NCPC
NATIONAL CAPITAL PLANNING COMMISSION

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Patricia E. Gallagher, AICP

IN REPLY REFER TO:
NCPC File No. Z.C. 02-38

JUL 17 2003

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

Members of the Commission:

The National Capital Planning Commission, at its meeting on July 10, 2003, approved the enclosed action to the Zoning Commission for the District of Columbia on the proposed first stage Planned Unit Development and related rezoning at 401 M Street, SW, Waterside Mall. Also enclosed, for your information, is a copy of the Staff Recommendation for the project.

Sincerely,

Patricia E. Gallagher, AICP
Executive Director

Enclosures

bc: Carol Mitten, Chairwoman
DC Zoning Commission

ZONING COMMISSION
District of Columbia
Case 02-38
Exhibit 120

ZONING COMMISSION
District of Columbia
CASE NO.02-38
EXHIBIT NO.120

COMMISSION ACTION

NCPC File No. ZC 02-38

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

FIRST STAGE PLANNED UNIT DEVELOPMENT AND RELATED ZONING MAP AMENDMENT TO THE ZONING MAP OF THE DISTRICT OF COLUMBIA AT 401 M STREET IN SOUTHWEST WASHINGTON, D.C.
(WATERSIDE MALL)
(Square 499, Lot 60, and Square 542, Lot 88)

Submission by the Zoning Commission of the District of Columbia

July 10, 2003

Commission Action Requested by Applicant

Approval of comments pursuant to Section 8 of the National Capital Planning Act (40 U.S.C. § 8724(a)) and D.C. Code § 2-1006(a).

Commission Action

The Commission concludes that the proposed first stage Planned Unit Development and related rezoning, from C-3-B (commercial) to C-3-C (commercial), at 401 M Street, SW to allow for the mixed use redevelopment of Waterside Mall subject to the guidelines, conditions, and standards established by the Zoning Commission, would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Deborah B. Young
Secretary to the National Capital Planning Commission

STAFF RECOMMENDATIO

NCPC File No. ZC 02-38

NCPC
NATIONAL CAPITAL PLANNING COMMISSION

FIRST STAGE PLANNED UNIT DEVELOPMENT AND RELATED ZONING MAP AMENDMENT TO THE ZONING MAP OF THE DISTRICT OF COLUMBIA AT 401 M STREET IN SOUTHWEST WASHINGTON, D.C. (WATERSIDE MALL)

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

Submission by the Zoning Commission of the District of Columbia

July 3, 2003

Abstract

The Zoning Commission has taken a proposed action to approve a first stage Planned Unit Development (PUD) and related zoning map amendment from C-3-B (commercial) to C-3-C (commercial) at 401 M Street, SW to allow for the redevelopment of the Waterside Mall property into a mixed use office, retail and residential development. The project also includes the reopening of the 4th Street roadway, connecting from Eye Street, SW to M Street, SW. The site is bordered by M Street, SW on the south, Eye Street, SW on the north, Makemie Place, SW on the east and Wesley Place, SW on the west. The new 4th Street extension bisects the property through its center.

Federal Interests

The identified federal interests relevant to this project include 4th Street and M Street, both of which are historic L'Enfant Streets and Special Streets under the Comprehensive Plan for the National Capital, and are located within direct proximity of the development. Additional federal interests in this case include U.S. Reservations 721, 722, and 723, which are currently under the jurisdiction of the National Park Service and located to the north of the site.

Commission Action Requested by Applicant

Approval of comments pursuant to Section 8 of the National Capital Planning Act (40 U.S.C. § 8724(a)) and D.C. Code § 2-1006(a).

Executive Director's Recommendation

The Commission concludes that the proposed first stage Planned Unit Development and related rezoning, from C-3-B (commercial) to C-3-C (commercial), at 401 M Street, SW to allow for the mixed use redevelopment of Waterside Mall subject to the guidelines, conditions, and standards established by the Zoning Commission, **would not adversely affect** the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

* * *

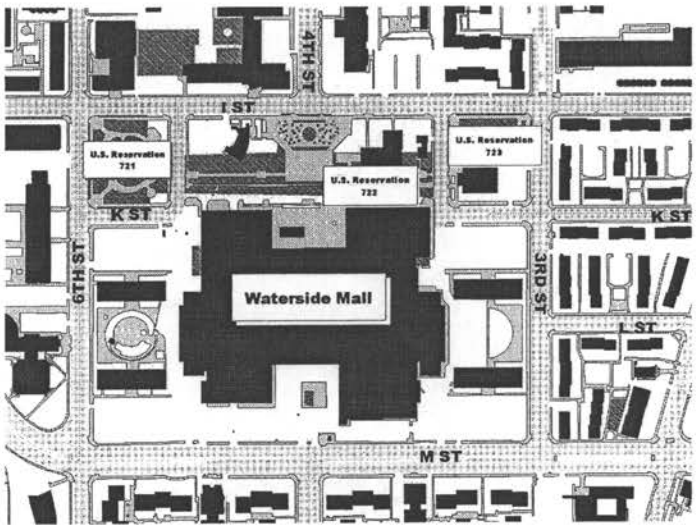
BACKGROUND AND STAFF EVALUATION

The District of Columbia Zoning Commission has referred the proposed first stage PUD and related zoning map amendment to the National Capital Planning Commission for federal interest review and comment. An objective of the PUD process is to permit flexibility of development in return for the provision of superior public benefits, provided that the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. NCPC's role is to review and comment on the proposed project, considering whether the proposed project has any adverse affect on the surrounding federal interest.

Description of the Proposal

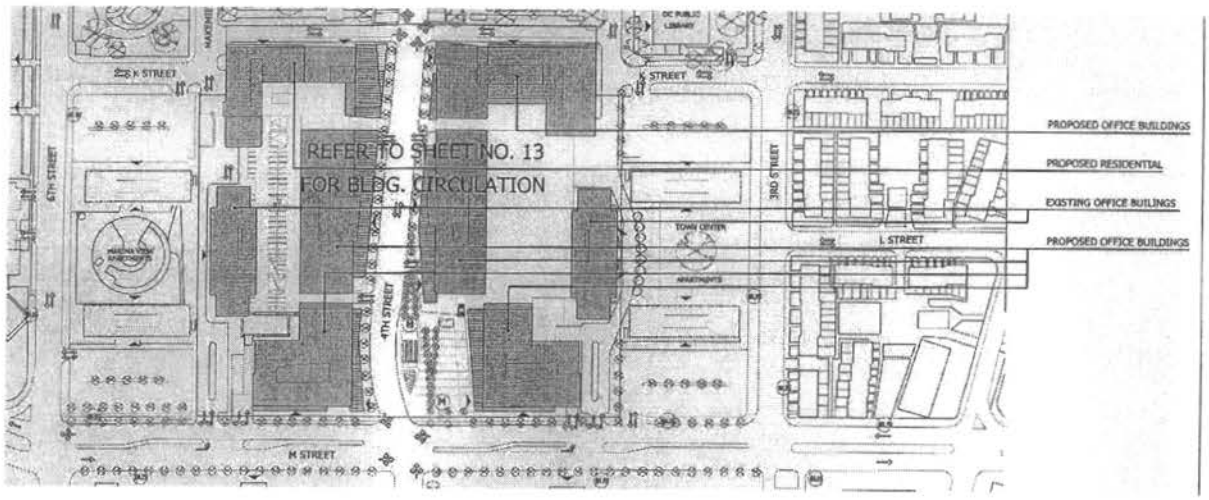
The proposed action consists of enacting a Planned Unit Development overlay on and rezoning of a portion of approximately 13.42 acres of land known as Waterside Mall. Waterside Mall was developed through the Southwest Urban Renewal Plan (expired in 1996) in the early 1970s. Originally the development served as a retail/town center that also included two office towers. These spaces were occupied by the Environmental Protection Agency for approximately 30 years, but have since been vacated. Similarly, the retail spaces have experienced high vacancy rates over the past decade and the mall has become underutilized. **In the original development of the property, the 4th Street right-of-way, connecting between Eye Street and M Street was transferred to private ownership and was dissolved into the mall development**. The main mall building is approximately 45 feet in height and the two office towers measure approximately 130 feet height.

The site is located within the original L'Enfant city, just two blocks east of the Washington Channel waterfront in Southwest Washington, DC. The following map illustrates the site's general location.

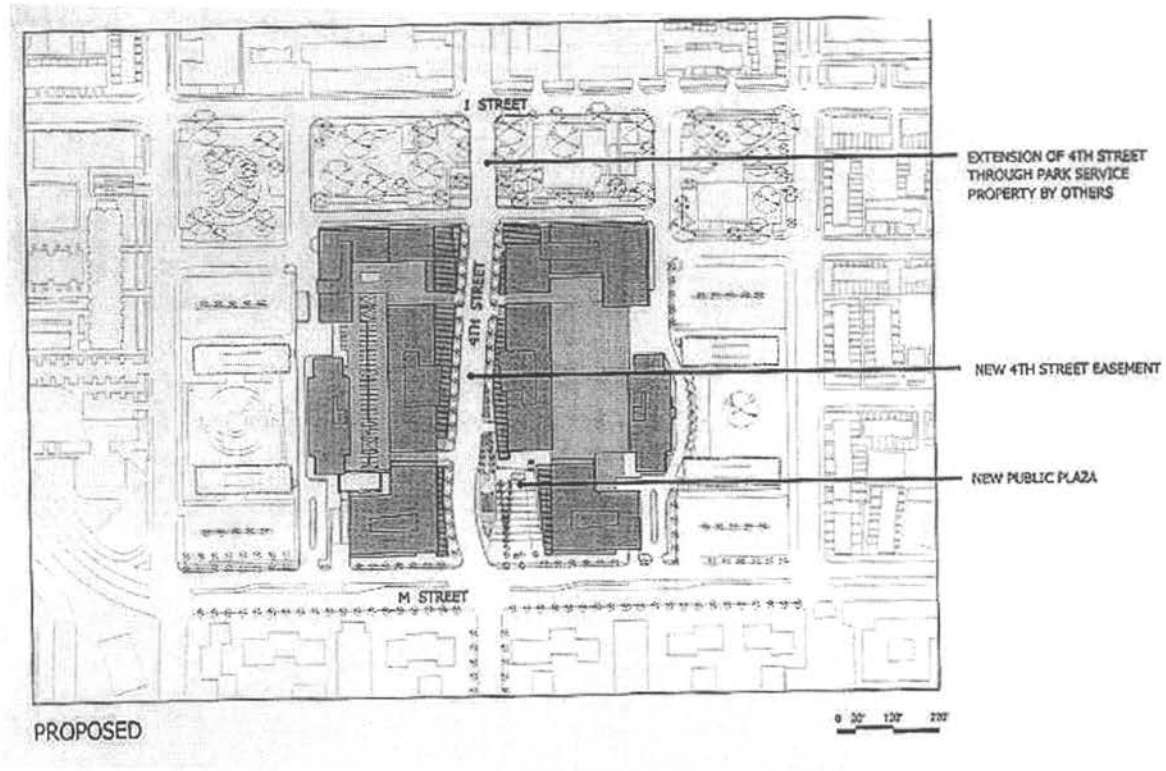


The proposed Zoning Commission action will establish base zoning for the site and approve the first stage of a two-stage Planned Unit Development process. In this phase, the project is receiving approval for underlying zoning, land use and general massing and location of buildings. The general intent is to redevelop the Waterside Mall into a mixed-use development, bisected by a new 4th Street extension to be constructed by a 90-foot-easement through the property. The first stage PUD consists of approximately 400,000 square feet of residential space, 2,126,500 square feet of commercial/office space for a total of approximately 2,526,500 square feet of space. The 4th Street frontage will consist of residential development with street level retail spaces. The buildings will not exceed 112 feet in the residential or commercial/office spaces. The total Floor to Area Ratio (FAR) of the site will be 4.33.

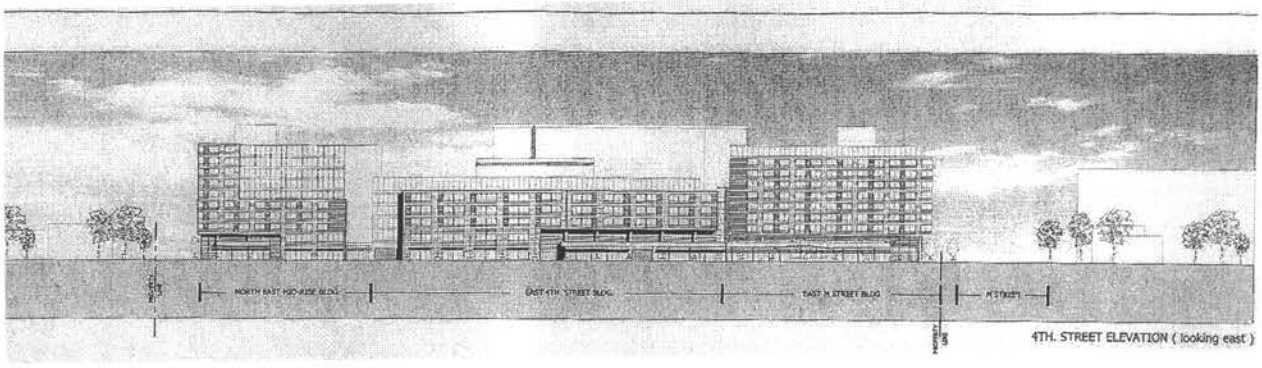
The buildings are organized in a similar pattern on both blocks divided by the new 4th Street extension. The office/commercial uses will be concentrated on the northern, southern as well as in the renovated existing towers on the exterior portions of the site, with the residential and some retail being concentrated in the interior. The development is being built around the existing Waterfront Metro Station (green line), which will remain in an open plaza on the southern portion of the site. Furthermore, a parking area will be located in the center of the west block and will contain 1,335 parking spaces. Below is the general context plan showing the building lay outs and their use:

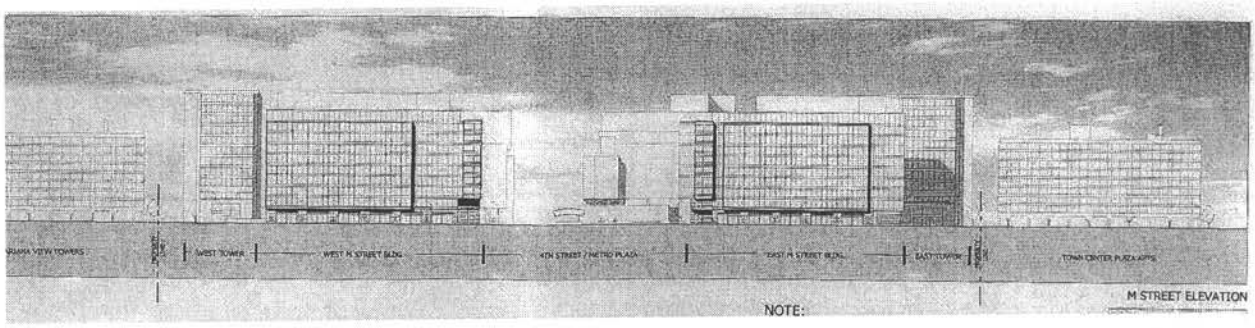


Below is a diagram showing the proposed 90-foot-easement for the 4th Street roadway and how it relates to the building footprints. Fourth Street curves at the southern edge to accommodate the existing Metro Station.



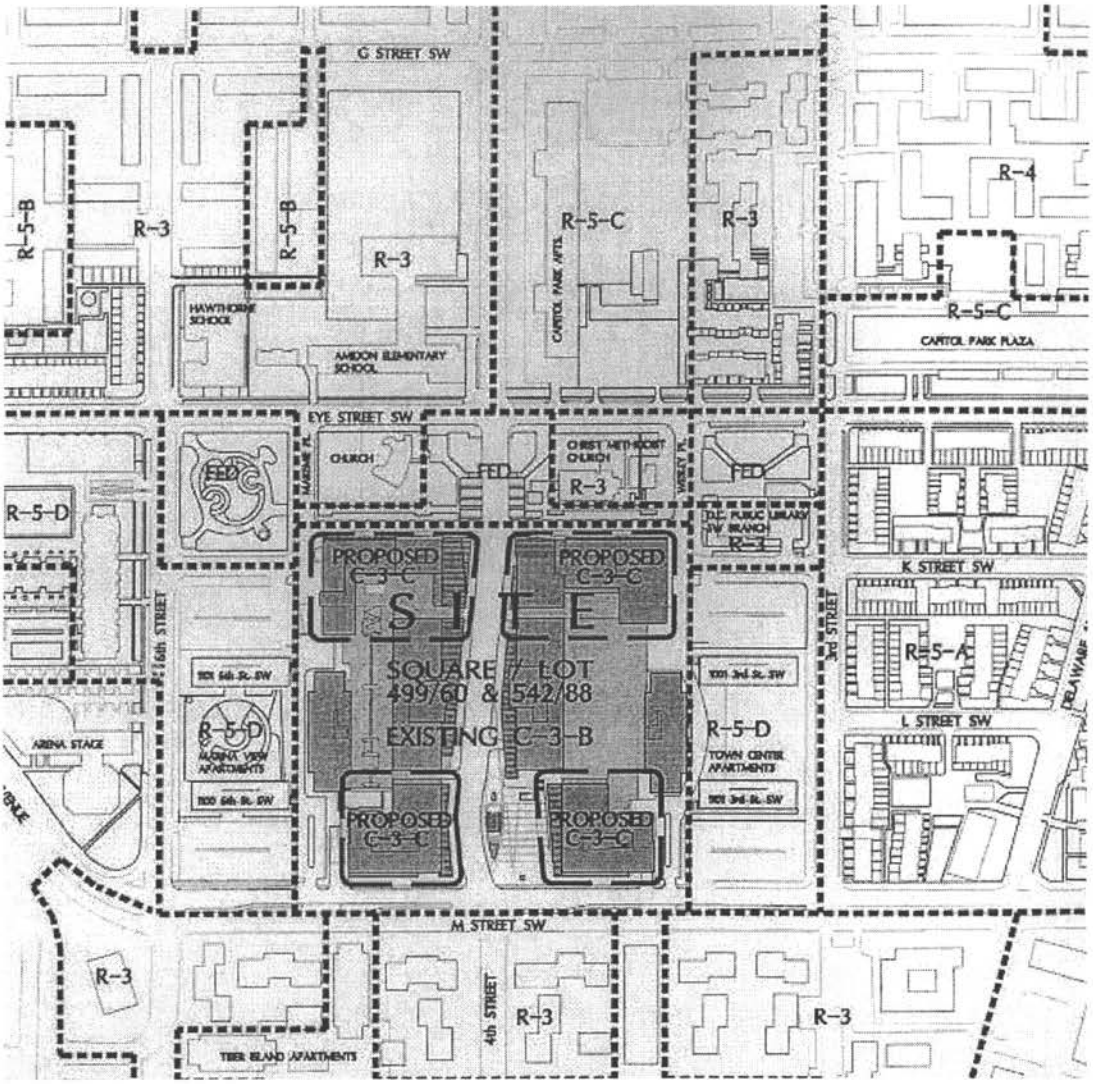
Although the final design will be subject to a second phase Planned Unit Development approval, the applicant has supplied draft elevations into the record. The elevations have not been approved as part of the Zoning Commission action and are for illustrative purposes only.





Zoning Analysis

The proposed Zoning Commission action will approve a first stage Planned Unit Development as well as change the underlying zoning designation for a portion of the site. This area, which is generally located at the four corners of the development will be changed from C-3-B to C-3-C. The following diagram shows the rezoning area:



The C-3-C zoning classification is a high-density commercial zoning which allows up to 8.0 FAR of commercial or residential development. It is being applied at the corners of this development so as to allow the project greater density at its edges. Comparatively, the C-3-B zoning is a less intense commercial zoning that allows up to 4.0 FAR of commercial development and up to 5.0 FAR of residential. This is being applied in the interior of the site where the residential uses are being concentrated.

District of Columbia Office of Planning Report

The District of Columbia Office of Planning (DCOP) issued a report on this project dated February 6th, 2003. In that report DCOP recommended approval of this proposed first stage PUD and rezoning action. Among other factors, DCOP cited the project's consistency with the District of Columbia Elements of the Comprehensive Plan, and its consistency with the City's objectives for the Southwest Waterfront and the Anacostia Waterfront Initiative.

District of Columbia Department of Transportation Report

In March of 2003, the District of Columbia Department of Transportation (DDOT) issued a report on this project and in particular the reconstruction of the 4th Street roadway. DDOT specifically stated in its report that 4th Street should be reconstructed as a roadway and not as a pedestrian walkway, but supports maintaining a pedestrian friendly character in the design of the street. These include designing only two travel lanes, raised pedestrian crosswalks and other design features.

Public Process

The Zoning Commission opened its public hearing regarding this case on February 13, 2003 and concluded the proceeding on March 31, 2003. The Zoning Commission at its June 9th public meeting took the proposed action. Through the public hearing process the local Advisory Neighborhood Commission 2D (ANC 2D) testified in opposition of this case.

Previous Commission Actions

In July of 2002, the National Capital Planning Commission reviewed case 01-35. This was a proposed action of the Zoning Commission which amended Chapter 25 of the District of Columbia Zoning Regulations by adding language that entitles the Waterside Mall property to remain designated as one overall site for zoning purposes, if the 4th Street right-of-way were to be restored bisecting the property. The Commission concluded that the text amendment would have no adverse federal interests and made the following related recommendations/comments to the Zoning Commission:

- Commended 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.

- Recommended 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.

- Encouraged 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.

- Recommended 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.

Federal Interest Evaluation

The focus of evaluating proposed Zoning Commission actions involves assessing the impact the proposed action will have on any local federal interests. The federal interests regarding this proposed PUD and rezoning action include 4th Street and M Street, both of which are historic L'Enfant Streets and designated Special Streets under the Comprehensive Plan for the National Capital and additional federal interests in this case include U.S. Reservations 721, 722, and 723, which are currently under the ownership of the National Park Service are located to the north of the site.

It is staff's determination that the proposed Planned Unit Development and rezoning action will not adversely affect the identified federal interests. Staff fully supports the reconnection of the 4th Street roadway into the historic L'Enfant fabric. Staff recognizes that the street cannot be a straight roadway as preferred on a definite north-south axis as it was originally dedicated because of the existing Metro Station, which is built in the original right-of-way and presents an immovable obstacle in the reconstruction process. Further, staff has concerns with the preliminary design presented because a portion of the building reaches into what historically had been the original right of way of 4th Street under the L'Enfant Plan. This land is now in private ownership after being conveyed to private hands through the previous Southwest Urban Renewal Plan. It is no longer public space. The roadway is being constructed by dedicated easement through private land and will not become public right-of-way in title. Further, the original right-of-way is currently not a historically land marked site under the current L'Enfant right-of-way inventory. These challenges of private ownership and the prior existence of the Metro Station, present justification in reestablishing the 4th Street connection as proposed, and staff concludes that the reconnected street furthers the purpose of reestablishing the L'Enfant right-of-way.

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 roadway purposes. The District of Columbia Office of Planning has begun negotiations with the Park Service to facilitate this transfer and the Park Service has issued a letter to the DCOP stating that they are agreeable to the transfer of U.S. Reservation 722, however this transfer has not occurred yet. It is staff's position that this land was used for the original 4th Street extension between Eye Street and M Street before the 4th Street connection was lost. As there is a strong federal interest in reconstructing the surrounding L'Enfant street grid, it is appropriate to return this land to its original use. Furthermore, the remaining National Park Service reservations (721, 723) are being utilized as church facilities through an agreement with the Park Service. As such, the proposed redevelopment of Waterside Mall would not adversely affect the federal interests in this area.