

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JLS*

SUBJECT: Final Report, Zoning Commission Case No.03-12F and 03-13F
Capper/Carrollsborg Venture LLC Hope VI Revitalization Project
- Request for Modification of Approved Order No. 03-12 C / 03-13 C for a 2nd Stage
(Phase 2) Planned Unit Development at Square 769 Lots 18, 20 & 21, 250 M Street, SE

DATE: May 16, 2008

I. APPLICATION SUMMARY AND OFFICE OF PLANNING RECOMMENDATION

The applicant -- Capper/Carrollsborg Venture, LLC in conjunction with the District of Columbia Housing Authority (DCHA) --has requested approval of a modification to the approved Zoning Commission Order No. 03-12C -03-13C for a 2nd Stage PUD at 250 M Street, SE. That Order permits the construction of a 200,780 square foot, nine-story, 110' tall office building with ground floor retail uses, in the southern portion of Square 769. The Square is bounded by L, M, 2nd and 3rd Streets, SE. The site is zoned CG/C-3-C. The building has not yet started construction.

The approved building's height had been constrained by the width of M Street. Since the Order was issued, the portion of 2nd Street SE on the eastern side of federal Reservations 17 B through 17C (the future Canal Blocks Park) has been re-opened. The proposed building would be a corner building. The Zoning Administrator has determined that the new width of 2nd Street permits a building to rise 130 feet on the applicant's site.

The applicant is requesting modifications to:

- Increase the approved height from 110' to 130';
- Increase the number of floors from 9 to 11;
- Increase the gross floor area from 207,785 square feet to 233,405 square feet;
- Modify the 11th floor's and the roof structure's design.

The applicant also proposes to refine certain architectural features.

The requested modifications would enable the addition of 20 vertical feet, two floors and 25,620 square feet to the approved plans. This would increase the planned building's FAR from 7.2 to 8.34.

At setdown the applicant was asked to:

ZONING COMMISSION
District of Columbia

- Clarify the planned height of the penthouse and its enclosure.
- Clarify the setback for the 11th floor and the roof structure and screen wall, and address the possible need for relief from Section 770.6 (b) of the Zoning Regulations.

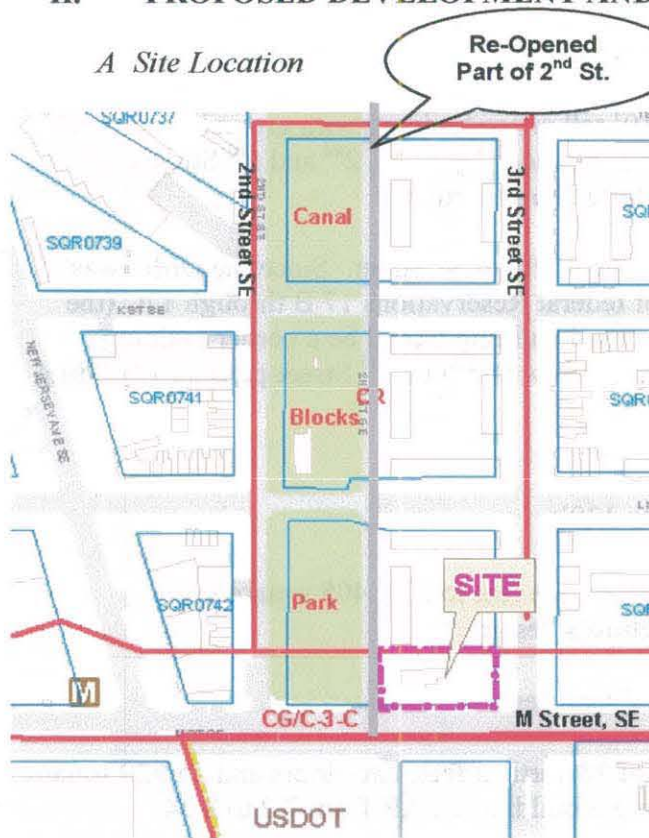
The applicant has provided these height and setback clarifications, which are discussed in Section II.D of this report. However, to give further assurances that the penthouse mechanical structure will not be used for occupation, the Office of Planning (OP) has asked to applicant to replace with one simple door, the two sets of double doors and decorative gates that open from the eastern end of the penthouse onto the green roof.

The Office of Planning recommends, subject to revision of proposed penthouse’s eastern doors, the Zoning Commission (the Commission) approve this modification request with the design submitted by the applicant subsequent to its pre-hearing statement.

OP incorporates, by reference, its May 7, 2003, July 14, 2003 and November 27, 2006 reports to the Zoning Commission on Case No. 03-12/03-13. The last-noted report concerned the original 250 M Street project for which the Commission has granted approval.

II. PROPOSED DEVELOPMENT AND REQUESTED MODIFICATION

A Site Location



The 27,960 square foot site is in the southern half of the block bounded by 2nd, 3rd, L and M Streets, S.E. The part of 2nd Street bordering the applicant’s site has been re-opened recently by the City Council.

The land is currently used as a parking lot. The northern half of the square is vacant and is intended to be developed for high-rise residences in a later Second Stage PUD. The northern and southern halves of the Square would be separated by an east-west private service drive that would be constructed as part of the current application. In its Order for the Preliminary portions of the PUD the Commission approved a 110 foot residential structure for the northern portion the Square. OP understands that an application to increase the residential building’s height will be forthcoming, based on the re-opening of the eastern portion of 2nd Street.

B. Zoning

The site is within the C-3-C District (medium – high density development including office, retail, housing and mixed use developments). Office and retail uses are permitted within this zone. The site is also within the Capitol Gateway Overlay District.

C. Approved Development

The approved 110 foot high building would be a 9 story building with 189,932.47 sf devoted to office use and 10,947.95 devoted to retail space. The latter comprises 52% of the first floor. The four levels of underground parking would accommodate 194 fully accessible and 238 total parking spaces. These would be entered from a 25-foot wide private service road that would be built between this development and the future residential development on the northern half of Square 739.

With respect to zoning flexibility, the approved 2nd stage Order granted relief from 11DCMR § 770.6's requirements that a roof structure must meet § 411.5's requirements for the enclosing walls to be of equal height from the roof level and to rise vertically to the roof. The approved design would include a six-foot sunscreen running the length of the penthouse enclosure on the 2nd Street side; a 4'10" upward slope from 2nd to 3rd Street along M Street; and an approximately 10-foot cant from bottom to top, on 2nd Street. The penthouse's eastern wall would be pulled-back 24'8" from the edge of the building. The rooftop composition would be terminated by horizontal projections covering a portion of the south-facing and west-facing roof terraces.

D. Requested Modifications from Approved 2nd Stage PUD

Since the Order was approved, 2nd Street SE has been re-opened adjacent to the applicant's site and to the federal Reservation that will become the Canal Blocks Park, between M Street and I Street. This returns 2nd Street to its historic width. The Zoning Administrator has determined that this width, which is equal to or greater than 110', permits a building to rise 130' on the applicant's site.

As summarized in the first section of this report, the applicant is now requesting PUD Order modifications to:

- Increase the approved height from 110' including parapet plus an 6" roof structure, to 130' plus a roof structure and parapet that rise 7'10" above the roof
- Increase the number of floors from 9 to 11;
- Increase the gross floor area from 207,785 square feet to 233,405 square feet;
- Modify the 11th floor's and the roof structure's design.

The requested modifications would enable the addition of 20 vertical feet, two floors and 25,620 square feet to the approved plans. This would increase the planned building's FAR from 7.2 to 8.34. Because of the design of the 11th floor and the roof structure atop the 10th floor, the absolute height of the proposed building would increase 7'10" – from 127'4" to 135'1 3/8". This is inclusive of parapets and roof structures.

The applicant also seeks permission to modify the design of the top floors and rooftop structure. The 05-08-08 drawings on which OP's analysis is based were submitted as part of the applicant's

Supplemental Hearing Materials on May 8, 2008. The 11th floor would be located above the western 2/3 of the building's footprint, and would contain a conference center and support facilities. The mechanical equipment would be located on the eastern third of the building's footprint, atop the 10th floor and rising from the same above-ground height as the 11th floor. It would be entered from the lobby of elevator banks serving the rest of the building, and would share fire exits with the 11th floor. The mechanical space is not permitted to be occupied space.

The roof structure's enclosure has been designed to blend with the architecture of the 11th floor. It would continue the upward sweep of the roofline in a manner similar to the approved design. However, its unoccupied, mechanical function would be signified by a change in façade materials.

As shown on Sheets A1.10, A1.11 and L2.00 of the applicant's 05-08-08 drawings, the 11th floor and the roof structure would be set back from the building edges. This setback would accommodate green roof elements and a terrace adjacent to the western and southern sides of the 11th floor. It would also permit a green roof to the south and east of the roof structure. There would also be green roofs atop the 11th floor conference center, the elevator overrun and the penthouse.

The profile of the top floors and roof would be modified from the approved design, but would still keep its upward slope from west to east. This is best represented on Sheet A2.01E of the applicant's 05-08-08 plans, which compares those proposed plans with the plans previously approved by the Commission. The approved building would measure 110' from its measuring point to the top of the roof-plus-parapet, and 127'3 3/8" from its measuring point to the top of the mechanical penthouse enclosure. Under the proposed modified design, the building would measure 130 feet from the measuring point to the top of the 11th floor roof and 135'1 3/8" from the measuring point to the top of the mechanical penthouse's enclosure. The tower serving as an architectural embellishment, would rise and approximately 10'2" above the roof. The proposed modifications would increase the absolute height of the building by 7'10".

The 9'10 5/8" high 11th floor, which does not rise above the 1910 Height Act's 130 foot limit, is not required to be set back. Nevertheless it would be set back between 10 feet and 11' 2 3/8" inches back from the 10th floor's southern and western building edges, which is more than a than 1:1 ratio from the public streets. The northern side, which is adjacent to a planned private alley, would be set back 4'2". Relief is not required.

The roof structure and screen wall are atop the 10th floor, and portions would rise above 130 feet. They are setback at a 1:1 ratio from the 10th floor's building edge. No setback relief is required.

The floor level of the unoccupiable roof structure and the occupiable 11th floor is contiguous.

	PERMITTED OR REQUIRED	2nd STAGE APPROVAL	MODIFICATION REQUESTED	RELIEF REQUIRED
SITE AREA	--	27,960.9 sf	--	--
OFFICE GROSS SF.		190,244.09 sf	222,698.38 +	None
RETAIL GROSS SF.		11,164.76 sf	10,706.29 -	None
TOTAL GROSS SF	236,000 permitted by PUD Order	201,408.85	233,404.67 +	None
FAR	8.0 permitted by PUD	7.18 provided	8.34 +	None
% LOT OCCUPANCY	100 % permitted by zoning	83.26 % provided	82.59% -	None
HEIGHT	110' when approved; 130' after 2 nd Street re-opened	110'	130'	
TOTAL PARKING	150 required by PUD Order 104 office, 14 retail (and 5 bicycle) spaces required by zoning - 118	197 fully accessible, 239 total 22 bicycle	197 accessible 235 total Presumably 22	None
LOADING		2 @ 30'	3 @30'	None
SIDE YARD	18'4" required by zoning	20' provided from M Street	21', 7'6"	None
REAR YARD	23'4 5/8" required,	30'4 1/2 " provided from 2 nd St. centerline	Same	None
ROOF STRUCTURE	Permits equal horizontal height of up to 18'6", with vertical walls Cannot occupy more than 0.37 FAR Must be set back from parapet a distance at least equal to its height	Horizontal elevation angles up 4'10" from east to west up to maximum of 18'6", walls not vertical on two sides; is 0.23 FAR	-Horizontal elevation slopes. Roof structure contiguous with 11 th floor. -Roof structure would project max. of 18'6" above 10 th floor and 7'10" above line of 11 th floor roof -Setback over 1:1	Relief from aspects of § 770.6 (cf. § 411.5) provided by existing order. No new relief required.
CG M St. Setback under §1604.3	15' from M Street property line	15' to 17'	At least 15'	None
CG Ground Floor uses under §1604.4	35% devoted to retail, entertainments or arts	52%	Greater than 40%	None
CG Streetwall requirements under §1604.6	50% of street wall devoted to display windows	Over 50%	Over 50%	None
Driveway restrictions on M Street under §1604.7	Driveways restricted	No Driveways on M Street	No driveways on M Street	None

Table 1: 250 M Street Office and Retail Stage 2 PUD Development Summary

III. REQUESTED MODIFICATION EVALUATION

A. MAJOR APPLICABLE PRELIMINARY PUD CONDITIONS

4. *The second stage applications shall conform to the Commission-approved Preliminary Plans. It conforms.* Although larger than the approved 2nd Stage building would be, the proposed modifications would result in a 233,404 gsf building that would be less than the approximately 236,000 gsf that had been approved in the Preliminary PUD Plans for this site.
5. *The [overall] PUD shall include no more than 702,000 gsf of office space and 51,000 gsf of retail space. It conforms.* This would be the first office and retail space to be constructed within the PUD.
6. *The overall maximum office and retail density shall be no more than 0.80 FAR. It conforms.* Although this building would have an 8.34 FAR on its individual site, as the first office or retail project within the PUD, it would be well within the overall 0.80 limitation.
7. *(a) The office buildings in Square 769 shall be no higher than 110 feet. It does not conform.* The building would be 130 feet tall, and the applicant has requested a modification to the Order to accommodate this.
8. *(i) Roof structures may not exceed 18' 6". It would be between no higher than 7' 10" above the 130 foot roof line. It conforms.*
10. *The building design must comply with the Preliminary PUD's Urban Design Guidelines. It conforms in all respects except its height, for which the applicant is requesting an Order modification.* Square 769's design guidelines require that:
 - at least 80% of building faces to be constructed to the build-to lines established by 300 M Street (and by the Capital Gateway Overlay); the height not exceed 110 feet; the 2nd and M corner recognize its role as a gateway to Canal Park; the primary office entry be from M Street and there be retail entrances on both 2nd and M Street; there be a service alley on the north side of the building; there be tri-partite organization of the façade, with both the base and the top areas being two-stories high and being defined with a horizontal "expression line"; the retail space should be at least 60% glazing with no reflective or tinted glass permitted; the sill heights on the 1st floor be no more than 3 feet above grade; the amount of glazed surface above the retail floor not exceed 70%.The proposed revised design meets all of these requirements except height, for which the applicant has requested a modification permitting a 130-foot height.
11. *The office building is required to provide 150 vehicular spaces. It conforms, and provides 197 conforming vehicle spaces. It also provides 22 bicycle spaces.*
12. *Landscaping Plans shall conform to the Preliminary PUD's plans. The applicant has continued to work with the District Department of Transportation on landscaping plans within public space. The landscaping plans for both public and private space conform to the Preliminary PUD.*

15. *Provide 14' clear first floor retail height. It conforms*

17. *Contribute \$36,000 to Canal Block Parks Development Association before Issuance of Building Permit. This is not yet applicable. The applicant has agreed to make this contribution when required.*

22. *Commit to Achieving at least 35 % LSDBE. It conforms. The applicant has provided an LSDBE Memorandum of Understanding with the District Department of Small and Local Business Development.*

23. *Provide a 51% First Source Employment Agreement with DOES. It conforms. This was submitted to the Commission in Exhibit 5 of the applicant's November 17, 2006 filing with the Commission.*

B. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The approved project is not inconsistent with the Comprehensive Plan. The requested modifications would not change this.

IV. ZONING COMMISSION CG OVERLAY REVIEW

The site is within the Capitol Gateway Overlay District, and is, therefore, subject to the requirements of the Zoning Regulations Chapter 16, including (among other things):

- Mandatory Zoning Commission review for development facing M Street (§1604.1), which is addressed through the PUD review;
- A 15' setback along M Street SE (§1604.3), which is provided;
- 35% of the ground floor to be devoted to retail, entertainment, or arts use (§1604.4), which is provided;
- 50% of the street wall to be devoted to display windows (§1604.6), with which the plans conform; and
- Driveway restrictions from M Street (§1604.7), to which the plans adhere.

The Office of Planning has reviewed the proposed modified building design within the Overlay context as well as within its PUD context. Zoning Regulations require a roof structure's enclosing walls to be of equal height and to rise vertically. The proposed modified design has vertically-rising walls but retains a variation on the sloped enclosing wall design. By the objectives of § 1604.2 "*the proposed building's architectural design, site plan, landscaping, and sidewalk treatment are of a superior quality, pursuant to the design and use requirements set forth in §§ 1604.3 through 1604.7.*" The applicant wishes to have the project's architecture reflect elements of the Federal Gateway Building in order to create a gateway frame for the southern end of the Canal Blocks Park. The applicant's massing and choice of materials would create that effect; the proposed modified design may do this even more effectively than the approved design.

Section 411 of the Zoning Regulations permits the Commission to exercise “a reasonable degree of architectural control upon roof structures in all districts” through the special exception process, as long as the 1910 Height Act is respected. The Commission Order determined that the approved design met those criteria. The proposed modified 11th floor and roof structure above the 10th floor would also meet the criteria. The design and materials of the roof structure and enclosing walls would be congruent with the design of the occupied portion of the 11th floor. See Section II.C of this report for details on height, roof and roof structure issues.

V. ADDITIONAL DESIGN REFINEMENTS

In response to OP’s continued design review the applicant has sharpened the contrast between the masonry and glass portions of the 2nd Street façade, has added stone to the base of pre-cast portions of the 2nd Street and M Street facades, and has added scored detail to the tower element.

VI. SUMMARY AND RECOMMENDATION

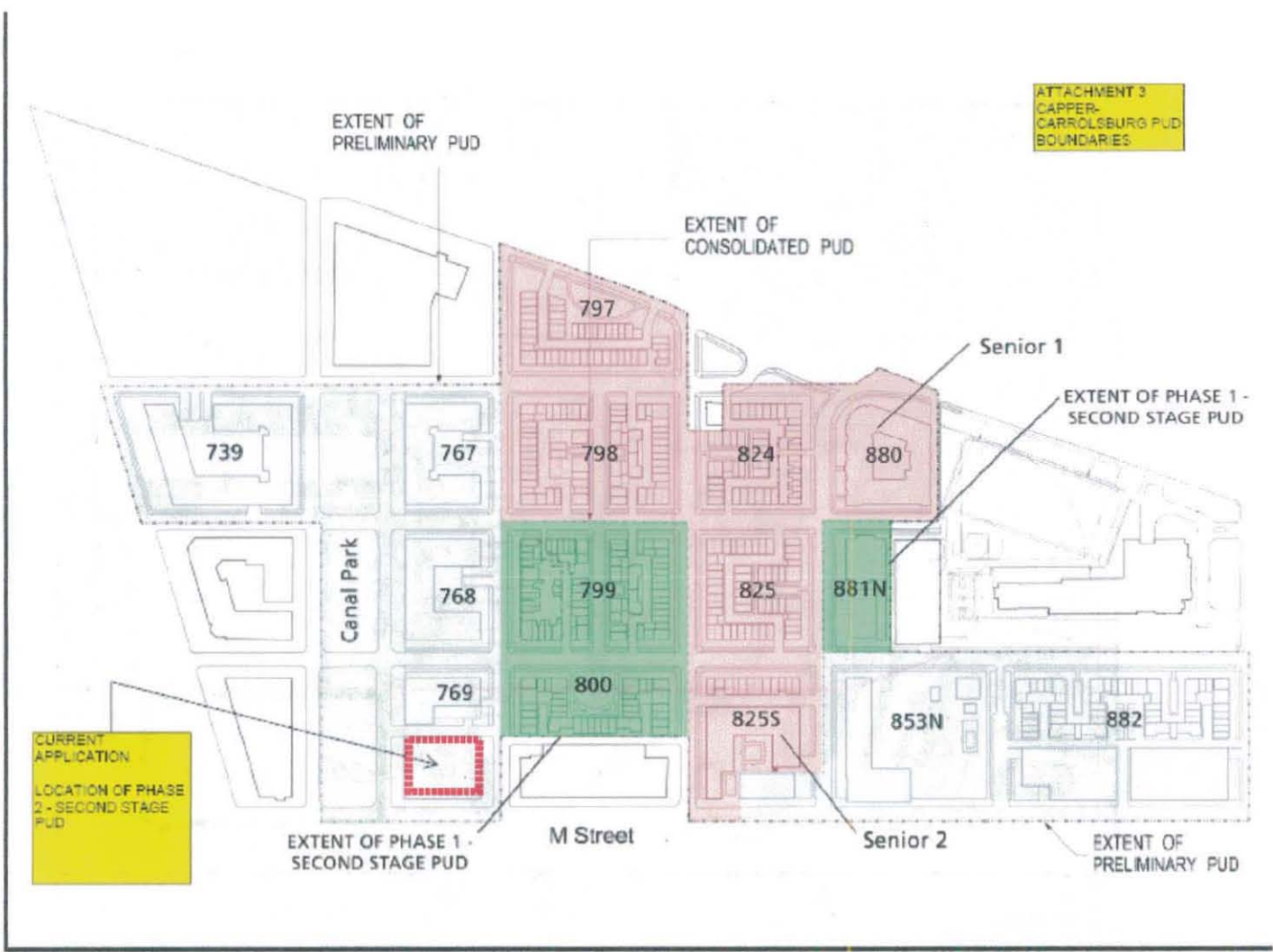
The Office of Planning believes that the requested modification would result in a project conforming to all of the requirements laid out in Zoning Commission Orders Numbers 03-12A/03-13A and 03-12C/03-13C. The approved project and requested modifications are consistent with the goals and objectives for the area as outlined in the Comprehensive Plan and in the previously approved Preliminary PUD and Consolidated PUD. Additionally, the modification requests generally meet the goals and objectives for the CG Overlay to provide retail space and to create an active and welcoming pedestrian character along M Street.

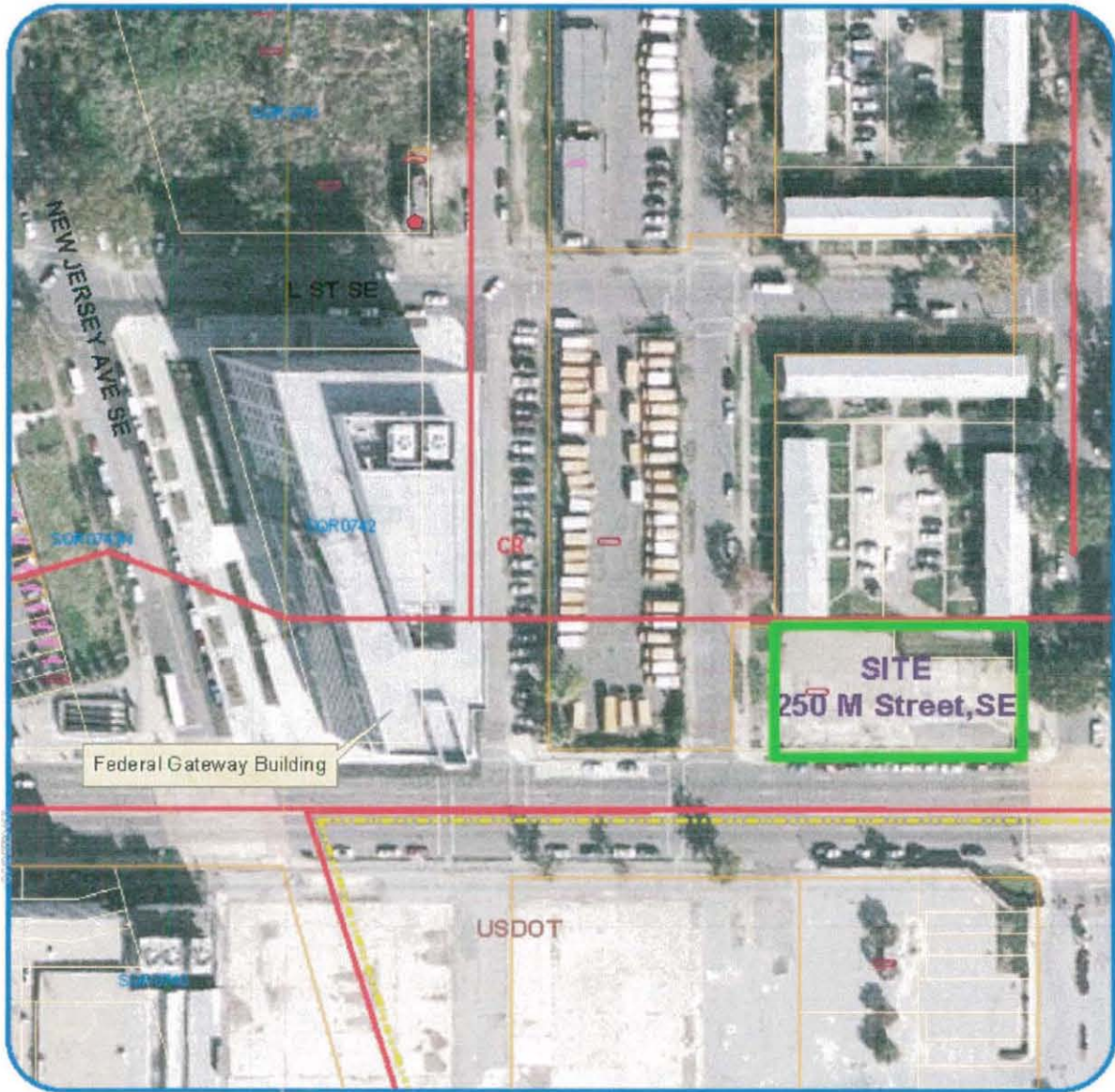
- **OP recommends that the Commission approve this application for modification of Order No. 03-12C/03-13C, subject to the changing the design detail from two sets of double doors and decorative grates in the penthouse’s eastern wall to a single door without decorative grates.**

jls/slc

Attachments (2)

1. Site in Context of Capper-Carroll PUD Boundaries
2. Aerial Photo of Site





Legend

- Metro Station Entrances
- Non-conforming SF Use
- Store
- Restaurant
- Office
- Parking - Special Purpose
- Religious
- Vacant

ZONING COMMISSION CASE 03-12 / 13-13
250 M STREET SE - SITE PLAN

☆☆☆ Government of the District of Columbia
 Anthony A. Williams, Mayor

Office of Planning ~ June, 2006

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

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Attachment 2