

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

DC OFFICE OF ZONING

CASE NO. 07-112-51

SUPPLEMENTAL REPORT

TO: Zoning Commission for the District of Columbia
FROM: Jennifer Steingasser, Deputy Director *HS*
DATE: December 28, 2007
SUBJECT: Zoning Commission Case 07-11, Proposed SEFC Overlay Map and Text Amendments

RECOMMENDATION

The Office of Planning (OP) recommends approval of proposed map and text amendments to the Southeast Federal Center (SEFC) Overlay District, as described in this report and drafted in Attachment I to this report.

BACKGROUND

At its July 9, 2007 public meeting, the Zoning Commission agreed to set down for a public hearing a series of minor map amendments to the boundaries of the zones within the SEFC Overlay area, and a series of amendments to the SEFC Overlay text. At the public meeting, the Office of Planning expressed no concerns with the map amendments as proposed by the applicant, and these were also set down for consideration at a public hearing.

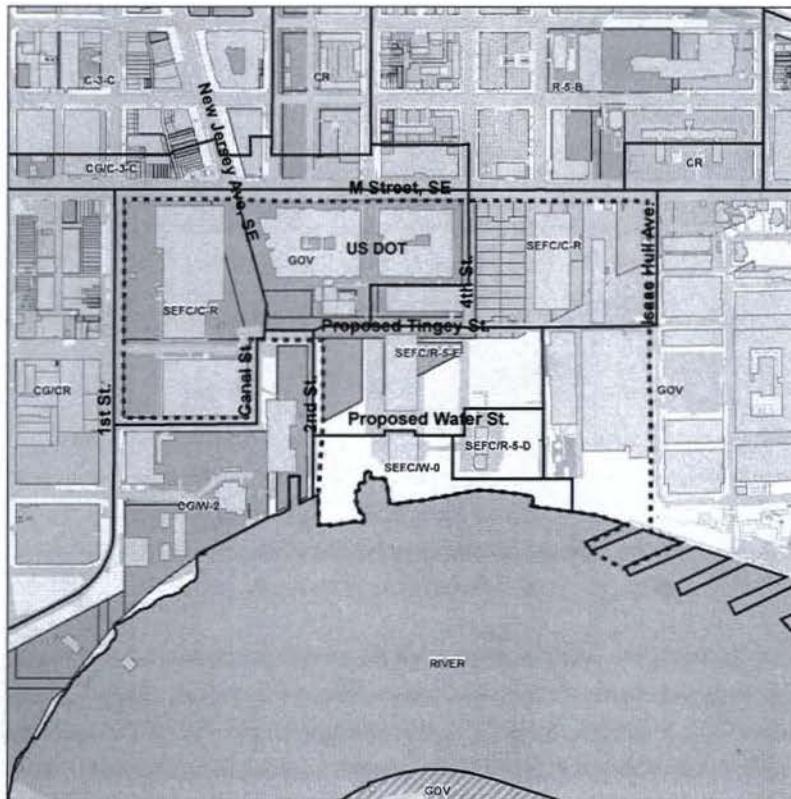
The Zoning Commission also discussed the text amendments as proposed by the applicant, the General Services Administration (GSA), as well as alternative language to some of the text amendments as proposed by OP in its original report dated June 29, 2007 and presented by OP to the Zoning Commission at the public meeting. The Zoning Commission also agreed to consider the text amendments at a public hearing. The advertised hearing notice included most of the map amendments as proposed by the applicant, as well as some, but not all, of the text amendments which had been proposed by OP.

SITE LOCATION AND SUMMARY OF EXISTING SEFC OVERLAY

The SEFC is located in the Near Southeast area and is bound generally by M Street, SE to the north; 1st Street, SE / a WASA pump station to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The site is approximately 44 acres, which does not include an 11 acre parcel on M Street, SE which is the site of the new US Department of Transportation Headquarters (ZC Case #03-05). The Navy Yard Metro Station is located next to the SEFC site at the corner of New Jersey Avenue and M Street, SE. The site is currently federally owned and administered by the GSA, which has been granted the authority to plan for and contract for private uses on the site, thus making it subject to District zoning. GSA has selected Forest City SEFC, LLC as the master developer for the site, and plans are well underway for the design of individual buildings and public spaces.

ZONING COMMISSION
District of ColumbiaCASE NO. *D-112-51* ZONING COMMISSION
District of Columbia
CASE NO.07-11 EXHIBIT NO. *D-112-51* EXHIBIT NO.17

In 2004, in Case 03-06, the Zoning Commission approved the creation of the SEFC Overlay and mapped the area with the underlying zones of CR, R-5-E, R-5-D, and W-0. The Overlay and the new zoning were the result of extensive discussion between OP and the GSA, and are intended to add stability and predictability to long-term decision-making, and help facilitate the development of a vibrant, urban, mixed-use waterfront neighborhood with a variety of uses to attract new residents, office workers, and visitors from across the District and beyond. At the time the SEFC Overlay was adopted, it was noted that minor amendments to specific regulations and provisions of the Overlay would be likely as actual development plans for the site were formed.



*Location Map and Zoning as approved
in Zoning Commission Case 03-06*

PROPOSAL & OP ANALYSIS – See also Attachment I

The GSA, on behalf of Forest City SEFC, LLC, has requested Zoning Commission approval of a series of map and text amendments to the SEFC Overlay. OP concurs with all of the proposed map amendments, which are minor in nature and will not impact overall development patterns.

OP also concurs with most of the text amendments, some of which clarify errors or inconsistencies in the original language, while others are more substantive in nature and are intended to provide additional flexibility in the design and siting of new buildings. OP has recommended approval of most of these more substantive changes, but in its setdown report of June 29, 2007, noted alternative language for some of the amendments, and recommended against some of the applicant proposed amendments as being potentially in conflict with the overall vision for the SEFC neighborhood as originally agreed to by the GSA, OP, and ultimately the Zoning Commission. OP has had additional opportunities to view preliminary plans for the site and to discuss proposals with the applicant, and has reviewed the proposed text amendments. Below is a detailed description of each of the map and text amendments as advertised, along with analysis and the OP recommendation.

Attachment I provides draft language in two versions – the first column has proposed text with all of the changes highlighted so that the proposed amendments are clearly visible; the second column has all of the proposed changes incorporated for ease of reading.

Advertised Map Amendments:

1. The boundary lines of the SEFC/CR District located immediately west of the Navy Yard are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Description: Adjusting the eastern boundary of the SEFC/CR zone district would accommodate a request by the U.S. Navy to shift the property line between the Navy Yard and the SEFC Site.

Recommendation: OP recommends approval of this revision.

2. The boundary lines of the SEFC/R5E District are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Description: Adjusting the southern boundary line of the SEFC/R5E zone district would better correspond with the realignment of proposed streets, which is a result of a desire to position certain rights-of-way so that views of historic structures on the SEFC Site will be accentuated as recommended by the State Historic Preservation Office.

Recommendation: OP recommends approval of this revision.

3. The boundary lines of the SEFC/R5D District are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Description: Adjusting the SEFC/R5D zone's northern boundary would correspond with the realignment of proposed streets and to relate better to the edge of the Anacostia River.

Recommendation: OP recommends approval of this revision.

4. The boundary lines of the SEFC/W-0 District and of the Development Area are proposed to be revised as described and depicted in the metes and bounds description and plan in the application.

Description: Revising the northern boundary of the SEFC/W-0 zone would respond to the realignment of proposed streets. Additionally, the property line between the Navy Yard and the SEFC Site has been adjusted.

Recommendation: OP recommends approval of this revision.

Proposed Text Amendments (with all advertised new text in **bold underline** font; all deleted text in **bold strike-through** font; and OP proposed deviations from the advertised text **highlighted**):

1. Section 1803.2 (SEFC/CR District uses permitted with Zoning Commission approval):

1803.2 (a) **Art gallery;**

1803.2 (d) **Cabaret;**

Description: "Art gallery" and "Cabaret" are already included as "preferred uses" within the SEFC under Section 1807.2. This is a technical correction.

Recommendation: OP recommends approval of these changes.

2. Section 1803.3 (SEFC/CR District “preferred uses” provisions and requirements):

1803.3(a) Any building or structure with frontage on M Street, S.E. ~~or New Jersey Avenue, S.E. or N Street, S.E.~~ shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage ~~on M Street, S.E. or N Street, S.E.~~ and a minimum of ~~fifty~~ ~~seventy-five~~ percent (50~~75~~%) of ~~that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of building~~, not including parking, parking access, mechanical ~~and fire control~~ rooms and other non-public spaces. This requirement shall not apply to ~~(i)~~ buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains ~~or (ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;~~

Description: In addition to technical corrections, these changes would clarify the exact frontages where preferred use retail is required, and shifts the preferred retail requirement from New Jersey Avenue to N Street SE, which is now envisioned by OP and the developer as the appropriate location for neighborhood serving retail. Changes would also establish a retail depth similar to provisions of other recently adopted overlays. The final clause (ii) would clarify that for a building which fronts onto one of the required retail streets, a building addition which does not front onto one of those streets would not require preferred use retail.

Recommendation: OP recommends approval of these changes.

1803.3(b) ~~In addition to the locations in which preferred uses are required pursuant to §1803.3(a), preferred uses may be provided on the ground floor level of buildings without frontage on M Street, S.E. or New Jersey Avenue, S.E. in other areas within the SEFC/CR District, but are not required. If provided, the such preferred use area shall not be required to conform to the requirements of §§ 1803.3(a), (e), (f), and (g);~~

Description: Mainly, these changes clarify that preferred use retail, which is required at certain locations, can also be provided at other locations within the SEFC/CR District. The final sentence provides that “non-required” preferred use space would not be subject to retail space design provisions otherwise required. This is intended to provide additional design flexibility, and may allow a broader range of local serving retail in the new neighborhood.

Recommendation: OP recommends approval of these changes.

1803.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those ~~properties~~ ~~building frontages~~ described in §§ 1803.3(a) ~~and (b)~~ shall be devoted to doors or display windows having clear or low emissivity glass;

Description: This change is considered a technical correction to correspond to the changes noted above – to clarify exactly to which frontages the provision is applied.

Recommendation: OP recommends approval of these changes.

1803.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be ~~fifteen (15)~~ fourteen (14) feet; and

Description: Most recent overlays which require retail space include a provision for 14 foot floor to ceiling height.

Recommendation: OP recommends approval of this change for consistency.

3. Section 1803.4 (SEFC/CR District - combined lot provision):

1803.4 In accordance with the procedures outlined in § 1810, two or more lots, whether contiguous or non-contiguous and whether located in the same square or other squares, within the SEFC/CR District may be combined for the purpose of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, provided that the aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone districts, as may have been modified by the Overlay.

Description: This would clarify the requirements associated with combined lot development within the SEFC/CR zone, and is consistent with the original intent of the provision.

Recommendation: OP recommends approval of this change.

4. Section 1803.13 (SEFC/CR District – lot occupancy provision for a mixed use building):

1803.13 In the SEFC/CR District, a building occupied by both residential and non-residential uses or a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a) shall be permitted 100% lot occupancy.

Description: This new provision would allow buildings with required preferred use space pursuant to §1803.3(a) to occupy 100% of the lot. This is typical in DC for retail space, to encourage more consistent streetwall and the creation of more pedestrian-friendly ground floor retail space. For retail space, the proposed change reflects a more appropriate and desirable urban design for the development of the SEFC site.

However, as advertised by the Commission, this change would allow the entire building, not just the retail floors, to have 100% lot occupancy, even though other residential and mixed use zones typically limit lot occupancy for residential floors to allow more openness in the site plan, greater light penetration to the street, and potentially a greater sense of privacy for future residents. The advertised change could therefore essentially eliminate the CR District residential lot occupancy limit of 75% within the boundaries of the SEFC Overlay. This was not OP's intent when the zoning was originally drafted, and would be contrary to the overall intent and anticipated form of development for the SEFC area and the underlying zone.

Recommendation: The Office of Planning supports the applicant's proposal to allow for 100% lot occupancy for ground floor retail space, but recommends (as noted in the highlighted text above) that the 100% lot occupancy should be allowed only for the ground and second stories wherever preferred use space is provided within otherwise residential buildings. By limiting the use of 100% lot occupancy in this way, the pedestrian-scale of the new development will be reinforced by strengthening the street wall, but the desired sense of openness and overall site densities and bulk established during the planning process with GSA will be maintained.

Although the Commission did not include the OP proposed language in the advertised text, OP recommends this language as being consistent with the overall goals and objectives for the new development, and, subject to further review by OAG, recommends further clarification to note that this provision applies only to predominantly residential buildings:

“1803.13 In the SEFC/CR District, a residential building which includes preferred uses in compliance with the requirements of §1803.3(a), (e), (f), and (g), shall be permitted 100% lot occupancy for the ground and second floors only.”

5. Section 1803.14 (SEFC/CR District - new section):

1803.14 A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of this title. Any enlargements or additions to Building 167 shall comply with all requirements of this title.

Description: To accommodate the existing dimensions for this parcel of land, bound on all sides by streets and the USDOT site.

Recommendation: OP recommends approval of this change.

6. 1803.15 (SEFC/CR District - new section):

1804.15 In the SEFC/CR District, the public space requirements of §633 shall not be applicable to a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a).

Description: The underlying CR District includes a provision (§633) which requires an area equal to 10% of the lot area to be provided as open space accessible to the public, generally at the main entrance to the building. This open space is essentially only required for the ground floor – upper floors can overhang this area. The applicant’s proposal would eliminate this requirement for any building which includes preferred retail space required by §1803.3(a). OP had originally expressed reservations with this change, but has since reexamined how this provision is generally applied in practice and believes that, in the context of the SEFC area, the 10% open space requirement could result in undesirable covered and partially enclosed spaces which detract from the streetscape and the overall sense of security.

Recommendation: OP recommends adopting slightly broader and simpler language as shown below to eliminate the 10% open space requirement at the front entrances within the SEFC/CR District:

“1803.15 In the SEFC/CR District, the public space requirements of §633 shall not be applicable to a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a).”

7. 1804.2(f) (SEFC/R5E & R5D Districts, buildings, structures and uses permitted only with Zoning Commission approval):

1804.2(f) All buildings and structures that abut the Open Space Area, as described in §1805.4, whether or not a street intervenes but excluding buildings and structures that abut the Development Area, including existing Building 160 and any additions

thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E., east of Third St., S.E., and south of Tingey Street, S.E.).

Description: This section requires that buildings and structures fronting onto the defined Open Space area of the waterfront park be reviewed by the Zoning Commission against the goals and guidelines of the SEFC Overlay. The change would clarify this provision, and is consistent with the original intent.

Recommendation: OP recommends approval of this change.

8. 1804.3 (SEFC/R5E & R5D Districts, “preferred uses” provisions and requirements):

1804.3(a) Any building or structure facing onto ~~4th Tingey Street, S.E. or the SEFC/W-0~~ District shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage ~~facing Tingey Street, S.E. or the SEFC/W-O District~~ and a minimum of ~~fifty seventy-five~~ percent (50%) of ~~that portion of~~ the gross floor area of the ground floor ~~within a depth of fifty (50) feet from the exterior facade of the front of the building~~, not including parking, parking access, mechanical ~~and fire control~~ rooms, and other non-public spaces.

Description: In addition to technical corrections, these changes would clarify the exact frontages where preferred use retail is required, and shifts the preferred retail requirement from 4th Street SE to Tingey Street SE, which his now envisioned by OP and the developer as where local serving retail will be located. The changes would also establish a retail depth similar to provisions of other recently adopted overlays.

The applicant had originally proposed an additional clause at the end of this section, reading **“This requirement shall not apply to (i) existing Buildings 160 or (ii) any addition to a building with frontage facing onto Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-O District west of 3rd Street, S.E. if the addition to the building has no frontage facing Tingey Street, S.E. or the SEFC/W-O District but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such buildings”**. OP is not opposed to reinstating clause (ii) to clarify that for a building which fronts onto one of the required retail street, a building addition which does not front onto one of the those streets would not require preferred use retail.

For clause (i), OP had expressed concerns at the public meeting about the exclusion of Building 160, which is a large historic structure at the center of the site – the provision would essentially eliminate the preferred use requirement from this important building located at the heart of the SEFC site. OP agreed at the public meeting to have further discussions with the applicant and report back to the Commission at the public hearing on this issue.

OP has since seen preliminary renderings of the site plan and received additional information from the applicant, noting the specific structural constraints associated with the existing building, and the design constraints associated with its adaptation to a predominantly residential use that would make the provision of all of the required retail space difficult. Based on this, OP would not be opposed to language which slightly lessens the retail requirement for this building

to that which is logically possible based on information received from the applicant, principally to require minor flexibility from the total area and retail depth requirements.

Recommendation: OP recommends approval of the advertised changes, and recommends reinstating the language of clause (ii) above. To accommodate the particular issues with historic Building 160, OP recommends additional language noted below, subject to review by the Office of the Attorney General (OAG):

“1804.3(a) Any building or structure facing onto ~~4th~~ **Tingey** Street, S.E. or the SEFC/W-0 District shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage facing Tingey Street, S.E. or the SEFC/W-0 District and a minimum of fifty seventy-five percent (5075) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of the building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces. This requirement shall not apply to any addition to a building facing onto Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-0 District west of 3rd Street, S.E. if the addition to the building has no frontage facing onto Tingey Street, S.E. or the SEFC/W-0 District but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such buildings. For Building 160, notwithstanding the requirements noted above, the total amount of preferred uses space shall be 3,000 square feet of space facing Tingey Street SE, and 6,000 square feet of space facing Water Street SE, for a total of 9,000 square feet; and the minimum depth for preferred use space shall be 45 feet.”

1804.3(b) In addition to the locations in which preferred uses are required pursuant to §1804.3(a), Preferred uses may be provided on the ground floor level of buildings or structures that do not face 4th Street or the SEFC/W-0 District in other areas within the SEFC/R-5-D and SEFC/R-5-E Districts, but are not required. If provided, the such preferred use area shall not be required to conform to the requirements of §§ 1804.3(a), (e), (f), and (g). If the bonus density authorized pursuant to § 1804.3(e) is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;

Description: Mainly, these changes clarify that preferred use retail, which is required at certain locations, can also be provided at other locations within the SEFC/CR District. The changes would also provide that “non-required” preferred use space would not be subject to conform to the design provisions otherwise required, intended to provide additional design flexibility, and may allow a broader range of local serving retail in the new neighborhood.

The applicant proposed the elimination of the final clause in the section, which would require that non-required preferred use retail space be dedicated to preferred uses for the life of the building. OP felt that, since this is a predominantly residential zone, and because bonus density is provided for the preferred use space, this clause should be retained to ensure that inappropriate uses are not eventually placed in this bonus space area.

Recommendation: OP recommends approval of this change, other than recommending retention of the clause reading “*If the bonus density authorized pursuant to § 1804.3(c) is used*

to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building."

1804.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those properties building frontages dedicated to preferred uses described in §§ 1804.3(a) and (b) shall be devoted to doors or display windows having clear or low emissivity glass;

Description: This change is considered a technical correction to correspond to the changes noted above – to clarify exactly to which frontages the provision is applied.

Recommendation: OP recommends approval of this change.

1804.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fifteen (15) fourteen (14) feet.

Description: Most recent overlays which require retail space include a provision for 14 foot floor to ceiling height.

Recommendation: OP recommends approval of this change.

9. Section 1804.6 (SEFC/R5E & R5D Districts– new section):

1804.6 In the SEFC/R-5-D and R-5-E Districts, a building occupied by both residential and non-residential uses or which includes preferred uses in compliance with the requirements of §1804.3(a) shall be permitted 100% lot occupancy.

Description: This new provision would allow buildings with required preferred use space pursuant to §1804.3(a) to occupy 100% of the lot. This is typical in DC for retail space, to encourage more consistent streetwall and the creation of more pedestrian-friendly ground floor retail space. For retail space, the proposed change reflects a more appropriate and desirable urban design for the development of the SEFC site.

However, as drafted by the applicant and advertised by the Commission, this change would allow the entire building, not just the floor(s) with retail space, to have 100% lot occupancy, even though other residential and mixed use zones typically limit lot occupancy for residential floors to allow more openness in the site plan, greater light penetration to the street, and potentially a greater sense of privacy for future residents. The change could therefore essentially eliminate the lot occupancy limit of 75% for the underlying R5E and R5D Districts within the SERF Overlay. This was not OP's intent when the zoning was originally proposed for the residential areas of the SEFC, and would clearly be contrary to the overall intent and anticipated form of development for the SEFC area, and the intent of the underlying zones.

Recommendation: The Office of Planning supports the applicant's proposal to allow for 100% lot occupancy for required ground floor retail space, but recommends (as noted in the highlighted text above) that the 100% lot occupancy should only be allowed for the ground and second stories. By limiting the use of 100% lot occupancy in this way, the pedestrian-scale of the new development will be reinforced by strengthening the street wall, but the desired sense of openness and overall site densities and bulk established during the planning process with GSA will be maintained. Although the Commission did not include the OP proposed language in the

advertised text, OP recommends the following language as being consistent with the overall goals and objectives for the new development:

1804.6 In the SEFC/R-5-D and R-5-E Districts, a building occupied by both residential and non-residential uses or which includes preferred uses in compliance with the requirements of §1804.3(a) shall be permitted 100% lot occupancy for the ground and second floors only.”

10. Section 1805.3 (SEFC/W-0, Open Space development area):

1805.3 The SEFC/W-0 Development Area consists of the northeastern portion of the SEFC/W-0 District, specifically the existing Building 173 171 and that portion of the SEFC/W-0 District located directly to the east of Building 173 171, north of a line extending east from the southern facade elevation of Building 173 171.

Description: correct an error in the identification of the existing historic building 173.

Recommendation: OP recommends approval of this change.

11. Section 1805.9 (SEFC/W-0, Open Space development area):

1805.9 The gross floor area of existing building Building 173 171 shall not count toward any FAR computation.

Description: correct an error in the identification of the existing historic building 173.

Recommendation: OP recommends approval of this change.

12. Section 1805.10 (SEFC/W-0, ground floor height):

1805.9 The minimum floor-to-ceiling height for the ground floor level of buildings in the SEFC/W-0 District shall be fourteen (14) fifteen (15) feet.

Description: Most recent overlays which require retail space include a provision for 14 foot floor to ceiling height.

Recommendation: OP recommends approval of this change.

13. Section 1805.12 (SEFC/W-0, new section to address subdivision of the lot):

1805.12 Notwithstanding the requirements of §2517.1, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC/W-0 District provided that such principal buildings or structures comply with all other requirements of § 2517.

Description: Portions of the Development Area located on the eastern edge of the SEFC/W-0 district may not have direct street frontage, which is needed to subdivide the property. However, the zoning essentially requires the subdivision of the waterfront park area into development and non-development areas. This section would facilitate this process. However, OP is proposing slightly more specific wording as noted below:

Recommendation: OP recommends approval of the following amendment:

“1805.12 Notwithstanding the requirements of §2517.1, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC/W-0 District provided that such principal buildings or structures comply with all other requirements of § 2517 and all other provisions of § 1805.”

COMPREHENSIVE PLAN

The Future Land Use Map for the SEFC site indicates Mixed-Use High-Density Residential and High-Density Commercial as well as a separate area along the waterfront that is designated Parks, Recreation, and Open Space. The proposed map and text amendments are not inconsistent with these designations.

As noted in OP’s setdown report of June 29, 2007, the SEFC development, assisted by the proposed map and text amendments, would also further numerous elements of the Comprehensive Plan including: redevelopment and infill opportunities addressed in Chapter 2; ensuring the efficient use of land resources in Chapter 3; expanding the housing supply in and furthering other housing goals in Chapter 5; improving access to parks and open space in Chapter 8; improving the public realm in Chapter 9; and, preserving and enhancing the unique cultural heritage and historic physical form of the city addressed in Chapter 10. The proposed development on this site would also be consistent with the general policies and actions of the Lower Anacostia Waterfront/Near Southwest Area Element (Chapter 19) and is a critical development in implementing the goals and objectives of the Anacostia Waterfront Initiative.

CONCLUSION AND RECOMMENDATION

OP remains very supportive of the expeditious development of this important piece of land along the Anacostia River waterfront. It will not only provide a new and exciting neighborhood for residents, shoppers, and visitors, but will also facilitate extensive environmental improvements and greatly expanded opportunities for access to the waterfront. OP also continues to stand by the goals, objectives, and intent of the original SEFC Overlay, the product of extensive discussions with the GSA and the Zoning Commission.

As such, OP is generally supportive of the proposed map and text amendments which will facilitate the development of this site in a way which both benefits the District as a whole, and provides for a vibrant and desirable neighborhood for new residents and visitors to the area. In this report, and in the attachments, OP recommends specific language for Zoning Commission consideration. At times, this language differs slightly from that of the applicant and from the advertised text, but OP feels this is consistent with the intent of the public hearing notice and more consistent with the intent of the SEFC Overlay as adopted by the Commission, and with the underlying zones. OP continues to have no concerns with, and recommends approval of, all of the proposed minor map amendments.

JLS/jl

Attachments:

- I. OP’s proposed text amendments.

OP PROPOSED TEXT AMENDMENTS – text proposed to be deleted is in bold, strike-through font ; text proposed to be added is in bold underline ; OP proposed text which differs from that which was advertised is shown highlighted .	OP PROPOSED TEXT AMENDMENTS with all proposed changes incorporated for ease of reading
1. Amend Section 1803.2 as follows	1. Amend Section 1803.2 as follows
1803.2 (a) Art gallery	1803.2 (a) Art gallery
1803.2 (d) Cabaret	1803.2 (d) Cabaret
2. Amend Section 1803.3 as follows:	2. Amend Section 1803.3 as follows:
1803.3(a) Any building or structure with frontage on M Street, S.E. or New Jersey Avenue, S.E. or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of seventy-five percent (50%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of building , not including parking, parking access, mechanical and fire control rooms and other non-public spaces. This requirement shall not apply to:	1803.3(a) Any building or structure with frontage on M Street, S.E. or N Street, S.E. shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage on M Street, S.E. or N Street, S.E. and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of building, not including parking, parking access, mechanical and fire control rooms and other non-public spaces. This requirement shall not apply to:
(i) buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains or	(i) buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains or
(ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;	(ii) any addition to a building with frontage on M Street, S.E. or N Street, S.E. if the addition to such building has no frontage on such streets but, as allowed pursuant to § 1803.3(b) below, preferred uses may be provided on the ground floor level of such buildings;
1803.3(b) In addition to the locations in which preferred uses are required pursuant to §1803.3(a), preferred uses may be provided on the ground floor level of buildings without frontage on M Street, S.E. or New Jersey Avenue, S.E. in other areas within the SEFC/CR District , but are not required. If provided, the such preferred use area shall not be required to conform to the requirements of §§ 1803.3(a), (e), (f), and (g);	1803.3(b) In addition to the locations in which preferred uses are required pursuant to §1803.3(a), preferred uses may be provided on the ground floor level of buildings in other areas within the SEFC/CR District, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of §§ 1803.3(a), (e), (f), and (g);
1803.3(c) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those properties building frontages described in §§ 1803.3(a) and (b) shall be devoted to doors or display windows having clear or low emissivity glass;	1803.3(c) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in §§ 1803.3(a) shall be devoted to doors or display windows having clear or low emissivity glass;

<p>1803.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be <u>fifteen (15) fourteen (14) feet</u>; and</p>	<p>1803.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet; and</p>
<p>3. Amend Section 1803.4 as follows:</p>	<p>3. Amend Section 1803.4 as follows:</p>
<p>1803.4 In accordance with the procedures outlined in § 1810, two or more lots, whether contiguous or non-contiguous <u>and whether located in the same square or other squares</u>, within the SEFC/CR District may be combined for the purpose of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, provided that the aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone districts, as may have been modified by the Overlay.</p>	<p>1803.4 In accordance with the procedures outlined in § 1810, two or more lots, whether contiguous or non-contiguous and whether located in the same square or other squares, within the SEFC/CR District may be combined for the purpose of allocating residential and non-residential uses regardless of the normal limitation on floor area by uses on each lot, provided that the aggregate residential and non-residential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone districts, as may have been modified by the Overlay.</p>
<p>4. Amend Section 1803.13 as follows:</p>	<p>4. Amend Section 1803.13 as follows:</p>
<p>1803.13 In the SEFC/CR District, a <u>residential building which includes preferred uses in compliance with the requirements of §1803.3(a), (e), (f), and (g), shall be permitted 100% lot occupancy for the ground and second floors only.</u></p>	<p>1803.13 In the SEFC/CR District, a residential building which includes preferred uses in compliance with the requirements of §1803.3(a), (e), (f), and (g), shall be permitted 100% lot occupancy for the ground and second floors only.</p>
<p>5. Add a new subsection 1803.14 as follows:</p>	<p>5. Add a new subsection 1803.14 as follows:</p>
<p>1803.14 <u>A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of this title. Any enlargements or additions to Building 167 shall comply with all requirements of this title.</u></p>	<p>1803.14 A record lot may be created with respect to the parcel on which Building 167 is located, notwithstanding other requirements of this title. Any enlargements or additions to Building 167 shall comply with all requirements of this title.</p>
<p>6. Add a new subsection 1803.15 as follows:</p>	<p>6. Add a new subsection 1803.15 as follows:</p>
<p>1803.15 <u>In the SEFC/CR District, the public space requirements of §633 shall not be applicable to a building anywhere within the SEFC/CR District which includes preferred uses in compliance with the requirements of §1803.3(a).</u></p>	<p>1803.15 In the SEFC/CR District, the public space requirements of §633 shall not be applicable.</p>
<p>7. Amend Section 1804.2(f) as follows:</p>	<p>7. Amend Section 1804.2(f) as follows:</p>
<p>1804.2(f) All buildings and structures that abut the Open Space Area, as described in §1805.4, whether or not a street intervenes <u>but excluding buildings and structures that abut the Development Area, including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E., east of Third St., S.E., and south of Tingey Street, S.E.).</u></p>	<p>1804.2(f) All buildings and structures that abut the Open Space Area, as described in §1805.4, whether or not a street intervenes but excluding buildings and structures that abut the Development Area, including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e., north of Water Street, S.E., west of 4th Street, S.E., east of Third St., S.E., and south of Tingey Street, S.E.).</p>

<p>8. Amend Section 1804.3 as follows:</p> <p>1804.3(a) Any building or structure facing onto 4th Tingey Street, S.E. or the SEFC/W-0 District shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage <u>facing Tingey Street, S.E. or the SEFC/W-0 District</u> and a minimum of fifty <u>seventy-five percent (50.75%)</u> of <u>that portion of</u> the gross floor area of the ground floor <u>within a depth of fifty (50) feet from the exterior façade of the front of the building</u>, not including parking, parking access, mechanical <u>and</u> fire control rooms, and other non-public spaces.</p> <p><u>This requirement shall not apply to any addition to a building facing onto Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-0 District west of 3rd Street, S.E. if the addition to the building has no frontage facing onto Tingey Street, S.E. or the SEFC/W-0 District but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such buildings.</u></p> <p><u>For Building 160, notwithstanding the requirements noted above, the total amount of preferred uses space shall be 3,000 square feet of space facing Tingey Street SE, and 6,000 square feet of space facing Water Street SE, for a total of 9,000 square feet; and the minimum depth for preferred use space shall be 45 feet</u></p>	<p>8. Amend Section 1804.3 as follows:</p> <p>1804.3(a) Any building or structure facing onto Tingey Street, S.E. or the SEFC/W-0 District shall provide preferred uses comprising a minimum of seventy-five (75%) of the frontage facing Tingey Street, S.E. or the SEFC/W-0 District and a minimum of seventy-five percent (75%) of that portion of the gross floor area of the ground floor within a depth of fifty (50) feet from the exterior façade of the front of the building, not including parking, parking access, mechanical and fire control rooms, and other non-public spaces.</p> <p>This requirement shall not apply to any addition to a building facing onto Tingey Street, S.E. west of 4th Street, S.E., or the SEFC/W-0 District west of 3rd Street, S.E. if the addition to the building has no frontage facing onto Tingey Street, S.E. or the SEFC/W-0 District but, as allowed pursuant to § 1804.3(b) below, preferred uses may be provided on the ground floor level of such buildings.</p> <p>For Building 160, notwithstanding the requirements noted above, the total amount of preferred uses space shall be 3,000 square feet of space facing Tingey Street SE, and 6,000 square feet of space facing Water Street SE, for a total of 9,000 square feet; and the minimum depth for preferred use space shall be 45 feet</p>
<p>1804.3(b) <u>In addition to the locations in which preferred uses are required pursuant to §1804.3(a),</u> preferred uses may be provided on the ground floor level of buildings or structures that do not face 4th Street or the SEFC/W-0 District <u>in other areas within the SEFC/R-5-D and SEFC/R-5-E Districts</u>, but are not required. If provided, the such preferred use area shall <u>not be required to</u> conform to the requirements of §§ 1804.3(a), (e), (f), and (g). If the bonus density authorized pursuant to § 1804.3(c) is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;</p>	<p>1804.3(b) In addition to the locations in which preferred uses are required pursuant to §1804.3(a), preferred uses may be provided on the ground floor level of buildings or structures in other areas within the SEFC/R-5-D and SEFC/R-5-E Districts, but are not required. If provided, such preferred use area shall not be required to conform to the requirements of §§ 1804.3(a), (e), (f), and (g). If the bonus density authorized pursuant to § 1804.3(c) is used to provide non-required preferred uses, the preferred use area must be dedicated to preferred uses for the life of the building;</p>
<p>1804.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those properties <u>building frontages dedicated to preferred uses</u> described in §§ 1804.3(a) and (b) shall be devoted to doors or display windows having clear or low emissivity glass;</p>	<p>1804.3(e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages dedicated to preferred uses described in §§ 1804.3(a) shall be devoted to doors or display windows having clear or low emissivity glass;</p>

<p>1804.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be <u>fifteen (15)</u> <u>fourteen (14)</u> feet.</p>	<p>1804.3(g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.</p>
<p>9. Add a new subsection 1804.6 as follows:</p>	<p>9. Add a new subsection 1804.6 as follows:</p>
<p>1804.6 <u>In the SEFC/R-5-D and R-5-E Districts, a building occupied by both residential and non-residential uses or which includes preferred uses in compliance with the requirements of §1804.3(a) shall be permitted 100% lot occupancy for the ground and second floors only.”</u></p>	<p>1804.6 In the SEFC/R-5-D and R-5-E Districts, a building which includes preferred uses in compliance with the requirements of §1804.3(a) shall be permitted 100% lot occupancy for the ground and second floors only.</p>
<p>10. Amend Section 1805.3 as follows:</p>	<p>10. Amend Section 1805.3 as follows:</p>
<p>1805.3 The SEFC/W-0 Development Area consists of the northeastern portion of the SEFC/W-0 District, specifically the existing Building <u>173 171</u> and that portion of the SEFC/W-0 District located directly to the east of Building <u>173 171</u>, north of a line extending east from the <u>southern facade elevation</u> of Building <u>173 171</u>.</p>	<p>1805.3 The SEFC/W-0 Development Area consists of the northeastern portion of the SEFC/W-0 District, specifically the existing Building 173 and that portion of the SEFC/W-0 District located directly to the east of Building 173, north of a line extending east from the southern facade of Building 173.</p>
<p>11. Amend Section 1805.9 as follows:</p>	<p>11. Amend Section 1805.9 as follows:</p>
<p>1805.9 The gross floor area of existing building <u>Building 173 171</u> shall not count toward any FAR computation.</p>	<p>1805.9 The gross floor area of existing Building 173 shall not count toward any FAR computation.</p>
<p>12. Amend Section 1805.10 as follows:</p>	<p>12. Amend Section 1805.10 as follows:</p>
<p>1805.10 The minimum floor-to-ceiling height for the ground floor level of buildings in the SEFC/W-0 District shall be <u>fourteen (14)</u> <u>fifteen (15)</u> feet.</p>	<p>1805.10 The minimum floor-to-ceiling height for the ground floor level of buildings in the SEFC/W-0 District shall be fourteen (14) feet.</p>
<p>13. Add a new Section 1805.12 as follows:</p>	<p>13. Add a new Section 1805.12 as follows:</p>
<p><u>1805.12 Notwithstanding the requirements of §2517.1, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC/W-0 District provided that such principal buildings or structures comply with all other requirements of § 2517 and all other provisions of § 1805.”</u></p>	<p>1805.12 Notwithstanding the requirements of §2517.1, two or more principal buildings or structures may be erected as a matter of right on a single subdivided lot within the SEFC/W-0 District provided that such principal buildings or structures comply with all other requirements of § 2517 and all other provisions of § 1805.”</p>