



## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:**  Jennifer Steingasser, Deputy Director

**DATE:** July 5, 2013

**SUBJECT:** **Public Hearing Report for ZC #12-05A**  
1<sup>st</sup> and M Streets, SE  
Zoning Commission Design Review Modification

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### **I. RECOMMENDATION**

The Office of Planning recommends approval of the proposed design review modification. The application successfully addresses the criteria of the Capitol Gateway Overlay. OP also continues to recommend approval of the previously approved rear yard variance, and supports the requested flexibility for the width of the hotel structure.

### **II. APPLICATION-IN-BRIEF**

**Location:** First and M Streets, SE and First and N Streets, SE  
(most of the portion of Square 701 east of Cushing Place, immediately north of the baseball stadium)

Ward 6, ANC 6D

**Applicant:** Ballpark Square, LLC

**Zoning:** CR / CG (Commercial Residential / Capitol Gateway Overlay)

**Site Area:** 77,122 sf total

**Approved Development:** A 130' mixed use building with office, hotel, residential and retail; and a two story retail building on a separate lot

#### **Background and Proposed Modification:**

The Zoning Commission approved the original application, #12-05, on November 14, 2012. At that time the design proposed a residential building with a large court opening toward the southern property line. The design approved with case #12-19, however, on the property to the south,



caused the applicant to re-examine their plans. Case #12-19 proposed a hotel with a party wall along the mutual property line, almost entirely blocking the proposed residential court.

The applicant, therefore, requests a modification that would reorient the residential portion of the project so that the large court would now face west. The design change would also increase the residential floor area and number of units, and reconfigure the ground floor of the residential portion of project, resulting in a slight decrease in total retail area. The applicant also requests flexibility to provide a 60-foot-wide hotel, rather than a 59-foot-wide hotel, based on the preference of the eventual hotel operator. No changes to the office or outparcel-retail portion of the project are proposed.

**Relief:** Because of the change in configuration of the residential portion of the project, the applicant requests to reaffirm the rear yard (§ 636) relief previously granted in #12-05. As in the initial application, a 28'9" rear yard is required and no rear yard would be provided. No other zoning relief is required as part of this modification application.

### **III. SITE AND AREA DESCRIPTION**

The entire subject property is located on the west side of First Street, SE between M and N Streets, comprising most of the eastern half of Square 701. The site is bounded on the west by Cushing Place. M and N Streets have 90 foot rights-of-way, Cushing Place is a 30 foot wide public alley, and First Street is 110 feet in width. The site is zoned CR / CG ( Commercial Residential / Capitol Gateway Overlay), as are all the adjacent properties south of M Street and west of First Street. East of First Street the properties are zoned CR / SEFC (Southeast Federal Center Overlay), and on the north side of M Street properties are zoned C-3-C / CG. Please refer to the Vicinity Map in Attachment 2.

In past years the Commission has approved design review applications for projects on either side of Half Street (#06-46 and #08-30). The approved project on the east side of Half Street, next to the subject site consists of a constructed office building at M Street and yet-to-be-built residential buildings and a hotel on the southern part of the block. An entrance to the Navy Yard metro station is under the office building. That project would use Cushing Place for parking and loading access. Office buildings are located across M Street from the subject site, and an office building is anticipated across First Street as part of the Southeast Federal Center (SEFC) project. That site is currently a secure Federal facility. To the south of N Street is a parking garage for the baseball stadium.

The subject site is currently used for surface parking and is bifurcated into two pieces. The larger northern parcel fronts on M Street and First Street and has alley access on Cushing Place. The much smaller southern parcel fronts on First and N Streets and has no alley access. The portion of the site under consideration in the present modification application, #12-05A, is the

southern piece of the northern parcel. The cluster of properties in between this site and the smaller southern site is owned by a separate entity, Capitol Riverfront Hotel, LLC. These properties surround the southern portion of the subject site on its north and west and were the subject of a recently approved design review application that proposed an “L” shaped hotel (ZC #12-19).

#### IV. DESCRIPTION OF MODIFICATION

The application proposes to reorient the residential portion of the building. The south-facing court would become a west-facing court, and a party wall would abut the property to the south, where a hotel is approved for development. The residential floor area and number of units would increase and the retail floor area would decrease, as shown below:

	Approved	Proposed
Gross Residential Floor Area	260,240 sf*	303,993 sf*
Residential Units	285	326
Retail Floor Area	28,063 sf	26,529 sf
Total Floor Area for the Entire Project	653,159 sf	695,625 sf
Total FAR for the Entire Project	8.89	9.46
Total Floor Area with Hotel Flexibility	n/a	696,791 sf**
Total FAR with Hotel Flexibility	n/a	9.48**

\*Data from Sheets A-04 and A-04 REV. Residential floor areas are different on Sheets A-03 and A-03 REV.

\*\* See description below of requested hotel flexibility.

The number of parking and loading spaces would remain the same, although loading spaces would be relocated from the original approval, and the parking entrance would move to the south compared to the original application. The residential lobby would shift to the southern end of the residential structure, allowing the retail floor area to be consolidated. The modification also proposes revised architecture, as shown on the cover sheet and other images in the plan set. The new proposal shows a considerable use of glass, but maintains numerous balconies, as did the original design. OP strongly supports the revised design. The building would help form a strong streetwall for 1<sup>st</sup> Street, and balconies would provide residents with private outdoor space while providing eyes on the street. Recessed or exterior balconies on the Cushing Place side of the building could add interest to that façade and provide an amenity for residents. Also OP recommended that the applicant explore enhancing the appearance of the southern party wall. Although it is anticipated that another building would eventually be constructed on the adjacent site, the party wall could be visible for an extended period, including, as shown on sheet A-50 REV from parts of the baseball stadium. A variation in color and/or texture in the materials would create a more interesting façade.

As part of this modification request, the applicant has also asked for slight flexibility in the design of the hotel portion of the project. The current design shows a 59 foot width for the hotel building, which includes a row of rooms, the hallway and another row of rooms. A potential hotel operator has asked the applicant for a change to 60 feet in width so that each guest room

could be slightly deeper. The proposed design would narrow the court between the hotel and the residential building by one foot, and would marginally increase the floor area and FAR of the project. OP does not object to the flexibility. The applicant also asks for flexibility to vary the width of the windows by eight inches and to install mechanical grills for HVAC units. OP has asked the applicant to provide more information about the appearance of these changes and how they would impact the exterior of the hotel.

OP is supportive of the revised design of the residential portion of the project. The Capitol Gateway Overlay, as described in additional detail later in this report, seeks to create an active pedestrian and transit-oriented environment and a vibrant entertainment district, especially in the area north of the ballpark. This project should help achieve those aims.

## **V. COMPREHENSIVE PLAN**

The proposed modification does not require PUD or rezoning approval, and is generally consistent with most aspects of the zoning regulations, specifically height, FAR and use. As such, the proposal is generally consistent with the Comprehensive Plan and, as detailed in the OP report for case #12-05, would further several Guiding Principles of the Plan. The application is also consistent with major policies from various elements of the Comprehensive Plan including the Land Use, Transportation and Economic Development Citywide Elements, and the Lower Anacostia Waterfront / Near Southwest Area Element.

## **VI. ZONING**

The subject site is zoned CR / CG (Commercial-Residential / Capitol Gateway Overlay). The CR district is designed to “help create major new residential and mixed use areas in planned locations at appropriate densities, heights and mixture of uses” (600.3(a)). The Capitol Gateway Overlay is intended to encourage a mix of uses while creating a pedestrian-friendly environment. The proposed modification would require relief from the rear yard requirement as described below. Other relief granted with #12-05 – loading, offsite parking for the southern building, and setbacks for rooftop structures on the hotel structure – would be maintained and would not be affected by the modification.

### **Variance from rear yard requirement (§ 636)**

In lieu of a rear yard the design provides three courts within and between the different towers. In the original design the residential building formed a wall along Cushing Place, whereas the proposed design would have a large court facing the alley. The design would provide significant light and air to residents of the proposed building and would still result in breaks of the 1<sup>st</sup> Street streetwall. This design solution also better addresses the approved project to the south, which would have a blank party wall facing onto the subject property. OP does not object to the requested relief.

## **VII. CRITERIA OF THE CAPITOL GATEWAY OVERLAY**

The Capitol Gateway Overlay District lists a number of objectives for the overlay and provides specific criteria for the Zoning Commission review of proposed developments. The original application successfully met all of the criteria of the Overlay. For this analysis, rather than review the complete list of standards and principles, OP reviewed the criteria most relevant to the modification application. That review is presented below.

### **§1600.2 The purposes of the CG Overlay District are to:**

- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;**

The residential use would be consistent with the Comprehensive Plan, which calls for a mix of uses in the neighborhood. The added population would increase activity and safety in the area. The proposed retail on the ground floor would also be consistent with Plan policy that encourages mixed uses and vibrant streetscapes. The design of the building would result in a consistent streetwall, and the height and bulk of the building would be similar to other proposed and constructed buildings in the area.

- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;**

The significant amount of proposed retail would cater to visitors to the neighborhood. The mix of uses within the project will contribute to the overall entertainment district that will develop near the baseball stadium.

- (i) Provide for the development of First Street SE as an active pedestrian oriented street with active ground floor uses, connecting M Street, the Metro Station and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.**

Because of the mixed use nature of the project and the heavy concentration of ground floor retail, the proposed development would create an active pedestrian character on First Street. The application would meet the intent of the CG Overlay provisions by providing as much retail on the ground floor as possible. Renderings of the ground floor environment along First Street suggest a varied retail experience that would encourage pedestrian activity and significant interaction between the indoor private space and outdoor public space.

**§ 1602 Combined Lot Development**

**§ 1602.1(e) In addition to [the normal Combined Lot Development (CLD) procedures limiting FAR to 8.5], the Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares 700, 701, and 702, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of §§ 1601 and 1604 – 1607, as applicable.**

The applicant has addressed the objectives and guidelines of the relevant sections stated above. OP has no objection to the additional transfer of up to 1.0 FAR of CLD density.

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**§1606 Buildings, Structure, and Uses on First Street, SE South of M Street, SE**

**§1606.1 The following provisions apply to new buildings, structures, or uses with frontage on First Street S.E. south of M Street S.E., within the CG Overlay.**

**§1606.2 Each new building shall devote not less than seventy-five percent (75%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses ("preferred uses") as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building).**

According to Sheet A-6 REV, the design incorporates about 78% of the ground floor for preferred uses. The only ground floor areas not counted are the office lobby and back-of-house space, the hotel, and parking. None of the uses listed as prohibited are proposed.

**§1606.3 Preferred uses shall occupy 100% of the building's street frontage along First Street S.E., except for space devoted to building entrances or required to be devoted to fire control.**

According to Sheet A-6 REV, the entire First Street frontage of the project is devoted to preferred uses. In the past the Office of Planning has not considered features such as a residential lobby to meet the definition of a preferred use, but given the range of uses described in § 1606.2, the applicants assumption to include the residential lobby is not an unreasonable one. In any event, the application meets the intent of this section by providing active uses at every location possible on the ground floor of the building.

**§1606.4 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.**

Based on building elevations and sections, it appears that all preferred uses in the project would have a slab-to-slab height of well over 14 feet. Because of the generous dimensions, it should be possible for floor-to-ceiling heights to remain at greater than 14 feet.

**§1606.5 For good cause shown, the Zoning Commission may authorize interim occupancy of the preferred use space required by § 1606.2 by non-preferred uses for up to a five (5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.**

The applicant has not requested temporary-use relief.

**§1606.6 Where preferred use retail space is required under this section and provided, the requirement of 11 DCMR § 633 to provide public space at ground level shall not apply.**

In conformance with this provision, the design does not incorporate a ground level public plaza.

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**§1610 Zoning Commission Review of Buildings, Structures and Uses**

**§1610.1 The following provisions apply to properties located:**

- (b) On a lot that abuts M Street SE;
- (c) On a lot located within Squares 700 or 701, north of the Ballpark site;
- (f) Any lot which is the recipient of density through the combined lot provisions of §1602.

**§1610.2 With respect to those properties described in § 1610.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures 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 following provisions.**

**§1610.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, an applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:**

**(a) Help achieve the objectives of the CG Overlay District as set forth in §1600.2;**

The project would generally further the objectives of the CG Overlay. The project would assure that the area is developed with a mix of uses, including residential and ground floor retail. The development will provide adequate sidewalk width along First Street and would have uses that generally encourage pedestrian activity. The height and bulk of the building are as contemplated by planning and zoning for the area.

**(b) Help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses;**

The proposal would provide a mix of uses, including residential and ground floor retail. Retail would be the only use on the ground floor except for the residential and office lobbies, loading and service space and garage entrances.

**(c) Be in context with the surrounding neighborhood and street patterns;**

The proposed development would respect and enhance the surrounding neighborhood and street patterns. The neighborhood has an emerging architectural character with some of the new buildings on M Street and the baseball stadium sharing a modern vernacular. The design of the proposed building would expand on that trend by using modern forms and materials and incorporating active street-level retail typical of an urban entertainment area.

**(d) Minimize conflict between vehicles and pedestrians;**

All proposed loading and auto access for the building would occur on Cushing Place, minimizing interactions between walkers and drivers. On First Street pedestrians would have wide sidewalks and would be buffered from traffic by parked cars, landscaping and street furniture.

**(e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and**

On the residential and hotel part of the project, renderings show a street façade that would have customized façades for each retailer. Overall the residential building is well-articulated on all sides, though the southern façade could be refined for additional aesthetic appeal, given its potential to be highly visible for an extended period. OP has also asked the applicant to provide additional information about the appearance of the hotel windows and HVAC units.

**(f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.**

The original application indicated that the residential portion of the building would achieve the equivalent of a LEED Silver rating. The modification application does not indicate a change from that commitment. A significant amount of the roof area would be green roof, as shown on Sheets A-21 REV and A-24 REV.

### **VIII. COMMUNITY COMMENTS**

As of this writing the Office of Planning has received no comments on the project from the community.

JS/mrj