GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

ZONING
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FINAL REPORT

DATE: August 25, 2003

TO: District of Columbia Zoning Commission

FROM: Andrew Altman, Director OP

SUBJECT: **Zoning Commission Case # 03-06 – Final Report**

Map amendment to zone un-zoned lands known as the Southeast Federal Center site to CR, R-5-E, R-5-D and W-0; and text amendment to create a new SEFC Overlay District.

Squares 743, 744, 802, 826, 853, portions of 771 and 801, and a portion of land south of Squares 771 and 802, bounded by the Water and Sewer Authority facility to the west, the Washington Navy Yard to the east, and the Anacostia River to the south.

Ward 6, ANC 6D.

APPLICANT: Federal General Services Administration

I. RECOMMENDED ACTION:

The Office of Planning recommends that Zoning Commission Case #03-06, a petition from the General Services Administration for a proposed map amendment for the Southeast Federal Center site for initial zoning of CR, R-5-E, R-5-D and W-0 be approved; and that text amendment to create a new SEFC Overlay District be approved as amended by the Office of Planning.

II. BACKGROUND

At its February 24, 2003 meeting, the Zoning Commission voted to set down for Public Hearing this application for a zoning map and text amendment for the Southeast Federal Center (SEFC) site. The land is currently federally owned and administered by the GSA, which has been granted the authority to plan and contract for private use and development of the site, thus making it subject to District zoning. The application represented the culmination of many years of intensive discussion between the Federal General Services Administration (GSA) and the Office of Planning (OP) on how best to plan for this land resource, to meet GSA and District objectives for the site and the city, to ensure that it reinforces the historic fabric of the District, and to provide vital view corridors and access to the waterfront. The report from the Office of Planning, dated February 14, 2003, provided a description of the proposal, as well as additional background pertaining to area planning initiatives and other development occurring in the vicinity of this site. At the set-down meeting, the Commission discussed a number of issues for which clarification was requested; these issues are discussed in Section X of this report.

III. THE SITE – see also Context / Location Plan - Attachment I

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The Southeast Federal Center site is bound generally by M Street SE to the north; 1st Street SE to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The northern boundary of the SEFC is only one mile from the U.S. Capitol. Expansive views across and along the river make this a highly desirable, visible and

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unique site in Washington. The site is approximately 43 acres in size, not including an 11-acre parcel on M Street SE proposed for a new U.S. Department of Transportation (USDOT) Headquarters, which is the subject of a separate PUD application (ZC Case #03-05, Public Hearing scheduled for September 18, 2003). The Navy Yard Metro Station is located next to the SEFC site at the corner of New Jersey Avenue and M Street SE.

The southeast waterfront was envisioned in the L'Enfant Plan as a major port and industrial center. Over time, portions of the river shoreline were filled in and the area was developed with wharves, small factories, shipbuilding facilities, and dwellings. In the early part of the 20th century, the Navy acquired the site and it was used in wartime and post-war production activities until being transferred to the GSA in 1962. While most of the buildings have been demolished, there are some remaining historically and architecturally significant buildings. Over 50% of the site is within the 100-year flood plain and much of the area is fill material, particularly in the east and south portions. GSA has indicated a commitment to bringing the site into full EPA compliance, and has undertaken extensive environmental remediation, preparing the site to a residential standard. Seawall reconstruction, completed in 2002, will allow for increased use along the riverbank, and the completion of an Environmental Impact Statement (EIS) is anticipated in mid September, 2003.

IV. PROPOSAL - refer to Zoning Map Attachment II and Development Chart Attachment III.

The vision for the site is of a high-density, mixed-use neighborhood with new residential, office, retail and cultural development, and a significant new park along the waterfront. The petition by the GSA is to establish zoning in conformance with this vision. Neither the applicant nor OP propose additional amendments to the originally proposed base zones, although the applicant has submitted a detailed metes and bounds description of the proposed zoning district boundaries, as well as a survey map which shows the boundaries. OP has requested from the applicant a survey map which shows the proposed boundaries with references to existing site features, prior to commenting on the acceptability of the exact boundary lines. A preliminary analysis indicates that the lines generally conform to the intent of previous discussions, but that some of the boundary lines, in particular ones closer to the waterfront, may require adjustment. Proposed zones are CR (Mixed-use Residential, Office and Retail) generally adjacent to M Street SE; W-0 (Waterfront Open Space) along the Anacostia River; and R-5-E (High-Density Residential) and R-5-D (Medium-High Density Residential) at the core of the site.

A new SEFC Overlay is also proposed to establish site-specific regulations pertaining to the use, density, and siting of buildings, and is intended to provide a balance of design flexibility and control. Subsequent to the set down meeting, OP and the GSA continued to refine and clarify the proposed text. Recommended base zoning and the proposed SEFC Overlay would provide for the desired mixture of uses at an appropriate density, and would be consistent with the Comprehensive Plan, the Anacostia Waterfront Initiative, and other District planning initiatives for the area. A copy of the draft SEFC Overlay, with marked revisions from the originally proposed draft, is attached to the GSA pre-hearing statement. Amendments from the advertised draft are also discussed in Section VIII of this report.

V. SEFC PLANNING HISTORY

A detailed history of planning for re-development of this site and the surrounding area was provided in the February 14, 2003 OP report. In summary:

- 1992 - Master Plan for SEFC was adopted by the NCPC, for a federal complex for 23,000 office workers in 5.6 million square feet of office space with building heights of up to 130 feet.

- May of 2000 - " Near Southeast Workshop ", co-sponsored by the GSA and OP, resulted in over 200 community participants agreeing on a vision for the area as an "Urban Village" that integrates commercial uses with new housing, and which recovers the waterfront as an amenity for all to enjoy. The vision included creating a pedestrian oriented, mixed-use waterfront neighborhood at the SEFC site with parks, museums, offices, shops, restaurants, housing.

- November 2000 - Congress passed Congresswoman Eleanor Holmes Norton's SEFC Public-Private Development Act, which authorized the GSA to dispose of the SEFC site for private mixed-use development.

- 2001 - Illustrative Plan for the SEFC, prepared by a team of consultants for the GSA and OP, included a series of illustrative maps and plans which promoted development which would take full advantage of the existing waterfront context, allow for strong connections through the site and between surrounding neighborhoods and the water, and ensure that the site is not seen as an isolated development pocket.

- 2001 - Anacostia Waterfront Initiative Memorandum of Understanding was signed by twenty Federal and District agencies that own land or have jurisdiction along the Anacostia River, representing a commitment to create an active, cohesive, and well-planned Anacostia River waterfront. The vision of the AWI is of a clean and vibrant waterfront with parks, recreation uses, and places for people to meet, relax, encounter nature and experience the heritage of the waterfront. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and environment, and, where appropriate, increase access to the water and maritime activities along the waterfront.

- April 2002 - SEFC Request for Qualifications (RFQ) issued by the GSA. A short list of potential development teams has now been picked, and a Request for Proposals (RFP) to select the final development team has been developed by the GSA.

- November, 2002 - release of the Strategic Neighborhood Action (SNAP) plans, through which OP worked with citizens to identify top priority issues for each of the 39 Neighborhood Clusters in the city, to guide District government and citizen-led activities at a neighborhood level. Residents of Cluster 27, within which the SEFC site is located, identified affordable housing; Community Building and Human Development; Open Space, Recreation, and Environment; Neighborhood Economic Development; and Public Safety and Security as current priorities.

- April, 2003 - release of the Near Southeast Urban Design Framework which builds upon the issues arising from the 2000 workshop to tie the many Near Southeast area development sites together into one cohesive plan that recognizes the importance of an overall vision for this rapidly changing neighborhood. The Plan envisions an urban neighborhood that re-establishes historic Carrollsburg; provides unprecedented public access to the waterfront; encourages active, transit-oriented neighborhoods; and permits a combination of mixed-income housing, office, retail use and cultural destinations.

VI. COMPREHENSIVE PLAN

The Comprehensive Plan Generalized Land Use map shows this site as "Federal" (federal government uses other than park), with a narrow band of "Parks recreation and open space" along the river. An amendment to this map to indicate the new, private uses will be required once the zoning is in place and the land reverts from Federal ownership. The proposed W-0 District and Waterfront Park conform to

the open space designation along the riverbank.

As noted in the February 14, 2003 OP report, the proposal is considered by OP to further many of the Comprehensive Plan goals and objectives related to urban design, housing, economic development, and recreation, and addresses Ward 6 goals and objectives. In addition, the proposal furthers Comprehensive Plan relevant goals and objectives for the adjacent Ward 2, including:

- provide public access and use along the Anacostia River (§1317.1(d)(1));
- "*develop a major new residential community as part of a mixed-use development in the Buzzard Point/Near Southeast area*" (1327.1(c)(5);
- "*develop a major mixed-use community along the Buzzard Point waterfront, providing waterfront access and connections from adjacent areas, to the extent security concerns will permit*" (§§1348.1(e)); and
- "*connect the Ward 2 waterfront areas with a series of well-designed, well-landscaped, well-lighted, safe and secure bike trails and walkways*" (§1348.1(g)).

VII. PROPOSED SEFC AREA ZONING DESIGNATION – refer to Zoning Map (Attachment II)

The proposed zoning is intended to clearly support the vision of the SEFC site as one of the only immediately available parcels where high-density, mixed-use development and a significant waterfront park can be accommodated. OP feels that it is imperative that this level of density be maintained if the City is to realize a critical mass of housing on the waterfront, in the Near Southeast area, and citywide. The waterfront park will provide a vital and unique amenity for these residents, as well as for office workers and visitors to the site and the city. Four zoning districts are proposed:

(a) CR along and adjacent to M Street, which would permit medium - high density mixed office, residential and retail development;

(b) R-5-E in the center of the site, which would permit high density residential development;

(c) R-5-D to provide a lower density residential development as a transition between the higher density residential and the narrowest part of the Waterfront Park; and

(d) The new W-0 zone along the public waterfront area, which would permit park and open space as well as low density (0.5 FAR) for waterfront oriented recreational, retail and cultural uses.

VIII. PROPOSED SEFC OVERLAY – refer to the draft SEFC Overlay attached to the August 15, 2003 statement from the applicant.

While the base zoning provides for the required level of density, the new, draft SEFC Overlay is intended to provide additional guidance and flexibility so that the overall vision for the site can be realized. The draft SEFC Overlay would augment the zoning to:

- establish overall goals and objectives for the development of the site;
- establish building heights which are appropriate to the location within the site, conform to heights of surrounding development, provide important design flexibility, and provide for a "stepping down" of building height towards the park and the waterfront. Heights as proposed would provide opportunities for the designer / developer to better consider important view-sheds, the provision of ground level open space which addresses the pedestrian streetscape, creative responses the waterfront and historic context, and a more varied and interesting "roof-

scape" in new buildings that are being designed. Proposed maximum heights include:

- 130 feet for a building on New Jersey Avenue at the intersection with M Street, to conform to the potential heights of adjacent buildings (including the proposed USDOT building) and to reinforce this location as the entrance to the SEFC area; and
- 110' on other CR and R-5-E zoned properties, although Zoning Commission approval of the additional height would be required on some properties adjacent to the Navy Yard;
- 90' on the R-5-D parcel; and
- 40' within the W-0 district.

- require retail frontage along major streets and adjacent to the park to serve the large new resident, worker and visitor populations, and to provide streetscape vitality;
- permit combined lot development within the SEFC/CR District to vary the distribution of office and residential uses;
- permit combined lot development within the SEFC W-0 District to allow the creation of a large relatively undeveloped open recreation space (the "open space area") as well as a smaller concentration of waterfront and park enhancing retail (the "development area");
- permit the transfer of up to 0.5 FAR of commercial development to the site at the intersection of M Street SE and New Jersey Avenue;
- require Zoning Commission approval of all buildings fronting onto M Street or facing directly onto the waterfront park open space area, similar to the Capitol Gateway Overlay District; and
- establish basic review standards and guidelines, to provide direction to the developer, staff and the Zoning Commission in the review of applications.

The version of the SEFC Overlay included in the GSA Pre-Hearing Statement dated August 15, 2003 is identical in intent and similar in content to the one advertised, but incorporates a number of refinements resulting from discussion at the Zoning Commission set-down meeting as well as continued discussions between GSA and OP and members of the public. The statement includes a draft version of the SEFC Overlay with all of the changes marked, and a "clean" version with all of the changes incorporated.

The following table highlights changes (other than minor wording clarifications) and major reordering proposed. For ease of reference, both the current and the advertised section numbers are included.

Current Section #	Advertised Section #	Description of Proposed Change:
1802	1802	SEFC Overlay District Objectives – wording amendments for clarity, as well as the removal of §1802.6, which related to streetscape standards, considered outside the scope of the Overlay which regulates private lands.

Current Section #	Advertised Section #	Description of Proposed Change:
1803.1	1803.1	SEFC/CR Prohibited Uses: • remove "*chancery*" and "*embassy*", as such a prohibition would be inconsistent with the Foreign Missions Act of 1982. As will be discussed below, OP feels that these uses should instead be permitted by special exception. • add as prohibited uses "*College or University*" and "*Parking lot or garage as a principal use, located on or above grade, except as a temporary use as permitted by special exception in §1803.2*".
1803.2	1803.2	SEFC/CR Uses Permitted by Special Exception: • add "*Art Gallery*", "*Cabaret*", "*Dental Lab*", "*Temporary parking lot or garage as a principal use located on or above grade*", and "*Solid, freestanding wall and/or security gate exceeding a height of four feet, not including structural supports*" as uses consistent with the intent for the area.
1803.3	1809.1	Section permitting combined lot development within the SEFC/CR District relocated to this location for ease of reference.
1803.4(a)	1803.3(a)	SEFC/CR "Preferred Uses" - addition of "*This requirement shall not apply to buildings south of the historic wall along M Street in the event that the wall is retained.*" This is address the brick wall along the south side of M Street, which has historic value but is in poor structural condition. If it is retained, it would preclude the option of providing effective retail along this section of M Street.
1803.4(b)	N/a	Permit "preferred retail" uses to also be located other than where required in §1803.4(a), within the SEFC/CR District.
1803.4(c)	N/a	Permit most SEFC/CR special exception uses within the "preferred use" area.
1803.4(h)	1803.3(e)	Amend "preferred use" retail area required height to 15 feet clear, to correspond with current retail requirements and requirements found in other recent overlays.
1803.5	1803.4	Clarify that the 130' height would be permitted along New Jersey Avenue close to the intersection with M Street. This is to encourage an appropriate building height at the "gateway" intersection to the site, which corresponds to the potential height of other proximate buildings, including the USDOT building, in conformance to the Height Act of 1910.
1803.6	1803.5	Clarification, and addition of a clause that outlines the intent of special exception review for buildings greater than 90' in height adjacent to the Navy Yard.
1803.8	1808.1	Relocated for ease of reference, to remove regulations from the design standards section, and to consolidate regulations within the appropriate zoning district.
1803.9	1808.2	ibid
1803.10	1808.3	ibid
1803.11	1808.8	ibid

Current Section #	Advertised Section #	Description of Proposed Change:
1803.12	N/a	New section to relax the required residential recreation space, from 15% to 5%, and to permit the developer to "concentrate" space required for individual buildings on a square. An OP survey of recent developments and proposals for which residential recreation space is required indicates that very few developments provide this amount; the average being approximately 5%. The regulation is also intended to encourage the provision of publicly accessible park and recreation space, and public amenities that can better serve the social and recreational purposes for all residents of the area.
1804.1	1804.1	SEFC/R-5-D & E Prohibited Uses: • remove "*chancery*", "*embassy*", and "*mass transit facility*" as prohibited uses. As will be discussed below, OP feels that these uses should instead be permitted by special exception. • add "*College or University*", "*One family dwelling or flat*", and "*Parking lot or garage as a principal use, located on or above grade, except as a temporary use as permitted by special exception in §1803.2*".
1804.2	1804.2	SEFC/ R-5-D & E Uses Permitted by Special Exception: • add "*Solid, freestanding wall and/or security gate exceeding a height of four feet, not including structural supports*" and "*Temporary parking lot or garage as a principal use located on or above grade*"; • amend and combine the "*Arts or cultural*" and "*hotel*" uses, and add flexibility in siting these uses while limiting the total amount to ensure the preservation of an overall residential character for the area.
1804.3(b)	N/a	New section, similar to one in the SEFC/CR District, to permit temporary (5 year maximum) occupancy of required "preferred use area" by another use.
1804.3(c)	1804.3(b)	Addition of a clause such that, if non-required "preferred use" area is provided, it is required to be dedicated for such use in perpetuity.
N/a	1804.3(d)	The clause "*Designated ground floor street oriented retail, service, entertainment or arts uses may not be transferred through Combined Lot Development to any other lot.*" has been removed, as combined lot development is not provided for in this zoning district.
1804.3(g)	1804.3(g)	Amend "preferred use" retail area required height to 15 feet clear, to correspond with current retail requirements and requirements found in other recent overlays
1805.1	1805.1	SEFC/W-0 – addition of clauses which provide for a "development area" within the zone, and to note the "*publicly accessible pedestrian and bicycle trail along and adjacent to the waterfront*". As described in Section IX of this report, OP recommends additional wording clarification.
1805.3	1805.3	Clarification of the location of the "development area" within the SEFC/W-0 District.

Current Section #	Advertised Section #	Description of Proposed Change:
1805.4	N/a	New section describing the waterfront park "open space area", which OP anticipates will encompass a minimum of 4 acres of the total W-0 area (the remainder being within the "development area"). The section includes a list of uses that would be permitted outright and by special exception.
1805.6	1809.2	Relocated for ease of reference.
1805.10	1805.6	Amend to require a ground floor retail height of 15 feet clear, to correspond with current retail requirements and requirements found in other recent overlays.
1807.1	N/a	Addition of a "reference" clause for clarity.
1807.2	1807.1	Minor wording amendments to the list of arts and retail "preferred uses", as well as the addition of "*apparel and accessories shop*", "*artist gallery*", "*bicycle shop*", "*candy store*", "*fabric store*", "*secondhand store or consignment shop*", "*shoe store*", "*travel agency*", and "*video tape or DVD rental for general public and family*", as consistent with the intent and with other recent overlays.
N/a	1808	Relocation of individual subsections to more appropriate locations.
1808	N/a	Creation of a new section entitled "Zoning Commission Review Standards", to provide necessary guidance to the developer, staff and the Commission regarding the purpose of special exception review, where such review is required within the SEFC. Some of the subsections were based on text within various sections of the advertised version of the SEFC Overlay; while others relate to the GSA issued Request for Proposals (RFP), to ensure that there is a high level of consistency between the zoning and the RFP in terms of overall site design.
1808.1	N/a	List of standards for which development is expected to comply.
1808.1(a)	1805.9	Relocated.
1808.1(b)	1805.11	Relocated.
1808.1(c)	N/a	Based on an RFP guideline.
1808.2	N/a	List of guidelines, which are intended to be less prescriptive than the preceding standards, which the developer and the Commission may consider as part its review process.
1808.2(a)	N/a	Based on an RFP guidelines, as well as the overall objectives for the SEFC Overlay
1808.2(b)	N/a	Based on RFP guidelines, as well as general OP expectations that new development consider the implementation of environmental or green design elements, such as building and landscape design and construction practices that minimize storm water runoff and the use of energy, water, and materials in construction and on-going operation.
1808.2(c)	N/a	Based on overall SEFC objectives that buildings be designed to provide a pedestrian oriented streetscape.
1808.2(d)	N/a	Based on RFP guideline, and SEFC Overlay streetscape objectives.

Current Section #	Advertised Section #	Description of Proposed Change:
1808.2(e)	N/a	Intended to encourage consideration of the placement and form of preferred use retail, to ensure that it meets the needs of area residents and contributes to the overall streetscape liveliness.
1808.2(f)	N/a	Intended to ensure that hotel, arts, or cultural uses, within the limits established in §1804.2, do not diminish the predominantly residential character of this area.
1808.2(g)	N/a	Intended to reflect the overall goals and objectives for the waterfront park area and surrounding retail uses.
1809	N/a	New "Zoning Commission Review Procedures" section, with subsections that were included in §1808 of the advertised text, to consolidate these regulations.
1810	1809	No significant changes to the "Combined Lot Development" section, other than to move sections regarding permissions to the relevant zoning district, thereby clearly establishing this as a "procedures" section only.

IX. OP ANALYSIS OF PROPOSED SEFC OVERLAY

OP is supportive of the current Overlay as drafted by GSA, which is the product of extensive and productive consultation between OP and GSA. The SEFC site is an integral component of the AWI, and is identified as a prime location for mixed use, high-density residential development with a new, integrated waterfront park. The proposed SEFC development would advance the goals and objectives of the AWI:

- Promote a clean and active river,
- Eliminate barriers and gain access to the waterfront,
- Provide a great urban riverfront park system,
- Encourage cultural destinations of distinct character, and
- Build strong waterfront neighborhoods.

The SEFC site is also critical to the vision contained in the Near Southeast Design framework – it provides a central and relatively undeveloped site for mixed-use development; one of the few opportunities for a sizable public waterfront park; and an important opportunity for connecting existing residential areas to the waterfront. The proposed zoning and overlay would advance the Near Southeast Urban Design Framework Plan objectives:

- Provide for Continuous Open Space along the Southeast Waterfront,
- Connect Existing and Future Neighborhoods and the District to Waterfront,
- Provide for Mixed-Use Development,
- Balance Uses along the M Street Corridor and New Jersey Avenue, and
- Provide a Network of Open Spaces.

The proposed zoning and SEFC Overlay would also advance Transit Oriented Development objectives by encouraging an overall high-density form of development in proximity to the Navy Yard Metro

Station on the Green Line and bus routes that run along M Street SE. The mixed-use form of development promotes pedestrian activity through the placement of streets, and streetscape uses.

OP recommends only minor wording changes and amendments to the GSA draft of the SEFC Overlay, included with its August 15, 2002 pre-hearing statement. These recommended changes have been forwarded to and discussed with the applicant.

- In 1803.2 – addition of "*chancery*" and "*embassy*" as special exception uses;
- in §1803.4(f) – for clarity, amend as follows: "~~*Ground floor area required for*~~ *Preferred use area may not be transferred to any other lot through Combined Lot Development*".
- In 1804.1 - prohibited uses within the SEFC/R-5-D and R-5-E Districts, add after "Museum" "*except as permitted in Section 1804.2(a)*".
- In 1804.2 – addition of "*chancery*" and "*embassy*" as special exception uses;
- In 1805 – SEFC/W-0 District - as noted above, OP feels that additional clarification is needed regarding the location and intent of the "open space" and "development" areas within the waterfront park. OP proposes the following wording changes:
  - replace 1805.1 in its entirety with:

    "*1805.1 The purpose of the SEFC/W-0 District is to:*

    (a) Provide for a publicly accessible park along the Anacostia River, referred to in the SEFC Overlay as the "waterfront park";

    (b) Within the waterfront park, provide an open space outdoor public recreation area, referred to in the SEFC Overlay as the "Open Space Area"; as well as an area for waterfront enhancing retail and cultural uses, referred to in the SEFC Overlay as the "Development Area"; and

    (c) *Provide for continuous public access to the water's edge, including a pedestrian and bicycle trail along and adjacent to the waterfront, as part of the Anacostia Waterfront trail system.*"
  - Eliminate 1805.2 as redundant.
  - Renumber subsequent sections, and replace former §1805.3 in its entirety with:

    "*1805.2 The Development Area consists of that portion of the SEFC/W-0 District located in the northeastern portion of the SEFC/W-0 District, and further described in the metes and bounds description. It is intended to be the site of waterfront-enhancing but non waterfront-dependent retail or cultural uses.*"
- Addition of a new sub-section in Section 1805 – W-0 Zoning District, listing "*chancery*" and "*embassy*" as special exception uses;

X. ZONING COMMISSION COMMENTS FROM THE SET DOWN MEETING

At the February 24, 2003 Zoning Commission meeting, the Commission unanimously voted to set down for Public Hearing this application, but requested additional detail or clarification on a number of issues. Following is a summary of these comments, many of which were also described above, as interpreted by the Office of Planning, along with responses.

(i) Waterfront Park Area

Commission members noted that the wording for the W-0 section required clarification, to reflect the intent of providing a "development area" which could accept the W-0 density, as well as an area that would remain relatively undeveloped for open space recreation. As described above, OP and GSA agreed to more clearly create a large "Open Space Area" where the only form of development would be limited water access dependent uses (as listed in §1805.4 of the Overlay); and a "Development Area" of approximately one acre, located in the north-east corner of the W-0 site, which could accept through the combined lot process the density (just over 100,000 sq.ft.) from the entire W-0 zoned area. Also as described above, OP has recommended additional wording to clarify the intent of the two areas within the zone.

(ii) Metes and Bounds Description.

The Commission noted the need for an accurate metes and bounds description, which the applicant has now provided. OP feels that further review of the zoning boundaries, including the provision of a more detailed survey plan with underlying existing site features shown, is required.

(iii) 15% Residential Recreation Space Requirement

The Zoning Commission questioned how this requirement should be applied in the SEFC, and requested that OP research recreation space normally provided. An OP survey of recent developments for which residential recreation space is required indicates that, on average, about 5% (rather than the normally required 15%) is provided, following receipt of Board of Zoning Adjustment approval for a variance to this requirement. About half of this is provided on the roof, the remainder being internal or on grade. It is not known how effective this space is, or how much use it actually receives. Testimony at recent BZA hearings at which a variance to the required amount of recreation space was requested indicates that probable residents of downtown developments tend to use such space infrequently; preferring more communal recreation spaces such as public parks, trails, health clubs, and cafes for physical recreation and socialization instead. As noted above, OP and GSA feel that, given the intended form of development, the likely residents, and the desire to encourage an active and lively neighborhood character, a reduction in the requirement is appropriate in this urban location.

(iv) Fee Relaxation

With regards to §1805.12, which states that "*At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in §3180.1(b)(16) plus such fees as apply to any additional zoning relief requested. The provisions of §3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal at a meeting or hearing as a preliminary matter to hearing the application.*" OP notes that this is a standard clause, and agrees that this request could be made at the set down meeting for Commission consideration.

(v) Required Retail

The Zoning Commission requested additional clarification regarding the relationship between retail area within Capitol Gateway Overlay District, Arthur Capper and SEFC sites, in terms of

providing "destination" vs. "neighborhood" retail, and whether there should be incentives for neighborhood serving retail like a major grocery store. The language of the underlying zoning and the overlay for the SEFC site would require retail in certain locations, and would permit and encourage retail such as a grocery store, uses which are not specifically required in either the Capitol Gateway or the Arthur Capper neighborhoods. OP would support the provision of such retail in the centrally located SEFC site, to provide amenity to the new residents and to encourage residents of adjacent neighborhoods to access all that the SEFC site will have to offer. While it would be possible to include more detailed wording in the SEFC Overlay to require certain forms of neighborhood retail, OP feels it is appropriate to allow the development community and the market to establish the exact location of specific forms of retail.

(vi) Large Tract Review

The Commission noted that, as Large Tract Review is a requirement of 10DCMR, the Commission cannot waive this requirement. This section was removed prior to advertising.

(vii) Interim Occupancy Of The Preferred Use Space

The Commission requested additional clarification regarding §1803.4(d) by which the Commission may authorize interim occupancy of required preferred use space by non-preferred uses for up to a five (5) year period for good cause shown. The term "good cause shown" is used in other Overlays, including the Capitol Gateway Overlay District, and is intended to provide some flexibility in administering the clause. In this case, the regulation is intended to address the situation that retail space will likely be required as part of a specific development prior to there being a sufficient neighborhood market for its successful operation. As more SEFC development comes on-stream, the market and the demand will grow. If the Commission wishes to be more specific, the section could specifically require a basic market study to analyze retail need.

XI. ANC REVIEW (refer also to Attachment IV)

At its May 12, 2003 meeting, ANC 6D, within which the SEFC site exists, narrowly adopted a motion to recommend rejection of the proposed text amendments. The ANC did not note opposition to the proposed base zoning, but expressed opposition to proposed SEFC Overlay height and density provisions. OP supports the proposed building heights, for which there is no additional density proposed, as appropriate to the specific location and to provide design flexibility to encourage building forms that preserve view angles and provide additional opportunities for a more pedestrian scale along the street. The Overlay also provides for the review of critical areas of the site, mainly to ensure that the overall pedestrian orientation of development is maintained. OP further notes that the proposed densities and heights are similar to or less than what is permitted under the adjacent Capitol Gateway Overlay District (height as per the maximum permitted under the Height Act of 1910 and FAR of 7.0). Finally, OP strongly wishes to provide for a high standard of building, quality design, and the use of superior building and landscape materials, features which the proposed density and height will promote. As such, OP recommends that the proposed heights and densities be retained.

At its June 10, 2003 meeting, ANC 6B, which is adjacent to and affected by this application, noted support for the creation of a mixed use neighborhood on the SEFC site, but expressed concern that the development (in conjunction with the USDOT building) could cut existing neighborhoods off from the waterfront. The ANC unanimously voted to recommend approval of the zoning text and map amendments, subject to the incorporation of changes to the proposed overlay which would further encourage 4th and 5th Streets as major pedestrian entrance ways to the site from Capitol Hill. One way to

achieve this may be to require preferred retail along this street. The SEFC Overlay, in fact, does require retail on 4th Street within the SEFC/R-5-E District, but not in the SEFC/CR District, although the underlying CR zone and the SEFC Overlay permit, but do not require, retail. The proposed 20' setback along 4th Street SE (§1803.10) would also be conducive to uses that benefit from outdoor seating. However, OP is concerned that the Overlay not require more retail than the area could reasonably sustain. OP analysis indicates that, as currently proposed, the SEFC zoning and overlay requirements for "preferred use" retail will result in approximately 250,000 to 300,000 sq.ft. of required retail, in addition to retail required on the USDOT site and any non-required retail provided by the developer on the SEFC site. It is estimated that this is already on the high side of what the area can be expected to support. The ANC also advocated special exception review of buildings along 4th Street, similar to the review proposed for M Street.

XII. REFERRALS (refer also to Attachment V)

In addition to normal referrals by the Office of Zoning, this application was referred to the following District and Federal government agencies for comment, with comments received to date attached as Attachment V and summarized below:

- Department of Consumer and Regulatory Affairs (DCRA) – no response as of the date of this report.
- Department of Housing and Community Development (DHCD) – supports approval of the requested map and text amendments.
- Department of Parks and Recreation - no response as of the date of this report.
- Department of Public Works (DPW) - no response as of the date of this report.
- DPW Tree and Landscape Division - no response as of the date of this report.
- DC Public Schools - no response as of the date of this report.
- District Department of Transportation (DDOT) -- In informal emails and meetings with OP, DDOT has noted that the Environmental Impact Statement (EIS) for the site will not be available until mid September and DDOT cannot properly assess the adequacy of the traffic network on the site until the EIS is released. DDOT requests that the record be left open to provide an opportunity for DDOT review of the EIS and the drafting of detailed comments. Preliminary comments arising from a review of the Illustrative Plan, which shows the minimal street arrangement for the site, include:
  - the roadway network as proposed may need additional connecting through-streets, to improve traffic circulation and to reduce the size of the blocks;
  - an internal alley network may be required to help service the buildings;
  - addition of a north-south street east of 1st Street SE, connecting M and N Streets SE, is recommended;
  - 5th Street south of Tingey Street should align with 5th north Tingey Street. OP notes that this would necessitate the removal of a historically important extant structure.
- Environmental Health Administration - no response as of the date of this report.
- Fire and Emergency Medical Services Department - no response as of the date of this report.
- Metropolitan Police Department - no response as of the date of this report.

- Water and Sewer Agency (WASA) – WASA does not note objection to the proposal, but notes general information that will be required prior to development of the site.
- The National Capital Planning Commission (NCPC) – The NCPC has noted that listing "embassy" and "chancery" as prohibited uses in some zones, as originally provided for in the SEFC Overlay, would be contrary to the Foreign Missions Act of 1982. As noted above, these prohibitions have been removed from the current version of the Overlay. Further review of this application by the NCPC will be required prior to the Zoning Commission taking final action.
- District Housing Authority – no response as of the date of this report.

XIII. RECOMMENDATION

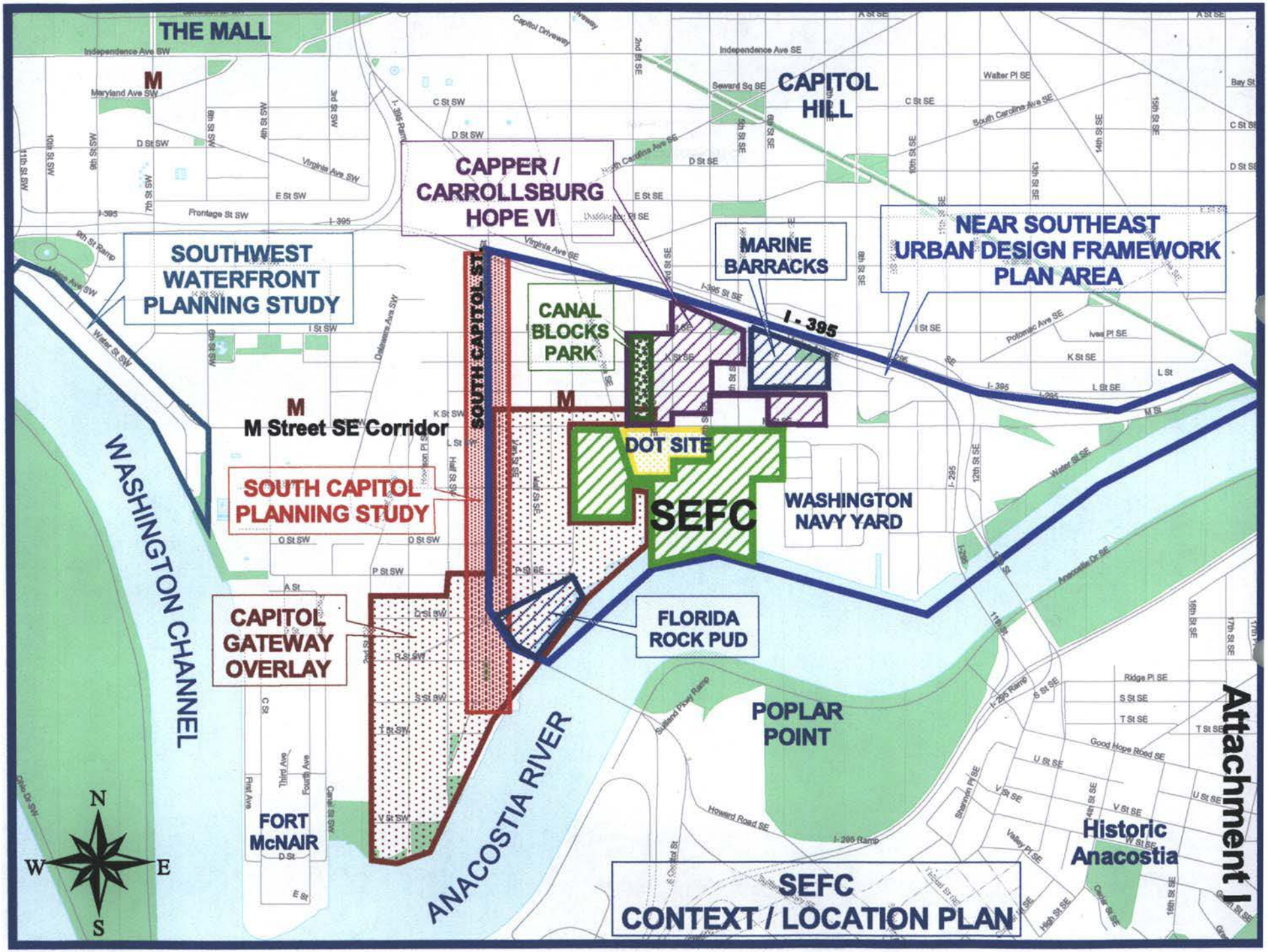
The proposed zoning is the product of thoughtful, deliberate planning; protracted and valuable discussions with GSA; and community participation through Near Southeast and AWI workshops and ANC and other public meetings. It would balance design flexibility with certainty of the overall form and character for this new waterfront neighborhood, and will be a vital tool in integrating a vibrant, public waterfront back into the District. It is imperative that the proposed level of density be maintained and encouraged if the City is to realize a critical mass of housing on the waterfront, in the Near Southeast area, and citywide. This is one of few immediately available parcels where this form of urban waterfront neighborhood *and* a significant waterfront park can be accommodated. The density of development will activate the waterfront park; the park, in turn, will provide a highly desirable form of immediately available open space for new SEFC residents and workers and allow for higher density development and greater height given the significant setback from the waterfront. The density is further supported by immediate access to a Metro station and proximity to major transportation routes, the downtown business area and the burgeoning M Street corridor. OP feels that it is equally imperative that the proposed building heights provide the desirable level of design flexibility to ensure varied building height and form, a varied skyline, and view preservation. The extension of the surrounding neighborhood's streets through the site will provide amenity to all Southeast area and District residents by providing unprecedented public access along pedestrian oriented streets to a destination park adjacent to the Anacostia River.

Therefore, OP enthusiastically recommends that the zoning map amendment and overlay be approved, as being consistent with the Comprehensive Plan, the SEFC Illustrative Plan and RFQ issued by GSA, and the AWI and Near Southeast Planning initiatives.

AA/jl

ATTACHMENTS:

I. Context / Location Plan
II. Proposed Base Zoning
III. Development Chart
IV. ANC Report
V. Agency reports and comments


THE MALL
CAPITOL HILL
CAPPER / CARROLLSBURG HOPE VI
SOUTHWEST WATERFRONT PLANNING STUDY
MARINE BARRACKS
NEAR SOUTHEAST URBAN DESIGN FRAMEWORK PLAN AREA
I - 395
CANAL BLOCKS PARK
M
M Street SE Corridor
SOUTH CAPITOL STREET
DOT SITE
SEFC
WASHINGTON NAVY YARD
SOUTH CAPITOL PLANNING STUDY
WASHINGTON CHANNEL
CAPITOL GATEWAY OVERLAY
FLORIDA ROCK PUD
POPLAR POINT
ANACOSTIA RIVER
FORT McNAIR
Historic Anacostia
N
W
E
S
SEFC
CONTEXT / LOCATION PLAN
Attachment I



Feature Key
- Zoning Boundaries
- SEFC Overlay
- Historic Structure

Ortho-Photography was taken in 2002

Zoning Commission
Case No. #03-06
PROPOSED ZONING DISTRICTS

DC Office of Planning
August 21, 2003

N

Attachment II

Zone	Illustrative Plan Parcels	Base Zoning	SEFC Overlay	Approx. Max. Development Potential (sq.ft.)[1]			
				Office	Retail[2]	Residential	Total
SEFC/ CR	**A, D, E, F, G, H, I,** and **K**	• **Mixed Residential, Retail and Office** • FAR of 6.0 max. of which at least 3.0 must be non-residential • Height of 90' max.	• Permit Combined Lot Development within SEFC/CR • Transfer up to .5 FAR to parcel at New Jersey Ave. and M St. • Height of 110', except 130' on New Jersey Ave. at M St.; 100' by special exception adjacent to Navy Yard • Require ground floor retail	1,850,000	80,000	1,970,000	3,900,000
SEFC/ R-5-E	**L, M, N, O**	• **High Density Apartment** • FAR of 6.0 max. • Height of 90' max.	• Height of 110' • FAR bonus for required ground floor retail • Special exception review for development which fronts onto the waterfront park	0	75,000	1,525,000	1,600,000
SEFC/ R-5-D	**Q**	• **Medium-High Density Apartment** • FAR of 3.5 max. • Height of 90' max.	• FAR bonus for required ground floor retail • Special exception review for development which fronts onto the waterfront park	0	15,000	125,000	140,000
SEFC/ W-0	**P, Park**	• **Waterfront Open Space** • FAR of 0.5 max. • Height of 40' max. • most uses require special exception	• Create a "development area" and an "open space area" • Permit Combined Lot Development with SEFC/W-0 • Restrict non waterfront dependent uses to the development area	0	120,000	0	120,000
			TOTAL:	**1,850,000**	**290,000**	**3,620,000**	**5,760,000**

1 Based on projected land area net of roads required in the GSA RFP.

2 Retail numbers are estimates only, based on 75% of frontage of streets where retail is required.

ATTACHMENT IV

Advisory Neighborhood Commission 6D

400 Eye Street SW • Washington, DC 20024
ANC Office: 202 554-1795

June 17, 2003

Chairperson Carol J. Mitten
DC Zoning Commission
441 4th Street, NW • Suite 210 South
Washington, DC 20001

ANC Initial Report re: Case No. 03-06, the SEFC Overlay District

Dear Chairperson Mitten and Zoning Commission Members:

At a duly noticed public meeting on May 12, 2003, Advisory Neighborhood Commission 6D voted 4-3 to oppose the GSA petition for proposed map and text amendments for the Southeast Federal Center site. The ANC has seven Commissioners, and four Commissioners comprise a quorum.

The ANC is opposed to the petition solely on the grounds of the proposed height of 130 feet at the corner of New Jersey Avenue and M Street SE, the proposed height of 110 feet along M Street SE east of the Department of Transportation site, and the 110 foot height exception proposed in the area designated for R-5-E zoning. The ANC feels the FARs for those areas should also be kept within the limits as defined in the District of Columbia Municipal Regulations with no exceptions.

It is the opinion of the ANC that an initial zoning of CR with a maximum FAR of 6.0 for residential and 3.0 for other permitted uses, and a maximum height of 90 feet, including the required recreation space for CR zoning be applied to the areas designated for CR zoning in the application. For the area designated for R-5-E zoning, the maximum FAR of 6.0 for apartment houses and hotels, and 5.0 for other structures, with a maximum height of 90 feet should also be applied without exception.

Given the density called for by the height and FAR exceptions requested by the applicant for yet to be designed buildings, the ANC believes it is in the interest of the community to apply the CR and R-5-E zoning overlays as defined in Chapters 3, 4 and 6 of the District of Columbia Municipal Regulations with no exceptions.

Should the applicant decide to present a PUD or other application requesting zoning variances at a later time, the community would then have the opportunity to weigh the specific benefits of actual proposed buildings against the potential downsides of the higher density. Until more specific proposals are available to the community, the ANC believes it is premature to grant the applicant's requests at this time.

Sincerely,

/s/

Commissioner Ahmed Assalaam
Chairman, Advisory Neighborhood Commission 6D

ATTACHMENT V

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT



Office of the Director

MEMORANDUM

TO: Andrew Altman
Director
Office of Planning

FROM: Stanley Jackson
Director

DATE: May 12, 2003

SUBJECT: Zoning Commission Case No. 03-06 – Application for a Map Amendment to Zone Unzoned, Federally owned, Southeast Federal Center Site (SEFCS) and Text Amendment to Create a New SEFCS Overlay

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As requested in an Office of Planning memorandum dated April 2, 2003, the D.C. Department of Housing and Community Development (DHCD) has reviewed the above referenced Zoning Commission Case, supports approval of the requested Map Amendment to zone the Southeast Federal Center Site (SEFCS) and Text Amendment, to create a new SEFCS zoning overlay, and offers the following reasons in support, based upon the specific information presented in the application:

1. The Applicant is the Federal General Services Administration (GSA) which is the owner of the SEFCS site.

2. The SEFCS zoning application is the end result of three years of discussions between the DC Office of Planning (OP) and GSA, as to how best plan the development the SEFC.

3. The OP and GSA vision for the SEFCS is high-density, mixed-use neighborhood with residential, office, retail and cultural development. A new waterfront park will provide increased access to the waterfront. The high density office development on M Street SE and the high density residential development in the middle of the site, will complement the waterfront park, and provide a large number of users for the park.

4. The Federal Department of Transportation Building, which is to be developed on M Street SE in the SEFCS, is not part of the zoning application.

5. The Zoning Application follows from and is the culmination of the recent planning processes and documents for the SEFCS that started in 1992. The various events in the planning process were: (a) the 1992 SEFCs Master Plan; (b) the May 2000, Near Southeast and Waterfront Workshop; (c) the 2000 SEFCS Public-Private Partnership Act, passed by Congress; (d) the SEFC Memorandum of Understanding between the District and GSA for development of SEFCS; and (e) the 2001/2002 Illustrative Plan for SEFC.

6. The proposed SEFCS zoning and overlay are consistent with the DC Comprehensive Plan, the Anacostia Waterfront Initiative, and the SEFCS Public-Private Partnership Act.

7. The new proposed zones are CR (high density mixed-use residential, office and retail) along M Street SE frontage of the SEFCS, R-5-E (high density residential) and R-5-D (medium density residential) in the middle of the SEFCS and W-0 (Waterfront Open Space) along the waterfront.

8. The SEFCS Overlay has been proposed in order to establish a flexible design control framework for the development of the individual sites within the SEFCS. The Overlay establishes site specific regulations, pertaining to the use, density and siting of buildings.

MEMORANDUM

May 6, 2003

TO: Joel Lawson, Development Review Specialist
Office of Planning

FROM: James J. Shabelski, Supervisor
Water and Sewer Design Section, WASA

SUBJECT: **ZC Case # 03-06-** Map amendment to zone the unzoned, federally owned Southeast Federal Center site, and text amendment to create a new SEFC Overlay.

The District of Columbia Water and Sewer Authority (DC WASA) has reviewed the information for the above referenced project. Before the consultants initiate zoning, WASA will have to carefully review the hydraulic loading that will be placed on the storm and sanitary sewers from each new development. Therefore, DC WASA will require the following:

- 15-year peak flow for post development condition.
- Proposed locations of the storm/sanitary sewers, and water lines connection.
- Future average and maximum daily water demand.
- Future average and maximum daily wastewater discharge from the new buildings.
- Water flow requirements for fire protection will be needed to evaluate impact of the new development on the water system. The applicant may have to schedule fire hydrant flow tests to determine if the water system can handle the expected fire flow requirements
- Erosion and sediment control plan approval from DOH.
- All new water and sewer facilities designed for public space must meet the DC WASA design criteria and specifications. At the appropriate time, the design consultant shall request a pre-design meeting with DC WASA to facilitate the permitting process for the proposed development.

If you have any question, please feel free to call me on (202) 787-2379 or please send an e-mail to jshabels@dcwasa.com.