

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

ZONING COMMISSION
District of Columbia

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MEMORANDUM

TO: Board of Zoning Adjustment
FROM: *JLSB* Ellen McCarthy, Director
DATE: May 18, 2006
SUBJECT: Zoning Commission Case #06-03, Special Exception Review of a Proposed New Office Building at 100 M Street SE, pursuant to the Capital Gateway Overlay District

CASE NO. 06-03
EXHIBIT NO. 17

I. OFFICE OF PLANNING RECOMMENDATION-IN-BRIEF

The Office of Planning recommends approval of Zoning Commission Case Number 06-03, a proposal to construct a new office building at 100 M Street SE.

II. APPLICATION-IN-BRIEF

Location: 100 M Street SE
Square 743N, Lots 800 59, 63-66, 801-805, partial 822, Ward 6, ANC 6D
Applicant: 100 M Street SE LLC
Zoning: CG/C-3-C; within the Capitol South TDR Receiving Zone
Proposal: New office building with ground floor retail space
Relief Sought: In accordance with DCMR 11 Section 1604.1, Zoning Commission review of all proposed new construction is required for properties fronting M Street; in accordance with 1604.9, the Commission may also review other requests for relief, and the applicant has requested relief from rear yard setback and court requirements

III. EXECUTIVE SUMMARY

The Capitol Gateway (CG) Overlay District provides for mandatory review of any proposal within its boundaries which has frontage on M Street SE. This is the first development proposal which requires such Zoning Commission review. A new 12 story office / retail building with frontage on M Street SE and First Street SE is proposed for this site. Relief from specific rear yard and court / niche zoning regulations has also been requested.

IV. AREA AND SITE DESCRIPTION –Context and Site Plans Attachments I and II

The subject site is located at the intersection of M Street SE and 1st Street SE within Square 743N in Ward 6. Square 743N is bound by M Street SE, L Street SE, New Jersey Avenue and 1st Streets SE. There is a 15' wide alley connecting M and L Streets SE (running north-south); a request to close two small 8' wide alleys running east-west (S O 04-12457) has been approved by Council. On the east side of the square, fronting New Jersey Avenue and not within the subject site, are an entrance to the Navy Yard Metro Station, St. Matthew's Baptist Church and parking lot, and other privately held lots. The site is within the South Capitol TDR Receiving

Area, the Capitol Gateway Overlay District, and within the Anacostia Waterfront Initiatives boundary

The subject site is currently developed with a number of rowhouse and small warehouse buildings, some of which appear to be vacant. Total area of the site is 26,399 sq.ft.

The subject site is within an area undergoing considerable redevelopment, including the Ballpark development and the SEFC site to the south, the Arthur Capper / Carrollsburg / Canal blocks Park development to the east; and a significant amount of office and residential development to the north and west, within the TDR Receiving area, which is planned, under construction, or anticipated in the near future. Directly to the north of the subject site, a new high-rise residential building is also planned. Federal funding has been allocated to upgrade and increase the capacity of the adjacent Navy Yard Metro Station access.

V. PROJECT DESCRIPTION

The applicant is proposing to construct a new 263,000 sq.ft. office building with ground floor retail fronting M Street SE and 1st Street SE. The new building would be constructed to a conforming height of 129.3 feet. A 22 foot wide driveway between the two buildings with an entrance from 1st Street SE would provide access to underground parking while loading would be accessed from the alley.

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The Generalized Land Use Map designates the site as "medium – high density commercial" (shopping and service offering a concentration and variety of goods and services). The site is within a Metro Development Area, and within the Central Employment Area. The proposed development would further the objectives of these designations through:

- the provision of new office and retail development adjacent to a Metro station, and on M Street SE which is becoming a major commercial corridor, and on 1st Street SE, which is envisioned as a major retail corridor; and
- the provision of office space in proximity to other existing and emerging office areas, including the Federal Core, the Southeast Federal Center / US Department of Transportation site, the Washington Navy Yard, and the South Capitol Street / Baseball District.

The proposal would particularly further the following major themes of the Comprehensive Plan, as outlined and detailed in Chapter 1 - General Provisions Element:

- (a) *Stabilizing and improving the District's neighborhoods*
- (b) *Increasing the quantity and quality of employment opportunities in the District*
- (e) *Respecting and improving the physical character of the District*
- (i) *Promoting enhanced public safety*

The proposed new development would further or be not contrary to a number of specific Comprehensive Plan objectives, including ones within the Chapter 5 Transportation and Chapter 11 Land Use Elements respecting development close to Metro Stations.

“502.2 The policies established in support of the general transportation objectives (include)

- (a) Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations, ”*

“1100 8 Development in Metrorail station areas will be undertaken to assure orderly growth, compatible mixes of uses, appropriate densities, good pedestrian and vehicular circulation, and appropriate combinations of public and private action ”

VII. SITE ZONING – CG/C-3-C

The site is within the C-3-C District (medium – high density development including office, retail, housing and mixed use developments) The proposed office and retail uses are permitted within this zone

The site is also within the Capitol Gateway Overlay District, so will be subject to the requirements of the Zoning Regulations Chapter 16, including (among other things)·

- mandatory Zoning Commission review for development facing M Street (§1604.1),
- a 15’ setback along M Street SE (§1604.3);
- 35% of the ground floor to be devoted to retail, entertainment, or arts use (§1604 4),
- 50% of the street wall to be devoted to display windows (§1604 6), and
- driveway restrictions from M Street (§1604 7)

As described in Section VIII of this report, the proposal will conform to these requirements

The entire square is also within the South Capitol TDR Receiving Zone, as per §1709 of the Zoning Regulations. Within this area, owners are able to purchase development rights (square feet of development) from another site in the District, generated by historic preservation (§1707), residential rehabilitation within the C-4 District (§755) or as permitted from the Downtown Shopping, Arts, and Chinatown areas (§1703 to 1705). This allows, on this site, a by-right height of up to 130’ to accommodate additional density to an FAR of up to 10

VIII. ZONING COMMISSION CG OVERLAY REVIEW

The applicant has requested Zoning Commission review pursuant to Capital Gateway Overlay District §1604 1, showing that *“the proposed building’s architectural design, site plan, landscaping, and sidewalk treatment are of a superior quality, pursuant to the design and use requirements set forth in §§ 1604 3 through 1604 7 ”* (§1604.2).

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 (15) feet measured from the face of the adjacent curb along M Street, S E

Conforming The proposed building provides the required 15 foot setback as measured from the M Street curb For much of the length of the M Street façade, the setback widens to over 22 feet The design and landscaping for the M Street sidewalk, as well as

the First Street sidewalk, are appropriate and will help to create a comfortable pedestrian experience

1604 4 Each new building shall devote not less than thirty-five percent (35%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses ("preferred uses") as permitted in §§ 701 1 through 701 5 and §§ 721.1 through 721.6 of this Title, provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building) Such preferred uses shall occupy 100% of the building's street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control

Conforming. The proposal would devote about 75% of the ground floor to retail use. With the exception of the entry lobby and the fire control room, the entire M Street frontage is designed for retail use. In addition, the retail use wraps around the corner and also lines the First Street façade. The applicant has indicated that no prohibited forms of retail are being considered for this retail space. Although there is not currently a requirement for minimum floor to ceiling height in this zone, the plans indicate a floor to ceiling height of 12'-2" and 13'-8", which the retail consultant for the applicant has indicated to OP will be acceptable to potential retail tenants

1604 5 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1604 4 by non-preferred uses for up to a five (5) year period, provided, that the ground floor space is suitably designed for future occupancy by the preferred uses

Not applicable. The applicant is not requesting interim occupancy of preferred use space by any other form of use

1604 6 Not less than fifty percent (50%) of the surface area of the street wall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses or the building

Conforming. The application indicates, and the plans verify, that virtually all of the M Street (and First Street) façades at the retail level will be devoted to display window having low emissivity glass

1604 7 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building

Conforming. The applicant is not proposing a driveway to parking or loading from M Street. Underground parking would be accessed from First Street SE; loading would be accessed from an existing side alley

The proposal also especially addresses a number of specific purpose statements for the CG Overlay, as noted in §1600.2.

- (a) *Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally required by the Comprehensive Plan and planning studies of the area,*
- (b) *Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses,*
- (e) *Require suitable ground-level retail and service uses and adequate sidewalk width along M Street S E , near the Navy Yard Metro Station*

The proposed office use conforms to zoning and Comprehensive Plan objectives for the area. The proposed height and density are within the permitted amounts. The proposed office use will particularly further CG Overlay and AWI objectives for M Street, adjacent to a metro station entrance.

The provision of active retail space along M Street adjacent to the Metro station, beyond that required by the zoning regulations, and in proximity to the major means of pedestrian connection to the Ballpark site to the south is considered of benefit to overall objectives for the area. The proposal also provides for the required M Street setback, as well as appropriate improvements to the M Street streetscape.

IX. ZONING RELIEF REQUESTED

§1604.9 provides that *"The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval."* The applicant has requested Zoning Commission relief from Rear Yard and Courtyard Width and Area provisions of the regulations.

Rear Yard:

Zoning regulations (§774) require a rear yard of 2.5' / foot of building height, which in this case amounts to 26'-11" minimum. The proposed building provides a setback of as little as 12 feet, although the setback appears to be over 20 feet wide at ground level and for the portion of the building adjacent to First Street SE.

Analysis. As shown on the applicant's Site Plan Sheet A-8, the office building design is being closely coordinated with that of the proposed conforming residential building to the north. The applicant indicates that the designs will ensure adequate light, air, and privacy for the users of each individual building. Although the north façade of this site is considered its rear, it is also perpendicular to First Street SE, which is zoned for high density, urban development so an exceedingly large gap between this building and the one to the north would be out of character with a normal streetscape in such a high density zone. As such, OP supports approval of this relief.

Courtyards:

Courtyard width and area regulations (§776) require that, where a court is provided, its width shall be a minimum of the greater of 12 feet or 3' / foot of building height of the court; and its area shall be the greater of 2 X the width² or 250 sq.ft. The applicant is proposing façade design

articulation which results in the creation of a number of small courts or niches at ground level and above, at least some of which require relief from these requirements

Analysis The proposed articulation which results in the creation of the courts / niches is of benefit to the overall design and to the form and character of the building. Without this relief, the façades would have less articulation. In particular, the non-conforming court "3", located on the M Street/ First Street corner, is beneficial to the design at this important intersection. As such, OP supports the approval of the requested relief.

X. ADVISORY NEIGHBORHOOD COMMISSION (ANC) COMMENTS

ANC 6D reviewed this proposal at its meeting of April 10, 2006 and adopted a motion supporting the proposal

XI. DISTRICT AGENCY COMMENTS

As of the date of drafting this report, OP has not received comments from any other District agency or department. The applicant has informed OP that they have met with the Anacostia Waterfront Corporation.

XII. CONCLUSION

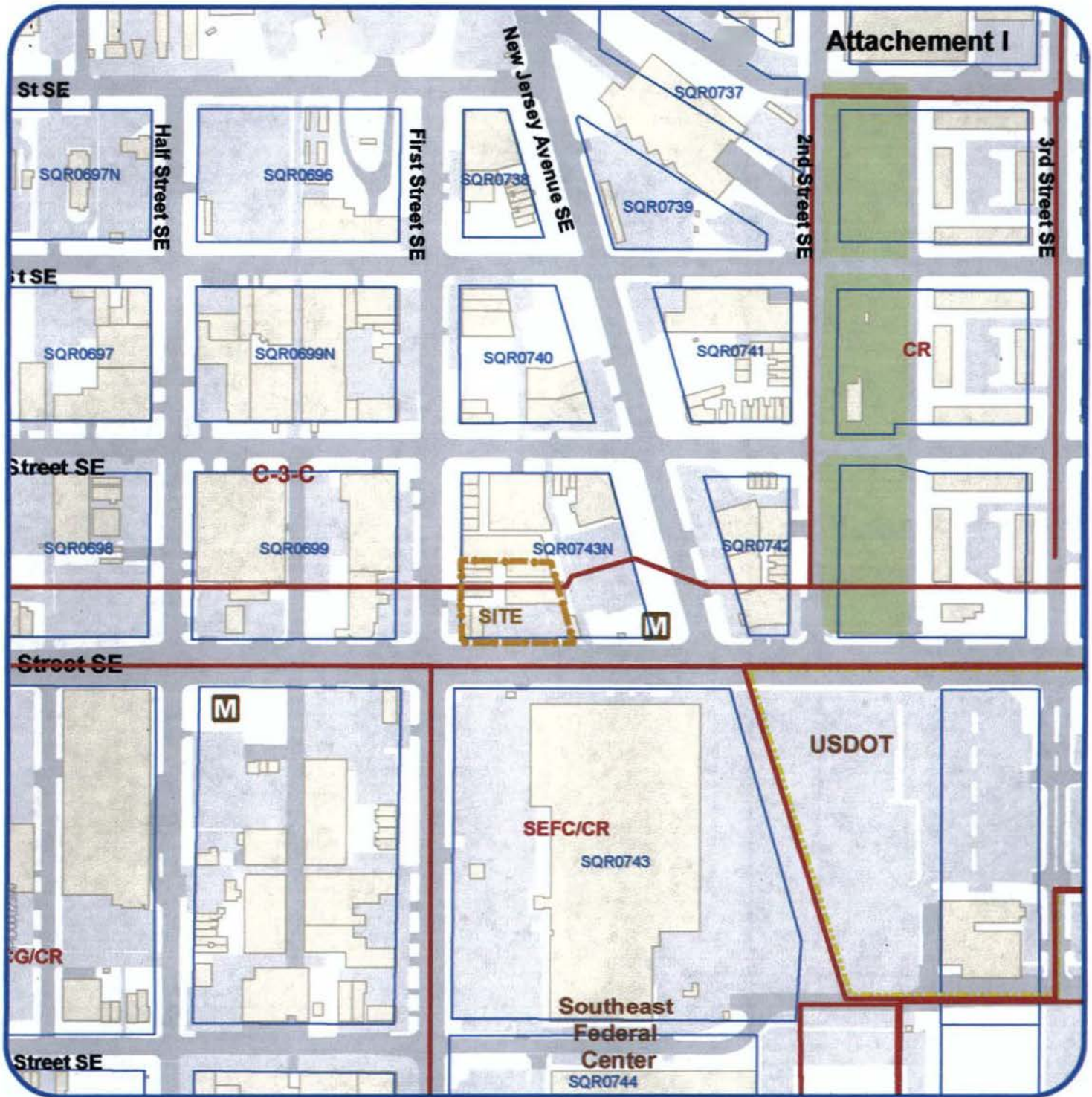
The proposal fully meets the goals and objectives for the CG Overlay, and, in fact, exceeds goals for retail space to create an active and welcoming pedestrian character along M Street at this important location adjacent to the Metro station and on a major potential pathway to the Ballpark to the south and the high density development to the north and west.

As such, OP recommends approval of this application.

EM/jl

ATTACHMENTS:

- I Context Plan
- II Location Plan



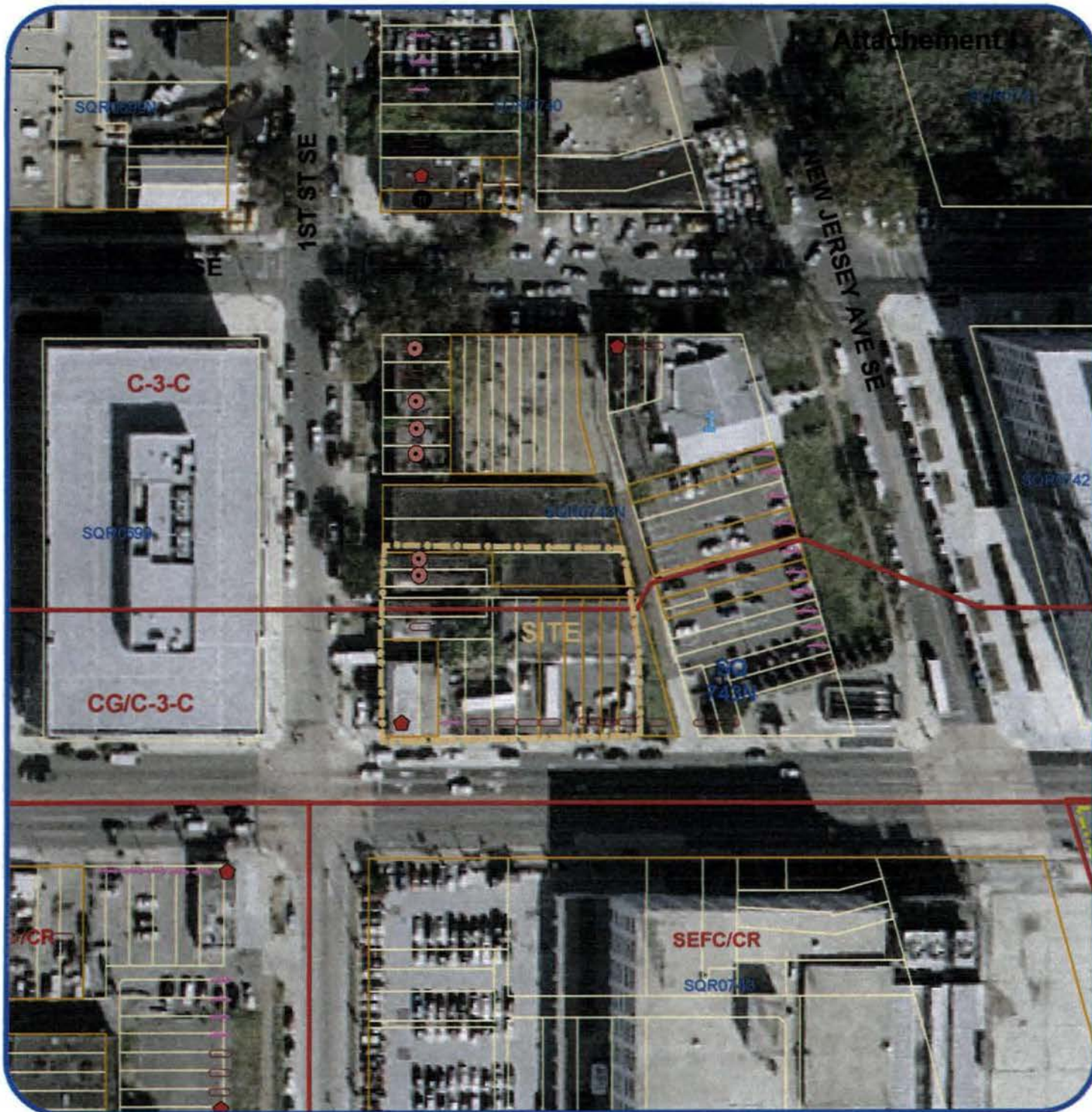
ZONING COMMISSION CASE 06-03 **100 M STREET SE - SITE PLAN**

★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ March, 2006

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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.

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Attachement 1

Legend

- M** Metro Station Entrances
- Non-conforming SF Use
- ◆ Store
- ⦿ Restaurant
- ⬢ Office
- ⬢ Parking - Special Purpose
- ⬢ Religious
- Vacant

ZONING COMMISSION CASE 06-03 100 M STREET SE - SITE PLAN

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