



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

CASE NO. 09-21 (Text and Map Amendment to Create and Implement the Union
Station North (USN) District)
December 16, 2010

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The Committee of 100 on the Federal City thanks the Members of the Zoning Commission for reviewing this lengthy submission prior to the hearing on Case NO. 09-21. Testimony will be presented also at the hearing on December 16.

The Committee of 100 supports the Office of Planning's goal of reconnecting the city through air rights development. We question the height that is being proposed for the Union Station North development and the point from which that height will be measured.

For the Zoning Commission to fully appreciate the ends to which the Deputy Mayor for Economic Development and the Office of Planning have gone to accommodate development at Union Station North, it is necessary to begin with the Comprehensive Plan Amendment process.

Following the June 30, 2009 amendment submission deadline, "the Office of Planning evaluation team determined that four additional amendments should be included in this amendment cycle." Two dealt with air rights development and one of them specifically addressed Capitol Hill Area Element CH-2.1.7 which states, "The allowable height of any building constructed in the air rights should be

measured from the existing grade of 1st Street or 2nd Street NE, rather than from the overpass.”

Perhaps members of the Zoning Commission recall Councilmember Sharon Ambrose specifically put that language into the Comprehensive Plan in light of the development that was proposed for Station Place, which is addressed later in this submission.

The rationale given by the Office of Planning for the change to CH-2-1-7 was,:

The current language is too specific. The text as exists could limit the options for redevelopment of the air rights over the tracks. The area is specifically identified as a Land Use Change Area on the Generalized Policy Map and mixed use high and medium density on the Future Land Use Map. Deleting the sentence but including its issue within a broader policy and action statement on air rights 1) ensures the opportunity for full analyses and design considerations for construction over the railroad tracks; 2) fully recognizes the opportunity of Union Station as an intermodal link; and, 3) provides for viable development opportunities with mixed use development as anticipated by the Future Land Use Map.

On September 20, the Committee of 100 presented testimony before Council on Bill 18-867, *Comprehensive Plan Amendment Act of 2010*, and noted that

...the measuring point for development in the Union Station area is the existing grade of 1st Street or 2nd Street and not the H Street overpass.

Furthermore, this means of measurement relative to H Street was established in Zoning Commission Order 02-35 dated November 7, 2003.

When the Zoning Commission considered the Station Place Application, the height of buildings relative to the surrounding streets and Union Station was given considerable scrutiny. Please note the following excerpts from Zoning Commission Order 955, Case No. 01-09C (Station Place). The PUD Project (Page 4) notes:

The Applicant proposes the construction of a new office building to be known as Station Place. The number of stories in the building varies from seven to ten, with the maximum number on the western portion of the Site facing Union Station and the rail yards. Station Place will have a gross floor area of approximately 1,396,950 square feet, not to exceed 5.9 FAR. The new building is estimated to accommodate approximately 5,000 employees.

The proposed development fronts on three streets. The highest point of the roof is 89.32 feet above the curb opposite the middle of the front of the building on H Street and 115.5 feet above the curb opposite the middle of the front of the building on F Street...

Station Place will be constructed in three phases. Building 1 will include approximately 650,000 square feet of floor area... Building 2 will include approximately 287,000 square feet of floor area... Building 3 will constitute the final phase of Station Place and will include approximately 460,000 square feet of floor area. The ramp from the H Street overpass will be constructed during the first phase of development. The proposed gross floor area is approximately 46,900 square feet less than permitted under the existing matter-of-right zoning and approximately 168,000 square feet less than permitted as a matter-of-right under the proposed C-3-C District.

Station Place's design relates to its context and serves as a transition building between the various surrounding areas because of its stepped height, from the significant height of Union Station and its parking garage to the west to the lower rise commercial and residential area to the east. The design of Station Place incorporates a north-south spine adjacent to the Union Station rail yards, with the primary bulk and highest portion of the building situated on the western portion of the Site. The building steps down from the west towards 2nd Street to a height of ninety feet as measured from F Street and then steps down again to a height of seventy-eight feet along 2nd Street as measured from F Street. The ninety-foot portion of the building is set back at least fifteen feet from the property line, which is a setback of more than one-to-one above the height of the streetwall. In Building 1, the highest portion of the building is set back to the west at least eighty feet or more. Across 2nd Street's ninety-foot right-of-way, the permitted height steps down again to fifty feet in the C-2-A District. The fifty-foot height extends for a depth of approximately 100 feet, at which point the permitted height steps down to forty feet. The height of the cornice lines of the wings of Building 1 lines up with the height of the Judiciary Building. The scale of the building is appropriate for the area, which is transitional from medium densities to the west to moderate to low densities to the east...

A three-story stepped connection with landscaped plazas separates Building 2 from Building 3. Building 3 is to be built to the property line

with a ten-foot setback at the southeast corner. Building 3 is clad in granite facing 2nd Street, which wraps around to the H Street facade. The facade of Building 3 is still subject to review and modification by the Commission on Fine Arts (CFA). As a result of the setbacks along the 2nd Street facade, Station Place includes a significant amount of open space for a commercial office building. Approximately one-half of the streetwall on 2nd Street is set back from the property line. The average setback is 26.5 feet from the property line and 56.5 feet from the curb. Although lot occupancy of 100 percent is permitted as a matter-of-right, the proposed lot occupancy for Station Place is seventy-two percent, with approximately 23,409 square feet of private property devoted to open space adjacent to the 2nd Street sidewalk. The F Street entrance, which will be the primary entrance to the SEC headquarters, will be an atrium entrance flanked by the same type of stone as used for the Judiciary Building. The entrance incorporates a curved wall, and the curtain wall is stepped away from Columbus Circle to the north. The eighth floor is set back five feet from the property line on F Street, the ninth floor is set back an additional fifty-eight feet, and the tenth floor is set back an additional twenty feet...

Station Place's design has been significantly modified since it was originally submitted to the Zoning Commission in May, 2001. The following major design changes were made in response to meetings with and issues raised by the community, the Office of Planning, and the CFA: the appearance of three separate buildings facing 2nd Street, rather than the more unified design of the original proposal; addition of full height stone facing to provide variety and separate identities to Buildings 2 and 3; the setback of Building 2 and the incorporation of a public plaza with significant landscaping and water features; the combination of Buildings 3 and 4 to create one building on the north portion of the Site; the incorporation of the three-story stepped landscaped break separating Buildings 2 and 3; the incorporation of a lobby entrance at the third floor level for direct access to the H Street overpass as well as further articulation of the H Street facade; the elimination of the glass mansard roof and the setback of the eighth floor a distance of fifteen feet, reducing the height on 2nd Street to 78.25 feet as measured from F Street; the carving out of the center portion of the 2nd Street facade of the wings of Building 1; the setback of the tenth floor from F Street, to reduce the height as perceived from Columbus Circle; reduction of the allowable

18.5 feet penthouse height to eleven feet for sixty-five percent of the penthouse length; and further articulation of the west facade.

The Zoning Commission will consider compliance with the Comprehensive Plan, and possibly review Zoning Commission Orders Nos. 02-35 and 01-09C as precedent for its deliberations on height for the Text and Map Amendments to Create and Implement the Union Station North (USN) District. While the Office of Planning has managed to amend the Comprehensive Plan Capitol Hill Element (CH-2.1-7) and ignore ZC 02-35, it has been unable to change the Height Act. In fact, this Office of Planning initiative is an end run around the Height Act and may well be the precedent from which other air rights project will draw their height in the future. This must have been what David Tuchmann of Akridge meant at the Council hearing on Bill 18-867 when he stated “...The amendments we support do allow the Zoning Commission to determine the proper measuring point for this particular project. It would place within the Comprehensive Plan both protections that would constrain the Zoning Commission in creating that measuring point but would also allow the Zoning Commission to look at the unique factors of this project – how it is relating to the rail yard – how H Street is the only street that this project fronts – the current language in the plan incorrectly looks to measure the project from 1st or 2nd Street.”

The Office of Planning noted in response to a question from Commissioner May at the December 2009 setdown hearing on the measuring point for the USN Zone that:

We also recognize that the platform that will be required to construct any development on this site would be extremely expensive. And also...we want to take full advantage of the proximity to Union Station....We also recognize that height is very important here, not just in terms of additional density, but in terms of design and form and allowing the building to respond to the massing and the historical resources that are around it. So as we started to look at the site and how we would start to move the density around to maintain the view sheds of the Union Station itself and some of the landmarks around the area, we wanted to have maximum flexibility in how we put that massing so we did go with the 130 feet. We also recognized that with Station Place, they could build that grade...It's (USN) only on a platform. So in order to have a commensurate type of competitive development envelope with the high density around it and the high density that is common throughout the city, there was no way to give them that without giving them the extra height. Otherwise, they would be at a 28 foot disadvantage compared to like land with the extra expense of

having to build their own platform to actually construct there...Most developments don't have to build the earth beneath it.”

The Committee of 100 urges the Zoning Commission to determine the proper measuring point for the Union Station North (USN) District as the potential for air rights development existed when Station Place was approved and the measuring point was defined in ZC 02-35. If an amendment to the Comprehensive Plan is the solution the Office of Planning will pursue for future economic development projects, the integrity of the Comprehensive Plan is called into question. It is meant to be the framework by which the city reaches its goals but must provide predictability as the city moves forward.

As the Commission is aware, this fourteen-acre site will consist of two elevated platforms 30 feet above the rail yards divided by H Street – one to the north and one to the south. Each platform will consist of multiple buildings and these will be considered a single structure on their respective side. The Office of Planning notes it is trying something new with the “single building” concept and is considering each structure on the two platforms to be interconnected. The connection for the project is H Street, which serves as a link between 1st and 2nd Streets. The platformed site will be 30 feet above its surroundings and is similar in concept to the 30 foot mechanically stabilized earth (MSE) platform structure Frank Economides constructed in his rear yard overlooking Acclimation Park in Wesley Heights. (BZA Case No. 17285). It would be impossible to consider the Economides’ platform structure a connection to its surrounding residential properties as it is 30 feet above them, however, it does reach out by casting a giant shadow over the earth below. While sunlight may not be of concern in the immediate USN case because “the earth” would be the cement floor, the fact the platform is thirty feet above the surrounding commercial and residential areas is of concern if the purpose of this text and map amendment is to reconnect the city. The buildings atop the 30 foot platform will rise to a height of 130 feet plus and 18.5 penthouse. How can existing structures below connect to this city on the platform that projects out over the rail yards? Will development on the platform provide a suitable visual relationship to its surroundings, including the neighborhoods to the east and west, historic structures like Union Station and the federal areas south of Union Station?

The Comprehensive Plan has been amended to accommodate this particular text and map amendment and existing Capitol Hill Element CH-2.1.7 has been eliminated, however, the Committee of 100 urges the Zoning Commission to continue its established practice of measuring from natural grade rather than from

the top of an overpass -- the H Street Bridge. We support the position expressed by NCPC in the attached letters, “that the allowable height of any building constructed in the air rights should be measured from the existing grade of 1st Street or 2nd Street NE, rather than from the overpass.”

To conclude, the Committee of 100 has concerns about the need to create this stand alone zone; the economic development benefit and flexibility it will afford the developer vs. the benefit to residents of the city; the proposed height (130 feet plus 18.5 feet of penthouse) of the north and south “buildings” atop a 30 foot platform in a transition zone; how consistent the measuring point chosen for USN is with other Zoning Commission rulings; and, why creation of this new 14 acre stand alone zone would not be considered spot zoning.

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