

ZONING COMMISSION

CASE No. 04-14

EXHIBIT No. 43

REPORT TO THE ZONING COMMISSION

**CASE NO. 04-14C
FLORIDA ROCK PROPERTIES
POTOMAC AVENUE, S.E.**

**STEVEN E. SHER,
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HOLLAND & KNIGHT LLP**

SEPTEMBER 18, 2006

I. Introduction

II. Planning and development context

A. General

1. Anacostia Waterfront Initiative
2. Anacostia River
3. Southeast Federal Center
4. Development occurring in the Capitol South and Near Southeast area
5. Ballpark development district
6. Capitol Gateway (CG) Overlay
7. South Capitol Street corridor improvements

B. Specific

1. Waterfront

2. Baseball stadium
3. Relocated Frederick Douglass Bridge
4. South Capitol Street corridor changes, including the oval "circus" at the intersection of South Capitol Street and Potomac Avenue

III. PUD history

- A. Preliminary approval originally granted in 1998 (Case No. 95-16P, Order No. 850, effective July 3, 1998)
 1. All commercial project
 2. Maximum FAR of 6.0
 3. Maximum height of 109 feet within 110 feet of the seawall and 130 feet further than 110 feet from the seawall
 4. Approval valid for one year to file final application
- B. Final approval granted in 1999 (Case No. 98-17F, Order No. 910, effective November 26, 1999)
 1. All commercial project
 2. Maximum FAR and height as specified in preliminary approval
 3. Maximum lot occupancy of 58%
 4. 2 buildings leaving Half Street vista open
 5. 55 foot wide waterfront esplanade
 6. Specifications on retail, gallery and community uses
 7. Shuttle bus service to Metro and traffic management
 8. Amenity site for maritime education, park and residential use
 9. Order valid for two years to file for building permit

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- C. Request for two year extension of time denied in 2002 on the basis that "substantial changes have occurred in the material facts upon which the Commission based its original approval of the PUD that undermine the Commission's justification for approving the original PUD (see §2408.10(b) of the Zoning Regulations) (Case No. 98-17F/0131TE, Order No. 910-A, effective November 22, 2002)
- D. Motion for reconsideration of the denial of the time extension was granted in 2003 (Case No. 01-31TE/98-17F/95-16P, Order No. 910-B, May 23, 2003)
 - 1. Denial of time extension of final PUD left standing
 - 2. Reconsideration was granted and time extension was granted for the preliminary approval
 - a. Applicant to submit a new final application within one year of the effective date of the order
 - b. Plans to be in accordance with revised design guidelines prepared by the Applicant and the Office of Planning and approved by the Commission and attached to and incorporated in the order
- E. Present application (Case No. 04-14C)
 - 1. Filed on May 21, 2004
 - 2. Considered by the Commission for set-down on July 12, 2004, but action deferred to allow Applicant to provide additional information
 - 3. Supplemental submission filed on August 26, 2004
 - 4. Set for hearing by the Commission on September 13, 2004
 - 5. Pre-hearing submission filed on May 2, 2005
 - 6. Supplemental pre-hearing submission filed on November 18, 2005
 - 7. Public hearing scheduled for December 8, 2005
 - 8. Office of Planning report, dated November 28, 2005, recommended deferral of action on the application pending resolution of ballpark design and amenity package issues

9. Applicant consented to postponement of hearing
10. Modified supplemental pre-hearing submission filed August 25, 2006

IV. Description of the proposed project

- A. Overall project: four buildings separated above ground on a single below grade platform containing parking**
- B. Uses: mix of residential, hotel, office and retail**
- C. Maximum height:**
 1. 112 feet for office west and hotel
 2. 102 feet for residential
 3. 92 feet for office east (stepping down to 42.5 feet facing the waterfront)
- D. Density**
 1. Overall: 1,115,400 sf of gross floor area (4.4 FAR)
 2. Office: 599,500 sf of gross floor area (2.37 FAR)
 3. Retail: 64,856 sf of gross floor area (0.26 FAR)
 4. Residential: 203,002 sf of gross floor area (0.80 FAR)
 5. Hotel: 247,563 sf of gross floor area (0.98 FAR)
- E. Parking**
 1. Office: 733 spaces
 2. Retail: 69 spaces
 3. Residential: 266 spaces
 4. Hotel: 300 spaces
 5. Total: 1,368 spaces

F. Loading

1. 2 loading berths @ 55 feet
2. 9 loading berths @ 30 feet
3. 4 service/delivery loading space

V. Compliance with the preliminary approval design guidelines

Design Guidelines from Order No. 910B	PUD compliance based on the August 25, 2006, plans
<p>Site plan organization:</p> <ul style="list-style-type: none">• Minimum of three separate buildings• Minimum of 2 publicly accessible primarily pedestrian-oriented passages through the site for access from Potomac Avenue to the waterfront	<ul style="list-style-type: none">• <u>Complies</u>: 4 separate buildings: office east, residential, office west, hotel, built on below grade parking platform under the whole site• <u>Complies</u>: 2 open pedestrian passages from Potomac Avenue to the waterfront, one aligned with Half Street; one additional open passage between office west and the hotel from the oval circus to the waterfront; additional circulation provided alongside office east and through office east and office west
<p>Site perimeter setback and build-to requirements:</p> <ul style="list-style-type: none">• Potomac Avenue – no setback from right-of-way line except for façade articulation and breaks for pedestrian access to the waterfront• 1st Street – no building on theoretical extension of 1st Street• River – setback of minimum of 75	<ul style="list-style-type: none">• <u>Complies</u>• <u>Complies</u>• <u>Complies at ground level</u>;

<p>feet from bulkhead line, with facades modulated behind the line</p> <ul style="list-style-type: none"> Frederick Douglass Bridge – not closer than official right-of-way, subject to adjustment based on DDOT's Bridge and South Capitol Street Corridor Study 	<p>encroachments into the setback area occur on a portion of the residential building, the hotel and for a tower element on office east; minimum of 50 feet provided above</p> <ul style="list-style-type: none"> <u>Complies</u>; applicant has proposed minor property adjustments to straighten out the west and southwest property lines (see Figure 4 of the Applicant's Urban Design Study)
<p>Mid-block public access to the waterfront:</p> <ul style="list-style-type: none"> Half Street – extended south of Potomac Avenue to the waterfront as pedestrian focused passageway, open to the sky, no less than 60 feet wide; limited motorized vehicle access permitted Additional access – one additional pedestrian-oriented passageway, no less than 40 feet wide, extending between Potomac Avenue and the waterfront, located between Half and 1st Streets 	<ul style="list-style-type: none"> <u>Complies</u> (even though Half Street was closed for the ballpark and no longer exists directly north of Potomac Avenue) <u>Complies</u>: 40 foot wide allee lined with retail connects waterfront to Potomac Avenue where Half Street was
<p>Height, bulk and design:</p> <ul style="list-style-type: none"> General – varied silhouette; maximum of 110 feet west of Half Street; maximum of 100 feet east of Half Street to the pedestrian access, subject to increase for providing residential space; maximum of 90 feet east of the pedestrian access 	<ul style="list-style-type: none"> <u>Variety of heights included</u>; Applicant requests approval of heights of 112 feet for office west and the hotel, 102 for residential; and maximum of 92 feet for office east (stepping down towards the waterfront); in all cases, 2 feet added to increase 1st floor clear

<ul style="list-style-type: none">• Potomac Avenue – maintain streetwall, no setbacks, but façade articulation and possible setbacks at upper levels permitted• 1st Street – minimum setback of 10 feet above 65 feet in height; glass allowed as primary building material• Waterfront – façade articulation required to avoid monolithic appearance• Frederick Douglass Bridge façade – reflect location as major gateway to the monumental core• Façade materials – primarily masonry and glass; variations in materials and color required to create an ensemble of buildings rather than appearance as single large building	<p>height from 12 to 14 feet</p> <ul style="list-style-type: none">• <u>Complies</u>• <u>10 feet will be provided</u>• <u>Complies</u>• <u>Complies</u>• <u>Complies</u>
<p>Development program requirements:</p> <ul style="list-style-type: none">• General – mix of residential, office and commercial uses• Ground levels to maximize use which open to and activate the streets and planned open spaces; minimum of 50% of net usable area of aggregate of all space shall be retail, cultural or community uses; minimum ground floor-to-ceiling	<ul style="list-style-type: none">• <u>Complies</u>: includes residential, office, retail and residential• <u>Complies</u>; percentage of ground floor space = 79%; ground floor ceiling heights have been increased to 14 feet

<p>height of 12 feet; areas fronting on waterfront designed to appear multi-storied, spacious and open</p> <ul style="list-style-type: none"> • Ground levels fronting on the Frederick Douglass Bridge subject to evaluation in light of South Capitol Street Corridor Study • All required on-site parking must be below-grade; other parking may be above grade but not impede pedestrian use of open space or prevent ground level retail uses • Distribution of uses: maximum of 625,000 square feet of commercial; maximum of 440,000 square feet of hotel and residential uses, including minimum of 160 residential units at an average gross floor area of 1,200 square feet per unit • Maximum overall GFA = 1,115,400 square feet (4.4 FAR) 	<ul style="list-style-type: none"> • <u>Complies</u> • <u>Complies</u> • <u>Generally complies:</u> Commercial: office = 599,950 sf; retail = 64,856 sf; total = 664,815 (2.62 FAR) Residential: 203,022 sf (160 units) (0.80 FAR) Hotel: 247,563 sf (240 rooms) (0.97) • <u>Complies:</u> 1,115,400 sf
<p>Project amenities:</p> <ul style="list-style-type: none"> • General approach – public space improvements in and around the PUD site • Public access to the waterfront • Anacostia River esplanade and riverwalk – continuous esplanade with minimum width of 75 feet; riverwalk a minimum of 12 feet extended to the Southeast Federal Center; applicant to maintain 	<ul style="list-style-type: none"> • <u>Complies</u> • <u>Complies</u> • <u>Complies at grade</u>; request for encroachments at upper floors of residential building and for the tower element of office east; other funding has been secured for extension to

<p>riverwalk for at least 5 years</p> <ul style="list-style-type: none">• Parks and plazas – design and develop additional urban parks on Reservation 247 on Potomac Avenue (approximately 16,000 square feet of land) and at the terminus of 1st Street fronting on the ECC pumphouse and maintain the spaces for no less than 5 years• Sustainable design – achieve LEED certification	<p>Southeast Federal Center</p> <ul style="list-style-type: none">• <u>Reservation 247 is now part of baseball stadium site</u>; Applicant has proposed to contribute \$3.5 million toward the 1st Street park• <u>Complies</u>
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VI. Zoning flexibility requested

A. Height

1. Permitted: maximum of 90, 100 and 110 feet
2. Proposed:
 - a. Maximum of 92, 102 and 112 feet
 - b. All desired to increase clear ceiling height on first floor from 12 feet to 14 feet to accommodate retail uses

B. Setback from the bulkhead line

1. Required: minimum of 75 feet
2. Proposed:
 - a. Minimum of 75 feet at ground
 - b. Projections at second floor level and above of maximum of 25 feet into the setback area (minimum of 50 feet remaining)

C. Roof structures

1. Required:
 - a. Single enclosure
 - b. 1:1 setback
 - c. Walls of equal height
2. Proposed:
 - a. Office west
 - (1) 2 penthouses separated by a tower embellishment
 - (2) Setbacks at the corner of the tower and the penthouses
 - b. Hotel
 - (1) Multiple roof structures (main elevator and mechanical penthouse and two stair towers)
 - (2) Walls of unequal height (stair towers are lower than the main penthouse)
 - (3) Setbacks from the edge of the roof (main hotel tower is 12 stories but ballroom and meeting room space is only 3 stories and elevators serve both)

D. Loading

1. Required
 - a. Office total:
 - (1) 6 berths @ 30 feet
 - (2) 2 service/delivery loading spaces
 - b. Retail
 - (1) 1 berth @ 55 feet
 - (2) 2 berths @ 30 feet

- (3) 2 service/delivery loading spaces
- c. Residential
 - (1) 1 berth @ 55 feet
 - (2) 1 service/delivery loading space
- d. Hotel
 - (1) 1 berth @ 55 feet
 - (2) 2 berths @ 30 feet
 - (3) 1 service/delivery loading space
- e. Total
 - (1) 3 berths @ 55 feet
 - (2) 10 berths @ 30 feet
 - (3) 6 service/delivery loading spaces

2. Provided

- a. Office total:
 - (1) 6 berths @ 30 feet
 - (2) 2 service/delivery loading spaces
- b. Retail
 - (1) 1 berth @ 30 feet
- c. Residential
 - (1) 1 berth @ 55 feet
 - (2) 1 service/delivery loading space
- d. Hotel

- (1) 1 berth @ 55 feet
- (2) 2 berths @ 30 feet
- (3) 1 service/delivery loading space

e. Total

- (1) 2 berths @ 55 feet
- (2) 9 berths @ 30 feet
- (3) 4 service/delivery loading spaces

VII. Relationship to baseball stadium

- A. City's intent in locating the stadium in the Capitol Gateway area was to serve as a catalyst or launching pad for future development
- B. Site has to stand on its own for approximately 280 days out of the year
- C. Critical location between the stadium and the river
- D. Appropriate for high density development which respects the context

VIII. Recommendation

- A. Project complies with the requirements of the modified preliminary PUD approval with minor exceptions
- B. Flexibility sought (for height, roof structures and loading) is minor in the overall scheme
- C. Project responds positively to the surrounding context
- D. Project is not inconsistent with the Comprehensive Plan
- E. Application should be approved