

## MEMORANDUM

**TO:** District of Columbia Zoning Commission  
**FROM:** Jennifer Steingasser, <sup>JLS</sup> Deputy Director Development Review & Historic Preservation  
**DATE:** October 6, 2014  
**SUBJECT: ZC 14-05: Supplemental 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**

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### **I. BACKGROUND**

At the public hearing of October 16, 2014, the Zoning Commission discussed and heard testimony concerning the proposed text amendment that would permit additional height and density in the Southeast Federal Center (SEFC) Overlay District. It was requested that the Office of Planning (OP) address the Post-Hearing submission provided by the applicant.

### **II. 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 Accommodate the design 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.

**(d) Devotes a minimum of 5% of the additional density gained pursuant to Section 1803.7(b) to three-bedroom units, provided that such three-bedroom**

**units may be located anywhere within the residential building. The reduction or elimination of this requirement shall be permitted if reviewed and approved by the Commission in accordance with the standards provided in § 1808 and the procedures specified 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 and during the public hearing, the applicant is amenable to the amendments included by OP.

At its October 16, 2014 public hearing, the Zoning Commission expressed concern that there would not be a contribution to the “greater good” under the proposed text amendment. In exchange for the approximately 264,200 square feet of residential use that would be gained through the proposed text amendment, the Commission noted its desire for the applicant to work with the ANC to commit to providing larger residential units, consisting of three or more bedrooms, and to provide stronger language related to the provision of an additional entrance for the Navy Yard Metro Station, should WMATA determine it is needed. Since the public hearing, OP has worked with the applicant to revise the text in accordance with the recommendations of the Zoning Commission.

## **III. ANALYSIS**

The applicant has modified the proposed text amendment in response to comments received from the Zoning Commission at the public hearing of October 16, 2014. At the hearing, the Zoning Commission requested that the applicant address concerns noted during the hearing by the Commission and ANC 6D.

### **Navy Yard Metrorail Entrance**

The proposed text amendment would require the developer, Forest City, to “facilitate the provision of a public entrance to the Navy Yard Metrorail Station,” should it be deemed necessary by WMATA’s feasibility study. At the public hearing, the Zoning Commission noted concern that the applicant would be receiving bonus density from the District without contributing to the greater good of the neighborhood; therefore, there was general consensus that the language concerning the public entrance needed to be stronger. The possibility of providing the land to WMATA at no cost was also briefly mentioned, but not discussed at length.

The applicant has responded to the Commission’s concerns by revising the text to require the developer to “accommodate the design of a public entrance to the Navy Yard Metrorail Station.” This is language that was accepted with an approved Planned Unit Development for George

Washington University for the construction of a new campus building (reference Zoning Case 06-11B/06-12B). As part of the PUD's benefits and amenities package, the University agreed to accommodate the design of the entrance, as provided in the order for that case. There was no discussion at the public hearing concerning whether the space for the entrance should be provided at no cost to WMATA, nor does the order require it.

### **Three-Bedroom or Larger Units**

At the public hearing of October 16, 2014, ANC 6D provided testimony indicating that it is generally supportive of the proposed text amendment, but believes that there is a greater need for larger units in SEFC and strongly encouraged the Zoning Commission to require units having more than two bedrooms as a condition of the amendment. After discussing the issue, the Commission requested a response to this request, either as an amendment to the proposed text, or a market study confirming that there is not a need for larger units.

The applicant provided an analysis suggesting that the Yards is not likely to attract families requiring larger units because it is located in a high-density, entertainment-focused corridor, and cited the construction of 323 townhouses in the Capitol Quarter development located north of M Street, which are larger dwellings appropriate for families. In addition, the applicant cites the American Community Survey, which shows that housing opportunities for families have increased in the District in the past decade, with the percentage of housing units with three or more bedrooms remaining consistent at roughly 33%.

The State Data Center has conducted a population forecast for DC, which identifies anticipated growth in the District by age and gender. In the neighborhoods of Near Southeast and Navy Yard, which includes SEFC, the population of children aged under one year to 18 years is anticipated to grow approximately 83%, from 141 children in 2010 to 710 children in 2022. This forecast suggests, contrary to information provided by the applicant, that the SEFC neighborhood is appealing to families and there will be a need for larger units to accommodate them. Because of this, OP supports the amendment offered by the applicant in § 1803.8(d), that would devote a minimum of 5% of the density gained from the text amendment to three bedroom units. This has the potential to result in approximately 13,210 square feet of larger units. Should the applicant determine that three bedroom units are not marketable, the Zoning Commission would have the ability to permit a reduction or elimination of larger units.

OP has made a minor revision to this text to clarify that 5% of the additional density gained will be devoted to three-bedroom units. That detail was omitted from the first clause of the sentence in that regulation.

JS/be

Case Manager: Brandice Elliott