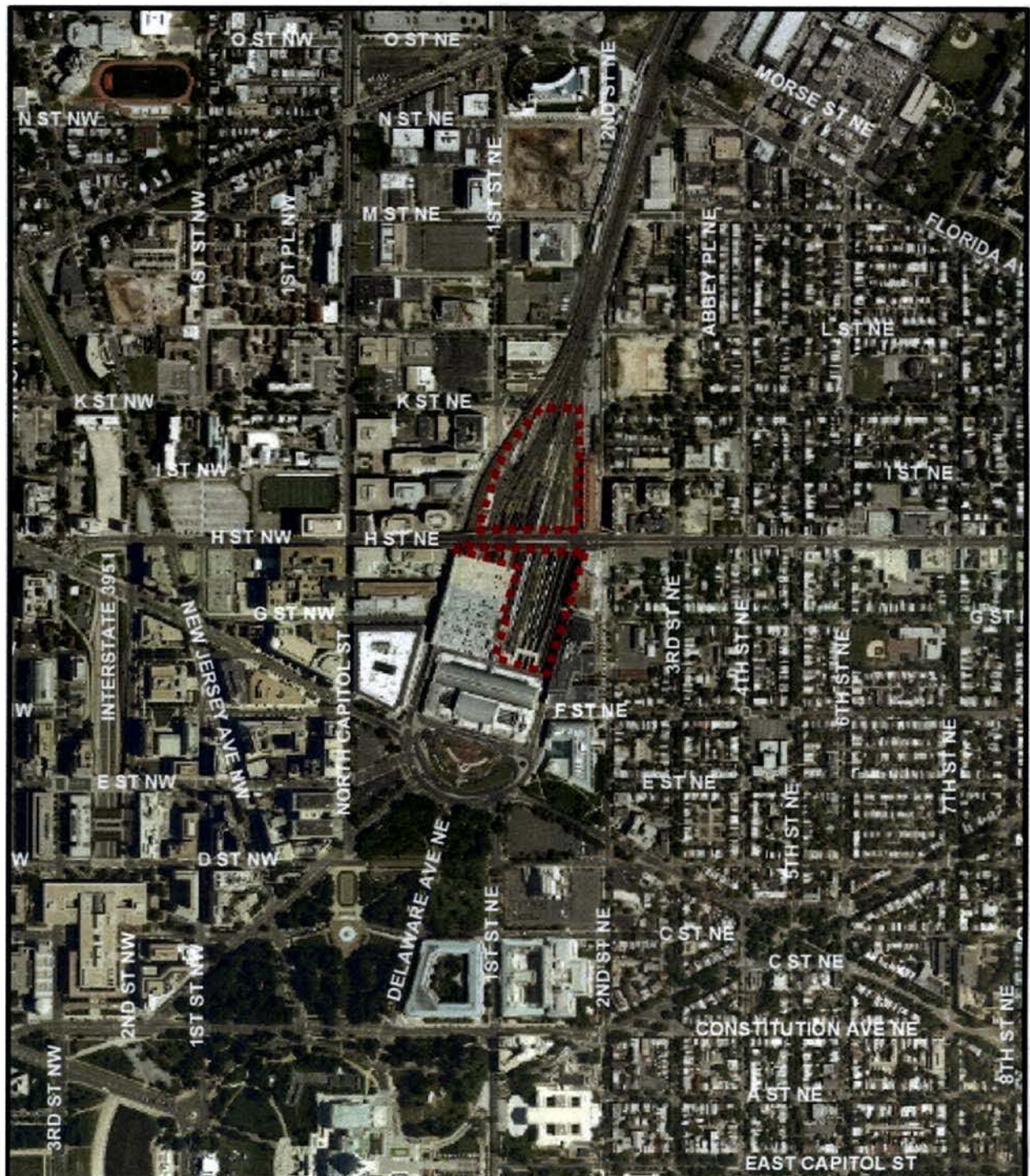
Upper Parcel #3a

REFERENCE POINT OF BEGINNING, Beginning at the Intersection of the North Line of Massachusetts Avenue and the East Line of First Street N.E. Thence with the Easterly Line of First Street N.E. N15°44'00"E 1194.56 feet and crossing H Street N.E. (80 feet wide) to a point said point being the point intersection of the Easterly Line of First Street N.E. and the Northerly Line of H Street N.E., Thence East along the Northerly Line of H Street N.E. (80 feet wide) 60.21 feet to a point, Thence continuing with the Northerly Line of H Street N.E. (variable width) N13°43'08"E 23.16 feet to the Point of Beginning for Upper Parcel #3a, Thence at and above 80 feet in elevation (1929 USCGS Datum) the following courses and distances N13°43'08"E 151.57 feet to a point, Thence N19°45'24"E 56.05 feet to a point, Thence East 586.68 feet to a point, Thence S00°02'42"E 66.82 feet to a point of curvature, Thence along an arc curving to the right an arc distance of 133.36 feet, with a radius of 1,443.34 feet, the chord running S02°36'07"W 133.31 feet to a point on the Northerly Line of H Street N.E. (125' wide) Thence West along the Northerly Line of H Street N.E. (125' wide) 635.58 feet to the point of beginning and containing 123,015.31 Square Feet of Air Space.

Upper Parcel #3b

REFERENCE POINT OF BEGINNING, Beginning at the Intersection of the North Line of Massachusetts Avenue and the East Line of First Street N.E. Thence with the Easterly Line of First Street N.E. N15°44'00"E 1194.56 feet and crossing H Street N.E. (80 feet wide) to a point said point being the point intersection of the Easterly Line of First Street N.E. and the Northerly Line of H Street N.E., Thence East along the Northerly Line of H Street N.E. (80 feet wide) 60.21 feet to a point, Thence continuing with the Northerly Line of H Street N.E. (variable width) N13°43'08"E 23.16 feet, Thence departing the Northerly Line of H Street N13°43'08"E 151.57 feet, Thence N19°45'24"E 56.05 feet to the Point of Beginning for Upper Parcel #3b, Thence at and above 80 feet in elevation (1929 USCGS Datum) the following courses and distances N19°45'24"E 1.40 feet to a point of curvature, Thence along an arc curving to the right an arc distance of 194.52 feet, with a radius of 1,625.00 feet, the chord running N23°11'09"E 194.40 feet to a point of tangency, Thence N26°36'55"E 14.93 feet to a point of curvature, Thence along an arc curving to the right an arc distance of 171.23 feet, with a radius of 1,625.00 feet, the chord running N29°38'02"E 171.15 feet to a point of tangency, Thence N32°39'10"E 42.01 feet to a point, Thence N21°43'41"E 27.40 feet to a point, Thence N42°45'36"E 27.40 feet to a point, Thence N30°38'46"E 102.02 feet to a point, Thence N32°39'10"E 34.02 feet to a point on the Southerly Line of K Street N.E. (80' wide), Thence East along the Southerly Line of K Street N.E. (80' wide) 296.16 feet to a point, Thence departing K Street N.E. S00°02'42"E 539.49 feet to a point, Thence West 586.68 feet to the Point of Beginning, and containing 245,089.78 Square Feet of Air Space.

Attachment 2
Aerial Photo and Zoning Map



Attachment 3 Comprehensive Plan Analysis

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 site is within the Central Employment Area. 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).

Comprehensive Plan Amendments, 2010

The City Council recently approved numerous amendments to the 2006 Comprehensive Plan. A few of the amendments dealt directly with the Union Station air rights and are described below. The Council, in its first reading on November 9, 2010, voted unanimously to approve the bill.

The second reading and vote occurred on November 23 and the bill was again approved unanimously. The law will be referred to NCPC in December.

Capitol Hill Area Element Policy CH-2.1.7

Policy CH-2.1.7 in the Capitol Hill Area Element was amended to clarify that building height in the Union Station air rights should be measured consistent with the Height Act and that any buildings should relate positively to its surroundings, such as Union Station, Capitol Hill and existing neighborhoods. This policy especially emphasizes the need to “give special attention to the preservation and enhancement of and views to Union Station and its historic surroundings by ensuring the provision of exemplary architecture”.

Land Use Element Policy LU-1.1.5

Another amendment expanded Policy LU-1.1.5 to include the subject property as a potential Central Washington “Urban Mixed Use Neighborhood” that would include “high-density residential, office, retail, cultural, and open space uses”.

Land Use Element Policy LU-1.1.8

A new policy, LU-1.1.8, speaks to air rights over significant infrastructure such as railroad tracks as places of opportunity to reconnect the city. The policy states that, where possible, new street grids should connect at grade and new development should be measured from grade “consistent with adjacent land”. But the policy goes on to say that where “development at grade level is not physically possible, air rights should be measured from a point that provides for density and height relatively commensurate with their zone district.” The policy also makes clear that any measuring point established shall be consistent with the Height Act and should not set a precedent for other development projects in the city. Finally, Policy LU-1.1.8 states that densities and heights should be sensitive to the surrounding neighborhoods and also be sufficient to induce the investment needed for costly construction.

Land Use Element Action LU-1.1.C

A new action, LU-1.1.C, recommends analyzing each air rights site individually to determine “appropriate zoning and means of measuring height” for that particular site, while taking into account the character of the surrounding neighborhood.

Central Washington Area Element Action CW-2.8.E

Action CW-2.8.E states that any review process proscribed for the Union Station air rights should include a role for the community in the evaluation of development projects on the site.

The USN zone and development of air rights will be consistent with the 2010 amendments to the Comprehensive Plan.

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.

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.

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).

Attachment 4

Proposed Text Amendments

The proposed text amendments begin on the next page. Since the setdown meeting, the Office of Planning and the Office of the Attorney General have continued to refine the text, beyond the changes proposed at the time of setdown by the Zoning Commission and therefore advertised in the public hearing notice. Refinements include edits to make the intent of various sections more clear, new sections or new text in response to community comments, and edits to make the text legally sufficient. The core principles and structure of the USN remain intact. Additions and deletions from the public hearing notice are highlighted below. New text is in blue and underlined; Deleted text is in red and strikethrough.

CHAPTER 29 UNION STATION NORTH (USN) DISTRICT

2900 PREAMBLE

- 2900.1 The Union Station North (USN) District is a Unique Location District 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 § 2901.1. Where there are conflicts between this chapter and other chapters of this title, the provisions of the USN District shall govern.
- 2900.5 When used in this Chapter, the term “Transportation Way” means 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.

2901 APPLICABILITY

- 2901.1 The USN District is mapped on the following squares and air rights lots, as more specifically described in the ~~official records of the District Recorder of Deeds~~ plat attached to Zoning Commission Order 09-21:
- (a) Square 717, Lots 7001 and 7002 (between H and K Streets, N.E.); and
 - (b) Square 720, Lots 7000 and 7001 (between Union Station and H Street, N.E.).
- 2901.2 The land and the volume of space below the air rights lots shall not be zoned USN. Development will occur on top of a structural platform that will span the railroad tracks underneath ~~(“the platform”). Pursuant to §§ 2913 and 2914, some uses, including, but not limited to, parking, loading, mechanical, retail, office or residential may occur within the platform.~~

2901.3 The USN District shall not be applied to any lot located on the ground or any air rights lot outside of the boundaries described in § 2901.1.

2902 PURPOSES

2902.1 The purposes of the USN District 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 District, and encouraging upper story setbacks and minimized penthouses;
- (d) **Improve the Character of H Street** by establishing H Street, N.E., 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 District including residential and retail, as well as office, hotel and other permitted uses; and
- (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 railroad tracks and separated by H Street, N.E. (the "Platform" or "Platforms" ~~or the "Union Station Platform"~~).

~~2903.2~~ 2903.2 The Platforms will be generally horizontal structures that provide support for the new surface area, above the railroad tracks, on which development will be built.

2903.3 In addition to providing structural support, the Platforms may house mechanical equipment, parking and loading areas, and non-residential, residential and retail uses permitted by §§ 2913 ~~and 2914~~ through 2916.

~~2903.3~~ 2903.4 Structures below the grade of the railroad tracks and generally vertical, above-grade columns and structures will support the Platforms (collectively "Foundation Systems"). The term "Platform" or "Platforms", when used in this chapter, does not include Foundation Systems or any station and rail-related functions or facilities that are constructed below the Platforms on the subjacent lots.

2903.5 Although portions of a Platform may extend below the volume of an air rights lot, any provision of this Chapter pertaining to the Platform shall apply to the entire ~~structure~~ Platform.

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 of the same single building, other than through the structure of the Platform, will be hereinafter referred to as a Building Unit.

2905 HEIGHT

2905.1 **The maximum height** of a building or structure shall not exceed 130 feet, except that:

- (a) The maximum height of any portion of a building or structure that is both north of the centerline of Eye Street and east of a north-south line located 200 feet west of the eastern boundary of Lot 7002 in Square 717 shall not exceed 90 feet.

(b) Within the area defined in § 2905.1(a), a height of greater than 90 feet and no more than 110 feet shall be permitted if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in § 2917.

(1) The Commission will make a preliminary decision whether to approve the additional height as part of its Stage 1 review. The preliminary approval will become final unless modified or disapproved during the Stage 2 review.

(2) In making its decision, the Commission shall consider the design review criteria set forth in §§ 2921.1(b), (d) and (f) and 2923.1(b) and (h).

(3) The Commission must find that the building unit or units located within the defined area exhibit exceptional architectural quality.

(4) The Commission may require upper story setbacks or other design modifications that it deems necessary.

2905.2

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

2906

ROOFTOP PENTHOUSES

2906.1

Rooftop penthouses not intended for human occupation, such as penthouses over mechanical equipment, a stairway, or an elevator shaft shall be erected or enlarged pursuant to §§ 770.6 through 770.8.

2906.2

Such 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, 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

MAXIMUM FLOOR AREA RATIO (FAR) – SINGLE BUILDING

2907.1 The maximum FAR for any single building in the USN district shall be 6.5, which shall be computed in accordance with § 2909.

2908 MAXIMUM NON-RESIDENTIAL FLOOR AREA RATIO (FAR) – DISTRICT-WIDE LIMIT

2908.1 The maximum non-residential FAR for the entire USN District is 5.5, except that until 0.5 FAR of residential uses have been developed, as evidenced by a certificate or certificates of occupancy, the maximum for residential uses, no certificate of occupancy for non-residential uses may be issued that would result in a non-residential FAR for the entire USN District is of greater than 3.0 FAR.

2908.2 The minimum residential FAR may be apportioned between the single building north of H Street and the single building south of H Street, provided that the aggregate residential floor area is not decreased.

2909 COMPUTATION OF FAR

2909.1 Computation of the maximum FAR gross floor area for each building shall be determined by multiplying 6.5 by the area of a single building's lot, subject to the exclusions identified in § 2909.5.

2909.2 Computation of the Maximum maximum non-residential FAR gross floor area for the entire USN shall be determined by multiplying 3.0 or 5.5, as applicable, by the combined areas of each single building's lot, subject to the exclusions identified in § 2909.5.

2909.3 The lot of the single building north of H Street consists of the area within lots 7001 and 7002 in Square 717.

2909.4 The lot of the single building south of H Street consists of the area within lots 7000 and 7001 ~~and 7000~~ in Square 720.

2909.5 Lot area shall not include private rights-of-way that generally serve the principal entrances to building units. For the purposes of this section such private rights-of-way shall consist of the curb-to-curb width of the roadway plus 16 feet on each side.

2909.6 Notwithstanding § 2909.5, lot area shall include private rights-of-way that generally provide access to service, loading or automobile parking areas.

2909.7 Until the areas to be excluded from FAR computation are known:

- (a) Lot area for the purposes of determining the maximum FAR gross floor area permitted for a single building by § 2907 shall be deemed to equal

85% of the total area of its lot as described in §§ 2909.3 or 2909.4, as applicable; and

- (b) Lot area for the purposes of determining the minimum residential use and maximum non-residential uses pursuant to § 2908 shall be deemed to equal 85% of the combined lot areas of the two lots described in §§ 2909.3 and 2909.4.

2909.8 The term “gross floor area” has the same meaning as defined in § 199, except that the term only applies to the area of all enclosed structures above the top of a ~~platform~~the Platforms.

2910 BICYCLE PARKING

2910.1 Bicycle Parking shall be provided at a minimum 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)

2910.2 All bicycle parking areas shall be well lit and provide convenient access to the uses they are intended to serve.

2910.3 Outdoor spaces may be provided in public space subject to the approval of DDOT.

2910.4 All required bicycle parking spaces shall be a minimum of two feet (2 ft.) in width and six feet (6 ft.) in length.

2910.5 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.

2910.6 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.

2910.8 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.

2911 OFF STREET AUTOMOBILE PARKING

2911.1 The provisions of Chapter 21 do not apply to the USN District.

2911.2 There shall be no minimum number of parking spaces required in the USN District.

2911.3 No lease or purchase agreement for a dwelling unit may include within its terms the sale or lease of a parking space.

2911.4 Any parking spaces provided shall be a minimum of eight feet (8 ft.) in width and sixteen feet (16 ft.) in length exclusive of access drives, aisles, ramps, columns and office and work areas.

~~2911.4~~ 5 When parking spaces are so arranged that an aisle is required for accessibility or maneuvering space between rows of two (2) or more parking spaces, or between a row of two (2) or more parking spaces and the perimeter of the area devoted to parking spaces, the aisle shall have a clear width of not less than twenty feet (20 ft.) for ninety degree (90°) angle parking, and not less than sixteen feet (16 ft.) for angle parking that is sixty degrees (60°) or less as measured from the center line of the aisle.

~~2911.5~~ 6 Parking spaces need not be located on the same lot with the building or building unit they are intended to serve, but must be located on a lot within or below the USN District.

2912 LOADING

2912.1 Loading shall be provided as required in Chapter 22 for the C-3-C District.

2912.2 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, as defined in § 2900.5;
- (d) The proposed loading facilities would not tend to affect adjacent properties adversely; and
- (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.

2913 USES AS A MATTER OF RIGHT

- 2913.1 Any use permitted in the C-3-C District under § 741 shall be permitted as matter-of-right.

2914 ACCESSORY USES AND BUILDINGS

- 2914.1 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.

2915 SPECIAL EXCEPTIONS

- 2915.1 All uses not permitted as a matter-of-right in the C-3-C District but permitted as special exceptions in the C-1, C-2, and C-3 Districts are permitted as special exceptions in the USN District if approved by the Board of Zoning Adjustment under § 3104, except that Sexually-Oriented Businesses shall be prohibited.

2916 GROUND FLOOR AREAS REQUIRED TO BE DEVOTED TO PREFERRED USES

- 2916.1 One hundred percent (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.

2916.2 Banks or financial institutions identified in § 1710.1(h) shall occupy no more than one hundred (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.

2916.3 No single commercial occupancy shall occupy more than 100 total linear feet of ground floor H Street frontage.

2916.4 ~~—Retail, service and arts uses on the~~The entire ground floor of all building units shall have a minimum slab to slab height of 14 feet, except for those spaces within the ground floor of any building unit devoted to the following uses: mechanical, electrical and plumbing; storage; fire control; loading; and retail corridors and service corridors.

2917 ZONING COMMISSION REVIEW

2917.1 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~~Foundation Systems within the USN District.

2917.2 Any application must be signed by the owner of the subject air rights lot, but need not be signed by the owner of the subjacent lots, even if a portion of the Platform extends into the air space below the level of the air rights lot.

2917.3 An application may request approval of one or more building units, structures or open spaces, or of ~~an entire single building~~one or two buildings.

2917.34 An applicant may either request consideration of the application in two stages or through a consolidated review.

~~2917.4~~ 5 A Stage 1 Review will examine 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, as defined in § 2900.5, the size of streets, the location of open spaces, access to and from the ~~platform~~Platforms, and how these aspects of the site design implement the goals of the USN District, in accordance with the Review Criteria of § ~~2920~~2921.

~~2917.56~~ A Stage 2 Review will examine 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 District, in accordance with the Review Criteria of § ~~2922~~2923.

~~2917.6~~ — 7 A Consolidated Review will examine all the aspects of design mentioned in §§ 2917.4~~5~~ and 2917.5~~6~~ of this subsection, in accordance with the review criteria of §§ 2921 and 2923. An application for Consolidated Review shall include all submittal requirements listed in §§ 2920 and 2922.

~~2917.4~~ — 8 The Commission may only approve an application that is not inconsistent with the Comprehensive Plan, provides for a mix of uses, is acceptable in ~~a majority of all~~ other applicable Review Criteria, generally furthers the purposes of the USN District, and complies with all other requirements of this chapter.

2918 COMMUNITY REVIEW

2918.1 In conformance with § 3099.1 of this Title, the affected ANC shall be granted party status to any application submitted pursuant to this chapter, and may participate in the public hearing for the application pursuant to §§ 3012.5 and 3012.6.

2919 AGENCY REVIEW

~~2918~~2919.1 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.

~~2919~~ — 2920 **STAGE 1 SUBMITTAL REQUIREMENTS**

~~2919~~2920.1 An applicant requesting approval of a Stage 1 Review Application shall provide:

- (a) A completed application form, as may be authorized from time-to-time by the Director of the Office of Zoning;
- (b) A written description of the proposal, including ~~which criteria~~ a description of how the Review 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, as defined in § 2900.5, 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; The circulation plan shall show how the design facilitates north-south bicycle movement through the site and to areas outside the site, including the Metropolitan Branch Trail;

- (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;~~
- (g) A comprehensive transportation assessment for the development under consideration, addressing pedestrian, bicycle, transit and automobile capacity and circulation;
- (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~~project.

~~2920~~2921

STAGE 1 REVIEW APPLICATIONSCRITERIA

~~2920~~2921.1

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, N.E., 2nd and K Streets, N.E. and 2nd and Eye Streets, N.E.;
- (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, N.E. The application should also generally indicate what types of materials would be used on

the portions of the exterior of the ~~platform~~Platforms constructed pursuant to § ~~2917~~2921.2 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 N.E.;
- (e) Publicly Accessible Space – Any public space provided such as streets, 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 District;
- (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; ~~and~~
- (g) Building Livability – Mitigate vibration and noise caused by the movement of trains under residential buildings; and
- (h) Community Outreach – The application shall demonstrate that community outreach has occurred.

2921.2

Upon approval of a Stage 1 Review Application, the applicant may apply for a building permit to construct any portion of the ~~platform~~Platforms related to that Stage 1 Review Application.

~~2920~~2921.3

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.

~~2921~~2922

STAGE 2 SUBMITTAL REQUIREMENTS

~~2921~~2922.1

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

- (a) Information required in § ~~2919.1~~2920.1(a) through (f);
- (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;
and
- (f) Any other information needed to understand the overall architectural character of the project.

2923

STAGE 2 REVIEW CRITERIA

~~2922~~2923.1

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

- (a) External Connectivity – External connections are designed to provide adequate size, materials, lighting and signage to move users easily and safely;
- ~~(b)~~ (b) Visual Relationship to Surroundings – 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, N.E.;
- ~~(e)~~ (c) Active Entrances to Building Units – 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) Environmental Stewardship – A high degree of environmental stewardship ~~is~~should be demonstrated; Characteristics may include, but not be limited to the following:
 - (1) Onsite energy generation;
 - (2) Rainwater harvesting;
 - (3) Green roofs, including green spaces on the upper surface of the ~~platform~~Platforms;
 - (4) Other landscaping on the upper surface of the ~~platform~~Platforms 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) Private Open Space – Residential uses shall incorporate private open space such as balconies and terraces for individual units where practical and architecturally compatible;
- (g) Design of Open Spaces – Public and private open spaces shall incorporate shaded areas and adequate seating capacity;
- (h) Light and Air – Adequate light and air is provided to all building units in the USN District; ~~and~~
- (i) Parking Access – Convenient access is provided from any parking provided to the uses it is intended to serve; and

- (j) Community Outreach – The application shall demonstrate that community outreach has occurred.

2924 ASSOCIATED RELIEF

~~2923~~2924.1 Relief from any section of this chapter may be heard and decided by the Commission as a special exception in accordance with § 3104. In addition to the criteria of § 3104, the applicant shall demonstrate that the purposes of the USN District would be met even if the relief were granted.

~~2923~~2924.2 An applicant requesting approval of a project that would result in nonconformity with the minimum residential or maximum non-residential FAR for the USN District, as established by § 2908, shall demonstrate how the proposal would not be inconsistent with purpose of establishing a mix of uses.

~~2923.2~~ 2924.3 The Zoning Commission may hear and decide any additional request for special exception or variance relief from any other provision of the Zoning Regulations for the subject property.

~~2923.3~~ 2924.4 Request for relief shall be advertised, heard and decided together with the application for Zoning Commission review and approval.

~~2924~~ **2925 TIMEFRAME FOR APPROVAL**

~~2924~~2925.1 The Zoning Commission may approve timeframes within which time an application must be filed for a building permit or a Stage 2 application must be filed.

~~2925~~ **2926 MINOR MODIFICATIONS**

~~2925~~2926.1 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.

~~2926~~ **2927 SCHEDULE OF FEES**

~~2926~~2927.1 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 District 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 § 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 § 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 § 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 District, even if that structure is not on a record lot, an amendment to § 3202.3 as follows:

~~[Note: The following is the text from Z.C. Order No. 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; and
- (e) A structure in the USN District to be constructed on an air rights lot that is not a lot of record.**

- To include the Union Station North (USN) ~~Districts~~ District 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 2901.72911.6**, all parking spaces shall be located on the same lot with the buildings or structures they are intended to serve.

- Chapter 31, § 3104.1 is amended by inserting the zone district designation “USN” into the chart appended to § 3104.1, so that the revised chart will read as follows:

TYPE OF SPECIAL EXCEPTION	ZONE DISTRICT	SECTIONS IN WHICH THE CONDITIONS ARE SPECIFIED
Accessory apartment to one-family detached dwelling	R-1 District	§ 202.10
Accessory mechanical amusement machines used to display sexual activities or specific anatomical areas	C-3-C, C-4, C-5 (PAD) Districts	§ 2501.5
Accessory uses in C-5 (PAD) District not specifically permitted	C-5 (PAD) District	§ 761.5
Additions to one-family dwellings or flats	Any R District	§ 223
Adult day treatment facility	R-1, R-2, and R-3 District	§205

Animal Boarding	Any C-2, C-3, C-4, <u>USN</u> , C-M or M District	§§ 721.7, 721.8, 735, 736, 802.21 and 822.14
Animal shelter	Any C-2, C-3, or C-4 <u>or USN</u> District	§739
Athletic field operated by local community organization	Any R District	§ 209
Antenna for commercial TV or FM	Any R, SP, or CR District, W-1, W-2, or W-3 Districts	§§211, 514, 617, and 914
Antenna, other than commercial	Any R, SP, or CR District, W-1, W-2, or W-3 Districts	§§212, 515, 617, and 914
Art gallery	R-5 District	§ 361
ARTS Overlay District - substitution of bonus use for existing legitimate theater use	ARTS Overlay District	§ 1904.5
ARTS Overlay District - use and area requirements	ARTS Overlay District	§§ 1901.4 and 1906.1
Automobile sales or repair	CR District	§ 614
Automobile accessory sales	C-1 District	§ 710
Boathouse	W-0 District	§921
Bowling alley	CR, C-1, W-1, W-2, and W-3 Districts	§§ 609, 709, and 908
Building lot control	Any R District or within 25 feet of an R District	§2516
Building service trades, including plumber, electrician, exterminator, and air-conditioning mechanic	CR, W-1, W-2, and W-3 Districts	§§612 and 912
CAP Overlay District - uses	CAP Overlay District	§§1201.3 and 1202
Caretaker's Residence	W-0 District	§924
Carport - location	Any District	§2300.8
CB/UT Overlay District - area requirements, tree removal, grading, and topographical change	CB/UT Overlay District	§§1568.3 and 1569

Child/elderly development center	Any R District	§ 205
Church programs	SP District	§ 517
Clerical and religious group residences	SP District	§ 516
Commercial adjuncts to hotel with less than 100 rooms or suites	R-5-B, R-5-C, R-5-D, and R-5-E Districts	§ 356
Community-based residential facility	Any R, SP, CR, C-1, or C-2 District, W-1, W-2, or W-3 Districts	§§ 218 - 221, 303 - 306, 335, 357 - 360, 513, 616, 711, 732, and 913
Community center building operated by local community organization	Any R District	§ 209
Community service center	R-4 and R-5 Districts	§§ 334 and 352
Convenience stores and personal services in apartment house	R-5 Districts	§ 354
District government use in former public school buildings.	R-1 District	§ 222
Electric substation	Any R, SP, or CR District, W-1, W-2, or W-3 Districts	§§ 207, 509, 608, and 907
Electronic Equipment Facility	C-3, C-4, <u>USN</u> , C-M, or M District	§§ 745, 756, 802.10 - 802.16, and 822.9 - 822.14
Excavation of clay, sand, or gravel	Any R or C District	§ 2505.3
Expansion of former public school buildings with District government uses, or other permitted uses.	R-1 District	§ 222
Extension of use, height, and bulk	Any District	§§ 107.8 and 2514.2
Fast food restaurant near Residence District	C-3-A District	§ 743.4
Floating home	W-0 District	§922.3 and §922.3
FT Overlay District - setback, landscaping, and fencing	FT Overlay District	§ 1564
Gasoline service stations	C-1, C-2, and C-3 , <u>and USN</u> Districts	§§ 706, 726, and 743.1

Home occupation not specifically permitted or prohibited in § 203	R-1 District	§ 203.10
Hospital or clinic	CR, W-1, W-2, or W-3 Districts	§§ 606 and 906
Hotel or inn	SP District	§ 512
Intermediate materials recycling facility	C-M District	§ 802.3
Laboratory, research or testing	CR District	§ 613
Langdon Overlay - setback, landscaping, fencing, and parking requirements	LO Overlay District	§ 806.6
Laundry or dry cleaning establishment	C-2, C-3, C-4, and C-5 (PAD), <u>and USN District</u>	§§ 729, 743.2(c), 753.1(b), and 761.2
Light manufacturing, processing, fabricating, or milling	CR, W-1, W-2, or W-3 Districts	§ 610 and 909
Loading berths - location and number	Downtown Urban Renewal Area <u>and USN District</u>	§ 2202.2
Loading berths - modification of access, maintenance, and operations standards	Any District	§ 2204.13
Marina	W-0 District	§922
Massage establishment	C-2, C-3, C-4, C-5 (PAD), <u>USN</u> , C-M, and M Districts	§§ 731, 743.3, 753.2, 761.2, 802.2 and 822.2
Mechanical parking garage	C-3 Districts	§ 743.1
Miscellaneous uses	CR or W Districts	§§ 618 , 915 and 922
Motorcycle sales or repair	CR, C-2, C-3-A, and C-3-B Districts	§§ 614, 727, and 743.2
MW Overlay District - lot greater than 10,000 square feet	MW Overlay District	§ 1308.2
Natural gas regulatory stations	Any R, SP, or CR District, W-1, W-2, or W-3 Districts	§§ 207, 509, 608 and 907
Naval Observatory Precinct Overlay District - special exceptions	NO Overlay District	§ 1533

Neighborhood Commercial Overlay District - special exceptions	NC Overlay District	§ 1304
Nonconforming antenna - temporary replacement	Any District	§ 2001.12
Nonconforming use - change	Any District	§ 2003
Nonprofit organization use of existing residential building and land	Any R District	§ 217
Not-for-profit use in former public school buildings.	R-1 District	§ 222
Office building - construction, addition, or conversion	SP District	§ 508.1
Park operated by local community organization	Any R District	§ 209
Parking garage	R-5 and SP Districts	§§ 355 and 506
Parking garage on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Parking lot	Any R or SP District	§§ 213 and 505
Parking lot on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Parking lot standards	R-1, R-2, R-3, R-4, and R-5-A Districts and contiguous districts	§§ 2303.2 - 2303.5
Parking spaces - location and amount	Downtown Urban Renewal Area	§§ 2103.2 - 2103.6
Parking spaces - location of accessory spaces	Any District	§§ 214, 510, 708, 730, 743.2(d), 751.1(c), 761.2, 803.1, 824, 926.1 and 2116.5-2116.9
Parking spaces - location, row dwellings	Any District	§ 2117.9(c)
Parking spaces - reduction or elimination for boathouses	W-0 District	§ 926.3
Parking spaces, nonresidential - reduction in required amount	Any District	§ 2108

Parking spaces, nonresidential - reduction in required amount outside Central Employment Area and with connection to Metrorail Station	Any District	§ 2107
Playground operated by local community organization	Any R District	§ 209
Pet grooming establishment	Any C-2, C-3, C-4, <u>USN</u> , C-M, or M District	§§736, 802.25, and 822.20
Pet shop	Any C-2, C-3, C-4, <u>USN</u> , C-M, or M District	§§737, 802.26, and 822.21
Prepared food shop with greater than eighteen seats for patrons	C-1, C-2-A	712
Private stable	Any R District	§ 208
Public recreation and community center	Any R, SP, CR, or W District	§§ 402.7, 403.3, 408.1, 531.2, 532.3, 538.1, 632.1, 634.4, 931.3, 932.4, 937.1, and 2001.13
Public school (not meeting the Requirements of Chapter 4).	Any R District	206
Public storage garage on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Public utility pumping stations	Any R, SP, CR, or C District, <u>USN</u> , W-1, W-2, or W-3 Districts	§§ 207, 509, 608, 707, 728, 743.2(b), 753.1, 761.2, and 907
RC Overlay District - area and use restrictions	RC Overlay District	§ 1403
Rear yard requirements - waiver	C-3 or C-4 District	§ 774.2
Repair garage	C-2, and C-3, and <u>USN</u> Districts	§§ 726.1 and 743.1
Residential developments, new	R-5-A District	§ 353
Retail, service, arts and cultural uses as specified	W-0 District	§925
Roof structures - location, design, number, and all other regulated aspects	Any District	§§ 411.11, 537.1, 639.1, 777.1, 845.1, and 936.1

School - private school other than trade school	Any R District	§ 206
School - private school or trade school	W-1, W-2, or W-3 Districts	§ 912
School - residence for teachers and staff of private school	R-1, R-2, R-3, and R-4 Districts	§ 206
Sexually-oriented businesses	C-3, C-4, and C-5 (PAD), and <u>USN</u>) Districts	§§ 744, 754, and 761.2
Solid waste handling facility	C-M and M Districts	§§ 802.4 - 802.9 and 822.3 - 822.8
SSH Overlay District - nonresidential uses	SSH Overlay	§ 1553
Storage of wares and goods on alley lot	R-4 and R-5 Districts	§§ 333 and 352
Swimming pool operated by local community organization	Any R. District	§ 209
Telephone exchange	R4, R-5, SP, CR, and W-1, W-2, and W-3 Districts	§§ 332.1(b), 509, 608, and 907
TSP Overlay District - ground coverage and tree removal	TSP Overlay District	§ 1515
Veterinary boarding hospital	Any C-2, C-3, C-4, <u>USN</u> , C-M, or M District	§§ 738, 802.27, and 822.22
Warehouse use	CR, W-1, W-2, and W-3 Districts	§§ 611 and 910
Wholesale use	CR, W-1, W-2, and W-3 Districts	§§ 611 and 910
Yacht club	W-0 District	§ 923

Jesick, Matthew (OP)

From: Faust, Bruce (FEMS)
Sent: Tuesday, February 02, 2010 11:59 AM
To: Jesick, Matthew (OP)
Subject: RE: Zoning Commission #09-21 - Union Station North

Matt,

My obvious concern with this will be fire apparatus access. I don't think we are far enough ahead to clearly define the issues, but the concept of being able to access the buildings with our vehicles will be a concern.

Bruce D. Faust
Deputy Fire Chief
Fire Marshal
Fire Prevention Division
DC Fire & EMS Department
(202) 727-3298
(202) 345-7117

"Smoke Alarms and Fire Sprinklers Save Lives"

Jesick, Matthew (OP)

From: Kamperin, David (MPD)
Sent: Monday, February 08, 2010 2:35 PM
To: Porter, Diedre (MPD); Jesick, Matthew (OP)
Cc: Zalewski, Ted (MPD)
Subject: RE: Zoning Commission #09-21 - Union Station North

I see no objections to the zoning requests. As there is no specific development plan with this request I cannot gauge the impact this development would have on police service. However, typically we see an increase in calls for service volume on mix use projects and club/bar/entertainment venues.

Commander David K. Kamperin
First District
101 M St SW
Washington, DC 20024

Office: (202) 729-2037
Fax: (202) 448-8005

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Housing and Community Development



MEMORANDUM

TO: Matthew Jesick
Development Review Specialist
Office of Planning

FROM: James Thackaberry
Supervisory Project Manager

DATE: February 16, 2010

SUBJECT: Zoning Commission Case No. 09-21 – Union Station North – Text and Map Amendment to Create and Implement the Union Station North (USN) Zoning District for Development of the Air Rights over the Union Station Railroad Tracks

As requested in your e-mail of January 22, 2010, the Department of Housing and Community Development (DHCD) has reviewed the above referenced Zoning Commission Application submitted by the Office of Planning, and supports the requested creation of the Union Station North (USN) Zoning District to facilitate the development of the air rights over the railroad tracks north of Union Station. DHCD offers the following reasons for support of the application based upon the specific information presented in the application:

1. The new Zoning District, Union Station North, is intended to permit and guide the development of the air rights over the railroad tracks north of Union Station.
2. The new chapter of the Zoning Code, Chapter 29 – Union Station North District, is self-contained and includes all regulations that will be needed for development in this new Zoning District without having to refer to other sections of the Zoning Regulations. DHCD understands that this application is only for the purpose of creating the new USN District and that there is no specific development being applied for with this application.
3. Two platforms will be built over the railroad tracks north of Union Station on which the buildings developed under these new USN District regulations will be built. One platform will be over Lots 7000 and 7001 in Square 720 south of H Street NE and the other platform will be over Lots 7001 and 7002 in

Square 717 north of H Street NE. The land with the railroad tracks underneath the platforms will retain its present C-M-3 and M zoning designations.

4. The USN air rights Zoning District is intended to facilitate development that will reconnect street level and above uses along H Street NE east of the railroad tracks to west of the tracks. Proposed developments should provide an active streetscape along H Street NE, and a mixture of residential and commercial uses.
5. The total USN District (both north and south of H Street NE) will be permitted to have a maximum non-residential FAR of 5.5 provided that a minimum of .5 FAR of residential uses is also developed. Absent .5 FAR of residential uses, the maximum non-residential FAR will be 3.0.
6. Proposed Chapter 29 for the USN District establishes procedures for Zoning Commission review for any buildings, structures, parks or plazas developed in the USN District. Zoning Commission reviews could be a Stage 1 (review of building arrangements, massing of buildings, mix of uses, size and layout of streets), Stage 2 (review of outward building appearances, design of landscape and hardscape areas, functionality of transportation ways, internal layout of building uses), or Consolidated Application (review of all aspects design considered in Stage 1 and Stage 2 reviews).

Jesick, Matthew (OP)

From: Kubly, Scott (DDOT)
Sent: Sunday, January 31, 2010 8:10 PM
To: Henson, Jamie (DDOT); Jesick, Matthew (OP)
Cc: Torruellas, Circe (DDOT)
Subject: RE: Zoning Commission #09-21 - Union Station North

Thanks. No comments.

From: Henson, Jamie (DDOT)
Sent: Friday, January 22, 2010 3:20 PM
To: Jesick, Matthew (OP)
Cc: Kubly, Scott (DDOT); Torruellas, Circe (DDOT)
Subject: FW: Zoning Commission #09-21 - Union Station North

Matthew, I am forwarding this to Scott Kubly and Circe Torruellas who work with our streetcar effort. Since streetcar service is proposed for the area, I want to make sure they can comment as well.

Jamie

Jamie Henson
Transportation Planner

d.

DISTRICT DEPARTMENT OF TRANSPORTATION

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