GOVERNM_ JT OF THE DISTRICT OF COLUMB
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: Andrew Altman
Director

DATE: October 18, 2002

ZONING COMMISSION
District of Columbia
Case 02-38
Exhibit 15

2002 OCT 18 PM 5:28

SUBJECT: Preliminary Report on Zoning Commission Case Number 02-38, a Proposed First Stage Planned Unit Development and Zoning Map Amendment for redevelopment of the Waterside Mall

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BACKGROUND

The referenced first stage planned unit development and zoning map amendment application involves 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).

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.

APPLICANT'S PROPOSAL

The Kaempfer Company, Inc., and Forest City Enterprises, Inc. entered into an agreement with the existing ground lessee of the subject property, Waterfront Associates LLC (collectively, the applicant) in order to form a joint venture that would renovate and expand the Mall. With the 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

Total existing development on the two lots that form the Mall site equals approximately a 2.14 floor area ratio (FAR), well below the maximum 4.0 FAR for commercial uses, and 5.0 FAR allowed for residential uses and mixed uses in C-3-B as a matter of right. The 130-foot height of the office towers would normally make the subject property non-conforming because this height

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nearly doubles the 70 feet allowed in C-3-B. However, these building are deemed conforming under Section 2521.1 (e) of the Zoning Regulations (refer the Exhibit 2).

The applicant's proposal would redevelop the site with a combination of office, retail and residential uses:

- A minimum of 75,000 square feet of ground floor retail uses along the M Street frontage and the reopened 4th Street right-of-way;
- In excess of 2,051,000 square feet of office space for a total of 2.1 million square feet of commercial uses (for a floor area ratio or FAR of 3.64);
- Approximately 400,000 square feet (or 0.69 FAR) of residential uses; and
- Parking for 1,335 vehicles above and below grade.

The overall 4.33 FAR is more that currently exists on the property, but less than the 5.5 FAR (up to 4.5 FAR of commercial uses) allowed under current zoning. This proposal does require zoning relief for the proposed additional building height for both renovated buildings and new construction. Although the existing office towers are "grandfathered", proposed construction would be from 79 to 112 feet, which is taller than the 70 feet allowed under current zoning, but below the 130 feet allowed in C-3-C as a matter-of-right.

In light of these requirements, OP recommended that the applicant submit a PUD application including a zoning map amendment that would rezone portions of the subject property to C-3-C.

PROPOSED PLANNED UNIT DEVELOPMENT
The applicant anticipates that this development will involve as many as nine phases (including some involving renovation of the existing buildings). Staff was concerned that site development introduce a housing component as soon as possible. Negotiations with the applicant developed the following options for providing the various use :

- After 1.6 million square feet of new and renovated office (including at least 75,000 square feet of retail floor area) has been redeveloped, the applicant shall obtain a Certificate of Occupancy (CO) the first 200,000 square feet of residential uses. At this point, the applicant may obtain a Certificate of Occupancy for all of the remaining 500,000 square feet of new office construction, so long as they simultaneously present a Certificate of Occupancy for the final 200,000 square feet of residential. In this case, the project would total 2.1 million square feet of office and 400,000 square feet of residential use.

- Alternatively, after 1.6 million square feet of new and renovated office has been developed, the applicant may choose to develop less than 500,000 square feet of new office. In this event, the applicant cannot get a CO for the next 250,000 square feet of office space (to go from 1.6 to 1.85 million square feet) without a CO for the first 200,000 square feet of residential. This would allow for a total of 1.85 million square feet of office and 200,000 square feet of residential.

- If the applicant chooses to develop additional office square feet beyond the 1.85 million square feet of office, the applicant can get a CO for the 200,000 square feet between 1.85 million and 2.05 million square feet of office by presenting a CO for an additional 200,000 square feet of residential. At this point the total would be 2.05 million in commercial square feet and 400,000 of residential square feet. Once this has been completed, the applicant may develop further office square footage without a further residential requirement.

Staff will continue to work with the applicant to address following issues:

- Status of existing retail establishments: The community has expressed concerns about what happens to businesses currently located in the Mall during this extended renovation/construction period. Staff will work with the applicant and appropriate agencies to address the status of these establishments during and after the construction period, and after the new retail space is completed.

- Urban design: Staff will be working with the applicant to address project design with particular emphasis on building (retail) facades along M Street and the reopened 4th Street right-of-way. The applicant's PUD application includes proposed urban design standards that would be applied to this development. OP staff will work with the applicant to further refine these standards so that the final product will provide an exceptional main street for this multi-neighborhood center.

The applicant has prepared a traffic analysis that looks at the overall impact of the proposed development on the surrounding street network. The D.C. Department of Transportation is also undertaking a study focusing on the issue of the reopening the 4th Street right-of-way, related neighborhood impacts, and appropriate vehicular and pedestrian design standards. This issue will be addressed outside of this PUD application process, but the results will be included in the OP final report.

In a related action, the Zoning Commission approved Zoning Commission Case No. 01-35 in October 2002, adding a new Section 2521.1(h) to the Zoning Regulations to allow the central structure of the Mall to be considered one structure for zoning purpose when the center portion is demolished to reopen the former 4th Street right-of-way.

RECOMMENDATION
The Office of Planning recommends that the Zoning Commission set down this application for a public hearing. OP will be presenting a more detailed report addressing the referenced issues prior to the public hearing.

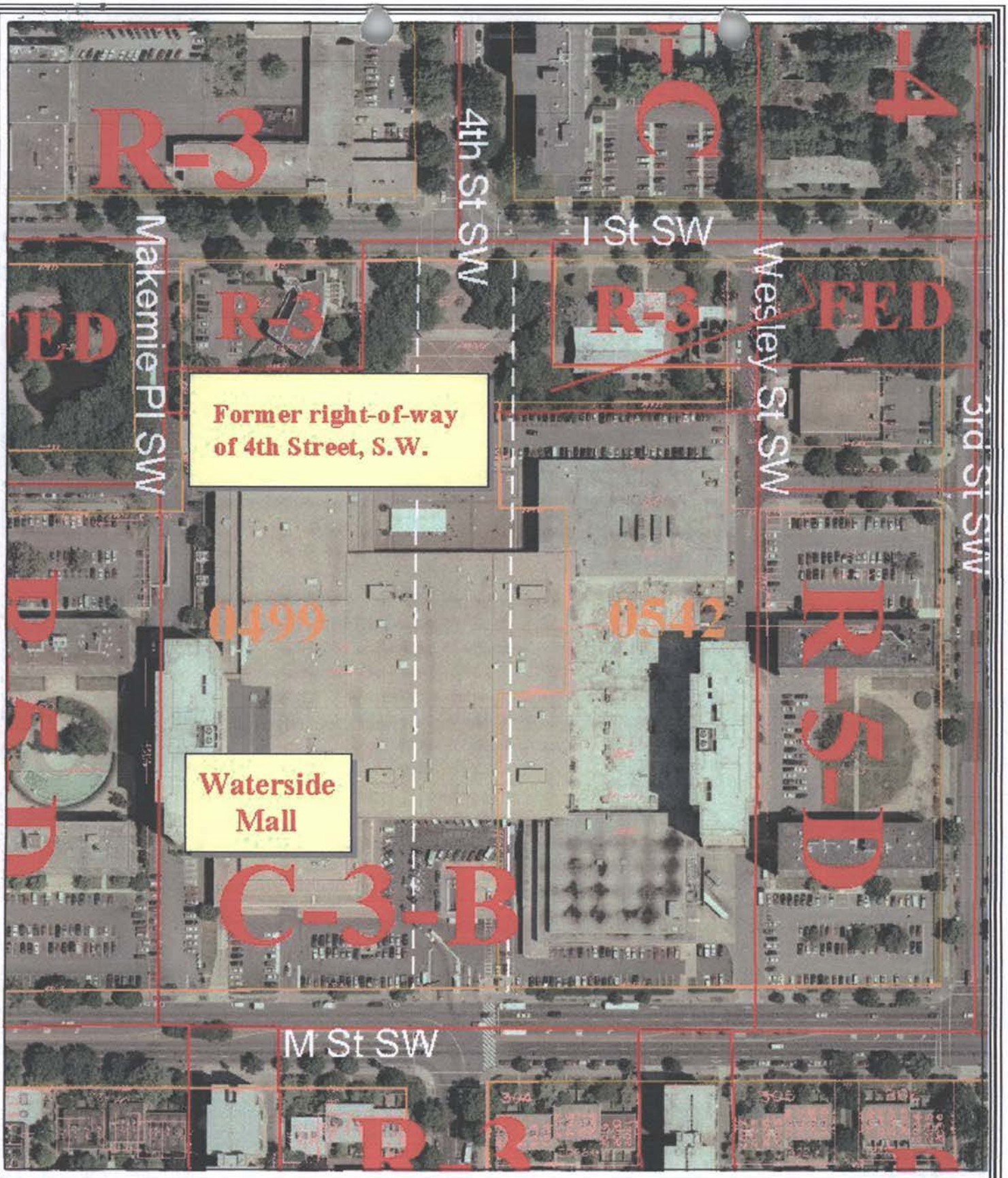
AA/afj

Attachment: Exhibit 1 Aerial Map with Zoning
Exhibit 2 Pertinent Zoning Regulations

2521 SOUTHWEST URBAN RENEWAL AREA

2521.1 The following exceptions to development controls shall apply to specified properties located in the former Southwest Urban Renewal Area, an area that was geographically delineated and regulated for development by the District of Columbia Redevelopment Act of 1945, P.L. 79-592, 60 Stat. 790, and the several Urban Renewal Plans adopted pursuant thereto, until the development controls expired in 1992 through 1996:

(a) A lot in a W-1 District shall be permitted a maximum FAR of 2.0 for commercial or nonresidential uses;
(b) A lot in a W-1, R-3, R-5 or C-3 District shall be permitted to provide all or a portion of its parking requirements on a different lot, provided that the required parking shall be located within 300 feet of any part of the lot that generates the parking requirements;
(c) In a W-1 District an addition to a hotel existing as of November 20, 1998, shall be permitted a maximum height of 62 feet, D.C. datum;
(d) In Square 536 in the C-3-C District, a building shall be permitted a maximum FAR of 8.0 and a lot occupancy of 100 percent; no rear or side yard requirement shall apply;
(e) A building or structure that was built prior to the effective date of adoption of zoning for the Southwest Urban Renewal areas which conformed to the height, area and bulk provisions of the Urban Renewal Plans shall be considered a conforming structure under these 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; ...



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