



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: November 22, 2010

SUBJECT: Public Hearing Report for ZC 10-24
 Southeast Federal Center (SEFC) Parcel D
 Zoning Commission Design Review Under the SEFC Overlay

I. SUMMARY RECOMMENDATION

The Office of Planning (OP) **recommends approval** of the proposed design and requested zoning relief, subject to additional information illustrating the proposed north façade of the building. OP has requested that the applicant clearly illustrate the view of the upper level off-street parking lot from M Street SE.

II. APPLICATION-IN-BRIEF

Location: South East Federal Center (SEFC) site, Ward 6, ANC 6D
 Square 771, Lot 12

Applicant: Forest City LLC, for the General Services Administration of the USA

Current Zoning: SEFC/CR (Southeast Federal Center Overlay/Commercial Residential District)

Proposed Development: The applicant is proposing to construct a new mixed use building with ground floor retail uses, two residential towers, and both above and underground parking spaces.

Review and Relief: Pursuant to 11 DCMR § 1803.8, all new structures with frontage onto M Street SE require design review and approval by the Zoning Commission.

The applicant is also requesting the following:

- ❖ Special exception approval
 - § 1803.6 – to allow a building height in excess of 90’ (110’ proposed)
 - § 411 – to allow multiple roof structures as well as relief from the 1:1 setback requirements
- ❖ Variance approval
 - § 1803.11– to allow driveway access from M Street SE
 - § 1803.10 – to allow balconies within a required streetwall setback along 4th Street SE



III. EXECUTIVE SUMMARY

The applicant is seeking Zoning Commission design review, special exception, and variance approval to construct a mixed-use building with 110,000 square feet of retail uses and up to 225 residential units on the Southeast Federal Center (SEFC) site known as Parcel D. Parcel D is located at the southeast corner of 4th and M Streets, SE. The site is currently unimproved with the exception of the historic wall and sentry tower located along M Street and portion of the 4th Street property line. The proposal would include retail uses, including a full service grocery store, on the first 4 floors of the building and locate residential uses into two towers.

Off-street parking would be provided in one underground level and on part of the third floor of the building. Access to retail parking would be provided from 4th Street while loading and residential parking would be accessed using a private drive on the east side of the property. The applicant has proposed two potential circulation routes for accessing the loading area, one of which would require a new opening in the historic wall along M Street and is under historic preservation review.

The building design and proposed uses are generally consistent with the objectives and Zoning Commission review standards for the SEFC Overlay. OP supports the application and feels that it will help advance the residential and retail development goals for the SEFC site as well as support the redevelopment of the Anacostia riverfront in conformance with the objectives of the Anacostia Waterfront Initiative.

IV. BACKGROUND

The Zoning Commission approved a comprehensive zoning package for the entire Southeast Federal Center site in 2004, which included the creation of the SEFC Overlay District (ZC Case # 03-06). Since that time, the General Services Administration selected Forest City LLC as the master developer for the entire site. The SEFC development (now called “The Yards”) will include approximately 1.8 million square feet of office space, 2,800 residential units, neighborhood and destination retail uses, and a 5 acre waterfront park (now constructed).

The Zoning Commission approved a proposal for the development of Parcel D in April 2008 (ZC Case # 08-01) which included a mix of retail, residential, and office uses. The applicants have revised the proposal to increase the number of residential units, eliminate office uses, and expand retail square footage in light of existing market conditions and their difficulty in obtaining financing for the office portion of the project. The previously approved project received zoning relief from building height, roof structure, rear yard, and loading requirements.

V. SITE AND AREA DESCRIPTION

The SEFC site is located in the Near Southeast area and is bound generally by M Street, SE to the north; 1st Street, SE to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The SEFC site is approximately 42 acres in size, excluding an 11 acre parcel on M Street, SE which is the location of the Department of Transportation (USDOT) Headquarters (ZC Case #03-05).

The Parcel D property is located at the south-east corner of the intersection of M Street SE and 4th Street SE, directly to the east of the new US DOT building and a few blocks north of the Anacostia River. The Trapeze School, a temporary use approved for Parcel O (per ZC Order 09-09), is located immediately south of the site across Tingey Street SE. The Arthur Capper/Carrollsborg



Hope VI redevelopment is located directly to the north of the SEFC site, across M Street, SE. The Navy Yard Green Line Metro Station is located to the west of the site on M Street, along with several Metrobus lines. The site is relatively flat, paved over, and currently has no buildings on it, although the historic Sentry tower and wall border the property along its north property line and at its north-west corner.

VI. PROJECT DESCRIPTION

The applicant is proposing to develop a mixed-use building along M and 4th Streets, SE with multi-level retail and multi-family residential uses. Retail uses would be oriented towards 4th and Tingey Streets SE due to the location of the historic wall along M Street SE and proposed loading and residential parking access point located on the east side of the building. A description of the main project elements is provided below:

- *Grocery Store* –a 55,000 square foot grocery store is proposed for the ground floor at the north end of the site along M Street SE. A previously approved break in the historic sentry wall along M Street would allow pedestrian access to a landscaped entryway at the northeast corner of the property. The predominant pedestrian and vehicle entrances to the grocery store would be provided along 4th Street. The store would have a 2-story volume. Proposed building materials include mainly glass and prefinished aluminum panels. One floor of accessory retail parking would be located underground and accessed from 4th Street SE.
- *Residential Towers* –two residential towers are proposed, above the four-story retail base. The towers would be five-six stories in height, with a north-south orientation, and connected by a central east-west element containing the elevator tower. Up to 225 residential units are proposed, of which 20% would be affordable to households below 50% of the AMI.
- *New Retail* – another 55,000 sq. ft. of retail/commercial space would be located at the south end of the building facing Tingey Street SE. Retail uses would occupy, at a minimum, the first two floors of the building. The applicant requests flexibility to locate office uses on the third floor and expand residential uses on the fourth floor in the event they are unsuccessful in marketing the space for retail use. A potential retail tenant for the first two levels would be a fitness center, which could include a pool and roof deck above the fourth floor.

VII. COMPREHENSIVE PLAN

The Future Land Use Map in the 2006 Comprehensive Plan designates the site for a mix of high density commercial and residential uses. The proposed development is not inconsistent with this designation. The Generalized Policy Map indicates the site for Land Use Change, from federal to private mixed use development.

By providing new residential uses and ground floor retail, including a full service grocery store, in a building anticipated to attain LEED Silver certification, the proposal would further policies of the Land Use, Housing, Environment, Economic Development, and Urban Design elements. Finally, the development would also support relevant policies of the Lower Anacostia Waterfront/ Near Southwest Area Element by helping to restore the urban pattern (AW-2.3.1), enhancing



housing opportunities (AW-2.3.3), enhancing M Street SE (AW-2.3.4), and providing new retail amenity space (AW-2.3.6).

VIII. ANACOSTIA WATERFRONT INITIATIVE

The subject site is within the Anacostia Waterfront Initiative (AWI) area. A key goal of the AWI is to create a vibrant waterfront with a variety of uses and places for people to interact. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and the environment, and increase access to the water and maritime activities.

The Near Southeast target area of the AWI includes the SEFC site. The proposed development on Parcel D of the SEFC site would further the following planning principles found in the AWI Framework Plan for the Near Southeast target area:

- ❖ *Emphasize mixed-use development, integrating commercial and residential areas, to form a lively and active neighborhood throughout the Near Southeast; and*
- ❖ *Encourage commercial development to maximize economic growth and job creation, emphasizing major street corridors and transit connections.*

In addition, the Urban Design Framework for the Near Southeast area includes the following principles:

- ❖ *Transform M Street into a Vibrant Mixed-Use Corridor*
- ❖ *Dramatically Increase Housing Opportunities*

The planned improvements on the SEFC site meet all of the above stated planning goals and principles by providing a variety of uses, including over 100,000 square feet of new retail space, and increased residential density.

IX. ZONING

In Case # 03-06 (July 9, 2004), the Zoning Commission approved a comprehensive zoning package for the SEFC site. The SEFC zoning and Overlay were the culmination of many years of planning by the General Services Administration (GSA) and the Office of Planning. The SEFC Overlay was intended to provide for the expeditious development of the 42 acre SEFC site, and to encourage a mixed-use, pedestrian-friendly environment. Various portions of the site were zoned CR, R5E, R5D, and W-0 to encourage an appropriate combination of uses with a significant new park along the Anacostia River. The SEFC Overlay District was also established, “*to provide for the development of a vibrant, urban, mixed-use, waterfront neighborhood, offering a combination of uses that will attract residents, office workers, and visitors from across the District and beyond*” (§1801.1). While much of the development on this large site will be by-right, the SEFC Overlay stipulates that development along M Street SE and adjacent to the waterfront park will require Zoning Commission review.

A summary of all the projects and requests for the SEFC site that have been reviewed by the Zoning Commission to date is provided below:



Table 1 – Summary of SEFC Zoning Commission cases

| Case Number | Parcel/ Location | Proposal | Zoning Commission Action |
|--------------------|-------------------------|---|---------------------------------|
| 07-11 | Entire SEFC Site | Minor amendments to SEFC Overlay, including zone boundary changes and text amendments | Approved on 4/14/2008 |
| 08-01 | D | Mixed-use building with office, retail, and residential uses | Approved on 4/24/2008 |
| 08-04 | P | Phase 1 of Waterfront Park – Construction of park features including lawns, promenade, and overlook | Approved on 5/29/2008 |
| 08-04-A | P | Phase 2 of Waterfront Park – Renovation of historic lumber shed building, construction of retail pavilions, pedestrian bridge, and proposed visual marker | Approved on 3/2/2009 |
| 09-09 | O | Text Amendment to allow trapeze school use | Approved on 11/09/2009 |

The subject site is within the SEFC/CR District. The CR District is intended 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 proposed development does not require a PUD or rezoning, and conforms to most aspects of the zoning regulations, including FAR and use. In addition to mandatory Zoning Commission review of any new building with frontage on M Street SE, the applicant’s proposal requires relief from specific zoning regulations, described below:

- ❖ Building Height (§ 1803.6)
 - Special exception approval is requested to allow a building height of 110’ whereas a maximum of 90’ is permitted as-of-right.
- ❖ Roof Structures (§ 411)
 - Special exception approval is requested to allow three roof structures, one on each residential tower and the central elevator core. In addition, the central structure does not meet the 1:1 setback requirement
- ❖ 4th Street SE setback (§ 1803.11)
 - Variance relief is requested to allow balconies to extend 5’ into the required 20’ streetwall setback along the 4th Street façade.
- ❖ Driveway Access from M Street (§ 1803.10)
 - Variance relief is requested to permit a driveway location along M Street. The applicant has proposed two alternatives for accessing the loading area and residential parking entrance along the east side of the site. The applicants preferred alternative (described in the application as Option 1) would include a driveway entrance from M Street SE to provide access to the loading and residential parking areas via a private drive located east of the site.

X. M STREET SE REVIEW

Pursuant to §1803.2 (n), “*All buildings and structures that have frontage along M Street, S.E. are only permitted if reviewed and approved by the Zoning Commission, in accordance with the*

standards specified in § 1808". Relevant review standards, applicable to this portion of the SEFC site, include the following:

1808.1(a) *The use, building, or structure will help achieve the objectives of the SEFC Overlay District as set forth in § 1802;*

The objectives of the SEFC Overlay are as follows:

Assure development of the area with a mixture of residential and commercial uses and a suitable height, bulk, and design of buildings, as generally identified in the Comprehensive Plan and in recognition of the objectives of the Anacostia Waterfront Initiative and the Near Southeast Urban Design Framework Plan. (§1802.2)

The proposed development would consist of new residences and retail uses, including a full service grocery store. As such, the proposal would provide for the mix of uses anticipated and planned for the area. The density and lot occupancy are permitted by the zoning, and the requested building height is permissible via special exception, so the building bulk is also considered consistent with the plan objectives and with existing and anticipated surrounding developments. Finally, the buildings have been designed and sited to complement the scale of adjacent buildings while respecting the massing and form of nearby historic structures.

Encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters. (§1802.3)

The proposal would include residential uses at an appropriate density on the site. Although the site is constrained by flood plain issues that restrict development of the south portion of the site, the design provides a suitably pedestrian-oriented streetscape along both Tingey Street and 4th Street SE. The proposal would conform to the intent of the regulations, in that it would provide ground floor retail uses for the majority of the street frontage along 4th and Tingey Street SE.

Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural, and hotel or inn uses. (§1802.4)

This portion of the SEFC site was not anticipated for cultural, entertainment, or hotel uses. Rather, it is envisioned to include a mix of uses including residences, some office, and neighborhood serving retail. The proposal includes a full service grocery store, a retail component critical to the overall success of the SEFC development and the surrounding neighborhood, as well as other neighborhood serving retail space. The proposal also includes the flexibility to include approximately 16,000 square feet of office space in the south tower, should market demand require less retail space on the upper floors.

Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous publicly-accessible open space along the waterfront. (§1802.5)

This criterion is not directly applicable, as the site is not adjacent to the waterfront. However, the proposal provides for adequate access onto the SEFC site and towards the



waterfront. The grocery store, in particular, will draw other neighborhood residents to the site.

Require suitable ground-floor level retail and service uses near the Navy Yard Metrorail station; along M Street S.E.; near the SEFC/W-0 District; and at other key pedestrian locations. (§1802.6)

A primary retail component of the project, the grocery store, is located adjacent to M Street SE. The presence of the historic wall, however, limits the direct access to the grocery store, or any other use, from M Street, except at 4th Street SE. In fact, §1803.3 states that the M Street retail requirement “*shall not apply to buildings directly south of the historic wall along M Street, S.E. between 4th Street, S.E. and the Washington Navy Yard, for so long as the wall remains.*”. Despite this, the remaining retail space proposed for the site would be located along 4th and Tingey Streets, SE and would have a minimum 14’ floor to ceiling height.

Encourage the design and development of properties in a manner that is sensitive to the adjacent Navy Yard and the historically significant buildings within the SEFC. (§1802.7)

The applicant has worked with OP, including the Historic Preservation Office (HPO), to ensure that the project is sensitive to the overall historic, industrial character of the SEFC site. However HPO staff has concerns about the proposed removal of sections of the historic wall to facilitate driveway access from M Street SE, and this issue is still under review. As this remains unresolved, the applicant has proposed a circulation alternative that would not require any changes to the historic wall and presented both options for the Zoning Commission to review. HPO staff is generally positive about the overall design proposed and the applicant’s 35% design review submission has been reviewed and approved by the Commission on Fine Arts (CFA) and the National Capital Planning Commission (NCPC).

Establish zoning incentives and restrictions to provide for the development of a publicly-accessible park along the Anacostia River and encourage uses in that park as permitted in the W-0 District. (§1802.8)

Not applicable to this aspect of the SEFC development.

- (b) *The proposed building or structure shall be designed with a height, bulk, and siting that provides for openness of view and vistas to and from the waterfront and, where feasible, shall maintain views of federal monumental buildings, particularly along the New Jersey Avenue, S.E. corridor;*

The subject site is well removed from New Jersey Avenue, but would provide for views through the site towards the waterfront from the north. The proposal would not impede views to the historic Navy Yard to the south and east, or to the historic sentry tower. Efforts are also being taken to study and repair the sections of the historic wall that would remain and to the extent that additional breaks in the historic wall are approved, the applicant has begun to assess the feasibility of restoring portions that have already been removed.



- (c) *On or above-grade parking adjacent to, or visible from, the street shall be limited. Where parking cannot be placed underground, other uses such as retail or residential shall separate parking areas from the street, or where this is not possible, green landscaping or architectural treatment of facades shall adequately screen parking from the street and adjacent development.*

One level of off-street parking on this site is proposed to be located underground. A second partial level of parking would be provided at the third level, above the proposed grocery store. This area is proposed to be set back approximately 50' from the property line along M Street SE. The parking area would cover a significant portion of the 3rd floor building footprint and would be partially shielded from view via a proposed trellis and a metal screen. At the south end of the building, retail (or, alternatively office) uses would occupy the 3rd floor and shield view of the parking area from Tingey Street and a portion of 4th Street SE. OP has requested additional renderings to fully illustrate potential view impacts of this parking. The proposed loading area is internalized into the building along the east side of the site, which would minimize visual impacts.

1808.2 *In evaluating the application, the Commission also may consider:*

- (a) *Compatibility with buildings in the surrounding area through overall massing, siting, details, and landscaping;*

The proposal would provide an effective transition between the existing 120' and 110' high USDOT buildings to the west, and the existing historic building to the east (70'). The north-south orientation of the residential towers is consistent with that of surrounding historic buildings. To this end, the applicant has provided several drawings illustrating the massing orientation of the proposed buildings and their relationship to adjacent structures. In addition, other M Street buildings are, or anticipated to be, 110 to 130 feet in height. As noted above, the proposed siting, massing, and design have received positive response from the Historic Preservation Office and other review agencies for its contextual fit.

- (b) *Use of high standards of environmental design that promote the achievement of sustainable development goals;*

The applicant has indicated that the master plan for development of the entire SEFC site has been certified at the Gold Level under the LEED for Neighborhood Development standards. In addition, the applicant anticipates the Parcel D site will attain Silver certification under the LEED for New Construction rating system, as described in the provided scorecard. Other project features that would help achieve sustainable development goals for the site include an LID zone in public space along 4th and Tingey Streets SE. This area would include bioretention wells to capture runoff from the adjacent street and sidewalks. The submission also notes other sustainable components, such as a green wall, bicycle and car-sharing spaces, and a stormwater management system designed to exceed the District's requirements.

- (c) *Facade articulation that minimizes or eliminates the visibility of unarticulated blank walls from public spaces;*

The drawings provided indicate a varied and articulated set of building facades. Ground floor retail would be provided along the street facades with multiple building entrances



on 4th and Tingey Streets SE. The mass is broken up into three components, a four-story retail base and two, slender residential towers extending up to 110' in height. The site has two sides that are highly visible and accessible from public space, 4th and Tingey Streets SE. However, all sides of the building have been designed to include quality materials and an appropriate level of façade articulation. The first four floors, which would include the grocery store, other retail uses, and the residential lobby, are proposed to be composed largely of clear glass, prefinished aluminum panels, and metal screens. The M Street and east façades of the building, at the lower levels, are largely shielded from view by the 15' historic brick wall along M Street and the historic 202 building to the east. These areas would accommodate the loading berths, residential parking entrance, grocery store volume, and open residential parking lot, and are proposed to be constructed of ground face CM and prefinished aluminum panels.

OP has some concerns regarding the proposed third floor off-street parking area and has requested the applicant provide additional detail on how the design and materials would minimize the potential visual impacts of this feature.

(d) *Landscaping which complements the building;*

Most of the street level landscaping will be on public space, which will be reviewed by DDOT and OP as part of the public space review, but is generally acceptable. The applicant is also contemplating to locate a green wall system along a portion of the west wall, near the main entrance of the grocery store to enhance the pedestrian entryway from M Street. Landscaping features proposed would also contribute to the overall sustainability of the site, including an LID zone with planters, street trees, and bioretention wells.

(e) *For buildings that include preferred uses in accordance with §§ 1803.3 or 1804.3, the Commission may consider the balance and location of preferred uses;*

Preferred retail uses are not required on this site, but are permitted. The proposal provides a total of 110,000 square feet of retail on site, including a 55,000 square foot grocery store. Another 55,000 square feet of retail is proposed at the corner of 4th and Tingey Streets SE, to complement retail required to be placed on the other corners of this intersection. The applicant has requested some flexibility to substitute office and residential uses on the 3rd and 4th floors, should these spaces prove to be difficult to market for retail use.

XI. BUILDING HEIGHT REVIEW

As noted below, the zoning regulations require Zoning Commission review of any building exceeding 90 feet in height on this portion of the SEFC site:

1803.6 Notwithstanding § 1803.5 (which would otherwise allow a building of 110' on this site by-right), a height of greater than 90 feet and no more than 110 feet shall be permitted for sites fronting on M Street, S.E. east of 4th Street, S.E. if reviewed and approved by the Zoning Commission pursuant to the procedures set forth in § 1809 herein. The Commission shall consider the relationship of the new building to the Navy Yard to the east and may require graduated height and/or design features because of the building's proximity to the Navy Yard.



The 110' building height would provide an effective transition between the existing USDOT building at 120 feet to the west, and the existing historic structure to the east. Other buildings on M Street are, or anticipated to be, 110 to 130 feet in height. The site is not directly adjacent to the Navy Yard; as such, impacts should be minimal. In addition, the building steps down to a height of 48' at its southwest corner, which is comparable to the height of the historic structure located to the west. Finally, the building height requested is only for the residential tower portions of the site, which occupy a maximum of 55% of the lot area, on the upper levels.

XII. RELIEF REQUESTED

§1809.1 permits the Commission to consider any requests for relief as part of its review of the project. The proposed buildings and land uses require special exception and variance approval for building height (§ 1803.6), roof structures (§ 411), setbacks (§ 1803.11), and driveway access (§ 1803.10).

A. Special Exception Review of Building Height Roof Structures within the SEFC/CR District

The proposal includes a mixed-use building that requires special exception approval for building height and the location and number of roof structures. The general criteria for special exceptions and the § 411.11 criteria for roof structures special exceptions are discussed below.

*“3104.1 The Board is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2) (formerly codified at D.C. Code § 5-424(g)(2) (1994 Repl.)), to grant special exceptions, as provided in this title, where, in the judgment of the Board, **the special exceptions will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Map subject in each case to the special conditions specified in this title, as follows:...**”*

The requested special exceptions for building height and the location and number of roof structures are not inconsistent with the purpose and intent of the zoning regulations. The proposal would include a mix of retail and residential uses, consistent with the uses, bulk, and density planned for the site. The building design includes two, slender, rectangular residential towers with a central connecting element over a four-story retail base. The proposed building height and features should not adversely affect the use of neighboring properties, which include the USDOT building to the west, the Washington Navy Yard to the southeast, Parcels L, M, and N within the SEFC site to the south (future high-density residential sites), and the historic 202 building to the east. The building heights, including the height of the roof structures, are compatible with that of other buildings along M Street SE and were anticipated in this part of the SEFC site. The retail uses would serve as an amenity for neighboring uses and residents. Finally, the building has been designed and sited to limit its impact on views of the water from any direction.

§ 411.11 Roof Structures Special Exception Review Criteria

“Where impracticable because of operating difficulties, size of building lot, or other conditions relating to the building or surrounding area that would tend to make full compliance unduly restrictive, prohibitively costly, or unreasonable, the Board of Zoning



Adjustment shall be empowered to approve, as a special exception under § 3104, the location, design, number, and all other aspects of such structure regulated under §§ 411.3 through 411.6, even if such structures do not meet the normal setback requirements of §§ 400.7, 530.4, 630.4, 770.6, 840.3, or 930.3, when applicable, and to approve the material of enclosing construction used if not in accordance with §§ 411.3 and 411.5; provided, that the intent and purpose of this chapter and this title shall not be materially impaired by the structure, and the light and air of adjacent buildings shall not be affected adversely”.

The building design proposed includes a four-story retail base with two, north-south, residential towers above. The towers are connected by an east-west element containing a central elevator core. The applicant proposes to locate separate roof structures on each of the two residential towers as well as on the central element. The proposed building design would make a single roof structure enclosure impractical, unnecessary large, and more visible, as the two residential towers are over 50’ apart.

The roof structures for the residential towers would meet the setback and height requirements. However, the third structure would not meet the 1:1 setback requirement. This structure would accommodate the override for the central elevator core. As such, it would share a similar footprint as the elevators, preventing it from meeting the setback requirement. In order to meet the required 1:1 ratio, the size of the entire central feature would have to increase, which would reduce the space between the towers, impacting the available light and air to each. The proposed design would locate this structure near the center of the site, well back from any street or sidewalk, limiting its visibility from the adjacent streets and neighboring properties.

OP has no objection to the requested special exception for the number and location of roof structures. Overall, the applicant’s design locates mechanical and service core elements in areas that are the least visually intrusive. As such, the roof structures should not adversely impact enjoyment or use of or impair the light and air for adjacent buildings.

B. Variance Relief for Residential Balconies and Driveway Access

1. Setback Relief for Residential Balconies (§ 1803.10) - The proposed residential units would have exterior balconies, from 4-5’ in width, in three bays along the 4th Street SE façade. These would be located within a required setback area, necessitating the requested relief.
2. Relief to Allow Loading Access from M Street (§ 1803.11) - The applicant has proposed two alternatives for providing loading access to the site, one of which would require a driveway from M Street SE. As the Overlay does not permit new curb cuts from M Street SE, variance relief is required. However, the applicant is also proposing an Option 2 for loading, with access via 4th, Tingey, and 5 ½ Streets SE and no new curb cut from M Street, so this option would not require zoning relief.



Variance Criteria

The requested variance relief must satisfy the following criteria for area variances:

1. *Is the property unique due to:*
 - a. *Exceptional narrowness, shallowness, or shape at the time of original zoning regulation adoption,*
 - b. *Exceptional topographical conditions or*
 - c. *Other extraordinary or exceptional situation?*

The subject property is affected by exceptional conditions. The land was historically under federal control and released for private development in 2000 by an act of Congress. At that time, a master plan was created for the build-out of site, which included a mix of uses (retail, cultural, institutional) within a park setting. The property is located within the Washington Navy Yard Historic District and as a result is subject to a Programmatic Agreement which establishes historic preservation design guidelines that control development of the site, including building massing, shape, and orientation. The property is also improved with historic features, including a 15' tall historic wall along its M Street frontage which and the sentry tower, located at the corner of 4th and M Streets, SE.

Development on the property is governed by the SEFC Overlay, which includes a detailed set of design and review criteria, including Zoning Commission review. To that end, this is the only property within the SEFC overlay that is subject to both the M Street and 4th Street SE streetwall setback requirements.

Finally, the property also has some exceptional physical characteristics. The property borders the north boundary of the 100-year flood plain and is partially located above a WMATA tunnel, both of which limit its potential build out at the south edge of the site. In addition, the property is located immediately adjacent to a historic structure, separated by 32-foot wide private alley. Finally, while the property borders three public streets, the presence of the historic wall along M Street limits pedestrian access along this façade and restricts vehicular access to the site. All of the above factors create an exceptional situation for the development of the site.

2. *Does the uniqueness, in combination with the zoning regulations, result in peculiar and exceptional practical difficulties to the owner?*

Setback Relief - The combined setback requirements for M and 4th Street SE result in a reduction of developable area by over 9,000 square feet. In addition, the shape of the property, combined with historic preservation guidelines, encourages a north-south orientation and simple, rectilinear forms. As a result, the proposed design incorporates two slender residential towers which extend to the east and west property lines in an attempt to break up the mass and provide adequate light in between the structures for the residential units. The majority of the building mass, as proposed, would comply with the streetwall setback requirement along 4th Street SE, with the exception of three bays of 5' deep balconies. In addition, this design feature would provide an important amenity for tenants as well as add articulation to this façade.

Relief for Loading Driveway Access from M Street - The existing floodplain and Metro improvements would preclude locating vehicular entrances along the south property line from



Tingey Street SE and would make a below grade loading area economically infeasible. OP has also expressed strong opposition to providing loading from 4th Street which is envisioned as a major entry way to the SEFC site. Rather, the proposed design would locate loading facilities and the residential parking entrance along the east side of the site, in a location that is less visually intrusive and farthest away from the planned pedestrian entrances to the retail and residential uses on site – a location and design OP fully supports. As such, the only zoning compliant alternative would require trucks to use 4th, Tingey, and 5½ Streets SE to circle around the historic 202 building to the east of the property to reach the loading area. While feasible, the applicant states that this is less practical and may impact the integrity of the adjacent historic building.

3. *Does granting the variance result in a substantial detriment to the public good or will it substantially impair the intent, purpose, and integrity of the zone plan?*

Setback Relief – The proposed building design would maintain the required streetwall setback for the majority of the building and the balcony projections, if permitted, would provide “*flexibility in architectural design*” (§ 600.3 (d)), in keeping with the intent of the CR zone. The proposed balcony projections would not begin until the 4th floor of the building, should not impair the pedestrian experience along 4th Street SE, and would create a more articulated and interesting building façade, so would not result in a substantial detriment to either the public good or the zone plan.

Relief for Loading Driveway Access from M Street - OP would normally object to additional breaks in the historic wall and the provision of loading vehicle access from M Street, and find them counter to the intent of the SEFC overlay. However, the proposal is still under consideration and review by HPO staff and the other consulting parties to the historic preservation review process. In addition, DDOT has expressed preliminary support for the preferred option for loading access to the site. Further, the proposed driveway from M Street SE would support an objective of the CR zone to “*encourage areas devoted primarily to pedestrians by separating pedestrian and vehicular circulation patterns*” (§ 600.3 (c)). Overall, the proposal would “*encourage high-density residential development with a pedestrian-oriented streetscape through flexible zoning parameters*” (§ 1802.3), another stated objective of the SEFC overlay zone. The proposed loading entrance from M Street would allow a more direct vehicular access to the loading area, avoiding a circuitous route along the main pedestrian access points to the site from 4th and Tingey Streets SE.

As such, the location of the loading area itself minimizes potential impacts on traffic, pedestrian movement, and adjacent development and is supported by OP. However, either option for loading access (the more direct route from M Street which requires relief or from the more circuitous route which does not) would have some but different impacts on both the public good and the intent of the zone plan. As this review of potential impacts of both options is still underway by the Historic Preservation Office and the DDOT, and since either solution would facilitate a preferred loading location and design, OP supports granting the relief requested so that either option could be fully pursued.

XII. AGENCY REFERRALS

OP has not received comments from other District agencies.



XIII. FEDERAL REVIEW

The Commission on Fine Arts (CFA) favorably reviewed the proposal at their September 16, 2010 meeting. The National Capital Planning Commission (NCPC) has submitted comments regarding their general support for the proposed project which were approved by consent on November 4, 2010.

XIV. COMMUNITY COMMENTS

The Office of Planning has received no comments on the project from the community. ANC 6D met on October 18, 2010 regarding this project and voted unanimously to express their support for the request and related zoning relief.

XV. RECOMMENDATION

The Office of Planning finds that the proposal for Parcel D of The Yards development is generally consistent with the Comprehensive Plan and the Near Southeast target area objectives within the Anacostia Waterfront Initiative Framework Plan. The proposal is also generally consistent with the CR Mixed Use District and the SEFC Overlay regulations and guidelines. The development would encourage viability of the area neighborhood by adding retail and residential uses, including a grocery store that would serve existing and future residents of the area. The proposed retail buildings would activate Tingey Street SE, a street planned designed for retail frontage uses. Overall, this phase of the project would further the development of the Anacostia River as a community and regional destination. As such, the Office of Planning recommends **approval** of the proposed development of Parcel D, including the requested zoning relief, subject to clarification of the proposed third floor open parking lot and its visibility from the M Street façade.

JS/ayj

Attachments:

- Exhibit 1 - Project Profile
- Exhibit 2 - Context Map
- Exhibit 3 - Aerial Photograph (2008)

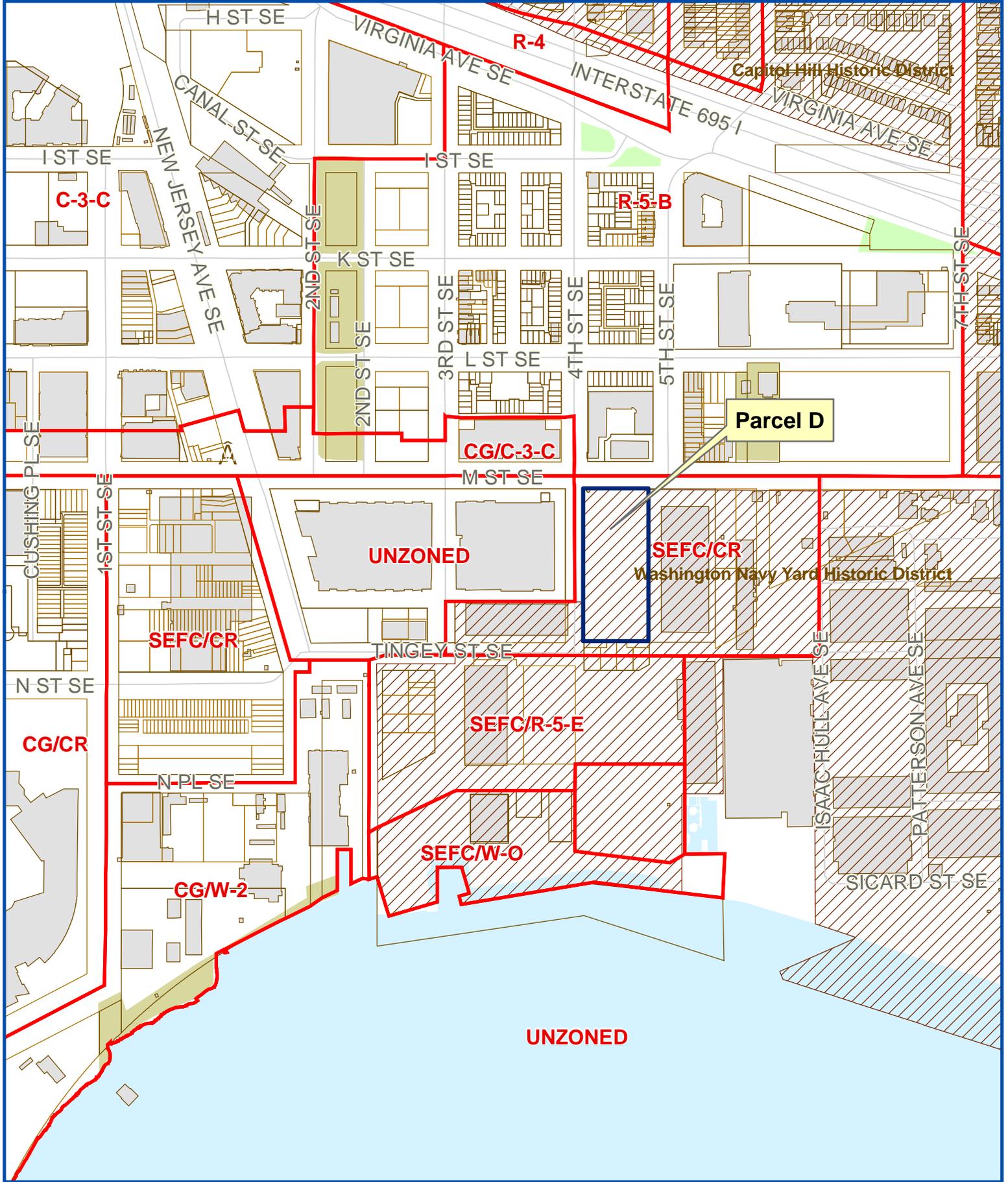


Zoning Commission Case No. 10-24, SEFC Parcel D - Project Profile

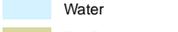
| Standard | SEFC/CR | Proposed ¹ | Relief Needed |
|----------------------------------|---|--|---------------------------------------|
| Site Area: | | approx. 101,376 sq.ft. | |
| FAR: | | | |
| Residential max. | 6.0 | 2.75 | Conforming |
| Non-residential max. | 3.0 | 1.09 | Conforming |
| Total max. | 6.0 | 3.84 | Conforming |
| Square Footage: | | | |
| Residential max. | 608,256 sq.ft. | 288,000 sq.ft. | Conforming |
| Non-residential max. | 304,128 sq.ft. | 110,000 sq.ft. | Conforming |
| Total max. | 608,256 sq.ft. | 390,000 sq.ft. | Conforming |
| Lot Occupancy: | 100% max. at ground floor 75% for upper floors | 87% - ground floor 55% @ 3 rd floor; 40% on 4 th floor and above | Conforming Conforming |
| Setbacks: | | | |
| Rear Yard: | Not required | n/a | Conforming |
| Side Yard: | Not required | None | Conforming |
| M Street SE | 15' required | Provided | Conforming |
| 4 th Street SE | 20' required | 4-5' wide balconies | Relief required |
| Height: | 90' max. ; 110' via spec. exception | 110' | Requires ZC approval |
| Stories: | Not regulated | 9 stories | conforming |
| Preferred Uses: | | | |
| Amount of preferred use: | Not required | n/a | Conforming |
| display window: | Min. 50% of street wall | Provided | Conforming |
| access: | Direct exterior access to street | Provided | Conforming |
| Clear height: | Not required for this lot; 14' min. elsewhere | Grocery Store: 20' Tingey Street Retail – 14' | Conforming |
| Roof Structure | | | |
| Max. Height: | 18.5' max. | 18.5' max. | Conforming |
| Wall Height: | Must be equal | 18.5' max. | Conforming |
| Number: | 1 | 3 / one for each residential tower + central core | Relief required |
| Setback: | = roof structure height | 18.5' min. for the residential towers 0' on three sides for the central elevator core | Conforming Relief requested |
| Parking: | | | |
| Residential: | 1 / 3 units = 75 min. | 180 | Conforming |
| Retail: | 1 / 750 sq.ft. min. ² = 143 min. | 167 | Conforming |
| TOTAL: | 218 total required | 347 maximum | Conforming |
| Small Car Spaces | 40% of total, max. | unknown | unknown |
| Bicycle Parking Spaces: | 5% of required office and retail spaces = 7 min. | 60 spaces; 18 on street, remainder in pkg. areas | Conforming |
| 55' Loading Berths: | 3 | 3 | Conforming |
| 30' Loading Berths: | 2 | 2 | Conforming |
| 200 sq.ft. Loading Platforms: | 3 | 3 | Conforming |

¹ Information supplied by applicant.

² Gross area in excess of 3,000 sq.ft.



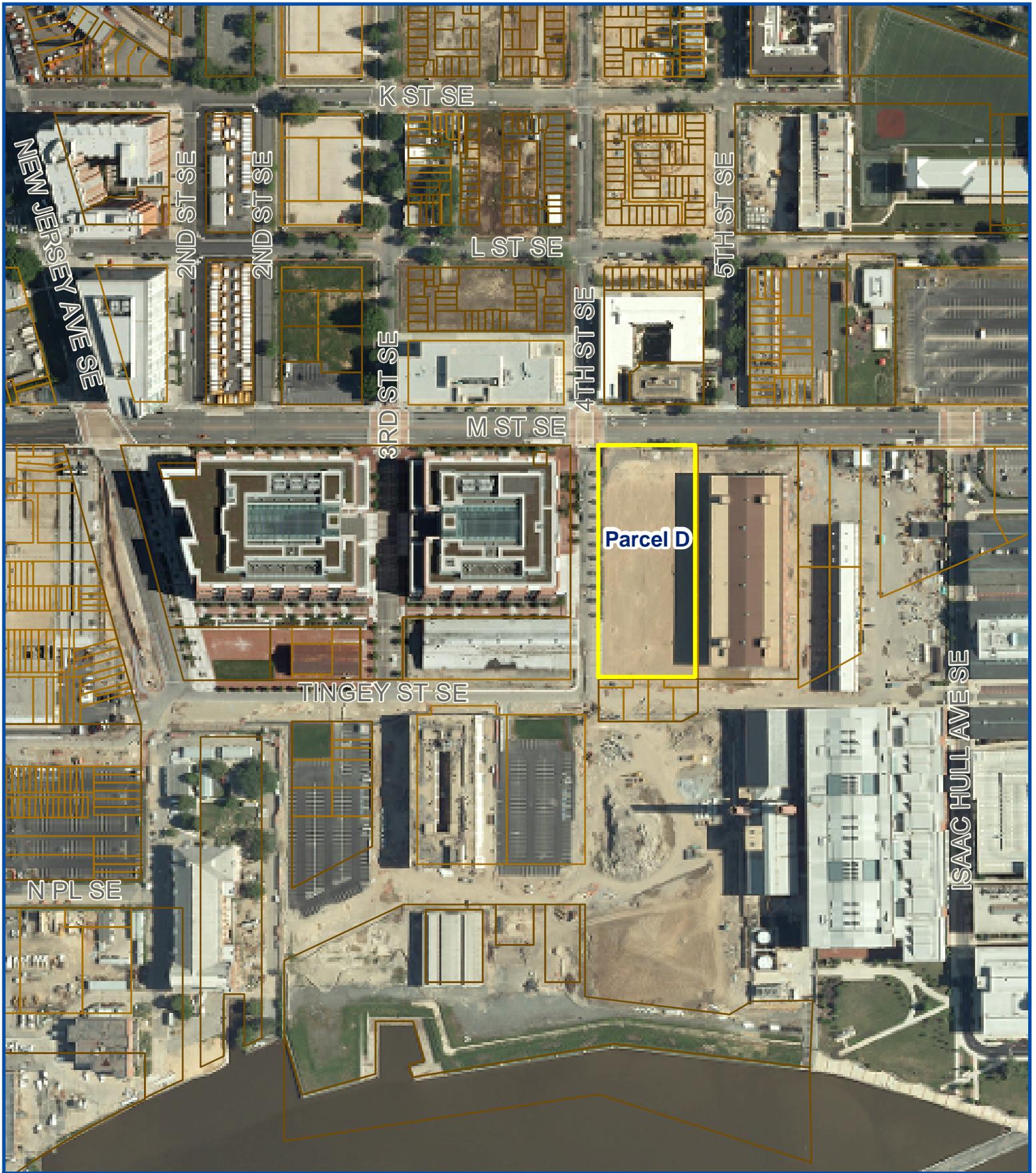
Legend

-  Metro Station Entrances
-  Street Centerlines
-  Zoning Districts
-  Designated Historic Districts
-  Tax Lots
-  Buildings
-  Record Lots
-  National Parks
-  Water
-  DC Parks

**ZC 10-24 - SEFC Parcel D
Exhibit 2 - Context Map**

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.





ZC 10-24 - SEFC Parcel D Exhibit 3 - Aerial Photograph (2008)