

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser,
 Deputy Director, Development Review & Historic Preservation
DATE: October 3, 2016
SUBJECT: ZC Case 16-16 – Southeast Federal Center (SEFC) Parcel L2
 Zoning Commission Design Review under the SEFC Overlay and Variances

I. RECOMMENDATION

The Office of Planning recommends **approval** of the requested design review, consisting of the development of a 110 foot high mixed-used building with ground floor retail and nine stories of residential use, subject to the following conditions:

1. Parcel L1 shall be the subject of a separate Design Review, in which it will be reviewed for compatibility with Parcel L2 and consistency with the SEFC-2 standards and other applicable Zoning Regulations;
2. Provision of a site plan identifying the location of preferred uses;
3. Provision of more detailed information regarding the building materials to be used in the development, including type, color, and samples for both “skins” and the ground floor;
4. Provision of landscape plans with legends identifying the plant materials;
5. Provision of additional detail regarding the signage plan for the ground floor retail; and
6. Provision of the square foot area of the green roof system.

A variance from side yard along the west side of the development has been requested for the accommodation of a residential lobby, of which OP **does not oppose**; however, additional information demonstrating that there is an exceptional situation resulting in a practical difficulty should be provided.

II. APPLICATION-IN-BRIEF

Location	Southeast Federal Center (SEFC), Parcel L2 Square 771, Lot 800
Applicant	Forest City SEFC, LLC, for the General Services Administration of the USA
Ward and ANC	Ward 6, ANC 6D

Current Zoning	SEFC-2 (Southeast Federal Center Zone) – Provides for high-density residential development with limited ground floor retail, and the review of the relationship of new buildings to the SEFC waterfront park open space area.
Proposed Development	<p>The proposal consists of the following:</p> <ol style="list-style-type: none"> 1. Design Review of a new building in the SEFC-2 District on Parcel L2, abutting Yards Park to the north; 2. A new ten story mixed use building with ground floor retail and nine stories of residential; 3. A proposed height of 110 feet and proposed FAR of 6.25; 4. A 20 foot high penthouse consisting of amenity space and residential uses; 5. 270-285 residential units with approximately 54-57 units set aside at 50% AMI (20% of the gross floor area); 6. 17,320 square feet of ground floor retail; 7. 270 parking spaces on two below grade levels; and 8. Parcel L1 would be developed with a hotel at a future date and would require a separate Design Review.
Review and Relief	<p>Pursuant to 11 DCMR, Subtitle K §§ 238.3(a), all new structures that abut the SEFC-4 open space area require design review and approval by the Zoning Commission.</p> <p>Pursuant to Subtitle X § 603.1, the applicant is also requesting variances from the following:</p> <ol style="list-style-type: none"> 1. K § 218.1, Side Yard

III. EXECUTIVE SUMMARY

The applicant has requested Design Review of a proposed ten story building with ground floor retail and nine stories of residential use. Design Review is required because Parcel L abuts the SEFC-4 open space area and would impact the character of the waterfront. The property is currently developed as a temporary surface parking lot with 196 parking spaces, approved by Zoning Commission Case 13-03.

The ground floor would consist of 17,320 square feet of retail space. While specific retailers have not been identified, they would be required to be a preferred use as provided in Subtitle K § 236, as the applicant would be receiving 0.25 FAR bonus density for these uses. The residential portion of the development would provide 292,475 square feet of gross floor area, producing 270-285 dwelling units. Twenty percent of the dwelling units would be available at 50% AMI in accordance with a development agreement between the District and applicant. While habitable space would be provided in the penthouse, Subtitle K, § 200.12 exempts residential rental buildings in SEFC from the separate affordable housing requirement in Subtitle C § 1500.11. The applicant has indicated that the proposed development would consist of rental units.

The applicant is seeking a variance from the side yard requirements that would allow for the residential lobby to provide a side yard of between 0 and 5 feet, where a side yard, if provided, is required to be five feet.

IV. BACKGROUND

The Zoning Commission approved a comprehensive zoning package for the entire Southeast Federal Center (SEFC) 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. When complete, the SEFC development will include approximately 1.8 million square feet of office space, at least 2,800 residential units, and neighborhood and destination retail uses.

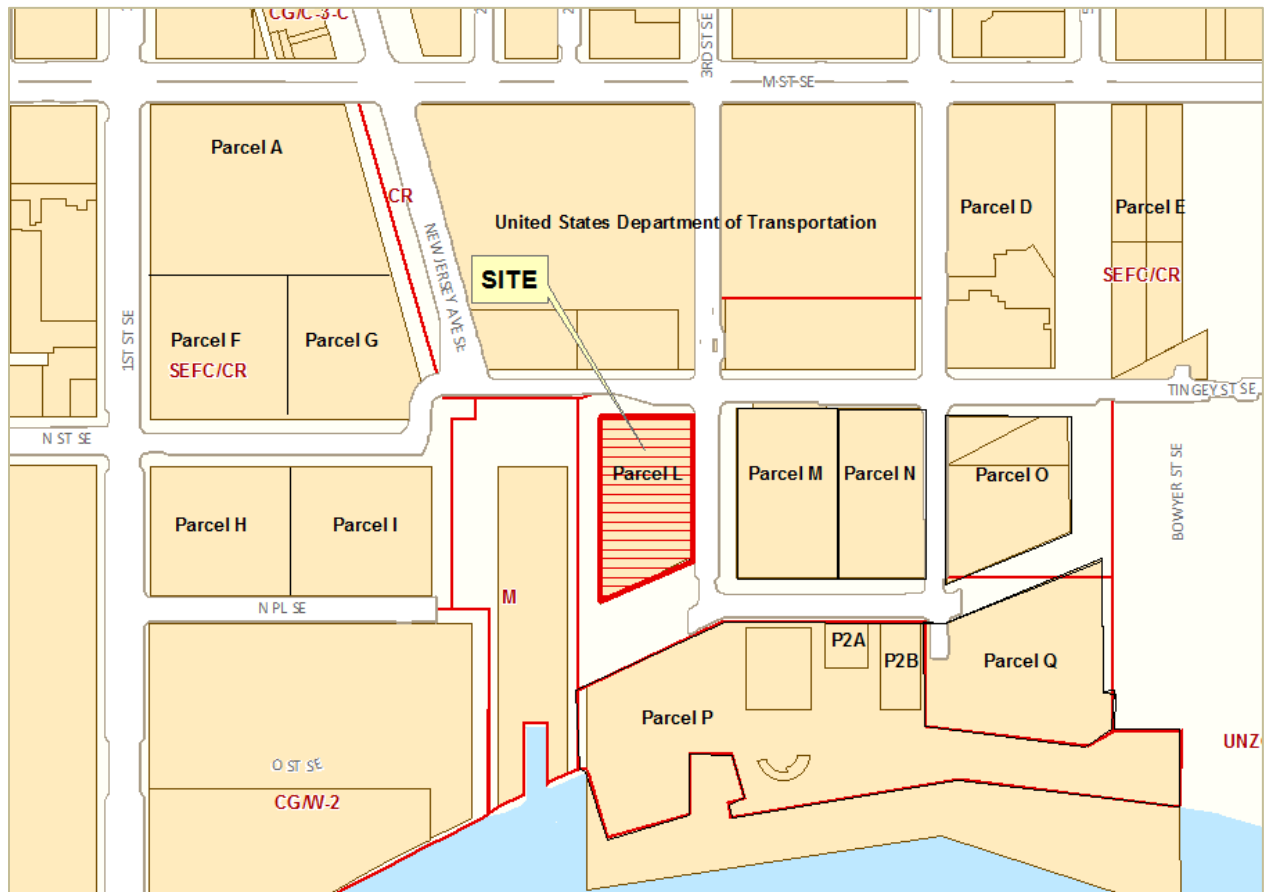
Parcel L was originally approved as a temporary parking lot by the Order dated April 11, 2013, for a period of five years (Zoning Commission Case 13.03).

V. SITE AND AREA DESCRIPTION

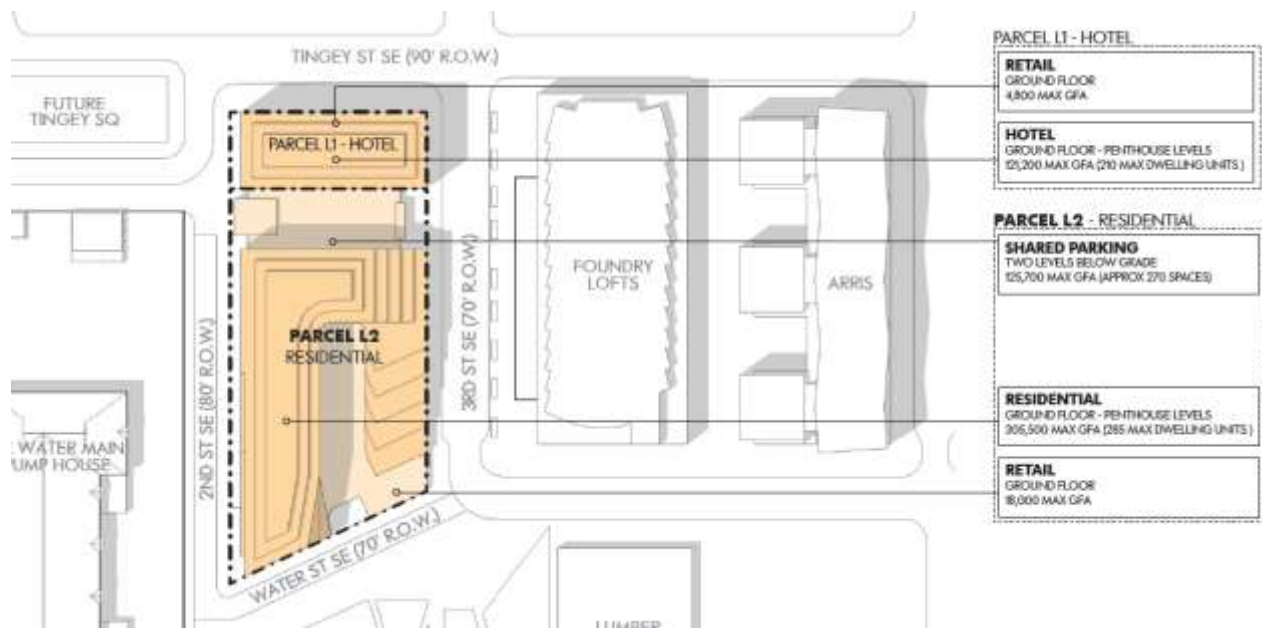
The SEFC site is located in the Near Southeast area and is bound generally by M Street, SE to the north; 1st Street, SE to the west; the Anacostia River to the south; and the Washington Navy Yard to the east. The SEFC site is approximately 42 acres in area, excluding an 11 acre parcel on M Street, SE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

The subject site, Parcel L, is located south of Tingey Street, north of Water Street, west of Second Street, and east of Third Street. The historic DC Water and Sewer facility is located immediately west of the Parcel, and Parcel M, developed as Foundry Lofts, is located to the east. Navy Yard is generally located to the east of SEFC. Parcel L is zoned SEFC-2, which provides for high-density residential development with limited ground floor retail, and requires additional review for the analysis of the relationship of new structures to the SEFC waterfront park open space area.

Parcel Map of Southeast Federal Center



For the purposes of this application, Parcel L has been divided into two lots, L1 and L2. The subject of this application is Parcel L2, which would be developed as a mixed-use residential and retail building. Parcel L1, which will be a future hotel and retail use, will be submitted under a different application for Design Review; although the proposed height for the subject of this application is gained from the Tingey Street right-of-way, so a meaningful connection will be maintained between the two sub-parcels. The following program, provided by the applicant, demonstrates the future development and its characteristics.



Development in SEFC continues to progress. The applicant has provided an update regarding the development of each Parcel, noted in the table below:

Name/Type of Project	Location	Phase	Status
Foundry Lofts –Residential	Parcel M	Phase 1	Completed; Occupied
The Boilermaker Shops -Retail	Parcel K	Phase 1	Completed; Occupied
Lumber Shed –Retail/Office	Portion of Parcel P	Phase 1	Completed; Occupied
Twelve 12 –Residential/Retail	Parcel D	Phase 1	Completed; Occupied
Arris –Residential/Retail	Parcel N	Phase 1	Completed; Occupied
Parcel O –Condo/Rental/Retail	Parcel O	Phase 1	Under Construction
Parcel L1 –Hotel/Retail	Parcel L1	Phase 1	TBD
Parcel L2 – Residential/Retail	Parcel L2	Phase 1	Subject of Application
Parcel P2B –Winery/Restaurant	Parcel P2B	Phase 1	Opens 2017
Parcel P2A –Restaurant	Parcel P2A	Phase 2	TBD
Parcel P3 ¹	Parcel P3	Phase 2	TBD
Parcel Q	Parcel Q	Phase 2	Surface Parking Lot
Parcel A1 –Office/Retail	Parcel A1	Phase 2	Open Space
Parcel H –Residential/Retail	Parcel H	Phase 2	Surface Parking Lot
Parcel I –Residential/Retail	Parcel I	Phase 2	Surface Parking Lot
Parcel A2 –Office/Retail	Parcel A2	Phase 3	Open Space
Parcel A3 –Office/Retail	Parcel A3	Phase 3	Open Space
Parcel F –Office/Retail	Parcel F	Phase 3	Open Space
Parcel G –Office/Retail	Parcel G	Phase 3	Trapeze School

¹ The approved master plan for SEFC does not include Parcel 3, which is located at the eastern edge of Parcel P, near the Navy Yard. Therefore, the applicant would be required to modify the master plan to include development of this site.

VI. PROJECT DESCRIPTION

The applicant proposes to construct a 110 foot high, ten story mixed-use building on Parcel L2 that consists of nine floors of residential apartments and neighborhood-oriented retail uses on the ground floor. Two levels of below-grade parking, providing about 270 spaces, would be provided on Parcel L2 and shared with the future hotel/retail development on Parcel L1. Parking and loading facilities would be accessed from Third Street. Approximately 270-285 residential units would be provided, with 20% of those (approximately 54-57 units) being set aside for households earning up to 50% AMI, in accordance with the applicant's Development Agreement with the District. Retail would consist of 22,800 square feet, and would incorporate preferred uses to allow an overall FAR of 6.25.

The development shares characteristics with Building 159, the former building that previously occupied the site. The north and west building elevations closely resemble the concrete frame façade of Building 159, which is carved away to reveal a glass and metal façade. The southern building elevation opens up to the waterfront and exposes two wings. The eastern wing terraces down to the waterfront, providing a connection to the public space. The eastern building elevation, in tandem with the adjacent Foundry Loft development, provide a street wall along Third Street that frames the waterfront and its landmark water feature and bridge.

Second Street Design

The applicant has been working with DC Water, located to the west of Second Street, regarding the design of Second Street. Second Street was originally intended to be a vehicular through street connecting Tingey Square and Water Street to provide enhanced circulation through the development. Following the approval of this approach, DC Water expressed concern about vehicular traffic along Second Street due to the presence of aging infrastructure underneath the road. Since that time, the applicant has been coordinating with DC Water, DDOT, and OP to address DC Water's concerns, which include the need to maintain truck access to the east side of the Pumping Station over Second Street, grading, and the fence location. In response, the applicant has provided two concepts that generally meet the needs of DC Water:

1. Option 1 maintains the 43 foot width of Second Street as a public right-of-way for pedestrians and cyclists. The elevation difference between Parcel L and the Pumping Station are addressed through grading, and a large gate in the fence is provided to facilitate DC Water's truck turning maneuvers.
2. Option 2 adjusts the fence location to allow all DC Water activity to be accommodated within the fence, but it reduces the width of the pedestrian and bicycle access to 28 feet, which is less than the width approved by the masterplan.

The applicant will continue to work with DC Water, DDOT, and OP through the Public Space process to arrive at a design that works for all parties; although, OP strongly prefers Option1, which maintains the wider right-of-way in accordance with Council approval. The final design will require approval from the Public Space Committee.

VII. COMPREHENSIVE PLAN POLICIES

The Future Land Use Map in the 2012 Comprehensive Plan designates the site for high density residential and commercial 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.

The project is not inconsistent with the Comprehensive Plan, and it generally conforms to the SEFC master plan. OP notes that the applicant will be modifying the master plan through the General Services Administration (GSA) and National Capital Planning Commission (NCPC) to correct inconsistencies in the overall development, including the use of Second Street. The provision of pedestrian-oriented retail uses would further policies of the Land Use, Park, Recreation and Open Space, Historic Preservation, and Urban Design Elements. The provision of housing, including affordable housing, would further policies of the Housing Element. The development would also further relevant policies of the lower Anacostia Waterfront/Near Southwest Area Element by helping to develop new waterfront neighborhoods (AW-1.1.2), creating waterfront commercial development (AW-1.1.-3), improving access to the Near Southeast shoreline (AW-2.3.2), and providing increased housing opportunities (AW-2.3.3).

VIII. MANDATORY REVIEW OF ALL NEW BUILDINGS AND EXTERIOR RENOVATIONS

General Design Review Criteria

K § 238.3(a) All buildings and structures that abut the SEFC-4 open space area, whether or not a street intervenes but excluding buildings and structures that abut the SEFC-4 development area including existing Building 160 and any additions thereto and any building or structure to be constructed immediately to the east of Building 160 (i.e. north of Water Street, S.E., west of 4th Street, S.E., east of Third Street, S.E., and south of Tingey Street, S.E.).

This review consists of Design Review of the proposed development on Parcel L2 for a mixed use retail and residential building. Analysis of the project against the relevant zoning objectives and standards is provided below.

X § 604.5 The Zoning Commission shall find that the proposed design review development is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

As noted above, the proposed development is not inconsistent with the Comprehensive Plan and other adopted public policies related to the subject site. The high density commercial and residential designation supports structures of eight stories or more. The policies of the Comprehensive Plan further encourage the provision of housing and affordable housing, increased access to the waterfront, and creating commercial waterfront development.

X § 604.6 The Zoning Commission shall find that the proposed design review development will not tend to affect adversely the use of neighboring property and meets the general special exception criteria of Subtitle X, Chapter 9.

X § 902.2 The Board of Zoning Adjustment is authorized under § 8 of the Zoning Act, D.C. Official Code § 6-641.07(g)(2), to grant special exceptions, as provided in this title, where, in the judgment of the Board of Zoning Adjustment, the special exceptions:

(a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps;

The project would be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps for the SEFC-2 District. The development largely complies with the Zoning Regulations in terms of development requirements, including height, FAR, proposed uses, and parking. A variance from side yard has been requested, and an analysis of that relief is provided elsewhere in this report. As noted in previous sections, the project is not inconsistent with the Comprehensive Plan.

(b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps; and

The proposed development does not appear to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps. The proposed height, massing, and orientation are appropriate given the context, and are comparable to adjacent development. The architectural design has been well-vetted, having been reviewed by the Commission of Fine Arts, State Historic Preservation Office, and National Capitol Planning Commission. While the final design of Second Street does remain in question, the applicant has committed to continue coordinating with DC Water, DDOT, and OP to ensure that the final design meets the needs of all parties, and final design will require approval from the Public Space Committee.

(c) Subject in specific cases to the special conditions specified in this title.

There are no special conditions specified in this title for Design Review in SEFC.

X § 604.7 The Zoning Commission shall review the urban design of the site and the building for the following criteria:

(a) Street frontages are designed to be safe, comfortable, and encourage pedestrian activity, including:

(1) Multiple pedestrian entrances for large developments;

(2) Direct driveway or garage access to the street is discouraged;

(3) Commercial ground floors contain active uses with clear, inviting windows;

- (4) *Blank facades are prevented or minimized; and*
- (5) *Wide sidewalks are provided;*

The proposed development consists of street frontages that are designed to be safe, comfortable, and encourage pedestrian activity. Second Street will serve as a through street for pedestrian and bicycle traffic only, and will have a minimum width of 28 feet (Option 2). This right-of-way will provide direct access to the waterfront and amenities of Yards Park, a key feature of SEFC. The design includes multiple entrances at the ground floor to encourage pedestrian activity, and incorporates clear glazing into 18 foot tall storefronts, increasing visibility at the ground floor. Portions of the ground floor are recessed, providing interesting design articulation and a respite for pedestrians.

The parking and loading entries are located on Third Streets, where the pedestrian traffic is anticipated to be lower, and sidewalks of at least 13.5 feet in width would be provided.

- (b) *Public gathering spaces and open spaces are encouraged, especially in the following situations:*
 - (1) *Where neighborhood open space is lacking;*
 - (2) *Near transit stations or hubs; and*
 - (3) *When they can enhance existing parks and the waterfront.*

The proposed development provides additional connections to the waterfront by way of improved streetscape along Third Street, and a wide pedestrian and bicycle corridor along Second Street. The building design provides a visual connection to the waterfront, as the east wing steps down to open space, and, along with Foundry Lofts on the east side of Third Street, frames the prominent water feature and bridge in Yards Park. Experiences and activities along the waterfront will be further enhanced with the provision of retail and restaurants that offer outdoor seating.

- (c) *New development respects the historic character of Washington's neighborhoods, including:*
 - (1) *Developments near the District's major boulevards and public spaces should reinforce the existing urban form;*
 - (2) *Infill development should respect, though need not imitate, the continuity of neighborhood architectural character; and*
 - (3) *Development should respect and protect key landscape vistas and axial views of landmarks and important places;*

The proposed development respects the historic character of the waterfront and adjacent Navy Yard. The design of the building is inspired by the previous structure on the property, Building 159, borrowing industrial maritime characteristics that were common to the area. The proposed building also incorporates more contemporary features, such as the glass and aluminum skin, which make it compatible with existing adjacent development. The development would continue

the existing street wall along Tingey Street, and works in concert with the adjacent Foundry Lofts to frame the waterfront vista.

(d) *Buildings strive for attractive and inspired façade design, including:*

- (1) *Reinforce the pedestrian realm with elevated detailing and design of first (1st) and second (2nd) stories; and*
- (2) *Incorporate contextual and quality building materials and fenestration;*

The proposed development provides an attractive façade that reinforces the pedestrian realm through the provision of tall ground floors with a high percentage of glazing, which increases transparency, and thus, the pedestrian connection to the waterfront. The western façade has been recessed to provide outdoor “rooms” for pedestrians. The applicant should provide more specific information related to the materials that will be used in the development, as the materials provided in the pre-hearing submission are generalized. Additional information regarding the signage program should also be provided at the public hearing.

(e) *Sites are designed with sustainable landscaping; and*

The proposed development includes a significant amount of landscaping. At the streetscape level, planters and trees would, at a minimum, comply with DDOT public space standards. The ground covers, ornamental grasses, shrubs, perennials, and trees would be irrigated with a drip system, and the cobble mews on Second Street will include permeable low impact design zones between tree pits. An extensive green roof would be provided, complying with DOEE water retention calculations, garnering LEED credits.

(f) *Sites are developed to promote connectivity both internally and with surrounding neighborhoods, including:*

- (1) *Pedestrian pathways through developments increase mobility and link neighborhoods to transit;*
- (2) *The development incorporates transit and bicycle facilities and amenities;*
- (3) *Streets, easements, and open spaces are designed to be safe and pedestrian friendly;*
- (4) *Large sites are integrated into the surrounding community through street and pedestrian connections; and*
- (5) *Waterfront development contains high quality trail and shoreline design as well as ensuring access and view corridors to the waterfront.*

The proposed development promotes connectivity both internally and with surrounding neighborhoods through the incorporation of pedestrian and bicycle facilities, primarily by way of Second Street; however, wide sidewalks would be provided along Tingey Street and Third Street, as well as to the south of the building in alignment with Water Street. The development also demonstrates connectivity through its proximity and linkages to public transportation, including the Navy Yard Metro Station, several bus lines, and Capital Bikeshare stations.

Finally, the development preserves and enhances the viewshed to the waterfront, and provides enhanced pedestrian access to waterfront activities.

X § 604.8 The Zoning Commission shall find that the criteria of Subtitle X § 604.7 are met in a way that is superior to any matter-of-right development possible on the site.

The proposed development incorporates design features that enhance the pedestrian experience, increase access to the waterfront, and add interest to the building design. Overall, these features result in a project that is superior to matter-of-right development.

SEFC-2 District Design Review Criteria

K § 241.1 In addition to proving that the proposed uses, buildings, or structures meet the standards set forth in Subtitle X, the applicant for Zoning Commission approval of a use or structure within a SEFC zone shall further demonstrate conformance to the following standards:

(a) The use, building, or structure will help achieve the goals and objectives of the SEFC zone as set forth in Subtitle K §§ 200.2 through 200.7, as applicable;

The proposed development would advance the goals and objectives of the SEFC as set forth in Subtitle K. These goals include: 1) developing the area with a mix of uses of a suitable height, bulk, and design of buildings; 2) encouraging high-density residential development with pedestrian-oriented streetscape; 3) encouraging a variety of support and visitor-related uses, including retail and hotels; 4) providing reduced heights for buildings along the riverfront in order to preserve views and provide publicly-accessible open space; 5) requiring suitable ground floor retail; 6) encouraging design that is sensitive to the Navy Yard and historically significant buildings; 7) establishing zoning incentives and restrictions to provide a publicly-accessible park; and 8) providing for high-density residential development with ground floor retail.

The development would be sensitive to the surrounding historic context through the incorporation of design elements characteristic of the maritime industrial character of the area. The high-density mixed-use building would feature residential use and provide a pedestrian-oriented streetscape, and would increase accessibility to the waterfront.

(b) The proposed building or structure shall be designed with a height, bulk, and siting that provide 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; and

The proposed development would provide for openness of view and vistas to and from the waterfront and monumental federal buildings. The terraced roof along the east wing preserves the views of the waterfront, while the bulk and orientation facilitate north-south views of the waterfront to the south and monumental federal buildings to the north.

- (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 façade shall adequately screen parking from the street and adjacent development.*

All parking would be provided below grade on two levels and would not be visible from the street.

K § 241.2 In evaluating the application, the Zoning Commission also may consider:

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

The proposed development is compatible with buildings in the surrounding area through overall massing, siting, details, and landscaping. The applicant has provided a building height diagram that identifies the heights of adjacent development within SEFC (Exhibit 13A3). The existing Pumping Station to the west is 70 feet high, while Foundry Lofts, to the east, is 80 feet high. The terraced wing on the east side of the proposed building acknowledges and compliments the lower height of Foundry Lofts, while the pedestrian link between the west wing of the proposed building and the existing Pumping Station provides separation that respects the historic architecture of the Station.

The north-south orientation of the proposed development gives prominence to the waterfront, and the proposed architecture borrows from the industrial maritime history of the area. Landscaping significantly enhances the site, linking the building form to the waterfront and open space.

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

The applicant intends to pursue LEED Gold certification for the development, although the scorecard provided in the pre-hearing submission notes that at a minimum, the project would be Certified. The applicant should clarify the intended level of certification for this project. LEED credits would be gained in all areas, but particularly in the area of Sustainable Sites for development density and access to public transportation.

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

The applicant has provided perspectives that illustrate façade articulation. The ground floor increases transparency and views to the waterfront, while pedestrian-scale articulation along the west building elevation includes recesses that would increase pedestrian comfort. In general, facades are articulated in the proposed building design; however, the applicant should provide more specific information regarding materials.

ANC 6C has noted its lack of enthusiasm for the design of the west building elevation, and suggests modifications that would add interest, including balconies, a randomized design, a break or change in the roof line, and the incorporation of colors or textures into the building materials. OP does not disagree that the ground floor in particular should be more interesting, and that providing additional information regarding the materials may clarify the intent.

(d) Landscaping which complements the building;

The proposed development consists of the use of native plants in the streetscape, and enhanced landscaping on the roof and terraced roof of the building. Landscape plans have been provided, although legends identifying the plant materials should be included in the plans.

(e) For buildings that include preferred uses in accordance with Subtitle K §§ 237 or 238, the Zoning Commission may consider the balance and location of preferred uses;

The applicant has indicated that preferred uses would be located at significant corners in the development and designed to encourage pedestrian activity, activate adjacent sidewalks and public spaces, and ensure comfort and safety of visitors and residents. The applicant should provide a site plan that identifies the locations of preferred uses.

(f) In connection with its review pursuant to Subtitle K § 238.3, the Zoning Commission may consider the effect of the proposed uses on the predominantly residential character of the SEFC-2 and/or SEFC-3 zones; and

The applicant has indicated that the preferred ground floor retail uses are of a scale that would be predominantly neighborhood-serving. The proposed retail would link the development and surrounding area to the neighboring waterfront, and would not have a negative impact on residential uses.

(g) For development within or adjacent to the SEFC-4 zone, the Zoning Commission may consider whether the project is consistent with the following goals:

- (1) Providing a wide variety of active and passive recreational uses;*
- (2) Encouraging uses that open to, overlook, and benefit the waterfront park; and*
- (3) Utilizing siting and design of buildings and uses to improve the natural ecology, to illustrate the importance of natural systems, and/or to interpret the historically important maritime context of the site.*

The proposed development is adjacent to the SEFC-4 District, which consists of the waterfront and open space to the south. Through the provision of wider sidewalks and pedestrian-oriented links, the development would provide an extension to Yards Park. Active and passive recreation activities would also be available to residents in the building, as it would include amenities such as a rooftop swimming pool and private spaces on the rooftop terraces. The applicant has indicated that the rooftop complies with all requirements of penthouses, found in Subtitle C §

1500, and that rooftop television screens would not be provided, thereby reducing the impact of rooftop uses from the street, waterfront, and open space.

The project's design prominently features the waterfront, as it provides a visual connection by way of the terraces that step down to the open space. The massing, orientation, and materials are consistent with adjacent development, and the landscaping would provide sufficient stormwater retention for the site while connecting it to the waterfront and open space.

VIII. RELIEF REQUESTED

Subtitle K § 242.1 permits the Commission to consider any requests for relief as part of its review of the project. The proposed development requires a variance for Side Yard along the west property line (K § 218.1), which does not require a side yard, except that it shall be a minimum of five feet in width when one is provided.

A. Variance Relief for Side Yard (K § 242.1)

i. Exceptional Situation Resulting in Practical Difficulty

The applicant has requested relief that would allow for a residential entrance volume to provide a zero to five foot side yard along the west property line, where a five foot side yard is required, if a side yard is provided. Flexibility regarding the specific dimension has been requested to allow for modification, if necessary, to accommodate potential design changes.

The applicant notes that the property is unique due to a confluence of factors, including: 1) the northwest corner of the property is located at the east side of the proposed Tingey Square, which will serve as the terminus for N Street SE; 2) the property abuts existing DC Water property and facilities, including a security perimeter and an underground sewer line that impact the width and use of 2nd Street; and 3) the property is subject to a Programmatic Agreement between the GSA, the Advisory Council on Historic Preservation, and the State Historic Preservation Officer that governs the development of the property and sets forth historic preservation design guidelines that dictate the massing, shape, and orientation of any construction on the property.

The Programmatic Agreement requires that the development reflect the orientation, location, and massing of Building 159, which formerly occupied the site. As a result, the project provides a side yard of ten feet rather than the required five feet. The applicant further states that the residential entry pavilion has been designed to act as a multi-story element that is a focal point for viewsheds as requested by the State Historic Preservation Office, National Capitol Planning Commission, and Commission of Fine Arts.

OP is not opposed in concept to the relief requested, as it would be minimal, applying only to the residential entrance along the west building elevation; however, the applicant should provide additional information demonstrating the exceptional situation resulting in a practical difficulty.

ii. No Substantial Detriment to the Public Good

The requested relief should not cause substantial detriment to the public good. The proposed residential entrance volume would provide a three foot side yard for a distance of 32 feet, which is less than ten percent of the length of the overall western façade. In addition, the volume would be two stories in height, and would not impose on public space or create an adverse condition for pedestrians.

iii. No Substantial Harm to the Zoning Regulations

The requested relief should not cause substantial harm to the Zoning Regulations. The use of Second Street as a pedestrian and bicycle connection would remain unimpeded by the proposed relief, and the small volume of the residential entrance ensures that light and air will be able to penetrate the site. The overall development furthers the goals of the SEFC-2 District by preserving important view sheds and views of the Anacostia River, and would activate the waterfront, as anticipated by the Zoning Regulations.

IX. AGENCY REFERRALS

OP has not received comments from other District agencies.

X. COMMUNITY COMMENTS

The Office of Planning has received no comments on the project from the community. ANC 6D has submitted a letter to the record that is generally supportive of the application, but recommends design changes to the western building elevation that would add interest and depth, including balconies, a change in roof line, or incorporating different colors and textures.

DC Water has indicated that it will be providing comments regarding the design of Second Street.

JS/be