

STAFF RECOMMENDATION

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NCPC File No. Z.C. 03-05/6419



U.S. DEPARTMENT OF TRANSPORTATION HEADQUARTERS, M STREET AND NEW JERSEY AVENUE, SE, ON PORTIONS OF SQUARES 743, 7720, AND 801 AND RESERVATION 17-E

Planned Unit Development and Related Amendment to the Zoning Map of the District of
Columbia

Consultation with the General Services Administration under the Southeast
Federal Center Public-Private Development Act of 2000

Submission by the Zoning Commission of the District of Columbia
and
The General Services Administration

December 30, 2003

Abstract

The General Services Administration proposes to develop a new headquarters for the United States Department of Transportation at the southeastern corner of M Street, SE and New Jersey Avenue within the Southeast Federal Center. JBG/SEFC Venture, LLC (JBG), a private developer, will purchase the federally owned site, construct the building and lease it back to the federal government based on predetermined specifications. Since the project is privately developed, it is subject to a Zoning Commission action, which is before the Commission for federal interest review. In addition, the site is located within the Southeast Federal Center and is subject to the Southeast Federal Center Redevelopment Act of 2000 (SEFC Act). Under the SEFC Act, GSA is required to consult with NCPC to determine if the SEFC redevelopment is consistent with NCPC's Extending the Legacy Plan. This report evaluates the project under both of these authorities with recommendations to both the Zoning Commission through NCPC's zoning authority and GSA through the SEFC Act.

Federal Interests

The development on this 11-acre site will become the future site for a cabinet-level federal headquarters building. The site is located within the Southeast Federal Center, which is federal land that is intended to be sold for future private redevelopment and will be developed in accordance with NCPC's Extending the Legacy Plan as prescribed by the SEFC Act.

Other federal interests include: the original M Street, SE, 3rd Street, SE, 4th Street, SE, Tingey Avenue, and New Jersey Avenue L'Enfant rights-of-way and M Street, SE's designation as a Special Street under the federal elements of the Comprehensive Plan.

Commission Action Requested by Applicant

Approval of comments pursuant to Section 8 of the National Capital Planning Act (40 USC § 8724(a) and D.C. Code § 2-1006(a)), and Section 3(f) of the Southeast Federal Center Public-Private Development Act of 2000 (Public Law 106-407).

Executive Director's Recommendation

To the Zoning Commission, the Commission:

Conclude that the proposed Planned Unit Development and change in zoning for the U. S. Department of Transportation project will not negatively affect the federal interest except for the following elements:

- The 50-foot setback on M Street, SE.
- The restriction of the original 3rd Street, SE, L'Enfant right-of-way to pedestrians and screened vehicles.

Recommend that the Zoning Commission require a provision in its final order that:

- When the U.S. Department of Transportation vacates the facility or security requirements permit, the owner of the property shall be permitted to retrofit the building to extend the ground level streetwall so it is consistent with the prevailing streetwall on M Street, SE and incorporates the preferred uses identified in the proposed Southeast Federal Center Overlay Zone on the ground level of M Street, SE, according to a design approved by the Zoning Commission.
- When the U.S. Department of Transportation vacates the facility or security requirements permit, 3rd Street, SE is open to general vehicular traffic.

To the General Services Administration, the Commission:

Recommend that GSA place a covenant in the deed for the U.S. Department of Transportation site that requires that when the U.S. Department of Transportation vacates the facility or security requirements permit, 3rd Street, SE is open to general vehicular traffic.

Recommend that the width of the publicly dedicated right-of-way for the extension of New Jersey Avenue be consistent with the existing right-of-way for New Jersey Avenue north of M Street, SE.

Recommend refinement to the landscape plan by:

- Relocating the bollard line further away from the intersection of M Street, SE and New Jersey Avenue.
- Utilizing different perimeter security elements, such as benches or planters, to break up the continuous row of bollards along M Street, SE as opposed to intermittently masking the bollards with shrubs.

Request that the revised landscape plan be submitted to the Commission for further consultation.

Request that in accordance with the Conveyance Agreement dated September 20, 2002 (Paragraph 7.3.1) GSA submit a Southeast Federal Center Master Plan amendment for the Department of Transportation site that permits the following:

- When the U.S. Department of Transportation vacates the facility or security requirements permit, the building may be retrofitted by extending the ground level streetwall so it is consistent with the prevailing streetwall on M Street, SE and incorporates the preferred uses identified in the proposed Southeast Federal Center Overlay zone on the ground level of M Street, SE
- When the U.S. Department of Transportation vacates the facility or security requirements permit, 3rd Street, SE is opened to general vehicular traffic.

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BACKGROUND AND STAFF EVALUATION

Background

The General Services Administration briefed the Commission in August 1999 on its efforts to find a location for a new United States Department of Transportation (USDOT) headquarters. Currently, the Department's employees are dispersed throughout the District in three main facilities: the NASIF Building (7th and D Street, SW), the Transpoint Building (2nd Street), and the FAA Headquarters (Independence and 7th Street.) This project will consolidate most of these employees into one building to house all of USDOT's main functions, including the Secretary's offices.

Aside from the GSA briefing in August of 1999, the Commission has had two additional presentations regarding this project. The first was a presentation by staff in October 2, 2003 in response to a District of Columbia Zoning Commission request for comments on the project. This resulted in a letter transmitted to the Zoning Commission on October 14, 2003 (Attachment 1). This letter reiterated many of the concerns presented to GSA in an earlier letter regarding this project dated March 26, 2003 (Attachment 2). The second was an information presentation on December 4, 2003 given by GSA and the project's architect. The project is formally before the Commission for review as the Zoning Commission has taken a proposed action on December 8, 2003. GSA has submitted a letter requesting consultation under the SEFC Development Act.

Southeast Federal Center Public-Private Development Act of 2000

On November 1, 2000, Congress enacted the Southeast Federal Center Public-Private Development Act of 2000 (SEFC Act) authorizing GSA to work with the private sector in redeveloping the SEFC site. The SEFC Act does not limit NCPC's authority under the National Capital Planning Act, but requires that GSA consult with the Commission to ensure that the redevelopment of the SEFC site is consistent with the Extending the Legacy Plan (Legacy). This is enumerated in Section 3(f) of the SEFC Act:

(f) National Capital Planning Commission.--

(1) Statutory construction.-- Nothing in this section may be construed to limit or otherwise affect the authority of the National Capital Planning Commission with respect to the Southeast Federal Center.

(2) Vision plan.-- An agreement entered into under this section shall ensure that redevelopment of the Southeast Federal Center is consistent, to the extent practicable (as determined by the Administrator, in consultation with the National Capital Planning Commission), with the objectives of the National Capital Planning Commission's vision plan entitled "Extending the Legacy: Planning America's Capital in the 21st Century," adopted by the Commission in November 1997.

Scope of Review

This project is submitted to the Commission under two different authorities. First, the Zoning Commission has referred its proposed zoning action for federal interest review. Secondly, GSA has requested formal consultation from the Commission as required under the SEFC Act. This report covers both authorities, and analyzes the DOT project as it has been presented on plans dated September 18, 2003 for its impact to the federal interest and its consistency with Legacy and other planning efforts and policies.

PROJECT DESCRIPTION

The Department of Transportation Headquarters project is being developed by the General Services Administration through a sale lease-back mechanism. GSA is conveying the land to private ownership. The parcel will be developed to federal specifications through a renewable, 15 year build to suit lease so that the government can lease the facility for its use. The result is a federal facility that occupies a leased site where the land and buildings are privately owned. In this instance, GSA will convey the land to JBG Companies as the private entity whose development team includes architect Michael Graves and landscape architect Jeff Lee and Associates.

The following is a description of the Department of Transportation project. Staff understands that some elements of the project, particularly the streetscape elements, are still under refinement and should be subject to further consultation by the Commission.

The Site

The subject site under review is an 11-acre parcel of land located at the southeastern corner of New Jersey Avenue and M Street in Washington, D.C. The parcel represents the northwestern corner of the Southeast Federal Center (SEFC), which is approximately 55 acres (including the DOT site) of federal land undergoing an extensive redevelopment effort by the General Services Administration. The 55-acre balance of the SEFC, exclusive of the DOT parcel, is also before the Commission for review and consultation (case number ZC 03-06/6420.)

The site is currently vacant with the bulk of the land being a paved lot. Existing Building 170 is the only structure located on the parcel that will be retained. The northern boundary of the site is M Street from New Jersey Avenue to 4th Street, SE and the southern boundary is Tingey Street. Attachment 3 is the general site map of the DOT parcel within the SEFC site.

Development Overview

The DOT project consists of 1.45-million-square-foot buildings to house approximately 5,500 United States Department of Transportation (DOT) employees. The project entails the construction of two structures connected below grade by a parking facility and concourse. The western structure measures 130 feet in height and the eastern structure measures 110 feet. The main entrance to the complex is located on New Jersey Avenue through the western building. Attachment 4 is the general landscaping and site plan which shows the location of the buildings and surrounding elements (Note: existing Building 167 is not included within this project). Attachment 5 is the ground floor plan which details site dimensions and building elements. Attachments 6 – 8 are the elevations of the proposed structures.

Parking and Loading

The project features a below grade parking facility containing 936 parking spaces, all dedicated to DOT personnel. A drive way is located within the building footprint on the western side of 3rd Street, SE. Vehicles will be screened by guard facilities located at the north and southern ends of the closed portion of 3rd Street before they are permitted to enter the below-grade parking facility. Three loading bays are accessible from 4th Street, SE.

Perimeter Security

The U.S. Department of Transportation building is designed to Level 4 cabinet agency facility specifications as determined by the Interagency Security Criteria (ISC). As such, federal building security requirements have influenced the project's design. A key security requirement is the closure of 3rd Street to public vehicles. This privately owned street will allow for public pedestrian access through an easement, but public vehicular traffic will not be permitted. However, screened vehicles accessing DOT's underground parking facility will be permitted.

Another security requirement is a mandated 50-foot setback around the perimeter of the structure along M Street, New Jersey Avenue and 4th Street, SE. On M Street, SE and 4th Street, SE this 50-foot setback is in the existing publicly dedicated right-of-way. Conversely, the 50-foot setback on New Jersey Avenue is in private ownership but with a public easement.

The perimeter is secured by continuous bollard elements along M Street, with sections of the bollard line encased in hedging. New Jersey Avenue and portions of 4th Street and Tingey Street utilize a mix of bollards and seating elements to secure the perimeter on those streets.

Landscaping and Pedestrian Areas

The project submission to the Zoning Commission includes a landscaping and pedestrian concept. The plan proposes a double row of street trees around the perimeter of the site, with a

single row in the southwest portion of the site. The plan also includes decorative pavers along M Street as well as in the Southwest Plaza area, which is an open retail space in the southwest corner of the project site. Refer to Attachment 4 for the overall landscape concept.

M Street, SE is proposed as a linear park and the landscape treatment is designed to mitigate the 50-foot setback necessitated by security requirements. This treatment includes seating elements along the curb side of the sidewalk, positioned between the PEPCO vents along the edge of the street. These seating elements are embellished by landscape areas and light fixtures planted between them. A second row of street trees are placed within planting strips in-between the seating elements and the DOT building. The consistent bollard line along M Street is masked by their placement into hedges. Attachment 9 reflects the M Street linear park treatment.

Along New Jersey Avenue, a double row of street trees and two green strip elements will denote the main entrance to the DOT facility. Seating elements break the bollard line in several locations and Washington globe light fixtures are placed with the path leading to the seating elements. Attachment 10 illustrates the New Jersey Avenue landscape concept.

Two other critical components of the landscape concept include a pedestrian way directly south of the building which would connect New Jersey Avenue to 4th Street, SE. This would be augmented by decorative paving and a line of canopy trees to denote the pedestrian space. A "Transportation Walking Museum" around the perimeter of the site will specifically enliven 3rd Street. The museum is comprised of elements designed to highlight notable moments in the United States' transportation history. Attachment 11 illustrates the walking museum concept as it will be implemented on 3rd Street.

Staff met with GSA and the development team on November 5, 2003 to discuss the landscape elements of this project. The landscape architect explained his rationale for the proposed perimeter design, and specifically the linear park along M Street, SE. The meeting resulted in some suggested refinements to the bollard line at the intersection of M Street and New Jersey Avenue as well as some revisions to the continuous bollard line and hedge along M Street. It is staff's understanding that the landscape plan is still under revision to reflect these suggestions and has not been submitted for this review.

Street Extensions

A critical component of the Southeast Federal Center redevelopment is the extension of streets through the site, and the reestablishment of original L'Enfant rights-of-way. Extensions of New Jersey Avenue, 3rd Street and 4th Street, SE through the site will reconnect the area to the existing street network. These street extensions will utilize approximately two acres of the site, leaving nine developable acres for the DOT development.

4th Street, SE and New Jersey Avenue will be extended south from M Street to Tingey Street as publicly dedicated rights-of-way which will be open to vehicular traffic. Conversely, 3rd Street, SE will be extended south by public easement but it limited to pedestrian traffic and screened delivery vehicles. On 3rd Street, SE guard booths stationed at the north and south terminuses will screen vehicles. According to the draft Zoning Commission order, the developer will construct Third Street to the District Department of Transportation standards so that it can be easily

reopened to public traffic if security requirements change or the DOT ceases to occupy the building.

A critical issue is the ownership of the future streets. Since 4th Street, SE and Tingey Street are open to vehicular and pedestrian traffic, the full width for these streets are dedicated as public rights-of-way and under District of Columbia Government jurisdiction. New Jersey Avenue will be open to vehicular and pedestrian traffic, however its full width will not be dedicated as public right-of-way. North of M Street, the right-of-way for New Jersey Avenue is 160 feet. The New Jersey Avenue extension will include a right-of-way width of approximately 115 feet with approximately 45 feet being transferred to private ownership with a public easement. The privately owned portion of New Jersey Avenue would traditionally be placed in public ownership. Attachment 12 is the proposed land dedication plat reflecting these proposed dedications. Additionally, 3rd Street will be closed to public vehicles and is privately owned with a public easement.

Southwest Plaza

The plaza area in the southwestern portion of the site includes retail uses as well as landscape elements and water features. The retail is provided in two separate structures, including a new 3,800 square foot building located at the northeastern corner of Tingey Street and New Jersey Avenue, SE. The second retail building is the restoration of Building 170, located at the northwestern corner of Tingey Street and 3rd Street, and providing 18,500 square feet of publicly accessible retail. Water features and other landscape elements have been incorporated on the northern edge between the plaza and the pedestrian walkway. Attachment 13 is a rendering of the Southwest Plaza area and Attachment 14 shows the Southwest Plaza with the pedestrian walkway in the foreground.

Retail Components

GSA, through its meetings with the Office of Planning as well as NCPC Staff, has incorporated retail uses in this project. Approximately 40,000 square feet of internal retail space is being provided for DOT employees, including a 18,500 square feet employee cafeteria. However, current security requirements for the Department of Transportation do not permit publicly - accessible retail. As alternatives, GSA has incorporated a semi-detached 1,800-square-foot retail structure at the northwest corner of the building at M Street, SE and New Jersey Avenue, and a small detached retail kiosk at the corner of M Street and 4th Street, SE. This kiosk as well as the new retail structure in the southwest plaza is detailed in Attachment 15. Additionally, the project will include a “seasonal” kiosk program which will provided small vending units along the M Street pedestrian space.

The District of Columbia Office of Planning and NCPC staff have communicated to GSA their desire for ground level retail within the DOT building footprint to enliven the street and promote mixed uses to enhance the neighborhood. However, GSA has not allowed for retail space within the building footprint due to security requirements. As mitigation, the design provides appropriate ceiling heights on the ground floor so that the space can be retrofitted for ground level retail should the Department of Transportation vacate this facility or when security requirements permit.

Conveyance Agreement

Staff has received a copy of the September 2002 Conveyance Agreement for the U.S. Department of Transportation project. This agreement between GSA and JBG stipulates the terms by which the land is being transferred from federal possession to JBG. A pertinent point of the agreement is found in paragraph 7.3.1 (and Recital G) which states that JBG is required to follow the 1992 Master Plan approved by NCPC and that any changes to the Master Plan to accommodate the requirements of the DOT lease will require GSA's prior consent. Also, the Conveyance Agreement makes it clear that the DOT headquarters building is being designed to conform to the requirements of the DOT lease.

Lease

Staff has also received a copy of the DOT lease. Pertinent points of the lease that affect the building's design include Section 8.7.5 which discusses the building's defensible perimeter. This section of the lease requires building setbacks of 20 feet and that the government has the right to require increased setbacks of up to 50 feet. Also, Section 8.7.16 establishes that ground floor retail is permitted, provided that operational and structural measures are taken to secure the space. However, the government has the right to restrict retail to adjacent or external areas of the building. Based on the 50-foot perimeter and limited retail shown on the current plants, it appears that the government has exercised its rights under the lease.

Zoning Analysis

Since this land is currently owned by the federal government, it is not zoned. As a private development, the project now requires District zoning. JBG has filed an application to have this 11-acre parcel zoned C-3-C (Commercial) with a Planned Unit Development (PUD) overlay. The C-3-C zoning is for major business and employment centers at a medium to high level of density, allowing for office, retail, housing and mixed-use developments. The PUD overlay gives the Zoning Commission authority to grant flexibility from the regulations to certain projects in exchange for enhanced amenities to the surrounding community.

The C-3-C zoning classification allows buildings up to 90 feet in height and a Floor-to-Area Ratio (FAR) not to exceed 6.5. Structures are permitted to have a lot occupancy of 100%. The following table illustrates the C-3-C general height, bulk and intensity standards in comparison to the DOT project.

	C-3-C (base zoning)	DOT project
Height	90 feet	130 feet - west building 110 feet - east building
Stories	Not regulated	9 stories - west building 8 stories - east building
Floor-to-Area Ratio	8.0	3.7
Lot Occupancy	100%	50%

The Department of Transportation project is in conformance with most of the base C-3-C zoning, aside from height. The highest point of the DOT project is 130 feet, whereas 90 feet is the limit under the base C-3-C zoning. This difference represents the flexibility granted by the Zoning Commission to the project in return for public amenities for the surrounding community.

In its proposed action, the Zoning Commission established a provision stipulating that, if the DOT project were to not be constructed, the zoning for this parcel would then become CR – Mixed Use. The CR zoning promotes a mix of commercial and residential uses and is consistent with the proposed zoning of the surrounding Southeast Federal Center.

Public Amenities

Under the District of Columbia Zoning regulations, the Planned Unit Development process requires an applicant to provide public amenities to the surrounding community in return for flexibility from the zoning regulations. This compensates for any increase in height or density that the Zoning Commission grants to a project. In this instance, there has been significant extra square footage granted by virtue of the extra 40 feet available through the PUD and the development team for the project has proffered an extensive amenity package in exchange for this extra density. Notable items in the package include:

- A \$2,500,000 contribution to the Canal Park Development Association for the development of Canal Blocks Park on the north side of M street.
- A \$1.5 million contribution to the District of Columbia General Fund for construction and programming of the Anacostia Riverwalk and Trail.
- A commitment to work with the DDOT to create a corridor-based organization focusing on transit improvements which will support the evaluation and implementation of a means for property owners on the M Street corridor to assist in financing a portion of the capital and operating costs for the "next generation" of transit on the M Street corridor.

RELATED PLANNING EFFORTS

The following is a summary of related planning efforts that have been applied to the Southeast Federal Center, of which the U.S. Department of Transportation site is a part.

General Services Administration's Southeast Federal Center Master Plan

The Southeast Federal Center has been subject to various master-planning efforts over the past several decades. Most recently, the SEFC Master Plan was revised and approved by the Commission on May 30, 1985 and subsequently modified July 22, 1992. This Master Plan proposed a long-range development of the SEFC as an office complex for 30,000 federal employees and to integrate the Center into the fabric of the remainder of the city. Specifically the Master Plan called for 8.4 million square feet of office space, 200,000 square feet of retail space, an "industrial character" zone between M Street and Tingey Street west of 4th Street, the use of the Anacostia River edge as an urban waterfront and the creation of an urban square at the

intersection of New Jersey Avenue and Tingey Street. Attachment 16 is the Master Plan approved by the Commission in 1985 and revised in 1992. According to the Conveyance Agreement, the DOT development must comply with the provisions of this Master Plan.

1994 SEFC Design Guidelines

In 1994, the General Services Administration commissioned several architecture firms to develop Design Guidelines for the Southeast Federal Center. These guidelines developed a more detailed interpretation of the concepts reflected in the Master Plan and to assist in making the facility an “exemplary federal office complex, establishing a high standard for design in the public realm.” These Guidelines were submitted to the Commission for review in December 1994 and the Commission endorsed the concepts while suggesting refinements to the guidelines. The Commission suggested that the streets within the SEFC remain in United States ownership, with jurisdiction granted to the District of Columbia and that public access be maintained from M Street.

1997 Southeast Federal Center Policy Framework

On April 23, 1997 GSA held a workshop to examine the master plan and design issues for the Southeast Federal Center redevelopment. Agencies which participated in this event included GSA, NCPC, the Commission of Fine Arts, the District of Columbia, the United States Navy, the State Department and the Federal Protective Service. The outcome was a document which identified key issues pertaining to the SEFC’s development, including security, programming, parking, and development character, relationships to the adjacent area, and implementation and policy recommendations to address these issues. There is no record of a Commission action regarding this document.

Extending the Legacy Plan

In 1997, the National Capital Planning Commission released its Extending the Legacy Plan. This document established a new vision for the monumental core of the nation’s capital and recommended various initiatives and planning efforts to achieve that vision. Legacy contemplated the future of southeastern Washington and identified the planning concepts to reactivate the Southeast Federal Center and the Washington Navy Yard. The Legacy Plan envisioned a redeveloped Southeast Federal Center with an active and easily accessible Anacostia Waterfront park which would anchor an economically viable and pedestrian friendly M Street corridor. Legacy tied this vision to the greater redevelopment of South Capitol Street corridor whose activity would spill over to Poplar Point and Anacostia. This Plan is specifically referenced in the Southeast Federal Center Public-Private Development Act of 2000 as a guiding document for the Southeast Federal Center’s redevelopment. Hence, the Department of Transportation project and GSA’s Southeast Federal Center Plan should conform to the objectives established in Legacy.

Capitol Gateway Zoning

The Commission reviewed the Capitol Gateway zoning amendment subsequently approved by the Zoning Commission on October 28, 2003. This was a comprehensive zoning map and text

amendment applied to the area known as Buzzard Point and the areas of the southeast waterfront stretching from Fort McNair to the western side of the Southeast Federal Center. The zoning action also applied to properties on M Street, SE from South Capitol Street to 4th Street, SE across from the Southeast Federal Center and the proposed Department of Transportation site. This action zoned the properties adjacent to the SEFC and DOT for mixed-use development up to a height of 90 feet. Across from the SEFC on the northern side of M Street, SE the Capitol Gateway zoning action allowed for commercial development up to a height of 90 feet. However, developments fronting on M Street within this district are subject to specific Zoning Commission approval. To enliven the M Street corridor, these projects maintain a streetwall that is at least 15 feet from the curb with not less than 50% of the streetwall comprised of storefronts and commercial entrances. The Commission concluded that this zoning would not adversely affect the federal interest and the Zoning Commission subsequently approved the zoning package.

EVALUATION

Under Section 8 of the National Capital Planning Act, the Commission has the authority to review proposed Zoning Commission actions for their impact on the federal interests. Additionally, under the SEFC Act, GSA is required to consult with the Commission on their efforts to redevelop the Southeast Federal Center.

Federal Interest Evaluation

The federal interest evaluation pertains to the proposed approval of the Planned Unit Development and underlying zone change from unzoned to C-3-C/PUD. The following analysis and recommendation is related to the Zoning Commission action.

As stated, the federal interests in this case are the 11-acre site which is currently federal land and is a future site for a cabinet level federal headquarters building. The site is also located within the Southeast Federal Center which is federal land being planned for private redevelopment

Other federal interests include M Street, SE which is a Special Street under the federal elements of the Comprehensive Plan. Also, the 3rd Street, SE, 4th Street, SE, Tingey Avenue, and New Jersey Avenue extensions are all original L'Enfant rights of way and as such are federal interests.

Federal Land – Southeast Federal Center

The DOT project is located within the Southeast Federal Center which is currently federal property and will undergo extensive redevelopment efforts that will result in a vibrant, mixed-use neighborhood. It is staff's position that the DOT will not negatively affect the Southeast Federal Center as it will bring 5,500 employees to the neighborhood, providing a catalyst to retail activity and enlivening the area during federal work hours. Optimally, once the SEFC is redeveloped with housing opportunities, DOT employees could become potential residents of the redeveloping neighborhood. The activity generated by DOT will also assist in the redevelopment of M Street, SE as an active commercial corridor, which is a key component of the Extending the Legacy Plan.

Special Street – M Street

As stated in the October 14, 2003 letter (Attachment 1), staff is concerned with the 50-foot setback along M Street, SE. Planning efforts related to M Street, SE, including the Capitol Gateway zoning district, the recent Capper-Carrollsbrough Hope VI project, and the GSA Master

Plan and Design Guidelines for SEFC have all sought to establish a consistent streetwall down M Street and create an orderly streetscape. The DOT setback and its linear park will represent a break in that streetwall since buildings to the west and east are encouraged through zoning to be built to a consistent streetwall of at least 15 feet. As such **staff concludes that this setback will negatively affect M Street as a federal interest.**

Staff acknowledges that this setback is driven by security requirements and that mitigation measures have been provided by creating the linear park within the setback. However, in light of GSA's efforts to provide long-term mitigation measures, in the event that the building becomes leased to the private sector, it is **staff's recommendation that the Zoning Commission require a provision in its final decision that would permit the owner of the building to extend the building's ground level streetwall to be consistent with the prevailing streetwall on M Street, should the U.S. Department of Transportation vacate the facility or security requirements change.** When these circumstances occur the building could be retrofitted and retail introduced at the street level, increasing the building's useable space and visibility on the ground floor. This will bring the building's M Street façade into conformance with the emerging, surrounding streetscape.

Furthermore, GSA, in cooperation with DCOP has identified a list of preferred uses that, under the proposed Southeast Federal Overlay Zoning, would be required in developments on M Street, SE between 1st Street and Isaac Hull Avenue. This list is detailed in Section 1807 of the SEFC Overlay. However, GSA has removed the DOT project from this overlay zone and is not providing these uses on the ground floor of the DOT building. Regardless, the intent is to have the Southeast Federal Center redevelop in a coherent manner as a mixed-use neighborhood, with these preferred uses concentrated on M Street, SE. Since DOT will not include these preferred uses within its ground level of the building due to security concerns, it represents a break in continuous, active ground floor uses along the redeveloped M Street Corridor. Staff appreciates the developer's commitment to provide intermittent retail at New Jersey Avenue and M Street and in a kiosk at the corner of 4th and M Street. However, this is a short term solution for encouraging retail on the site and along the entire corridor. For the long term, **staff recommends that the Zoning Commission require a provision in its final decision that would permit the owner of the buildings to retrofit the buildings to provide the preferred uses as required in the Southeast Federal Center Overlay, should the U.S. Department of Transportation vacate this facility or security requirements change.**

L'Enfant Rights- of-Way

The extensions of 3rd Street, SE, 4th Street SE and Tingey Street are all right-of-ways designated in the original L'Enfant plan for the national capital. There is a strong federal planning interest in ensuring that these rights of way are protected and restored within the original L'Enfant city.

It is staff's conclusion that the DOT project would not negatively affect 4th Street, SE or Tingey Street. The overall landscape concept will present an improved condition for these streets through the use of decorative paving and tree plantings. Staff does have concerns with the large curb cut to service the loading bays off of 4th Street, SE as it interrupts the streetscape along 4th Street and would have a negative impact to pedestrian circulation if the space was consistently crossed by delivery vehicles. The docks themselves, however, are located within the building footprint which allows single vehicles to load and unload within the building and outside of the public space. Staff also appreciates the condition in the PUD order which limits access to the loading facilities for trucks that are larger than thirty feet by prohibiting them between the hours

of 7:00 - 9:00 AM and between 4:30 - 6:30 PM on weekdays. This should minimize the potential for conflicts between the loading facility and pedestrians.

In terms of New Jersey Avenue, staff does not believe that the proposed streetscape and setback will negatively affect this extension of this Special Street. The setback is consistent with the New Jersey Avenue streetwall north of M Street and the landscaping is generally appropriate in this area.

As stated in the October 14, 2003 letter from the Executive Director to the Zoning Commission, NCPC has been clear on its desire to avoid the closure of public streets to vehicular traffic. The Commission has also been clear in its support for the reaffirmation of the L'Enfant Plan street grid. Staff recognizes the benefit of constructing the 3rd Street, SE right-of-way to DDOT standards to allow for its conversion to a fully open public street should circumstances allow. **However, the full benefit of the reconnected street will not be realized until it is open to public vehicular traffic and as such this restriction of the original 3rd Street L'Enfant right-of-way will adversely affect the federal interest until it is opened.** To ensure that this street will indeed be open to vehicular traffic at a point in the future, **staff recommends that the Zoning Commission include in its final order a provision that requires that when the U.S. Department of Transportation vacates the facility or security requirements permit, 3rd Street, SE be opened to general vehicular traffic.**

Consultation Evaluation

Extending the Legacy

The Legacy Plan envisioned a redeveloped Southeast Federal Center with an active and easily accessible Anacostia Waterfront park and an economically viable and pedestrian friendly M Street corridor. While staff appreciates the efforts of the developer to provide retail amenities along M Street and believes that the DOT will help activate the M Street corridor, we do not believe that that DOT is fully meeting the objectives of promoting a pedestrian friendly, active M Street, SE. For reasons described above, the inconsistent streetwall and lack of continuous retail space along M Street between New Jersey Avenue and 4th Street, SE will interrupt the long term prospects of the M Street corridor as a pedestrian friendly, economically active street. Staff acknowledges that the M Street linear park, the semi-detached retail structure at New Jersey and M Street and the retail kiosk at 4th and M Street are short term solutions to mitigating the security related design issues. However, an appropriate long term solution may involve retrofitting the building to add retail and to expand the streetwall. Hence, staff has recommended that the Zoning Commission include as a condition of its order that the building should be retrofitted to provide a consistent streetwall with the accommodation of ground floor retail should the DOT vacate the facility or security requirements change. In the event that market conditions would not support the additional retail space on M Street, SE, an application can be filed to modify the PUD order to remove this condition. At that time, the Zoning Commission can determine if such an economic condition exists and that the retrofit would not be feasible.

Staff reiterates its concern with the closure of 3rd Street, SE to vehicular traffic. The Commission has been consistent in its support for keeping streets within the District of Columbia open to public vehicles and also its support for the reestablishment of the L'Enfant street grid. While staff appreciates the short term solution of constructing 3rd Street, SE so that it can be easily

reopened to vehicular traffic, we believe that a provision beyond a zoning requirement should be put in place to ensure that this street will be opened to traffic. Hence, **staff recommends that GSA place a covenant in the deed for the U.S. Department of Transportation site that requires that when the U.S. Department of Transportation vacates the facility or security requirements permit, 3rd Street, SE is open to general vehicular traffic.** Such a covenant would be consistent with GSA's practice of placing restrictions on disposed historic property which protects in perpetuity the historic attributes of a site. It also ensures that street will be opened regardless of the property's ownership.

Staff has concerns related to the proposed right of way dedication of only 110 feet for New Jersey Avenue. North of M Street, the New Jersey Avenue right-of-way is 160 feet wide as established in the L'Enfant Plan. Under the current DOT project, only 110 feet would be dedicated public right-of-way while the area constituting the sidewalk and pedestrian space is in private ownership with a public easement. NCPC will review the final New Jersey Avenue dedication through a highway plan amendment at later date. However, at this time **staff recommends that the width of the publicly dedicated right-of-way for the extension of New Jersey Avenue be consistent with the existing right-of-way for New Jersey Avenue north of M Street, SE.**

Urban Design & Security Plan

The Department of Transportation Headquarters site is located outside of the area addressed in the Urban Design and Security Plan, but the perimeter security elements should be evaluated against the plan's design principles. These principles include the maintenance of an appropriate balance between perimeter security and the vitality of the public realm, and not excessively restricting or impeding operational use of sidewalks. To accomplish this, **staff recommends refinement to the landscape plan by relocating the bollard line further away from the intersection of M Street, SE and New Jersey Avenue.** This will provide additional public space outside of the bollard line for pedestrians waiting for the stoplight. The other relevant principle is expanding the palette of elements and avoiding long rows of bollards. While the design solution proposed for New Jersey Avenue is successful in accomplishing this goal, the proposal for M Street is not. The New Jersey Avenue solution successfully utilizes a different palette of perimeter security elements, such as bollards and benches, as opposed to one solution throughout. M Street, SE, however, utilizes a consistent row of bollards, albeit some are concealed in a hedge. It is staff's position that the New Jersey Avenue solution is more appropriate and believes that a similar approach should be pursued on M Street, SE. Accordingly, **staff recommends the utilization of different perimeter security elements, such as benches or planters, to break up the continuous row of bollards along M Street, SE as opposed to intermittently masking the bollards with shrubs.**

Staff also has concerns with the requirement stipulated in the Conveyance Agreement for the U.S. Department of Transportation Headquarters project that the site must comply with the 1992 Master Plan. The Master Plan contemplated the SEFC as remaining in federal hands, with the development being predominantly for federal use. Because of GSA's efforts to redevelop the SEFC for private use in reflection of the SEFC Act, the 1992 Master Plan is obsolete. As required in the Conveyance Agreement, the SEFC Master Plan should be updated to account for the new vision for the SEFC and to adequately reflect the current DOT design as well as its design once DOT has vacated the site or if security requirements change. **Staff requests that in accordance with the Conveyance Agreement, GSA submit a Southeast Federal Center Master Plan amendment for the DOT site that permits the building to be retrofitted by**

extending the ground level streetwall so it is consistent with the prevailing streetwall on M Street, SE, incorporates the preferred uses identified in the proposed Southeast Federal Center Overlay zone on the ground level of M Street, SE, and the opening of 3rd Street, SE to general vehicular traffic when the U.S. Department of Transportation vacates the facility or security requirements permit.

National Environmental Policy Act

Pursuant to the National Environmental Policy Act (NEPA), GSA prepared and distributed, for public review and comment, an Environmental Impact Statement that addresses the environmental effects associated with its action to acquire a new building for a DOT headquarters facility. In accordance with NEPA, GSA completed its environmental evaluation prior to selection and commitment for space that will serve as the new headquarters. GSA completed a Record of Decision (ROD) for the NEPA process in January 2002. As part of the mitigation measures to be implemented with the project and which, by incorporation within the ROD, GSA has committed to and as identified in the ROD the JBG/SEFC Venture LLC "would be obligated to undertake" the following:

- Two new Metrorail faregates would be necessary to implement the project.
- The ROD recommended providing an interior underground Metrorail entrance as part of the DOT building. This mitigation measure has been removed from the DOT design and other mitigation measures are being explored.

These measures are being developed in the submitted plans provided to the Commission.

National Historic Preservation Act

The parcel is within the Southeast Federal Center, which includes the Washington Navy Yard Annex Historic District, which was determined eligible for listing in the National Register of Historic Places in 1977. The DOT parcel includes Building 170, a contributing building in the historic district. Building 170, built in 1919 by the Navy, is a steel-framed, brick-faced building with a metal shed roof and a prominent monitor on the roof ridge. In addition, there are potential archeological resources in the parcel. Further, there are street rights-of-way in and adjacent to the parcel, including New Jersey Avenue, SW.

GSA has initiated Section 106 review with the D.C. State Historic Preservation Officer on the transfer of the 11-acre parcel. GSA anticipates developing a covenant with the DC SHPO for the future protection for the site.