

TO: District of Columbia Zoning Commission
FROM: Stephen Cochran, Development Review Specialist
JLS
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: March 5, 2021
SUBJECT: Report on Zoning Commission Case No. 20 – 34: Subtitle I Section 581 Special Exception Review of Development Proposal in the D-8 Zone at 300 12th Street, S.W.

I. OP RECOMMENDATION

The Office of Planning **recommends Approval** of:

A. Special Exceptions pursuant to:

- Subtitle I §581 for buildings within the D-8 zone; and
- Subtitle X Chapter 9’s general special exception review criteria.

B. A Variance from:

- Subtitle I § 207.1 dimensional requirements for the northeast open court (Required: 39’6”, Proposed: 32’6” proposed);
- Subtitle I § 2003 prohibition on increasing building density within the footprint of a historic structure. (Max. Permitted: 6.0 FAR, Existing: 6.52 FAR; Proposed: 6.68 FAR).

The project design has been given concept approval by the federal Commission of Fine Arts.

II. SUMMARY OF APPLICATION AND PROPOSALS

Applicant: Jemal’s Cotton Annex, LLC.
Address: 300 12th Street, S.W.
Legal Description: Square 326 ,Lot 806
Boundaries: Rectangular lot bounded by 12th Street on the west, the western boundary of the 12th Street expressway ramp on the east, the property line with Lot 807 to the north (now the southern line of the former C Street SW right of way), and D Street, SW to the south. (See map, p. 11 of this report).

- Site's Current Use:** The overall site, Lot 806, is 61,672 square feet. The western 12,230 square feet of the lot is occupied by the historic Cotton Annex. That vacant former federal office building contains 80,423 square feet in six stories. The remaining part of the site, comprising 48,442 square feet of land area on the eastern and southern part of the site, is used as a parking lot.
- The property is constrained by two below-grade conditions (Exhibit 3A1, page 5) - an easement protects the WMATA subway tunnel beneath the northeast corner of the site and below-grade heating and chiller pipes serving nearby federal properties run east-west through the property about 50 feet north of D Street and must be retained.
- Adjacent Development:** North: A private property for which a hotel is proposed in PUD 20-30. The property incorporates the former right-of-way of C Street, S.W. East: I-395 Expressway ramp right-of-way. South: D Street and below-grade I-395 and CSX/Amtrak rail lines, on Maryland Avenue West: federal property, including a heating plant and a U.S. Department of Agriculture office building.
- Neighborhood Context:** The immediate nearby uses are federal office buildings and their supporting infrastructure, a private office building and mixed office/hotel/residential development at The Portals site south and east of an expressway and depressed rail tracks. The National Mall is across Independence Avenue to the north.
- Ward, ANC:** Ward 6; ANC 6D
- Zone:** D-8 (high-density commercial or residential)
- Property Size:** 61,672 square feet

III. PROPOSED DEVELOPMENT

The proposed building would consist of the existing Cotton Annex and an addition to the historic building's east and south. The preserved building and its new addition would contain 452,582 square feet, have an FAR of 7.34, and would be 118.6-feet high. It would have 12 stories plus a penthouse with amenity space. The finished building would contain approximately 600 apartments and 1,268 square feet of retail space. The addition would be joined to the historic building around a central courtyard. The apartment lobby would be at the northwest corner of the site, adjacent to a proposed plaza and the commercial space would be at the southwest corner of the site. An easement required by the federal sale of the properties on either side of the 1100 block of the former C Street right-of-way would enable access to parking and loading from a curb cut off that former street.

The architectural design of the new construction is sympathetic to the historic building and other nearby existing and proposed buildings. This northern and southwestern facades immediately adjacent to the Cotton Annex are approximately the same height as that building, use masonry like the Annex and employ a similar three-part stripped classicism aesthetic. The eastern and southern parts of the addition are taller and more modernist. They employ two façade layers,

with lower projecting bays that pick up the materials and vertical patterns of the historic building and with taller, more glassy elements behind. The design has been given concept approval by the federal Commission of Fine Arts (CFA).

IV. ZONING ANALYSIS

As summarized in the following table, with two exceptions the application appears to meet all dimensional and numerical requirements in the Zoning Regulations. Variance relief is requested for the dimensions of one open court and for FAR that would be added within the footprint of the historic structure.

Section V of this report goes into more detail in evaluating conformance with the more qualitative special exception criteria particular to the D-8 zone

Zone – D-8	Regulation	Existing	Proposed	Relief	Notes
Lot Size	N/A	61,672 SF		N/A	
FAR – total for site I § 576	6.5 non-res. No limit on residential FAR	0.79 within total lot	7.32 res. .02 retail 7.34 Total	None	No relief required for overall FAR, just for FAR within footprint of historic Cotton Annex building
<i>FAR w/in only the footprint of an historic structure I § 200.3</i>	<i>The FAR within the footprint of an historic structure shall be no greater than 6.0 and if the FAR within the footprint of an existing FAR is equal to or greater than 6.0 there shall be no increase in the FAR within that footprint.</i>	<i>6.45 within just the footprint of the existing historic w/in historic structure</i>	<i>6.78 within just the footprint of the existing historic structure</i>	<i>Variance requested</i>	Approved by Historic Preservation Office (HPO) (Exhibit 11C). Cf. Exhibit 11A1, Sheet 7 for original historic plan of building expansion.
Lot Occup. I §202	100%	19.8%	77.1%	None	
Height I §577.1	130'	85.4'	118'8"	None	Height established by width of expressway ramp R-O-W

Zone – D-8	Regulation	Existing	Proposed	Relief	Notes
Inclusionary Zoning, I Chap. 10	8% of rental residential GFA: @ 60% excluding penthouse and @ 50% for penthouse habitable space.	N/A	8% of residential GFA = ~ 36,300 SF @ 60% MFI and ~ 1,000 for penthouse @ 50% MFI	None	No bonus density is being used. Penthouse generated space @ 50% MFI, to be provided on-site. See Exhibit 11A4, page 52 for proposed IZ unit distribution.
BRL-related I §§ 575.2, 581.2	No structures permitted above L'Enfant R-O-W's		None	None	Does not intrude on existing or former R-O-W of a L'Enfant Street.
Rear Yard I § 205	Not required for through-lots	N/A	None	None	Considering 12 th St. and Expressway ramp as through-lot boundaries
Side Yard I § 206	IF provided, $\geq 4'$	N/A	None	None	—
Open Court I § 207.1	30'2" required for NE open court	N/A	10'3" for NE open court. Other 2 open courts meet or exceed requirements	Variance Requested, NE Court	See Exhibit 11A1, pp. 2 and 3 of 54 for full listing and diagram of open courts.
Closed Ct. I § 207.1	Area = 2X required width ² but at least 350 SF	N/A	Both courts meet or exceed requirements	None	See Exhibit 11A1, pp. 2 and 3 for full listing and diagram of closed courts
Vehicle Parking I § 212	None required		93	None	Accessed from easement over closed C Street, S.W.
Bicycle Parking C § 802	8 Long-term 2 short-term		8 long-term 3 short-term	None	—
Loading C § 901.1, I § 213	(1) 30'x12' berth; (1) 10'x20' space	N/A	As required	None	Accessed from easement over closed C Street, SW
Penthouse, C 1500	20 ft. 2 stories 1:1 setbacks	N/A	20 ft. 2 stories 1:1 setbacks	None	

Zone – D-8	Regulation	Existing	Proposed	Relief	Notes
GAR I § 208	0.2		At least 0.2	None	LEED v4 Certified. See LEED scorecard Exhibit 11A4, page 53 8,890 SF of green roof
Zoning Commission Review § I 581	By ZC as Sp. Ex.	N/A	Present application	None	Has received CFA concept approval and HPO sign-off. Review by NCPC not required (I § 581.2)

V. SPECIAL EXCEPTION AND VARIANCE EVALUATION

The D-8 zone include a requirement for Zoning Commission review under the criteria established in Subtitle I §581 and Subtitle X § 901. They are not subject to the Design Review requirements of Subtitle I Chapter 7, or to the Design Review requirements of Subtitle Z § 301. The D-8 zone is intended to foster the transition of much of the primarily federally-owned land between the National Mall and I-395 to a high-density mixed-use neighborhood, and to promote the re-establishment of closed former L’Enfant Streets for greater connectivity of pedestrian and vehicular ways.

A. Conformance with Subtitle I §581 Special Exception for Buildings in the D-8 Zone

§ 581.1 All proposed uses, new buildings, and new structures... shall be subject to review and approval by the Zoning Commission as a special exception in accordance with the provisions of Subtitle X, Chapter 9 and Subtitle I §§ 581.2 through 581.5, and, for locations not subject to review by the Commission of Fine Arts and for locations fronting on Independence Avenue between 2nd and 12th Streets, N.W., shall be referred to the National Capital Planning Commission for review and comment.

The proposed project would be consistent with this sub-section. The design has been reviewed by the CFA, does not front on Independence Avenue, and does not require referral to NCPC.

§ 581.2 The reviewing body shall consider whether the proposed project – including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation – will help achieve the objectives of the Maryland Avenue Small Area Plan approved June 26, 2012, and its related or successor plans. The objectives to be considered include:

(a) Building height, mass, and siting shall respect or re-establish vistas to the U.S. Capitol, the Washington Monument, and the Smithsonian Institution’s original building;

The location does not have a visual connection with any of these structures and there are no vistas to re-establish.

(b) Greater connectivity shall be achieved for pedestrians and vehicles both within the area and the adjacent area and shall be based on historic street rights-of-way, particularly including:

(1) Maryland Avenue, S.W. and the former right-of-way of that avenue between 6th and 12th Streets, S.W.;

(2) C Street, S.W., between 7th and 12th Streets, S.W.; and

(3) 12th Street, S.W., 11th Street, S.W., and the L'Enfant Promenade/10th Street, S.W., between Independence Avenue, S.W and D Street, S.W.;

The site's parking would be accessed via an easement over the former right-of-way of the now-closed 1100 block of C Street., S.W. The owner of the property over which the applicant's property would have the easement has worked closely with OP and its Historic Preservation Office to ensure the cartway, curbs and sidewalk match the dimensions of the closed street and that tree fixtures reflect DDOT standards to facilitate the integration of the former right of way into any future re-establishment of C Street. Re-opening the L'Enfant street is a goal of the Maryland Avenue Small Area Plan, which includes an objective to re-establish missing elements of the street grid in this part of near Southwest.

(c) Conflicts between vehicles and pedestrians shall be minimized;

In consultation with DDOT and the Historic Preservation Office, the applicant has been working with the owner of the property to the north to design a private road that would re-create the cartway, sidewalks and street furniture of the former right-of-way of the 1100 block of C Street. The applicant would have an easement over this former street to access the proposed parking and the loading areas at the northeast corner of the proposed addition. The use of this easement would eliminate an unused curb cut on 12th Street and would help to minimize the potential for pedestrian/vehicular conflicts along 12th Street.

(d) Unarticulated blank walls adjacent to public spaces shall be minimized through facade articulation;

The frontage on all four sides of the building has been fully designed and articulated with windows and/or entrances on the sides facing existing or former public streets. The applicant has guaranteed public access during daylight hours to the private plaza that would be constructed at the northwest corner of the project.

(e) Ground floor retail spaces shall have a clear height of least fourteen feet (14 ft.) if adjacent to major streets;

The ground floor retail, located at the corner of 12th and D Streets, S.W., would have ceilings with at least 14 feet of clear height.

(f) The project shall minimize impacts on the environment, as demonstrated through the provision of an evaluation of the proposal against GAR requirements and LEED Gold certification standards; and

The project would be designed to LEED v4 Gold standards and certification would be sought. The roof of the historic building would be structurally capable of accommodating solar panels behind an existing parapet. The area of Green Roof would be approximately 8,890 square feet.

(g) Rooftop structures, architectural embellishments, and penthouses should be carefully located and designed to not compete with the architectural features of the Smithsonian Institution's original building when viewed from its center point on the National Mall and from 10th Street, S.W.

The proposed design would not compete with the view of the Smithsonian "castle" when viewed from the south, east or west and would be only minimally visible from the Mall [Exhibit 11A3, page 22]. This has also been evaluated by the CFA, which required changes to ensure the design's congruence with its surroundings and viewshed.

581.3 Construction or substantial renovation of a building or structure that would include an area restricted by Subtitle I § 575.2 may be permitted only if the Zoning Commission has given approval as a special exception under Subtitle X, Chapter 9...

Subtitle I § 575.2 prohibits most above-ground construction within a right-of-way that was in the L'Enfant plan, including the now-closed section of C Street to the north of the applicant's property. This project would include no portion of an area restricted by this subsection.

581.4 When granting approval under 11-I DCMR §§ 581.1, 581.2, or 581.3, the Zoning Commission shall not reduce access to bonus density for a project that has demonstrated compliance with all applicable regulations.

If the requested variances are granted the project would comply with all applicable regulations, which should enable the applicant to use the density available to a residential project and to generate Credits that can be used at another project within the same Credit Trade Area. However, the project would not need to access any bonus density itself for proposed development.

B. Conformance with Special Exception Review Standards of Subtitle X § 901.2

§ 901.2 (a): Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The proposal for an apartment building with limited retail space would be consistent with the purposes of the D-8 zone as stated in Subtitle I § 575.1. These include the construction of high-density development that fosters the transition of the federal properties south of the Mall into a mixed-use area with public and private ownership, and the promotion of greater street connectivity for pedestrians and vehicles. The 7.34 FAR mixed use building would bring diversity of use to an area that had until recently been devoted to only federal offices and infrastructure.

§ 901.2 (a): Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The design would complement nearby federal buildings, the proposed hotel development to the north and the residential uses now being completed at The Portals site. It would ensure the preservation of a historically important building and provide a vest pocket park at the site's northwest corner. An apartment building is not likely to adversely affect the use of existing office buildings and the small commercial space could help to enliven a pedestrian environment where there are now few retail uses.

§ 901.2 (c) Will meet such special conditions as may be specified in this title.

This has been evaluated above against Subtitle I §581 and these conditions would be met.

C. Conformance with Variance Standards of Subtitle X, Chapter 10 for Relief from the Subtitle I § 207.1's Open Court Requirements

(1) the property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;

Several factors converge to create an exceptional condition pertinent to the open court request. While the property was originally rectilinear, a portion of the northeast corner was taken out of the property for the mid-twentieth century construction of the 12th Street expressway ramp. The northeast corner of the property is now angled on the diagonal. Subsequently WMATA constructed tunnels under the remaining portion of the northeast corner, which restricted loading and ground penetration on this portion of the site. Finally, the CFA indicated that because of the context of the historic Cotton Annex and nearby existing federal buildings, it would be preferable for the proposed Cotton Annex addition to have a footprint that employed right angles rather than curves or diagonals. Together these created exceptional constraints for the northeast corner of the site.

(2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and

The combination of grade changes and the preservation of historic fabric dictate that the principal residential entrance to the proposed apartment building be along the former C Street. The need to set the addition back, locate the principal entrance, and accommodate parking and loading entrances and ramps along C Street creates a practical difficulty in making the open court deep enough to meet Subtitle I § 207.1's depth requirements given the exceptional conditions noted above of the property's northeast corner.

The applicant was encouraged by the District to access all of its parking and loading off of the former C Street to minimize potential pedestrian and vehicular conflicts along 12th Street. At the same time, the designers were encouraged to respect the façade of the northwest corner of the Cotton Annex by setting the addition back from that corner of the historic structure to provide a clear distinction between old and new.

- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

Granting the relief would not pose a substantial detriment to the public good or to the zone plan. Because the property is adjacent to the 111-foot-wide 12th Street expressway ramp on the east, and the 80-foot-wide former C Street on the north, the granting of 7 feet of court depth relief would pose no impediment to the residential units fronting on the court's receiving adequate light or air, nor would it constitute a substantial impairment to the zone plan.

D. Conformance with Variance Standards of Subtitle X, Chapter 10 for Relief from Subtitle I § 200.3's Limitation on Density Within the Footprint of A Historic Footprint

- (1) the property is affected by exceptional size, shape or topography or other extraordinary or exceptional situation or condition;*

The property is affected by an exceptional existing condition and history. There is a one-story transformer along the 12th Street side of the Cotton Annex that is part of the original building fabric that must be preserved. With this transformer, the historic structure already exceeds the 6.0 FAR limit permitted by Subtitle I § 200.3. However, the original design of the building provided for wings that, above the first floor, would connect with the corridors in the portion of the building that was actually constructed (*see Exhibit 11A1, Sheet 7*).

- (2) the owner would encounter practical difficulties if the zoning regulations were strictly applied; and*

The intention of the building's original design could not be practically realized without construction above the historic transformer. The applicant has demonstrated that connecting the southwest corner of the existing building and the proposed addition without building above the transformer would require the construction of additional stairs, elevator banks, etc. and would not be consistent with the design intentions of the original architecture.

- (3) the variance would not cause substantial detriment to the public good and would not substantially impair the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Map.*

The intention of Subtitle I § 200.3 FAR restrictions is to reduce the incentives to construct additional density within such structure's footprints that might harm the historic structure's integrity. After weighing alternatives, both the Historic Preservation Office and the CFA have agreed that permitting the additional construction within the footprint would not compromise the historic portions of the building. Granting the relief would not pose a substantial detriment to the public good or to the zone plan.

E. Additional Flexibility Requests

The applicant has requested limited flexibility (Exhibit 11 pages 26 and 27) for the following, to which OP has no objection:

- Location, Dimensions and Color of Exterior Materials and Some Details
- Number and location of IZ units, consistent with IZ regulations
- The location of interior components
- Landscaping materials, and streetscape design subject to DDOT public space division
- +/- 5% on the number of residential units
- Retail frontage design
- Signage font, color and logo within dimensions shown in approved plans
- Sustainability features, with no reduction below LEED Gold v4 standard
- Retail uses, inclusive of all uses permitted under Subtitle I § 302.1.

The applicant has also requested flexibility for the proposed parking spaces. OP has asked the applicant to clarify this request.

VI. ANC COMMENTS

ANC 6D had not submitted comments to the file at the time OP completed this report.

VII. OTHER DISTRICT AGENCY COMMENTS

The District Department of Transportation (DDOT) will file a separate report.

The Historic Preservation Office's comments are filed at Exhibit 11C.

There were no other District agency comments on file or anticipated the time OP completed this report.

VIII. FEDERAL AGENCY COMMENTS

Concept approval and comments from the Commission of Fine Arts are filed at Exhibit 11B.

IX. PUBLIC COMMENTS

The file did not contain any filings by the public at the time OP completed this report.

Attachment: Site Location

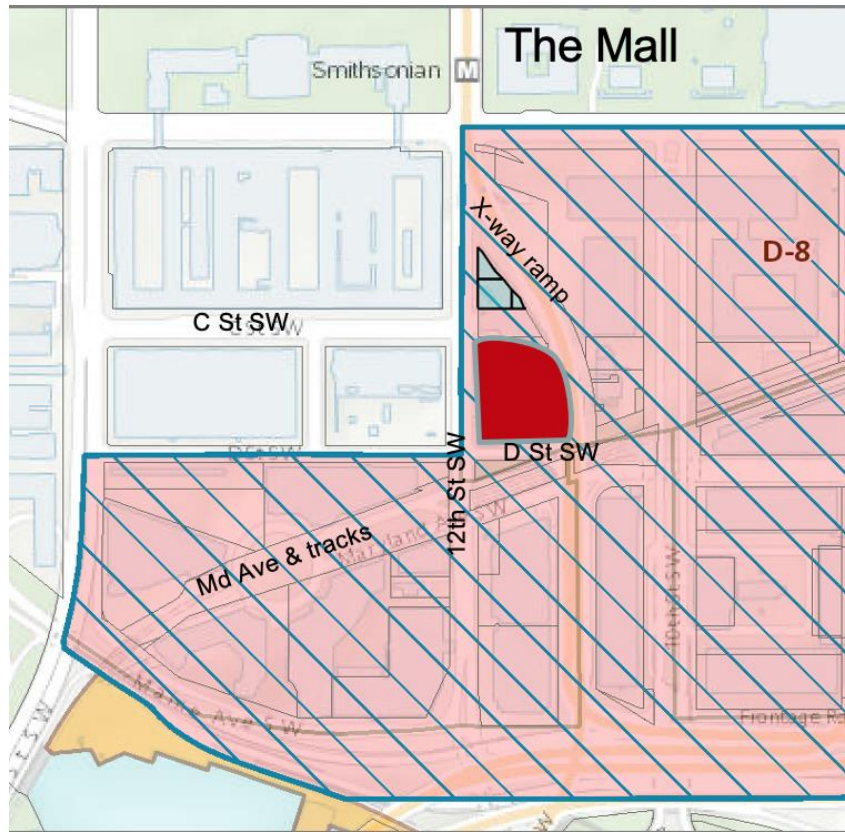


Figure 1. Site (in red) Location Map