GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

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MEMORANDUM

TO: D. C. Zoning Commission

FROM: Andrew Altman
Director

DATE: April 16, 2002

SUBJECT: Pre-hearing Submission for Zoning Commission Case Number 01-35, a Proposed Zoning Text Amendment related to the redevelopment of the Waterside Mall

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PETITION
The Office of Planning is petitioning the Zoning Commission to consider an amendment to the Section 2521, Southwest Urban Renewal Area, provisions under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning.

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 constructed over a portion of the former 4th Street 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).

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. 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. This is because the area was unzoned Federal land at that time.

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

ZONING COMMISSION
District of Columbia
CASE NO.01-35
EXHIBIT NO.16

Consistent with the Comprehensive Plan (refer to Comprehensive Plan section below), OP advocated reopening the former 4th Street, S.W., right-of-way by demolishing the middle portion of the mall. 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 has been the subject of ongoing negotiations between the District and the Department of Interior concerning Federal property immediately south of Eye Street, S.W. The applicant subsequently signed an agreement to incorporate this task into their redevelopment planning.

Reopening 4th Street, S.W. would also significantly change the layout of the existing development. Specifically, two separate buildings would stand where one currently exists. Redevelopment of the new site is envisioned as involving many phases of renovating and restructuring the existing interior spaces. The developers think that retaining the ability to reallocate the floor area ratio (FAR), parking and loading spaces, as if the complex were still one building, is essential for their long-term development planning. To accomplish this end, they requested a text amendment to ensure that development flexibility currently existing on the subject property is not impaired by the roadway extension.

It should be noted that this amendment does not initiate the street reopening. Its only purpose is to address concerns about possible changes to the zoning status of the development site resulting from reestablishing the former right-of-way.

ANALYSIS

Total commercial development on the mall site approximately equals a 2.14 FAR, well below the maximum 4.0 FAR allowed for commercial uses, and 5.0 FAR 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 for former Urban Renewal Areas:

> "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. The Office of Planning recommends that the following subsection (h) be added so that the reconfigured development would continue to be in conformance after 4th Street, S.W., is extended:

> "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."

COMPREHENSIVE PLAN

The Generalized Land Use Map designates the subject property as "Medium Density" Commercial across most of the site, characterized by "shopping and service areas that generally offer a large concentration and variety of goods and services outside the Central Employment Area", as the predominant uses. The northern perimeter, along Eye Street, S.W., is designated "Parks, Recreation and Open Space", characterized by "District government parks and recreation centers, cemeteries and National Capital Open Space System", alternating with "Medium Density Residential", characterized by "Multiple-unit housing and mid-rise apartment buildings".

Major Themes of the Comprehensive Plan include the following:

"101.1 In the process of developing the District elements of the Comprehensive Plan ("the Plan") and coordinating the widespread citizens review the following ten (10) major themes were discerned:

(a) Stabilizing and improving the District's neighborhoods;
(b) Increasing the quantity and quality of employment opportunities in the District; ...
(e) Respecting and improving the physical character of the District; ...
(h) Reaffirming and strengthening the District's role as the economic hub of the National Capital Region; ..."

Section 102, Stabilizing and Improving the District's Neighborhoods, includes:

"102.3 Many city neighborhoods also include *integral commercial* and institutional uses that contribute to their character. Neighborhood businesses, schools, park and recreational facilities, churches, and other public facilities all add to the liveability of our communities. *These uses too must be protected, stabilized, and improved.*

102.4 Promoting and ensuring good quality neighborhoods is of utmost importance to the District. The District elements of the Plan's policies and strategies on increasing housing opportunities, *neighborhood commercial facilities,* and improving transportation in some neighborhoods will be combined with other District policies on historic preservation, environmental quality, and public facilities to conserve functioning, stable neighborhoods, and to stabilize or improve those which need redirection."

Policies established under Section 206.2 in support of the economic development outside the Central Employment Area include:

> *"(c) Implement updated plans for the longstanding urban renewal corridors that are consistent with the Plan's objectives and policies; ..."*

An assessment in Section 1343 of Ward 2 neighborhood-shopping areas states:

> "1343.1 Community and neighborhood shopping areas are essential parts of the convenience and character of the residential neighborhoods of Ward 2. In size and shape, they include corner stores, small clusters of stores, the major retail strips (Connecticut Avenue, 17th Street, 14th Street, M Street, Wisconsin Avenue, etc.) *and a mall (Waterside Mall). Some neighborhoods in Ward 2 do not have adequate commercial and service establishments. ...*
>
> 1343.2 *The Waterside Mall in Southwest has not become a vital commercial center due to high rents and poor marketing.* The opening of the Waterfront Metrorail Station may allow the mall to operate at least as a multi-neighborhood shopping center."

Objectives for neighborhood shopping areas under the subsequent section include:

> *"(a) To protect and enhance the vitality of neighborhood and commercial areas, to provide economic development benefits and adjacent retail services to residents of adjacent neighborhoods;*
> *(b) To develop new neighborhood shopping services in areas that are unserved or underserved; ..."*

Specific actions in support of these areas under Section 1345 includes:

> *"(c) Improve Waterside Mall in Southwest to ensure that new businesses will service the adjacent residential neighborhood; ..."*

The Comprehensive Plan also outlines specific changes needed for the former Urban Renewal property to fulfill its promise to the Southwestern community:

> "1367 WARD 2 THE NEIGHBORHOOD RING: SOUTHWEST
>
> 1367.1 Southwest was completely rebuilt in the 1960's as one of the country's first urban renewal projects. The area is primarily residential, but includes restaurants and commercial buildings along Maine Avenue, the Arena Stage, and Waterside Mall, plus a variety of public facilities near South Capitol Street. Fort McNair is located south of P Street. Southwest is adjacent to the Central Employment Area. Accessibility was improved when the Green Line Waterfront Metrorail Station opened in late 1991.

1367.2 Forty years after urban renewal began, Southwest provides a mature and pleasant environment. Appropriate steps are needed to protect and enhance the character of the area. Attention needs to be directed to key problems in the area, including improving retail services at Waterside Mall, improving the attractiveness and amenities along the Maine Avenue waterfront, and improving housing maintenance in the Greenleaf Gardens and James Creek public housing projects.

1367.3 To protect and enhance the character of the Southwest community, the Southwest Neighborhood Assembly commissioned the Urban Land Institute to study concepts that would improve the neighborhood, including the potential for redeveloping Waterside Mall and the Southwest waterfront. The Urban Land Institute met with residents and other stakeholders in 1998 and recommended the following improvements:

(a) Reuniting the two halves of 4th Street by opening up Waterside Mall. A completely new Main Street-oriented retail center, at least fifty percent (50%) larger than today's, will have the kinds of places that enhance the quality of life -- stores that serve community needs -- a hardware store, a bookstore, a bakery, a copy center, coffee shops and cafes;

(b) A festive Waterfront marketplace, concentrating 200,000 square feet of restaurants, specialty retail, and entertainment along a new pedestrian promenade on Water Street; ...

(d) Bold new initiatives to strengthen jobs, education, and economic development for community residents; support for Southwest's emerging public charter schools as well as the neighborhood's existing schools;

(e) Between ninety-five and one hundred seventy-five (95 and 175) units of new, market- rate housing targeted to younger adults; ...

(h) New roads and pedestrian paths to link Southwest with the monuments, museums, and Downtown; new street patterns with more green space, squares, and parks; ...

(l) A standard of architectural excellence for the one-half million square feet of new construction that will be built in the next few years; ..."

COMMUNITY AND AGENCY COMMENT

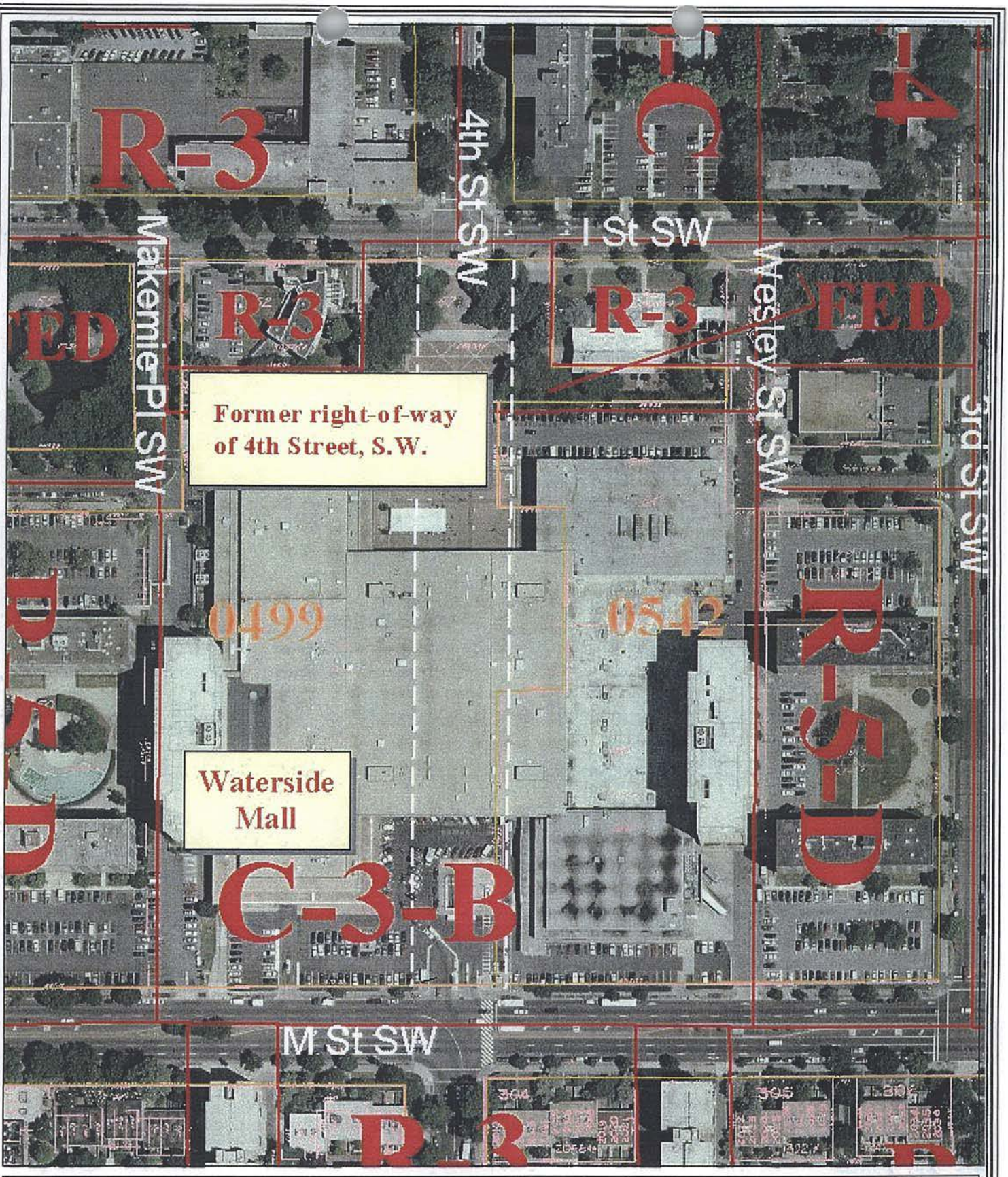
This amendment was presented to Advisory Neighborhood Commission (ANC) 2D during a regular meeting on April 8, 2002. At the conclusion of the presentation, the ANC voted to recommend approval of this amendment. The applicant promised to provide regular updates on the status of redevelopment plans for the mall. District agencies and the developers have had dialogue with the Southwest Neighborhood Assembly (SWNA) about the scope of this project. The most recent presentations were made on January 28 and April 1, 2002.

Negotiations between the District and the National Park Service (NPS), concerning the extension of 4th Street, S.W., right-of-way south from Eye Street through the Federal Land to M Street, S.W., have been successful. NPS has agreed to the extension in principle, although the final details are still being worked out. Discussions have also begun with the D.C. Department of

Transportation about a study to look at the traffic impacts of, and design options for, reopening the 4th Street, N.W. right-of-way.

RECOMMENDATION
The Office of Planning supports this amendment as being consistent with the planning goals for this area, and recommends Zoning Commission approval.

Attachment: 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