GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

Office of the Director

SUPPLEMENTAL REPORT

DATE: **October 15, 2004**

TO: **District of Columbia Zoning Commission**

FROM: **Andrew Altman, Director OP**

SUBJECT: **Zoning Commission Case No. 04-02**
East M Street Target Area of the Near Southeast Plan

ZONING COMMISSION
District of Columbia
CASE NO. 04-02
EXHIBIT NO. 21

I. SUMMARY RECOMMENDATION:

The Office of Planning recommends that the Zoning Commission:

1. rezone lands within the East M Street Area that are currently zoned "M" to "CG/W-3" as being consistent with planning initiatives for the area and with published notices for this rezoning application;

2. amend the CG Overlay District to require Zoning Commission review of development proposals within the CG/W-3 zone in the East M Street area to ensure review of the potential impact of future development on access to the waterfront, as recommended in earlier OP reports; and

3. rezone lands within the East M Street area that are currently zoned "CM-2" to "CG/W-2", and "CM-1" zoned lands to "CG/W-1".

If the Commission wishes to proceed with some form of upper story setback to reduce potential impacts of building on M Street, OP feels that a 20' setback above 70' in height, measured from grade at the Water Street face of the building, is the least inappropriate option.

II. BACKGROUND

At its October 20, 2003 meeting, the Zoning Commission requested that the Office of Planning (OP) study the broad planning context for the East M Street target area, in light of Anacostia Waterfront Initiative (AWI) and Near Southeast Target Area plans, which anticipate opportunities for mixed use development with greater access to the waterfront lands along the East M Street area.

At its February 9, 2004 meeting, the Zoning Commission voted to set down for Public Hearing zoning map and text amendments for the East M Street target area of the Near Southeast neighborhood. A Public Hearing was held on June 17, 2004, at which the Zoning Commission noted concerns with the then proposed options, and requested that the Office of Planning prepare 3-dimensional representations of the heights and massing of buildings under those options.

This information was submitted to the Commission for its July12, 2004 public meeting, including illustrated options showing existing zoning (M, CM-1 and CM-2); CG/W-3 zoning over the entire area; CG/W-3 over most of the area with CG/W-2 zoning for Squares 1025S, 1025E, and 1048S along Water

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Street SE, as advertised in the alternative; and CG/W-3 over most of the area with CG/W-2 for the CM-1 zoned areas within the East M Street area, adjacent to Capitol Hill.

The Zoning Commission requested additional analysis of options for new zoning. The following report provides additional zoning analysis of existing zoning (Section III); of zoning options previously reviewed by the Commission (Section IV); and new zoning options (Section V), including the OP preferred option - 6. b. CG/W-3 over M; CG/W-2 over CM-2; and CG/W-1 over CM-1, with CG Overlay Amendments to address density by use (page 9 of this report). In addition, the report includes an analysis of further options to amend the CG Overlay to address building height and visual impact adjacent to Water Street SE to the south, and to Capitol Hill to the north.

Throughout the report, as applicable, the options are illustrated with sketch sections taken through three points along Water Street SE – Square 1025S, Square 1025E, and Square 1080, to allow a comparison of the impact of the section at various locations within the study area. A small reference map showing the section lines is included with the section sketches; a more detailed site map is included as Attachment I. The options also describe in table form development potential under the existing zone (for comparison), as well as development potential under both the proposed base zone and the proposed zone under the provisions of the Capitol Gateway (CG) Overlay District.

This report includes only a small number of the many of options that could be available to the Commission. Numerous variations on or combinations of the options proposed are also possible. For the sake of clarity, OP has limited its discussion in this report.

III. EXISTING ZONING

Most of the developable land, including the land on the north side of Water Street SE, is zoned M (General Industry), which permits an FAR of 6.0 and a height of 90' by right. There is also some C-M-1 (Low Bulk Commercial / Light Manufacturing) zoning along the interstate and railway lines, and C-M-2 (Medium Bulk Commercial / Light Manufacturing) zoning below the 11th Street Bridge access ways. Two of the private landowners in the area have initiated development proposals based on this zoning; one for a largely or entirely office development within existing zoning constraints and permissions; the other for a low scale residential development which would require rezoning.

Zone	Area (sq.ft.)	% of total area	Height (feet)	Max. Permitted FAR			Max. Permitted Development		
				Res	Comm'l	Total	Res	Comm'l	Total
M	650,406	77.2	90'	0.0	6.0	6.0	0	3,902,436	3,902,436
CM-2	98,580	11.7	60'[1]	0.0	4.0	4.0	0	394,320	394,320
CM-1	93,689	11.1	40'	0.0	3.0	3.0	0	281,067	281,067
Total	**842,675**	**100.0**	**40 – 90'**				**0**	**4,577,823**	**4,577,823**

[1] 90' with a PUD

OP does not have a concern with the amount of density or the heights that current zoning permits, and believes that the permitted density and height provide a form and amount of development that is appropriate to the site and in keeping with that of other waterfront areas along the Southeast waterfront, including Buzzard Point, Southeast Federal Center, and Florida Rock sites, and the Washington Navy Yard. Road patterns should be able to accommodate this amount of development, and development parcels are well separated from the Anacostia River and likely pedestrian and bicycle trails.

A significant "down-zoning" (decreasing density or height) of the area would be contrary to objectives and goals of the AWI and Near Southeast Plans, would jeopardize expectations that the area develop as

a desirable and valuable part of the District of area, and be problematic to landowners who have initiated building proposals with reasonable expectations of development. Upon further analysis, OP also recognizes that any new zoning should continue to reflect, over the long term, the lower density and height of lands at the north end of the study area, adjacent to Capitol Hill. However, existing zones do not permit the uses anticipated under recent planning initiatives, specifically the AWI and Near Southeast Plans, so OP believes that changes to the zoning are warranted.

IV. ZONING OPTIONS PREVIOUSLY REVIEWED BY THE COMMISSION

1. CG/W-3 Over The Entire East M Street Study Area

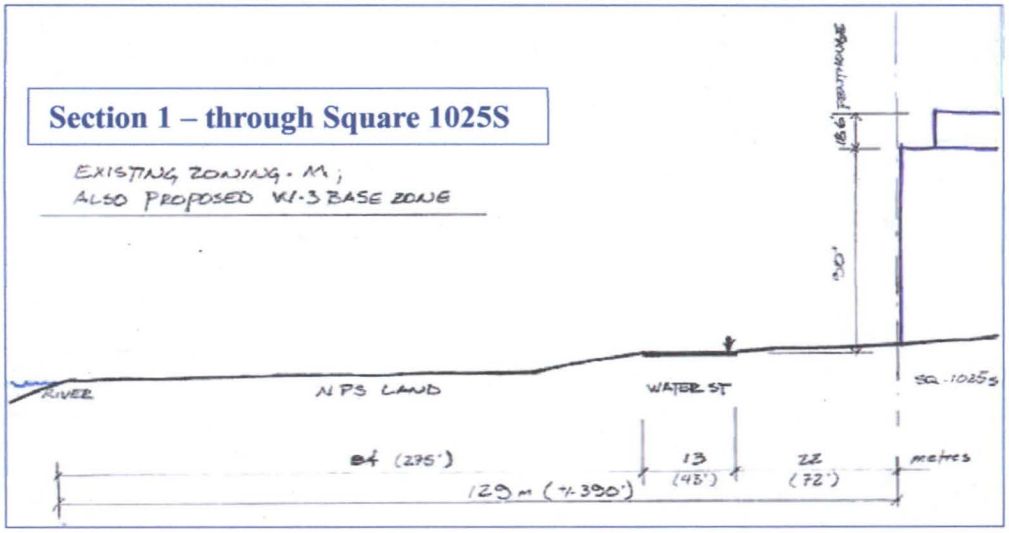
Under this option (originally proposed by OP), overall density is slightly lower for non-residential development. As the current zoning does not permit residential development, a comparison with the proposed zone cannot be made, but the proposed zone provides a density of use which is higher (6.0 – 7.0 FAR) for residential development than current commercial potential (6.0 FAR). However, existing soil conditions would appear to make extensive residential development unlikely. Permitted height would not change for lands most currently zoned M (most of the area), but would increase for the other parcels located below the freeway and bridge access ramps.

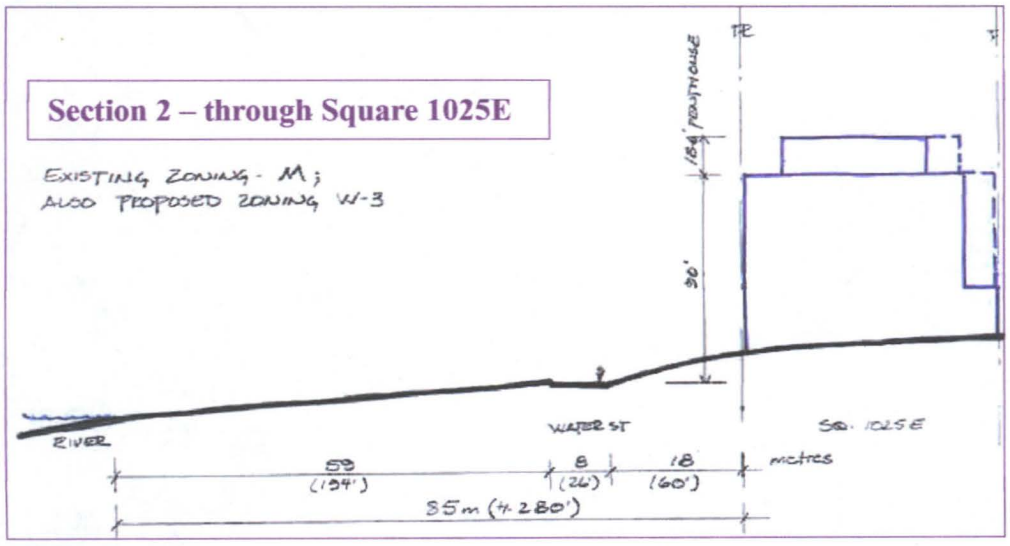
Zone	Area (sq.ft.)	% of total area	Height (feet)	Max. Permitted FAR		Max. Permitted Development (sq.ft.)	
				Res'l	Comm'l	Res'l	Comm'l
Existing:	***842,675***	***100%***	***40 – 90'***	***0.0***	***varies***	***0***	***4,577,823***
W-3 Base:	842,675	100%	90'	6.0	5.0	5,056,050	4,213,375
CG/W-3:	842,675	100%	90-110'[1]	7.0	5.0	**5,898,725**	**4,213,375**

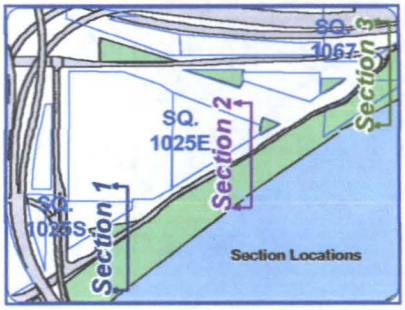
[1] as per maximum permitted under the Height Act (20' greater than street right of way width).

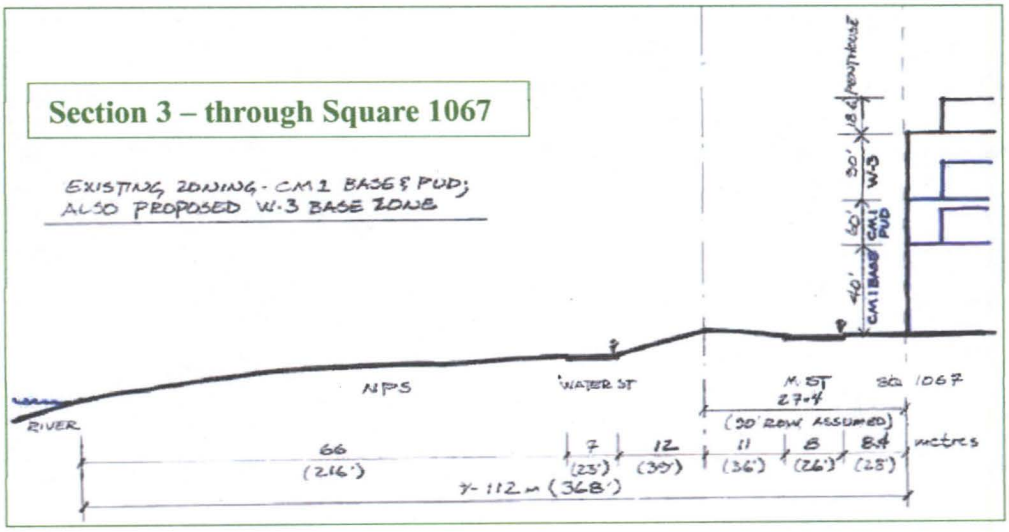
OP continues to feel that CG/W-3 is an appropriate zone for most of the East M Street Area, particularly those lands currently zoned "M", as W-3 allows for the mix of uses (including continuation of industrial use) anticipated in the AWI and Near Southeast Plans. OP has recommended that the Zoning Commission limit height and density within the CG/W-3 designation, as it would apply to the East M Street area, to that of the base zone.

However, for the lands currently below the freeway, adjacent to the Capitol Hill neighborhood, this zone could result in an inappropriate level of development in both height and density, and other options for zoning those lands are described below. As such, OP is no longer recommending this option.


Section 1 – through Square 1025S
EXISTING ZONING - M;
ALSO PROPOSED W-3 BASE ZONE
18.6' PENTHOUSE
90'
RIVER
NPS LAND
WATER ST
SQ. 1085S
84 (275')
13 (43')
22 (72')
129 m (± 390')
metres


Section 2 – through Square 1025E
EXISTING ZONING - M;
ALSO PROPOSED ZONING W-3
TR
18.6' PENTHOUSE
90'
RIVER
WATER ST
SQ. 1025E
59 (194')
8 (26')
18 (60')
85m (± 280')
metres

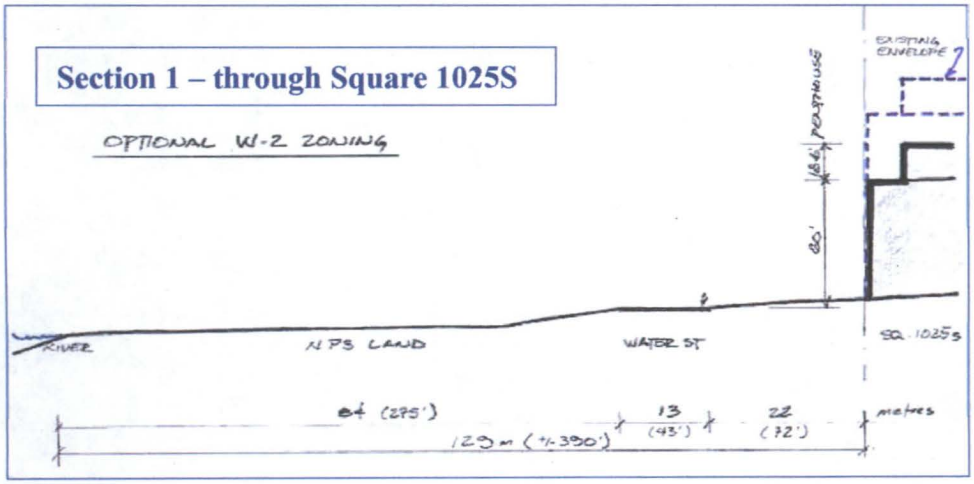

SQ. 1067
Section 3
SQ. 1025E
Section 2
SQ. 1025S
Section 1
Section Locations

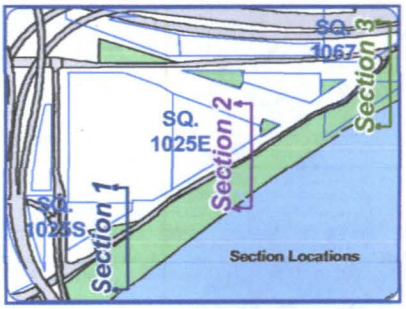

Section 3 – through Square 1067
EXISTING ZONING - CM1 BASE & PUD;
ALSO PROPOSED W-3 BASE ZONE
18.6' PENTHOUSE
90'
W-3
60'
CM1 PUD
40'
CM1 BASE
NPS
WATER ST
M ST
27-4
(90' ROW ASSUMED)
SQ. 1067
RIVER
66 (216')
7 (23')
12 (39')
11 (36')
8 (26')
8.4 (28')
± 112 m (368')
metres

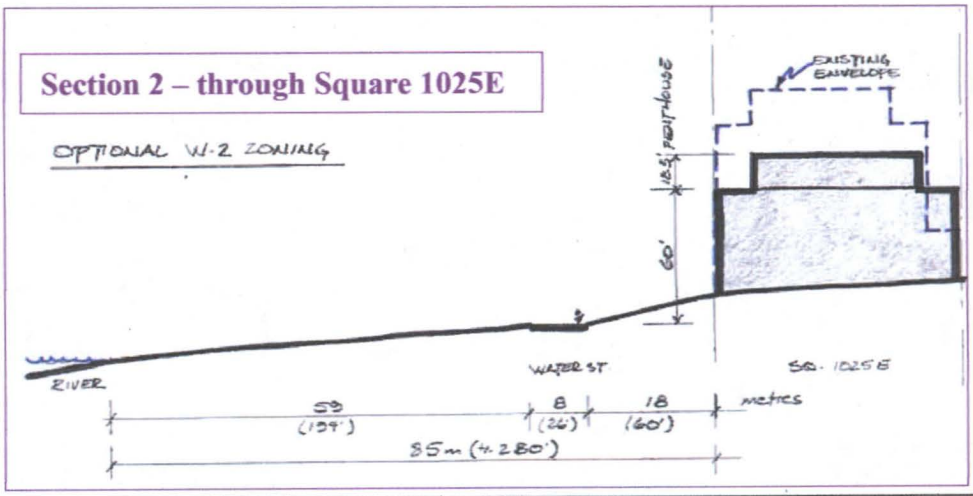
2. CG/W-3, With CG/W-2 Over Squares 1025S, 1025E, and 1048S.

This option, advertised in the alternative at the request of the Commission, includes CG/W-3 for most of the area, except CG/W-2 zoning for the squares adjacent to Water Street SE. These squares are currently zoned "M", so have a significantly greater development potential than W-2 would permit. Since residential development is unlikely on most of the CG/W-2 lands due to soil condition issues, commercial development is anticipated. Commercial development potential is significantly reduced for the CG/W-2 lands, to an FAR of 2.0 compared to the existing 6.0 FAR of the M zone. As of right height is also significantly reduced, from 90' under existing M zoning to 60' under CG/W-2 zoning. The OP report dated July 7, 2004 provides detailed analysis of this option, noting in greater detail OP concerns. OP does not recommend this option.

Zone	Area (sq.ft.)	% of total area	Height (feet)	Max. Permitted FAR		Max. Permitted Development (sq.ft.)	
				Res'l	Comm'l	Res'l	Comm'l
Existing:	***842,675***	***100%***	***40 – 90'***	***0.0***	***varies***	***0***	***4,577,823***
W-3 Base:	575,777	68.3%	90'	6.0	5.0	3,454,662	2,878,885
W-2 Base	266,898	31.7%	60'	4.0	2.0	1,067,592	533,796
Total:	**842,675**	**100.0%**				**4,522,254**	**3,412,681**
CG/W-3:	575,777	68.3%	90-110'[1]	7.0	5.0	4,030,439	2,878,885
CG/W-2	266,898	31.7%	60 -70'	5.0	2.0	1,334,490	533,796
Total	**842,675**	**100.0%**				**5,364,929**	**3,412,681**







3. CG/W-3, With CG/W-2 Over CM-1 Zoned Areas in Squares1067 and 1080.

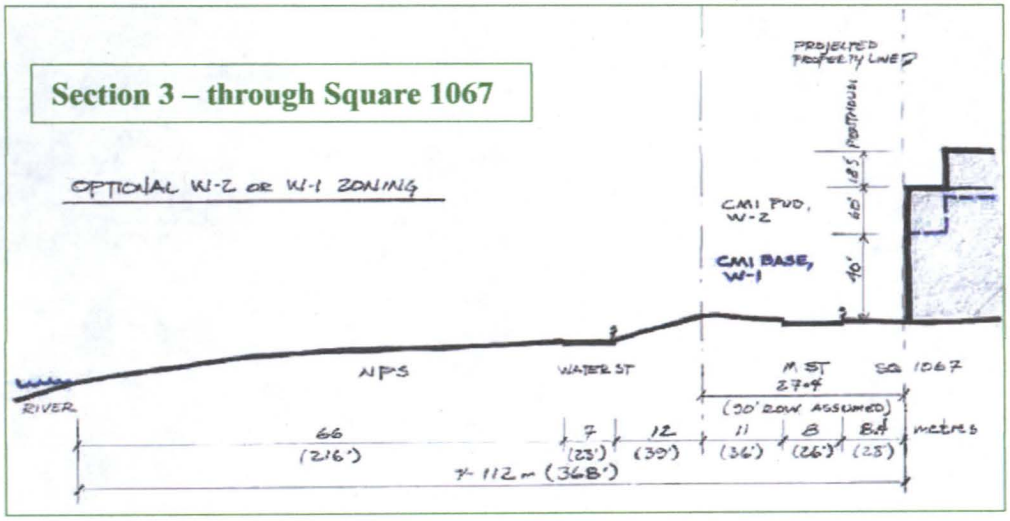
This option was first described in the June 7, 2004 OP report to the Zoning Commission. As such, it has not been advertised. It involves the rezoning of the entire area to CG/W-3, other than portions of Squares 1067 and 1080 that are currently beneath the freeway to the north and owned by the District of Columbia. A lower intensity zone, CG/W-2, would ensure that development of these specific lands relates better to the lower density residential Capitol Hill neighborhood to the north. ANC 6B has indicated support for a zone with a reduced height and density over this area.

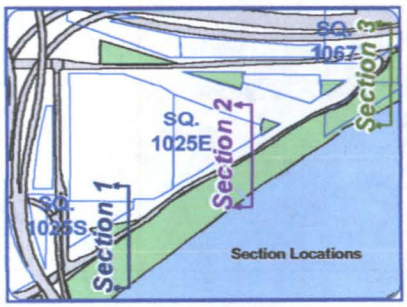
Zone	Area (sq.ft.)	% of total area	Height (feet)	Max. Permitted FAR		Max. Permitted Development (sq.ft.)	
				Res'l	Comm'l	Res'l	Comm'l
Existing:	*842,675*	*100%*	*40 – 90'*	*0.0*	*varies*	*0*	*4,577,823*
W-3 Base:	748.946	88.9%	90'	6.0	5.0	4,493,916	3,744,930
W-2 Base	93,689	11.1%	60'	4.0	2.0	374,756	187,378
Total:	**842,675**	**100.0%**	**60-90'**			**4,868,672**	**3,932,308**
CG/W-3:	748.946	88.9%	90-110'[1]	7.0	5.0	5,242,902	3,744,930
CG/W-2	93,689	11.1%	60 - 70'[2]	5.0	2.0	468,445	187,378
Total	**842,675**	**100.0%**				**5,711,347**	**3,932,308**

[1] as per maximum permitted under the Height Act (20' greater than street right of way width).

[2] 60' max. for non-residential; 70' for residential or mixed-use development

This option would, when compared to existing zoning, result in greater potential development for residential, although, again, site conditions may not allow the construction of residential development on some or all of the lands within the area. Commercial development potential would, overall, be reduced except in the currently zoned CM2 lands. Should this option be pursued, the Zoning Commission may wish to limit height and density of the CG/W-3 and CG/W-2 designations, as they would apply to this area, to that of the base zone. OP is not adverse to this option, but it is not the OP recommended option.





4. Retention of Existing M, CM-2 and CM-1 Zoning

An available option would be to not amend the zoning. Existing zoning would remain in place, and the CG Overlay would not be applied. Zoning may be amended at some time in the future as part of broader studies if long-range transportation planning initiatives such as the removal of the freeway are proceeded with. While OP feels that this option is not consistent with current planning initiatives such as the AWI in terms of desired uses, it is considered less inconsistent than a significant down-zoning of the site, and would permit most forms of development other than residential. As such, any site proposing residential development now or in the future would require a rezoning. The base zone under most of the site – M – does not permit additional height or density under a PUD, so Commission review of "as of right" development would not likely occur.

V. ADDITIONAL, NEW ZONING OPTIONS

5. CG/W-2 Over The Entire Area

Rezoning the entire area CG/W-2 would significantly reduce the permitted commercial density and height in the area, when compared to the existing zoning. All three existing zones would see a sharp reduction in non-residential development potential, with the greatest reduction in the M zone (67%). OP feels that such a reduction is not consistent with either AWI or Comprehensive Plan objectives, as it would represent a significant down zoning of the area, and a severe and unnecessary diminishment of the ability to create a viable and desirable development that contributes positively to the District and the surrounding neighborhood. It may also make existing development on the Maritime Plaza site non-conforming. OP does not recommend this option.

This option has not been previously raised, and was not advertised. As it would represent a significant reduction in development potential of privately held land, re-advertising and a new Public Hearing would be required.

Zone	Area (sq.ft.)	% of total area	Height (feet)	Max. Permitted FAR		Max. Permitted Development (sq.ft.)	
				Res'l	Comm'l	Res'l	Comm'l
Existing:	***842,675***		***40 – 90'***			***0***	***4,577,823***
W-2 Base:	842,675	100%	60'	4.0	2.0	3,370,700	1,685,350
CG/W-2:	**842,675**	**100%**	**70'**	**5.0**	**2.0**	**4,213,375**	**1,685,350**

6. a. CG/W-3 over M; CG/W-2 over CM-2; and CG/W-1 over CM-1.

This new option would appear at first glance to more closely relate the FAR and height of existing zoning with that of waterfront zones: M to CG/W-3, which includes the privately held parcels most likely to be developed in the near future; CM-2 to CG/W-2, which includes federally held lands under the 11th / 12 Street Bridge access ways (adjacent to the Navy Yard); and CM-1 to CG/W-1, which includes publicly held land under the Southeast Freeway (adjacent to Capitol Hill). The extensive lands along the waterfront are owned by the National Park Service, so OP has not recommended W-0 zoning, as would be the case if these lands were privately held.

Zone	Area (sq.ft.)	% of total area	Height (feet)	Max. Permitted FAR		Max. Permitted Development (sq.ft.)	
				Res'l	Comm'l	Res'l	Comm'l
Existing:	***842,675***	***100%***	***40 – 90'***	***0.0***	***varies***	***0***	***4,577,823***
W-3 Base:	650,406	77.2%	90'	6.0	5.0	3,902,436	3,252,030
W-2 Base	98,580	11.7%	60'	4.0	2.0	394,320	197,160
W-1 Base	93,689	11.1%	40'	2.5	1.0	234,223	93,689
Total:	**842,675**	**100.0%**	**40-90'**			**4,530,979**	**3,542,879**
CG/W-3:	650,406	77.2%	90-110'[1]	7.0	5.0	4,554,842	3,252,030
CG/W-2	98,580	11.7%	70'	5.0	2.0	492,900	197,160
CG/W-1	93,689	11.1%	55'	3.5	1.0	327,912	93,689
Total:	842,675	100.0%	55-110'			**5,373,654**	**3,542,879**

[1] as per maximum permitted under the Height Act (20' greater than street right of way width).

If residential development were permitted on these lands, the impact on the total amount of development possible is relatively minor, but this option would provide for a greater variety of uses than is permitted under current zoning, including residential, retail, office and retention of the existing industrial use. However, residential development may not be possible on much of this land, and this option would represent a restriction in commercial development potential for all three zones (17% for the M zoned land; 50% for the CM-2 zoned land, and 67% for the CM-1 zoned land. OP is recommending a version of this option, detailed below.

6. b. CG/W-3 over M; CG/W-2 over CM-2; and CG/W-1 over CM-1, with CG Overlay Amendments to address density by use – THE OP RECOMMENDED OPTION

The undesirable loss in development potential noted in Option 6a above could be mitigated in the CG Overlay, by:

- permitting commercial or residential development up to the base zone maximum permitted residential amount in the CG/W-2 and CG/W-1 areas, but
- not permitting the otherwise possible additional density or height currently provided for in the CG Overlay for residential development.

Either residential or commercial development to the maximum permitted for any use within the base zone would be possible. The impact on the East M Street area as a whole is not great – an additional 340,000 square feet - but would allow a more reasonable amount of development on the CM2 and CM1 Lands, all of which are currently located under freeway and access ways so not available for development in the near future.

With these Overlay amendments, applied to the East M Street area only, the table would look like this:

Zone	Area (sq.ft.)	% of total area	Height (feet)	Max. Permitted FAR		Max. Permitted Development (sq.ft.)	
				Res'l	Comm'l	Res'l	Comm'l
Existing:	***842,675***	***100%***	***40 – 90'***	***0.0***	***varies***	***0***	***4,577,823***
W-3 Base:	650,406	77.2%	90'	6.0	5.0	3,902,436	3,252,030
W-2 Base	98,580	11.7%	60'	4.0	2.0	394,320	197,160
W-1 Base	93,689	11.1%	40'	2.5	1.0	234,223	93,689
Total:	**842,675**	**100.0%**	**40-90'**			**4,530,979**	**3,542,879**
CG/W-3:	650,406	77.2%	90	6.0	5.0	3,902,436	3,252,030
CG/W-2	98,580	11.7%	60'	4.0	4.0	394,320	394,320
CG/W-1	93,689	11.1%	40'	2.5	2.5	234,223	234,223
Total:	842,675	100.0%	40 – 90'			**4,530,979**	**3,880,573**

OP is recommending this option because it:

- relates well to current development potential,
- accommodates to in-process development proposals,
- is in character with surrounding development patterns, and
- would provide for development form anticipated in adopted planning initiatives for the area,
- provides for the possibility of a broader and more appropriate mix of uses than existing zoning;
- through the implementation of the CG Overlay District, can provide for special exception review to address potential impacts of proposals on the waterfront area; and
- as discussed in the next section of this report, can include CG Overlay regulations to address "bulk" issues and the visual impacts of new development, whereas current zoning does not.

Re-advertisement and a new Public Hearing would appear to be required for portions of the East M Street Area (the CM-1 and possibly CM-2 zoned lands) for which new zoning is proposed.

VI. OVERLAY REGULATION OPTIONS

In addition to base zoning, amending specific zoning regulations pertaining to review mechanisms, use, height, density, or setback through the CG Overlay can impact of form and character of development. In particular, the Zoning Commission indicated at its July 12, 2004 meeting a concern regarding the visual bulk of potential buildings adjacent to Water Street SE and the NPS lands along the Anacostia River.

Below is a review of a number of such mechanisms, based on past recommendations for this area from OP as well as current "bulk" control utilized in existing overlays in the District. In general, OP does not feel that additional building envelope restraints are warranted or of significant benefit given the particular terrain and river, road, and building siting circumstances of this area, other than the continuation and possible expansion of Zoning Commission review mechanisms (as outlined in point 1 below) and potentially limiting height to that of new base zones (as outlined in point 3 below).

1. Review Mechanisms

Regardless of the new (or existing) zone designation(s), OP has recommended that the Zoning Commission require review of development on all or some of the land within the East M Street area. OP's original recommendation was that Zoning Commission review be required for lands within the new CG/W-3 district, similar to the current CG/W-2 guidelines, to assess impact on waterfront access, views, and overall character. The Commission could further amend existing review criteria to, for example, require review of any non-residential development in the CG/W-1 zone, as it directly borders the Capitol Hill residential neighborhood.

2. Use

The CG Overlay can require, encourage through bonusing, or prohibit specific uses in specific areas, to further overall area goals and objectives. Many examples of existing overlays addressing this issue exist, such as the increasingly common requirement to provide retail along specific streets to address a variety of use and streetscape character objectives. The CG Overlay currently requires retail to be provided along M Street, and provides additional regulations pertaining to the amount and streetscape appearance of this retail. OP continues to feel that this retail requirement, given the form of existing and proposed development as well as the AWI objectives, is less relevant to the East M Street area than it is for the originally mapped CG Overlay area. However, the Commission may wish to continue the M Street retail requirement to the East M Street area. Alternatively, the Commission could make the retail requirement applicable to the Virginia Avenue SE frontage, which the AWI and Near Southeast Plans envision as a major, lively pedestrian connection to the water. Privately owned lands in Squares 1025, 1025E and 1048S would be impacted by this change.

At this time, OP does not have additional recommendations for use-related regulations.

3. Building Height – refer also to Attachment III for relevant text from existing overlays

Some existing overlays permit additional height, usually as an incentive to provide additional residential development. Other overlays provide a height limit that is more restrictive than that of the base zone, including the Downtown Development (DD), Capitol Interest (CAP), Cleveland Park Neighborhood Commercial (CP), Eighth Street Southeast Neighborhood (ES), Fort Totten (FT), Naval Observatory Precinct (NO), and Woodley Park Neighborhood (WP) Commercial Overlay Districts. Still other

overlays restrict height to that of the base zone to eliminate additional height through a PUD, including the Dupont Circle (DC), Foggy Bottom (FB), Neighborhood Commercial (NC), Reed-Cooke (RC), and Southeast Federal Center (SEFC) Overlay Districts. Such restrictions are generally to ensure that new development is in keeping with existing area development and of a more pedestrian scale than the base zoning would permit.

OP has recommended that the Zoning Commission limit height (as well as density) for any lands zoned CG/W-3 to that of the base zone in the East M Street area. The 90' limit would be consistent with current (M) zoning and appropriate to potential or existing building heights in the Near Southeast area. Such a limitation would also be warranted if the Commission proceeds with CG/W-2 zoning for lands located beneath the freeway.

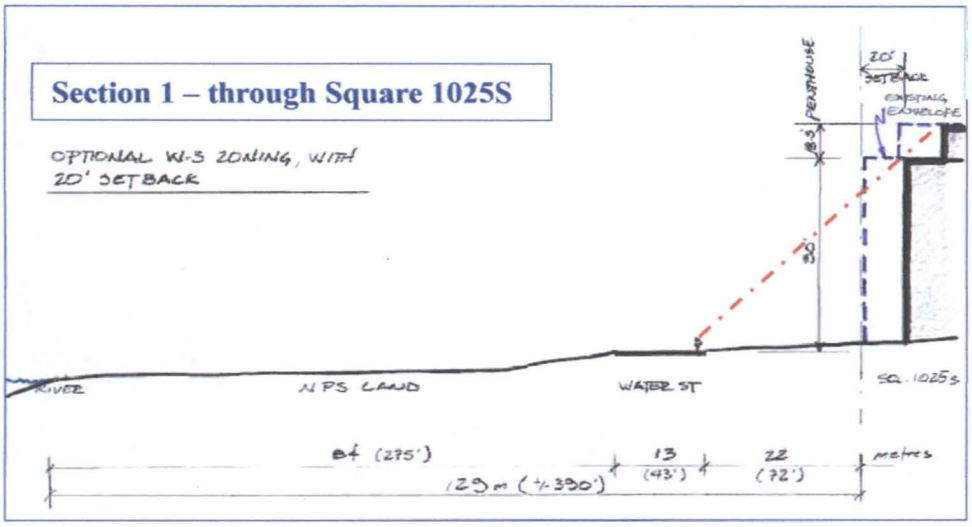
4. Building Setback – refer also to Attachment III for relevant text from existing overlays

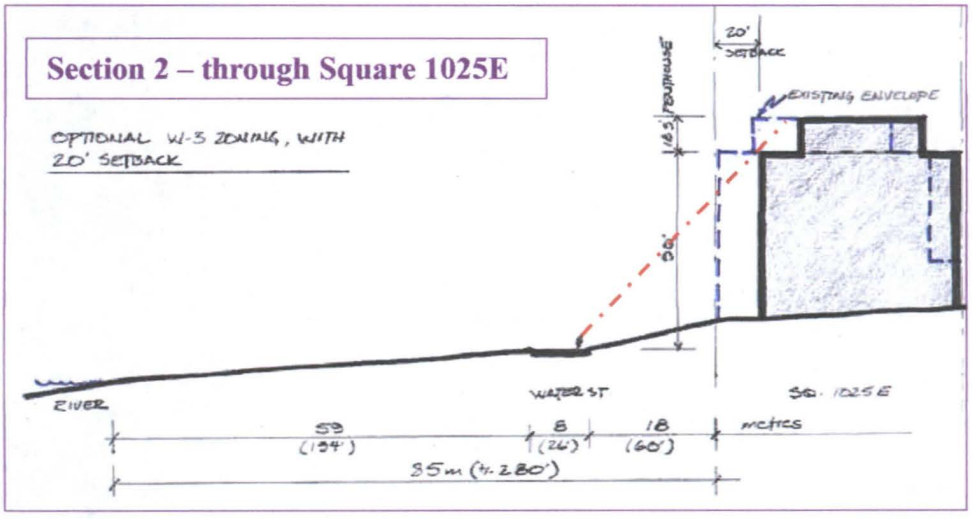
Building setbacks can typically address issues such as:

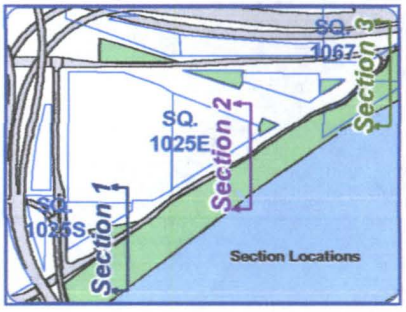
- providing landscaping along a street;
- encouraging semi-public uses such as sidewalk café seating;
- providing for greater sunlight access to public sidewalks;
- preserving steeply sloping or ecologically sensitive lands; or
- assuring a more pedestrian scale by creating a more shallow "view angle" of buildings as seen from the street.

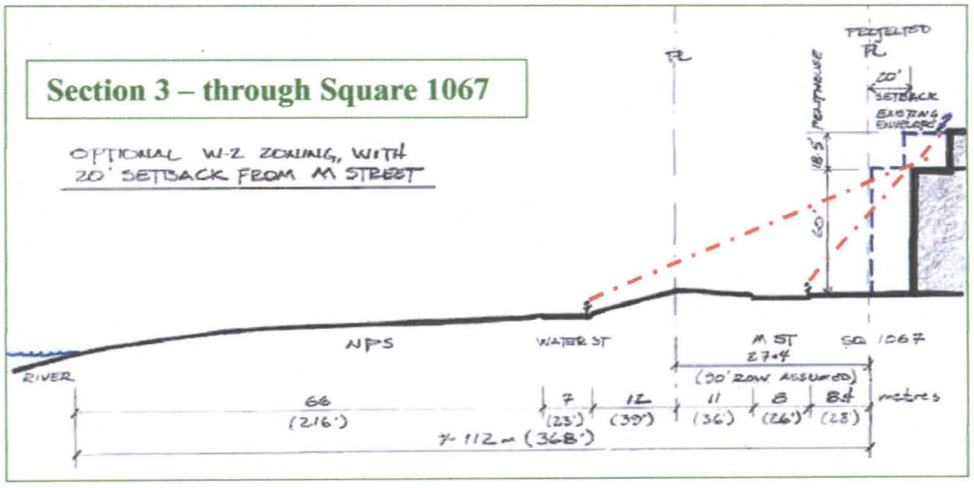
Existing examples include the current Capitol Gateway (CG) Overlay District, which requires a 15' setback from M Street as well as a 75 foot setback from the bulkhead of the Anacostia River, although land within the study area is set considerably further than this from the bulkhead (at least 200 feet) so this setback regulation would have no applicability in the East M Street area.

In this area, a building setback from Water Street SE is not specifically required under current or OP proposed zoning (the existing M Zone does require a rear yard setback above 20 feet). Private property is well separated from the paved portion of Water Street – typically more than 60 feet due to the wide road right-of-way and the narrow paved road surface. DDOT has indicated that significant changes to the road location or width are unlikely. As such, a mandatory setback would have minimal impact on Water Street, particularly since it is not anticipated to be a heavily used pedestrian way, as most pedestrian and bicycle traffic would use the Anacostia Riverwalk and trail to be located closer to the water's edge within the NPS lands. Such a setback would also limit the available building envelopes (area of the site available for development), particularly on smaller parcels of land, which would, in turn, limit design flexibility and the ability of building form to address view issues through the site towards the water.


Section 1 – through Square 1025S
OPTIONAL W-3 ZONING, WITH 20' SETBACK
18.5' PENTHOUSE
20' SETBACK
EXISTING ENVELOPE
90'
RIVER
NPS LAND
WATER ST
SQ. 1025S
84 (275')
13 (43')
22 (72')
metres
129 m (+/-390')


Section 2 – through Square 1025E
OPTIONAL W-3 ZONING, WITH 20' SETBACK
18.5' PENTHOUSE
20' SETBACK
EXISTING ENVELOPE
90'
RIVER
WATER ST
SQ. 1025E
59 (194')
8 (26')
18 (60')
metres
85m (+-280')


SQ. 1067
Section 3
SQ. 1025E
Section 2
SQ. 1025S
Section 1
Section Locations


Section 3 – through Square 1067
OPTIONAL W-2 ZONING, WITH 20' SETBACK FROM M STREET
FT
TELTELTED FL
18.5' PENTHOUSE
20' SETBACK
EXISTING ENVELOPE
90'
RIVER
NPS
WATER ST
M ST
SQ. 1067
27+4
(90' ROW ASSUMED)
66 (216')
7 (23')
12 (39')
11 (36')
8 (26')
8.4 (28')
metres
+- 112 m (368')

5. Upper Story Setbacks– refer also to Attachment III for relevant text from existing overlays

Some zones and overlays in the District require a setback for upper stories, either by:

- requiring a setback above a certain height, as currently exists in the CG Overlay District, and the Pennsylvania Avenue District (PAD), or

- establishing a 3-dimentional envelope angled in towards the property above a set height, as in the existing Hotel-Residential Incentive (HR), Uptown Arts-Mixed Use (Arts) (ARTS), and Downtown Development (DD) Overlay Districts.

Setbacks from the footprint of the building below are also required for mechanical rooftop penthouses. The intent of these regulations is generally to lessen the visual impact of the height of buildings directly adjacent to pedestrian ways, by minimizing upper story size and "hiding" them from pedestrian view below. In this case, again due to the large right-of-way of Water Street and the likely location of future Anacostia Riverwalk and bicycle trails, such setbacks have relatively limited impact. However, they may have some impact by breaking up the mass and providing additional articulation of buildings as seen from a greater distance, such as from the NPS lands, the Anacostia River, or across the river. On the down-side, this form of setback can promote a particular form of "wedding cake" architecture and therefore limit design options, and can also encourage buildings to spread out on their sites, increasing footprints and limiting opportunities for view angles between buildings to and from the water.

OP has prepared sketches and analysis of five variants of upper story setback requirements, based on similar restrictions currently in other sections of the zoning regulations:

a) a 20' setback above a building height of 70 feet, measured from grade at the face of the building – OP's preferred option if this form of regulations is desired by the Commission;

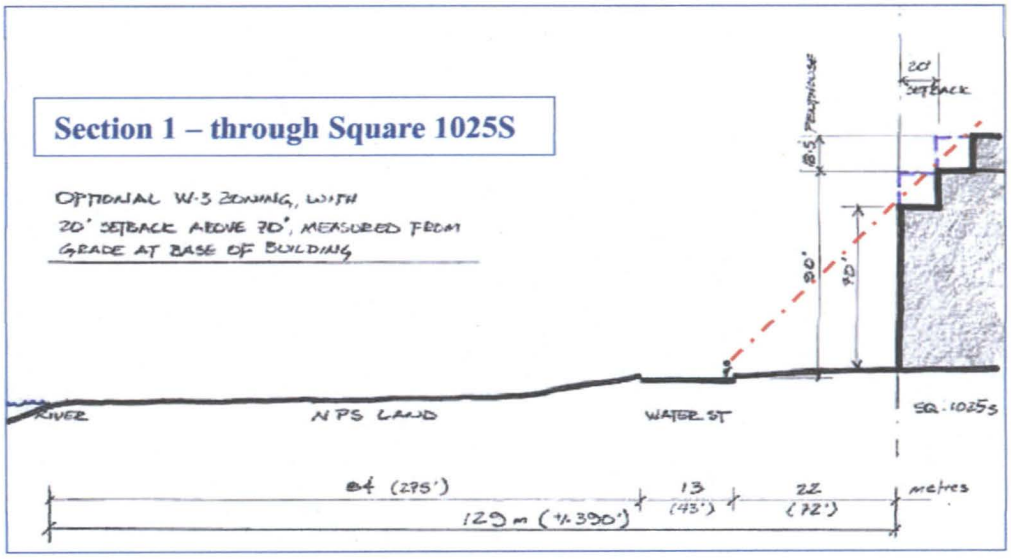
c) a 20' setback above a building height of 60 feet, measured from Water Street curb level; and

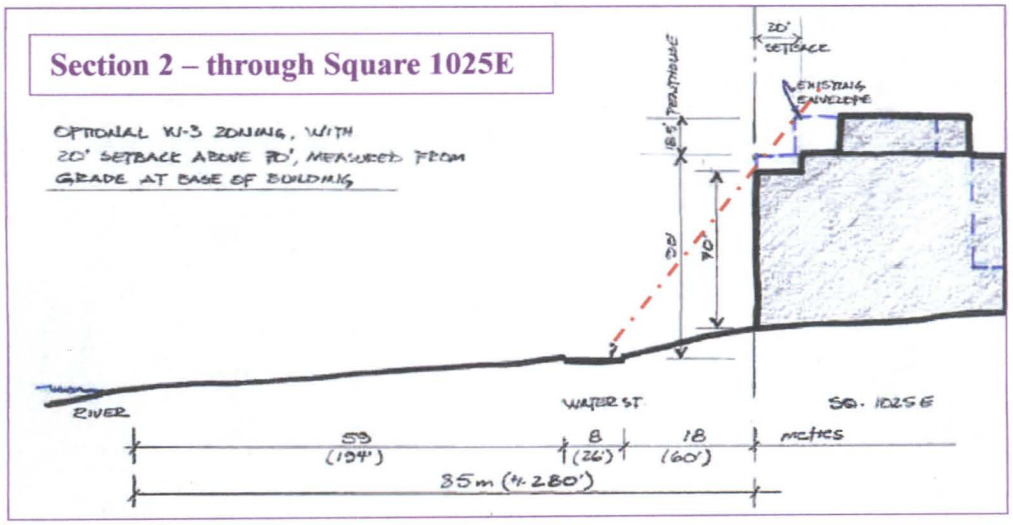
b) a setback above a building height of 40 feet, to somewhat mimic a "residential" scale along the base of the building, although OP notes that this area has never functioned as a residential neighborhood ; and

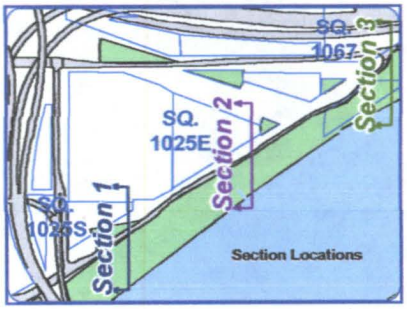
d) a 45° angle, measured from a point 60 feet above grade at the face of the building

e) a 45° angle, measured from grade at Water Street SE.

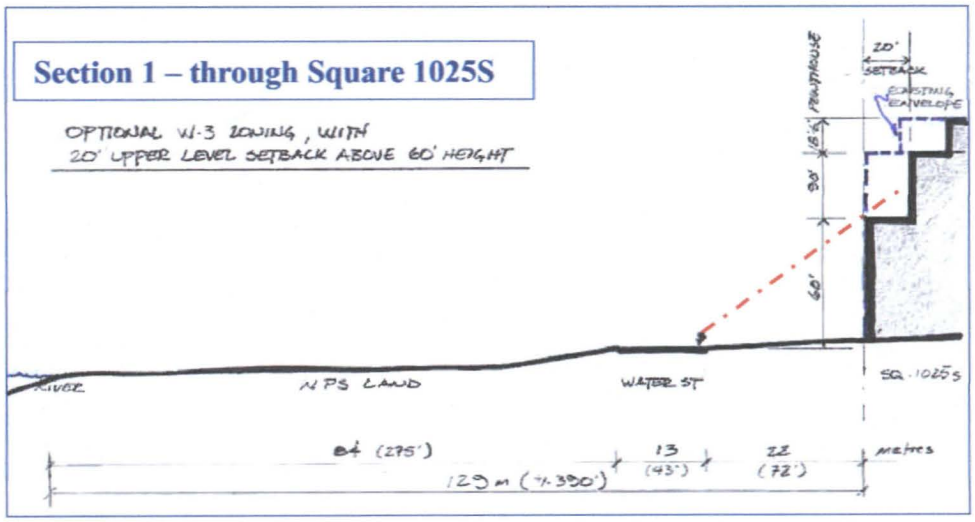
5.a a 20' setback above a building height of 70 feet (similar to the height possible under the CG/W-2 zone), measured from grade at the face of the building (i.e. at the property line). This option results in some screening of upper stories from view, as least when seen from Water Street. OP feels that the resulting benefits are minor, but if some form of upper story height restriction is wanted by the Commission, this one would have the greatest impact on perceived building height while limiting design flexibility the least.

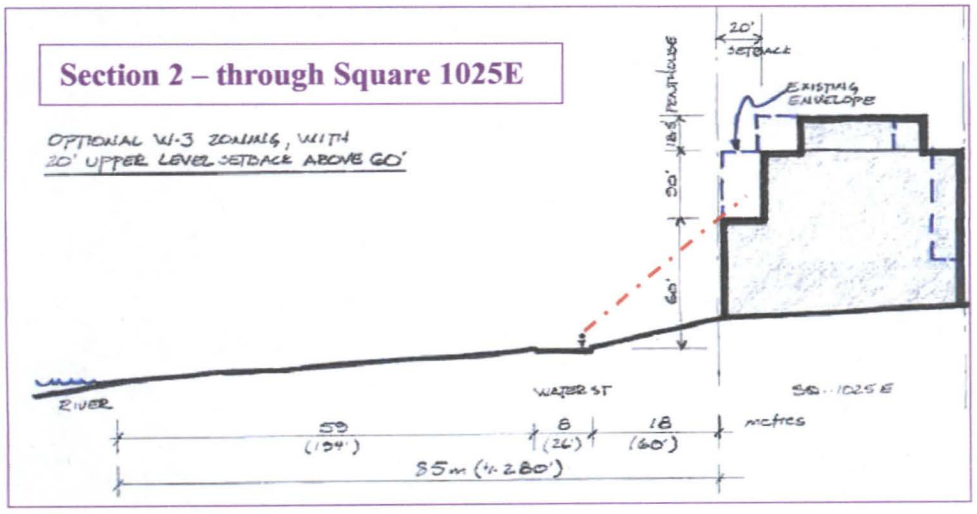


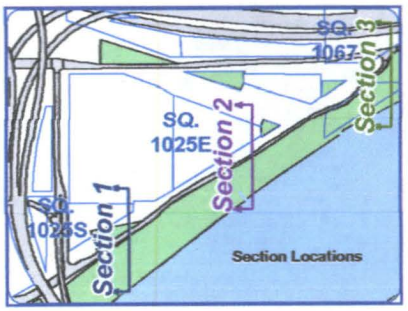


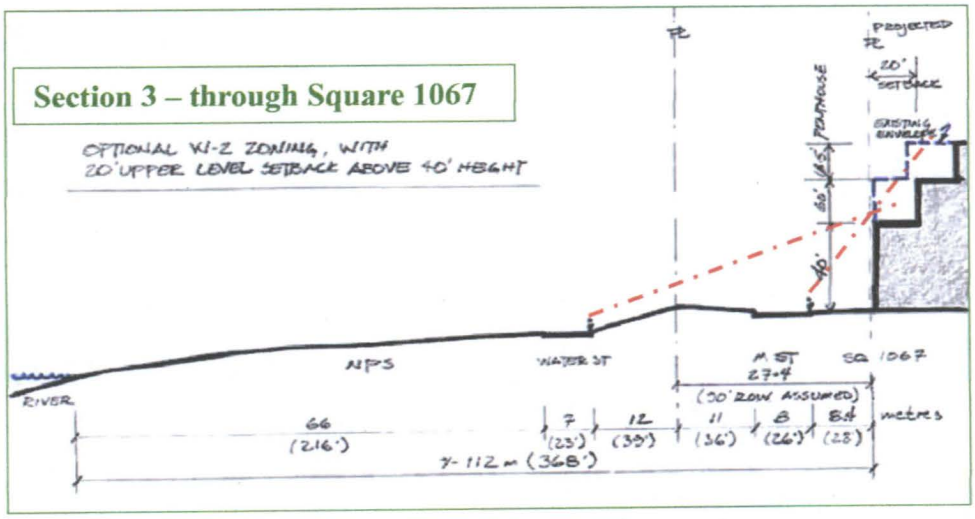


5.b a 20' setback above a building height of 60 feet, measured from Water Street curb level – This option would have a considerable impact on design and on the building envelope, but due to view angles from Water Street, would not generally result in upper stories being well screened from view, so would have limited impact on the perceived building height;

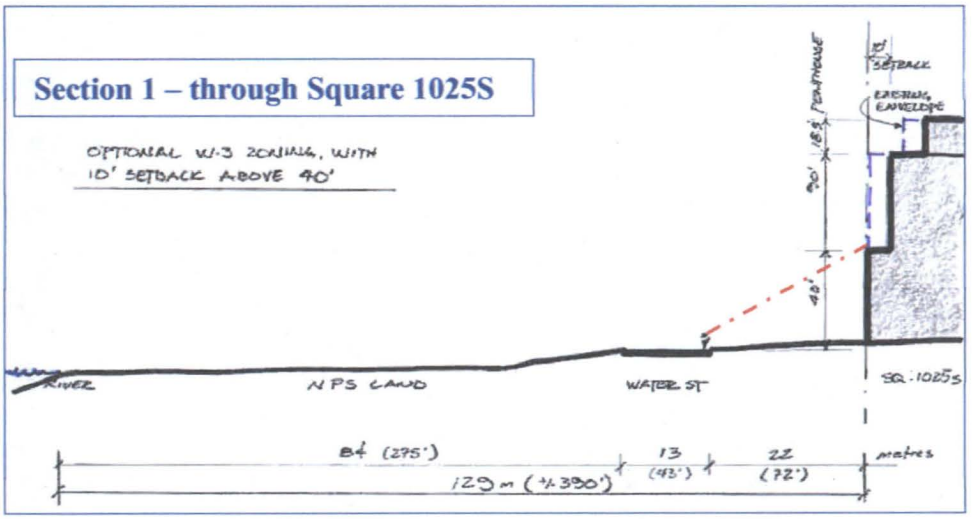


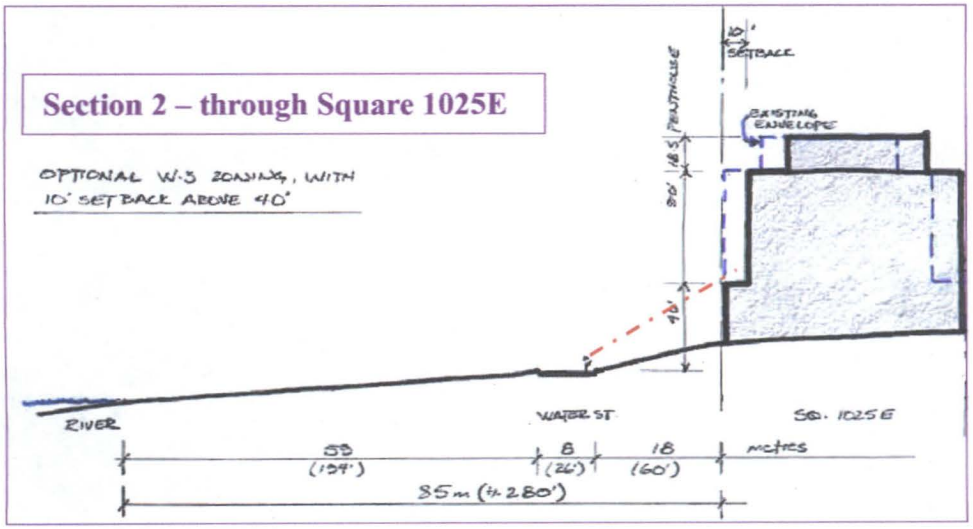


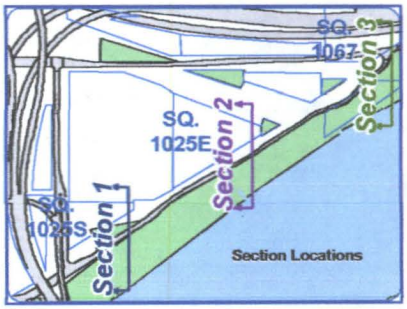


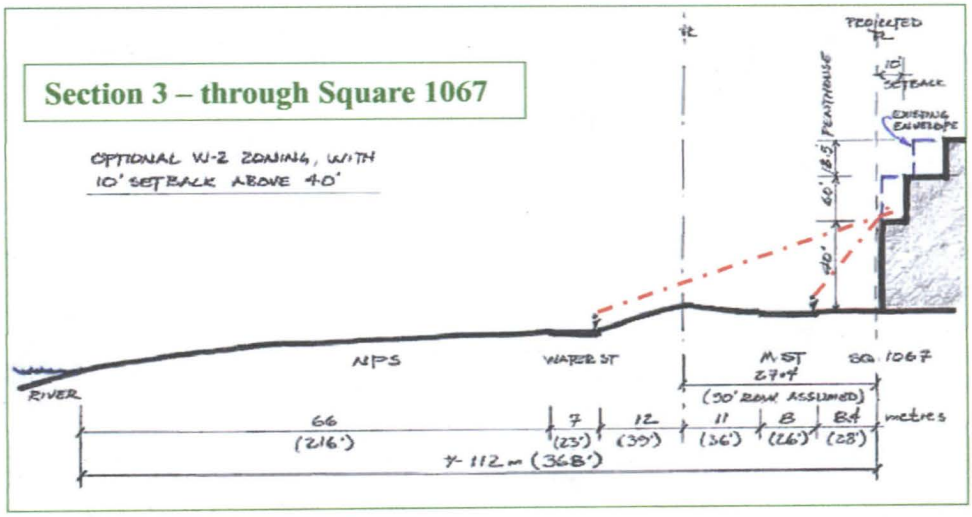


5.c a setback above a building height of 40 feet, to somewhat mimic a "residential" scale along the base of the building would have little impact on the perceived building height. Particularly since as Water Street is not anticipated to be a heavily used pedestrian way, this option is not recommended by OP;

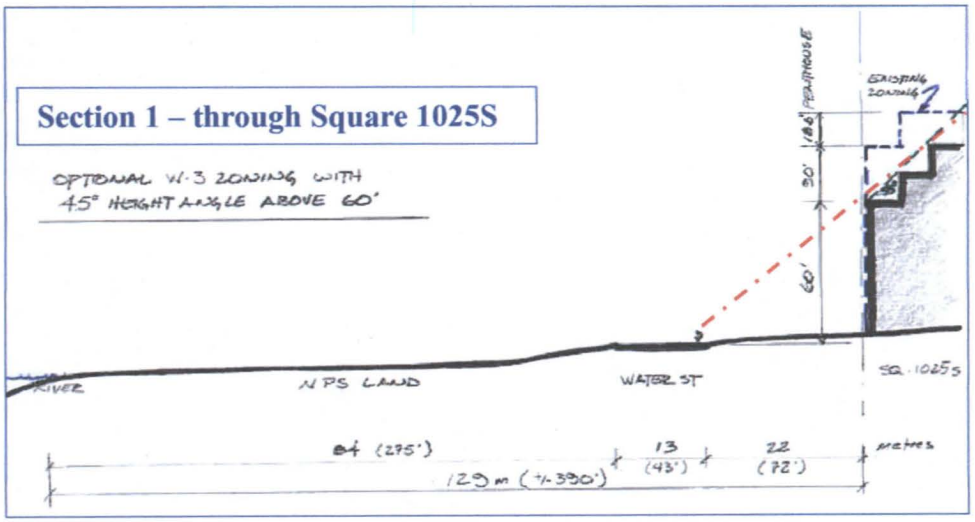


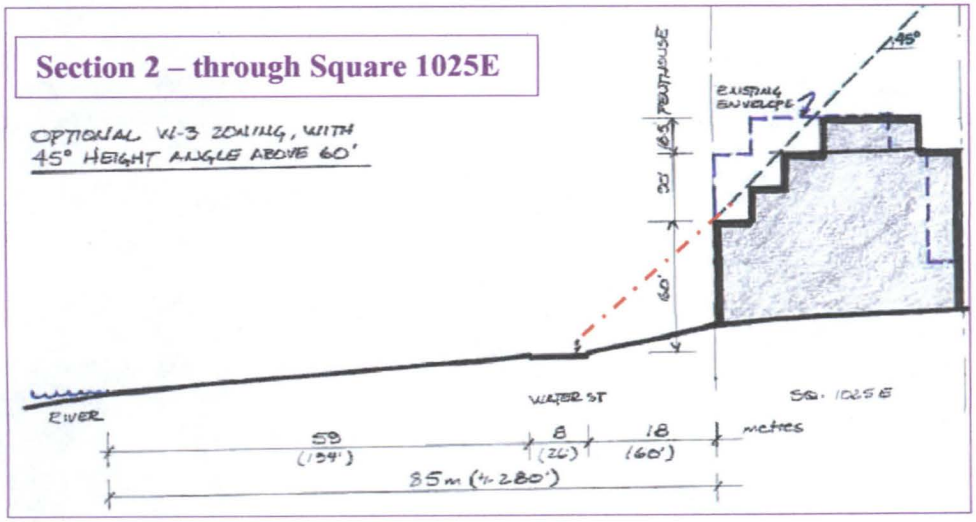


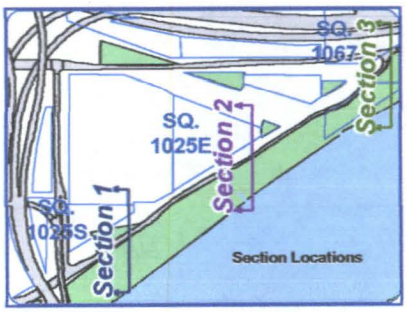


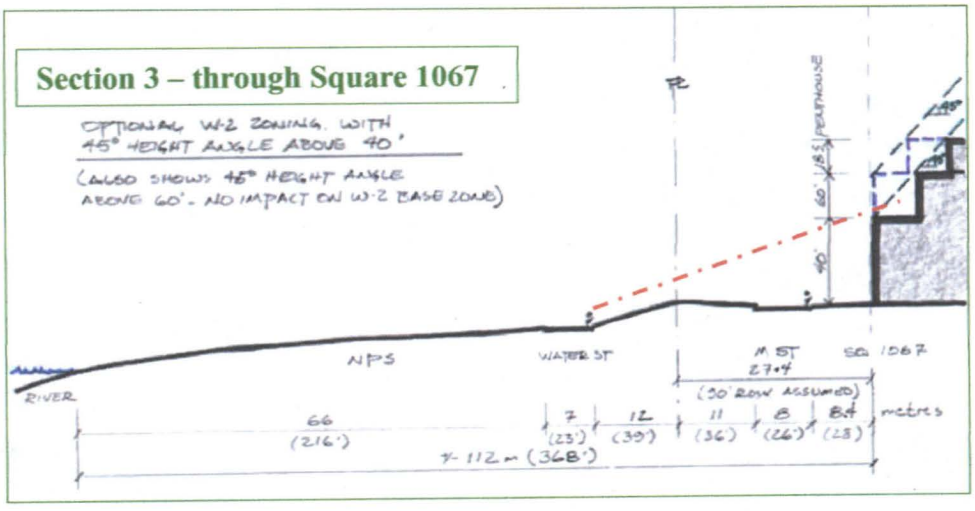


5.d a 45° angle, measured from a point 60 feet above grade at the face of the building (also shown at 40' for Section 3 where OP is recommending a zone with a lower building height) – This option is consistent with similar height angles in other overlays, but in this instance, would appear to have limited impact on perceived height of buildings as seen from Water Street;

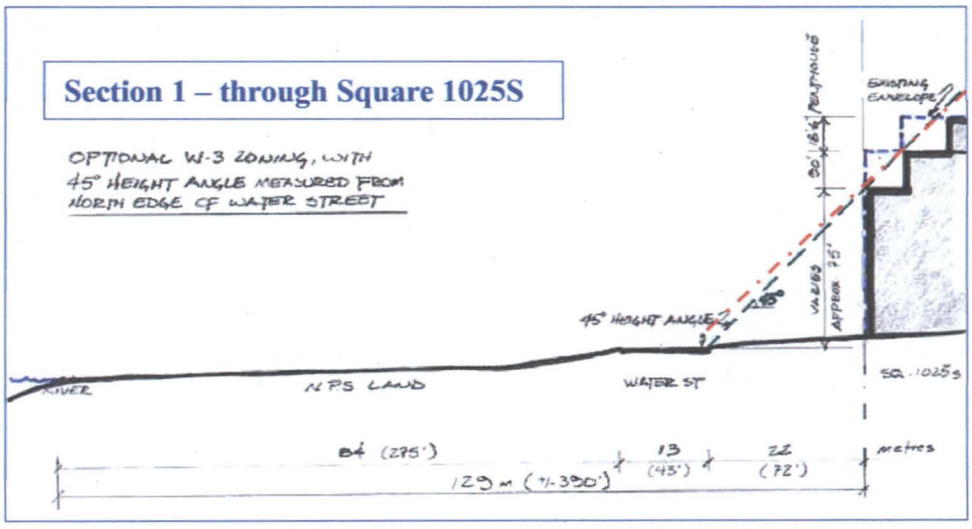


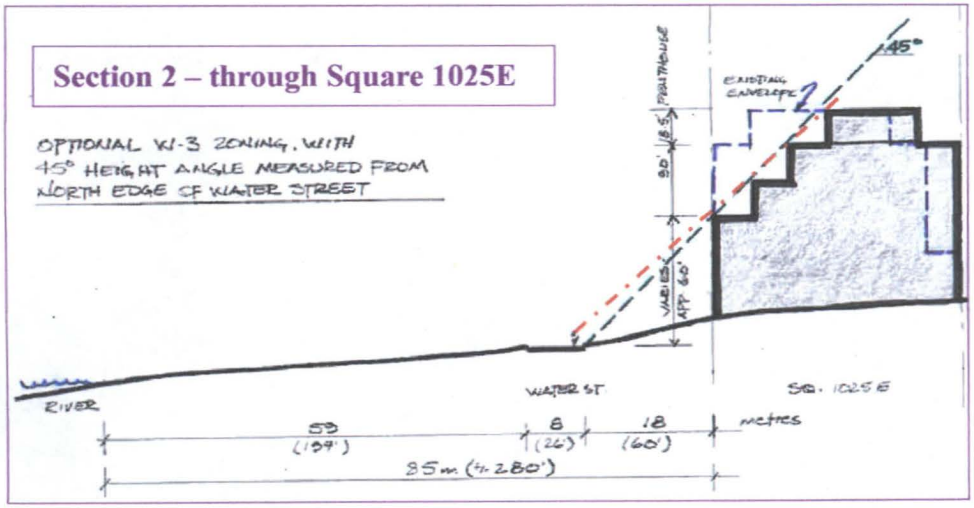


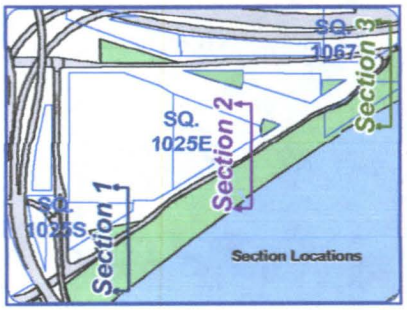


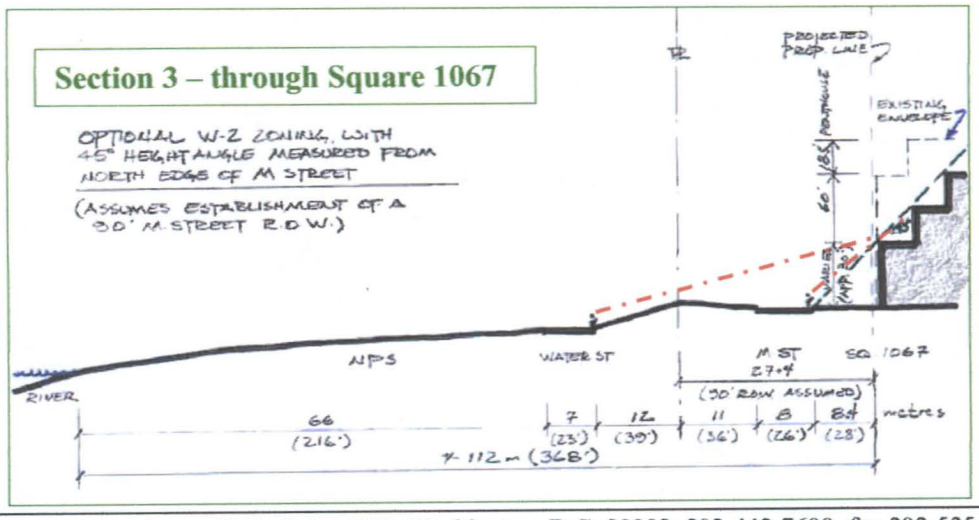


5.e a 45° angle, measured from grade at Water Street SE. – The impact would vary with the location and height of Water Street. Although this option would have some impact on perceived building height as seen from portions of the street, OP feels that other available options would be more consistent as well as more beneficial in terms of lessening perceived building height while not overly limiting design flexibility.









VII. OP RECOMMENDATION

Given the many options available to the Commission, OP feels that it is important to focus in on changes that are consistent with overall planning initiatives for the area; will encourage an appropriate level and form of development; will not significantly reduce current levels of permitted development; and will help to ensure an appropriate form of review of development proposals. As such, OP recommends the following:

1. rezoning lands currently zoned M to CG/W-3 (Squares 1024, 1025, 1025E, 1025S, 1048, 1067 lot 814);

2. rezoning lands currently zoned CW-2 to CG/W-2 (Squares 1000, and 1001

3. rezoning lands currently zoned CM-1 to either CG/W-1 (Squares 1080 and 1067 lot 815);

4. amending the CG Overlay text to:

   (a) require review of all development within the CG/W-3 and CG/W-2 zones;

   (b) permit commercial or residential density to that permitted for residential development under the base zone, in the CG/W1 and CG/W-2 zones;

   (c) to limit height and density to that of the base zone for the CG/W-3 zone district;

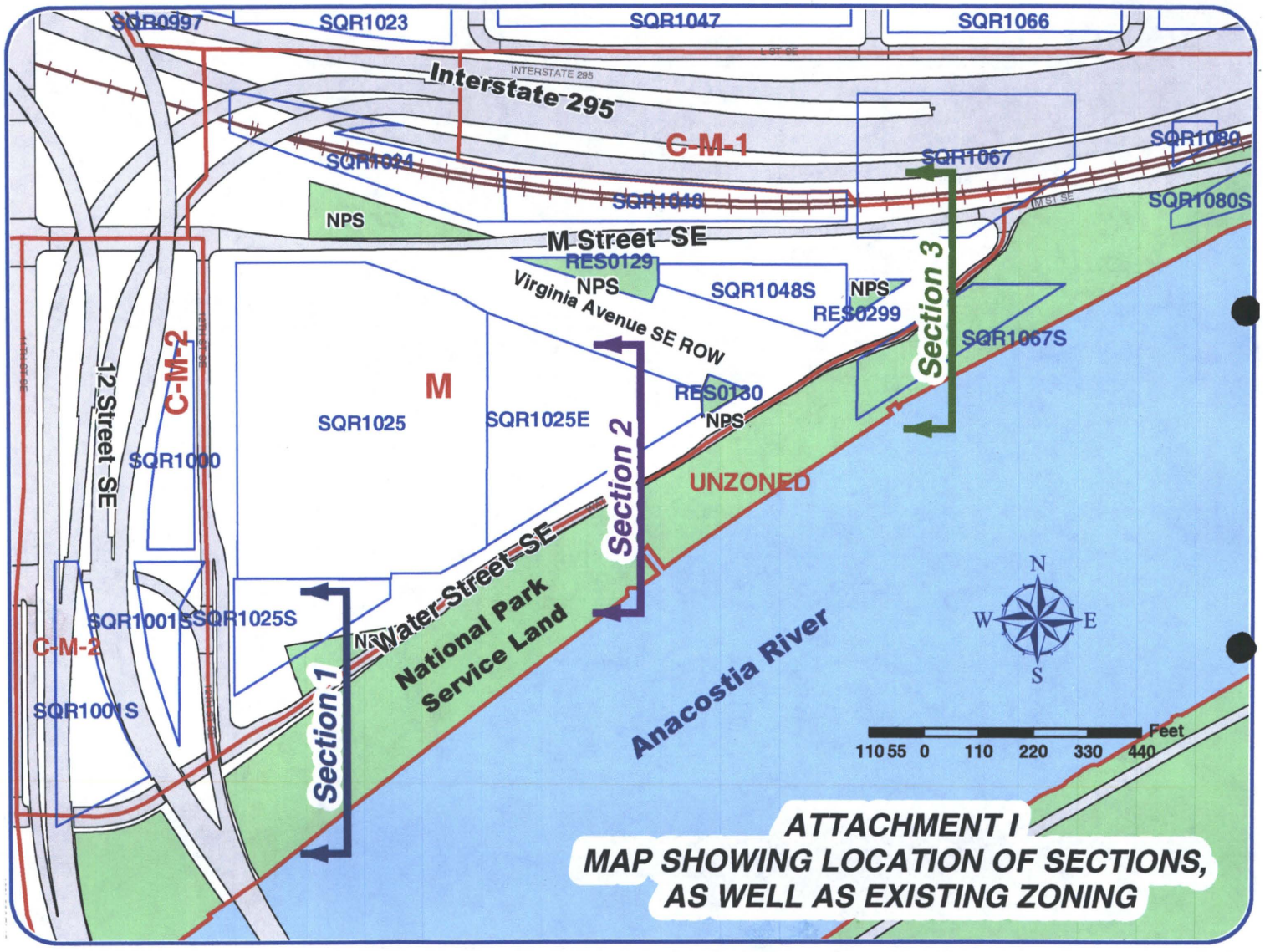
   (d) if the Commission wishes, to require retail along either M Street or Virginia Avenue within the East M Street area; and

   (e) if the Commission wishes, amend the CG/W-3 zone to require a 20' setback above a building height of 70 feet, measured from grade at the face of the building.

OP further believes that the Commission should proceed with adopting these changes in areas where the recommended zones have already been advertised to address timing concerns of owners of those lands, as development proposals are currently in the works. If the Commission wishes to proceed with alternative zone designations than advertised for portions of the East M Street area (such as the new proposal for CG/W-1 for the lands beneath the freeway), these modifications should be separated out from the current application and proceeded with separately, and readvertised for a new Public Hearing.

AA/jl

Attachments:
I Site Map, Showing Section Locations And Existing Zoning
II Development Potential Under the OP Recommended Option
III Special Bulk and Height Restrictions of Existing Zones and Overlays
IV Special Setback Restrictions of Existing Zones And Overlays



ATTACHMENT I
MAP SHOWING LOCATION OF SECTIONS, AS WELL AS EXISTING ZONING

Zoning Commission Case 04-02, East M Street Area
OP Recommended Zoning, Impact on Development Potential by Square and Lot

Square	Lot	Area	Existing Zone	Total Max. Dev't FAR	Total Max. Dev't Sq.Ft.	Ht.	PUD Ht.	Proposed Zone	Total Max. FAR	Total Max. Sq.Ft.	Commercial Max. FAR	Commercial Max. Sq.Ft.	Ht.
1024	808	54,018	M	6.0	324,108	90'	90'	CG/W-3	6.0	324,108	5.0	270,090	90'
1025	811	133,712	M	6.0	802,272	90'	90'	CG/W-3	6.0	802,272	5.0	668,560	90'
1025	812	97,384	M	6.0	584,304	90'	90'	CG/W-3	6.0	584,304	5.0	486,920	90'
1025	813	24,708	M	6.0	148,248	90'	90'	CG/W-3	6.0	148,248	5.0	123,540	90'
1048	806	30,267	M	6.0	181,602	90'	90'	CG/W-3	6.0	181,602	5.0	151,335	90'
1048	807	19,599	M	6.0	117,594	90'	90'	CG/W-3	6.0	117,594	5.0	97,995	90'
1067	814	23,820	M	6.0	142,920	90'	90'	CG/W-3	6.0	142,920	5.0	119,100	90'
1025E	801	189,637	M	6.0	1,137,822	90'	90'	CG/W-3	6.0	1,137,822	5.0	948,185	90'
1025S	11	36,681	M	6.0	220,086	90'	90'	CG/W-3	6.0	220,086	5.0	183,405	90'
1048S	1	40,580	M	6.0	243,480	90'	90'	CG/W-3	6.0	243,480	5.0	202,900	90'
M to CG/W-3:		**650,406**	**M**	**6.0**	**3,902,436**	**90'**	**90'**	**CG/W-3**	**6.0**	**3,902,436**	**5.0**	**3,252,030**	**90'**
1000	835	28,001	CM2	4.0	112,004	60'	90'	CG/W-2	4.0	112,004	4.0	112,004	60'
1001S	802	23,657	CM2	4.0	94,628	60'	90'	CG/W-2	4.0	94,628	4.0	94,628	60'
1001S	803	7,005	CM2	4.0	28,020	60'	90'	CG/W-2	4.0	28,020	4.0	28,020	60'
1001S	804	9,117	CM2	4.0	36,468	60'	90'	CG/W-2	4.0	36,468	4.0	36,468	60'
1001S	805	30,800	CM2	4.0	123,200	60'	90'	CG/W-2	4.0	123,200	4.0	123,200	60'
CM2 to CG/W-2:		**98,580**	**CM2**	**4.0**	**394,320**	**60'**	**90'**	**CG/W-2**	**4.0**	**394,320**	**4.0**	**394,320**	**60'**
1067	815	88,167	CM1	3.0	264,501	40'	60'	CG/W-1	2.5	220,418	2.5	220,418	40'
1080	800	5,522	CM1	3.0	16,566	40'	60'	CG/W-1	2.5	13,805	2.5	13,805	40'
CM1 to CG/W-1:		**93,689**	**CM1**	**3.0**	**281,067**	**40'**	**60'**	**CG/W-1**	**2.5**	**234,223**	**2.5**	**234,223**	**40'**
TOTAL - All Zones:		**842,675**			**4,577,823**					**4,530,979**		**3,880,573**	

Assumes proposed density and height limited to base permitted amount.
M to CG/W-3 - provides identical density and height, but a slightly lower non-residential density.
CM-2 to CG/W-3 - provides increased density and height for residential or non-residential building.
CM-1 to CG/W-1 - provides slightly incresed density and height, but significant density reduction for non-residential.
Difference: for commercial development, between existing permitted and proposed permitted.
Would appear to require re-advertising of those portions of the study area currenlty zoned CM-1 and CM-2.

SPECIAL BULK / HEIGHT RESTRICTIONS OF EXISTING ZONES AND OVERLAYS

Chapter 7 - Commercial Districts *upper story setback*

770 Height Of Buildings Or Structures (C)

770.5 In the C-5 (PAD) District, a building or other structure may be erected to a height not exceeding one hundred sixty feet (160 ft.); provided:

(b) That portion of the building or other structure that exceeds one hundred thirty-five feet (135 ft.) in height shall be set back a minimum of fifty feet (50 ft.) from the building line along Pennsylvania Avenue.

Chapter 11 - Hotel-Residential Incentive Overlay District (HR) *height angle*

1101 Use, Bulk, And Height Regulations

1101.6 In the HR Overlay District, a building containing a hotel or an apartment house may be erected to a height in excess of that permitted in the underlying zone; provided:

(c) No part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located one hundred ten feet (110 ft.) directly above the right-of-way line of a street.

Chapter 12 - Capitol Interest Overlay District (CAP) *height limit*

1203 Height, Area, And Bulk Regulations

1203.1 -Except as specified in § 1203.2 and in chapters 20 through 25 of this title, the height of buildings or structures in the CAP Overlay District shall not exceed forty feet (40 ft.) or three (3) stories in height.

Chapter 13 - Neighborhood Commercial Overlay District (NC) *height limit for PUD*

1305 Planned Unit Development Guidelines

1305.1 In the NC Overlay District, the matter-of-right height and floor area ratio limits shall serve as the guidelines for Planned Unit Developments.

1306 Cleveland Park Neighborhood Commercial Overlay District (CP) ***height limit***

1306.6 The maximum permitted height for any building or structure in the CP Overlay District shall be forty feet (40 ft.).

1307 Woodley Park Neighborhood Commercial Overlay District (WP) ***height limit***

1307.6 The maximum permitted height of any building or structure in the WP Overlay District shall be:

(a) Forty feet (40 ft.) in the WP/C-2-A Overlay District; and

(b) Fifty feet (50 ft.) in the WP/C-2-B Overlay District.

1309 Eighth Street Southeast Neighborhood (ES) *height limit*

1309.6 The maximum permitted height for any building or structure in the ES Overlay District shall be forty-five feet (45 ft.).

SPECIAL BULK / HEIGHT RESTRICTIONS
OF EXISTING / PROPOSED ZONES AND OVERLAYS

Chapter 14 - Reed-Cooke Overlay District (RC)

1402 Height And Bulk Provisions *height limit for PUD*

1402.1 The maximum height permitted in the RC Overlay District shall not exceed forty feet (40 ft.) plus roof structure as defined in this title; provided, that in the RC/C-2-B Overlay District, the Board of Zoning Adjustment may approve a maximum height of fifty feet (50 ft.) with appropriate setbacks from the street, plus roof structures ...

1402.2 For the purpose of this chapter, no Planned Unit Development shall exceed the matter of-right height, bulk, and area requirements of the underlying district.

Chapter 15 – Miscellaneous Overlay Districts

Dupont Circle Overlay District (DC) *height limit for PUD*

1503 Planned Unit Development (DC)

1503.1 In the DC Overlay District, the matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for a planned unit development.

Foggy Bottom Overlay District (FB)

1524 Planned Unit Development (FB) *height limit for PUD*

1524.1 In the FB Overlay District, the matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for planned unit developments.

Naval Observatory Precinct Overlay District (NO)

1534 Height, Area, And Bulk Regulations (NO) *height limit*

1534.1 The maximum permitted building height in the NO Overlay District shall not exceed forty feet (40 ft.).

Fort Totten Overlay District (FT)

1563 Bulk, Height, And Use Provisions (FT) *height limit / view preservation*

1563.4 The maximum height and bulk of a new building for a newly established use in the underlying CR District shall be eighty-feet (80 ft.) in height, inclusive of roof structure, and 5.0 floor area ratio.

1563.5 Buildings proposed to have a height in excess of sixty-five feet (65 ft.) shall provide special architectural features, roof parapet detailing, and design consideration of roof top and penthouse structures to ensure that the views and vistas from the historic fortification of Fort Totten are not degraded or obstructed. The D.C. Office of Planning shall review and provide a report with recommendation.

Chapter 16 - Capitol Gateway Overlay District (CG)

1601 Bonus Density And Height *upper story setback*

1601.3 ... in squares 601, 656 and 657 those lots abutting or separated only by a street or alley from residentially zoned property shall provide a 1:1 building setback for any part of a building that exceeds 90 feet in height on the side abutting the residential zone.

SPECIAL BULK / HEIGHT RESTRICTIONS
OF EXISTING / PROPOSED ZONES AND OVERLAYS

Chapter 17 - Downtown Development Overlay District (DD)

1701 Area-Wide Design Standards (DD) *height angle*

1701.7 … a building that fronts on Massachusetts Avenue or on Mount Vernon Square shall be designed and built so that no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located one hundred ten feet (110 ft.) above the property line abutting Massachusetts Avenue or Mount Vernon Square.

1706 Residential And Mixed Use Development (DD) *height limit*

1706.15 A building constructed on a lot fronting on M Street shall be limited to a maximum height of sixty feet (60 ft.) to a depth of forty feet (40 ft.) from the lot line on M Street.

1709 Transferable Development Rights (DD) *height angle*

1709.20 If the height of a receiving building exceeds the height that the provisions of this title allow as a matter of right for a building located on an abutting lot, including a lot that is separated from the receiving lot by an alley, no part of the receiving building shall project above a plane at a forty-five degree (45°) angle from a line that is as follows:

(a) Directly above the zone district boundary line between such abutting lot and the receiving lot; and

(b) Above such boundary line by the distance of the matter-of-right height that this title allows for such abutting lot.

Chapter 18 - Southeast Federal Center Overlay District

1806 Planned Unit Development *height and density limit for PUD*

1806.1 The matter-of-right height and floor area ratio limits shall serve as the maximum permitted height and floor area ratio for a planned unit development ("PUD") in the SEFC Overlay District.

Uptown Arts-Mixed Use (Arts) Overlay District (ARTS)

1902 Height And Bulk *height angle*

1902.1 In the underlying C-3-A District, a building may be constructed in excess of the height limit of sixty-five feet (65 ft.), up to a maximum height of seventy-five feet (75 ft.); provided:

(a) No roof structure permitted by this title shall exceed a height of eighty-three and one-half feet (83½ ft.) above the measuring point used for the building; and

(b) If the lot abuts either a Residence District or an alley that serves as the zone district boundary line of an adjacent Residence District, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located fifty feet (50 ft.) directly above the property line that abuts the Residence District or the alley.

1902.2 In the underlying CR District, if a building is located on a lot that abuts a street, an alley, or a zone district boundary with a Residence District, no part of the building shall project above a plane drawn at a forty-five degree (45°) angle from a line located sixty-five feet (65 ft.) directly above the property line on each such street, alley, or zone district boundary line.

SPECIAL SETBACK RESTRICTIONS OF EXISTING ZONES AND OVERLAYS

Chapter 15 – Miscellaneous Overlay Districts

Wesley Heights Overlay District (WH) *front yard setback*

1543 Restrictions: Maximum Lot Occupancy, FAR, and Front Yard Setback

1543.4 All residential buildings shall have a front yard setback equal to or greater than the average setback of all structures on the same side of the street in the block where the building in question is located. ...

Chapter 16 - Capitol Gateway Overlay District (CG) *waterfront and front yard setback*

1603 Zoning Commission Review Of Buildings, Structures And Uses In The CG/W-2 District

1603.3 With respect to a building or structure to be constructed on a lot that faces or abuts the Anacostia River:

(a) The building or structure shall be set back by no less than seventy-five (75) feet, unless the Commission finds that such setback creates an undue economic hardship for the owner of the lot and in no case less than fifty (50) feet from the bulkhead.

(b) The application shall include a plan for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront.

1604 Zoning Commission Review Of Buildings And Structures On M Street, S.E.

1604.3 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen feet (15') measured from the face of the adjacent curb along M Street, S.E.;