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Office of the Director

SUPPLEMENTAL REPORT

TO: District of Columbia Zoning Commission
FROM: *JF* Jennifer Steingasser, Deputy Director, Office of Planning
DATE: January 3, 2007
SUBJECT: **Public Hearing Report for ZC 06-46 - SUPPLEMENTAL
Monument Realty Half Street Project Phase I
Zoning Commission Design Review Under the Capitol Gateway Overlay**

I. SUMMARY RECOMMENDATION

The Office of Planning recommends approval subject to the receipt of additional information and detail as outlined in this report. Alternatively, OP recommends continuing the public hearing to a later date to allow the applicant time to supply additional detail and for the Zoning Commission to evaluate the submitted information.

II. APPLICATION-IN-BRIEF

Location: Square 701, Lots 3, 98-118, 144-147, 161, 162, 167, 815 and 824
Ward 6, ANC 6D

Applicant: Monument Realty

Current Zoning: CR / CG (Commercial Residential / Capitol Gateway Overlay)

Proposed Development: Develop two 110' mixed use buildings with residential, office, hotel and retail.

Relief and Zoning: Pursuant to 11 DCMR §1610.7, the applicant seeks variance relief for lot occupancy (§634), recreation space (§635), loading space (§2201), percentage of ground floor preferred uses (§1607.2) and height of ground floor preferred uses (§§1604.8 and 1607.5) and special exceptions for rooftop structures setback (§639) and building step back requirements (§1607.2). OP notes that variance relief is also required for an intrusion into the M Street setback (§1604.2).

ZONING COMMISSION
District of Columbia
CASE NO. 06-46
EXHIBIT NO. 19
EXHIBIT NO.19

III. EXECUTIVE SUMMARY

The applicant, Monument Realty, is seeking Zoning Commission design review approval pursuant to 11 DCMR Chapter 16, the Capitol Gateway Overlay District (CG Overlay), in order to construct two mixed use buildings near the new baseball stadium in Southeast. No PUD or rezoning approval is required. The northern building will be primarily office and the southern building hotel and residential, and both buildings will have retail on the ground floor. The Office of Planning generally supports the application and feels that it will provide an attractive gateway to the baseball stadium, provide for pedestrian movement to and from the Navy Yard Metro Station and help achieve an active, mixed use neighborhood, all in keeping with the objectives of the CG Overlay. More information is required, however, about the architecture and the streetscape in order for the Office of Planning to complete its evaluation.

IV. SITE AND AREA DESCRIPTION

The subject property is located on the east side of Half Street, S.E. between M and N Streets. The site is the western half of Square 701, generally west of Cushing Place, a 30 foot wide public alley that extends south from M Street but which terminates before reaching N Street. Immediately across N Street to the south will be one of two parking garages servicing the baseball stadium, which is currently under construction. To the east, across Cushing Place, are some existing industrial or semi-industrial uses and some vacant land. To the west of Half Street is the WMATA bus garage. To the northwest of the subject site, across M Street, a new office building is nearing completion.

The subject property was mainly occupied by small scale industrial and warehouse uses, with some residential and commercial uses. The property has mostly been cleared and is vacant. One entrance to the Navy Yard Metro Station is located at M Street at the north end of the site. That station entrance is to be updated with additional gates and farecard machines by opening day of the baseball stadium in 2008, in order to greatly increase its capacity. Just to the south of the Metro entrance, WMATA uses part of the subject site as parking for employees of the bus garage. That parking is proposed to be moved to a temporary lot adjacent to South Capitol Street (ZC #06-44). The property is very flat, with a slight rise at the midpoint between M and N Streets. Both M and N Streets have 90 foot wide rights-of-way in this area. Half Street has an 80 foot right-of-way.

The subject site is zoned CR / CG (Commercial Residential / Capitol Gateway Overlay), as are all the adjacent properties south of M Street. On the north side of M Street the properties are zoned C-3-C / CG. The Zoning Commission is scheduled to take Final Action on a number of amendments to the CG Overlay at its January 8, 2007 meeting. Please refer to the Vicinity Map in Attachment 1.

V. PROJECT DESCRIPTION

The applicant is proposing to construct two mixed use buildings and plans to create two theoretical lots, with the theoretical lot boundary being coincident with the southern wall of the northern building. A private alley, named "Monument Place" in this application, will separate the two buildings and allow pedestrian and vehicular movement between Half Street and Cushing Place. The proposed buildings will be 110 feet tall, with a 12 foot step back at approximately 80 feet in height on the Half Street and M Street sides.

The northern of the two buildings would have office as its primary use with retail and the Navy Yard Metro entrance in the ground floor. The main entrance to the office building would be from M Street and the Metro entrance would be from Half Street. The building provides the required 15 foot M Street setback (§1604.2), except for an architectural projection described below. Above the first two floors, the building has a simple office floorplate

The southern building is planned to have a hotel, a residential condominium and a residential apartment, with retail occupying a large percentage of the ground floor. The building will have a wing along Cushing Place and a wing along Half Street and N Street. The hotel entrance is to be located on Monument Place, while the condominium would be accessed from Half Street and the apartment entrance will be on N Street. The hotel will occupy the Cushing Place wing as well as the Monument Place frontage. The condominium will be located along Half Street, south of the hotel, with the apartment occupying the N Street portion of the building. A central courtyard on top of the ground floor will separate the two wings and provide plaza space and green space for the residential wings. The hotel will have a rooftop pool near Half Street. The residential wings will have separated rooftop recreation space with the potential for two pools – one for the condo and one for the apartment.

Other important points include:

- The design shows potential second floor retail at the northern corner of Monument Place and Half Street and at the corner of Half Street and N Street. The hotel bar will be located on the second floor of the southern corner of Monument Place and Half Street.
- An underground garage will have 414 conforming parking spaces, more than the 393 required. When including vault and tandem spaces that total increases to 551. One 55 foot loading bay, six 30 foot loading bays and two 20 foot loading bays will service the buildings. All loading is from Cushing Place.
- The proposal draws FAR from a number of different lots on adjacent Square 700 using the combined lot development provisions of the CG Overlay. The proposed overall FAR is 5.16. The proposed single-lot FAR for only the subject site is 7.44. This is below the single-lot maximum of 8.0.

The contemporary architecture of the two buildings is described in the applicant's pre-hearing statement. In addition to the concepts explained in the statement, a number of specific features require the submission of further detail. For example:

- A vertical fin element, shown on sheet R2 of the plan set, projects into the required 15 foot M Street setback, separating the terra cotta and metal panel portions of the façade. The white, metal-clad architectural element extends beyond the main roof line, but the plans do not show how high it reaches.
- Also on the M Street frontage, above the metro entrance, the applicant's statement describes an "illuminated shadow box system that will be lit ... using LED technology" (Pre-Hearing Statement, pg. 7). While this feature is shown on the elevations on sheet A8 of the plan set, it is not shown on the rendering on sheet R2. The applicant must clarify their intent regarding the element.
- The metro entrance will be enclosed by an illuminated glass wall. The exact design of this wall, including the type of lighting and the level of transparency, should be explained by the applicant.
- On Half Street, a number of retail bays will project into public space, along with associated sections of metal panel and terra cotta cladding. An example of this is seen on sheet A12. Drawings at the scale of sheet A12 should be provided for the entire façade of the building so that OP and the Zoning Commission can fully evaluate the interaction between the retail spaces and the street.
- On the roof of the hotel, the hotel chain is proposing a logo sign. The exact size and design of the sign should be specified, along with the extent of its illumination.
- On N Street, an architectural embellishment, clad in glass and terra cotta, extends from ground level to the height of the mechanical penthouse. No floor area is contained in the embellishment, but OP has requested that the applicant provide floor plans for the interior of all penthouse structures.
- The applicant has stated that they will reconstruct Half Street in conjunction with this project. Drawings L1 and L2 of the plan set attempt to show the proposed streetscape along Half Street but are inadequate. The applicant should submit new drawings that better explain the intent, design, materials and details of the proposed streetscape. It is also unclear how pedestrian movement to and from the hotel will function. The area of Monument Place between Half Street and the hotel shuttle is currently shown as a lay by area for automobiles.

OP is generally supportive of the massing and overall design of the proposal, but additional detail is required about the streetscape and architecture prior to completing our review.

VI. COMPREHENSIVE PLAN

The proposed development does not require PUD or rezoning approval, and is generally consistent with most aspects of the zoning regulations, specifically height, FAR and use. As such, the proposal is generally consistent with the Comprehensive Plan and would 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* – The proposed development will transform a largely vacant and under-utilized area into the core of a prominent, emergent mixed-use neighborhood. The project will help catalyze other development in the

vicinity. Its pedestrian friendly and retail oriented atmosphere will enhance the game day experience, encourage visitors to come to the District and help maximize the return on the city's investment in the baseball stadium.

- (b) *Increasing the quantity and quality of employment opportunities in the District* – The many retail establishments, together with the hotel and office building, will increase the number of employment opportunities in the District. These jobs will be accessible by Metrorail and by Metrobus.
- (c) *Developing a living downtown* – This neighborhood is part of the Central Employment Area as defined by the pending 2006 Comprehensive Plan. The mix of uses, especially the large number of residential units, will ensure that the neighborhood is active at all times of day.
- (d) *Preserving and promoting cultural and natural amenities* – The baseball stadium is an important cultural amenity for the District. By creating an area where people want to spend time, the project will enhance the stadium event day experience and encourage maximum use of the stadium facility.
- (e) *Respecting and improving the physical character of the District* – By enhancing the streetscape of Half, M and N Streets, the building will improve the physical character of the District. The project will also serve as an attractive gateway to the baseball stadium.
- (h) *Reaffirming and strengthening the District's role as the economic hub of the National Capital Region* – By contributing to the vitality of the emerging neighborhood, adding new retail, hotel and office space, and by enhancing the appearance of the area, the development will help make the baseball vicinity a regional destination.
- (i) *Promoting enhanced public safety* – By creating a neighborhood that has activity at all hours of the day, the project will enhance public safety in the neighborhood.

The application also is consistent with major policies from various elements of the Comprehensive Plan. The Economic Development Element places a high priority on expanding the District's role as a center for nation and international tourism and encourages new and productive uses of currently underused commercially and industrially zoned lands (§§200.8 and 200.10). The Economic Development policies for the Central Employment Area support a "mix of land uses, residential and commercial, that promotes increased economic activity in the evenings and weekends as well as during the work day" (§205.2(f)). The Transportation Element of the Comprehensive Plan encourages mixed use development and the use of mass transportation. The Urban Design policies of the Plan call for development that respects the L'Enfant street grid and enhances District neighborhoods. The proposed development will enhance the presently underutilized subject site, create an active environment at all times of day and maximize the use of a Metro station. The development, therefore, is not inconsistent with the Comprehensive Plan.

The pending 2006 Comprehensive Plan calls for the development of retail, high density residential, entertainment and commercial uses near the new baseball park. It also states that M Street, S.E. should be a great urban boulevard with high density office and residential uses and a streetscape activated by ground floor retail. The proposed development would further those policies.

VII. COMPREHENSIVE PLAN GENERALIZED LAND USE MAP AND LAND USE POLICIES MAP

The Generalized Land Use Map recommends the subject site for high density residential, medium-high density commercial and production and technical employment uses. A mix of uses compatible with these designations will be achieved by the proposed development. Section 1100.11 of the Comprehensive Plan notes that “The Land Use Element does not identify or fix every use, height, and density on every block in the District. The text and the maps construct a guiding framework within which public and private land use and zoning decisions are to be made.” The Office of Planning is supportive of the redevelopment of the site for a mix of uses and the scale of the project is consistent with plan policy encouraging development near Metro stations.

The pending 2006 Comprehensive Plan has two associated maps, the Generalized Policy Map and the Future Land Use Map. The Generalized Policy map shows this site as a Land Use Change Area, and the Future Land Use Map indicates that the site is suitable for High Density Residential and High Density Commercial uses. The proposed development is consistent with these designations.

VIII. ANACOSTIA WATERFRONT INITIATIVE

The subject site is within the Anacostia Waterfront Initiative (AWI) area. The vision of the AWI is of a clean and vibrant waterfront with a variety of parks, recreation opportunities, and places for people to meet, relax, encounter nature and experience the heritage of the waterfront. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and environment, and, where appropriate, increase access to the water and maritime activities along the waterfront. One of the neighborhoods designated for improvement is the Near Southeast target area, which includes the subject site. The proposed development is not in conflict with planning principles cited in the AWI for the Near Southeast target area (AWI Framework Plan, p. 119), and would particularly further the following:

1. Extend the surrounding urban fabric to the waterfront, bringing the city to the Anacostia River.
2. Build upon the current wave of public and private development to create a comprehensive vision for the Near Southeast, integrating diverse projects.
7. Emphasize mixed-use development, integrating commercial and residential areas, to form a lively and active neighborhood throughout the Near Southeast.
8. Provide diversity in housing types and income levels to ensure a strong and balanced neighborhood.

9. Encourage commercial development to maximize economic growth and job creation, emphasizing major street corridors and transit connections.

The Near Southeast Area Urban Design Framework Plan was drafted to tie together the many separate development initiatives occurring in the area. The Plan includes a number of Urban Design Principles for the area and for specific sites within the area, which are generally more detailed and specific versions of the AWI Near Southeast Area planning principles noted above. The building of a baseball stadium and the surrounding mixed use residential, office, retail and entertainment district are intended to further the general urban design objectives, particularly by addressing the introduction of a mixture of uses near the Waterfront.

IX. ZONING

The subject site is currently zoned CR / CG (Commercial – Residential / Capitol Gateway Overlay). The CR district is designed to “help create major new residential and mixed use areas in planned locations at appropriate densities, heights and mixture of uses” (600.3(a)). The Capitol Gateway Overlay is intended to encourage a mix of uses while creating a pedestrian-friendly environment. The applicant’s proposal requires relief from specific zoning regulations listed below. OP’s analysis of each request follows.

Variance Relief

1. Lot occupancy (§634)
2. Recreation space (§635)
3. Loading space (§2201)
4. Percentage of ground floor preferred uses (§1607.2)
5. Height of ground floor preferred uses (§§1604.8 and 1607.5)
6. Intrusion into the M Street setback (§1604.2)

Special Exception Relief

7. Rooftop structures setback (§639)
8. Building step back requirements (§1607.2)

1. Lot Occupancy (§634)

Lot occupancy for residential uses in the CR district is limited to 75%. In the case of the southern building, the ground floor lot occupancy is 92%. This floor is mostly retail, but because the residential lobbies are located on the ground level, the applicant must seek relief. On floors two and three of the residential building, the lot occupancy is 75% and decreases on the upper floors to 60%. The Office of Planning has no objection to the requested lot occupancy relief, particularly since it permits a consistent streetwall of retail along Half and N Streets, S.E.

2. Recreation Space (§635)

The applicant is requesting relief from the CR requirement for 15% residential recreation space. The current proposal shows 1.5% recreation space (4,800 sf), divided between community rooms

on the second floor of the residential buildings, outdoor courtyard space and rooftop terrace space. The Zoning Commission is scheduled to take final action on a text amendment that would eliminate the recreation space requirement.

3. Loading Space (§2201)

Section 2201 requires certain loading facilities for both the residential and commercial portions of the building. The applicant is providing loading according to the following table. OP has no objection to granting the requested relief.

	No. of Required Loading Spaces (for entire project)	No. of Provided Loading Spaces (for entire project)
55' berth	2	1
30' berth	5	6
20' berth	4	2

4. Percentage of Ground Floor Preferred Uses (§1607.2)

Section 1607.2 requires that 75% of the ground floor of each building be devoted to retail uses. The applicant is providing ground floor retail space wherever possible on the ground floor of each building. The only exceptions are for residential and office lobbies, the hotel shuttle, loading space and the Navy Yard Metro entrance. The result is 48% of the ground floor is retail space on the northern building and 68.5% on the southern building. The cumulative percentage is 62% ground floor retail for the whole project. OP feels that by providing a consistent streetwall of active retail uses, along with hotel and residential lobby space, the applicant has met the intent of the regulation. OP has no objection to granting the required relief.

While the applicant has met the intent of the regulation to provide ground floor preferred uses, the Office of Planning is concerned about the potential function of the retail space. Specifically, "Retail 5" as shown on sheet A1 of the plan set, has the potential to be a relatively large retail space. OP does not object to a larger retailer, as long as the interaction between the public space and retail space remains strong. To that end OP recommends that all exterior doors, as shown on the floor plans, remain open to the public, and that one or more sets of doors be added to the retail area at the northwest corner of the southern building.

5. Height of Ground Floor Preferred Uses (§§1604.8 and 1607.5)

The height from floor to ceiling for preferred uses on the ground floor is required to be 14 feet. The applicant has provided that height at the front of all retail spaces. At the rear of the retail spaces, however, the design calls for duct work for the HVAC system that will occupy three feet of height, lowering the back of house height to 11 feet. The design meets the intent of the regulations and allows exhaust vents to be located on the roof instead of the side of the building. OP has no objection to granting the requested relief.

6. Intrusion into the M Street setback (§1604.2)

The design proposes a vertical fin element along the M Street frontage that would encroach into the required 15' setback along that street. While more detail must be provided about the architectural feature, including its total height and the dimension of its encroachment into the setback, the Office of Planning does not object to the embellishment in concept. The rest of the M Street wall will respect the setback, and this building will contribute to the formation of a streetwall and the conversion of M Street, S.E. into a major urban boulevard.

7. Rooftop structures setback (§639)

The Zoning Regulations specify that a rooftop structure must be set back from the walls of the building by a distance equal to its height. In this case, a portion of mechanical penthouses on the southern building will be closer to an external wall than permitted. All of the non-compliant setbacks, however, will be along Cushing Place or the internal courtyard in order to minimize visibility from Half and N Streets (see sheet A7 of the applicant's plan set). While the Office of Planning in general does not object to granting this relief, OP has requested floor plans for the mechanical penthouses to ensure that they occupy the smallest possible amount of space and do not contain uses prohibited in a roof-top structure.

8. Building step back requirements (§1607.2)

Section 1607.2 governs the massing of the building. That section requires a step back of 20 feet in depth at 65 feet in height, but it also allows, by special exception, those dimensions to be altered to 12 feet in depth at 80 feet in height "for the provision of reasonable development footprints". The applicant is asking for that special exception relief. The applicant states that a step back of 20 feet is too great to allow residential units of a reasonable depth. A step back of 12 feet still allows residential units with enough width from the internal hallway to function properly. Increasing the height of the step back to approximately 80 feet creates more elegant relationships for the various masses of the structure. The combination of these two changes has the added benefit of hiding more of the rooftop structure from view from the ground. Illustrations of these concepts can be found on sheet V1 of the applicant's plan set. The Office of Planning has no objection to the requested relief.

The one spot where the design encroaches on the step back provision is the northernmost bay of the hotel, which, while set back six feet from the property line, extends straight up to a height of 110 feet. This feature will create an interesting visual break along the Half Street frontage but at the same time will be a relatively narrow intrusion into the step back. OP does not object to its inclusion in the design.

X. CRITERIA OF THE CAPITOL GATEWAY OVERLAY

The Capitol Gateway Overlay District lists a number of objectives for the overlay and provides specific criteria for proposed developments. The following is OP's analysis of these standards as applied to the application.

§1600.2 The purposes of the CG Overlay District are to:

- (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 indicated in the Comprehensive Plan and recommended by planning studies of the area;**

Residential, office and hotel are the primary uses on the site. These are complemented by a ground floor of mostly retail space. The proposed height of 110 feet and the design shown by the applicant are appropriate to an area near the center of the city, accessible by Metro, and developing with a modern style of architecture. These characteristics of the development are consistent with existing and proposed Comprehensive Plan policies. Nevertheless, more architectural and design detail has been requested by OP to complete its analysis.

- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;**

The proposed development provides as much retail on the ground floor as possible, and some of the retail may extend to the second floor. The plans also show a hotel near the middle of the development. The mix of uses within the project will contribute to the overall entertainment district that will develop near the baseball stadium.

- (c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;**

The applicant proposes to begin redevelopment of the site immediately and any existing uses will be removed.

- (d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;**

Because the proposed development is not located directly on the waterfront it will not block views of the Anacostia River. But the mixed use design of the project will contribute to the overall vitality of the neighborhood, including the Anacostia riverfront.

- (e) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station;**

The applicant is generally respecting the 15 foot setback along M Street and is providing a mix of retail, office lobby and Metro uses. To enhance the pedestrian experience, OP would support

softening of the concrete, metal and glass street-level environment with the inclusion of alternate materials or with a more colorful treatment of the truss element.

- (f) Provide for development of Squares 702-706 and Reservation 247 as a ballpark for major league sport and entertainment and associated uses;**

The mixed use design of this project in Square 701 will complement other development in the area, including the new ballpark.

- (g) Provide for the establishment of South Capitol Street as a monumental civic boulevard;**

Because the proposed development does not abut South Capitol Street the buildings will not have a direct effect on the nature of that corridor. But the mixed use design of the project will contribute to the overall vitality of the neighborhood, including South Capitol Street.

- (h) Provide for the development of Half Street SE as an active pedestrian oriented street with active ground floor uses and appropriate setbacks from the street façade to ensure adequate light and air, and a pedestrian scale;**

Because of the mixed use nature of the project and the heavy concentration of ground floor retail, the proposed development will create an active pedestrian character on Half Street, S.E. The applicant is meeting the intent of the CG Overlay provisions by providing as much retail on the ground floor as possible. The pedestrian is supported through the provision of a proposed narrow travelway for automobiles and proposed parallel parking. The plans for the streetscape also suggest street furniture, landscaping and lighting and the possibility of interaction between the retail establishments and the public space. The applicant, however, must provide more detail about the proposed streetscape so that the functioning of the Half Street can be better understood. The provision of light and air will be adequate.

- (i) Provide for the development of First Street SE as an active pedestrian oriented street with active ground floor uses, connecting M Street, the Metro Station and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.**

Because the proposed development does not abut First Street the buildings will not have a direct effect on the nature of that corridor. But the mixed use design of the project will contribute to the overall vitality of the neighborhood, including First Street.

§1604 Buildings, Structures and Uses on M Street, S.E.

- §1604.1 The following provisions apply to new buildings, structures, or uses with frontage on M Street, S.E. within the CG Overlay.**

§1604.2 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.

No vehicular access points are planned on M Street. All parking and loading is accessed on Cushing Place, S.E., which currently intersects with 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 (15) feet measured from the face of the adjacent curb along M Street, S.E.

The applicant has generally provided the 15 foot setback along the entire M Street frontage. A vertical fin element, beginning above the ground level, encroaches into the setback and extends beyond the roof line of the building. OP is generally supportive of this architectural element and does not object to its quick intrusion into the M Street setback, but more detail is needed including the total height of the embellishment.

§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).

Besides the office lobby, loading and the entrance to the Metro, the entire ground floor of the northern building is devoted to retail. The resulting percentage of ground floor retail is 48%

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.

Except for the office building lobby and the site of the Navy Yard Metro entrance, the proposed design shows retail along the M Street frontage.

§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.

The applicant has not requested temporary-use relief.

§1604.6 Not less than fifty percent (50%) of the surface area of the streetwall 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.

From the submitted renderings and elevations, it appears that nearly 100% of the ground level streetwall will be devoted to display windows, the lobby of the office building and to the Metro entrance. The Metro entrance will be enclosed by an illuminated glass screen. OP views such an element favorably, but requires more information about the type of illumination and the level of transparency.

§1604.7 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

The applicant has requested relief from this provision for the part of the ground floor space at the rear of the leaseable area. At the rear of the retail areas, ceilings will be 11 feet tall. This is to allow duct work to vent air from the building to the roof, rather than a side wall. The Office of Planning supports this relief.

§1604.8 A building that qualifies as a Capitol South Receiving Zone site under § 1709.18 and for which a building permit has been applied for prior to August 31, 2001, shall not be subject to the requirements of this section.

This site is not within the Capitol South Receiving Zone.

§1604.9 Where preferred use retail space is required under this section and provided, the provisions of DCMR 11 §633 shall not apply

In conformance with this provision, the design does not incorporate ground level public plaza space normally required under the CR regulations.

§1607 Buildings, Structures and Uses on Half Street, S.E., South of M Street, S. E.

§1607.1 The following provisions apply to new buildings, structures, or uses with frontage on Half Street S.E. south of M Street SE, within the CG Overlay.

§1607.2 Any portion of a building or structure that exceeds 65 feet in height shall provide a minimum step back of 20 feet in depth from the building line along Half Street SE. Pursuant to §3104, the Zoning Commission may grant relief from this requirement, to a maximum of 15 feet in height and 8 feet in depth, for the provision of reasonable development footprints.

As described in section IX of this report, the applicant has requested special exception relief from this requirement to allow a 12 foot setback at a height of 80 feet. The graphic representations submitted by the applicant show both the setback as required by this section and the setback as allowed through special exception. Please refer to Sheet V1 in the applicant's plan set. The applicant states that a setback reduced to 12 feet is necessary in order to achieve a reasonable depth for residential units on the upper floors. A step back of 20 feet would render those units too narrow. Also, OP notes that the massing of the building with the higher step back masks more of the upper tiers of the building, including the penthouse structures. The currently proposed configuration has a more traditional and graceful shape; The alternate step back at 65 feet creates a blocky, heavy building. OP has no objection to the requested relief.

The one spot where the design encroaches on the step back provision is the northernmost bay of the hotel, which, while set back six feet from the property line, extends straight up to a height of 110 feet. This feature will create an interesting visual break along the Half Street frontage but at the same time will be a relatively narrow intrusion into the step back. OP does not object to its inclusion in the design.

§1607.3 Each new building shall devote not less than seventy percent (75%) 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).

The design incorporates ground floor preferred uses wherever possible. The only exceptions are for the office and residential lobbies, the hotel shuttle, loading space and the Metro entrance. The result is that 48% and 68.5% of the ground floor of the northern and southern buildings, respectively, are reserved for preferred uses. The overall percentage for the whole project is 62%. The Office of Planning feels that the applicant has met the intent of the regulation.

§1607.4 Preferred uses shall occupy 100% of the building's street frontage along Half Street SE, except for space devoted to building entrances or required to be devoted to fire control.

Preferred uses shall occupy all of the Half Street frontage of both buildings except those areas required for a lobby for the residential building and for the entrance to the Navy Yard Metro.

§1607.5 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

The applicant has requested relief from this provision for the part of the ground floor space at the rear of the leaseable area. At the rear of the retail areas, ceilings will be 11 feet tall. This is to

allow duct work to vent air from the building to the roof, rather than a side wall. The Office of Planning does not object to this relief.

§1607.6 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1607.2 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.

The applicant will lease retail space only to preferred uses.

§1607.7 No private driveway may be constructed or used from Half Street SE to any parking or loading berth areas in or adjacent to a building or structure constructed after [effective date of this section].

There is no vehicular access directly from Half Street. All parking and loading is accessed from Cushing Place. The applicant will be creating a private alley between the two buildings that will be used for general automobile traffic as well as to access the hotel lobby. The Office of Planning does not feel that this alley constitutes a driveway as contemplated by this section. OP has no objection to the layout of the project.

§1607.8 Where preferred use retail space is required under this section and provided, the provisions of DCMR 11 §633 shall not apply

In conformance with this provision, the design does not incorporate ground level public plaza space normally required under the CR regulations.

§1610 Zoning Commission Review of Buildings, Structures and Uses

§1610.1 The following provisions apply to properties located:

- (b) On a lot that abuts M Street SE;**
- (c) On a lot located within Squares 700 or 701, north of the Ballpark site;**
- (f) Any lot which is the recipient of density through the combined lot provisions of §1602.**

§1610.2 With respect to those properties described in § 1610.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions:

§1610.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, an applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

(a) Help achieve the objectives of the CG Overlay District as set forth in §1600.2;

As noted in this report, the proposed development will successfully address the objectives of the CG Overlay. The project will assure that the area is developed with a mix of uses, especially visitor-related uses such as retail and the hotel. The development will provide adequate sidewalk width along M, N and Half Streets. However, additional building and streetscape detail is needed to fully assess streetscape vitality around the site.

(b) Help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses;

The proposal provides a mix of uses, including residential apartments, residential condos, office, hotel and retail. Retail is the only use on the ground floor except for the residential and office lobbies, the hotel shuttle, loading space along Cushing Place and the metro entrance. The hotel will help bring visitors to the area.

(c) Be in context with the surrounding neighborhood and street patterns;

The proposed development respects and enhances the surrounding neighborhood and street patterns. The neighborhood has an emerging character with some of the new buildings on M Street and the baseball stadium sharing a modern vernacular. The design of the proposed buildings expands on that trend by using modern forms and materials and incorporating interesting and unique building signage and active street-level retail typical of an urban entertainment area. The construction of the baseball stadium just to the south of this site enhances the opportunity for an active, mixed-use neighborhood, and the plans for this currently under-utilized property will capitalize on that potential.

(d) Minimize conflict between vehicles and pedestrians;

The proposed design will minimize conflict between vehicles and pedestrians. All loading and parking is accessed from Cushing place and there are no driveways on M or Half Streets. On N Street, the extension of Cushing Place will bisect that portion of the development in a manner similar to other alleys in the city. On Half Street pedestrians will have a wide sidewalk and will be buffered from traffic by a row of parked cars and by bump outs. The exact design of the streetscape for Half Street, however, needs refinement and additional details must be provided on materials, lighting, planting and seating.

- (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and**

The overall feel of the architecture is of activity and movement. The details of the architecture, however, need refinement, especially at street level. Drawings similar to sheet A12 of the plan set should be provided for the entire street-level façade so that an evaluation of the interaction between public and private space can be completed.

- (f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.**

The applicant's pre-hearing statement indicates that the buildings will be LEED certified. To date the applicant has not provided an evaluation of their project against LEED standards.

§1610.5 With respect to a building or structure which has frontage on Half Street SE south of M Street SE or First Street SE south of M Street SE,:

- (a) The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;**

The design incorporates 62% ground floor retail space over both buildings. The only ground floor spaces not devoted to retail are the residential and office lobbies, the hotel shuttle, loading space along Cushing Place and the metro entrance. More information is required regarding the streetscape design, including landscaping, lighting and materials. But the Office of Planning feels that the design will be safe for pedestrians and should provide an active environment. The sidewalks will be wide enough to accommodate both pedestrian movement and retail activity like outdoor seating. The combination of office, hotel and residential uses ensures that the area will be active at all times of day, and especially on game days.

- (b) The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and**

The proposed construction includes an upgrade to the Navy Yard Metro entrance with access from Half Street. The applicant has submitted only basic plan-view and section drawings for Half Street. The Office of Planning cannot make a full evaluation of the streetscape without more detailed drawings. Based on the preliminary sketches, it appears that the applicant is proposing sidewalks approximately 20 feet wide along the east side of Half Street with bump outs increasing the width in some locations to 30 feet. An eight foot parking lane will buffer pedestrians from two travel lanes. Some retail spaces will project up to four feet into the public space and the applicant envisions retail tenants using the sidewalk for outdoor seating and other activities. The applicant also suggests that Half Street would be closed on game days and event

days to allow pedestrian movement and event-related activities, but that plan has yet to be approved by the District. Overall, OP feels that the design allows for very good pedestrian movement to the metro station and to the ballpark.

- (c) **The application shall include view analysis which assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.**

The applicant has submitted two three-dimensional renderings showing views north and south on Half Street at ground level. The Office of Planning has requested additional representations be produced that provide views on M and N Streets, as well as aerial renderings of the vicinity. It is likely that the Capitol Dome will not be visible from the site of this project due to the construction of large buildings on M Street and farther north. The proposed buildings will begin to frame the view on Half Street toward the Ballpark and draw the eye to the stadium as a terminus of the corridor. The design also respects the 15 foot setback along M Street, and helps create the uniform street wall along that street.

- §1610.7 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.**

As described in this report, the applicant has requested relief from various requirements of this Title.

- §1610.9 A building that qualifies as a Capitol South Receiving Zone site under §1709.18 and for which a building permit has been applied for prior to August 31, 2001, shall not be subject to the requirements of this section.**

The subject site is not within the Capitol South Receiving Zone.

XI. AGENCY REFERRALS

This application was referred to several District agencies for review and comment. To date OP has received no negative comments on the application. The DC Water and Sewer Authority (WASA) stated that upgrades to the 19th century water line were required, as well as new sewer and storm sewer lines. The applicant has been working with WASA and that agency indicates that the plans they have reviewed to date have been sufficient. Further WASA reviews will continue as the applicant seeks public space permits to install the new utilities.

XII. COMMUNITY COMMENTS

The Office of Planning has received no comments on the project from the community.

XIII. RECOMMENDATION

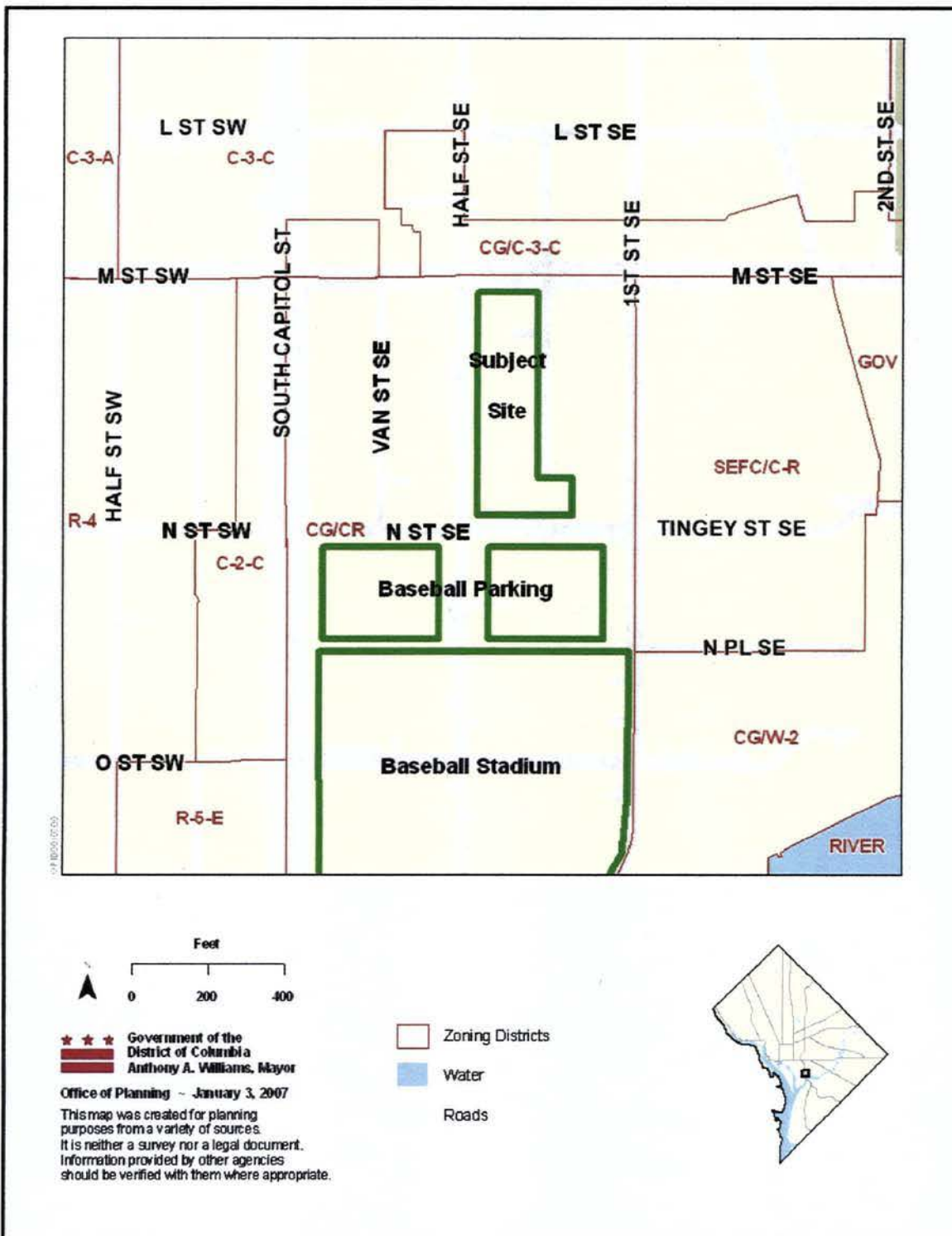
The Office of Planning recommends approval subject to the receipt of additional information and detail as outlined in this report. Alternatively, OP recommends continuing the public hearing to a later date to allow the applicant time to supply additional detail and for the Zoning Commission to evaluate the submitted information.

XIV. ATTACHMENTS

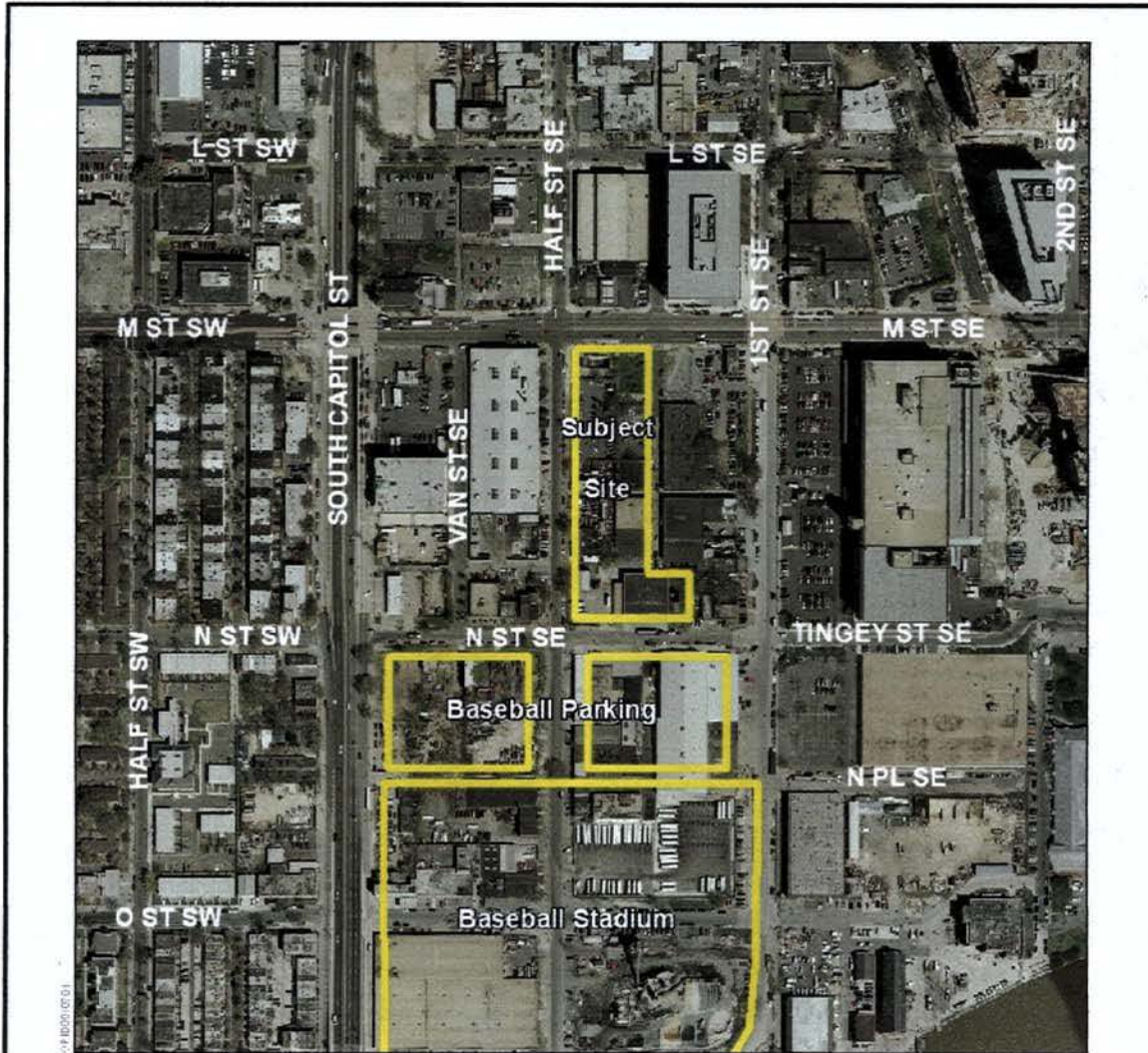
1. Vicinity Map
2. Aerial Photo

JS/mrj

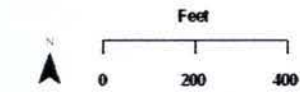
ATTACHMENT 1 VICINITY MAP



**ATTACHMENT 2
 AERIAL PHOTO**



2005 Aerial Photo



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

Office of Planning - January 3, 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.

