

# STAFF RECOMMENDATION

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NCPC File No. ZC 03-12F/03-13F



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## CAPPER/CARROLLSBURG HOPE VI REDEVELOPMENT PROJECT MODIFICATION TO A SECOND STAGE PLANNED UNIT DEVELOPMENT

250 M Street, S.E.  
Washington, DC

Submitted by the Office of the Zoning Commission

July 3, 2008

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### Abstract

The Zoning Commission has taken a proposed action to approve a modification to a planned unit development for an office building located at 250 M Street, SE. This proposed modification is to increase the overall height to 130 feet from the previously approved 110 feet, to increase the number of floors to 11, increase the gross floor area and modify the 11th floor design and roof structure design.

### Federal Interest

The identified federal interest relevant to this proposal is the Height of Buildings Act of 1910.

### Commission Action Requested by Applicant

Approval of the report to the Zoning Commission of the District of Columbia pursuant to 40 U.S.C. § 8724(a) and DC Code § 2-1006 (a).

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### Executive Director's Recommendation

The Commission:

**Advises** the Zoning Commission that the proposal would be adverse to the federal interest because it does not conform to the requirements of the Height of Buildings Act as it exceeds the maximum allowable height of 110 feet.

**Recommends** that the Zoning Commission require the applicant to modify the project design to reduce the building height by 20 feet to bring the design into compliance with the Height Act.

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**PROJECT DESCRIPTION**

Site

The proposed site is part of the larger Capper/Carrollsborg Redevelopment project, a 33 acre project located in Southeast just north of M Street between 2nd Street, SE and 7th Street, SE. The current proposal is a modification to a 28,000 square foot, second stage PUD located between 2nd Place, L Street, M Street and 3rd Street, SE as indicated on the map. The U.S. Department of Transportation is located directly to the south and the Navy Yard is southeast of this proposed development site.

This project is adjacent to Reservation 17 D, the southern most portion of the future Canal Park. The jurisdiction for Reservation 17 D was transferred in 1965 to the District of Columbia by the National Park Service for highway purposes (creation of 2nd and 3rd Streets, SE) as well as for recreation and related purposes.



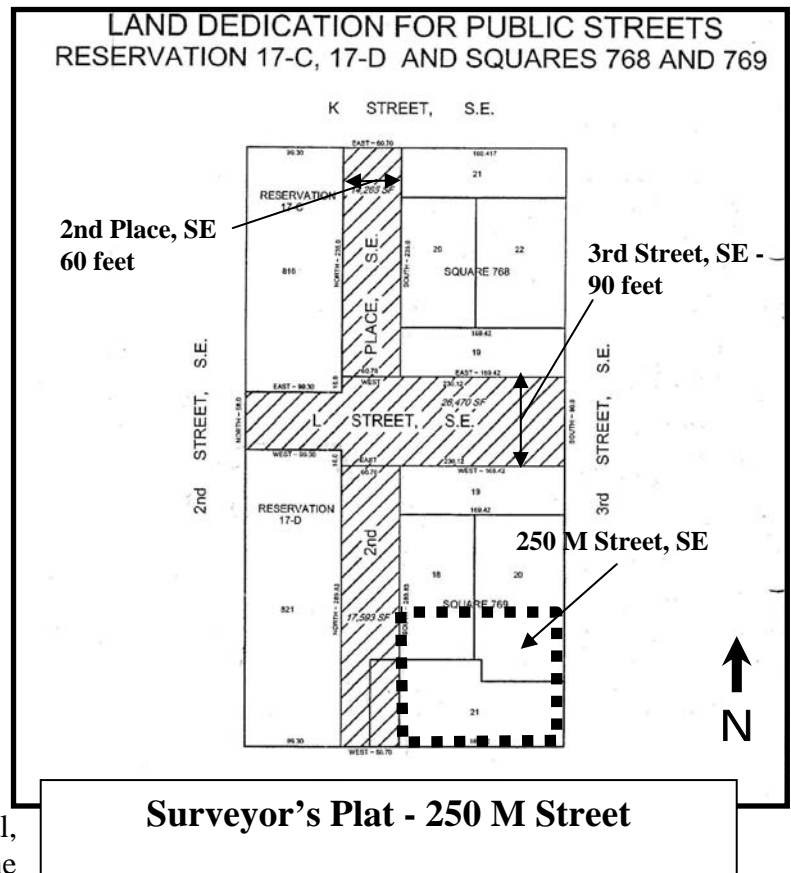
**Site Location**

Background

The larger Capper/Carrollsbury Hope VI Redevelopment Project planned unit development (PUD) includes this current proposal located at 250 M Street, SE. In January 2004, NCPC approved an action for a First Stage PUD for the entire 33-acre Capper/Carrollsbury Hope VI Redevelopment Project stating that the PUD would not adversely affect the identified federal interest nor be inconsistent with the Federal Elements of the Comprehensive Plan. The Zoning Commission voted to approve the application in October 2004.

In July 2005, NCPC approved a proposal from the District of Columbia Office of the Surveyor to dedicate several streets within the Capper/Carrollsbury Hope VI Redevelopment Project. These streets included 2nd Place, 3rd Place, and L Street, SE. Shown on the right are two of these streets, 2nd Place, SE and L Street, SE (90 feet).

It is relevant to review the history of 2<sup>nd</sup> Street in analyzing the proposed project. Second Street and 2nd Place, were once part of a single 250 foot right-of-way, as shown on the 1797-8 Dermott Map of the City of Washington. The right-of-way also encompassed a canal that ran through its central portion. By 1928, the



Sanborn Maps no longer depicted a canal, but instead a rail line running down the center of the 250 foot right-of-way of 2<sup>nd</sup> Street. In 1956, this historic right-of-way no longer existed. By 1956, it has been reestablished as three separate rights-of-way, as shown in the Baist's Real Estate Atlas. Two separate streets with right-of-way widths of 75 feet (to the west) and 65 feet (to the east) were separated from one another by 100-foot-wide federal reservations running down what was the center of the historic right-of-way. This is similar to the built condition today. The District of Columbia's City Council dedication of the new 2nd Place, SE in 2005 further solidified this arrangement of multiple streets flanking federal reservations, creating a new right-of-way for 2<sup>nd</sup> Place that is 60 feet wide. The new right of way is indicated on the Surveyor's Plat that was dedicated in 2005. The building under review in this report sits at the corner of 2<sup>nd</sup> Place and M Streets, SE.

The Second Stage PUD proposal for the project at 250 M Street (Zoning Commission Case 03-12C/03-13C) was reviewed by NCPC in June 2007 and the Commission concluded that the design for this building would not adversely affect the identified federal interest nor be inconsistent with the Federal Elements of the Comprehensive Plan. At that time, the building height proposed was 110 feet and included a penthouse. The penthouse was located above the adjacent roof and was set back appropriately. The Zoning Commission voted to approve the application in July 2007.

### Proposal

The Office of the Zoning Commission has referred a proposal to construct a 233,000 square foot, 11-story, commercial building at 250 M Street, SE. This proposal includes retail on the ground floor and offices on the other floors and a conference center on the 11th floor. The proposal is a request to modify Zoning Commission Order 03-12C/03-13C which allowed the construction of a 9-story, commercial office building on Square 769, Lots 18, 20 and 21. These modifications that are being requested are:

- increasing the height of the building by 20 feet which would allow the construction of a 130 foot high building
- increasing the gross floor area to 233,000 square feet of office space.
- increasing the number of floors from 9 to 11
- modifying the 11th floor design and the roof structure design.



**250 M Street**  
(seen from corner of 2<sup>nd</sup> Place and M Street)

**PROJECT ANALYSIS**

Executive Summary

Staff finds that this proposal would have an adverse affect on the identified federal interest and be inconsistent with the Federal Elements of the Comprehensive Plan because it would violate the Height of Buildings Act if allowed to be built to 130 feet. Staff finds that the previous proposal to build a 110 foot high building, approved in the Zoning Commission Order 03-12C/03-13C, is allowable under the Height Act and **recommends** that the Zoning Commission require the applicant to modify the project design to reduce the building height by 20 feet to bring the design into compliance with the Act.

*Height of Buildings Act*

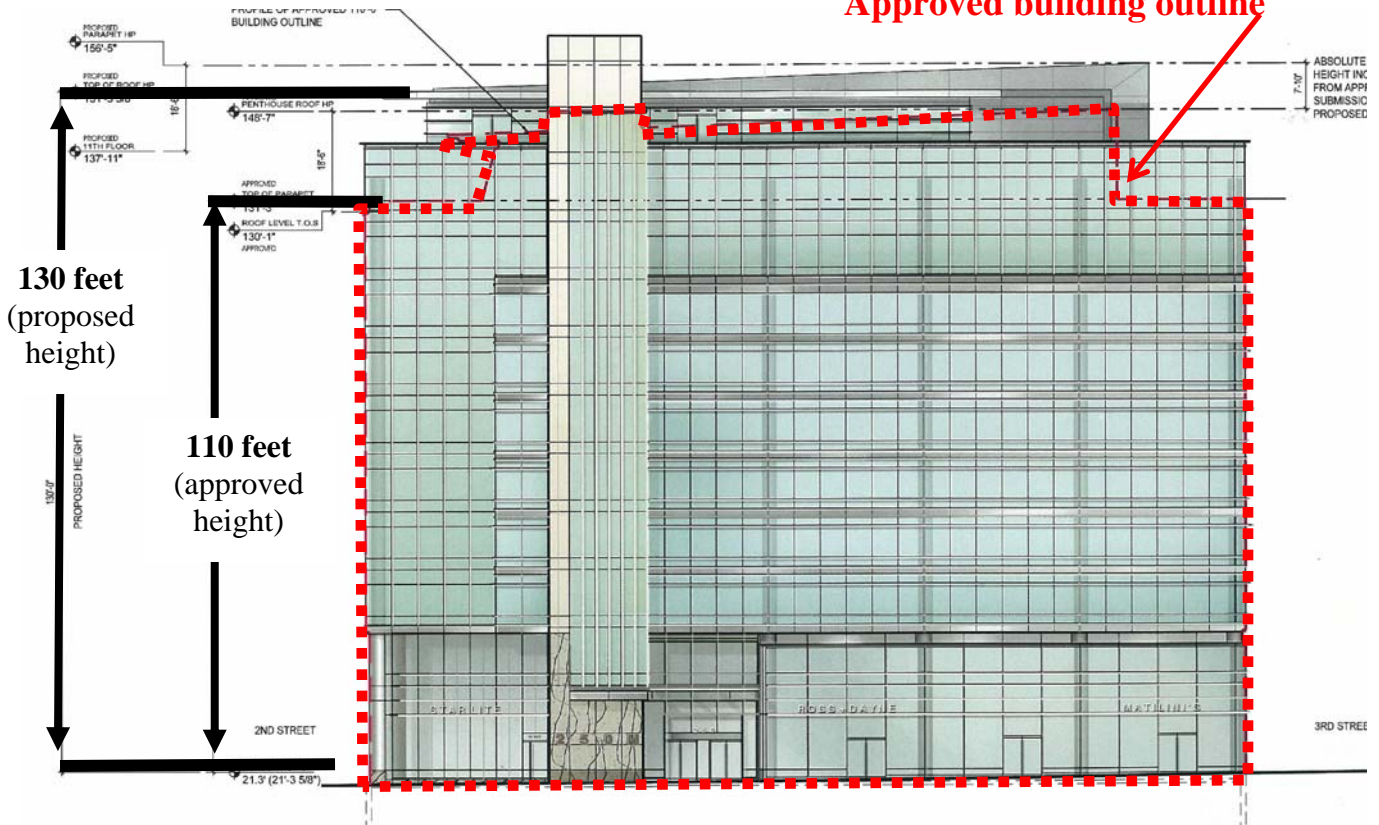
Staff has reviewed this proposal and has determined that the proposed modification of the PUD to allow a 130 foot high building at 250 M Street, SE would not comply with the Height Act, which states:

That no building shall be erected, altered or raised in the District of Columbia in any manner so as to exceed in height above the sidewalk the width of the street, avenue, or highway in its front, increased by twenty feet; but where a building or proposed building confronts a public space or reservation formed at the intersection of two or more streets, avenues or highways, the course of which is not interrupted by said public space or reservation, the limit of height of the building shall be determined by the width of the widest street, avenue or highway.

Staff finds that based on the Height Act requirements, there are four streets to be examined here relative to the allowable building height. These streets are L, 2nd, and M Streets, SE and 2nd Place, SE. Since L Street, M Street, and 2nd Street have 90 foot rights-of-way, then the Height Act establishes the maximum height for the building at 110 feet. The only street that is not a 90 foot right-of-way is 2nd Place, SE, which the Surveyor’s plat gives a measurement of 60 feet.



ZC 03-12C/03-13C  
Approved building outline



**South Elevation - 250 M Street**

As the outline included on the south elevation shows, the building at 250 M Street was originally designed and approved the Zoning Commission, with favorable comments from NCPC, at 110 feet as measured from 3rd Street, SE. The new proposed height is also shown on this elevation at 130 feet. While a height of 110 feet would comply with the Height Act, a height of 130 feet would not.

For the reasons outline above, staff would **recommend** that the Zoning Commission require the applicant to modify the project design to reduce the building height by 20 feet to bring the design into compliance with the Height Act.