

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director
DATE: January 21, 2008
SUBJECT: **Zoning Commission** # 07-32 – New Office building at 1111 New Jersey SE- Capitol Gateway Overlay District-M Street Design Review (Square 743-N , Lots 48, 52, 53, 74, and 78)

RELIEF REQUESTED- Capitol Gateway Review pursuant to the Capitol Gateway Overlay to construct an 11-story office building with ground floor retail along M Street S.E. in a C-3-C District. The applicant is also requesting special exception relief to waive the rear yard requirements of § 774.

I. SUMMARY OF RECOMMENDATION

The Office of Planning recommends approval of Zoning Commission case # 07-32, a review of a proposal to construct a new office building at 1111 New Jersey Avenue S.E. pursuant to the Capitol Gateway Overlay District.

II. AREA AND PROPERTY DESCRIPTION

The site is zoned C-3-C and is comprised of lots 48, 52, 53, 74 and 78 combined within Square 743-N. Square 743-N is bounded by 1st Street on the west, L Street on the north, New Jersey Avenue on the east, and M Street on the south. The south portion of the site along M Street is in the Capitol Gateway Overlay. The site is also located within the Capitol South Transfer Development Rights (TDR) receiving zone. The east entrance to the Navy Yard Metro Station is located at the intersection of New Jersey Avenue and M Street S.E. on the southeast corner of the site.



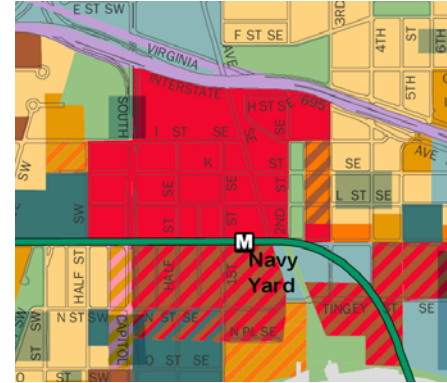
The site is in an area undergoing considerable redevelopment that is planned, under construction, or anticipated in the near future, including the Ballpark development to the south and the Arthur Capper development to the east. Within Square 743-N, a new 12-story office building and a 14-story residential building are currently under construction to the west of the subject site. To the north of the site is an existing 2-story church. The subject site is currently used as a parking lot.

III. PROJECT DESCRIPTION

The Applicant is proposing to construct a new 11-story commercial office building containing approximately 215,776 square feet of gross floor area with ground -floor retail uses. The proposed 130-foot high building would be constructed at the intersection of New Jersey Ave and M Street, which is also the location of the east entrance of the Navy Yard Metrorail Station. An underground garage with 178-parking spaces is proposed. The original plans proposed the 25-foot wide garage entrance from New Jersey Avenue. After DDOT and OP raised public space, traffic impact and pedestrian safety concerns, the Applicant submitted a modified proposal with the garage entrance from the 14-foot wide rear alley. The required loading berths and platforms would also be accessed from the alley.

IV. FUTURE LAND USE MAP AND COMPREHENSIVE PLAN

The Comprehensive Plan Future Land Use Map designates the site as High Density Commercial, which is characterized by office and mixed office/retail buildings greater than eight stories in height. The 11-story commercial office + ground floor retail building would not be inconsistent with this designation. The proposal would also further the objectives of the Central Employment Area (CEA) by contributing to the city's private office development.



The site is also located in an area that the 2006 Comprehensive Plan identifies as the Lower Anacostia Waterfront Near Southwest Area Element (AW). This proposal would further relevant General Policies found in the AW.1 section and Near Southeast and policies found in the AW 2.3 section of the Comprehensive Plan:

AW-1.1.3: Waterfront Area Commercial Development

... Commercial development should be focused along key corridors particularly along Maine Avenue and M Street ...and near the Waterfront/SEU and Navy Yard Metrorail stations...

AW-2.3.4: M Street Southeast

Transform M Street into an attractive pedestrian-oriented thoroughfare lined with retail shops and services with upper story office, hotels, and residential uses.

In addition, the proposal would further Comprehensive Plan Land Use Element policy LU-1.3.2 which promotes the concentration of redevelopment efforts on those Metrorail station areas that offer opportunities for infill development and growth.

V. ZONING

The site is within the C-3-C District which permits medium-high density development including office, retail, housing and mixed use developments. The proposed office and retail uses would be permitted within this zone. The square is also located within the South Capitol TDR Receiving Zone. Within this area, as per §1709 of the Zoning Regulations, owners are able to purchase development rights. This allows, on this site, a by-right height of up to 130 feet and density of up to 10 FAR. The southern portion of the site is within the Capitol Gateway (CG) Overlay District which establishes objectives for new development, requires a mandatory Zoning Commission Review (such as along M Street SE), and guidelines for that review. The following is OP's analysis of the relevant standards as applied to the application:

§ 1600.2

The purposes of the CG Overlay District are to (some of which do not directly apply to the proposal):

(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 Future Land Use Map designates the site as a high-density commercial use area. The proposed building would include mixture of office and retail ground floor uses, which is permitted in the C-3-C and consistent with the Map designation. Further, the proposed 130 height and density would be suitable for the area which is within the Capitol South TDR Receiving Zone.

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

The project is proposed with over 5,000 square feet of the ground floor space devoted to retail uses.

(e) Require suitable ground-level retail and service uses and adequate sidewalk width along M Street, S.E., near the Navy Yard Metrorail station.

As noted above, the project would include ground floor retail. The Applicant states the sidewalk along M Street would be more than 30 feet wide, which satisfies the minimum 15-foot width requirement of § 1604.3

CG Overlay Review- Relevant Sections of §§1604 and 1610

Per § 1604 of the GC Overlay, review of new buildings fronting M Street SE is required

§ 1604.2 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.

No new driveways are proposed from M Street. All loading facilities would be located on the building's rear west side and accessed from the alley. The original plans included a garage entrance from New Jersey Avenue. The Applicant has modified the plans to show the garage entrance accessed from the rear alley, but has also indicated a willingness to revert back to the scheme with access from New Jersey if DDOT directs them to do so. OP feels that this change would have no negative impact on the this Zoning Commission M Street review.

§1604.3 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen (15) feet measured from the face of the adjacent curb along M Street, S.E.

The setback from the curb and the building's frontage along M Street would be more than 30 feet.

§1604.4 Each new building shall devote not less than thirty-five percent (35%) 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). Such preferred uses shall occupy 100% of the building's street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control.

The most recent plans show a total of 5,726 square feet of ground floor retail, or 35% of the ground floor, which would fulfill the requirement. These retail uses would wrap around the corner to the New Jersey Avenue frontage which is where the main office lobby would be accessed from. By moving the parking entrance from New Jersey to the alley, as designed, some retail frontage is gained on New Jersey Avenue while some retail frontage on M Street is lost to the garage entrance ramp.

§ 1604.5 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1604.4 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 is not requesting temporary occupancy of preferred use space.

§ 1604.6 Not less than fifty percent (50%) of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses of the building.

The Applicant indicates, and the plans verify, that at least 50% of the surface area will be covered by display window with clear or low-emissivity glass.

§ 1604.7 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.

The plans show a 16' 2" floor-to-ceiling height for the ground floor level.

Sections 1610.2 and 1610.3 state that all proposed uses, buildings, and structures on a lot that abuts M Street S.E must meet the standards set forth § 3104 and must prove the building including the siting, architectural design, site plan, landscaping, sidewalk treatment and operation , will:

§ 3104

As detailed in this report, the proposal would meet the requirement of § 3104 as it would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps by providing a mixture of retail and commercial office uses in a building that is generally consistent with the design requirements of the CG Overlay. As such the proposal would not tend to affect adversely, the use of neighboring properties.

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

As noted in this report, the proposed development would adequately address the objectives of the CG Overlay specifically by assuring a mixture of uses, especially commercial office and retail uses.

(b) Help achieve the desired mix 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 does not include any residential uses but does contain a mixture of retail and commercial office uses. The most recent ground floor level plans show that over 5,000 square feet would be devoted to retail space. The application indicates that space would be devoted to preferred uses. These specific preferred uses should be further detailed at the hearing.

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

The proposed building and the architectural design would generally be in harmony with the surrounding neighborhood. After raising concerns about original site plan, particularly regarding the public space and garage entrance aspects, the Applicant met with the Office of Planning and DDOT. The Applicant has since proposed to relocate the garage entrance to the rear alley and has agreed to initiate a transportation demand plan to present at the hearing, for DDOT's consideration. These changes however should not significantly affect the proposed M Street frontage which is considered under the CG Overlay design review.

(d) Minimize conflict between vehicles and pedestrians;

The proposed design should minimize conflict between vehicles and pedestrians as all loading and parking would be accessed from the existing alley.

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

The overall feel of the ground floor design is of activity and movement which would provide lively experience for pedestrians entering and exiting the Navy Yard Metro Station.

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

The building would be built virtually on top of the Navy Yard Metro station which should reduce traffic congestion and hence, motor vehicular emissions. The Applicant indicates that the project will meet the requirements for LEED certification with special attention paid to maximizing energy efficiency within the building and sustainable design features including mechanical and electrical systems, site design and roof design. OP has recommended to the applicant that a written evaluation of the project against the LEED checklist should be provide prior to the public hearing. The Applicant is continuing to work with DDOT on issues related to parking (access and number of spaces).

Rear Yard Waiver (§ 774)

Section 774.1 states that 2 ½ inches per foot of vertical distance from the mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall are required, but not less than 12 feet. The 130-foot high building is therefore required to provide a minimum rear yard set back of 21.7 feet.

The Applicant proposes to construct the building along the alley, up to its western lot line, and is seeking special exception relief to waive the rear yard requirements under § 774.9 (a) pursuant to § 774.2. OP notes that Board of Zoning Adjustments previously granted the Applicant rear yard relief for a proposed building nearly identical to the subject building at this location (see BZA Case # 17604).

Section 774.9 (a) states the following:

Where a lot abuts an alley, the depth of rear yard may be measured from the center line of the alley, to the rear wall of the building or other structure. A rear yard on the lot need not be provided below a horizontal plane twenty feet (20 ft.) above the mean finished grade measured at the middle of the rear wall of that portion of the a building or other structure below the twenty foot (20 ft.) plane.

Special Exception Relief

Section 774 states that the Board of Zoning Adjustment may waive the rear yard requirements in accordance with the requirements of § 3104 for special exceptions; provided, that the standards in §§ 774.3 through 774.6 shall be met, which are as follows:

§ 774.3

Apartments and office windows shall be separated from other buildings that contain facing windows a distance sufficient to provide light and air and to protect the privacy of building occupants.

The surrounding area is undergoing a significant amount of development and redevelopment. A 12-story office building (100 M Street) is under construction on the lot directly west of the alley and a 14- story residential building (1100 First Street) is under construction north west of the site. The Applicant states that the minimum distance between the subject building and the office building across the alley would range between 14 and 35 feet which should provide ample window separation for light and air. The Applicant further states the 1100 First Street residential project includes a large courtyard adjacent to the alley, which would allow nearly 100 feet of separation space for the facing windows.

§ 774.4

In determining distances between windows in buildings facing each other, the angle of sight lines and the distance of penetration of sight lines into habitable rooms shall be sufficient to provide adequate light and privacy to the rooms.

A small, wedged shaped lot is located west of the alley, which with the alley, provides additional distance between the 100 M Street site and the subject site. As mentioned above, the plans for the 1100 First Street residential building, located across the alley to the north-west, include a large courtyard that would provide nearly 100 feet of setback space. The courtyard should aid in providing adequate distance to maintain light, air, and privacy for both buildings. The north adjacent lot is currently development with a 2-story church. The Applicant proposes windows on the north facing facade with the understanding that these windows are “at risks” pending the likely redevelopment of the north abutting lot. OP supports their provision to improve the north facades of the building.

§774.5

The building plan shall include provisions for adequate off-street service functions, including parking and loading areas and access points.

Section 2101 of the Zoning Regulations calls for office buildings in a C-3-C zone to provide 1 parking space for every 1,800 square feet provided in excess over 2000 square feet, and 1 parking space for every 750 square feet of retail in excess of 3000 square feet. Section 2104. 1, however, states that the number of parking spaces required for a nonresidential building located within a radius of 800 feet of a Metrorail Station entrance may be reduced by up to 25%. As such, the proposed building is only required to provide 94 off-street parking spaces and is providing this number of conforming spaces. The Applicant also proposes to provide 83 parking spaces located in vaults beneath public space, which would therefore not count toward the off-street requirement. DDOT approval of the parking in the vault space will be required. Three 30-foot loading berths as well as a service and delivery area and loading platforms would be provided from the alley.

§774.6 Upon receiving an application for an approval under § 774.2, the Board shall submit the application to the D.C. Office or Planning for coordination review, report, and impact assessment, along with reviews in writing of all relevant District of Columbia departments and agencies including the Departments of Transportation and Housing and Community Development and, if a historic district or historic landmark is involved, the State Historic Preservation Officer.

The project is proposed entirely for office use and is not located within a historic district; therefore it is not subject to the Housing and Community Development or Historic Preservation review. OP with the Applicant has met with DDOT concerning transportation related aspects. The Office of Planning believes the aspects covered under the CG design review would not be affected by DDOT concerns.

VI. AGENCY AND COMMUNITY COMMENTS

As stated above, the Applicant is working with DDOT regarding the transportation and public space related aspects of the proposal. The Applicant provided a letter from the owners of the adjacent 100 M Street project stating it has no objection to the proposal. As of the date of drafting this report, OP has not received comments from any the ANC.

VII. CONCLUSION

The proposal meets the goals and objectives for the CG Overlay and the Applicant has adequately met the burden of proof for rear yard relief, pursuant to § 774. The Office of Planning therefore recommends **approval** of this application.

JS/sr