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REPORT TO THE ZONING COMMISSION

CASE NO. 09-22
1 M STREET, S.E.

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JANUARY 17, 2013

- I. Introduction
- II. Nature of application:
 - A. Review under the CG/CR District
 - B. Variance from the loading requirements
 - C. Variance from the "build-to" line requirements on South Capitol Street
- III. Site location
 - A. South side of M Street between South Capitol and Van Streets, S.E.
 - B. Capitol Gateway area
- IV. Site description
 - A. Rectangular property
 - B. Contains approximately 35,558.12 square feet of land area
 - C. Includes Lots 43 and 866 in Square 700
 - D. Frontage of approximately 236 feet on South Capitol and Van Streets and 150.67 feet on M Street

ZONING COMMISSION
District of Columbia

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EXHIBIT NO. 24

- E. Existing condition: surface parking lot
- F. Abutting streets:
 - 1. South Capitol Street: 130 feet wide
 - 2. M Street: 90 feet
 - 3. Van Street: 50 feet
- V. Description of the surrounding area (see aerial photo, attached)
 - A. Remainder of the subject square:
 - 1. To the south:
 - a) Self storage warehouse building (equivalent of 5 stories)
 - b) Parking lot and vacant lots
 - 2. To the east: vacant land used for temporary retail and entertainment purposes when the ballpark is open
 - B. General Area: Near Southeast/Capitol Gateway area, part of the Anacostia Waterfront Initiative, north of the baseball stadium
 - C. Western entrance to the Navy Yard Metrorail Station at southeast corner of Half and M Streets (one block away)
 - D. Area in transition
 - E. Older development
 - 1. Predominantly low rise buildings devoted to warehouse, storage, automotive repair, light industrial uses and fast food restaurants
 - 2. Churches
 - 3. Vacant lots used for parking

F. Newer development

1. High rise office, including headquarters building for the U.S. Department of Transportation, offices of DDOT and private office buildings
2. High rise residential and hotel

G. Future development

1. Continued redevelopment of the Capper/Carrollsborg public housing sites
2. Southeast Federal Center/The Yards
3. Florida Rock property (south of baseball stadium)
4. Approved development in the subject square

VI. Existing zoning: CG/CR in the Capitol Gateway Overlay Zone

A. CR

1. Mixture of residential, office, retail, recreational, light industrial and other miscellaneous uses (§§601-618)
2. Maximum height: 90 feet (§630)
3. Maximum FAR: 6.0, of which not more than 3.0 may be used for other than residential purposes (§631)
4. Public space at ground level: area equal to at least 10% of lot area (§633)
5. Maximum percentage of lot occupancy: 75% (§634)
6. Minimum rear yard: 3 inches per foot of vertical distance from the horizontal plane upon which residential use begins to the highest point of the main roof but not less than 12 feet (§636)
7. Side yards: not required (§637)
8. Minimum required parking:
 - a) For office: 1 space for each 1,800 square feet of gross floor area in excess of 2,000 square feet

- b) For retail and service uses: 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet

9. Minimum required off-street loading:

- a) For office building with more than 200,000 square feet of gross floor area: 3 @ 30 feet deep and 1 service/delivery loading space
- b) For retail and service uses with 5,000 to 20,000 square feet of gross floor area: 1 @ 30 feet deep
- c) Because the office occupies more than 90% of the total gross floor area of the building, loading is calculated as if the entire building were devoted to office

B. Capitol Gateway (CG) Overlay

1. Combined lot development (§1602)

- a) Lots may be combined for purposes of distributing residential and nonresidential FAR
- b) Maximum FAR for each parcel is 8.5 for properties which may go to 130 feet under the Act of 1910 (§1602.1(a))
- c) ZC may grant up to 1.0 FAR additional for property in Square 700 (§1602.1(e))

2. Design standards for buildings fronting on M Street (§1604)

- a) No driveway from M Street
- b) Streetwall shall be set back for its entire height and frontage along M Street not less than 15 feet measured from the face of the adjacent curb
- c) Not less than 35% of the gross floor area of the ground floor shall be devoted to preferred to retail, service, entertainment, or arts uses
- d) Preferred uses shall occupy 100% of the building's frontage on M Street

- e) Not less than 50% of the surface area of the streetwall of any new building along M Street shall be devoted to display windows and to entrances to commercial uses
- f) Clear floor-to-ceiling height for preferred uses on the ground floor level shall be a minimum of 14 feet
- 3. Design standards for buildings fronting on South Capitol Street (§1605)
 - a) Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet (§1605.2)
 - b) Any portion of a building or structure that exceeds 110 feet in height shall provide an additional 1:1 step-back from the building line along South Capitol Street (§1605.3)
 - c) No private driveway from South Capitol Street to any parking or loading berth areas (§1605.4)
 - d) Minimum of 60% of the street-wall shall be constructed on the setback line (§1605.5)
- 4. Design review required for buildings fronting on M Street, SE, South Capitol Street SE or in Square 700 (§1610)

VII. Proposed development

- A. Office building with ground floor retail
- B. Gross floor area:
 - 1. Retail/service: 17,260 square feet
 - 2. Office: 311,542 square feet
 - 3. Total: 328,802 square feet (9.25 FAR)
- C. Maximum height: 130 feet
- D. Number of parking spaces: 310 on 4 underground levels with access from Van Street

- E. Number of loading berths: 2 berths @ 30 feet deep and 1 service/delivery loading space

VIII. Zoning relief required

- A. Approval for development in the CG Overlay (§1610.3):
 - 1. Proposed use, building, or structure meets the standards set forth in §3104
 - 2. Help achieve the objectives of the CG Overlay District
 - 3. Help achieve the desired mix of uses in the CG Overlay District, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses
 - 4. Be in context with the surrounding neighborhood and street patterns
 - 5. Minimize conflict between vehicles and pedestrians
 - 6. Minimize unarticulated blank walls adjacent to public spaces through facade articulation
 - 7. Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards
- B. Variance from loading requirements (§2201.1)
 - 1. Required: 3 berths @ 30 feet deep and 1 service/delivery loading space
 - 2. Proposed: 2 berths @ 30 feet deep and 1 service/delivery loading space
 - 3. Variance: 1 berth @ 30 feet deep
- C. Variance from "build to" line requirements along South Capitol Street (2201.1)
 - 1. Required: minimum of 60% of the street-wall shall be constructed on the setback line
 - 2. Proposed: 47% built to street-wall
 - 3. Variance: 13%

- IX. Compliance with the design standards for buildings fronting on M Street
 - A. No driveway from M Street: access to parking and loading is from Van Street
 - B. Entire streetwall at first floor is set back 15 feet from the curb on M Street
 - C. 37% of the gross floor area of the ground floor will be devoted to preferred retail or service uses)
 - D. Except for the entrance to the office lobby at the corner of South Capitol Street, preferred uses occupy 100% of the building's frontage on M Street
 - E. More than 50% of the surface area of the streetwall along M Street will be devoted to display windows and to entrances to commercial uses
 - F. Clear floor-to-ceiling height for preferred uses on the ground floor is a minimum of 17 feet
- X. Compliance with the design standards for buildings fronting on South Capitol Street
 - A. Entire streetwall is set back not less than 15 feet
 - B. Building is setback 20 feet above 110 feet from the building line along South Capitol Street
 - C. No private driveway from South Capitol Street to any parking or loading berth areas
 - D. 47% of the street-wall shall be constructed on the setback line (variance requested)
- XI. Compliance with the standards for review under the CG Overlay
 - A. Proposed use, building, or structure meets the standards set forth in §3104 ("Special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps")
 - Property is in an area where redevelopment is intended and is occurring for both office and residential buildings of similar height and density to the subject property

- Properties to the east across Van Street in the same square and further across New Jersey Avenue to the east are built to 130 feet

B. Help achieve the objectives of the CG Overlay District as set forth in §1600.2

1. "Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area"
 - Project is office building with ground floor retail
 - Comprehensive Plan Future Land Use Map designates the site in the mixed use high density commercial/high density residential category
 - Generalized Policy Map includes site in Land Use Change Area
2. "Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses"
 - In addition to 311,542 square feet of office, building will contain 17,260 square feet for retail
3. "Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment"
 - Not applicable
4. "Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points"
 - Not applicable
5. "Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station"
 - Building is setback 15 feet from the curb

- Entire face of the ground floor of the building along M Street will be devoted to retail and service uses
- 6. "Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses"
 - Not applicable
- 7. "Provide for the establishment of South Capitol street as a monumental civic boulevard"
 - Height, bulk and design add to creation of civic boulevard
 - Building is setback 15 feet from the street and the ground floor is built to that setback line
 - Entrance to office lobby located at corner
- 8. "Provide for the development of Half Street S.E. as an active pedestrian-oriented street with active ground floor uses and appropriate setbacks from the street facade to ensure adequate light and air, and a pedestrian scale"
 - Not applicable
- 9. "Provide for the development of First Street S.E. as an active pedestrian-oriented street with active ground floor uses, connecting M Street, the Metro Station, and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront"
 - Not applicable
- C. Help achieve the desired mix of uses in the CG Overlay District as set forth in §§1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses
 - Ground floor of building is all retail and service use except for entrance to the offices above and parking and loading access off Van Street
- D. Be in context with the surrounding neighborhood and street patterns
 - Footprint of building is built to setback lines along South Capitol and M Streets

- Building fronts on the Metro station entrance plaza on M Street
- E. Minimize conflict between vehicles and pedestrians
 - No driveways on either M or South Capitol Streets, which are two primary pedestrian streets
 - Parking and loading access comes off Van Street
- F. Minimize unarticulated blank walls adjacent to public spaces through facade articulation
 - Only blank wall is along south property line, which is shared with another private property, an existing building equivalent to 5 stories and devoted to self-storage, which will presumably be redeveloped in the long term
 - Wall has been articulated, per the drawings of December 28, 2012
- G. Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards
 - Development will achieve enough points to equal a LEED Silver rating
- H. Assessment of views and vistas toward the Capitol Dome, other Federal monumental buildings, the Ballpark and the Waterfront
 - Building would frame the view of the Capitol along the east side of South Capitol Street
 - Building would not impact view of other monumental buildings, the Ballpark or the Waterfront
- XII. Standards for a variance (§3103.2)
 - A. Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the original adoption of the regulations, or by reason of exceptional topographical conditions or other extraordinary or exceptional situation or condition of a specific piece of property,

- B. The strict application of any regulation adopted under D.C. Code §§ 5-413 to 4-432 (1981) would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property, to authorize, upon an appeal relating to the property, a variance from the strict application so as to relieve the difficulties or hardship;
- C. Provided, that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan as embodied in the Zoning Regulations and Map.

XIII. Compliance with the variance standards

- A. Exceptional or extraordinary situation or condition
 - 1. Location at the prime corner of South Capitol and M Streets
 - 2. Frontage on 3 streets
 - 3. Combined restrictions and requirements of CG Overlay District
- B. Practical difficulty
 - 1. Need to restrict all vehicular access to Van Street limits the width of curb cuts which can be provided
 - 2. Requirement to provide ground floor retail impacts the area where loading can be provided
- C. No detriment to the public good
 - 1. Extra loading berth is not needed to serve the uses in the building
 - 2. General objectives of the Overlay are being achieved
 - 3. Ground floor along South Capitol Street is built out to the 15 foot setback line

XIV. Conclusions

- A. Application for approval of the design of the building meets tests under Zoning Regulations

- B. Proposed office building with ground floor retail is in accordance with goals of CG District
- C. Project meets the 3-part test for approval of variances
- D. Application should be approved