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**To:** District of Columbia Zoning Commission  
**From:** Jennifer Steingasser, Deputy Director *JS*  
**Re:** Z.C. Case No. 04-33B, Inclusionary Zoning  
Supplemental Information Regarding Eighth Street Overlay and IZ  
**Date:** August 31, 2007

At its August 30, 2007 special meeting, the Zoning Commission asked OP to investigate further the appropriateness of the proposed Inclusionary Zoning (IZ)-related changes to the maximum height permitted within the Eighth Street (ES) Overlay. OP has completed its analysis and continues to recommend that projects of 10 or more residential units in the Eighth Street Overlay be subject to the Inclusionary Zoning regulations, and that the height limit for such projects be set at fifty-five feet. OP analysis follows. OP does not recommend the establishment of mandatory setbacks.

## I. BACKGROUND

There have been several changes to the zoning regulations affecting the land within what is now the Eighth Street Overlay, the boundaries of which are shown in Figure 1 and in the Attachment. The 1998 amendments to the Comprehensive Plan Generalized Land Use Map designated most of the overlay area as suitable for Moderate Density Commercial uses, while the northwest and eastern portions are shown as suitable for Medium Density Residential. To avoid inconsistency with this designation, the area was rezoned from CM-1 to C-3-A, followed by its designation as an historic district and the establishment of the zoning overlay. The ES Overlay reduces the height of the C-3-A base zone from sixty-five (65) feet to forty-five (45) feet and the permitted floor area ratio (FAR) from 4.0 to 3.0 FAR. The overlay's intent is to protect the scale and character of the existing historic buildings in the neighborhood and the entrance to the adjacent navy Yard. Under the new Comprehensive Plan Future Land Use Map moderate density - residential and commercial mixed use designation, buildings do not usually exceed four to five stories.



Figure 1. Eighth Street Overlay Boundaries

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The overlay consists of four Squares, with the intersection of 8<sup>th</sup> and M Streets, SE being the center point. Square 906 is to the northwest; Square 929 is to the northeast; Square 907 is to the southeast; and Square 907 is to the southwest.

Unlike many of the city's historic districts, the area within the ES Overlay has limited surviving historic fabric. Contributing buildings are often separated by smaller vacant lots or auto repair facilities (*Fig. 2*). There are several large vacant lots. 770 M Street, SE, which is the full-block building known as the "blue castle", dominates the neighborhood in Square 907. The western half of Square 930 has a relatively intact historic context. (See *Fig 3*, the eastern side of 8<sup>th</sup> Street ). The same is true of parts of the southern half of square 0906.



**Figure 2.**



**Figure 3.**

Only three historic buildings remain in Square 0929

The intermittent pattern of historic buildings and vacant land is evident in Figure 4, below, and in Figure 6, on page 4. Building heights vary from 1 to 4 stories



**Figure 4 ES Overlay Area: Oblique view looking east, with Navy Yard on the right.**

## II. The Potential Visual Impact of Inclusionary Zoning in the ES Overlay

The table below summarizes the zoning changes and the potential FAR of a 10,000 square foot sample lot size <sup>1</sup> IZ would increase the FAR for projects of ten units or more to 3.6 and increase the height from forty-five feet to fifty-five feet

### Eighth Street Overlay IZ Test

#### Zone and Lot

	Lot					
	FAR	Square Feet	Occupancy	Foot Print	Height	# of Floors
Land		10,000				
ES Overlay "MofR"	3.0	30,000	75%	7,500	45	4
IZ	3.6	36,000	75%	7,500	55	5

#### Building

	Floor	Ground	2nd	3rd	4th	5th
ES Overlay "MofR"		7,500	7,500	7,500	7,500	-
IZ	Square Feet	7,500	7,500	7,500	7,500	6,000

**Figure 5: IZ Comparison in ES Overlay at 45' and at 55'**

The table shows that a matter of right building in the ES would use four floors and all of the permitted residential lot occupancy to reach the maximum permitted FAR. An additional 5<sup>th</sup> floor, comprising 6,000 square feet or 80% of the building footprint would be needed to achieve the full 20% density bonus permitted by IZ. This suggests that there is an opportunity for setbacks to shift the bonus density away from buildings that contribute to the historic district.

If the building were mixed use, the density potentially could be shifted to the ground floor, since commercial uses may have 100% lot occupancy. The upper residential floors could then be even smaller.

The computer illustrations in OP's July 16, 2007 report did not show how such potential set backs might look in the ES Overlay, but did demonstrate them for the Woodley Park Overlay. For this report, OP has chosen two sites (See Fig. 6) to explore how simple design solutions might reduce the overall impact of IZ's relaxing the overlay's height restrictions by 10 feet.

The sites chosen are the northeast corner of 8<sup>th</sup> Street, SE and L Street, SE (Site #1) and the southwest corner of 9<sup>th</sup> Street, SE and L Street, SE (Site #2). The sites are useful for illustrative reasons because they are both relatively large vacant sites that are adjacent to smaller historic structures.

<sup>1</sup> OP's sample analysis assumes the building is 100% residential use with 75% lot occupancy on the ground floor.



**Figure 6. Aerial of the Eastern Half of the ES Overlay.**

In Figure 6, the Navy Yard's 8<sup>th</sup> Street Gate is in the foreground, on the south side of M Street. 8<sup>th</sup> Street ends at the Gate. The "Blue Castle" former car barn is to the northwest of the Gate, directly across M Street. The buildings adjacent to the southern side of Site 2 are four stories high.

For each of these sites, illustrative buildings that meet IZ requirements are shown on the next two pages. These illustrations are intended to show general massing, setbacks and a few other details. They are not intended to show representative projects with façade articulation, etc.

At Site 2, a vacant lot adjoins two 2-story structures and a 3-story structure on the south side of L Street. (See Figure 7). Because a new residential building would occupy only 75% of the lot, there is breathing room between it and existing structures. More importantly, IZ's bonus density can be achieved by constructing a fifth floor that occupies only 80% of the building's footprint within that 75% lot occupancy. This is illustrated in Figure 8. The reduced footprint of the additional floor permits it to be set back from the street to lessen the apparent impact on contributing historic buildings. The IZ building steps back from the street wall at the current ES height limit of forty-five feet before reaching the IZ-permitted height of fifty-five feet.



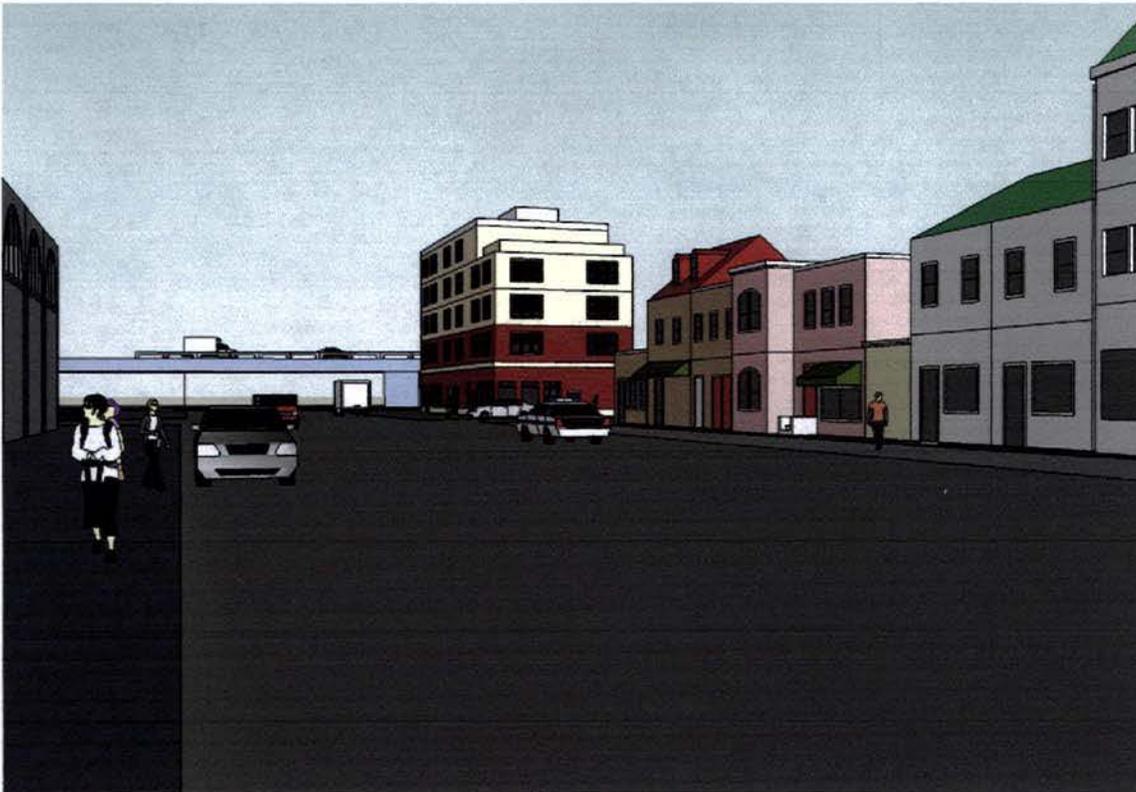
**Figure 7: South Side 800 block of L St.**



**Figure 8. Looking southwest at Site #2 at the intersection of 9<sup>th</sup> and L Streets, SE.**

Other impact-reducing designs could be achieved through, for example, the historic preservation review process might be decreasing the intensity of color in the upper stories, and using horizontal elements such as string courses to provide scale references to the adjacent buildings. Actual building projects would include more sophisticated fenestration, façade design, etc.

Figures 9 and 10 on the following page provide similar illustrations for Site 1, at the corner of 8<sup>th</sup> Street and Virginia Avenue. These refine the illustrations for this site that were contained in OP's July 16, 2007 report to the Commission.



**Figure 9. Site 1, Looking north along 8<sup>th</sup> Street, SE.**



**Figure 10. Site 1 (left foreground) and Site 2 (right background)  
Looking east along L Street, SE.**

OP discussed the preceding illustrations and general design measures with Historic Preservation staff. The Historic Preservation staff noted several points:

- Both sites tested are corner lots and it is not unusual to frame an intersection with taller buildings,
- Similar changes in scale have been approved in other historic districts in other parts of the city,
- Immediate context is very important. Building proposals for vacant sites that are not on corners and are immediately adjacent to smaller contributing buildings would be less likely to be permitted the added height than would be buildings shown in these illustrations.
- Overall quality of design and materials would be critical for HPRB approval.

With respect to the 3<sup>rd</sup> point made by the preservation staff, OP notes that the land area of such non-corner sites is typically smaller than for corner sites. They are, therefore, less likely to accommodate ten or more residential units, and trigger the IZ requirement with its accompanying the bonus density.

### III. SUMMARY AND RECOMMENDATION

IZ cannot be accommodated in the ES overlay unless the height limit is increased to 55 feet. Proposed projects within the Eight Street Overlay that incorporate IZ requirements and its bonus density would be subject to historic preservation design review. Computer simulations and discussions with historic preservation staff indicate that the affordable housing that would be generated by IZ could be accommodated within the Eighth Street Historic District on a case by case basis. The synthesis of historic preservation and affordable housing objectives would be achieved in the Eighth Street Overlay in the same way it would be achieved in overlay districts such as Woodley Park or Cleveland Park.

For these reasons, OP continues to recommend that projects of 10 or more residential units in the Eighth Street Overlay be subject to the Inclusionary Zoning regulations, and that the height limit for such project be set at fifty-five feet.

OP does not recommend the Commission consider establishing specific minimum setbacks for IZ construction within the overlay. The best urban design solutions are likely to be achieved through the historic preservation design review process. This process is open to the public and will take into consideration the immediate presence or absence of contributing historic structures.

JLS/ar,slc

Attachment



CPIID0012430

## Eighth Street Overlay

★ ★ ★ Government of the  
 District of Columbia  
 Adrian M. Fenty, Mayor

Office of Planning ~ August 16, 2007

This map was created for planning  
 purposes from a variety of sources.  
 It is neither a survey nor a legal document.  
 Information provided by other agencies  
 should be verified with them where appropriate.

