

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** Brandice Elliott, Development Review Specialist  
*JL for* Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation  
**DATE:** July 17, 2020  
**SUBJECT:** ZC Case 20-13 – Setdown and Pre-Hearing Report for a Proposed Zoning Text Amendment to the Zoning Regulations: Subtitle K, Sections 241 and 242, Regarding Office Use in the SEFC-3 Zone.

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**I. RECOMMENDATION**

The Office of Planning (OP) recommends that the Zoning Commission set down for a public hearing amendments to the zoning regulations to Subtitle K, Sections 241 and 242 to allow office uses, including chanceries in the SEFC-3 zone.

**II. BACKGROUND**

The Southeast Federal Center Zone (SEFC) was adopted by the Zoning Commission and became effective on July 9, 2004. This zone 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.

In March 2015, the Zoning Commission approved a text amendment (ZC Case No. 14-05) to allow greater height and/or density for Parcels A, F, G, H and I, located along the western portion of SEFC (collectively referred to as Yards West). In April 2008, the Zoning Commission approved an additional text amendment (ZC Case No. 17-12) to shift density from the eastern portion of SEFC to the Yards West portion of SEFC for office uses.

Since these text amendments were approved, the applicant has continued to study the Southeast Federal Center Land Use Plan to determine the best location for certain uses. As a result, the Land Use Plan was recently amended to allow a greater density of residential uses on Parcel H, where a mix of office and residential uses was previously contemplated. In addition, Parcel Q was redesignated for office use, where it previously allowed only residential. The applicant has indicated that there would be no net change in the overall floor area of either office or residential uses in the Land Use Plan. OP's analysis in this report includes tables showing the gross square foot area to be dedicated to each use on Parcels H and Q.

Parcel H is currently zoned SEFC-1B, which permits residential uses; therefore, no amendments are required to develop this parcel in compliance with the Land Use Plan. Parcel Q is currently zoned SEFC-3, which does not allow office uses. The purpose of the proposed text amendment is to align the Zoning Regulations with the Land Use Plan to allow an office use on Parcel Q. Parcel Q is the only parcel in the SEFC area that is zoned SEFC-3, so any modifications to the zone would only impact that parcel.

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### III. PROPOSED TEXT AMENDMENT

The Office of Planning (“OP”) requests the Zoning Commission set down for public hearing text amendments to the following sections of the Zoning Regulations (text to be deleted is marked with **strikethrough** and new text is shown in **bold and underlined**):

Amend Subtitle K § 238.3 as follows:

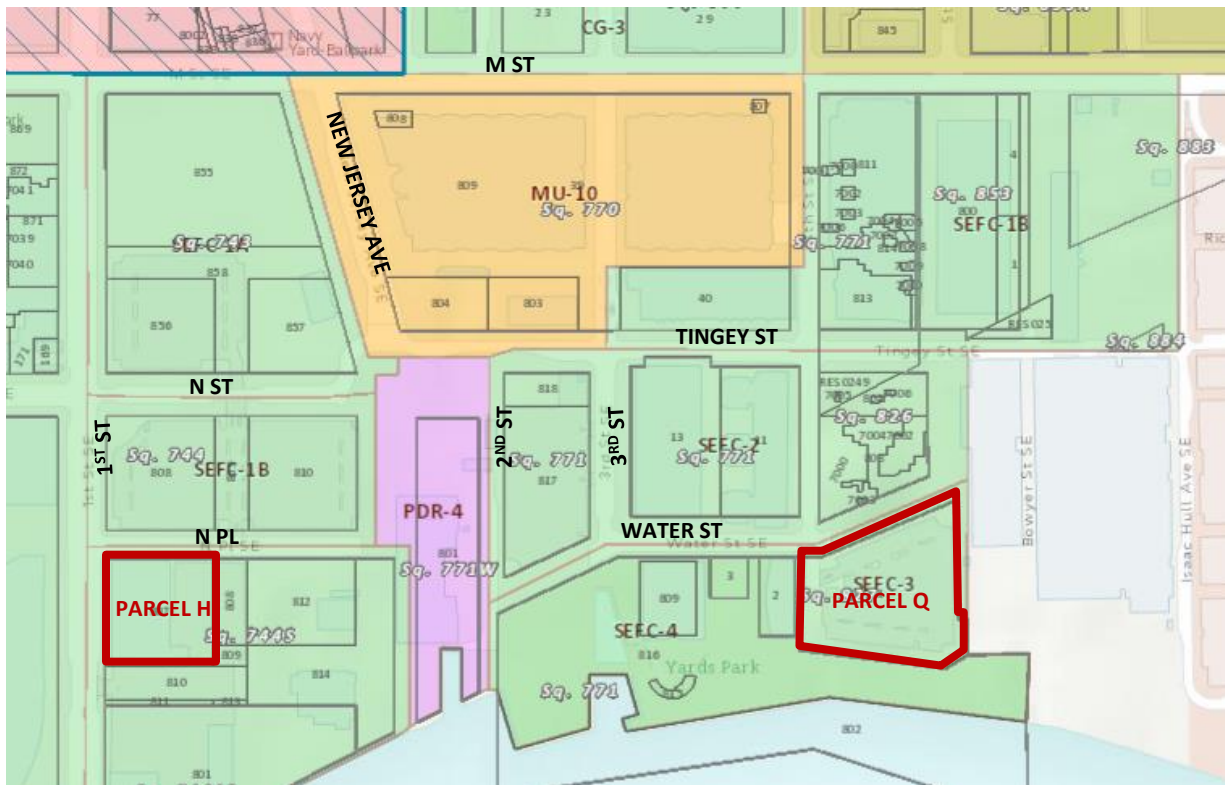
238.3 Notwithstanding Subtitle K § 238.1, the following buildings, structures, and uses are permitted only if reviewed and approved by the Zoning Commission, in accordance with the standards specified in Subtitle K § 241 and procedures specified in Subtitle K § 242: ...

- (i) Education, college/university; ~~and~~
- (j) Daytime care.; ~~and~~
- (k) Within the SEFC-3 zone only, office uses, including chanceries.**

Any building on this site facing onto the adjacent waterfront park, including a new office building, would continue to be subject to the existing mandatory Zoning Commission design review (K § 238.3) and preferred ground floor use provisions (K § 238.4).

### IV. ANALYSIS

The proposed text amendment would permit office uses and chanceries in the SEFC-3 zone, consistent with the existing permissions for the SEFC-1 zone. As noted above, Parcel Q is the only parcel that is zoned SEFC-3 and would be the only parcel affected by the proposed changes to the text.



The applicant recently received approval from the National Capital Planning Commission (NCPC) to swap uses between Parcels H and Q, allowing only residential uses on Parcel H and office uses on Parcel Q. The following tables compare the gross square footage to be provided by Parcels H and Q in the 2016 and 2020 Yards Land Use Plans:

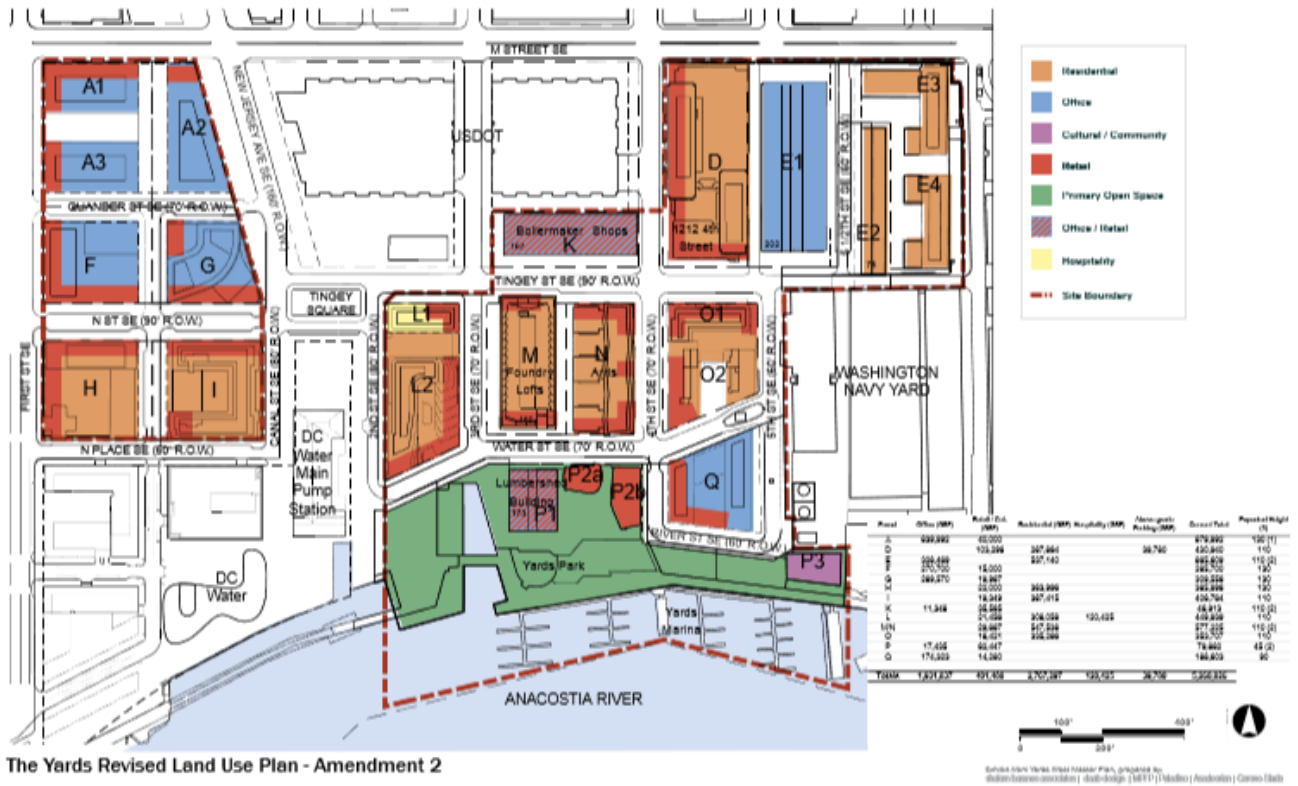
<b>2016 LAND USE PLAN</b>			
	<b>Parcel H</b>	<b>Parcel Q</b>	<b>Total</b>
Office	158,841 sq. ft.	--	<b>158,841 sq. ft.</b>
Retail	12,772 sq. ft.	23,575 sq. ft.	<b>36,347 sq. ft.</b>
Residential	226,939 sq. ft.	165,028 sq. ft.	<b>391,967 sq. ft.</b>

<b>2020 LAND USE PLAN</b>			
	<b>Parcel H</b>	<b>Parcel Q</b>	<b>Total</b>
Office	--	174,323 sq. ft.	<b>174,323 sq. ft.</b>
Retail	22,000 sq. ft.	14,280 sq. ft.	<b>36,280 sq. ft.</b>
Residential	363,996 sq. ft.	--	<b>363,996 sq. ft.</b>

The tables demonstrate that the square footage of each use would remain roughly the same, with no significant gains or losses in the amount of residential or office use in the overall Land Use Plan.

The Development Agreement for the Yards only requires the provision of affordable housing for rental buildings, in the amount of 20% of the floor area at 50% AMI minimum. Prior to the land use change that was approved for Parcel Q, the parcel was intended to be constructed as a condominium that would not have been required to provide Inclusionary Zoning units. Given the latest modification, Parcel H will likely be constructed as a rental building, which would potentially result in more affordable housing in the overall development. The applicant should provide an estimated timeline for the development of Parcels H and Q prior to the public hearing.

The latest revision also introduces residential use to the west side of the Yards and office to the east side of the Yards, promoting a better mix of uses throughout the SEFC area to facilitate day- and nighttime uses throughout the site (see revised plan below).



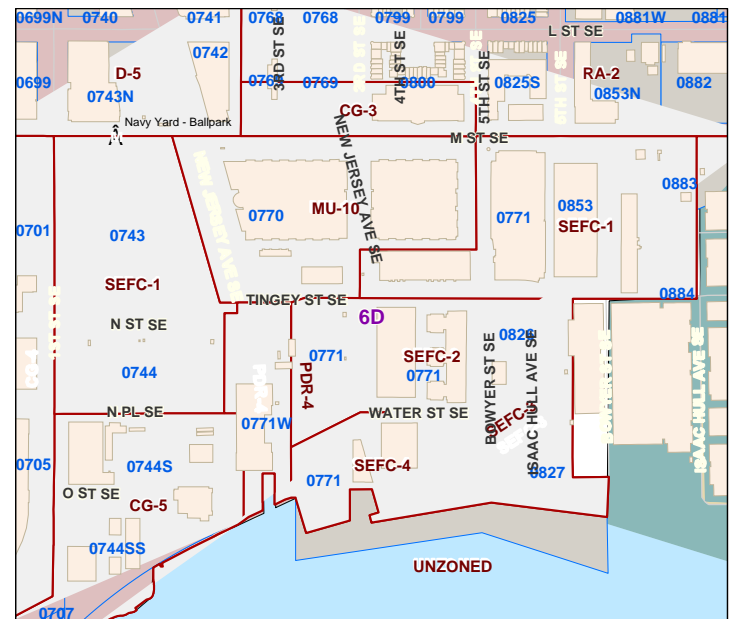
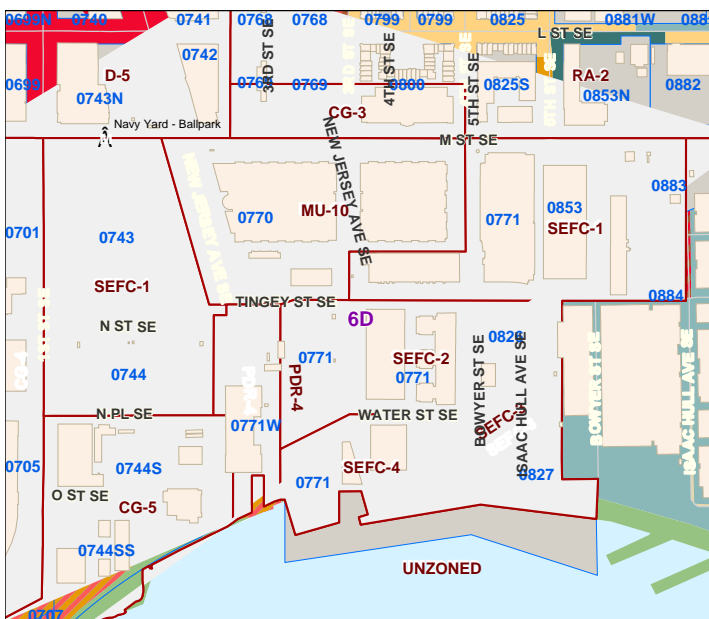
The Yards Revised Land Use Plan - Amendment 2

## V. PLANNING CONTEXT

### A. COMPREHENSIVE PLAN MAPS

#### Future Land Use Map (FLUM)

#### Generalized Policy Map



The Future Land Use Map (FLUM) designates the subject site for high density mixed residential / commercial development. The Generalized Policy Map (GPM) identifies the site as a land use change

area, striped with a “Federal Lands” designation, reflecting the current ownership of portions of the site. The proposed zoning is not inconsistent with these designations and would help to further the goal that development in the SEFC provide a high-density mix of uses.

As part of the update to the Comprehensive Plan that is pending review and approval by Council, the FLUM would continue to designate the area for high density mixed residential / commercial development. The GPM proposes a designation of Regional Center for the SEFC, which anticipates additional housing, and employment opportunities in a large range of commercial functions including new retail, entertainment, service uses. The proposed zoning text would continue to be consistent with these proposed designations.

## **B. COMPREHENSIVE PLAN WRITTEN ELEMENTS**

The proposed amendments are not inconsistent with the written elements of the Comprehensive Plan, and would specifically further policies in the Land Use, Housing, Economic Development, Urban Design, and Lower Anacostia Waterfront Elements.

### **Citywide 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.*
- (emphasis added)

*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 development within SEFC has resulted in the provision of large open spaces that provide improved accessibility through the site to the waterfront. The use swap between Parcels H and Q would provide for a greater mix of uses on either side of the Yards, ensuring that various day- and nighttime activities are accessible throughout the development.

### ***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.

The proposed text amendment is not inconsistent with the Housing Element of the Comprehensive Plan. The proposed revisions would continue to provide housing within the Yards development as envisioned by the Land Use Plan. Additionally, according to the applicant, rental housing would likely be provided on Parcel H, and so would be required to provide affordable housing in compliance with the terms of the Development Agreement.

### ***Economic Development Element***

***Policy ED-2.1.1: Office Growth*** Plan for an office sector that will continue to accommodate growth in government, government contractors, legal services, international business, trade associations, and other service-sector office industries. The primary location for this growth should be in Central Washington and in the emerging office centers along South Capitol Street and the Anacostia Waterfront.

The proposed text amendment would provide for a greater mix of uses on the east side of the Yards. Parcel Q would be the only office development among the existing residential and retail uses on this side of the Yards, accommodating growth in the office sector.

### ***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-1.3.1: 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 modifications to the Zoning Regulations would activate, populate, and enliven the waterfront with a greater variety of uses. Any building on this site would be subject to mandatory Zoning Commission design review pursuant to existing K § 238.3 and the preferred ground floor uses of K § 238.4.

**Area Elements:**

***Lower Anacostia Waterfront-Near Southwest Area Element***

***Policy AW-1.1.3: Waterfront Area Commercial Development*** *Encourage commercial development in the Waterfront Area in a manner that is consistent with the Future Land Use Map. Such development should bring more retail services and choices to the Anacostia Waterfront as well as space for government and private sector activities, such as offices and hotels. Commercial development should be focused along key corridors, particularly along Maine Avenue and M Street Southeast, along South Capitol Street; and near the Waterfront/SEU and Navy Yard metroraill stations. Maritime activities such as cruise ship operations should be maintained and supported as the waterfront redevelops.*

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 specifically allow for a greater mix of uses in the eastern portion of the Yards, consistent with the originally intended mix of residential, office, retail, and cultural uses that would create a true mixed-use community.

**C. SUMMARY OF PLANNING CONTEXT ANALYSIS**

On balance, the proposal would further the intent of the Comprehensive Plan and Maps and the SEFC Land Use Map by further integrating mixed uses into the development while ensuring that the original target floor areas for residential and office uses are achieved.

JS/be