

District of Columbia Office of Planning



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D.C. OFFICE OF ZONING

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, ^{JLS} Deputy Director

DATE: February 18, 2011

SUBJECT: Supplemental Report for ZC #09-21, Union Station North
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

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 to create and map the Union Station North (USN) zone. The Zoning Commission held a public hearing on this item on January 6, 2011. At that time the Commission requested additional information and had a number of comments and suggestions about the proposed zoning text. This memorandum provides a summary of the updates to the proposed text as well as the information requested by the Commission.

UPDATES TO ZONING TEXT

1. Master Plan

In response to Commission comments, the text was revised to include provisions for a site-wide Master Plan. The Master Plan would be submitted prior to or together with the first Stage 1 or Consolidated application and would examine, for the entire USN District, the general dimensions and locations of sidewalks and streets, plazas or other open spaces, and building sites. Similar to Stage 1 and Stage 2 reviews, these features and the overall site design would be reviewed against the purposes of the USN District and specific review criteria. The zoning text governing the Master Plan can be found in §§ 2918, 2922 and 2923. Please see the complete revised zoning text in Attachment 1.

Conforming changes were made to other sections of the text. For example, the lot area estimates of § 2909 were deleted because the Master Plan will establish up front the lot areas to be used for calculating FAR. The scope of the Stage 1 reviews was narrowed because most of the site planning aspects of that type of application would now be covered by the Master Plan.

ZONING COMMISSION
District of Columbia

CASE NO. 09-21

EXHIBIT NO. 39



Similarly, some Stage 1 review criteria were modified or can now be found in the list of Master Plan review criteria.

2. Amended Residential Requirement

At the hearing the Commission expressed concern that a true mix of uses might not be achieved on the site. In response, OP proposes a second layer of residential requirement as the site is built out. The charts below portray graphically the original and newly proposed residential phasing. Note that nothing would prevent the residential from being constructed earlier, or prevent the construction of more than 1.0 FAR of residential.

The original proposal required 0.5 FAR of residential after 3.0 FAR of non-residential was constructed. That would leave an additional 0.5 FAR of residential available after the 5.5 FAR non-residential cap was met. The revised text proposes to advance the second 0.5 FAR of residential and require it after 4.0 FAR of non-residential is constructed. This advancement of residential use in the development timeline increases the likelihood that a full FAR of residential will be constructed on the site.

ORIGINAL PROPOSAL

Total FAR	1.0	2.0	3.0	3.5	4.5	5.5	6.0	6.5
Cumulative Non-Residential FAR	1.0	2.0	3.0		4.0	5.0	5.5	
Cumulative Residential FAR				0.5				1.0
Progress of Non-Residential Development								
Progress of Residential Development								

CURRENT PROPOSAL

Total FAR	1.0	2.0	3.0	3.5	4.5	5.0	6.0	6.5
Cumulative Non-Residential FAR	1.0	2.0	3.0		4.0		5.0	5.5
Cumulative Residential FAR				0.5		1.0		
Progress of Non-Residential Development								
Progress of Residential Development								

3. Community Outreach Review Criteria

The Commission expressed reservations about the language used in the community outreach review criteria. OP proposes new language that specifies that the applicant should reach out to the community “in multiple venues and through multiple formats”. Given that the need for outreach will be different for every project in the USN District, OP feels that this language will help guide applicants and the community toward several modes of interaction that would reach the maximum possible number of neighbors. In addition to traditional venues such as ANC

meetings and question-and-answer sessions, other formats could include a website about the project, email updates, or paper newsletters.

4. Amtrak Comments

The Office of Planning made changes to the text to reflect the concepts contained in the letter the Commission received from Amtrak. The purpose statement in § 2902.1(e) was amended to address potential expansion of railroad infrastructure, and § 2903.3 now states that the Platform may contain utilities or other railroad-related uses. Also, §2916.1 was amended to state that H Street ground floor frontage can consist of passenger entrances in addition to required retail, service or arts uses. Finally, the environmental criteria of § 2927.6 were amended to address the suggestions of Amtrak.

5. Parking Space Dimensional Standards

The parking space and drive aisle dimensional standards have been deleted from § 2911. The property owner indicated that they will likely utilize mechanical parking garages in future development. OP supports the use of alternative parking strategies, and in such garages traditional dimensional standards are not required.

NEW INFORMATION

6. H Street and Platform Section Drawings

The Commission requested information about how the buildings and the Platform would interact with H Street. Two attached sheets provide east-west and north-south sections through the Platform and H Street. The first image shows how the slab that forms the top of the Platform will step down to follow the curve of H Street. Entrances to retail will be located at various points along the length of H Street, and those entrances will meet the sidewalk through adjustments to the slope of the pavement. Where the doors are located, the sidewalk pavement will flatten out. This is similar to other locations where entrances to consecutive retail spaces are located on a sloping street. The second image, looking west, shows that the top of the Platform will be at the same elevation as H Street and then will likely slope up as it moves north and south from the street. This slight increase in elevation is to provide enough height within the Platform for parking, utilities or other uses as provided for in the USN zone.

7. Measuring Point Alternatives – Aerial Perspectives

OP described the benefits of allowing a 130 foot building height and measuring that height from H Street, while maintaining a maximum 6.5 FAR. The benefits would include increased open space, an enhanced division of building form, and a greater ability for building massing to respond to surrounding neighborhoods. The Commission requested graphical information

demonstrating the benefits of that proposed massing and what would happen if lower measuring points for height were selected. The new attached graphics compare three measuring points. All three images assume a height of 130 feet and a 6.5 FAR.

The first image assumes a measuring point of 31.25 feet above sea level, the elevation of a line drawn between 1st and 2nd Streets, NE underneath H Street. The effective building height above H Street would be about 79 feet. Developing 6.5 FAR within that envelope would result in mammoth buildings covering close to 100% of the 14 acre site. Very little open space would be possible, the grid of the city would not be reflected in the development, and buildings would not be viable for residential or even office uses.

The second image assumes a measuring point of 55 feet above sea level, the elevation of the railroad tracks beneath H Street. The effective building height above H Street would be about 102.5 feet. FAR remains at 6.5. The form of the buildings is broken down slightly from the previous example, but the floor plates are still extremely large, even compared to the large office buildings of NoMa. Central courtyards were assumed for the interior of the office buildings as larger footprints would likely not be viable for most tenants.

The third example reflects the advertized proposal with a measuring point of 82.5 feet above sea level, the elevation of H Street at the center of the buildings. At 130 feet, the total of 6.5 FAR can be broken down into building units that not only have footprints comparable to other buildings in the area, but also allow for significant open spaces on the site.

8. Residential Parking Permit (RPP) Information

Most blocks east of the subject site, on streets such as 2nd, 3rd, G and Eye, are designated as RPP blocks. First and North Capitol Streets are not designated as RPP streets. At present, this portion of H Street is not designated as an RPP block, so residents living on the subject property could not obtain an RPP sticker. Without an RPP sticker, a driver cannot park on an RPP street for more than two hours during weekdays. Residents can petition DDOT to have their block designated an RPP block, but according to that agency blocks on commercial streets such as H Street are rarely designated.

Union Station is the most multi-modal location in the entire region. It is in a walkable neighborhood and served by bicycle connections, metrorail, commuter rail, metrobus, commuter bus, future streetcar service, inter-city rail and inter-city bus. Residents who do not need or want to own a car would be attracted to live in locations near Union Station, and a large percentage of trips originating from the air rights property would be made without a private automobile. The air rights, therefore, are a location where the zoning can let the market determine the amount of residential parking provided.

9. Background on the “Single Building” Section

The Commission requested more background on the origin of the Waterside Mall “single building” clause, § 2521.1(h). That section states that if part of the Waterside Mall property is demolished to re-establish the 4th Street right-of-way, the remaining parts of the building on either side of 4th Street would still be considered one building. That section was enacted so that structures that would not front on a public street would not be considered nonconforming. If the buildings were to become nonconforming, renovations and redevelopment could have been difficult to finance or insure. Also, according to the Order (ZC #01-35P, Order 967), “the flexibility to reallocate the floor area ratio (FAR), parking, loading spaces, as if the complex were still one building” was considered essential to the long term development plans for the site.

In the proposed USN regulations, the intent of section § 2904 is to avoid negative outcomes such as superblock buildings, forced and artificial connections between building units, or pipestem lots. By declaring the various building units a single building, but forcing a site plan and building massing typical of the rest of the District, the proposed regulations allow for the measurement of height in conformance with the Height Act while generating a development outcome that meets the interests of the District and the community.

10. Examples of Measuring From Structures

In the past, a number of buildings throughout the District have been built using a measuring point located on a man-made structure. These buildings and developments include:

- 750 1st Street, NE, measured from H Street;
- 810, 820, 830, 840 and 888 1st Street, NE (a single building for zoning purposes), measured from H Street;
- The Portals development, measured from Maryland Avenue, SW; and
- L’Enfant Plaza, measured from the level of the plaza and 10th Street.

Documents confirming the measuring points are attached and include letters from the Zoning Administrator (ZA), letters counter-signed by the ZA, and a zoning computation form signed by the ZA.

In addition, at the site of the Station Place building, a decision from the 1980s granted approval for a building to be built and measured from H Street. That building was never built, but the record of the Zoning Administrator’s opinion from that time is also attached.

11. K Street ROW Width

The Commission asked what the width of the K Street right-of-way (ROW) is near the subject site. East and west of the railroad tracks the ROW width is 147’8”, the same width as it is

through downtown. For the segment under the railroad tracks District records list no ROW width, but do note that the roadway width is 55’.

ATTACHMENTS

1. Revised USN Zoning Text – with changes from Public Hearing text highlighted*
2. ZA Documents Confirming Measuring Points (MPs) On Man-Made Structures
 - a. Letter Acknowledging MP for 750 1st Street, NE
 - b. Zoning Computation Sheet for 810 – 888 1st Street, NE
 - c. Letter Confirming MP for Portals Development
 - d. Letter Confirming MP for L’Enfant Plaza
 - e. Letter Confirming MP for original “Station Place”
3. New Informational Drawings
 - a. H Street and Platform Section Drawings
 - b. Measuring Point Alternatives – Aerial Perspectives

JS/mrj

- * The zoning text has been updated to reflect Commission recommendations from the public hearing. In addition, OP and OAG have continued to refine the text to eliminate typos and ensure that the grammar of the text is internally consistent. All changes to the text from the time of the public hearing have been highlighted. New text is in blue and underline, deleted text is in red and strikethrough, and text that has moved is in green and double underline or double 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 plat attached to Zoning Commission Order 09-21:
- (a) Square 717, Lots 7001 and 7002 (between H and K Streets, NE); and
 - (b) Square 720, Lots 7000 and 7001 (between Union Station and H Street, NE).
- 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.
- 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.

2903 THE 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, NE (the “Platform” or “Platforms”).
- 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 and arts uses permitted by §§ 2913 through 2916, as well as utilities and rail-related uses.
- 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 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 §§ 2923+1.1(b), (d) and (f) and 29253.1(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** shall be taken from the elevation of the sidewalk on H Street 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 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 of greater than 3.0.~~

2908.1 The maximum non-residential FAR for the entire USN District is 5.5.

2908.2 Until 0.5 FAR of residential uses have been developed within the entire USN District, as evidenced by a certificate or certificates of occupancy 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 of greater than 3.0.

2908.3 Until 1.0 FAR of residential uses have been developed within the entire USN District, as evidenced by a certificate or certificates of occupancy 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 of greater than 4.0.

2908.4~~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.

2908.5 The minimum residential FAR shall not include the FAR dedicated to residential parking located above the level of the Platform.

2909 COMPUTATION OF FAR

2909.1 Computation of the maximum 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 non-residential gross floor area for the entire USN shall be determined by multiplying 3.0, 4.0 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 in Square 720.

2909.5 Lot area shall not include private rights-of-way that generally serve the principal entrances to building units, including the 14 foot minimum sidewalk width required by 2923.5. ~~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, as well as sidewalk area beyond the 14 foot minimum width required by 2923.5.

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

~~(a) Lot area for the purposes of determining the maximum 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.~~

2909.78 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 the Platforms.

2910 BICYCLE PARKING

2910.1 Bicycle ~~P~~parking spaces 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,	One (1) for every 5,000 square feet of gross floor area, with a

	with a minimum of two (2)	minimum of two (2)
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2910.2 All bicycle parking ~~spaces~~ ~~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.

2910.7 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 automobile 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 an automobile 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.~~

~~2911.5 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.~~

2911.46 Automobile P 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, or space dedicated to transit or rail entrances or passenger circulation.

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 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 – GENERAL

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 within the USN District.

2917.2 Sections 2918 and 2919 describe the following types of Zoning Commission reviews:

(a) Master Plan;

(b) Stage 1;

(c) Stage 2; and

~~(a)~~(d) Consolidated.

2917.32 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.

2918 ZONING COMMISSION REVIEW – MASTER PLAN

2918.1 Prior to or together with either the first Stage 1 or the first Consolidated application submitted pursuant to this chapter, the applicant shall submit for review and approval by the Commission a Master Plan for the entire USN district.

2918.2 A Master Plan review will examine, for the entire USN District, the dimensions and locations of transportation ways, as defined in § 2900.5, and the general locations of open spaces and building sites, in accordance with the review criteria of § 2923.

2918.3 A Master Plan shall be determined by the Commission to be not inconsistent with the Comprehensive Plan, to generally further the purposes of the USN District and to be acceptable in all the review criteria of § 2923.

2918.4 An approved Master Plan may be modified through application to the Commission, and the application for modification shall be subject to the same approval criteria as set forth in 2918.3.

2918.5 An applicant must return to the Commission for review and approval of Stage 1 and Stage 2 applications or a Consolidated application prior to applying for a building permit or beginning construction of any portion of the approved Master Plan application.

2919 ZONING COMMISSION REVIEW – STAGE 1, STAGE 2, AND CONSOLIDATED APPLICATIONS

2919.17.3 ~~A~~ Stage 1 or Stage 2 application may request review and approval of one or more building units, structures or open spaces, or of one or two buildings.

2919.27.4 An applicant may ~~either~~ request consideration of the Stage 1 or Stage 2 applications individually in two stages or through a consolidated review.

2919.37.5 A Stage 1 ~~R~~review will examine the specific arrangement of building units on the site, the specific location of open spaces, the ~~general~~ massing and height of building units, the mix of uses, access to structures, the location of transportation ways, as defined in § 2900.5, ~~and the size of streets, the location of open spaces,~~ access to and from the Platforms, ~~and how these aspects of the site design~~

~~implement the goals of the USN District,~~ in accordance with the Review Criteria of § 2925~~4~~.

2919.47.6 A Stage 2 ~~R~~review will examine ~~for~~ the outward appearance of building units, the design of landscape and hardscape, the functionality of transportation ways, and 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 § 2927~~3~~.

2919.57.7 A Consolidated ~~R~~review will examine all the aspects of design mentioned in §§ 2919.3~~17.5~~ and 2919.4~~17.6 of this subsection~~, in accordance with the review criteria of §§ 2925~~4~~ and 2927~~3~~. An application for Consolidated Review shall include all submittal requirements listed in §§ 2924~~0~~ and 2926~~2~~.

2919.67.8 A Stage 1, Stage 2, or Consolidated application shall be determined by the Commission to be ~~The Commission may only approve an application that is not~~ inconsistent with the Comprehensive Plan, not inconsistent with the approved Master Plan, to ~~provides~~ for a mix of uses, ~~to be~~ is acceptable in all other applicable Review Criteria as set forth in §§ 2925 and 2927, ~~to generally furthers~~ the purposes of the USN District, and to comply ~~ies~~ with all other requirements of this chapter.

2919.7 An approved Stage 1, Stage 2 or Consolidated application may be modified through application to the Commission, and the application for modification shall be subject to the same approval criteria as set forth in 2919.6.

2919.821.2 Upon the effective date of the Zoning Commission Order granting approval of a Stage 1 Review Application, the applicant may apply for a building permit to construct any portion of the Platforms related to that Stage 1 Review Application.

2919.921.3 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.

292018 COMMUNITY REVIEW

292018.1 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.

2921~~19~~ AGENCY REVIEW

2921~~19~~.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.

2922 MASTER PLAN SUBMITTAL REQUIREMENTS

2922.1 An applicant requesting approval of a Master Plan application shall provide:

- (a)** A written description of the proposal, including a description of how the Master Plan review criteria are met;
- (b)** A plan or plans encompassing the entire USN District and showing:
 - (1)** The location and dimensions of private rights-of-way and alleys;
 - (2)** The lot areas to be used for FAR calculations, both for the entire USN District as well as the north and south buildings, pursuant to § 2909;
 - (3)** The general locations of plazas, parks or other open spaces;
 - (4)** The general locations of sites for future building units; and
 - (5)** Any other information needed to understand the project.

2923 MASTER PLAN REVIEW CRITERIA

2923.1 The criteria stated in the subsections that follow are applicable to Master Plan applications.

2923.2 Internal Connectivity – Internal connections shall result in a form of development that generally reflects the grid pattern of the District and that avoids the creation of excessively large building blocks. Internal connections shall be provided through a combination of private rights-of-way, sidewalks, paths, plazas and parks, with a main multi-modal access point to both buildings from H Street, NE.

2923.3 External Connectivity – The Master Plan shall provide the opportunity for 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.

- 2923.4 Private Rights-of-Way Width – To facilitate pedestrian and bicycle movement, the curb-to-curb width of private rights-of-way shall not be excessively large.
- 2923.5 Sidewalk Width – The width of sidewalks along private rights-of-way that generally serve the principal entrances to building units shall not be less than 14 feet.
- 2923.6 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, which could include but not be limited to meetings with the ANC, meetings with the community, an informational website, emails or mailed flyers.

29240 STAGE 1 SUBMITTAL REQUIREMENTS

- 29240.1 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) A written description of the proposal, including a description of how the applicable ~~R~~review ~~C~~criteria are met;
 - ~~(e)~~(b) Site plans, elevations, renderings, photosimulations, aerial axonometric massing diagrams, or any other suitable materials necessary to describe the project;
 - ~~(d)~~(c) 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)~~(d) The area and dimensions of the application site;
 - ~~(f)~~(e) 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)~~(f) A comprehensive transportation assessment for the development under consideration, addressing pedestrian, bicycle, transit and automobile capacity and circulation;

~~(h)~~(g) 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)~~(h) Any other information needed to understand the project.

29251 STAGE 1 REVIEW CRITERIA

29251.1 The criteria stated in the subsections that follow are applicable to Stage 1 applications.~~An applicant for a Stage 1 Review shall provide information demonstrating how the application meets the following criteria:~~

2952.2(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. ~~The A Stage 1~~ application shall indicate the location of all such proposed connections. Connections are especially encouraged near the intersection of 1st and K Streets, NE, 2nd and K Streets, NE and 2nd and Eye Streets, NE.

2925.3 Visual Relationship to Surroundings —~~Provide a~~ 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 shall be provided, with particular attention paid to the eastern portion of the property north of Eye Street, NE. The application ~~should~~ shall also generally indicate what types of materials would be used on the portions of the exterior of the Platforms constructed pursuant to § 2917.14~~21.2~~ that would be visible to the public.

2925.4 Transportation Hierarchy – ~~Prioritize~~ the movement of pedestrians, bikes and transit shall be prioritized, and provide reasonable accommodation for automobiles. The location of parking and loading access shall not unduly impact the movement of pedestrians and bicyclists.

2925.5 Division of Building Form – ~~Avoid~~ monolithic buildings or the creation of excessively large building blocks shall be avoided. 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.;~~

2925.6 Publicly Accessible Space – Any public space provided such as streets, parks or plazas shall be easily visible and publicly accessible.

2925.7 Mix of Uses – The application shall demonstrate how the proposal contributes to an overall mix of uses in the USN District.

2925.8 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;

2925.9 Building Livability – ~~Mitigate~~ The vibration and noise caused by the movement of trains under residential buildings shall be mitigated.; ~~and~~

~~Community Outreach – The application shall demonstrate that community outreach has occurred.~~

2925.10 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, which could include but not be limited to meetings with the ANC, meetings with the community, an informational website, emails or mailed flyers.

~~2921.2~~ Upon approval of a Stage 1 Review Application, the applicant may apply for a building permit to construct any portion of the Platforms related to that Stage 1 Review Application.

~~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.

2926.2 STAGE 2 SUBMITTAL REQUIREMENTS

2926.2.1 An applicant requesting approval of a Stage 2 Review Application shall provide:

- (a) Information required in § 2920.1(a) through (ef);
- (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;
- (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.

2927.3 STAGE 2 REVIEW CRITERIA

2927.3.1 The criteria stated in the subsections that follow are applicable to Stage 2 applications.~~An applicant for a Stage 2 Review shall provide information demonstrating how the application meets the following criteria:~~

2927.2 ~~(a)~~ — External Connectivity – External connections ~~are designed to~~ shall provide adequate size, materials, lighting and signage to move users easily and safely.

2927.3 ~~(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 shall be provided, with particular attention paid to the eastern portion of the property north of Eye Street, NE.

2927.4 ~~(c)~~ — Active Entrances to Building Units – Public and publicly accessible areas such as sidewalks, parks and plazas ~~shall be~~ are activated through the use of operational entrances to retail, office, residential and other uses.

2927.5 ~~(d)~~ — Visual Façade Permeability – 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 shall be minimized to the extent possible.

2927.6 ~~(e)~~ — Environmental Stewardship – A high degree of environmental stewardship should be demonstrated; Characteristics may include, but not be limited to the following:

- (a) Onsite energy generation;
- (b) Rainwater harvesting;
- (c) Green roofs, including green spaces on the upper surface of the Platforms;
- (d) Other landscaping on the upper surface of the Platforms such as rainwater capturing tree boxes;

- (e) Use of native species, drought tolerant species, adequate planting depth and efficient irrigation in landscaping;
- (f) Use of efficient plumbing fixtures and fittings, enhanced insulation and cool roofing;
- (g) Use of environmentally friendly products in construction and operation;
- (h) Natural lighting, including large windows, light wells, ~~and~~ skylights, and daylight penetration to railroad facilities below the Platforms;
- (i) Natural ventilation, including balconies, terraces, operable windows and vent shafts; ~~and~~
- (j) Minimizing construction waste; or
- ~~(k)~~ Facilitation of transit usage by allowing and/or constructing improved access to transit facilities and interconnections between transit modes.

2927.7 ~~(f)~~ Private Open Space – Residential uses shall incorporate private open space such as balconies and terraces for individual units where practical and architecturally compatible.

2927.8 ~~(g)~~ Design of Open Spaces – Public and private open spaces shall incorporate shaded areas and adequate seating capacity.

2927.9 ~~(h)~~ Light and Air – Adequate light and air shall be provided to all building units in the USN District.

2927.10 ~~(i)~~ Parking Access – Convenient access shall be 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.~~

2927.11 Community Outreach – The application shall demonstrate that community outreach has occurred through participation in multiple venues and through multiple formats, which could include but not be limited to meetings with the ANC, meetings with the community, an informational website, emails or mailed flyers.

2928 ASSOCIATED RELIEF

2928.1 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.

29284.2 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.

29284.3 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.

29284.4 Request for relief shall be advertised, heard and decided together with the application for Zoning Commission review and approval.

29295 TIMEFRAME FOR APPROVAL

29295.1 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.

293026 MINOR MODIFICATIONS

293026.1 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.

293127 SCHEDULE OF FEES

293127.1 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:

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) 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 2911.46**, 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) 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

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



May 14, 2010

Mr. Steven E. Sher
Director of Zoning and Land Use Services
Holland & Knight LLP
Suite 100
2099 Pennsylvania Avenue, NW
Washington DC 20006

Re: 750 1st Street, N.E.
Addition within an Existing Architectural Embellishment

Dear Mr. Sher:

This is to confirm the substance of our discussion on April 21, 2010, with Dale Martin of Cassidy Turley and Cyril Penteshin and David Delcher of BBG-BBGM Architects, concerning the above referenced property. The property is known as lot 146 in Square 677 and is located in the block bounded by North Capitol, 1st and H Streets and G Place, N.E.

The property is zoned C-3-C and is in the North Capitol receiving zone for the use of transferable development rights (TDRs). The property is improved with an office building constructed in 1991.

When the building was constructed, the property was not included in a TDR receiving zone and the maximum permitted height was ninety feet and the maximum permitted floor area ratio (FAR) was 6.5. In 1998, by Order No. 860, the Zoning Commission created the North Capitol receiving zone and included all of Square 677 in that receiving zone (see §1709.17). Pursuant to §1709.21, the maximum permitted height on this site is that permitted by the Act of 1910. Since H Street is the widest of the three streets on which this site fronts and H Street is ninety feet wide, the maximum permitted height is 110 feet. Further §1709.21 provides that the maximum permitted FAR is 9.0 on a street permitted to have a maximum height of less than 130 feet.

The height was measured from elevation 51.13, which was the level of the curb opposite the middle of the front of the building on H Street, which height at the time was measured from the curb of the overpass which constitutes H Street at that point. In 2003, by Order No. 02-35, the Zoning Commission amended the regulations to specify a different measuring point for

May 14, 2010

Page 2

property which fronts on a viaduct, but the existing building is permitted because its construction predates the amended regulations.

The building as designed and constructed includes an architectural embellishment in the form of a tower located at the southeast corner of the building. The Zoning Regulations, §770.3, provide that:

"Spires, towers, domes, pinnacles or minarets serving as architectural embellishments, penthouses over elevator shafts, ventilator shafts, antennas, chimneys, smokestacks, or fire sprinkler tanks may be erected to a height in excess of that which this sections otherwise authorizes. This section shall not be interpreted to bypass otherwise required special exception reviews."

The Act of 1910 (D.C. Official Code § 6-601.05(h), 2001) provides for essentially the same thing:

"Spires, towers, domes, minarets, pinnacles, penthouses over elevator shafts, ventilation shafts, chimneys, smokestacks, and fire sprinkler tanks may be erected to a greater height than any limit prescribed in this subchapter when and as the same may be approved by the Mayor of the District of Columbia; provided, however, that such structures when above such limit of height shall be fireproof, and no floor or compartment thereof shall be constructed or used for human occupancy above the top story of the building upon which such structures are placed; and provided, that penthouses, ventilation shafts, and tanks shall be set back from the exterior walls distances equal to their respective heights above the adjacent roof;"

You advised that the owner of the building, APA 750 LLC, desires to construct a partial twelfth floor to be used as a conference room and to be located within the walls which form the tower. Because this new occupied space would be constructed within the existing tower, there would be no appreciable difference in the exterior appearance of the building.

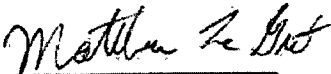
The new occupied floor would be connected by a corridor to the existing mechanical and elevator penthouse and would comprise a total of approximately 5,000 square feet of gross floor area. A roof would be installed in the tower at a height which would not exceed 110 feet above the measuring point. There would be no mechanical equipment or any occupied space above the roof at the 110 foot level. You showed me a roof plan and a section, dated April 21, 2010, prepared by BBG-BBGM, which showed the conference room and the roof at the 110 foot level. Because the twelfth floor is part of the occupied space in the building, there is no requirement to set it back from the exterior wall of the building, and there is further no requirement for setbacks for a tower which is an architectural embellishment.

Since the receiving zone provisions allow the 110 foot height and extra density through the use of TDRs, it is my conclusion that you may construct a new twelfth floor within the existing tower as long as you obtain and transfer to the site sufficient TDRs to account for all of the gross floor area which would be added above the existing ninety foot level. You must

present proper documentation through a TDR covenant and/or a certificate of transfer at the time that you apply for a building permit. Since the calculation of the TDRs needed is keyed to the new occupied space above the ninety feet now permitted as a matter-of-right and the additional floor is also keyed to be above the existing height of the building, it is permissible for those purposes to continue to measure the height from the measuring point established when the building was built. Given the change in the Regulations on measuring building height, this would not be the case for a new building or if the existing building was removed and replaced with a different building.

Upon presentation of proper plans and computations as part of a building permit application consistent with the facts stated herein and demonstrating that the correct number of TDRs have been vested in the property, I will approve the permit for zoning purposes. My approval does not obviate the need for you to obtain all of the other approvals required for a building permit.

Please let me know if you have any further questions.

Sincerely, 
Matthew Le Grant
Zoning Administrator

ZA 88-656

ZONING COMPUTATION SHEET - COMMERCIAL USE

1. Owner Union Center Plaza		2. Location 810 - 1st Street NE. (Phase II)		3. Square 675
4. Lot 297	5. Zone C-3-C	6. Use of Building or Structure Office - pt of 1st time use Retail - pt of 1st Accessory Pkg - cellars, 2 & 3		7. New addition to alter existing
8. Type of Structure Conforming ✓ Nonconforming	9. Use of Structure Conforming ✓ Nonconforming	10. Width of Adjacent Streets, 1st St. NE. ROW - 40' H St. NE. ROW - 90'	11. Width of Adjacent Alleys None	
12. Width of Restriction Lines None		13. Application of Act of June 1, 1910 Height of Bldg. - Rearse Height -	14. Type of Lot Corner Through Triangular Alley Interior	15. Number of Dwell Units X
16. Lot Area Required - N/P Provided - 206,060.54	17. Lot Occupancy 206,049.7 Allowed - 100% Provided - 20,71% 41642.85	18. Gross Floor Area Total 265,412.22 Office 263,963.22 Retail - 144.0	19. Cellar Area 134,479.22	20. Floor Area 1,306,890.7 Allowed - 6.5 Phase II = 1.33 Provided - See below
21. Number of Residential Parking Spaces Required - Provided - Open Area - Within Bldg.		22. Number of Commercial Parking Spaces Required - none Office - 146 spaces 60% can be compact = 58 spaces Provided - 147 spaces - 9'x19' 48 spaces - compact 7 spaces - handicap		23. Number of Loading Berths Office - 2 berths @ 30' Required - 3 - platforms @ 100' 1 serv. sp. @ 200' Provided - 3 berths @ 30' 3 platforms @ 100' 1 serv. sp. @ 200'
24. Height of Bldg. Maximum Allowed Curb, to first floor = 90' to high point of roof = 57.0' Grade, to first floor = 90' to ceiling top story = to high point of roof =		25. Number of Stories Allowed - No limit Provided - 11 Basement - None Cellar - cellars 1, 2 & 3		
		26. 2 1/2" / ft. height 12' min. Required - 18.75' - 300' + Side Yard Depth - 0' & 9.88' - 0' & 12.5' Open Court Width - None - None Closed Court Width - None - None Closed Court Area - None - None		

REMARKS: **200 # 450 Rezoning of UR Property
Case # 84-6**

(1) See ZA 86-371 **COMPLIES WITH REQUIREMENTS
OR ZONING REGULATIONS**
for Phase I **Philly**

(2) **Topo approval approved under phase I**

(3) **Roof Structure Approval**

(4) **Green Card Submitted to Zoning Dept for
Top of roof elev. = 147'
Top of curb = 57.0'
1st Fl. elev. =**

#(20) Floor Area Ratio

**Provided -
Phase I - 188,786.04
Phase II - + 265,412.22
Total 454,198.22
FAR = 2.259 (Phase I & II)**

**Plans are not subject to large tract review
but subject to Shopping Overlay District**

WILKES, ARTIS, HEDRICK & LANE

CHARTERED

ATTORNEYS AT LAW

SUITE 1100

1888 K STREET, N. W.

WASHINGTON, D. C. 20006-2897

(202) 457-7800

October 17, 1997

CABLE ADDRESS: WILAN
FAX: 202-457-7814

CHRISTOPHER H. COLLINS
(202) 457-7841

ANNAPOLIS, MARYLAND
BETHESDA, MARYLAND
FAIRFAX, VIRGINIA
GREENBELT, MARYLAND
WALDORF, MARYLAND

By Hand

Gladys Hicks
Zoning Administrator
614 H Street, N.W., Room 333
Washington, D.C. 20001

Re: Portals Project - Maryland Avenue, S.W.

Dear Gladys:

The purpose of this letter is to confirm our discussion of October 16, 1997 concerning the point of measurement for height, and the method of FAR calculations, for the above-referenced project.

The Portals site is bounded by 12th, 14th and D Streets, S.W., and the Southwest Freeway. The site is owned by the District and was previously located in the Urban Renewal Zone, Project Area C, which expired on November 30, 1996. The site is now zoned C-3-C. The site is bisected by Maryland Avenue, S.W., which is an elevated roadway over the existing railroad tracks. (See attached portion of Sanborn Map).

The first of the buildings in the Portals project was developed by Portals Development Associates in the early 1990's pursuant to a development agreement with the city, and used Maryland Avenue, S.W. for its point of measurement. The building plans were approved through DHCD because of the property's status (under the Urban Renewal Plan) as being subject to the RLA. A second phase of the project is currently under construction.

Portals Development Associates is planning to construct a building on the Portals site north of Maryland Avenue, on the portion also bounded by 14th and D Streets, S.W.¹ Based upon our discussion, it is my understanding that:

¹ The 14th Street portion of the site is presently governed by Paragraph 14 of the Schedule of Heights. The Council is currently considering an amendment to the Schedule of Heights. The outcome of that legislation will have no effect upon the matters discussed herein concerning the point of measurement or the method of calculating FAR.

WILKES, ARTIS, HEDRICK & LANE
CHARTERED

October 17, 1997

Page 2

1. The point of measurement for the building on the north part of the Portals site can be from either Maryland Avenue, D Street or 14th Street, S.W. The building will have more than one front, and the Applicant is permitted to choose which front to use for purposes of measuring the building height. In fact, Section 7 of the 1910 Height Act requires that "[i]f the building has more than one front, the height shall be measured from the elevation of the sidewalk opposite the middle of the front that will permit of the greater height." (Emphasis added).
2. The area of the building which is below the elevated Maryland Avenue roadway will be excluded from FAR. The perimeter wall test will be used to determine cellars and basements, and the Maryland Avenue roadway will be considered the grade for the portion of the building which it abuts.

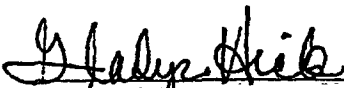
Please confirm my understanding of the above matters by signing in the space provided below and returning a copy of this letter to me.

Sincerely,

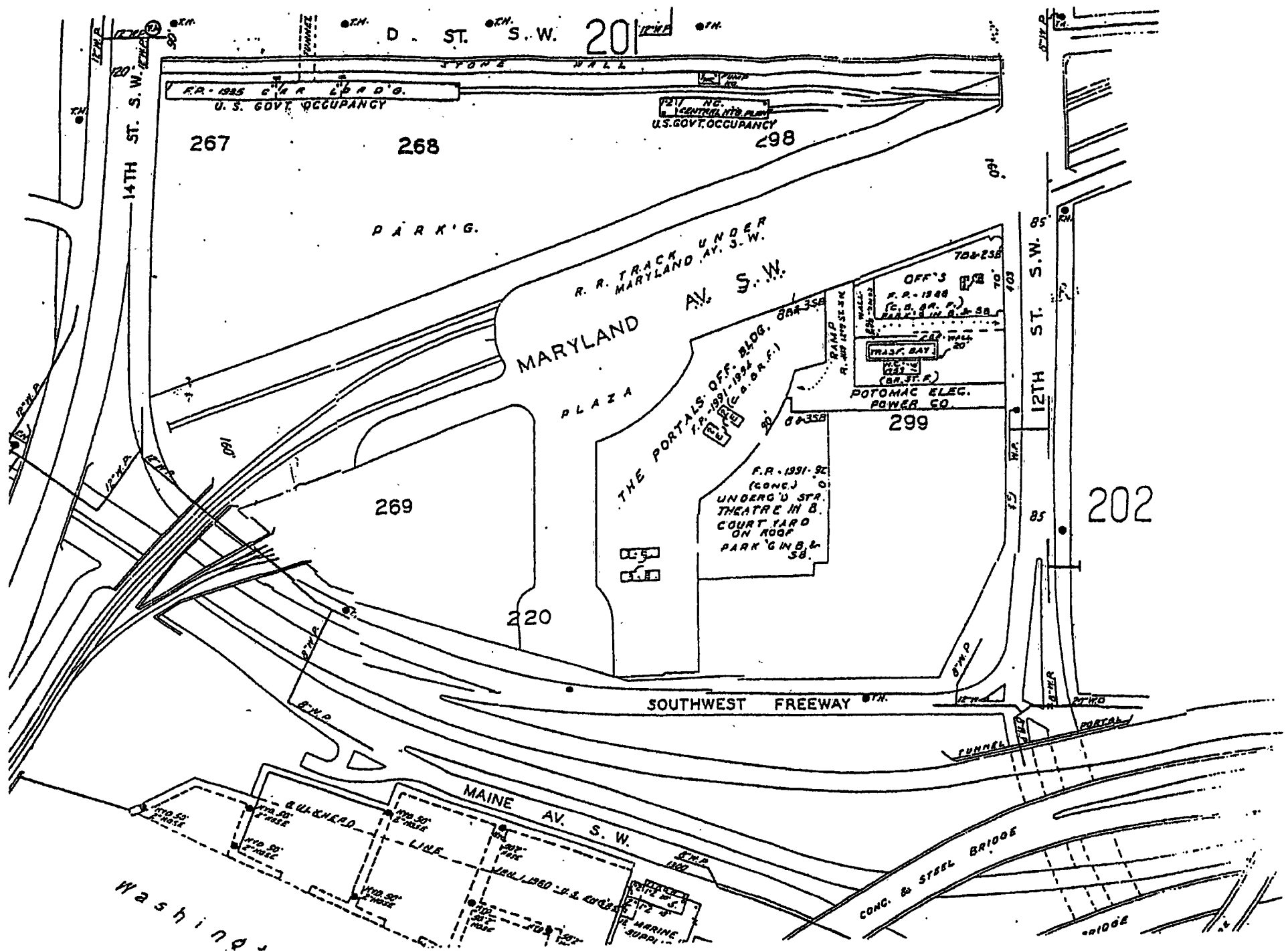


Christopher H. Collins

CONFIRMED:

By: 
Gladys Hicks
Zoning Administrator

Date: 11/12/97



**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
OFFICE OF THE ZONING ADMINISTRATOR**



February 14, 2008

Attn: Richard B. Nettler
Arent Fox LLP
1050 Connecticut Ave NW
Washington, DC 20036

Re: L'Enfant Plaza Height Issues

Dear Mr. Nettler:

As a follow-up to our meeting on Monday, November 19, and in addition to the bullets points below which constitute a synopsis of your prior letter to me on the measuring point for additions to L'Enfant Plaza, I am confirming the conclusions reached on the measuring point for the additions to the L'Enfant Plaza Hotel complex.

You have previously sent me a copy of the transcript of the Zoning Commission hearing on the amendment to the definition of building height, where L'Enfant Plaza was discussed (Tab 1), and a survey indicating the building heights and location of the measuring points (Tab 2). With this information I agree that the measuring point for the additions to the L'Enfant Plaza Hotel complex, which is "from a point at the curb elevations of the sidewalk on the Tenth Street Mall where it is intersected by the East-West axis of the so-called 'Hotel' building," so that the project may proceed as a matter of right. This understanding is based on the following:

1. The JBG Companies ("JBG") are considering constructing additions to L'Enfant Plaza and the L'Enfant Plaza Hotel on the lots owned by JBG east of Ninth Street, which are presently improved with the Retail Promenade and L'Enfant Plaza Hotel complex.

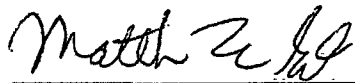
2. L'Enfant Plaza was constructed on the lots adjacent to Tenth Street, S.W. (also known as the "Tenth Street Mall"), but also straddles Ninth Street, S.W., and occupies lots to the east of Ninth Street, S.W.
3. The L'Enfant Plaza Complex, which includes the Hotel, Retail Promenade, Postal Office Headquarters, and two office structures, was constructed in the 1960s as one building, as there exists an above-grade communication between separate portions of the structure. 11 DCMR. §199.1.
4. L'Enfant Plaza is, on the Ninth Street side, above grade for at least two floors, where it fronts on Ninth Street, and, above the platform which straddles Ninth Street. Each of the structures built above the Plaza that stretches from Ninth Street to Tenth Street are connected by the L'Enfant Plaza mall and are one building for zoning purpose. The additions to the L'Enfant Plaza Hotel complex would have a connection to that complex above the main floor.
5. Because L'Enfant Plaza fronts on more than one street, under §199.1 of the Zoning Regulations, the owner may use any front to determine the maximum height of the one building. Tenth Street, S.W., has historically been used as the measuring point for the building.
6. The new definition for building height, adopted by the Zoning Commission in 2003 in Zoning Commission Case No. 02-35, did not alter the measuring point for L'Enfant Plaza but only the measuring point of future buildings adjacent to bridges and viaducts (neither of which would apply to Tenth Street, S.W., where it intersects L'Enfant Plaza).
7. L'Enfant Plaza does not front a bridge or viaduct. If the measuring point were to be the natural grade at Tenth Street, S.W., not only would there be no way to precisely measure the natural grade since the natural grade was altered in the 1960s and no longer exists, but it would render all of the existing structures at L'Enfant Plaza nonconforming as to height.
8. For historical purposes, in order to determine the measuring point that should be applicable, the Lease Agreement by and between the District of Columbia Redevelopment Land Agency and L'Enfant Plaza East, dated November 24, 1965 and recorded in the Land Records of the District of Columbia on November 24, 1965 as Instrument No. 40950 in Liber 12519

at folio 278 (the Air Rights Sublease) provided, in section 201(a) of the Air Rights Sublease, that the height of any development, including any future additions, would be “measured from a point at the curb elevations of the sidewalk on the Tenth Street Mall where it is intersected by the East-West axis of the so-called ‘Hotel’ building.” The elevation of the Tenth Street Mall where it is intersected by the East-West axis of the Hotel structure is 53.5 feet above sea level.

9. The current improvements known as L’Enfant Plaza East are partially constructed on a platform over Ninth Street, the elevations of which are included in the definition of “Air Rights” in Section 101(a) of the Lease Agreement Between the District of Columbia and the District of Columbia Redevelopment Land Agency for the Ninth Street Air Rights, dated November 24, 1965 (“Air Rights Lease”). The platform, which was constructed prior to the construction of the improvements, is of varying elevations such that it runs parallel with the surface of the curb elevations on the Tenth Street Mall, and extends to the North and South of the existing improvements, in anticipation that there might be additions to or modifications of the initial improvements that currently exist on the site. The parapet elevation of the East Building Structure is 183.4 feet above sea level or 130 feet above the Tenth Street Mall measuring point. The parapet elevation of the North Building Structure is 143.4 feet above sea level or 90 feet above the Tenth Street Mall measuring point.
10. The plaza level drive was created at the same grade as the newly graded Tenth Street to the west of the plaza, the measuring point for the height of the L’Enfant Plaza East portion. The heights of the North, South and East Buildings are all measured in relation to the U-shaped drive and the Tenth Street Mall. Whatever natural grade Tenth Street had prior to the construction of L’Enfant Plaza that grade disappeared at the time that this portion of the Southwest was redeveloped.
11. L’Enfant Plaza is included within the Southwest Receiving Zone for Transferable Development Rights, pursuant to Chapter 17 of the Zoning Regulations. Under these regulations, utilizing Transferable Development Rights generated by a project in the Downtown Development Overlay District, a development in the Southwest Receiving Zone fronting on a street that is 130-feet wide may be constructed to a maximum building height of 130 feet and 10.0 FAR. 11 DCMR. § 1709.21.

Should you have any questions, please let me know as soon as possible.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt LeGrant", written over a horizontal line.

Matthew LeGrant
Zoning Administrator

LAW OFFICES
LINOWES AND BLOCHER

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WILLIAM DOUGLAS WHITE
WILLIAM ROBINSON
WILLIAM M. HOFFMAN, JR.
STEPHEN W. SHWARTZ
CYNTHIA A. GIOREANO
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July 29, 1985

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WALTER S. LEWIS
J. JOHN RITTERPUSCH
SPECIAL COUNSEL

PLUMMER M. SHEARIN, P.A.
ELMER MOSTOW
OF COUNSEL

*MARYLAND BAR ONLY

Mr. Walt Borek
Mendelsohn Associates, Inc.
1826 Jefferson Place, N.W.
Washington, D.C. 20036

BY HAND

Re: Squares 719 and 720

Dear Walt:

Enclosed please find four copies of our letter to the Zoning Administrator, executed by Mr. Fahey, establishing the right to measure the height of the proposed building from the H Street overpass and to receive an FAR credit for that portion of the site that will be placed under "ground" but because of the pedestrian plaza.

If you have any questions, please feel free to call me.

Sincerely,

LINOWES AND BLOCHER

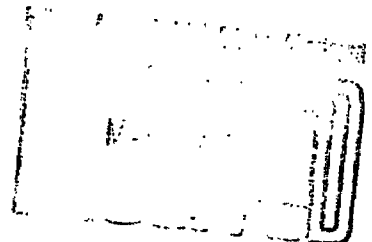


Phil Feola

Enclosures

cc: Richard Giegengack

PF/dls



LAW OFFICES
LINOWES AND BLOCHER

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July 11, 1985

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WALTER B. LEWIS
I. JOHN RITTERPUSCH
SPECIAL COUNSEL

PLUMMER M. SHEARIN, P.A.
ELMER MOSTOW
OF COUNSEL

*MARYLAND BAR ONLY

BY HAND

Mr. James J. Fahey
Zoning Administrator of the
District of Columbia
Department of Consumer and
Regulatory Affairs
Room 331
614 H Street, N.W.
Washington, D.C. 20004

Re: Development in Square 719 and 720

Dear Mr. Fahey:

Pursuant to a meeting you had with Mr. Walt Borek, Mr. Richard Giegengack of Skidmore, Owings and Merrill and myself on July 1, 1985, the purpose of this letter is to confirm a number of zoning principals that will allow our client, a joint venture development of Walker, Urquhart, Inc. and Mendelsohn Associates, Inc. to proceed with the planning of a project that will be located next to Union Station.

As you recall, the subject site, which is comprised of Squares 719 and 720, is bounded by H Street, 2nd Street, F Streets, N.E. and the railroad right-of-way adjacent to Union Station (a plat of the property is attached to this letter as Exhibit A). The site

LINOWES AND BLOCHER

Mr. James J. Fahey
July 11, 1985
Page Two

is approximately 5.6 acres in size and is in the C-M-3 Zone District. As we discussed, the project will be a mixed-use development consisting of office, retail and a printing uses. It will be comprised of five towers, connected as one building at grade.

Our client's plans include developing an H Street plaza to allow direct vehicular and pedestrian access from the H Street right-of-way to the subject site. The plaza plans are shown in concept on Exhibit B of this letter. The plaza will be open to the public and connect to the sidewalk on the H Street overpass. It will actually be an extension of that sidewalk and the vehicular right-of-way.

We intend to use the H Street frontage as the "front" of the building for height measuring purposes in conformance with the applicable District of Columbia Zoning Regulations. The measuring point will be the curb in front of the building on H Street. This elevation is approximately 70 feet (the actual elevation will be determined by survey) and will be, as we discussed, our measuring point for height purposes.

The plaza will run the entire length of the site's western property line, adjacent to Union Station, from H Street to F Street, N.E. It will thus establish a new ground level resulting in the creation of additional cellar area, as defined in the Zoning Regulations, below the plaza level. It is our position that the appropriate portion of this cellar, as is normally calculated by your office, will be excluded from the gross floor area for FAR calculations of the building.

If you concur in our conclusions, it would be of great assistance to our clients if you could indicate your concurrence by placing your signature in the space provided below and returning this letter to us.

LINOWES AND BLOCHER

Mr. James J. Fahey
July 11, 1985
Page Three

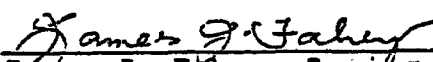
Thank you for your assistance and cooperation in this matter
Please call me at 872-9080 if you have any questions or require
additional information.

Sincerely,

LINOWES AND BLOCHER



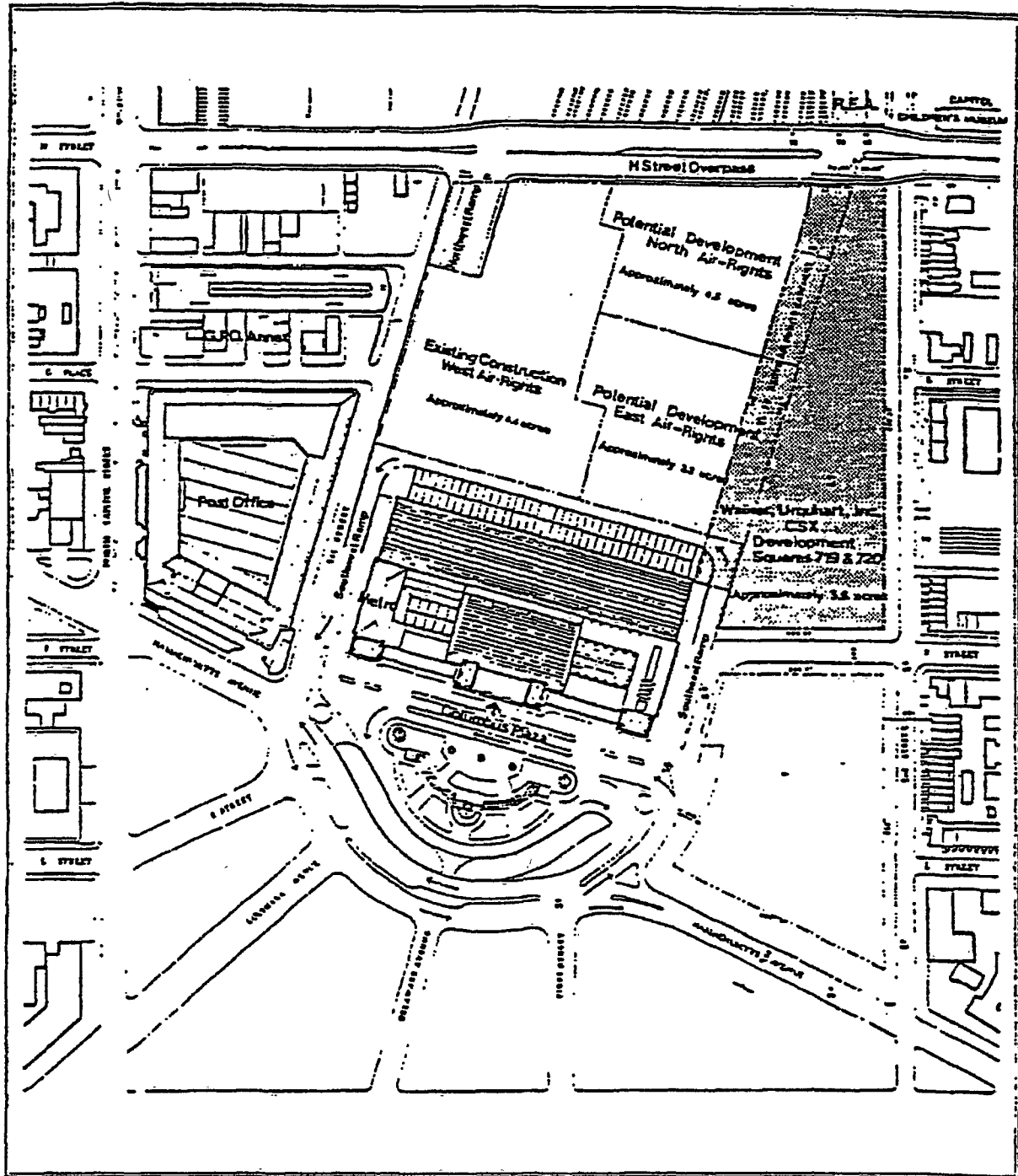
Phil Feola

 7-29-85
James J. Fahey, Zoning
Administrator

Enclosures

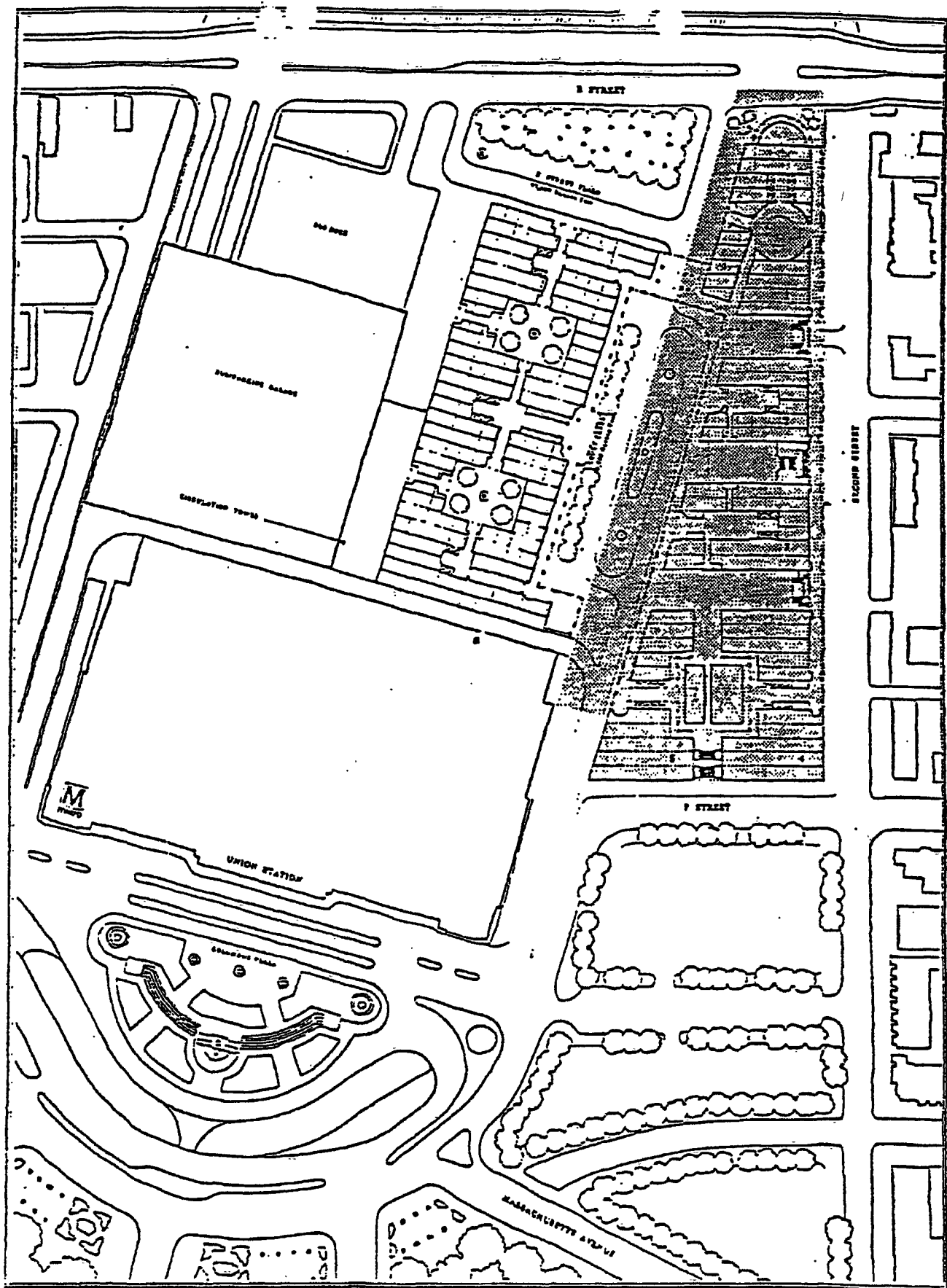
cc: Walt Borek
Richard Giegengack

PF/dls



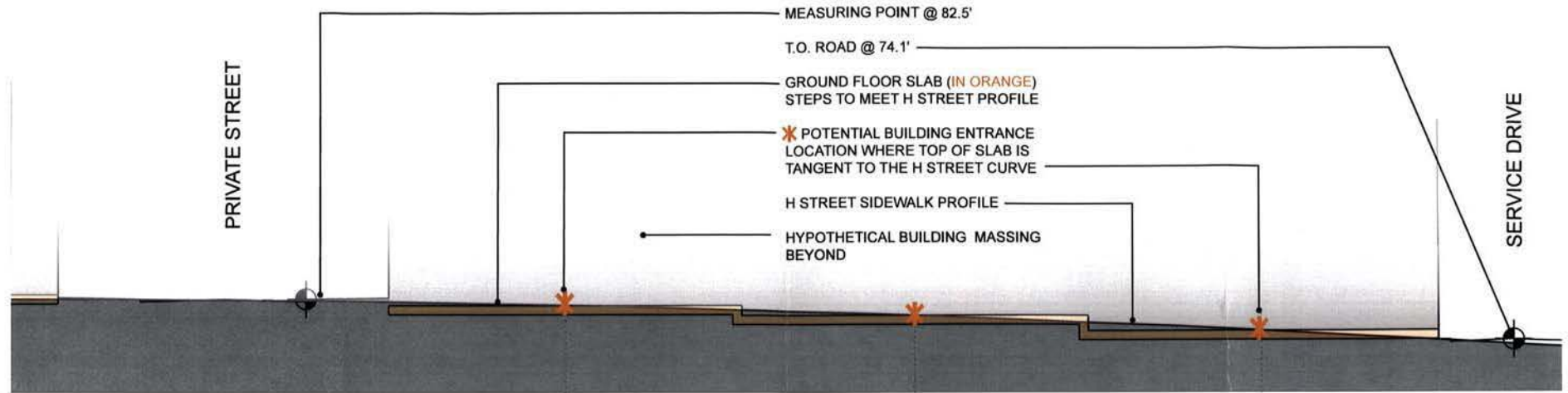
DEVELOPMENT PLAN
CAPITOL GATEWAY

SKIDMORE, OWINGS & MERRILL

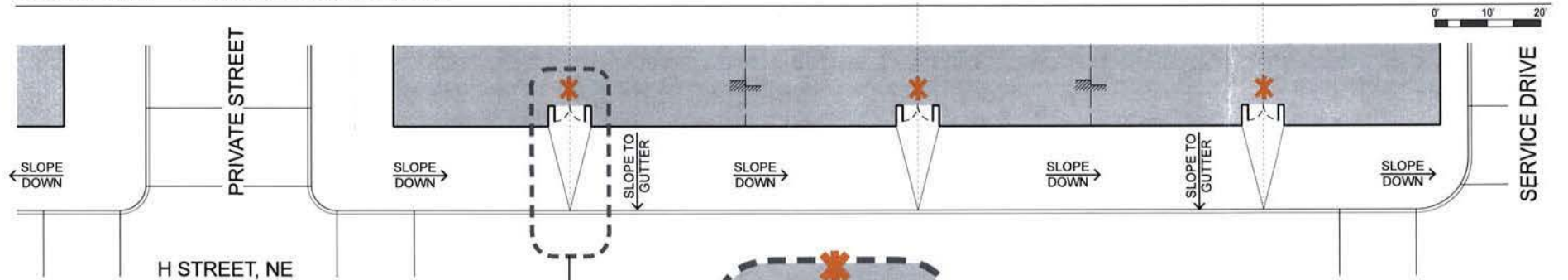


H STREET LEVEL
 ELEVATION TO A.D.

CAPITOL GATEWAY



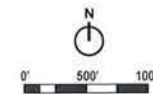
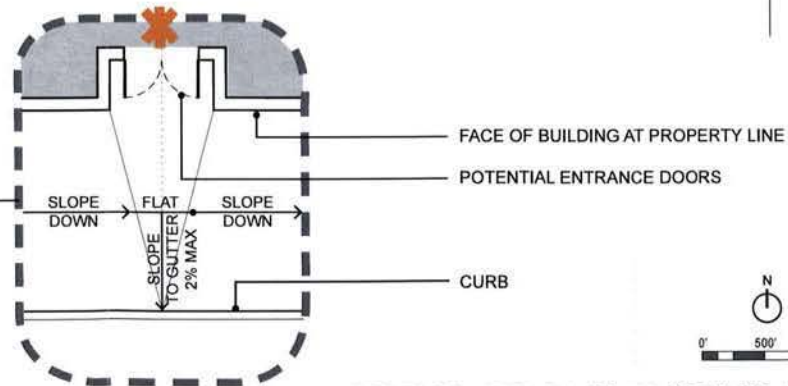
SECTION A-A: - H STREET LOOKING NORTH



PLAN: - NORTH SIDE OF H STREET

NOTE:

1. The width of the H Street sidewalk is shown at 12'. The sidewalk depth is subject to change based on potential upcoming alterations to the H Street bridge.
2. The building footprint is conceptual, and shown for illustrative purposes only.



UNION STATION NORTH (USN) DISTRICT

SECTION AND PLAN DIAGRAMS THROUGH THE SITE

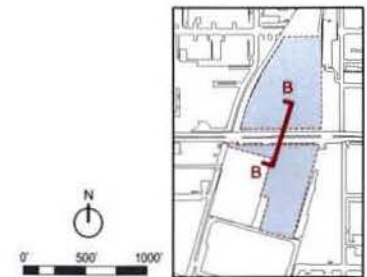


SECTION B-B: - PRIVATE STREET LOOKING WEST



NOTE:

1. The width of the H Street sidewalk is shown at 12'. The sidewalk depth is subject to change based on potential upcoming alterations to the H Street bridge.
2. The building footprint is conceptual, and shown for illustrative purposes only.



UNION STATION NORTH (USN) DISTRICT

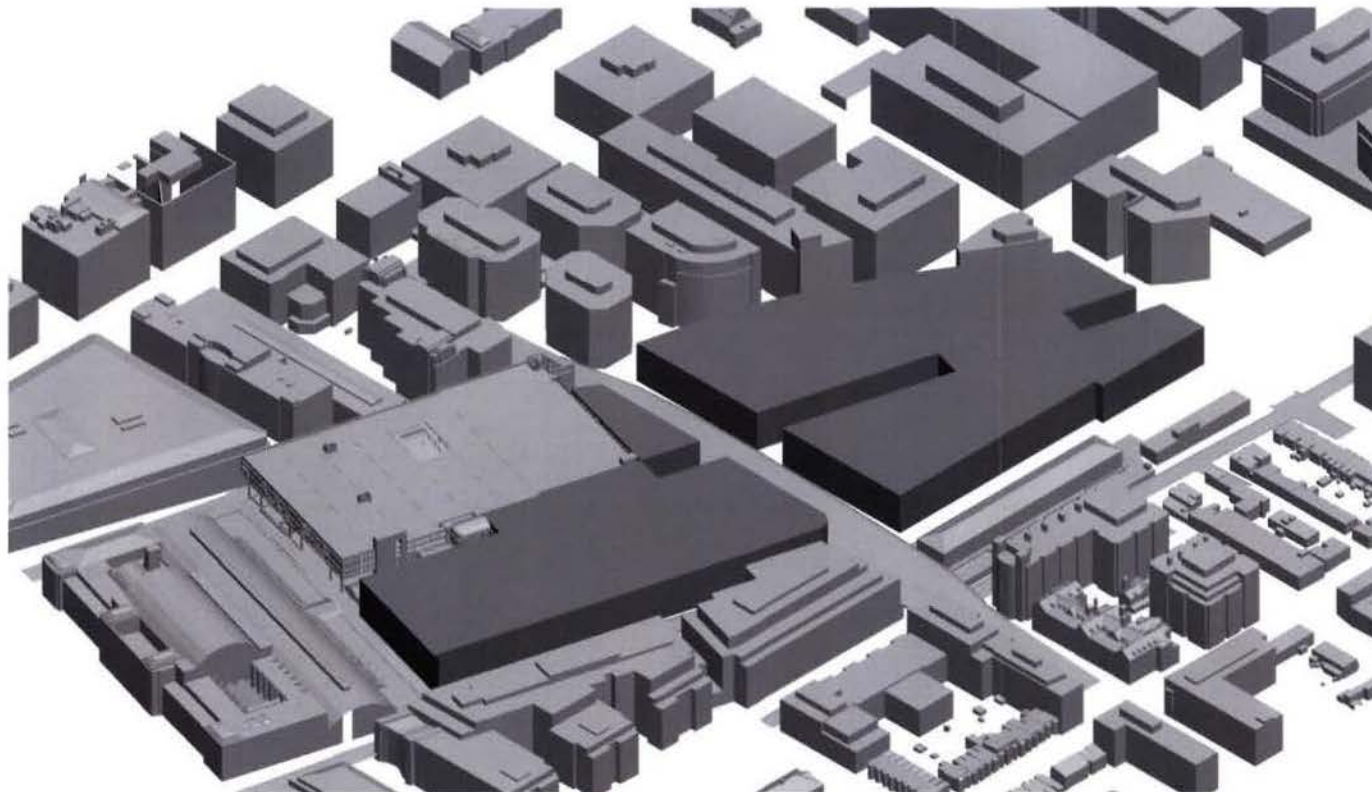
Zoning Case No. 09-21

14 FEB 2011

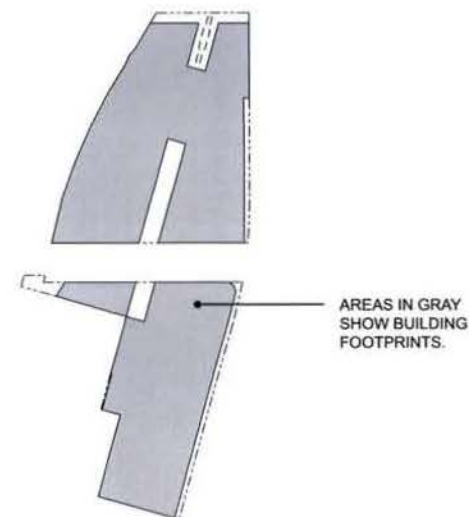
SECTION DIAGRAM THROUGH THE SITE

prepared by **Akridge** + shalom baranes associates 2

130' MEASURED FROM ELEVATION 31.25'



31.25' is the elevation resulting from extrapolating the midpoint of a line connecting known elevations on 1st and 2nd Streets, at the ends of the vacated H Street tunnel.



HEIGHT ABOVE MEASURING
POINT: 130'

EFFECTIVE MAX. BUILDING
HEIGHT ABOVE H STREET AT
MIDPOINT OF THE BUILDING: 78.75'

F.A.R.: 6.5

UNION STATION NORTH (USN) DISTRICT

Zoning Case No. 09-21

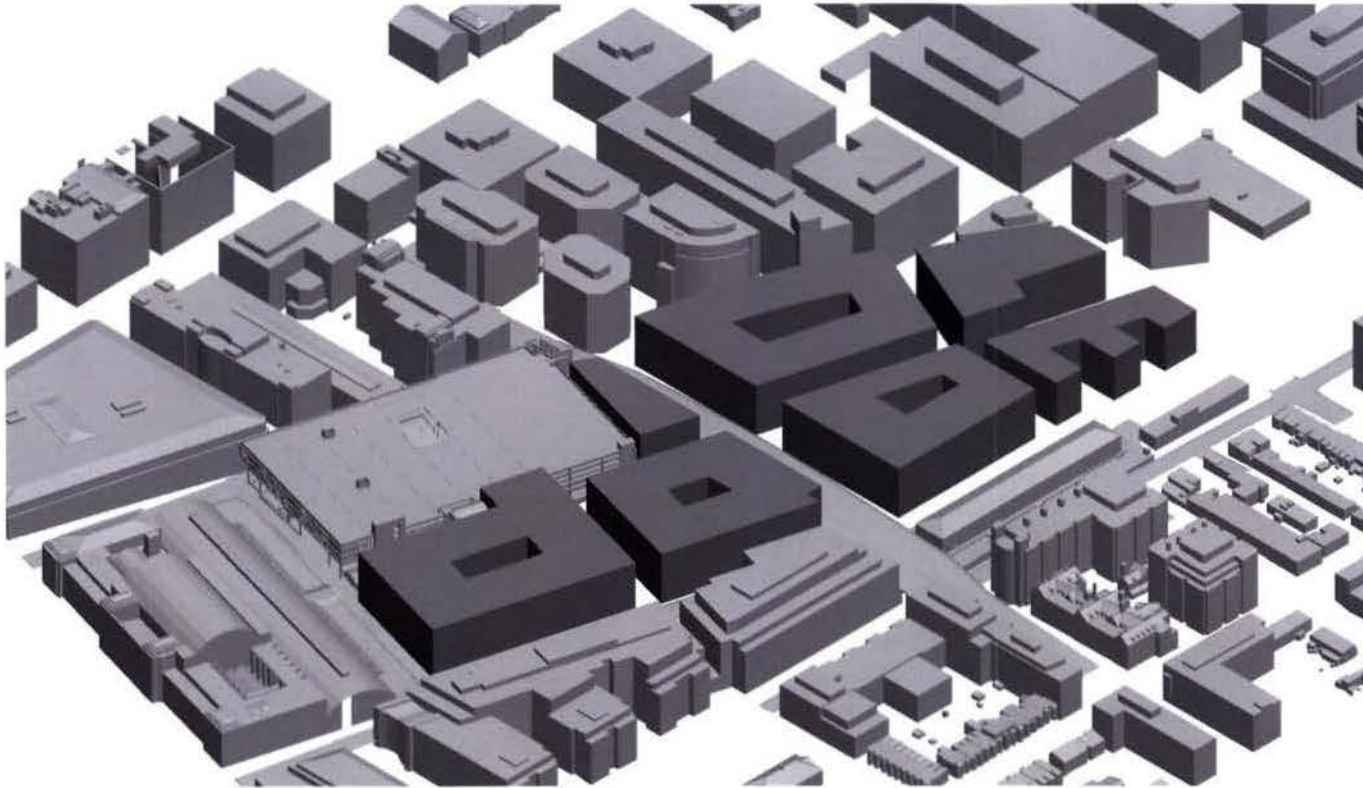
14 FEB 2011

130' MEASURED FROM ELEVATION 31.25'

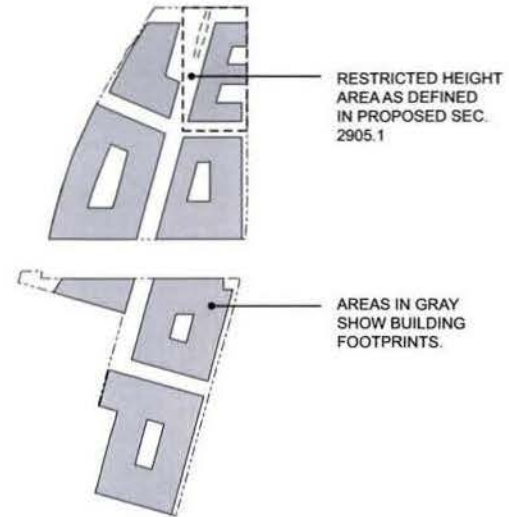
prepared by Alkridge + shalom baranes associates

3

130' MEASURED FROM ELEVATION 55.0'



55.0' is the elevation of the train tracks below the middle of the front of the Building on H Street.



RESTRICTED HEIGHT
AREAS DEFINED
IN PROPOSED SEC.
2905.1

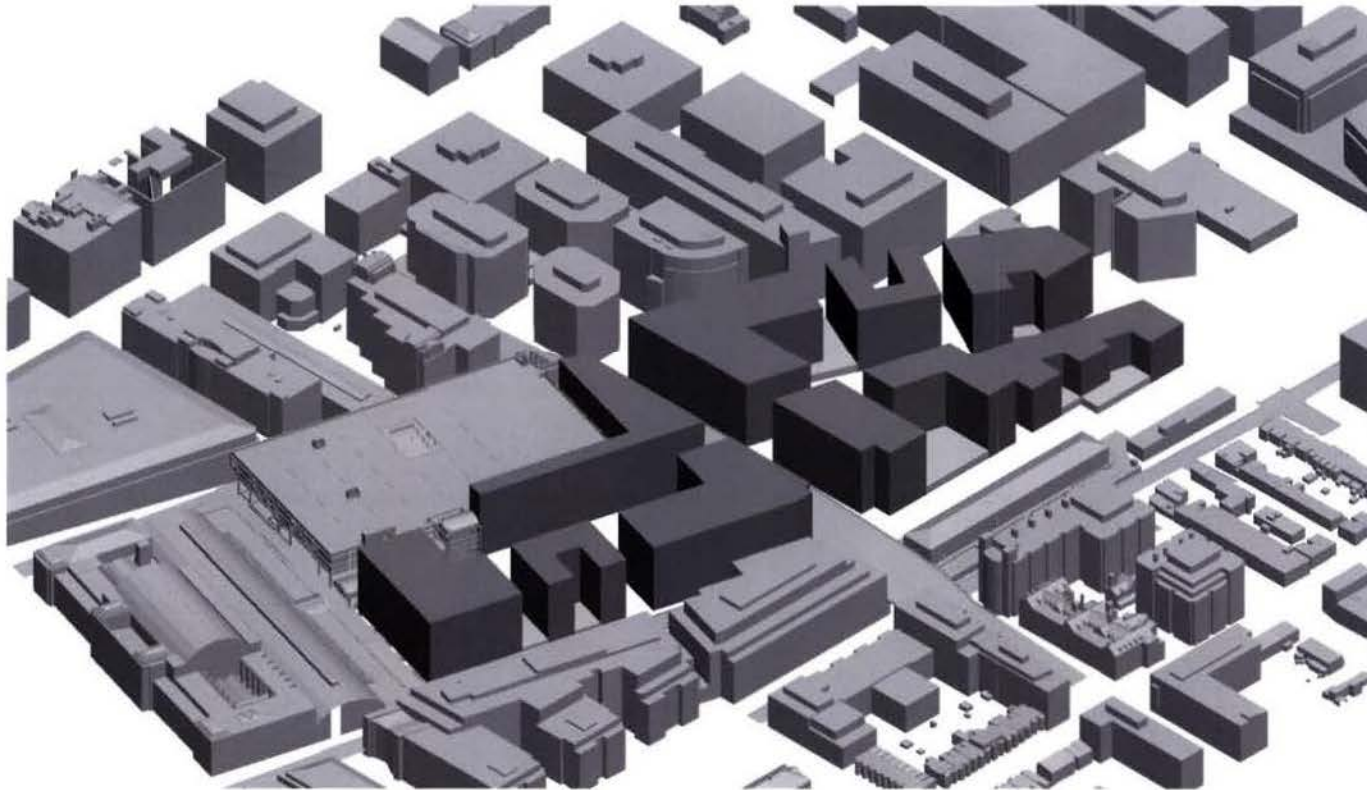
AREAS IN GRAY
SHOW BUILDING
FOOTPRINTS.

HEIGHT ABOVE MEASURING
POINT: 130'

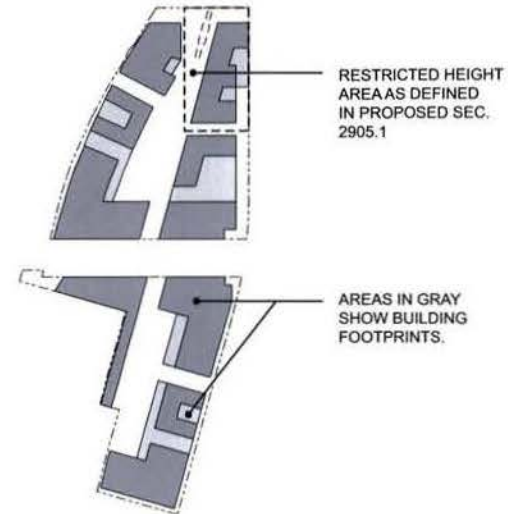
EFFECTIVE MAX. BUILDING
HEIGHT ABOVE H STREET AT
MIDPOINT OF THE BUILDING: 102.5'

F.A.R.: 6.5

130' MEASURED FROM ELEVATION 82.5'



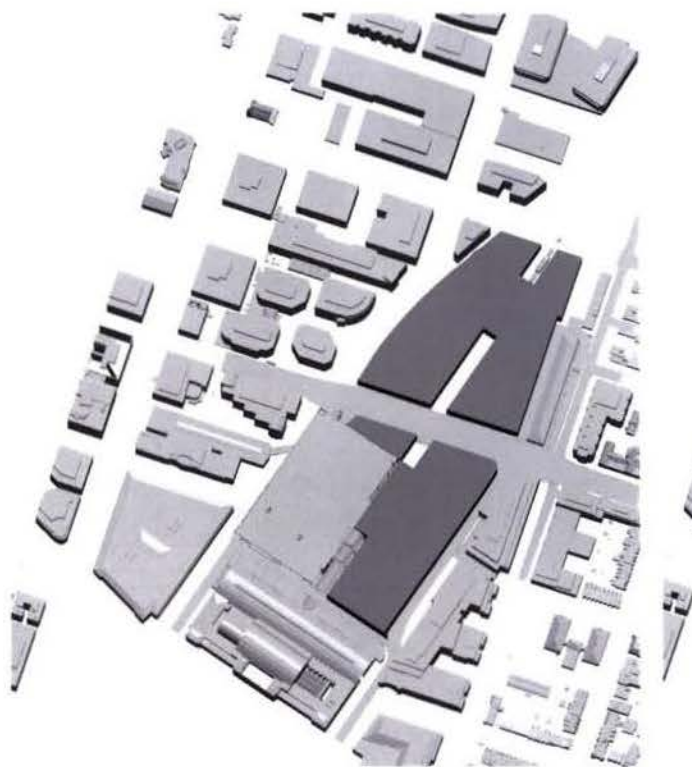
82.5' is the elevation of the H Street sidewalk at the middle of the front of the Building.



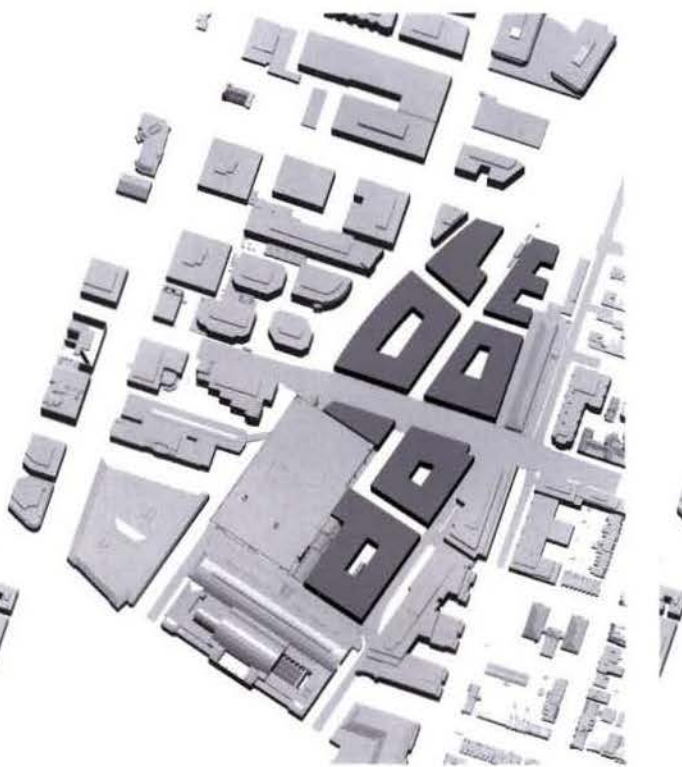
HEIGHT ABOVE MEASURING
POINT: 130'

EFFECTIVE MAX. BUILDING
HEIGHT ABOVE H STREET AT
MIDPOINT OF THE BUILDING: 130'

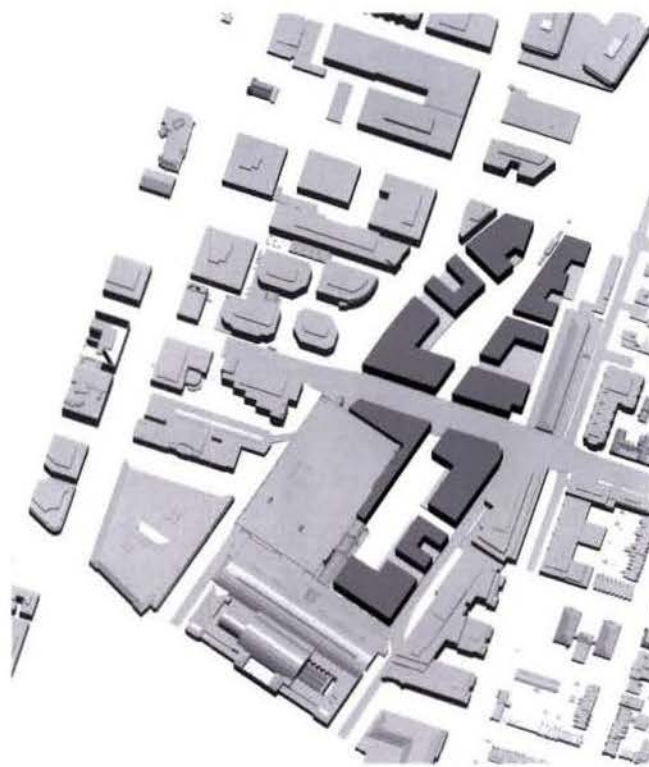
F.A.R.: 6.5



MEASURING POINT AT ELEV. 31.25'



MEASURING POINT AT ELEV. 55.0'



MEASURING POINT AT ELEV. 82.5'

UNION STATION NORTH (USN) DISTRICT

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14 FEB 2011

MEASURING POINT COMPARITIVE DIAGRAMS

prepared by **Akridge** + shalom baranes associates