

# STAFF RECOMMENDATION

NCPC File No. Z.C. 05-10

---



## AMENDMENT TO THE CAPITOL GATEWAY OVERLAY DISTRICT TEXT AMENDMENT TO DISTRICT OF COLUMBIA ZONING REGULATIONS Washington, D.C.

Submitted by the Zoning Commission of the District of Columbia

June 29, 2006

---

### Abstract

The Zoning Commission of the District of Columbia has taken a proposed action to amend the Capitol Gateway Overlay District in the District of Columbia Zoning Regulations. Located within the Overlay is the South Capitol Street corridor from the Anacostia River to M Street, the entertainment district planned for the area on Half Street, SE and First Street, SE surrounding the new baseball stadium, and the northern portions of M Street from South Capitol Street west to 4<sup>th</sup> Street, SE. The objectives of this amendment are to encourage mixed-use development at varying densities; to establish a mandatory 15-foot setback along South Capitol Street; to provide upper-story setbacks for buildings on South Capitol, First and Half Streets; and to require Zoning Commission review for all new developments along South Capitol Street and Half Street between N Street, SE and M Street, SE.

### Federal Interests

The federal interests affected by this proposal include the South Capitol Street corridor, which is a priority area of the Commission as studied by the Commission's South Capitol Street Task Force and the *Extending the Legacy* vision plan. Other federal interests include Ft. McNair and the Southeast Federal Center, both of which are adjacent to the Capitol Gateway Overlay District, as well as three sites identified in the Memorials and Museums Master Plan which are within the Overlay Zone.

### Commission Action Requested by Applicant

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

### Executive Director's Recommendation

The Commission supports the proposed text amendments as an important step in the redevelopment of the South Capitol Street corridor and concludes that the proposed zoning text amendments would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. The Commission therefore recommends **approval** of these zoning text amendments.

The Commission also recommends that the Zoning Commission initiate an additional zoning action to extend the Capital Gateway Overlay on South Capitol Street north of M Street to the future intersection of Virginia Avenue.

\* \* \*

### PROJECT DESCRIPTION

#### Background

The proposed text amendment was initiated by the District of Columbia Office of Planning (DCOP) as a further refinement to the Capital Gateway Overlay Zone. The Overlay includes the location of the new baseball stadium as well as its surrounding area, a portion of which has been designated as the baseball entertainment district to be developed under the auspices of the Anacostia Waterfront Corporation. Further, the zoning action includes a portion of the South Capitol Street corridor, predominantly from M Street south to the Anacostia River. Collectively this area is undergoing tremendous development pressure and has been subject to numerous planning studies by the DC Office of Planning, District Department of Transportation and the National Capital Planning Commission.

Originally called the Buzzard Point Overlay, the Capital Gateway Overlay Zoning was first adopted and mapped by the Zoning Commission in November of 2002. The Overlay established mixed-use, commercial and waterfront zoning for an area of the city that had historically been zoned and utilized for industrial purposes. In October 2002 NCPC concluded that the creation of this zoning district would not adversely affect the federal interests in the area, but also made the following related recommendations to the Zoning Commission.

- The National Capital Planning Commission **requests** to be included as a referral agency in the special exception process in the area along the Anacostia Waterfront.<sup>1</sup>
- The Commission **recommends** that the Zoning Commission revisit the South Capitol Street area once the South Capitol Study is complete so as to develop zoning tools which

---

<sup>1</sup> This request was granted and NCPC was included as a referral agency in the Zoning Commission's final action

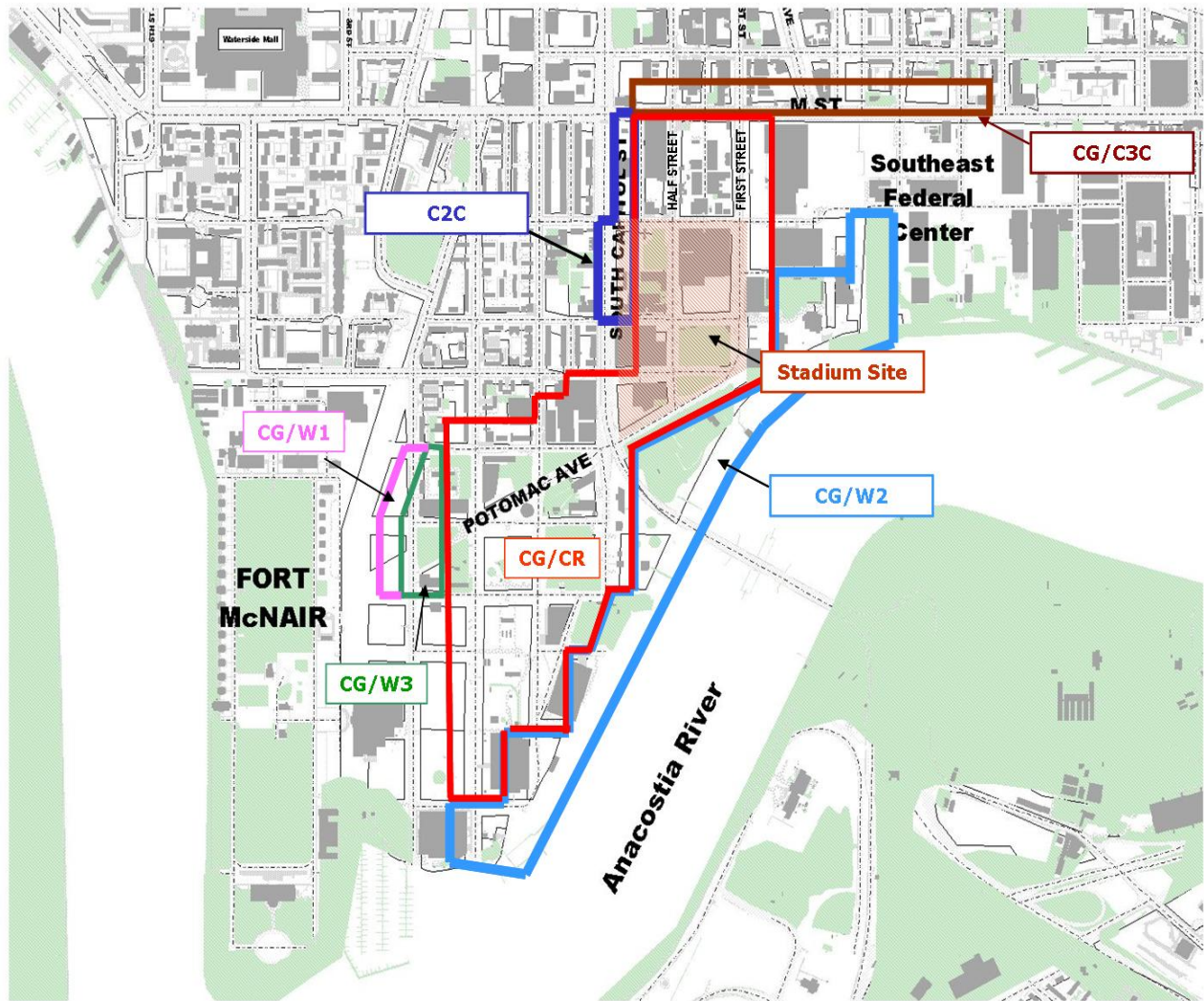
will encourage the avenue to develop as a coherent corridor and gateway to the National Capital.

Since that time, the Zoning Commission has amended the Overlay to account for the new baseball stadium being constructed at the northeastern corner of South Capitol Street and Potomac Avenue. This zoning case was before NCPC in July of 2005. The current proposed zoning action will further amend the Capitol Gateway Overlay to account for evolving design objectives for South Capitol Street, as well as contextual changes brought on by the new baseball stadium including the development of the mixed-use entertainment district to the north of the stadium, between the Stadium entrance at Half Street and M Street.

Proposal

As approved in 2002, the Capitol Gateway Overlay is a zoning overlay applied in addition to underlying zoning districts in the South Capitol Street area and along the Anacostia Waterfront. As an Overlay, this zoning includes additional restrictions and design criteria above the requirements of the underlying zoning, which in this instance varies from mixed-use zoning (CR) to low-density waterfront zoning (W1). The following table is a summary of all of the zoning districts within the overlay and their existing use and density requirements. A location map is also provided.

<b>District</b>	<b>Permitted Uses</b>	<b>FAR</b>
C-2-C	General commercial, retail and local services. Residential is allowed.	6.0 (6.0 for Residential, 2.0 for other)
CG/CR	General retail, local services and residential uses.	7.0 (6.0 +1.0 bonus for Residential)
CG/W-1	General office, residential and community-based uses	3.5 (2.5 + 1.0 Residential)
CG/W-2	General office, residential and community-based uses	5.0 (4.0 + 1.0 approved by ZC)
CG/W-3	General office, residential and community-based uses	7.0 (6.0 +1.0 bonus for Residential)
CG/C-3-C	General commercial, retail and local services. Residential is allowed	6.5 (underlying zoning)



The amendment now under consideration applies only to the CG/CR zone. The underlying zoning in the area affected by the amendment is CR – Mixed-Use. The height restriction within this zone is 90 feet. However, the proposed amendment will allow increased heights on projects which utilize a combined lot development approach or a planned-unit development approach. Through these methods, projects can be built to the extent to which they are permitted under the Height of Buildings Act of 1910. The Height of Buildings Act sets the maximum height of buildings by reference to the width of the street on which they are located. Buildings on residential streets must be no taller than the width of the fronting street less ten feet and can never be over 90 feet. Those on commercial streets must be no taller than the width of the fronting street plus twenty feet and can never be over 130 feet<sup>2</sup>. Because of the uses and density within this neighborhood, the streets in the area are considered commercial streets thereby permitting building height to be the width of the street plus twenty, a maximum of 130 feet. With the increased development pressures brought to this area of the city, it is reasonable to assume that new development will seek to maximize height and density through the combined lot

<sup>2</sup> The exception to this rule is the north side of Pennsylvania Avenue between 1<sup>st</sup> and 15<sup>th</sup> Streets where a maximum height of 160 feet is allowed.

development or planned-unit development approach. To illustrate the building heights throughout the district, the following table summarizes the right-of-way width and corresponding height allowances:

<b>Street</b>	<b>Right-of-Way</b>	<b>Height</b>
South Capitol Street	130 feet	130 feet
Half Street	80 feet	100 feet
First Street	110 feet	130 feet
Potomac Avenue	160 feet	130 feet
M Street, SE	90 feet	110 feet
N Street, SE	90 feet	110 feet
O Street, SE	85 feet	105 feet
P Street, SE	85 feet	105 feet

The amendment to the Capitol Gateway also aims to amend requirements in certain districts which relate to the additional planning of South Capitol Street completed since the Overlay was created in 2002. This additional work includes the location of the new baseball stadium, the evolution of the proposed baseball entertainment district and the work of the South Capitol Street Task Force. The most prevalent changes relate to the zoning districts along South Capitol Street, Half Street, SE and First Street, SE. Further, the amendment expands the areas which require Zoning Commission review and clarify the criteria related to that review. The changes by area are summarized below:

South Capitol Street

For those properties which are zoned CG/CR and are located on South Capitol Street, the zoning amendment does the following:

- Establishes a 15-foot minimum setback line, whereby at least 60% of the building’s streetwall must be on the setback line.
- Allows building heights to reach 130 feet where permissible under the Height of Buildings Act, and where combined lot development is being utilized.
- Establishes a 1:1 setback for any portion of buildings that exceed 110 feet.
- Prohibits new private driveways, parking or loading berths on South Capitol Street.
- Permits an increase in FAR to 8.0 for buildings which are 110 feet in height and 8.5 for buildings which are 130 feet in height if the projects are being developed under combined lot development.

Half Street, SE

Under the Anacostia Waterfront Corporation’s Baseball District initiative, Half Street is meant to be the main pedestrian spine leading baseball patrons from the Navy Yard metro station to the

stadium entrance. Appropriate ground-floor, retail, pedestrian scale uses are recommended along this stretch of Half Street, SE leading from M Street, SE to the ballpark entrance. To advance this concept, the zoning amendment establishes the following requirements for those properties which are zoned CG/CR and located on Half Street, SE:

- A step back standard whereby buildings that exceed 65 feet in height shall provide a step back of 20 feet in depth from the building line. This is a flexible standard with the Zoning Commission being able to grant relief from this requirement if good cause is demonstrated.
- Requires that 75% of all ground floor uses shall be for retail, service, entertainment or arts uses, with 100% of the building's street frontage on Half Street, SE being dedicated to such uses.
- Requires a minimum 14 foot ceiling height for ground floor uses.
- Prohibits new private driveways, parking or loading berths on Half Street.

#### First Street, SE

The intent of the zoning amendment is to provide for the development of First Street, SE as an active retail corridor connecting M Street, SE, to the baseball stadium, Anacostia Waterfront and adjacent residential neighborhoods. For the properties located on First Street, SE and zoned CG/CR, the zoning amendment does the following:

- Requires that 75% of all ground floor uses shall be for retail, service, entertainment or art uses, with 100% of the building's street frontage on First Street, SE being dedicated to such uses.
- Requires a minimum 14 foot ceiling height for ground floor uses.

#### Zoning Commission Review

The proposed zoning amendment also expands the mandatory Zoning Commission review process which was established when the Overlay was created in 2002. This Special Exception process is currently applied along the Anacostia Waterfront and along the north side of M Street, SE. The proposed amendment identifies new areas where the review is required as well as providing additional design criteria for the Zoning Commission to consider when reviewing proposed developments. These additions are summarized below:

- In areas within the Overlay, Zoning Commission review will now be required on all projects which abuts South Capitol Street, the squares between the ballpark and M Street, SE, and on any lot which receives bonus density through combined lot development.

- Requires that the project be in context with the surrounding neighborhood, minimize impact on the environment through LEED certification standards, minimize conflict between pedestrians and vehicles, and articulate any walls adjacent to public space.
- Requires a viewshed analysis which assesses views to the Anacostia Waterfront, U.S. Capitol Dome, Frederick Douglas Bridge, South Capitol Street, and federal monumental buildings.
- Requires that any projects on South Capitol Street be developed in a manner which is sensitive to the establishment of South Capitol Street as a monumental civic boulevard.

This amendment was first proposed to the Zoning Commission in November of 2005 and since that time, NCPC staff has met with planners from the Office of Planning and the Anacostia Waterfront Corporation to coordinate initial issues with the proposed zoning amendment. These issue and proposed solutions were provided to the Zoning Commission in a letter dated May 19, 2006 (copy attached). As a result of this coordination between the city and federal planning staff, the Zoning Commission amended its proposal to include NCPC in the Special Exception process along South Capitol Street and also initiated a rezoning action for those properties on the west side of South Capitol Street, south of M Street.

#### Other Changes

In addition to the changes described above, the amendment also establishes a 1:1 building setback above 110 feet for buildings on Potomac Avenue, SE and also prohibits driveways and access points to loading areas along P Street, SW.

#### PROJECT ANALYSIS

The South Capitol Street corridor and its surrounding area is a key priority area for NCPC as identified in the *Extending the Legacy Plan*, which envisions the area as a revitalized, redeveloped district with mixed-use development intermingled among commemorative and cultural works and waterfront activities. Following the review of the first zoning action to add the Capitol Gateway Zoning Overlay in 2002, NCPC formed the South Capitol Street Task Force to address the federal interests in the redevelopment of the corridor and to help coordinate the various transportation, land-use and urban design efforts undertaken by the District of Columbia. The report issued by Task Force effort set forth key recommendations to ensure that South Capitol Street would be redeveloped in a manner that is fitting of its place in the Nation's Capital and achieve the goals of *Extending the Legacy Plan* as well as the Anacostia Waterfront Initiative and other city objectives.

The recommendations of the Task Force's report include:

1. Transforming South Capitol Street into a grand urban boulevard.
2. Developing an oval traffic rotary and South Capitol Commons (major public open space and memorial site), where the new bridge intersects South Capitol Street and Potomac Avenue.

3. Creating a South Capitol Waterfront Park (major public open space and a memorial site or new museum) between the traffic rotary and the terminus of the South Capitol Street viewshed on the Anacostia River.
4. Establishing a mixed-use cultural development zone adjacent to the common and waterfront gateway.
5. Supporting federal facilities as part of a broader mixed-use development along the corridor predominantly north of M Street.

Staff believes that this proposed action by the Zoning Commission is generally consistent with the above goals and staff is supportive of the Office of Planning's efforts to establish zoning which encourages an active, mixed-use district around the baseball stadium. More specifically, the proposed zoning establishes the 15-foot setback on South Capitol Street, a key recommendation in the South Capitol Street report. The Task Force envisioned a consistent street wall and a 160-foot wide combined roadway and public space through the corridor. As the South Capitol Street right-of-way is 130 feet, implementing a 15-foot setback on both sides of the street will create this 160-foot clear zone with a consistent street wall framing the view to the Capitol. Further, staff also supports the new direction of transforming Half Street, SE and First Street, SE into pedestrian oriented retail corridors to support activity generated by the baseball stadium.

#### West Side of South Capitol Street, South of M Street

The report of the South Capitol Street Task Force recommends a coherent corridor design with a consistent streetwall at appropriate heights and setbacks. When originally mapped in 2002, the western side of South Capitol Street, south of M Street, SW was not included in the Overlay and is currently zoned C-2-C (Commercial) and R-5-E (High Density Residential). However, the Zoning Commission has initiated a zoning action to rezone this area to be compatible with the Capitol Gateway Overlay and to ensure that there is a consistent street design on the east and west sides of South Capitol Street, south of M Street.

#### South Capitol Street, North of M Street

The South Capitol Street Task Force also envisioned the development of South Capitol Street as a corridor extending beyond M Street up to a recreated Virginia Avenue where the Southeast/Southwest freeway resides today. The portion of South Capitol Street, north of M Street is zoned C-3-C, with east side of the corridor also being zoned as the Capitol South Transfer of Development Rights (TDR) Receiving Zone. Under the C-3-C zone, developments on the west of South Capitol Street can be up 90 feet, while developments on the east side of the street can be built to 130 feet, due to the bonus height afforded by the TDR Receiving Zone regulations. Staff believes that the Capitol Gateway design objectives of a coherent streetwall with consistent building heights, as well as the provisions for Zoning Commission design review should be applied to South Capitol Street north of M Street up to the future location of Virginia Avenue. This would ensure a consistent street design for the entire corridor, running from the Anacostia Waterfront to Virginia Avenue. Staff recommends that the Zoning Commission map



the Capital Gateway Overlay on the northern side of South Capitol Street up to the future intersection of Virginia Avenue

## CONFORMANCE

### Extending the Legacy

The proposed zoning amendment affects a key priority area identified in the *Extending the Legacy Plan*. First, the zoning applies to a large section of the South Capitol Street corridor which Legacy envisions as a revitalized southern gateway to the monumental core with a mix of shopping, housing and office space as well as new cultural and commemorative works. The current action proposed by the Zoning Commission helps advance Legacy's vision for mixed-use development along South Capitol Street as it encourages dense development with active ground floors in addition to residential and commercial uses. As such, it is consistent with Legacy's recommendations.

### Comprehensive Plan

The Comprehensive Plan for the National Capital lays out specific policies for areas adjacent to Washington's waterfronts. As this zoning action relates to South Capitol Street and its connection to the Anacostia Waterfront, these policies are applicable. Specifically, the policy states:

Future development areas of intense activity should be carefully controlled and limited to selected key locations, such as the area around Buzzard Point, South Capitol Street, Poplar Point, and National Harbor. Development along the Potomac and Anacostia Rivers, including new roads and freeways, and concentrated governmental or institutional land uses that create barriers, should be designed to allow the public maximum visual and physical access to the waterfront.

This zoning requirement establishes distinct controls for development adjacent to the waterfront. As such, it is consistent with this policy within the Comprehensive Plan.

### Memorials and Museums Master Plan

The Memorials and Museums Master Plan (2M) identifies three proposed sites for new commemorative works within the area of the proposed zoning action. Prime Candidate Site 8 is located at the base of South Capitol Street at the Anacostia River and Candidate Sites 38 and 89 are located along the banks of the Anacostia. The 2M Plan recommends that these sites should be used as a catalyst for economic development and public and private urban design improvements which support local planning objectives. The intent of the Capitol Gateway Overlay is to develop this area around South Capitol Street and Anacostia Waterfront as a developed, mixed-use area with a well designed public realm. As such, this zoning is consistent with the 2M plan as the recommended commemorative work sites will help spur the type of development the Overlay looks to encourage.

### Anacostia Waterfront Initiative

The proposed Zoning Commission action has been developed based on many of the objectives outlined in the District's Anacostia Waterfront Initiative (AWI). The AWI plan looks to advance the Legacy vision of a mixed-use, redeveloped South Capitol Street area with active uses and a strong residential base. The AWI plan also recognizes the importance of a well designed public realm within this area. The proposed Zoning Commission action encourages these same types of uses and its design control criteria further the AWI vision of superior quality private development and public spaces.

### CONSULTATION

#### D.C. Office of Planning

In a report dated November 21, 2005, the DCOP initiated and recommended adoption of the text amendment as proposed. In a supplemental report dated April 10 and May 19 2006, DCOP provided information to the Zoning Commission addressing the street wall and corridor issue. DCOP recommends alterations to the proposed amendment based on discussions with NCPC and the Anacostia Waterfront Corporation. Furthermore, DCOP also recommended that the Zoning Commission proceed with rezoning the west side of South Capitol Street, south of M Street, which the Zoning Commission has initiated.