GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: Andrew Altman
Director

DATE: February 1, 2002

SUBJECT: Preliminary Report on Zoning Commission Case Number 01-35, a Proposed Zoning Text Amendment related to the redevelopment of the Waterside Mall

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BACKGROUND

The referenced text amendment involves the Waterside Mall located at 401 M Street, S.W. (Square 542, Lot 88 and Square 499, Lot 60). The three- and four-story retail building was constructed in phases during the 1960s and 1985 in Area "C" of the former Southwest Urban Renewal Area. It was also constructed over the former portion of 4th Street, S.W., right-of-way between M and Eye Streets, S.W. Abutting the Mall to the east and west are two twelve-story office towers that reach a height of 130 feet, plus storage areas (please refer to Exhibit 1).

Prior to this order, development in Area "C" and the surrounding "superblock" was undertaken in accordance with the provisions and processes of the Southwest Urban Renewal Plan. After the urban renewal plan expired in 1996, the Zoning Commission adopted Final Order No. 807 that established C-3-B zoning on the subject property.

Total commercial development on the Mall site approximately equals a 2.14 floor area ratio (FAR), well below the maximum 4.0 FAR allowed for commercial uses and 5.0 allowed for residential uses and mixed uses as a matter of right. The 130-foot height of the office towers would normally make the subject property non-conforming because these towers nearly double the maximum height of 70 feet allowed in C-3-B. However, the Zoning Commission also adopted the following "grandfather clause" amendment to the Zoning Regulations:

> "2521.1(e) A building or structure that was built prior to (November 20, 1998) which conformed to the height, area and bulk provisions of the Urban Renewal Plan shall be considered a conforming structure under these (Zoning) Regulations and in the event of fire, collapse, explosion or act of God may be built to its size as of the date specified above."

As a result, the existing development is considered conforming.

ZONING COMMISSION
Case 01-35
Exhibit 11

ZONING COMMISSION
District of Columbia
CASE NO.01-35
EXHIBIT NO.11

APPLICANT'S PROPOSAL

The Kaempfer Company, Inc., and Forest City Enterprises, Inc., the applicants, entered into an agreement with the existing ground lessee of the subject property to form a joint venture to renovate and expand the Mall. With the impending departure of the Environmental Protection Agency (EPA), the major office tenant, it is important to refurbish and reoccupy the office buildings as quickly as possible in order to continue to support existing Mall retail uses, provide local employment opportunities, and avoid having the office space remain vacant for an extended period of time.

OP has also urged, and the applicants have agreed, to demolish a portion of the Mall in order to reopen the former 4th Street, S.E., right-of-way. This action was recommended in a 1998 study by the Urban Land Institute entitled "Southwest D.C.; A Strategy for Revitalizing Waterside Mall and the Waterfront". Because 4th Street, S.W. is one of the few streets that pass under the Southwest Freeway, reopening it would again connect Southwest neighborhoods to the District core beyond the freeway. Reopening the north end of the former right-of-way will be subject to ongoing negotiations with Department of Interior concerning Federal property immediately south of I Street, S.E.

PROPOSED TEXT AMENDMENT

Reopening 4th Street, S.W. would significantly change the layout of the existing development. The applicants are requesting a text amendment to ensure that development flexibility currently existing on the subject property is not impaired by this change. Specifically, reopening 4th Street, S.W., will create two separate buildings where one currently exists. Redevelopment of the new site is envisioned as involving many phases of renovating and restructuring the existing interior spaces. The applicant thinks that retaining the ability to allocate FAR, parking and loading spaces, as if the complex were still one building, is essential for their long term development planning. Therefore, the following amendment to Section 2521 is proposed:

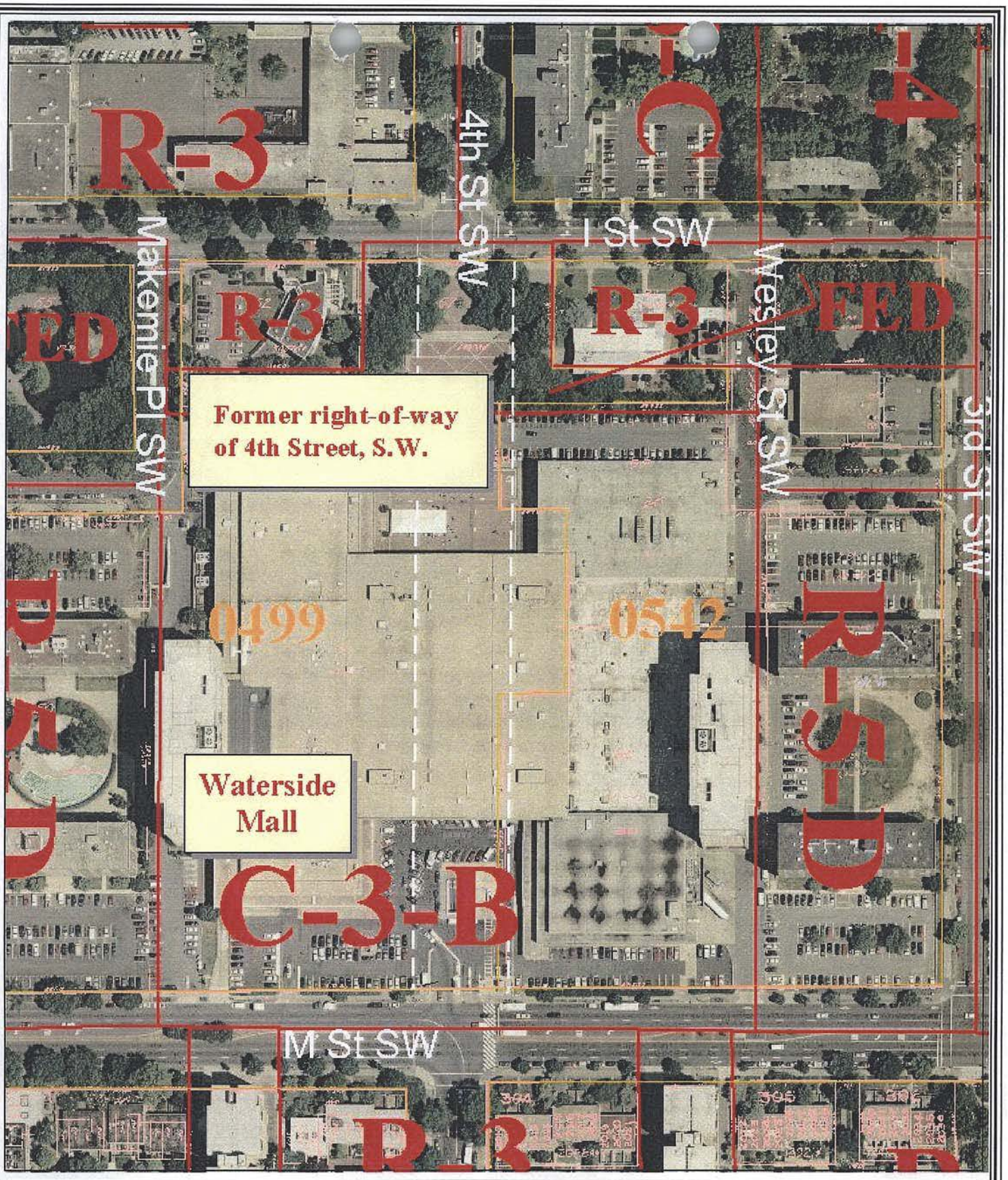
> "2521.1(h) If part of the Waterside Mall property, comprising Lot 88 in Square 542 and Lot 60 in Square 499, is demolished so as to create a roadway or public throughway generally along the former right-of-way of 4th Street, S.W., so that the parts of the building to the east and west of such roadway or throughway are no longer physically connected above grade, for zoning purposes all such improvements shall be deemed to be a single building."

The Office of Planning supports this amendment as being consistent with the planning goals for this area.

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission "set down" this text amendment for a public hearing.

Attachments: Exhibit 1 Aerial with Zoning



Feature Key

- Zoning Boundaries
- Zoning Leader Lines
- Street Centerlines

Zoning Commission

Case No. #01-35

DC Office of Planning

January 24, 2002

Scale 1:2000

25 0 25 50 75 100 125 Feet