

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director

DATE: November 23, 2012

SUBJECT: Public Hearing Report for ZC #12-19
1st and N Streets, SE
Zoning Commission Design Review Pursuant to the Capitol Gateway Overlay

I. SUMMARY RECOMMENDATION

The application generally addresses the criteria of the Capitol Gateway Overlay and the Office of Planning (OP) supports the project, subject to:

- Improved façade articulation for the north and west walls, which face other pending and future development sites but which may be highly visible for some time.

II. APPLICATION-IN-BRIEF

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

Ward 6, ANC 6D

Applicant: Capital Riverfront Hotel LLC

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

Site Description: The site is 8,964 sf., in the shape of an “L” with frontage on 1st Street and N Street SE, and limited alley access to the rear.

Proposed Development: The applicant proposes a thirteen story, 167 room hotel.

Relief: Pursuant to 11 DCMR §1610.7, the following relief is required in order to develop as proposed:

1. Special Exception from rooftop structure setback requirements (multiple structures and not meeting all setback requirements) (§ 411.11);
2. Variance from rear yard requirement (§ 636);

3. Variance for offsite parking (§ 2101.1).

III. SITE AND AREA DESCRIPTION

The subject property is located on the west side of First Street, SE between M and N Streets, comprising part of the southeastern corner 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 on page 3.

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, near 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. Directly to the north of the site, fronting 1st Street SE, is another mixed use development proposal reviewed by the Zoning Commission at an October 1st, 2012 public hearing (ZC Case #12-05). That project also includes an office building on M Street, a hotel, and a residential building directly adjacent to the subject site. Office buildings are located across M Street in the immediate vicinity of 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. The parcel fronts on N Street and First Street and has alley access on Cushing Place.

IV. PROJECT DESCRIPTION

The application proposes one building on First Street, SE between M and N Streets. Retail uses associated with the hotel but available to the public would occupy all of the ground floor on N and 1st Streets except for the hotel lobby and the fire control room. The building would be comprised of two masses set askew from one another and joined by a glass connection. The primary entrance to the hotel and lobby would be on 1st Street. The retail fronting on 1st Street would include sliding glass doors and outdoor seating. The retail fronting on N Street would include a bar/restaurant. A rooftop bar which would be accessible to the public is also included in the proposal. The height of the building would be 130 feet and the FAR would be 9.5, as permitted pursuant to §§1602.1(a) & 1602.1(e). The original design included a 16 feet tall glass rooftop embellishment which was subsequently reduced to 3.5 feet by the applicant (the 13th floor has also been revised to have an all-glass exterior). The building is designed to be in accordance with LEED-Silver certification and would include a green roof.

Design

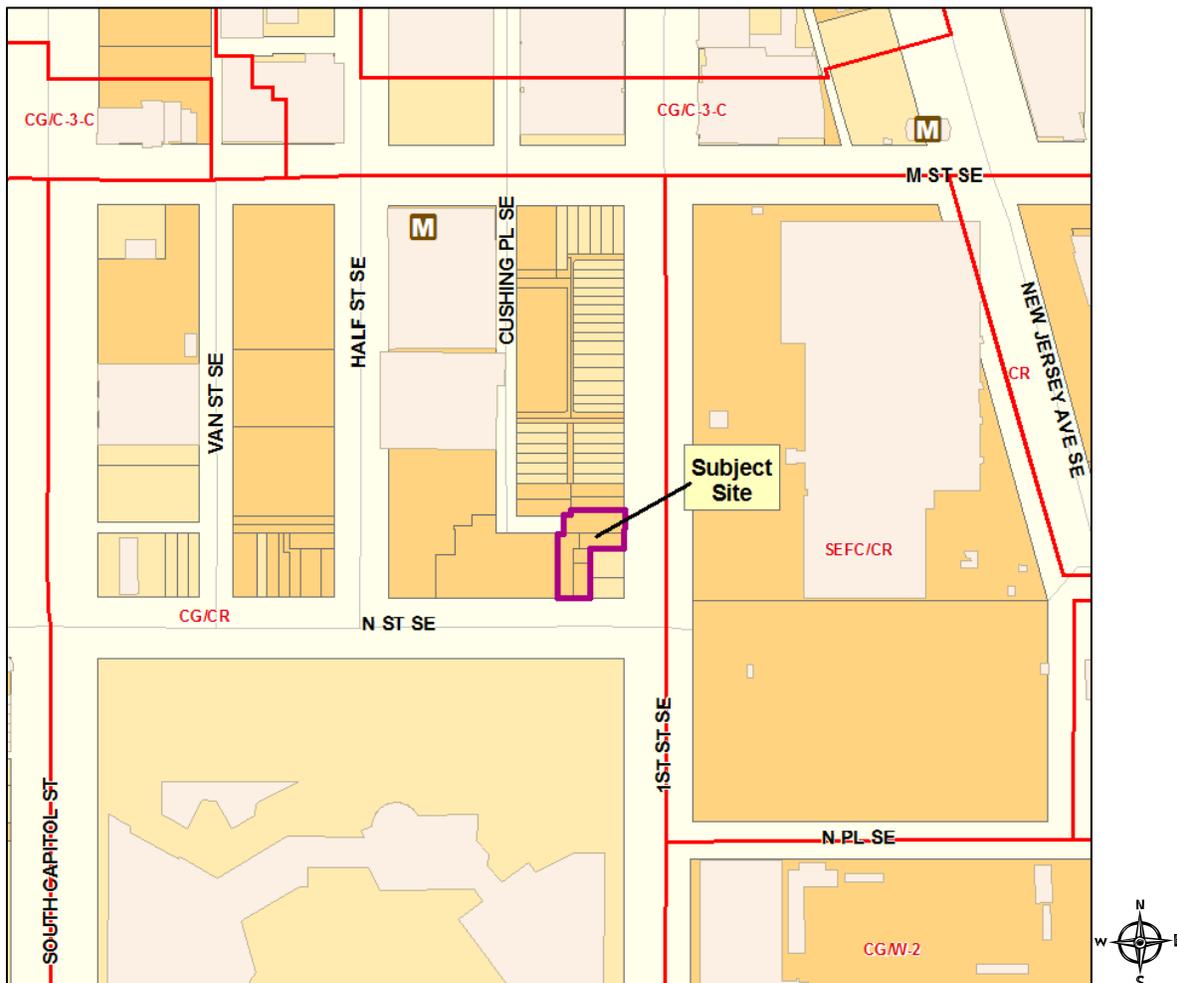
The architecture proposed for the building generally uses a modern vernacular, with significant amounts of glass on the hotel tower. Elevations show the exterior to be comprised primarily of red/brown porcelain panels punctuated by decorative grilles and silver metal panels.

The ground level renderings along M Street show retail façades designed to improve the pedestrian experience and to compliment the design of the hotel facades above. Because the retail would be a component of the hotel, the facades are not customized to individual tenants. The signage is appropriately sized and is consistent with the metallic color scheme featured elsewhere on the façade. The lighting scheme depicted in the renderings appears to be consistent with other structures in the immediate vicinity.

OP is generally supportive of the massing and overall design of the proposal. The north façade would be vertical and would not be stepped back on the upper floors from neighboring properties; this is appropriate given the small building footprint. The windows facing the adjacent retail structure to the southeast would be ‘at-risk’ windows; however, the interior of the hotel appears to be designed so that these windows would not be required, and the design shown in ZC #12-05 indicates that the retail building would only be approximately 40 feet in height.

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.

**FIGURE 1
VICINITY MAP**



V. COMPREHENSIVE PLAN

The proposed development does not require PUD or rezoning approval, and is generally consistent with most aspects of the zoning regulations. As such, the proposal is generally consistent with the Comprehensive Plan and would further the following Guiding Principles of the Plan, as outlined in Chapter 2, the Framework Element:

1. Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1

6. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6

7. Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7

24. Despite the recent economic resurgence in the city, the District has yet to reach its full economic potential. Expanding the economy means increasing shopping and services for many District neighborhoods, bringing tourists beyond the National Mall and into the city's business districts, and creating more opportunities for local entrepreneurs and small businesses. The District's economic development expenditures should help support local businesses and provide economic benefits to the community. 219.9

35. Planning decisions should improve the health of District residents by reducing exposure to hazardous materials, improving the quality of surface and groundwater, and encouraging land use patterns and land uses that reduce air pollution and facilitate pedestrian and bicycle travel. 221.4

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. For a complete analysis of the project against Plan guidelines, please refer to Attachment 1.

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 applicant's proposal requires relief from specific zoning regulations listed below.

1. Special Exception from rooftop structure setback requirements (§ 630.4(b));

§ 630.4(b) requires a single roof structure, and that it be set back from each edge of the roof by a distance equal to its height. The applicant proposes three roof structures to satisfy building code requirements for roof top access. A single rooftop structure, which connects the three proposed ones, is possible but this would add significant bulk to the rooftop enclosure – permitting the requested three rooftop structures would break up the massing of a single structure. According to the applicant, all of the enclosures would meet the 18’6” height limitation. Because of the relatively narrow width of the building, it would be difficult to accommodate necessary mechanical equipment and rooftop access requirements and meet the one-to-one setback. The proposed rooftop enclosures would provide the required setback from both 1st and N Streets, but would not provide the required setback from other building faces, as shown on the Roof Plan, Drawing 16 of the Nov.9, 2012 submission. Therefore, OP does not object to the required relief.

2. Variance from rear yard requirement (§ 636.1)

§ 636.1 requires that the subject property include a 28 ft. rear yard; however, several factors make this a practical difficulty for the applicant. First, designating either the 1st Street or N Street side of the property as the “rear yard” would create an undesirable gap in the street frontage. Maintenance of the streetwall is a requirement of the Capitol Gateway Overlay. Second, the property is an insufficient size to include a 28 ft. rear yard and to construct a viable project. Finally, the proposed building’s configuration would include two open courts at the northwest portion of the building similar in volume to the size of the proposed rear yard. Therefore, OP does not object to the required relief.

3. Variance for on-site parking (§ 2101.1)

§ 2101 requires that the subject property include 44 on-site parking spaces; however, the site’s irregular shape, small size and configuration combine to create a practical difficulty for the applicant, and no onsite parking is proposed. Construction of below grade parking and an access ramp would be impractical because of the subject property’s constrained dimensions, while parking constructed at or above grade would be detrimental to the objectives of the CG Overlay. In addition, the site is well served by mass-transit. According to the applicant, a large number of hotel visitors would arrive by cab, making the construction of below grade parking unnecessary. The applicant has submitted a parking management plan, which details the offsite parking strategy. 24 hour valet service would be provided with cars parked at a garage in the vicinity of the hotel. The design also incorporates bicycle parking as well as shower facilities for hotel employees. The surrounding area is bicycle accessible and close to major destinations such as Capitol Hill and downtown.

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 following is OP’s analysis of these standards as applied to the application.

§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;

Hotel and retail are the primary uses on the site. The proposed height of 130 feet and the design shown by the applicant are appropriate to an area near the center of the city, accessible by Metro, and developing with a modern style of architecture. These characteristics of the development are consistent with Comprehensive Plan policies.

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

The project proposes a hotel, which would meet the intent of this section. The proposed retail would also cater to visitors to the neighborhood. The mix of uses within the project, including hotel and retail uses, would contribute to the overall entertainment district that is developing 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 hotel use and the ground floor retail, the proposed development would create an active pedestrian character on First Street. In response to OP requests to improve the streetscape character, the applicant has incorporated hotel-associated retail (restaurant and bar) area along both 1st Street and N 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 (Sheet 24) suggest a retail experience that would encourage pedestrian activity and significant interaction between the indoor private space and outdoor public space. The public realm design appears to generally comply with DDOT standards for First Street and would include scored concrete paving, street trees, and planters, but public space design will be separately reviewed by the Public Space Committee of DDOT. The design is intended to provide continuity in the streetscape with the proposed project to the north (ZC #12-05).

§ 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 generally 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.

§ 1606 Buildings, Structures, and Uses on First Street SE, South of M Street SE (CG)

§ 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 the Statement provided by the applicant, not less than 75% of the gross floor area of the ground floor is devoted to preferred uses (except for the spaces devoted to building entrances or required for fire control). 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 SE, except for space devoted to building entrances or required to be devoted to fire control.

According to the Statement provided by the applicant, the design incorporates 100% of the street frontage along First Street SE for preferred uses (except for the spaces devoted to building entrances or required for fire control).

§ 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.

According to the Statement provided by the applicant, the building provides a minimum floor-to-ceiling height of fourteen (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.

§ 1610 Zoning Commission Review of Buildings, Structures, and Uses (CG)

§1610.1 The following provisions apply to properties located:

(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;**

Based on the materials submitted to date, 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, especially ground floor retail. The development will provide adequate sidewalk width along First and N Streets.

- (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 hotel and retail. Retail would be the only use on the ground floor except for the hotel lobby and Fire Control Room.

- (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;**

The proposed design would minimize conflict between vehicles and pedestrians. All loading would be accessed from Cushing Place, which serves as the alley for this square. On First and N Streets 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**

OP suggested to the applicant that the blank party walls on the north and west sides depicted on the original submission should be further articulated. The updated renderings show brick articulated to simulate the porcelain tile on the other sides of the building. Because these walls may be visible for an indeterminate period of time, OP strongly suggests that the applicant further revise the wall articulation.

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

The application materials indicate that the project will reach the equivalent of LEED Silver. A significant amount of the roof area would be green roof, as shown on Sheet 27. OP would encourage the applicant to investigate a more aggressive green building program.

§1610.5 With respect to a building or structure which has frontage on Half Street SE south of M Street SE or First Street SE south of M Street SE:

- (a) **The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;**

The entire project frontage on First Street would be retail, except for the hotel lobby. This design should activate First Street and create a rich pedestrian environment. Project renderings show a streetscape that would appear to be generally in compliance with DDOT streetscape standards. In addition, the sidewalks would be wide enough to accommodate both pedestrian movement and retail activity like outdoor seating.

- (b) **The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and**

Transit access is assured as the proposed development is less than a block from an entrance to the Navy Yard metro station. Pedestrian movement should also be adequate with the reconstruction of public space to include new sidewalks, tree boxes and street furniture. Pedestrian movement would also be encouraged by the significant amount of ground floor retail on both 1st and N Streets.. Improving First Street will enhance the pedestrian experience for visitors to the ballpark or the Anacostia River.

- (c) **The application shall include view analysis which assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.**

The application includes renderings demonstrating its relationship to adjacent streets, adjacent buildings, and the ballpark. The project would fit in with the urban feel of this part of the city and would not impede views to any major monuments, buildings or the waterfront.

§1610.7 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests

shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

As described earlier in this report, the design of the project would require relief from various provisions of this Title.

VIII. AGENCY COMMENTS

As of this writing OP is not aware of any other agency comments.

IX. COMMUNITY COMMENTS

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

X. ATTACHMENTS

1. Comprehensive Plan Analysis

JL/sg

Attachment 1 Comprehensive Plan Analysis

Comprehensive Plan Policies

The Land Use Element encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2). That element also envisions the neighborhood near the baseball stadium as one of the areas for growth of the central city (§304.3). The Transportation Element supports transit-oriented development and discourages auto-oriented uses (T-1.1.4 and T-1.2.3). The proposed development would provide hotel and retail uses one block from two Metro entrances and improve the streetscape to encourage walking. Policies also seek to enhance DC as a regional shopping destination and also promote “new and enhanced visitor and entertainment venues” to draw national and international visitors (Policies ED-2.2.2 and 2.3.2).

The Lower Anacostia Waterfront / Near Southwest Area Element encourages the development of new neighborhoods on lands that are vacant or available for redevelopment, and especially emphasizes the need to provide additional retail options for these areas (Policies AW-1.1.2 and 1.1.3). That element goes on to emphasize the need for a pedestrian friendly environment (Policy AW-1.1.6). The proposed development would be a major factor in creating a new, walkable and mixed use neighborhood in near southeast and would not be inconsistent with the policies of the Comprehensive Plan.

Comprehensive Plan Land Use Maps

The Comprehensive Plan’s Generalized Policy Map describes this neighborhood as a Land Use Change Area. The Comprehensive Plan anticipates and encourages the redevelopment of underutilized sites in Land Use Change Areas. Plan policies promote a mix of uses in these areas as well as “exemplary site and architectural design” (Comprehensive Plan, §223.12). The plan notes that these areas have the potential to become complete mixed use communities (§223.11). The Future Land Use Map designates this area for a mix of High Density Residential and High Density Commercial uses. These designations are the most dense in the city and are characteristic of areas like downtown. The proposed development is not inconsistent with the Comprehensive Plan’s land use map designations.

Anacostia Waterfront Initiative

The subject site is within the Anacostia Waterfront Initiative (AWI) area. The vision of the AWI is of a clean and vibrant waterfront with a variety of parks, recreation opportunities, and places for people to meet, relax, encounter nature and experience the heritage of the waterfront. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and environment, and, where appropriate, increase access to the water and maritime activities along the waterfront. One of the neighborhoods designated for improvement is the Near Southeast target area, which includes the subject site. The proposed development is not in conflict with planning principles cited in the AWI for the Near Southeast target area (AWI Framework Plan, p. 119), and would particularly further the following:

1. Extend the surrounding urban fabric to the waterfront, bringing the city to the Anacostia River.
2. Build upon the current wave of public and private development to create a comprehensive vision for the Near Southeast, integrating diverse projects.

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