

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 *J.S.F.*

SUBJECT: Preliminary 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: February 1, 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, in Square 769. That Order permitted 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.

Since the Order was approved, 2nd Street SE has been re-opened. The Zoning Administrator has determined that the new street width permits a building to rise 130 feet on the applicant's site.

The applicant is now 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 roof structure 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.

Relief from setback requirements of 11DCMR § 770.6 (b) may also be needed.

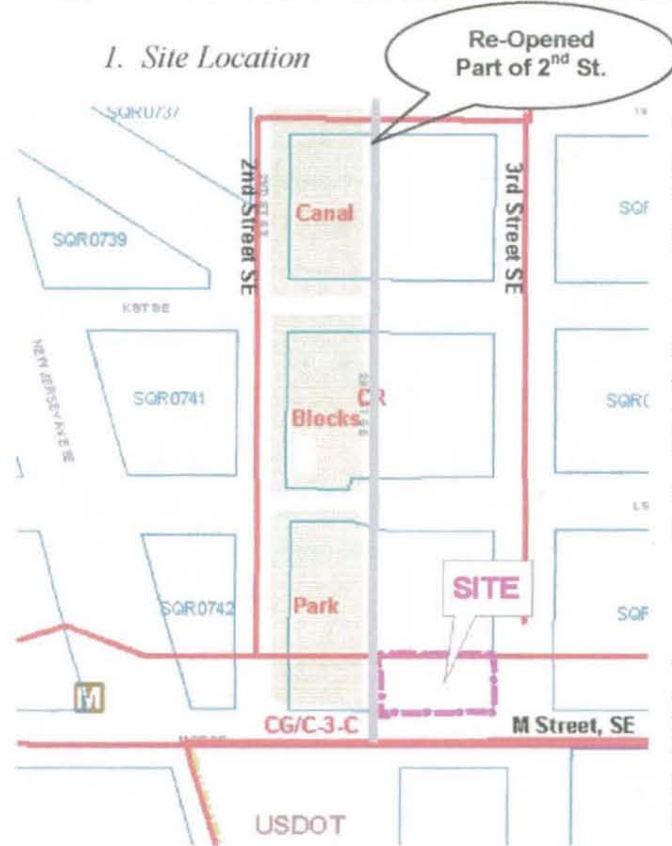
The Office of Planning recommends the Zoning Commission (the Commission) set down this modification request, and that the applicant address compliance with §770.6(b), and the possible need for relief from its requirements.

ZONING COMMISSION
District of Columbia

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. MODIFICATION APPLICATION SUMMARY

1. 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.

2. 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.

3. 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 will 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". The rooftop composition would be terminated by horizontal projections covering a portion of the south-facing and west-facing roof terraces.

4. 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 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.

The applicant is now requesting PUD Order modifications to:

- Increase the approved height from 110' plus parapet 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 roof structure 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.

The applicant also seeks permission to modify the design of the top floors and rooftop structure. Two-thirds of the 11th floor would be occupied space consisting of a conference center and support facilities. The mechanical equipment would be located on the remaining eastern third of the 11th floor. Its enclosure has been designed to blend with the architecture of the occupied portion of the top floor. It continues the upward sweep of the roofline in a manner similar to the approved design. This top floor, as well as the ninth and tenth floors would be set back from the building edges to enable there to be an 11th floor terrace on the western and southern sides of that floor's occupied space and a green roof on the southern and eastern sides adjacent to the mechanical penthouse and enclosure. There would also be green roofs atop the conference center, elevator overrun and penthouse.

The profile of the top floors and roof would be modified from the approved design. This is best represented on Sheet A2.01E of the applicant's Exhibit C, and by comparing Sheets A2.01 through A2.04 of Exhibits B (approved plans) and Exhibit C (proposed plans). Based on those drawings, the approved building would measure 127'4" from its measuring point to the top of the mechanical penthouse enclosure. Under the proposed modified design, the building would measure 141 feet from the measuring point to the top of the mechanical penthouse's enclosure. The drawings indicate that the penthouse and its enclosure would rise 10'6" above the level of the roof. The applicant's text (page 2) states that the penthouse would be 6' 1" above the 130 foot-high roof. *The applicant's pre-hearing statement will need to verify the planned height of the penthouse and its enclosure.* Within that range, however, the twenty-foot increase in building height results in a less than 11-foot increase in the total height of the building and its penthouse.

The re-designed roof structure would need different relief than was approved for the current design. The newly proposed design would still have a sloped roof, for which relief was granted in the approved Order, but the penthouse walls would now be vertical, therefore not requiring relief. However, the new design may not adequately provide for the roof structure and its enclosing walls to be set-back from the building's exterior walls in a 1:1 ratio. The applicant has not requested relief from this requirement. *The applicant will need to 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.*

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

	PERMITTED OR REQUIRED	2nd STAGE APPROVAL	IF MODIFIED	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 TBD
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 partially enclosed within 11 th floor. -Roof structure would project 6'1" to 10'6" above line of 11 th floor roof -Structure and enclosure may not be set back at 1:1 ratio	Relief from aspects of § 770.6 (cf. § 411.5) provided by existing order. <i>May need new relief from 770.6 (b)</i>
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
Drivewaysrestrictions on M Street under §1604.7	Driveways restricted	No Driveways on M Street	No driveways on M Street	None

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 6'1" and 10'6" above the 130 foot roof line. It conforms.* However, *the applicant will need to clarify exactly how far above the 130-high roofline the roof structures would rise.*
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 at least 80% of building faces to be built to Build-to lines which, on M Street are established by 300 M Street (as well as the CG Overlay); that the height not exceed 110 feet, that the 2nd and M corner recognize its role as a gateway to Canal Park; that the primary office entry be from M Street and there be retail entrances on both 2nd and M Street; that there be a service alley on the north side of the building; that 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"; that the retail space should be at least 60% glazing with no reflective or tinted glass permitted; that the sill heights on the 1st floor be no more than 3 feet above grade; that 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. It conforms.*
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.

The applicant provided additional discussion of compliance with Order No. 03-12/03-13 in Exhibit C of its April 21, 2006 filing.

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.

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 new roof structure seems congruent with the Commission’s approval. However, OP is concerned that the new design may not meet § 770.6(b)’s requirements that the roof structure and enclosure be set back from the exterior wall in a 1:1 ratio. The 11th floor is approximately 11’6” high and setback approximately 10 feet to 11 feet six inches from the edge of the 10th floor. The penthouse and enclosing wall appear as a continuation of the occupied portion of the 11th floor. ***Prior to a public hearing, the applicant would need to clarify the setbacks of the 11th floor, and address the roof structure, its enclosure and its setback, and the possible need for relief from §770.6(b).***

VII. 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.

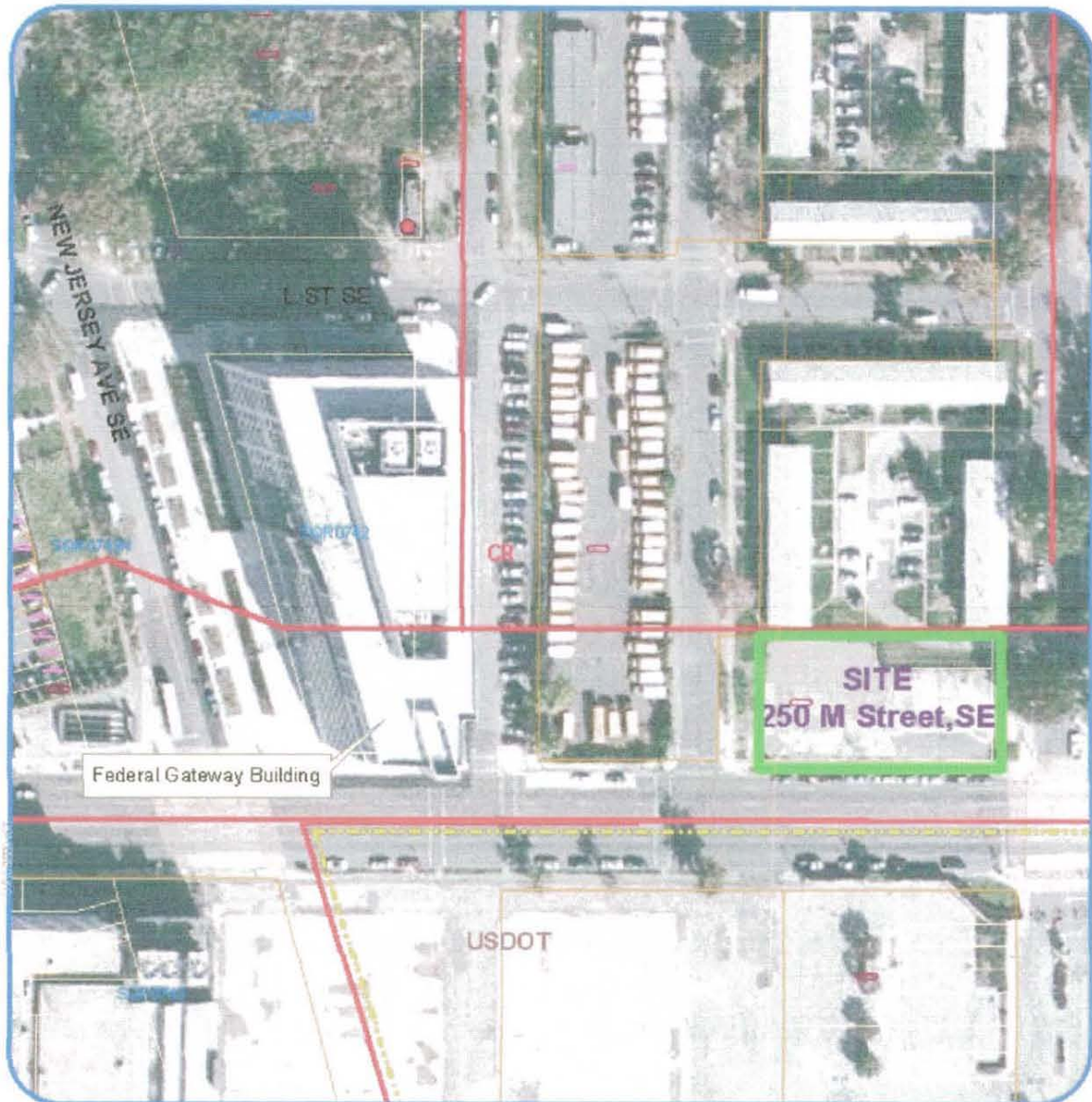
OP recommends that the Commission set down this application for modification of Order No. 03-12C/03-13C, and that the applicant provide the following additional information:

- Clarify the height of the 10th and 11th floor roofs, and the height of the penthouse and its screen wall, both in absolute terms, and in relation the approved PUD plans.
- Describe the roof structure setbacks from the 10th floor and 11th floor outside walls, the ratio of those setbacks to the height of the roof structure and screen wall, and the relationship of those setbacks and ratios to the Zoning Regulations

jls/slc

Attachments (2)

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



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

