

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM:  Jennifer Steingasser, Deputy Director Development Review & Historic Preservation
DATE:  October 6, 2014
SUBJECT: **ZC 14-05: Final 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. RECOMMENDATION

The Office of Planning (OP) recommends approval of the following text amendments to Title 11 DCRA. Proposed new text is shown in **underlined**; struck text is shown in **~~strikethrough~~**:

The proposed amendments to the Zoning Regulations, Title 11 DCMR, are as follow:

Amend Chapter 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT, § 1803, SEFC/CR ZONING DISTRICT, as follows:

1. *Amend § 1803.3 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:

- (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 § 1803.5 to allow for height permitted by the 1910 Height Act for certain parcels within the SEFC/CR Zone District that utilizes the residential density bonus in the SEFC/CR Zone 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.

3. *Amend § 1803.7 to allow a 1.0 FAR bonus for residential uses on certain parcels within the SEFC/CR Zone 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) ~~That 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, G, H, and 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.**

4. *Amend § 1803.8 to require Zoning Commission design review for any property utilizing bonus height and density for residential use, and specify certain additional standards for such review.*

1803.8 Any proposed building that has frontage along M Street, S.E. **or utilizes additional height and 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 a public entrance to the Navy Yard Metrorail Station;**

(b) **Ensure the provision of 1½ Street SE and N Street SE as open and uncovered multimodal circulation routes; and**

(c) ~~a~~**Are of superior quality, pursuant to the standards set forth in § 1808 and procedures set forth in § 1809.**

II. BACKGROUND

At its June 9, 2014 public meeting, the Zoning Commission set down this text amendment request for a public hearing. The amendments would allow increased density and height intended to encourage residential development in the Yards West portion of the SEFC/CR District, applying to parcels A, F, G, H and I. The amendments would further allow flexibility from the ground floor preferred use requirements with approval from the Zoning Commission. Additional amendments suggested by OP would ensure the preservation of circulation connections between Parcels F and G, and well as H and I, as well as the provision of an

entrance to the Navy Yard Metrorail Station. As indicated in the Pre-Hearing statement, the applicant is amenable to the amendments included by OP.

III. ANALYSIS

The applicant has requested the proposed text amendment to provide additional FAR and height for future residential developments on Parcels A, F, G, H and I, collectively referred to as Yards West. These parcels are currently developed as the National Geospatial Intelligence Agency, which is being demolished, and temporary parking lots approved by the Zoning Commission for a period of five years (reference Zoning Commission case 13-03). The Trapeze School will be moved from its current location on Parcel O, to Parcel G once demolition of the existing structure has been completed.



Yards West is generally located west of New Jersey Avenue, south of M Street, and east of 1st Street, and includes Parcels A, F, G, H and I. Only Parcel A is subject to Zoning Commission design review; all other parcels may be developed as a matter of right. All of the subject properties are zoned SEFC/CR.

The SEFC Overlay District was adopted by the Zoning Commission and became effective on July 9, 2004 (reference Zoning Case 03-06). The overlay area was established to encourage

redevelopment of the 42-acre riverfront property with non-governmental uses and has experienced significant growth as residential projects have been completed. The SEFC Overlay District is located in census tract 72, which is the geographic area south of Virginia Avenue, west of South Capitol Street, east of 11th Street and north of the Anacostia River. This tract has grown in population by 65% in the past decade, with the population increasing from 1,825 in the 2000 Census, to 2,794 in the 2010 Census. Given the tremendous growth experienced in this area, the developer, Forest City Washington, has requested an increase in density that would support future residents in the neighborhood. Yards West was anticipated, at the time zoning was established, as being the highest density portion of the SEFC site.

The Zoning Regulations limit the height of development in the SEFC/CR to 110 feet with an FAR of 6.0. This applies to Parcels F, G, H and I. Parcel A is permitted a height of 130 feet and an FAR of 6.5 for residential or non-residential uses through the SEFC combined lot process. The following table identifies the matter of right and proposed height and density that would be permitted by the text amendment. The applicant had originally identified a proposed height of 130 feet for Parcel I, but this was modified to permit a maximum height of 110 feet. Given that Parcel I is located adjacent to other structures or approved developments ranging between 90 feet and 110 feet, a maximum height of 110 feet would better maintain the scale for that corner and would be more compatible with future development.

| 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 | 110 feet | 6.0 | 7.0 |

The following table identifies the approximate lot areas for Parcels, A, F, G, H and I, and the additional FAR that would be possible with the text amendment.

| Additional FAR as Proposed by Text Amendment for Yards West | | | | | | |
|--|-----------------------------|----------------|------------|---------------------|------------|-----------------------|
| Parcel | Lot Size¹ | MOR FAR | GFA | Proposed FAR | GFA | Additional GFA |
| A | 145,800 | 6.5 | 947,700 | 7 | 1,020,600 | 72,900 |
| F | 43,000 | 6 | 258,000 | 7 | 301,000 | 43,000 |
| G | 42,100 | 6 | 252,600 | 7 | 294,700 | 42,100 |
| H | 52,200 | 6 | 313,200 | 7 | 365,400 | 52,200 |
| I | 54,000 | 6 | 324,000 | 7 | 378,000 | 54,000 |
| | | | | | | 264,200 |

¹ The lot size for each parcel are estimates noted on illustrative renderings provided for Zoning Case 03-06, a map amendment to zone un-zoned lands in Southeast Federal Center and text amendment to create a new SEFC Overlay District.

The applicant has provided an excerpt from a Development Agreement that includes an affordable housing provision that applies to all developments in Southeast Federal Center, requiring that “Twenty percent (20%) of the units comprising the Residential Component that are initially constructed as rental units shall be set aside for families earning fifty percent (50%) or less of area median income...” The applicant has estimated that the average unit size would be 750 square feet, resulting in approximately 350 units gained from the additional 0.5 or 1.0 FAR that would be permitted by the text amendment. Approximately 70 additional affordable units would be provided as a result of the text amendment, available to families earning 50% AMI. The applicant has provided estimates similar to those of OP; however, Parcel A has not been included in those calculations. The text amendment only provides for additional height and density with approval from the Zoning Commission.

In addition to increasing the height and density in the Yards West portion of Southeast Federal Center, the text amendment would allow deviations from the ground floor preferred use requirements with approval from the Zoning Commission. Southeast Federal Center was the first Overlay to be established in this area, and subsequent Overlays and PUDs have established preferred ground floor uses that would reduce retail connectivity with those of the SEFC Overlay. For example, the Capitol Gateway Overlay requires retail uses along 1st Street SE and the DC Water Sites PUD requires a retail focus on 1 ½ Street. The SEFC/CR District requires retail uses along N Street, although it permits retail in other locations.

The text amendment also provides for the preservation of the 1 ½ Street connection between Parcels H and I, and F and G, which is consistent with plans approved by the Zoning Commission when the zoning was established. This connection is crucial for maintaining connectivity between Yards West and adjacent approved developments, including the DC Water Sites.

Finally, the text amendment requires an entrance at the Navy Yard Metrorail Station be accommodated in the new development. Ridership has increased significantly at this station within a ten year period, from 3,048 average weekday passenger boardings in 2005, to 10,514 average weekday passenger boardings in 2014. WMATA will be conducting a feasibility study to determine the need for an additional entrance at the Navy Yard Metrorail Station. To prepare for the future needs of WMATA, the applicant has agreed to work with the agency to ensure that future development will accommodate an additional entrance; this would not require the developer to construct the new entrance.

The proposed text amendment would allow greater height and density for future residential developments in Yards West. The height would be compatible with existing developments in the area, and the neighborhood would benefit from additional housing and affordable housing. The preferred ground floor uses would also be consistent with adjacent retail. In addition, the text contains amendments that ensure the preservation of valuable connections, and a partnership with WMATA to accommodate an additional entrance, if determined necessary. These measures ensure that the amendments will be compatible with future development in the SEFC Overlay District and surrounding neighborhood.

Only minor grammatical modifications have been made to the text amendment since setdown, as requested by the Office of the Attorney General (OAG). OP has also included two minor

additions to ensure that the entrance to the Navy Yard Metrorail Station remains public, and that the circulation routes on 1½ Street SE and N Street SE are multimodal. The applicant has provided additional information intended to address comments from the Zoning Commission, including the portion of the Development Agreement that addresses the requirement for affordable housing in the SEFC Overlay (Exhibit 16). In addition, the applicant has provided estimated calculations for the number of units and affordable units that would be provided with this amendment, as summarized in this report. The Zoning Commission requested clarification on the status of the additional entrance as proposed by WMATA. Since setdown, OP has verified that only a feasibility study has been fully funded up to this point. The study, which has not been initiated, would determine the need for an additional entrance.

IV. COMPREHENSIVE PLAN

The proposed amendments would not be inconsistent with the Comprehensive Plan. The proposed changes would generally support policy statements of the Land Use, Housing, Economic Development, Urban Design, Historic Preservation and Lower Anacostia Waterfront-Near Southwest Area Elements (Policies LU-1.1.5, Urban Mixed Use Neighborhoods; LU-1.2.8, Large Sites and the Waterfront; H-1.1.2, Production Incentives; H-1.1.4, Mixed Use Development; H-1.2.7; Density Bonuses for Affordable Housing; ED-2.2.7, Planning for Retail; UD-1.1.4, Height Act of 1910; UD-1.2.4, View Protection; UD-1.3.1, DC as a Waterfront City; UD-1.3.3, Excellence in Waterfront Design; UD-1.3.6, “Activating” Waterfront Spaces; UD-1.3.7, Neighborhood Connectivity; HP-2.4.3, Compatible Development; and AW-2.3.3, Near Southeast Housing Opportunities).

V. COMMUNITY COMMENTS

At its regularly scheduled meeting on September 8, 2014, ANC 6D voted unanimously to recommend approval of the proposed text amendment; however, it strongly encourages the Zoning Commission to require units with more than two bedrooms as a condition of the added height and density.

VI. AGENCY COMMENTS

OP has received no comments from other District agencies.

Brandice Elliott, Case Manager:

JS/be