



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING:**

**CASE NO. 09-21 (Text and Map Amendment to Create and Implement the Union
Station North (USN) District)**

January 6, 2011

Testimony of Alma Hardy Gates

Good evening members of the Commission. I am Alma Gates testifying on behalf of the Committee of 100 on the Federal City (C100), formed in 1923 to act as a force of conscience in the evolution of the Nation's Capital.

Under case No. 09-21, the Office of Planning (OP) proposes to remap and create a new zoning chapter for 14 acres known as the Union Station North District. The C100 generally supports the purpose of the new zone district: to reknit the land over an active rail yard and provide a connection between 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. The height of structures atop the platform will be measured from the elevation of the sidewalk at the crown of H Street (2905.2) rather than from grade as would otherwise be required by § 199, and it is this measuring point that puts the Office of Planning and C100 at odds in this case.

An amended Comprehensive Plan element (CH-2.1.7) and simultaneous elimination of the measuring point established in 2003 were the necessary means OP pursued to permit consideration of this new zone district.

In an earlier submission, C100 submitted two letters to the Zoning Commission from the National Capital Planning Commission (NCPC) that addressed ZC 02-35:

“... {T}he location of this project is in a sensitive area as it is directly adjacent to the historic Capitol Hill neighborhood and directly in sight of Union Station. A development out of scale with these areas could have significant impacts to this area. While staff supports a public planning process for the project, there are concerns with the proposal to eliminate policy CH-2.1.7. This policy currently states that the allowable height of any building constructed in the air rights should be measured from the existing grade of 1st Street or 2nd Street NE, rather than from the

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overpass...In NCPC's view, the existing policy is consistent with the interpretation of the 1910 Height of Buildings Act and it also provides a clear guideline that will produce a project design that is sensitive to the existing surroundings. NCPC recommends that Council not eliminate or change Policy CH-2.1.7.¹

Again, on October 19 NCPC restated its position to C100:

It is our intent that the alternative language agreed upon by DCOP and NCPC staff was meant to cover NCPC's concerns related to design of the project and not the technical details of the measuring point for the buildings...although we reiterate that measuring from the crown of the H Street, NE overpass would be, in our view, contrary to the Height Act and past Zoning Commission actions related to measuring from elevated roadways or man-made grades...NCPC will take a position on the measurement of the project once the design details are known.²

The C100 finds that using the crown of the H Street overpass as the measuring point is contrary to the Height Act and past Zoning Commission actions.

While this project's goal is to eliminate the horizontal scars created by the rail yards, the proposed height of the Union Station North development may well create prominent vertical scars as heights of up to 160 feet would be permitted (plus another 18.5 feet if a penthouse is provided) and would require no side setbacks from the edge of the platform. The C100 and CHRS graphics sponsored by Drury Tallant, provide a stark illustration of the lasting impacts to Union Station that will result should this proposed development be approved.

A Framework Element of the Comprehensive Plan states, "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...Urban design and streetscape policies must retain the historic, majestic, and beautiful qualities that make Washington unique among American cities." 220.7

The C100 cautions that approval of this proposed text and map amendment will open the way for new heights and ignore two centuries of urban design legacies that have made Washington's iconic horizontal skyline unique among American cities.

¹ September 3, 2010. NCPC Letter to The Honorable Vincent Gray

² October 19, 2010, NCPC Letter to M^{rs}. Alma Gates