NCPC
NATIONAL CAPITAL PLANNING COMMISSION

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Executive Director
Patricia E. Gallagher, AICP

IN REPLY REFER TO:
NCPC File No. Z.C. 01-35P

JUL 22 2002

Zoning Commission for the
District of Columbia
2nd Floor, Suite 210 South
441 4th Street, NW
Washington, D.C. 20001

DISTRICT OF COLUMBIA
ZONING COMMISSION
2002 JUL 26 P 2:59

Members of the Commission:

In response to your request, the National Capital Planning Commission at its meeting on July 11, 2002, approved the enclosed report to the Zoning Commission for the District of Columbia on the proposed text amendment to the Zoning Regulations affecting the Waterside Mall property at 410 M Street, SW, and found that the proposal would not adversely affect the identified federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosure

ZONING COMMISSION
District of Columbia
Case 01-35
Exhibit 33

ZONING COMMISSION
District of Columbia
CASE NO.01-35
EXHIBIT NO.33

bc: Andrew Altman, Director
D.C. Office of Planning

NCPC File No. ZC 01-35P

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

TEXT AMENDMENT TO THE DISTRICT OF COLUMBIA ZONING REGULATIONS AFFECTING THE WATERSIDE MALL PROPERTY AT 401 M STREET, SW

(Square 542, Lot 88 and Square 499, Lot 60)

Report to the Zoning Commission of the District of Columbia

July 11, 2002

Abstract

The Zoning Commission has taken a proposed action to amend Title 11, DCMR Chapter 25 of the District of Columbia Zoning Regulations by adding language that will entitle the property located at 401 M Street, known as the Waterside Mall, to remain designated as one overall site for zoning purposes, should the 4th Street right-of-way be restored. The reconstruction of 4th Street would physically bisect the Mall property into two separate sites.

Federal Interests

The Federal interests in this case include U.S. Reservations 721, 722, and 723, which are currently under the jurisdiction of the National Park Service. Additional interests include, M Street, SW, a designated Special Street under the Federal Elements of the Comprehensive Plan, as well as the remaining portions of Environmental Protection Agency operations at Waterside Mall, which is currently located in leased space in direct proximity to the subject site.

Authority

Section 8 of the Planning Act of 1952, as amended (40 U.S.C. 71g), and D.C. Code, sec. 5-417.

Commission Action

The Commission finds that the proposed text amendment to Chapter 25 of the District of Columbia Zoning Regulations affecting the Waterside Mall property at 401 M Street would **not adversely affect the federal interests**, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Related Recommendations

The Commission **commends** the District of Columbia for its efforts in restoring the urban fabric of the original L'Enfant Plan by pursuing a reconnected 4th Street between I and M Streets, SW.

Commission **recommends** that any proposed design of the 4th Street extension between I Street and M Street, and any other right-of-way reconnections that may occur in the Waterside Mall redevelopment, provide accommodations for both pedestrian and vehicular modes of transportation.

The Commission **encourages** the District of Columbia to restore 4th Street at this location, and to explore opportunities to reconnect K and L Streets which would result in the restoration of the original L'Enfant grid.

The Commission **recommends** that any lost open space from U.S. Reservations 721, 722, and 723 as a result of the 4th Street project should be replaced in the Waterside Mall's redevelopment plan.

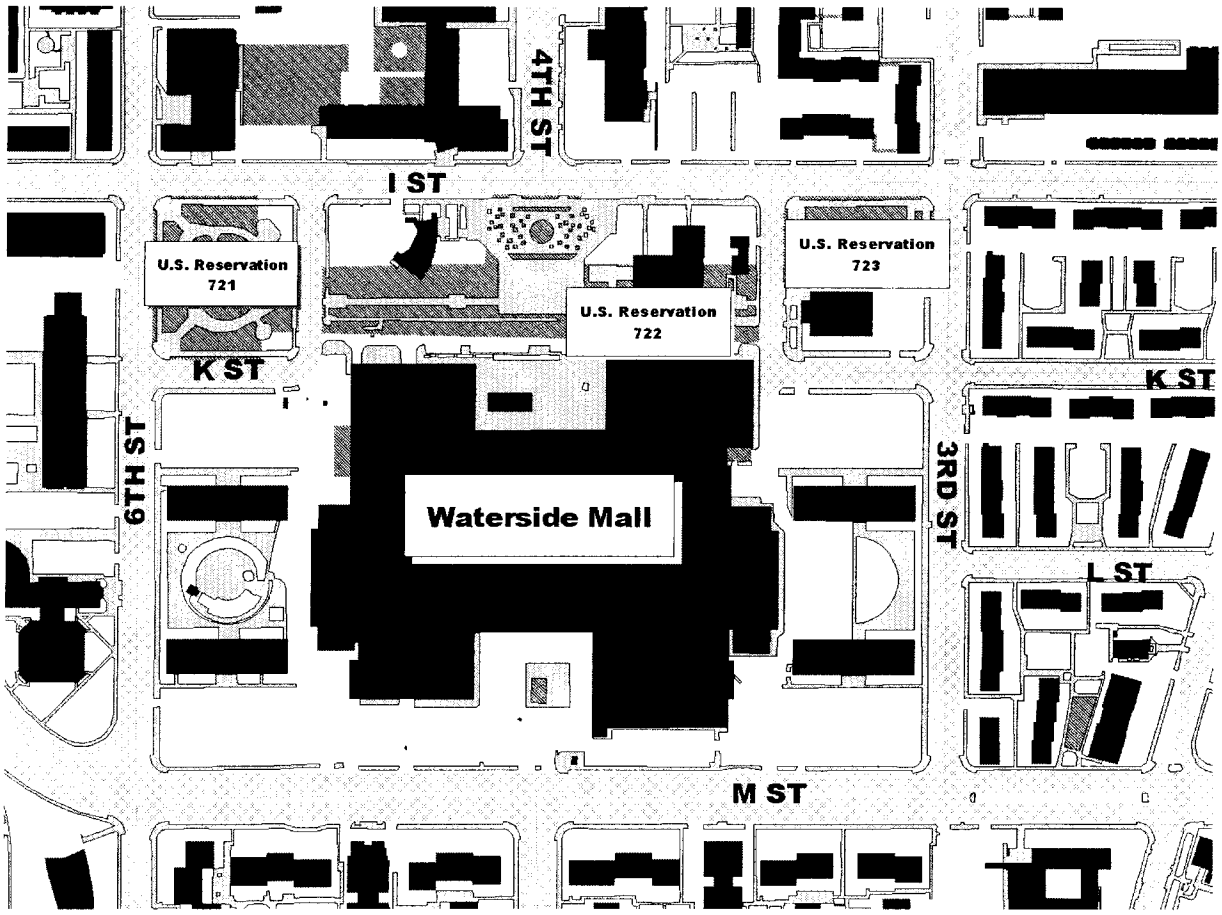
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BACKGROUND AND STAFF EVALUATION

DESCRIPTION OF THE PROPOSAL

The District of Columbia Zoning Commission has referred the zoning text amendment to the Commission for federal interest review and comment. NCPC's role is to review and comment on the proposed amendment, considering whether it has an adverse affect on the federal interest.

The proposed action is a text amendment to Title 11 of the District of Columbia Municipal Regulations, and specifically Section 2521 - Southwest Urban Renewal Area. The property in which this regulation would apply is the site known as Waterside Mall, which is comprised of Lot 88 in Square 542 and Lot 60 in Square 499. The existing three and four story retail building on this site was constructed in various phases from the 1960's through 1985 as part of the former Southwest Urban Renewal Area. This particular portion of the Urban Renewal Area was considered Area "C" and was not zoned as the provisions of the Southwest Urban Renewal Plan controlled it. However, the Urban Renewal Plan expired in 1996, at which time the Zoning Commission established the site's current C-3-B (commercial) zoning. The following map depicts the general site location.



The proposed amendment addresses the potential reconstruction of 4th Street, SW as a public right-of-way to establish its connection between I Street and M Street. This right-of-way project is a component of a redevelopment program for the Waterside Mall site currently being pursued by the District of Columbia Office of Planning. As can be viewed from the map above, reconnecting 4th Street from I Street to M Street would bisect the Waterside Mall property, thereby creating two separate physical sites. Under this proposed regulation, if such action should occur, the Waterside Mall property as described in the text amendment would be considered one site for zoning purposes. As a result, for any redevelopment that may occur on the property, its calculations for such zoning issues as floor-to-area ratio (FAR), lot coverage, etc. would be assessed as a whole and not as two separate developments. The proposed language does not specify whether the right-of-way would be restricted to pedestrian traffic or vehicular traffic, as it simply refers to the creation of a "public right-of-way". The Notice of Proposed Rulemaking containing the exact text of the proposed amendment is an attachment to this report.

PUBLIC PARTICIPATION

A public hearing was held on this proposed Zoning Commission action on Thursday, May 2, 2002 to obtain public comment. At that time, it was reported by the Office of Planning that Advisory Neighborhood Commission 2D (ANC-2D) was in support of the proposed text

amendment. However, since that time a letter has been submitted by ANC-2D's Chairman stating that a re-vote was conducted on May 13th and that ANC-2D was now opposed to the proposed text amendment. According to submissions made by the ANC-2D, they have concerns regarding the overall development of the site, including potential bulk and massing of new buildings, as well as opportunities for pedestrian access.

OFFICE OF PLANNING REPORT

The District of Columbia Office of Planning has recommended approval of this text amendment, as it is consistent with the planning goals of the Waterside Mall redevelopment area.

FEDERAL INTEREST EVALUATION

The zoning action currently being reviewed does not provide approval for the 4th Street, SW reconnection but it acts as a zoning incentive for the property owners of Waterside Mall to work with the District of Columbia in that project. If the street reopening were to move forward, the National Capital Planning Commission would have to review and approve any transfer of federal property that would be necessary for its success. That being said, given that this zoning amendment is part of an effort to spur the completion of the 4th Street extension, it is critical that NCPC review and comment on what impact the street reopening would have on the relevant federal interests.

The relevant federal interests associated with this proposal include U.S. Reservations 721, 722, and 723, which are currently under the jurisdiction of the National Park Service, as well as M Street SW, a designated Special Street under the Federal Elements of the Comprehensive Plan. Additionally, the Environmental Protection Agency office is located within the subject site, however, that agency is continuing to relocate its operations and facilities to Pennsylvania Avenue, NW.

Staff commends the District of Columbia for its efforts in restoring a part of the urban fabric of the original L'Enfant City by pursuing the reconnection of 4th Street. This historic street system was disturbed by the urban renewal efforts of the 1960's and reverting the street pattern to its original form is an appropriate first step in reconnecting the Southwest neighborhoods to the monumental core and improving the character of this area.

In order for the reopening of 4th Street to be completed, a portion of U.S. Reservation 722 would have to be transferred to the District of Columbia for public right-of-way purposes. The District of Columbia Office of Planning (DCOP) has begun negotiations with the Park Service to facilitate this transfer. Within that process, the Park Service has issued a letter to the DCOP stating that they are agreeable to the transfer of U.S. Reservation 722, and in fact wish to transfer the surrounding Reservations (721, 723) to DCOP for use in the Waterside Mall redevelopment project. It is staff's view that this is a responsible way to accommodate a flexible design process for the reuse of the Waterside Mall site, and that any loss of the open space from these federal reservations be replaced in any proposed redevelopment proposal.

An additional assessment of the 4th Street reopening is the consideration of its impact on M Street, which is a designated Special Street under the Federal Elements of the Comprehensive Plan. The reconstruction of 4th Street would provide a direct link from I Street to M Street, thereby creating the 4th Street corridor, terminating at Fort McNair to the south. Staff feels that this connection will pose no adverse impact to M Street, however, it is critical that when the design of the new portion of 4th Street is being considered that provisions for alternative modes of transportation (e.g. bike lanes, pedestrian facilities, etc) be a component of that facility. This would assist in increasing access to the Waterside Metro Station (Green Line) located at the Mall site, as well as promote increased access to the revitalized districts of M Street and South Capitol Streets to the east.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The proposed zoning change would impact U.S. Reservation 722 if 4th Street, SW, were reopened. However, the National Park Service (NPS) has indicated that it is not essential that U.S. Park Reservations 721, 722, and 723 be retained in their inventory and that these reservations could be appropriately conveyed to the city for use in the redevelopment of Waterside Mall. As there are no other Federally owned properties nearby, development that could accrue from the proposed zoning change would not otherwise adversely affect the Federal interest. The District of Columbia's Generalized Land Use Map designates the Waterside Mall area for medium-density commercial use and the adjacent U.S. Park Reservations for parks, recreation and open space.