District of Columbia Office of Planning

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: JL for Jennifer Steingasser,
Deputy Director, Development Review & Historic Preservation

DATE: February 9, 2016

SUBJECT: ZC Case 08-04B – Southeast Federal Center (SEFC) Parcel P – Phase 2
Zoning Commission Design Review under the SEFC Overlay and Variances

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I. SUMMARY RECOMMENDATION

The Office of Planning recommends **approval** of the proposed modification, consisting of the addition of a roof deck, to the building design approved by the Zoning Commission in ZC Case 08-04A, and additional requested zoning relief mainly resulting from the subdivision of the retail building site from the larger Yards Park.

II. APPLICATION-IN-BRIEF

Location	Southeast Federal Center (SEFC), Parcel P Square 771, Lots 807 and 808
Applicant	Forest City SEFC, LLC, for the General Services Administration of the USA
Current Zoning	SEFC/W-0 (Southeast Federal Center Overlay/Waterfront District)
Proposed Development	The applicant proposes to modify a previously approved building design for site P2B on Parcel P, which has been revised to include a roof terrace. In addition, relief has been requested that would permit construction of the already-approved structures for parcels P2A and P2B.
Review and Relief	Pursuant to 11 DCMR § 1805.11, all new structures and/or changes to the exterior design of buildings located within the SEFC/W-0 District require design review and approval by the Zoning Commission. Pursuant to § 1809.1, the applicant is also requesting variances from the following: 1. § 931, FAR 2. § 932, Lot Occupancy 3. § 934, Side Yard 4. § 1805, Floor to Ceiling Height

ZONING COMMISSION
District of Columbia
CASE NO.08-04B
EXHIBIT NO.17

Current Zoning	SEFC/W-0 (Southeast Federal Center Overlay/Waterfront District)
Ward and ANC	Ward 6, ANC 6D

III. EXECUTIVE SUMMARY

The applicant is seeking variances that would allow for the development of a retail pavilion on Parcel P2B in the Southeast Federal Center (SEFC). Parcel P2B is located in Parcel P, which is currently developed as Yards Park and the Lumbershed, featuring restaurant and office uses.

The development of Parcel P2B was previously approved by the Zoning Commission in March 2009, in which design review, special exceptions, and variances were approved. This retail pavilion will be used by DC Winery, LLC as a boutique urban winery, restaurant, and event space. The winery will produce small batch wines served on the premises and occasionally sold in bottles for patrons to consume elsewhere. Guests will be able to tour the winery, taste wines at the wine bar, have dinner at the restaurant, and reserve the second floor venue for a private event, such as wedding receptions, corporate events, or private functions. The winery is expected to open in Fall 2017. The use is permitted by zoning, and the Alcohol Beverage Regulation Administration and the Alcohol Beverage Control Board have approved the license for the winery.

IV. BACKGROUND

The Zoning Commission approved a comprehensive zoning package for the entire Southeast Fedeeral Center (SEFC) site in 2004, which included the creation of the SEFC Overlay District (ZC Case 03-06). Since that time, the General Services Administration selected Forest City LLC as the master developer for the entire site. When complete, the SEFC development will include approximately 1.8 million square feet of office space, at least 2,800 residential units, and neighborhood and destination retail uses.

The Zoning Commission approved Phase I of this project in May 2008 (ZC Case 08-04), which included the waterfront park features, a pedestrian bridge, Overlook feature, and promenade. Subsequently, the Zoning Commission approved Phase II of this project in March 2009 (ZC Case 08-04A), which included the renovation and improvement of the Lumbershed Building, construction of two new two-story retail pavilions, and construction of the visual marker along the waterfront.

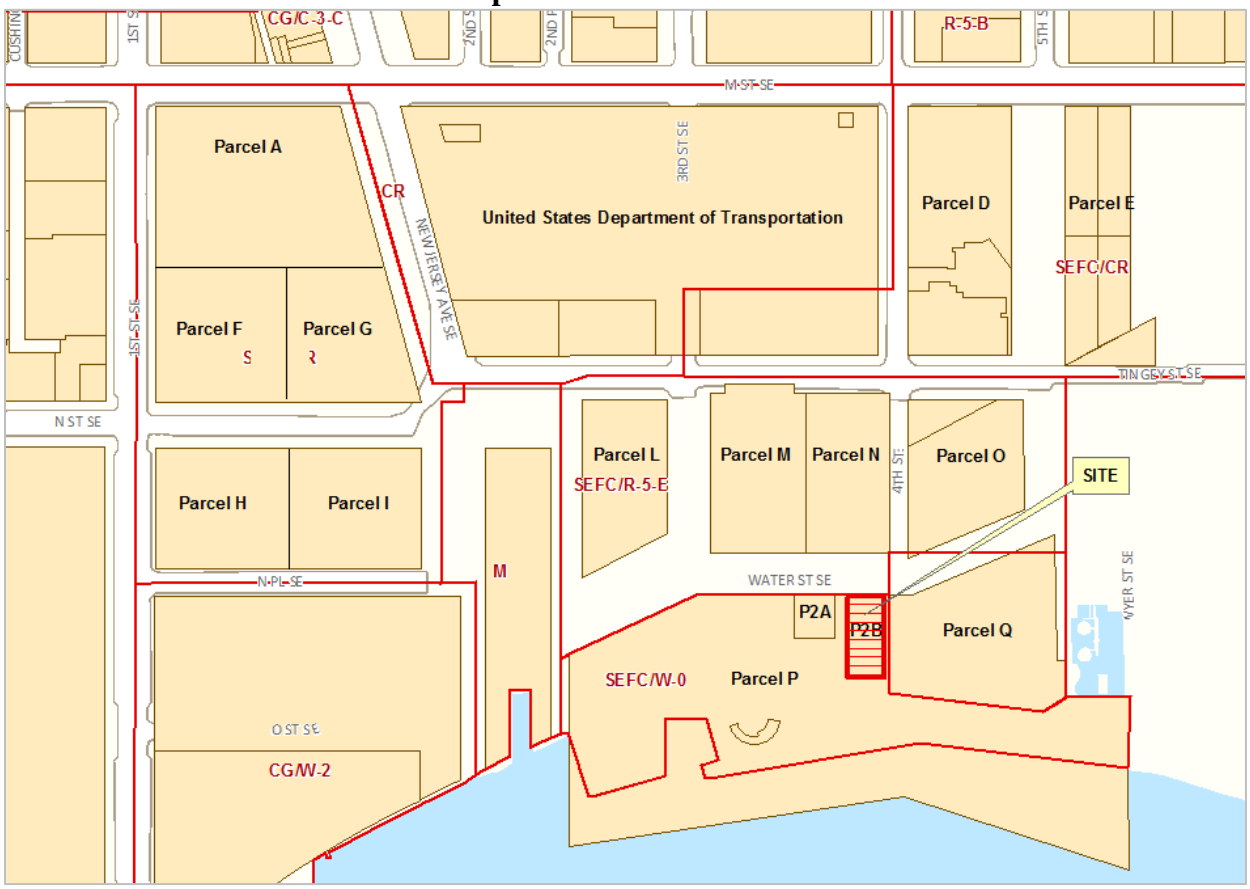
Since then, the applicant has subdivided the subject site from the larger 5 acre Yards Park site, with the subdivided property line for the site generally corresponding to the footprint of the approved retail building.

V. SITE AND AREA DESCRIPTION

The SEFC site is located in the Near Southeast area and is bound generally by M Street, SE to the north; 1st Street, SE to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The SEFC site is approximately 42 acres in area, excluding an 11 acre parcel on M Street, SE which is the location of the Department of Transportation Headquarters (ZC Case 03-05).

The subject site, Parcel P, is located immediately north of the Anacostia River between 2nd and 5th Streets, SE, with Water Street, SE forming the northern boundary. The historic DC Water and Sewer facility is located west of the Parcel, and Navy Yard is located to the east. Parcel P is zoned SEFC/W-0 (limited low-density waterfront-related development) and is divided into two areas: a Development Area, located along the northern boundary of the parcel; and an Open Space Area, located to the south, bordering the Anacostia River. Parcel P includes the Lumbershed, the restoration of which was recently completed, as well as sub-parcels P2A and P2B, which were approved as a retail pavilions (ZC Case 08-04A). Parcel P2B is the subject of this application.

Parcel Map of Southeast Federal Center



The applicant has provided an update regarding the development of each Parcel, noted in the table below:

Name/Type of Project	Location	Phase	Status
Foundry Lofts –Residential	Parcel M	Phase 1	Completed; Occupied
The Boilermaker Shops -Retail	Parcel K	Phase 1	Completed; Occupied
Lumber Shed –Retail/Office	Portion of Parcel P	Phase 1	Completed; Occupied
Twelve 12 –Residential/Retail	Parcel D	Phase 1	Completed; Occupied
Arris –Residential/Retail	Parcel N	Phase 1	Opens Early 2016
Parcel O –Condo/Rental/Retail	Parcel O	Phase 1	In Design Phase
Parcel L –Residential/Hotel/Retail	Parcel L	Phase 1	In Design Phase

Name/Type of Project	Location	Phase	Status
Parcel P2B –Winery/Restaurant	Parcel P2B	Phase 1	Subject of Application
Parcel P2A –Restaurant	Parcel P2A	Phase 2	TBD
Parcel P3[1]	Parcel P3	Phase 2	TBD
Parcel Q	Parcel Q	Phase 2	Surface Parking Lot
Parcel A1 –Office/Retail	Parcel A1	Phase 2	Open Space
Parcel H –Residential/Retail	Parcel H	Phase 2	Surface Parking Lot
Parcel I –Residential/Retail	Parcel I	Phase 2	Surface Parking Lot
Parcel A2 –Office/Retail	Parcel A2	Phase 3	Open Space
Parcel A3 –Office/Retail	Parcel A3	Phase 3	Open Space
Parcel F –Office/Retail	Parcel F	Phase 3	Open Space
Parcel G –Office/Retail	Parcel G	Phase 3	Trapeze School

VI. PROJECT DESCRIPTION

The applicant proposes to modify a previously approved development for Parcel P2B in SEFC. Parcel P2B was approved by the Zoning Commission March 2009 for the development of a retail pavilion. In combination with the retail pavilion on Parcel P2A, there would be a total of 25,000 square feet of retail and commercial space. An open terrace would be provided on the upper level overlooking the adjacent streets and plaza. As part of that case, the Zoning Commission also approved special exception relief allowing retail and commercial uses within the Open Space Area and for roof structures having a reduced setback, as well as a variance for relief from parking.

The applicant has requested that the Zoning Commission review a revised building design for Parcel P2B, as well as additional variance relief.

VII. COMPREHENSIVE PLAN POLICIES

The Future Land Use Map in the 2012 Comprehensive Plan designates the site for high density residential and commercial uses. The proposed development is not inconsistent with this designation. The Generalized Policy Map indicates the site for Land Use Change, from federal to private mixed use development.

The project is generally not inconsistent with the Comprehensive Plan, and it conforms to the SEFC master plan. The provision of pedestrian-oriented retail uses would further policies of the Land Use, Park, Recreation and Open Space, Historic Preservation, and Urban Design Elements. The development would also further relevant policies of the lower Anacostia Waterfront/Near Southwest Area Element by helping to develop new waterfront neighborhoods (AW-1.1.2), creating waterfront commercial development (AW-1.1.-3), and improving access to the Near Southeast shoreline (AW-2.3.2).

[1] The approved master plan for SEFC does not include Parcel 3, which is located at the eastern edge of Parcel P, near the Navy Yard. Therefore, the applicant would be required to modify the master plan to include development of this site.

VIII. MANDATORY REVIEW OF ALL NEW BUILDINGS AND EXTERIOR RENOVATIONS

1805.11 All proposed structures in the SEFC/W-0 District, or any proposed exterior renovation to any existing buildings or structures in the SEFC/W-0 District 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 standards specified in § 927 and procedures specified in § 928 of this title, and the standards set forth in § 1808 and procedures set forth in § 1809.

This review includes minor modifications of the approved design for Parcel P2B, including a trellis on the second floor. Analysis of the project against the relevant zoning objectives and standards is provided below.

1808.1 In addition to proving that the proposed uses, buildings, or structure meet the standards set forth in § 3104.1, the applicant for Zoning Commission approval of a use or structure within the SEFC Overlay District shall further demonstrate conformance to the following standards:

(a) The use, building, or structure will help achieve the objectives of the SEFC Overlay District as set forth in § 1802;

Objectives relevant to this proposal include:

1802.4 Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses.

The development of Parcel P2B will include retail and commercial uses that will support visitor-related uses and complement water-oriented activity.

1802.5 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 publicly-accessible open space along the waterfront.

Parcel P2B will consist of a two-story building constructed mainly of glass, with a height of less than 32 feet, which will allow for adequate views of the waterfront and is consistent with the zoning. Open space surrounding the structure, as well as the rooftop terrace, provide views of and access to the river and park from the street.

1802.6 Require suitable ground-floor level retail and service uses … near the SEFC/W-0 District; and at other key pedestrian locations.

The ground floor of Parcel P2B will be used predominantly for a restaurant, tasting room, and outdoor seating. The structure will be accessible from key pedestrian access points located along Water Street, SE and 4th Street, SE.

1802.7 Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings with the SEFC.

The previously approved park plan (ZC Case 08-04) includes important river walk connections to the historic Washington Navy Yard to the east. The proposed development for Parcel P2B has been designed to complement the existing structure both in scale and building materials.

1802.8 Establish zoning incentives and restrictions to provide for the development of a publicly-accessible park along the Anacostia River and encourage uses in that park as permitted in the W-0 District.

As approved in ZC Case 08-04, the waterfront park is publicly accessible from a variety of entrance points, one of which will eventually include the water. The elimination of off-street parking and presence of ground –floor retail would encourage pedestrian activity on the site and provide important services and amenities for park users.

1808.1(b) The proposed building or structure shall be designed with a height, bulk, and siting that provide for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor;

All of the existing and proposed structures within the park have been designed to draw visitors from the adjacent areas to the site, as well as facilitate views of the waterfront from a variety of vantage points. The proposed development would be two stories in height, and constructed of glass, allowing for unencumbered views of the waterfront and of federal monumental buildings along New Jersey Avenue, S.E. The proposed trellis on the second floor would provide shade, providing a more pleasant experience for viewing the waterfront.

1808.1(c) On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this not possible, green landscaping or architectural treatment of facades shall adequately screen parking from the street and adjacent development.

Off-street parking has not been proposed for this site; the Commission approved relief from the parking requirement as part of its previous approval for this site and the changes would not increase the zoning required parking.

1808.2 In evaluating the application, the Commission also may consider:

(a) Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;

This site is part of a larger redevelopment project that will bring new buildings, uses, and residents to this area. The planned development of this area will be high density mixed-use office and residential along M Street SE, and high density residential uses with ground floor retail at the center of the SEFC site. The proposed development for Parcel P2B has been

designed and sited to serve as a transition from the high-density uses to the north to the waterfront park to the south, and to help activate the park. The proposed development will much lower in height than those on adjacent properties so as to not obstruct views of the river.

(b) Use of high standards of environmental design that promote the achievement of sustainable development goals;

The proposed development would not include off-street parking facilities, encourage the use of alternative forms of transportation to access the park. A previous phase of the development also included a stormwater management concept aimed at reducing runoff. While Green Area Ratio does not apply in the W-0 zone, the applicant continues to work with the Department of Energy and Environment (DOEE) to determine if a green roof will be necessary to assist with stormwater runoff.

(c) Façade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;

The façades of the proposed Winery are viewable from proposed public streets and the Yards Park, and have been designed to eliminate unarticulated blank walls. The service core functions have been sited to minimize their exterior appearance and impact.

(d) Landscaping which complements the building;

The landscaping elements, most of which were reviewed and approved in Phase 1, were designed to complement park structures and uses. Landscaping has been used to define walk ways and paths to park features as well as provide definition for seating areas near the proposed retail buildings.

(e) For buildings that include preferred uses in accordance with §§ 1803.3 or 1804.3, the Commission may consider the balance and location of preferred uses;

The proposed use will be a Winery/Restaurant/Event Space, which is consistent with the special exception that was approved to allow retail as a use in ZC Case 08-04A.

(f) In connection with its review pursuant to § 1804.2, the Commission may consider the effect of the proposed use on the predominantly residential character of the R-5-D and/or R-5-E portion of the SEFC; and

The proposed Winery will be in a building of a size and bulk that will not impact the residential character of the adjacent District. The building, constructed largely of glass, will be 32 feet in height and should not impede views, light, or air from adjacent residential buildings. In addition, the use will serve residents in this area, as well as visitors to the Yards Park.

(g) For development within or adjacent to the SEFC/W-0 District, the Commission may consider whether the project is consistent with the following goals:

(i) Providing a wide variety of active and passive recreational uses;

The previously approved, and existing, waterfront park includes a wide variety of recreational uses, ranging from landscaped gardens to festival spaces to bike routes. The plan incorporates a

mix of active and passive uses and has adequate transitional spaces provided between each. The proposed use will be a unique addition to DC and to the Yards Park area, serving as an additional draw to this popular space.

(ii) Encouraging uses that open to, overlook, and benefit the waterfront park;

The proposed Winery includes a rooftop terrace that provides views of the waterfront park and Anacostia River to the south. Parcel P2B is surrounded by plazas and open space intended to connect street level uses to lawn areas and the promenade along the river.

(iii) Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site.

In accordance with the SEFC Overlay, the proposed retail space is located along Water Street, rather than directly adjacent to the waterfront. Elements of the proposed structure, including its composition of glass, roof deck, and outdoor seating, aim to enhance the maritime context of the site.

IX. RELIEF REQUESTED FOR PARCEL P2B

Section 1809.1 permits the Commission to consider any requests for relief as part of its review of the project. The proposed development requires variances for Floor Area Ratio (§ 931), Lot Occupancy (§ 932), Side Yard (§ 934), and Floor to Ceiling Height (§1805.10).

Standard	SEFC/W-0	Proposed Construction	Relief Required
Building Height (§ 930)	40 ft. for structures and buildings	31 ft. 10 in. (Two Story Building with Mezzanine)	No relief required
Floor Area Ratio (§ 931)	0.5[2]	1.67 (including trellis)	**Variance required**
Lot Occupancy (§ 932.2)	25%[3]	90% (10,948 sf)	**Variance required**
Rear Yard (§ 933)	No rear yard required for non-residential use	0.0 ft.	No relief required
Side Yard (§ 934)	12 ft. minimum for each side yard	0.0 ft.	**Variance required**
Courts (§ 935)	Open Court – 7.7 ft. minimum Court Niche – 3 ft. minimum	Open Courts – Northwest: 9 ft, 10 in. Southwest: 10 ft. 3 in. Court Niche – East: 3 ft., 4 in.	No relief required

[2] SEFC-W-0 permits an FAR of 0.5 for the entire 5 acre Yards Park; the regulations include a provision to allow for a transfer of some of the density from the open park space to the retail pads, as at the time it was anticipated that those pads would be developed to a density in excess of 0.5 FAR (it was not anticipated that all of the potential 0.5 FAR for the entire Yards Park would be utilized on the small development pads).

[3] Likewise, the lot occupancy of 25% was intended, when established, to accommodate the building pads within the largely undeveloped Yards Park. Lot occupancy for the entire Park would be well under 25%.

Standard	SEFC/W-0	Proposed Construction	Relief Required
Waterfront Setback (§ 938)	100 ft. minimum setback from bulkhead	135 feet	No relief required
Roof Structures (§§ 930.3 & 411)	A single enclosure with walls of equal height	Single enclosing wall of 10 ft. 2 in. of uniform height	No relief required
Floor to Ceiling Height (§ 1805.10)	14 feet min.	Mezzanine: 9 feet Remainder of ground floor: 19 feet	**Variance Required**
Use in "Development Area" (§ 925)	Special exception required for commercial uses	Commercial retail use in a new building	*Received Special Exception per ZC Order 08-04A*
Parking (§ 2101)	1 space per 750 square feet above 3,000 square feet	No off-street parking spaces provided	*Received Variance per ZC Order 08-04A*
Loading (§ 2201)	Required for buildings greater than 20,000 square feet in area.	Combined area of Retail Pavilion Buildings will be less than 20,000 square feet.	No relief required
GAR (§ 3400)	Except from GAR	N/A	No relief required

A. Variance Relief for Floor Area Ratio (§ 931), Lot Occupancy (§ 932.2), Side Yard (§934), and Floor to Ceiling Height (§ 1805.10)

i. Exceptional Situation Resulting in Practical Difficulty

The subject property is affected by exceptional conditions. The land was historically under federal control and released for private development in 2000 by an act of Congress. At that time, a master plan was created for the build-out of the site, which included a mix of uses (retail, cultural, institutional) within a park setting. The remaining undeveloped parcels in SEFC continue to be owned by the federal government until they are developed, at which point ownership is transferred to the developer, Forest City.

Floor Area Ratio, Lot Occupancy, and Side Yard

Following the Zoning Commission approval of Case ZC 08-04A in 2009, Lot 810 in Parcel P was divided into several assessment and taxation lots by GSA to facilitate the transfer of the park land to the District of Columbia. Prior to this subdivision, Lot 801 was 248,660 square feet. The resulting land areas are summarized in the following table:

Lot 810	211,083 square feet
Lot 809 (Parcel P1, Lumbershed Building)	18,598 square feet
Lot 808 (Parcel P2A, Retail Pavilion)	6,879 square feet
Lot 807 (Parcel P2B, Retail Pavilion)	12,100 square feet

Prior to this subdivision, the FAR and lot occupancy were calculated based on the entire land area of Lot 810 in Parcel P. The approved overall lot occupancy was 14.3%, while the FAR was

0.1 (25,475 square feet). The following table summarizes the proposed lot occupancy, FAR and side yards for the new lots, as a result of the subdivision.

	SEFC/W-0	Lot 801	Lot 807 (P2B)	Lot 808 (P2A)
Lot Occupancy	25%	14.2%	88%	97.5%
Floor Area Ratio	0.5	0.1	1.67	1.65
Side Yard	12 feet	N/A	0 feet	0 feet

Although the proposed development has not been significantly modified since the approval of ZC 08-04A, the retail pavilion no longer complies with development regulations and cannot be constructed as approved. Therefore, the subdivision of Lot 810 creates a practical difficulty.

Section 1810 of the Zoning Regulations provides for the transfer of density in the W-0 District through Combined Lot Development. While this process would be most appropriate for permitting increased FAR on Parcel P2B, OP acknowledges that the time involved in completing this agreement between several parties, including Forest City, General Services Administration, and District Government, could lead to the departure of the Winery as a tenant. However, the density gained through this variance request should be tracked so that the developer does not gain more density than would be permitted through the Combined Lot Development process for future development.

Based on the current lot area of Parcel P2B, a maximum gross floor area of 6,050 square feet is permitted, although a total of 25,475 square feet was approved by the Commission (prior to the subdivision) in 2009 for Parcels P2A and P2B, and 20,243 square feet are now proposed for Parcel P2B. The remaining 5,232 square feet is allocated to the future development of Parcel P2A. In a Combined Lot Development scenario, a total of 105,541 square feet would be available for transfer. In the case of Parcel P2B, 14,193 square feet would need to be transferred, leaving a balance of 91,348 square feet to be potentially transferred for future projects, although it is highly unlikely that much of this density will be usable, given the size of the two development pads.

Floor to Ceiling Height

A floor to ceiling height of 14 feet is required for the ground floor level of buildings in the SEFC/W-0 District. The proposed development for Parcel P2B includes a mezzanine, which reduces a portion of the height of the ground floor to nine feet. The program needs of the Winery require additional floor area that can only be achieved through the addition of a mezzanine. The proposed height of the development is consistent with the goals of the SEFC/W-0 District, which aim to preserve views of the Anacostia River; therefore, increasing the height of the structure to gain area for programmatic needs would be undesirable. The mezzanine covers an area of 2,204 square feet, which is 20.8% of the total gross floor area of the 10,600 square foot ground floor level, and is located central to the building. As a result, the proposed development meets the intent of the Zoning Regulations, which is to provide greater ceiling heights along the street frontage.

ii. No Substantial Detriment to the Public Good

The requested relief should not cause substantial detriment to the public good. The proposed development would not be modified significantly from its original approval in Zoning Case 08-

04A, which provides for a retail pavilion offering retail services to the surrounding neighborhood.

iii. No Substantial Harm to the Zoning Regulations

The requested relief should not cause substantial harm to the Zoning Regulations. The proposed development generally complies with the previous approval of a retail pavilion. The development furthers the goals of the SEFC/W-0 District by preserving important view sheds and views of the Anacostia River, as well as providing retail uses intended to serve the neighborhood. The Winery would be the first of its kind in the District, and would activate the waterfront, as anticipated by the Zoning Regulations.

X. AGENCY REFERRALS

OP has not received comments from other District agencies.

XI. COMMUNITY COMMENTS

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

XII. RECOMMENDATION

The Office of Planning finds that the proposal to modify the approved design for Parcel P2B, as well as the requested relief, is not inconsistent with the Comprehensive Plan and the Near Southeast target area objectives within the Anacostia Waterfront Initiative Framework Plan. The proposal is also generally consistent with the W-0 Waterfront District and the SEFC Overlay regulations and guidelines. The development would encourage viability of the waterfront park by adding a Winery, a unique retail use, to the waterfront, which will encourage pedestrian activity. The proposed Winery would also activate Water Street. Overall, this project would further the development of the Anacostia River as a community and regional destination. As such, the Office of Planning recommends **approval** of the proposed development on Parcel P2B, including the requested zoning relief.

JS/be