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Office of Planning



**MEMORANDUM**

**TO:** **District of Columbia Zoning Commission**  
**FROM:** **Jennifer Steingasser, Deputy Director Development Review & Historic Preservation**  
**DATE:** **May 30, 2014**  
**SUBJECT:** **ZC 14-05: Preliminary and Pre-hearing Report – Request for a Text Amendment to the Zoning Regulations: Chapter 18, Sections 1803.3, 1803.5, 1803.7 and 1803.8, Regarding Height and Density in the Southeast Federal Center Overlay District**

## I. PROPOSAL AND RECOMMENDATION

The applicant, Forest City Washington (FCW), has submitted a request to amend the language of the SEFC Overlay, to allow additional height and density for residential development within the SEFC/CR area (generally the portion of SEFC between M Street SE and Tingey / N Place SE, excluding the USDOT site).

The Office of Planning is supportive of the general intent, although the submitted proposal is not consistent with discussions had with OP and refinement is needed to clarify the parcels zoned SEFC/CR to which this provision would apply, mainly to exclude SEFC/CR zoned properties at the east end of the site, closer to the Navy Yard. In addition, OP proposes additional conditions attached to the utilization of the bonus residential height and density to help minimize potential impacts and be more consistent with current DC policies and objectives.

(OP) recommends that text amendments be set down for a public hearing to:

- Permit a 1.0 bonus FAR for residential use on Parcels A, F, G H or I within the SEFC/CR District;
- Allow a height permitted by the 1910 Height Act for any property that utilizes the bonus FAR for residential use on Parcels F, G, or H (Parcel A is already permitted a height of 130 ft.). OP does not recommend that the bonus height provision apply to Parcel I, due to its proximity to the historic Main Sewerage Pumping Station and other lower scale developments;
- Ensure preservation of circulation connections between Parcels F and G, as well as H and I, that align with those that have been approved on the DC Water site.
- Require Zoning Commission design review for any development utilizing this bonus residential height and/or density and establish parameters for this including ones related to connectivity through the sites and consideration of transit accessibility; and,

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## ZONING COMMISSION District of Columbia

~~CASE NO.~~ **CASE NO. 14-05**

EXHIBIT NO. 9

SEARCHED BY NO. —

- Authorize deviations from the ground floor preferred use requirements with approval from the Zoning Commission.

## II. BACKGROUND

The Southeast Federal Center Overlay District (SEFC) was adopted by the Zoning Commission and became effective on July 9, 2004. The overlay was intended to encourage redevelopment of the 42-acre riverfront property with non-governmental uses and has been successful in producing mixed-use residential and commercial developments in addition to large open spaces, including Yards Park. The boundaries and Districts of SEFC are as shown in Figure 1 below:

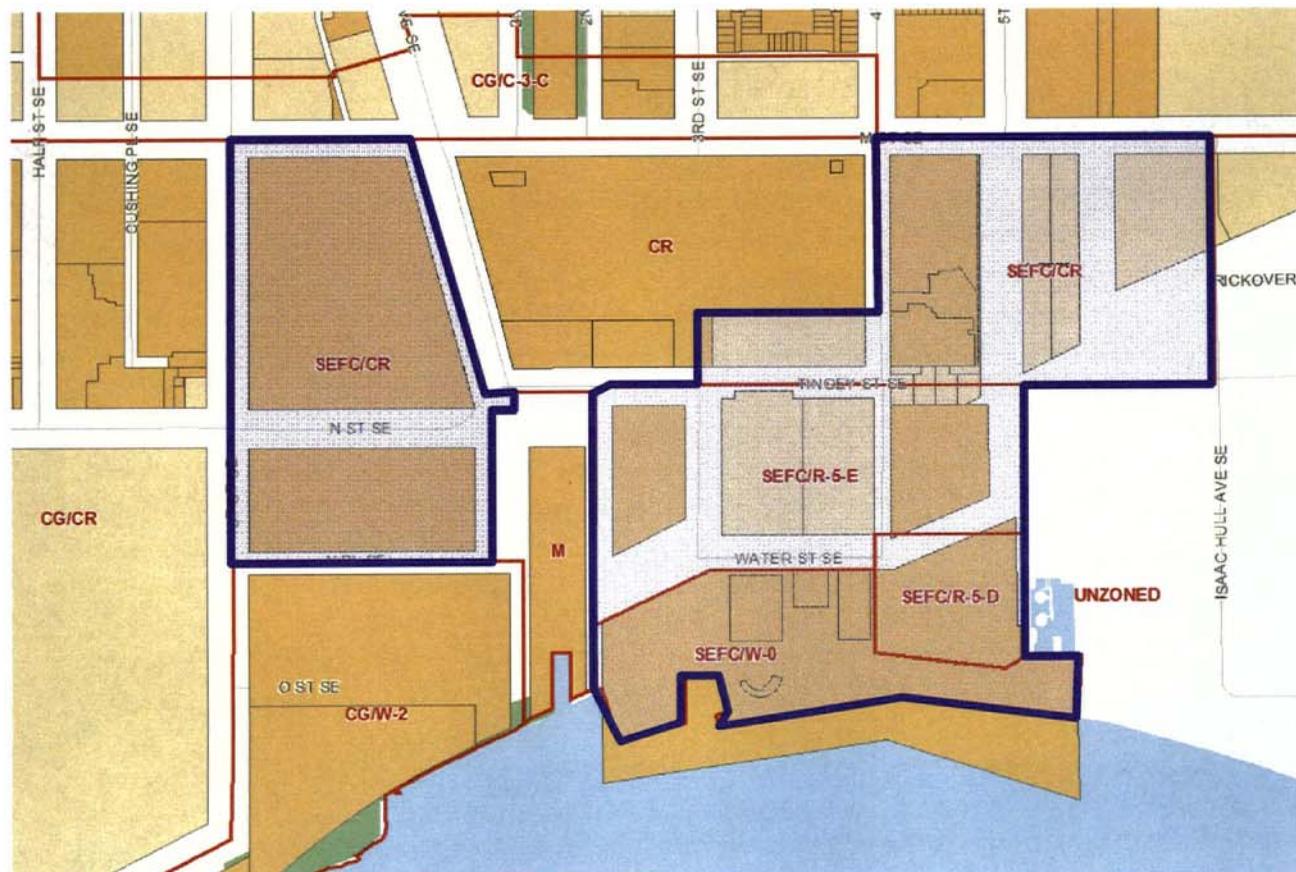


Figure 1: SEFC Boundary and Districts

The area within the Overlay District has experienced significant growth since its establishment. The developer of SEFC, FCW, has completed several developments that have increased residential and retail opportunities, including Foundry Lofts, The Boilermaker Shops and Lumber Shed. A mixed-use development that is currently under construction, known as Twelve12, located at the southeast corner of 4<sup>th</sup> Street and M Street is projected to open in October of 2014. The following table summarizes the development that has been completed or scheduled up to this point:

Name/Type of Project	Location	Status
Foundry Lofts – Residential	Parcel M	Completed; Occupied
The Boilermaker Shops – Retail	Parcel K	Completed; Occupied
Lumber Shed – Retail/Office	Portion of Parcel P	Completed, Occupied
Twelve 12 – Residential/Retail	Parcel D	Opens October 1, 2014
Parcel N – Residential/Retail	Parcel N	Opens Early 2016
Yards West	Parcels A, F, G, H and I	Architect selected, in process of determining which parcel to develop next

With most of the eastern portion of SEFC developed or under construction, Forest City now desires to begin the development of the western portion of The Yards, which is referred to as Yards West and outlined in red on Figure 2 on the following page. The map also identifies parcels where development is under way, has been completed or approved, or supports temporary uses, such as parking lots.

Yards West is generally located west of New Jersey Avenue, south of M Street, and east of 1<sup>st</sup> Street, and includes parcels A, F, G, H and I. Unlike some other parts of the SEFC site, these parcels are not within the area designated as historic, and are not currently subject to Zoning Commission design review (other than parcel A). Parcels A, F and G were recently reviewed and approved by the Zoning Commission for the temporary use of Parcel F as a parking lot and Parcel G as the temporary site of the Trapeze School for a period of five years. (reference Zoning Commission case 13-16) Parcels H and I are currently used as temporary parking lots, a use that received a second special exception approval by the Zoning Commission in 2013 for a period of five years (reference Zoning Commission case 13-03). All five parcels are located in the SEFC/CR District.

The area surrounding The Yards has received much attention by developers and has obtained several approvals from the Zoning Commission for development.

- Square 701, noted as such on Figure 1 above, has obtained approval for a 13 story, 653,159 square foot mixed-use development, consisting of office, hotel and residential uses (reference ZC 12-05A). This development will be 130 feet high with an FAR of 9.45
- The Zoning Commission also recently approved a PUD, also for FCW, located in the southern portion of Yards West (reference ZC 13-05) that would include a 16 screen movie theater and parking garage, two apartment buildings, an expansion of Diamond Teague Park, and a total of 35,000-50,000 square feet of ground floor retail, arts and entertainment uses. The movie theatre, located on the eastern portion of the site, would have a height of 100 feet and an FAR of 5.5, while the remaining parcels would have a maximum height of 130 feet and an FAR ranging from 7.5 to 8.0.



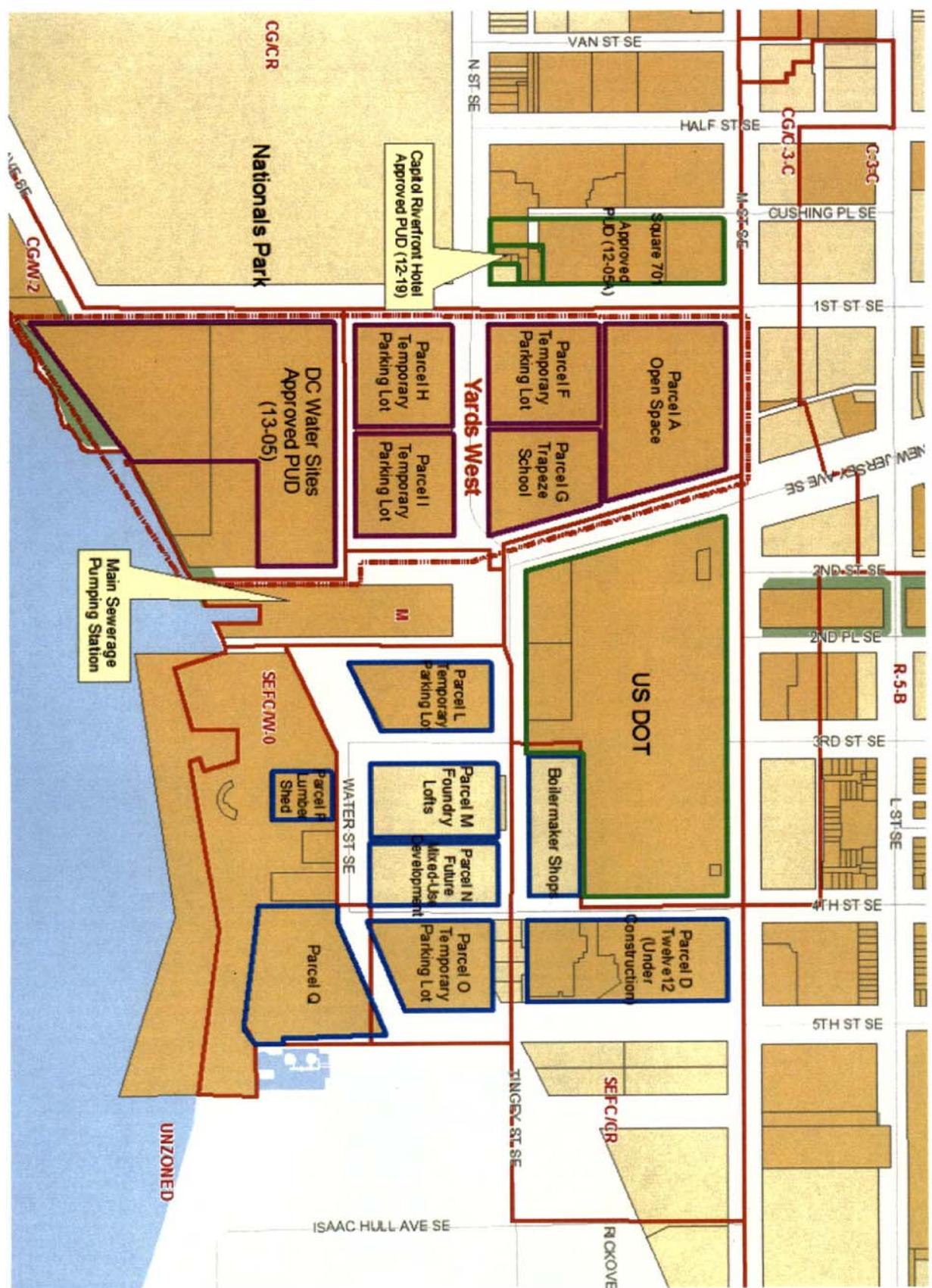


Figure 2: Map exhibiting existing and proposed developments in SEFC.

- The Capitol Riverfront Hotel, located south of Square 701, would have a total of 85,196 square feet devoted to a hotel use, including a total of 167 guest rooms. The development would have a height of 130 feet and an FAR of 9.5 (reference ZC 12-19).
- Finally, the Florida Rock PUD (reference ZC 04-14B) permits for the development of 1,160,760 square feet of commercial office and retail uses with an FAR of 4.6. The height of this development ranges from 94.85 feet to 130 feet.

The Zoning Regulations generally limit the height of development in the SEFC/CR District to 110 feet with an FAR of 6.0 along First Street. This includes parcels A, F, G, H, and I, except that Parcel A is permitted a height of 130 ft., and an FAR of 6.5 for residential or non-residential uses through the SEFC combined lot process.

In addition, the prescribed locations for preferred ground floor uses in the SEFC Overlay do not align with those of the CG/CR Overlay and surrounding PUDs. The Capitol Gateway Overlay requires retail uses along 1<sup>st</sup> Street SE and the DC Water Sites PUD requires a retail focus on 1 ½ Street. In contrast, the SEFC/CR District requires retail uses along N Street, although it permits retail in other locations.

For reference, the following tables identify the height and FAR of existing developments, as well as the by right and proposed height and density for parcels located in the subject area.

Existing and Approved Developments Surrounding SEFC		
Development Name	Permitted Height	Permitted / Approved FAR
Square 701	130 feet/12 stories	9.45
Capitol Riverfront Hotel	130 feet/13 stories	9.5
DC Water Sites – Movie Theatre	100 feet	5.5
DC Water Sites – GI	130 feet	8.0
DC Water Sites – G2	130 feet	7.5
DC Water Sites – G3	30 feet	0.48
Florida Rock	95.85 – 130 feet	4.6
US DOT – West Building	130 feet/9 stories	3.78
US DOT – East Building	117 feet/7 stories	3.78

Matter of Right and Proposed Height and Density for Yards West				
Parcel	Current MOR Height	Proposed Height	Current MOR FAR	Proposed FAR (residential bonus)
A	130 feet	130 feet	6.5	7.0
F	110 feet	130 feet	6.0	7.0
G	110 feet	130 feet	6.0	7.0
H	110 feet	130 feet	6.0	7.0
I	110 feet	Applicant – 130 feet; OP – 110 feet	6.0	7.0



The applicant has proposed that Parcels A, F, G, H and I<sup>1</sup> would have a maximum height of 130 feet when bonus density is included in the development for residential uses. However, OP believes that the Height Act would limit development on Parcel I to a height of 110 feet. A height of 110 feet on this parcel would be consistent with the heights of adjacent approved developments, including the recently approved movie theatre on the DC Water site, which would be 100 feet, as well as the maximum permitted height for Parcel L, which is 110 feet. Further, the Main Sewerage Pumping Station located at 125 O Street, S.E., listed on the National Register of Historic Places, is approximately 90 feet in height, and would be adversely impacted by increased height on New Jersey Avenue

Also, since the approval of the SEFC Overlay, a connection, known as 1 ½ Street, has been shown on all approved plans between parcels H and I as well as F and G. This connection remains even more essential given that it has been continued in additional approved developments, including the DC Water Sites. As a result, OP would like to ensure that this street will be provided when these parcels are developed – this is consistent with plans shown to and approved by the Zoning Commission when the zoning was established

Finally, the site is located about a block east of one entrance to the Navy Yard Metro station, and across M street from the west entrance to the metro. Both entrances can be quite congested, particularly during rush hours and on baseball stadium game / event days. WMATA has indicated a desire to increase capacity and convenience to passengers by providing an additional entrance to the Navy Yard Metro station on the south side of M Street on Parcel A. To facilitate this, OP is proposing that, as part of Zoning Commission review of any development on Parcel A, facilitation in the site and building design for a new entrance be provided – this would not require FCW, the developer, to provide the new entrance, but rather would ensure that any construction on the site would accommodate this additional entrance

OP notes that bonus density would be subject to affordable housing provisions contained in the terms of a Development Agreement between the developer and the District

### III. PROPOSAL

The following amendments to Chapter 18 of title 11 DCMR are proposed by OP, with additions shown in **bold underline** and deletions as ~~strikethrough~~ text:

#### Chapter 18, Southeast Federal Center Overlay District, SEFC/CR Zoning District

*1 Amend § 1803 by adding a new subsection 1803 3(i), authorizing deviations from ground-floor preferred use requirements with Zoning Commission approval*

**1803 3** Within the SEFC/CR District, “preferred uses” listed in § 1807 2 of this Title shall be permitted in accordance with the following.

<sup>1</sup> As drafted by the applicant, the proposed text would also allow the bonus density and height on Parcels K, D and E on the east end of the site – this does not appear to be the intent of the applicant, and is not supported by OP



- (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 percent (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 4<sup>th</sup> 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;
- (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);
- (c) In addition to the preferred uses listed in § 1807.2, the preferred use space requirement of § 1803.3(a) may also be met by any use listed in § 1803.2, other than those listed in § 1803.2(b), (g), or (o), if reviewed and approved by the Zoning Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809 of this Title,
- (d) For good cause shown, the Commission may authorize interim occupancy of the preferred use space required under § 1803.3(a) by other uses permitted in the SEFC Overlay District for up to a five (5) year period; provided that the ground floor space is suitably designed for future occupancy by preferred uses;
- (e) Not less than fifty percent (50%) of the surface area of the street wall, including building entrances, of those building frontages described in subsections 1803.3(a), shall be devoted to doors or display windows having clear or low emissivity glass;
- (f) Preferred uses shall provide direct, exterior access to the ground level;
- (g) The minimum floor-to-ceiling height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet, and
- (h) Ground floor area required for preferred uses may not be transferred to any other lot through Combined Lot Development; and



(i) Changes to the type, amount, and location of preferred uses required under § 1803.3(a) shall be permitted if reviewed and approved by the Zoning Commission in accordance with the standards specified in § 1808 and procedures specified in § 1809.

2 *Amend § 1803 by adding a new subsection 1803 5(b), allowing a height permitted by the 1910 Height Act for any property that utilizes the residential density in the SEFC/CR District*

1803.5 The maximum building height in the SEFC/CR District shall not exceed 110 feet, except as set forth below:

(a) unless the For sites with has frontage on any portion of New Jersey Avenue, S E that is south of and within 322 feet of M Street, S.E., in which case a maximum height of 130 feet is permitted

(b) For sites within Parcels A, F, G, or H utilizing the bonus density permitted pursuant to § 1803.7(b), the maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910.

2 *Amend § 1803 by adding a new subsection 1803 7(b), allowing a 1.0 FAR bonus for residential uses in the SEFC/CR District*

1803.7 In the SEFC/CR District, the maximum permitted density shall be 6.0 FAR overall, not more than 3.0 FAR of which may be used for other than residential purposes, except as set forth below:

(a) A site that is permitted a height of 130 feet pursuant to § 1803.5(a) is permitted a maximum non-residential density of 6.5 FAR through combined lot development, in accordance with the provisions outlined in § 1810

(b) A building within Parcels A, F, H, H or I shall be permitted a maximum density of 7.0 FAR, provided that the additional 1.0 FAR is devoted solely to residential uses, which for purposes of this subsection does not include a hotel.

3 *Amend § 1803 by revising subsection 1803 8, requiring Zoning Commission design review for any property utilizing bonus density for residential use*

1803.8 Any proposed building that has frontage along M Street, S E or utilizes additional height and/or density pursuant to §§ 1803.5(b) and 1803.7(b) shall be subject to review and approval by the Zoning Commission. An applicant requesting approval under this section must prove that the



architectural design, site plan, landscaping, and sidewalk treatment of the proposed building:

- (a) Facilitate the provision of an entrance to the Navy Yard Metro Station;
- (b) Ensure the provision of 1½ Street SE and N Street SE as open and uncovered circulation routes; and
- (c) Are of superior quality, pursuant to the standards set forth in § 1808 and procedures set forth in § 1809.

The proposed amendments are not inconsistent with the Comprehensive Plan, including policies in the Land Use, Housing, Economic Development, Urban Design, Historic Preservation and Lower Anacostia Waterfront Elements

### Land Use Element

**Policy LU-1.1.5: Urban Mixed Use Neighborhoods** Encourage new central city mixed use neighborhoods combining high-density residential, office, retail, cultural, and open space uses in the following areas

- 1 Mt Vernon Triangle,
- 2 North of Massachusetts Avenue (NoMA),
3. Downtown East,
- 4 South Capitol Street corridor/Stadium area,
- 5 Near Southeast/Navy Yard,
- 6 Center Leg Freeway air rights, and
- 7 Union Station air rights

The location of these areas is shown in the Central Washington and Lower Anacostia Waterfront/Near Southwest Area Elements Land use regulations and design standards for these areas should ensure that they are developed as attractive pedestrian-oriented neighborhoods, with high-quality architecture and public spaces. Housing, including affordable housing, is particularly encouraged and should be a vital component of the future land use mix

**Policy LU-1.2.8: Large Sites and the Waterfront** Use the redevelopment of large sites to achieve related urban design, open space, environmental, and economic development objectives along the Anacostia Waterfront. Large waterfront sites should be used for water-focused recreation, housing, commercial, and cultural development, with activities that are accessible to both sides of the river. Large sites should further be used to enhance the physical and environmental quality of the river

The proposed text amendment is not inconsistent with the Land Use Element of the Comprehensive Plan, as it would enhance housing by allowing greater density and height in the Yards West area, which would be subject to review by the Zoning Commission for high quality architecture and environmental quality



## Housing Element

**Policy H-1.1.2: Production Incentives** *Provide suitable regulatory, tax, and financing incentives to meet housing production goals. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for commercial projects that do not include housing.*

**Policy H-1.1.4: Mixed Use Development** *Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.*

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**Policy H-1.2.7: Density Bonuses for Affordable Housing** *Provide zoning incentives to developers proposing to build low and moderate income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood.*

The proposed text amendment is not inconsistent with the Housing Element of the Comprehensive Plan. The proposed revisions would incentivize the provision of additional housing on what was once underutilized Federally-owned land by allowing greater density and height, while providing affordable housing in a vibrant, new neighborhood. Additional housing in Yards West would generate activity near a Metrorail station, ensuring its future success as a diverse neighborhood.

## Economic Development Element

**Policy ED-2.2.7: Planning For Retail** *Coordinate neighborhood planning efforts with the District's economic development planning and implementation programs in order to improve retail offerings in local commercial centers.*

The proposed text amendment is not inconsistent with the Economic Development Element of the Comprehensive Plan, as it would provide for a higher level of coordination between retail projects in and around the SEFC Overlay.

## Urban Design Element

**Policy UD-1.1.4: Height Act of 1910** *Protect the civic and historical character of the city, particularly the "horizontal" urban quality of Central Washington, by limiting building heights in accordance with the Height Act of 1910. Basic principles of the Height Act are shown in Figure 9 4.*



**Policy UD-1.2.4: View Protection** *Recognize and protect major views in the city, particularly characteristic views of city landmarks, and views from important vantage points. Recognize the importance of views to the quality of life in the city and the identity of Washington and its neighborhoods.*

**Policy UD-1.3.1: DC as a Waterfront City** *Strengthen Washington's civic identity as a waterfront city by promoting investment along the Anacostia River, creating new water-related parks, improving public access to and along the shoreline, and improving the physical and visual connections between the waterfront and adjacent neighborhoods.*

**Policy UD-1.3.3: Excellence in Waterfront Design** *Require a high standard of design for all waterfront projects, with an emphasis on shoreline access, integration of historic features and structures, an orientation toward the water, and the creation of new water-oriented public amenities.*

**Policy UD-1.3.6: "Activating" Waterfront Spaces** *Encourage design approaches, densities, and mixes of land uses that enliven waterfront sites. Architectural and public space design should be conducive to pedestrian activity, provide a sense of safety, create visual interest, and draw people to the water.*

**Policy UD-1.3.7: Neighborhood Connectivity** *Improve the physical connections between neighborhoods and nearby waterfronts. Where feasible, extend the existing city grid into large waterfront sites to better connect nearby developed areas to the shoreline (see Figure 9.6).*

The proposed text amendment is not inconsistent with the Urban Design Element of the Comprehensive Plan. The modifications to the Zoning Regulations would result in better architectural design that would enliven the waterfront, as approved by the Zoning Commission. The amendment would further ensure that connections between Parcels F, G, H, I and the DC Water Sites would be secure, enhancing the streetscape and facilitating pedestrian mobility.

## Historic Preservation Element

**Policy HP-2.4.3: Compatible Development** *Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements, open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail.*

The proposed text amendment is not inconsistent with the Historic Preservation Element of the Comprehensive Plan. The maximum building heights, as recommended by OP, would ensure compatibility with the existing historic site located south of Yards West, ensuring the preservation of historic context through sensitive siting and design.



### Lower Anacostia Waterfront-Near Southwest Area Element

*Policy AW-2.3.3: Near Southeast Housing Opportunities significantly increase residential land uses in the Near Southeast, particularly in the Southeast Federal Center, Capper Carrollsburg, Canal Blocks, and South Capitol Gateway areas. Consistent with the existing zoning for these areas, mixed use development that includes housing as well as commercial uses should be strongly encouraged. The mix of housing should accommodate residents of all incomes and household types.*

The proposed text amendment is not inconsistent with the Lower Anacostia Waterfront-Near Southwest Area Element of the Comprehensive Plan. The modification to the Zoning Regulations would incentivize the inclusion of additional residences within the SEFC Overlay.

JS/be  
Case Manager Brandice Elliott

