

STAFF RECOMMENDATION

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NCPC File No. Z.C. 03-06/6420



SOUTHEAST FEDERAL CENTER REDEVELOPMENT PROJECT

Text and Map Amendment to add the Southeast Federal Center Overlay District to the Zoning Regulations and Map of the District of Columbia affecting approximately 43 acres of land within Squares 743, 744, 802, 826, and portions of 771, 801 and 802

Consultation with the General Services Administration on the Southeast Federal Center Plan 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 is proceeding with the redevelopment of the Southeast Federal Center (SEFC) as mandated by the Southeast Federal Center Public-Private Development Act of 2000 (SEFC Act). GSA has prepared a Southeast Federal Center Plan (SEFC Plan) to guide the site's redevelopment and is using this general plan as the basis for soliciting development proposals from the private sector. In concert with the District of Columbia Office of Planning, GSA has drafted and submitted to the District of Columbia Zoning Commission a new Southeast Federal Center Zoning Overlay District, which is to provide height, intensity, and bulk regulations for the parcels identified within the SEFC Plan. Under the SEFC Act, GSA is required to consult with the Commission to determine if the SEFC redevelopment is consistent with NCPC's Extending the Legacy Plan. GSA has submitted the SEFC Plan for consultation under the SEFC Act. In addition, the Zoning Commission has requested that NCPC conduct a federal interest review of its proposed action to approve the Southeast Federal Center Overlay text and map amendments. This report addresses both submissions.

Federal Interests

The federal interests include the 44-acre Southeast Federal Center, which is the subject of the SEFC Plan and the zoning action. The SEFC is currently federally owned and is planned for predominantly private, mixed-use redevelopment. The proposed Department of Transportation Headquarters is part of the Southeast Federal Center, but is being reviewed under a separate zoning application.

Other federal interests include: M Street, SE, a L'Enfant street and a designated Special Street under the Federal Elements of the Comprehensive Plan; the planned extensions of the historic

right-of-way of 4th Street, SE, Tingey Avenue and New Jersey Avenue in the original L'Enfant city; the Anacostia Waterfront and the Navy Yard, which are Special Places under the Federal Elements of the Comprehensive Plan; and the proposed commemorative site recommended by NCPC's Memorials and Museums Master 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 text and map amendments to add the Southeast Federal Center Overlay to the District of Columbia Zoning Regulations and Map would not adversely affect the federal interest.

Recommend that the Commission be included as a referral agency in the Southeast Federal Center Overlay special exception process.

To the General Services Administration, the Commission:

Recommend that:

- The Southeast Federal Center's selected development plan reflects the reestablishment of the historic rights-of-way to the greatest extent practicable.
- The federal government retains ownership of the streets with jurisdiction transferred to the District of Columbia.
- Parcel P should accommodate a commemorative work as recommended in the Commission's 2001 Memorials and Museums Master Plan.
- The development plan ensures public accessibility to and along the Anacostia Waterfront and its adjacent open space.

Request that GSA submit the selected development plan to the Commission for its consideration as an updated Southeast Federal Center Master Plan when it submits the development plan for consultation as required under the Southeast Federal Center Public-Private Development Act of 2000.

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BACKGROUND AND STAFF EVALUATION

In early 2002, The General Services Administration issued a Request for Qualifications (RFQ) for the redevelopment of the Southeast Federal Center (SEFC). The approximate 44 acre site is currently federally owned land located south of M Street, SE, east 1st Street, SE and west of Issac Hull Avenue. The Anacostia River bounds the site to the south, and the site abuts the Washington Navy Yard on its east and a Washington Area Sewer Authority (WASA) pumping station on its west. Attachment 1 is a general vicinity map of the site.

Under the Southeast Federal Center Public-Private Development Act of 2000, GSA has the authority to sell or lease land within the SEFC for redevelopment purposes. GSA issued the RFQ in 2002 and has issued a subsequent Request for Proposals in February of 2003. Since that time, GSA has announced a shortlist of development teams and is scheduled to select one by early 2004. The SEFC redevelopment effort consists of two projects. GSA has selected an 11-acre site within the SEFC to be the future location of the new United States Department of Transportation headquarters and that project is the subject of a separate zoning action. This report and recommendation applies to the remaining 44 acres and its related zoning and planning proposals.

To provide guidance to prospective developers, GSA has developed the SEFC Plan (Attachment 2). The SEFC Plan outlines a very general vision for the SEFC by designating preferred uses, heights and densities. The Commission received an information presentation on the SEFC Plan and overall redevelopment effort in the November 6, 2003 executive session.

GSA, in cooperation with the District of Columbia Office of Planning, has petitioned the District of Columbia Zoning Commission to add a new zoning district to the Zoning Regulations and to map it on the SEFC site. The Southeast Federal Center Overlay District would regulate private development within the SEFC and encourage a mix of commercial, residential and waterfront uses. A draft of the regulations was presented to NCPC staff for comments, and a response was sent to the Office of Planning in a letter dated May 7, 2003 (Attachment 3). The Zoning Commission took a proposed action to approve the map and text amendment on October 20, 2003 and has now forwarded that proposed order to NCPC for review and comment. This staff evaluation and recommendation addresses the zoning referral and SEFC Act's consultation requirement for the SEFC Plan.

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), which authorizes GSA to work with the private sector to redevelop the SEFC. The SEFC Act does not limit NCPC's authority under the National Capital Planning Act and requires that GSA consult with the Commission to ensure that the redevelopment of the SEFC 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

The Commission will review this project under two different authorities. First, the Zoning Commission has referred its proposed action to add the Southeast Federal Center Overlay to the zoning regulations and map for federal interest review. Secondly, GSA has requested formal consultation as required under the SEFC Act. The review and recommendation encompassed in this report covers both authorities, and will analyze the SEFC Plan and related zoning action for its impact to the federal interest and its consistency with the Extending the Legacy Plan, and relevant area planning efforts.

GSA will submit the preferred development plan to the Commission for further consultation at a future date. This detailed plan will be selected from among the current shortlist of development proposals. NCPC staff has been participating in the review and selection of the preferred development plan and will continue to work with GSA to bring this to the Commission for consultation.

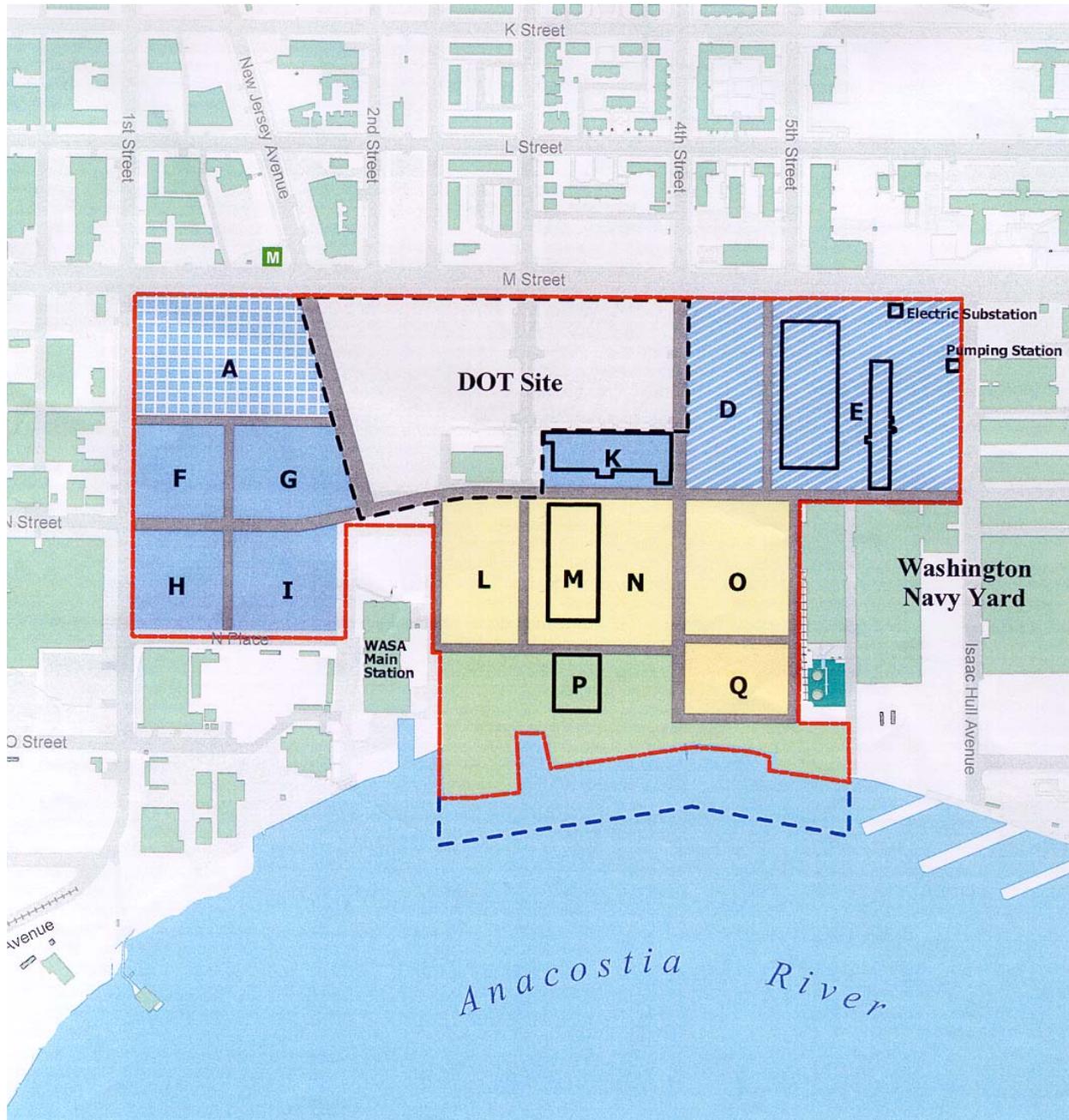
PROJECT DESCRIPTION

The following is a description of the SEFC Plan and the proposed Southeast Federal Center Overlay District. A copy of the full zoning text is at Attachment 4.

The Southeast Federal Center Plan

The SEFC Plan addresses the general height, density and uses for 44 acres of the SEFC. The 11-acre Department of Transportation site is excluded. The SEFC Plan is at Attachment 2.

The SEFC Plan proposes a mixed-use urban neighborhood where density is concentrated along the M Street, SE corridor. The density and uses within the site become residential and recreational away from M Street towards the Anacostia River, culminating in an urban waterfront park along the riverbank. The SEFC Plan divides the land within the study area into 14 separate parcels. Each parcel has a recommended zone (use) category and a corresponding height and Floor-to-Area (FAR) ratio recommendation. The SEFC Plan also notes general locations for proposed roads, as well as a notation for the location of five existing historic structures within the SEFC. The SEFC Plan's parcel designations are depicted below.



The most intense uses are planned for Parcel A, which is situated on the southeastern corner of 1st Street and New Jersey Avenue, with the DOT site as its eastern boundary. This parcel is recommended for a CR designation, which is a mixed-use zoning district, and will permit structures up to 130 feet and a Floor-to-Area Ratio (FAR) of 6.5. The remaining land on M Street, SE lies on the eastern side of the DOT site and it is designated as Parcels D and E. These sites are also designated for a CR mixed-use zoning, but can be built to a height of 110 feet with special approval. The FAR permitted for these parcels is 6.0. Other mixed-use parcels within the Plan include Parcels F, G, H, I, which are directly south of Parcel A, and Parcel K, which is adjacent to the DOT site on its southeastern edge. These parcels are planned for CR mixed-use designations, 6.0 FAR and 110 feet in building height.

Moving south from M Street, SE the SEFC Plan reflects lower intensity uses and lower heights and FAR. This area is a transitional zone between M Street, SE and the Anacostia River. Parcels L, M, N and O, which are located south of Tingey Street, are designated for R-5-E zoning, which is a high density, generally residential zoning category. Development of these parcels is permitted to an FAR of 6.0, with .5 FAR permitted for low-intensity commercial uses, and a height of 110 feet. South of Parcel O is Parcel Q, which is planned for an R-5-D classification, which is a lower intensity, generally residential, zoning category. Development on this site will be permitted to an FAR of 3.5 with .5 being permitted for retail, and a height of 90 feet.

Parcel P fronts the Anacostia River. According to the SEFC Plan, a portion of this site is to be an urban waterfront park, while the balance is planned for low intensity uses. This Parcel would be zoned W-0 waterfront zoning, which is a restrictive, low intensity open space zoning district. The site will be limited to an FAR of .5, with building heights restricted to 40 feet.

The SEFC Plan also provides guidance for the reestablishment of streets within the SEFC. Fourth Street will be the main north-south connection as it extends further into the SEFC site, connecting M Street to Parcel P. Further, the Plan extends N Street or Tingey Street as its main east-west connector, and establishes cross streets through the balance of the property.

It is anticipated that the future submission of the selected development plan will provide greater detail regarding street locations and design, specific architectural concepts for buildings within the site and details of the urban waterfront park along the Anacostia.

Southeast Federal Center Overlay District – Zoning Text and Map Amendment

GSA in cooperation with the District of Columbia Office of Planning is proposing the new Southeast Federal Center Overlay District (SEFC Overlay), which is based on the SEFC Plan. The SEFC Overlay's intent is to develop a vibrant, mixed-use, waterfront neighborhood offering a combination of uses that will attract residents, office workers, and visitors. The proposed regulations seek to encourage high-density development and a pedestrian streetscape through flexible zoning. It also encourages a publicly accessible Anacostia waterfront and requires suitable ground-floor level retail and services along the M Street corridor. The full text of the proposed regulations is at Attachment 4.

Preferred Uses

For all districts within the Southeast Federal Center Overlay, the regulations identify a list of priority, preferred uses. The list is extensive and is fully detailed in proposed Section 1807. It contains general art and neighborhood service uses ranging from art galleries to restaurants and dry-cleaning types of establishments. These preferred uses are treated differently within each district of the SEFC Overlay, but in general they are intended to animate and enliven the streets of the new neighborhood.

SEFC/CR District

As higher density areas, Parcels A, D-I and K are proposed to be zoned CR – Mixed Use within the SEFC Overlay. The resulting SEFC/CR designation permits residential and low intensity commercial uses within the CR district. However, the SEFC Overlay identifies a number of uses that are only permitted as special exceptions approved by the Zoning Commission, including all buildings and structures with frontage along M Street, SE. Other uses permitted by special exception with the SEFC/CR district include museums, libraries, art galleries, and various neighborhood service retail establishments.

The SEFC/CR district includes a list of preferred uses for the ground levels of all buildings along M Street, SE and New Jersey Avenue. The streetwall for buildings along M Street, SE must be set back not less than 15 feet for the building's entire height and frontage along M Street. In addition, driveways are not permitted along M Street, SE.

Building heights within the SEFC/CR district are generally capped at 110 feet along M Street and 130 feet, if the structure has frontage on New Jersey Avenue. Additionally, all buildings within this zoning district shall have a minimum floor-to-ceiling height of 15 feet.

SEFC/R-5-D and SEFC/R-5-E Districts

Under the SEFC Overlay, parcels within the transition zone located between M Street, SE and Parcel P along the Anacostia River will be zoned for primarily residential use. Specifically, Parcels L, M, N and O will be zoned R-5-E – Residential (SEFC/R-5-E) and Parcel Q will be zoned R-5-D – Residential (SEFC/R-5-D).

Both of these districts permit matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings. These districts also permit minimal, low intensity commercial uses. Similar to the SEFC/CR classification, these districts permit a host of uses as special exceptions subject to Zoning Commission approval. These uses include educational and cultural uses.

Both of these districts require preferred uses on the ground floor of any buildings facing 4th Street, SE that shall not exceed 0.5 FAR. In addition, buildings are required to have a minimum ceiling height of 15 feet.

These residential districts have different height and density restrictions. Within the SEFC/R-5-E district, buildings may be as high as 110 feet with an FAR of 6.0. Conversely, the SEFC/R-5-D district permits building heights of 90 feet and an FAR of 3.5.

SEFC/W-0 District

According to the SEFC Plan, Parcel P, which is located along the Anacostia Waterfront, is planned as a limited development urban waterfront area. The proposed SEFC Overlay incorporates the W-0 Waterfront Open Space zone as a base zoning for this parcel (designated as SEFC/W-0). The W-0 zoning classification is a new, restrictive zoning category that was reviewed by the Commission reviewed in November of 2003. Recreational and open space areas are permitted as a matter of right with low-density water related and cultural uses permitted as

special exceptions. The W-0 classification also limits building height to 40 feet and limits FAR to 0.5 for permitted uses and 0.75 for marina, yacht club or boathouse uses.

In the SEFC/W-0, the basic restrictions of the W-0 will apply with additional provisions added by the SEFC Overlay. First, all developments within the SEFC/W-0 zone have to be approved as special exceptions by the Zoning Commission. Secondly, the SEFC/W-0 zone designates a Development Area and Open Space Area within Parcel P. The Development Area consists of the area around the existing structure on Parcel P, known as Building 170, and all land north of a line extending east of the southern elevation of that building. The remaining land on Parcel P, including the water's edge, is considered the Open Space Area. Within the Development Area, the provisions of the W-0 will apply, with all uses being subject to special exception approval. However, the Open Space Area is more restrictive with only the recreational and water-related uses permitted through special exception.

Special Exception Review

There are numerous uses listed in the SEFC Overlay that are only permitted as special exceptions. The special exception process as detailed in Sections 1808 and 1809 of the regulations requires a public hearing before the District of Columbia Zoning Commission and extensive review by the District of Columbia Office of Planning. In evaluating a special exception application, the Zoning Commission can consider the project's overall design and urban planning qualities. Specifically the applicant must demonstrate that the proposal achieves the objectives of the SEFC Overlay District and is designed with a height, bulk, and siting that provides for open views and vistas and that limits above-grade parking adjacent to or visible from the street.

Additionally, for projects within or adjacent to the SEFC/W-0 zone, the Zoning Commission may consider whether the project provides a wide variety of active and passive recreational uses, encourages uses that open to, overlook and benefit the waterfront park, and improves the natural ecology of the site.

RELATED PLANNING EFFORTS

The SEFC has been the subject of many federal planning initiatives. The following is a brief description of the relevant initiatives.

General Services Administration's Southeast Federal Center Master Plan

The SEFC has been subject to various master-planning efforts over the past several decades. The SEFC Master Plan was revised and approved by the Commission on May 30, 1985 and subsequently modified on July 22, 1992. This Master Plan envisioned the SEFC as an office complex for 30,000 federal employees that would integrate the SEFC into the fabric of the remainder of the city. 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, an urban waterfront at the Anacostia River edge and an urban square at the intersection of New Jersey Avenue and Tingey Street. Attachment 5 is the Master Plan as approved by the Commission in 1985 and revised in 1992.

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 provided a more detailed interpretation of the concepts reflected in the Master Plan. 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. The Commission also encouraged public access to the site from M Street.

1997 Southeast Federal Center Policy Framework

On April 23, 1997 GSA held a policy workshop to examine the master plan for the Southeast Federal Center and the design issues related to its redevelopment. Participating agencies 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 that 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.

M Street Streetscape Improvement Plan

In 1999, the M Street Streetscape Improvement Plan was submitted to the Commission. This effort was an outgrowth of the Commission's Legacy plan, which identified M Street as an area of opportunity for economic revitalization. The improvements recommended in this plan included the installation of Washington Globe light fixtures, site furnishings, street trees on both sides of M Street, SE, the repaving of all intersections and the resurfacing of the median, curb, and nearly all sidewalks and handicapped ramps along the street.

The Commission approved the improvements except for the location of light fixtures located within the M Street, SE median, the recommended street furniture pending further study and the recommendations for improvements to properties administered by GSA.

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 recognized the planning efforts to reactivate the Southeast Federal Center and the Washington Navy Yard. Specifically, the Legacy Plan envisioned a redeveloped SEFC with an active and easily accessible Anacostia Waterfront park that would anchor an economically viable and pedestrian friendly M Street corridor. Legacy tied this vision to the greater redevelopment of the South Capitol Street corridor with activity spilling

over to Poplar Point and Anacostia. Legacy is specifically referenced in the SEFC Act as a guiding document for the SEFC's redevelopment.

Anacostia Waterfront Initiative

On March 22, 2000, a Memorandum of Understanding was signed by numerous federal and District of Columbia agencies, including the National Capital Planning Commission, authorizing the Anacostia Waterfront Initiative (AWI) project. This is a cooperative effort to help revitalize and restore the Anacostia River and its waterfronts. The goals of AWI are to restore the Anacostia River and promote recreational, open space and waterfront development along its riverbanks. To achieve these goals the Office of Planning released the Anacostia Waterfront Plan in December 2003 that details the various development projects along the Anacostia, including the SEFC redevelopment.

Capitol Gateway Zoning

In October 2002 the Commission reviewed the Capitol Gateway zoning amendment approved by the Zoning Commission. This was a comprehensive zoning map and text amendment applied in 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. Specifically, 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 action zoned these properties 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 and must maintain a streetwall that is at least 15 feet from the curb and not less than 50% of the streetwall must be comprised of storefronts and commercial entrances so as to enliven the M Street corridor. The Commission concluded that this zoning would not adversely affect the federal interest and also requested that NCPC be a referral agency for projects within the Capitol Gateway special exception areas. The Zoning Commission granted the Commission's request and subsequently approved the zoning package.

EVALUATION

This evaluation is based on the Commission's authority to review the SEFC Plan under the SEFC Act as well the Commission's authority to review Zoning Commission actions for impacts to the federal interest. Additionally, GSA is in the process of completing the environmental and historic preservation processes mandated by the National Environmental Policy Act and Section 106 of the National Historic Preservation Act. At this stage, a Draft Environmental Impact Statement has been issued and NCPC issued a comment letter dated November 10, 2003. Staff has accepted GSA's invitation to be a Section 106 consulting party for this project and received a draft Programmatic Agreement on September 10, 2003.

Staff commends the General Services Administration for developing a process that will generate creative proposals for the redevelopment of the SEFC. The RFQ and RFP process, of which NCPC staff has been a part, has been reflective of GSA's efforts to stimulate competitive and

creative bids from private sector entities while incorporating some of the critical elements of Legacy and the Anacostia Waterfront Initiative.

Federal Interest Evaluation

The federal interest evaluation pertains to the Zoning Commission's proposal to approve the SEFC Overlay. The federal interests include the 44-acre federally owned SEFC site; M Street, SE, which is a Special Street under the Federal Elements of the Comprehensive Plan; the extensions of 4th Street, SE, Tingey Avenue, and New Jersey Avenue; the proposed commemorative site within the SEFC recommended by NCPC's Memorials and Museums Master Plan; and the Anacostia Waterfront and the Washington Navy Yard, which are designated as Special Places under the Federal Elements of the Comprehensive Plan.

Federal Land – Southeast Federal Center

The proposed regulations seek to encourage the private redevelopment of the SEFC into a mixed-use, waterfront neighborhood. While the site is under federal ownership, zoning regulations will not apply and will only become applicable once the site is conveyed to private ownership. However, the general massing, height and density permitted under the regulations will not negatively affect the SEFC property. The zoning is appropriate for encouraging a mix of uses that are concentrated along the M Street, SE corridor and that transition to open space and lower densities along the Anacostia River. Further, the proposed zoning is consistent in achieving Legacy's vision of a redeveloped SEFC with an active and easily accessible Anacostia Waterfront park that anchors an economically viable and pedestrian friendly M Street corridor.

Special Street – M Street

It is staff's position that the proposed SEFC Overlay would not negatively affect M Street, SE as a Special Street. The Commission has established a vision through Legacy that M Street, SE will be an active and vibrant commercial corridor. The SEFC Overlay's treatment of development and uses along this street and its preferred uses will implement this vision. The streetwall setback is appropriate because it is consistent with the Capitol Gateway Zoning to the west and to the character of the Navy Yard and its historic wall to the east. Further, the permitted heights are consistent with the proposed DOT Headquarters on M Street with an area of lower, transitional heights consistent with the adjacent Navy Yard.

L'Enfant and Historic Rights-of-Way

Fourth Street SE and Tingey Street are rights-of-way designated in the original L'Enfant plan. There is a federal planning interest in ensuring that these rights-of-way are protected and restored. The proposed zoning overlay does not establish a clear delineation of the final location of the restored streets and the width of the dedicated public rights-of-way. It is anticipated that additional detail will be provided in GSA's selected development plan when it is submitted to the Commission for consultation at a later date. The zoning overlay specifically applies to the development parcels identified in the SEFC Plan and not the streets. Therefore, staff recommends that the Commission conclude that the SEFC Overlay zoning action will not negatively affect the original L'Enfant rights-of-way within the Southeast Federal Center.

Special Places – The Anacostia Riverfront and the Washington Navy Yard

The SEFC is adjacent to the Anacostia Waterfront to the south and the Washington Navy Yard to the east. Both of these areas are designated as Special Places under the Federal Elements of the Comprehensive Plan for the National Capital. It is staff's determination that the proposed SEFC Overlay will not negatively affect these Special Places. The zoning regulations' establishment of a Development Area and an Open Space Area will effectively control Parcel P'S development along the Anacostia River such that it will develop as a vibrant urban waterfront with low intensity, commercial development along its north edge and open space and more restrictive uses along the waterfront. Further, the lower density and heights adjacent to the Navy Yard are not out of character and will provide a transition from the denser Capitol Gateway and redeveloped SEFC to the historic Navy Yard.

Memorials & Museums (2M) Master Plan

The Memorials and Museums (2M) Plan identifies site 37, located on the banks of the Anacostia River within the SEFC just east of the terminus of 4th Street, SE as a commemorative site. This site would be located on Parcel P, in the SEFC/W-0 zone. Since the 2M Plan did not propose a specific location, a commemorative work could be located within the Development Area or Open Space Area of Parcel P. Regardless, staff concludes that the proposed zoning for this parcel would not negatively affect the potential to locate and design a commemorative work within this zone. The Commission reviewed the original W-0 zoning and concluded that its use restrictions, height and FAR restrictions are compatible with commemorative works.

Related Recommendation

As referenced earlier, DCOP forwarded a draft version of the SEFC Overlay to NCPC staff in April of 2003 with request for initial comments. Staff responded by letter dated May 7, 2003, which addressed concerns about the proposed prohibition of chanceries within the SEFC. Since that time, the proposed prohibition of chanceries has been removed from the SEFC Overlay.

The May 7th letter also dealt with the special exception approval process outlined in the SEFC Overlay. Staff requested that NCPC be included as a referral agency in the special exception process detailed in Sections 1803, 1805 and 1807 of the proposed regulations. This is similar to a request made in the Capitol Gateway Overlay zoning where the Zoning Commission established NCPC as a special exception review agency because of the substantial federal interests in the area. The SEFC has a more substantial amount of federal interests. This includes the SEFC itself, which must be redeveloped consistent with the vision of Legacy. Also, significant federal facilities such as the proposed Department of Transportation headquarters and the Washington Navy Yard are located within and adjacent to the SEFC. As projects proceed through the special exception process, NCPC should be afforded the same opportunity to comment as it normally would if the project were developed as a Planned Unit Development. Given the greater federal interest inherent in the redevelopment of the SEFC, **staff recommends that the Commission make a related recommendation that NCPC be included as a referral agency for the special exception process established under the SEFC Overlay.** This would enable the Commission to provide comments to the Zoning Commission on these important federal interests.

Consultation Evaluation

Under the SEFC Act, the SEFC Plan should be consistent with Legacy as established through consultation between NCPC and GSA. The evaluation section below is based on this consultation aspect and it reflects much of the previous analysis.

As presented, the SEFC Plan proposes a mixed-use urban neighborhood with high-density development located on the M Street, SE corridor and a transition of density leading to a publicly accessible Anacostia River waterfront park. These general concepts are consistent with the Legacy Plan. The intensity of uses along M Street, SE established in the SEFC Plan and reflected in the zoning package will help implement Legacy's vision of a vibrant, active M Street, SE. Further, the Legacy Plan discusses the need for future government buildings to be located within mixed-use districts that support a range of public activities, including shopping, dining and entertainment. The SEFC Plan and related zoning is consistent with this vision as it will provide for the development of a mixed-use neighborhood around the new U.S. Department of Transportation, as well as other potential agencies which may locate within the SEFC site.

Staff recommends that, as GSA moves forward with a more detailed plan, it take into consideration three issues. **First, that the Plan clearly reflects the reestablishment of the historic rights-of-way to the greatest extent practicable.** It is critical that as the SEFC redevelops, attention is paid to its place within the fabric of the city and that it is properly reconnected to the Washington street grid as laid out by L'Enfant in the original plan and refined in subsequent plans. **Secondly, that special consideration be given for the area within Parcel P recommended for a commemorative work as detailed in NCPC's 2M Plan.** GSA should recognize the potential for a commemorative work on Parcel P and ensure that the final development plan for the SEFC does not preclude a commemorative work along the waterfront. **Third, that the plan ensures public accessibility to the Anacostia Waterfront and its adjacent open space.** A main component of the Legacy Plan and AWI is ensuring public access to the Anacostia Waterfront. Staff believes that GSA should make this a priority in selecting a final development plan and staff recommends that the Commission provide these comments as part of its consultation action.

Another critical concern is the ownership of the streets within the new SEFC. Consistent with past practices and with the Commission's 1994 action regarding the SEFC Design Guidelines, staff reiterates the need for streets within the National Capital to be dedicated public rights of way that are owned by the United States with jurisdiction granted to the District of Columbia. **Staff recommends that the Commission advise GSA to retain ownership of the streets within the SEFC and only transfer jurisdiction to the District of Columbia government.**

An additional concern relates to the 1992 SEFC Master Plan. Until recently, it was staff's understanding that GSA no longer viewed this Master Plan as a relevant planning document. However, GSA recently submitted the September 2002 U.S. Department of Transportation Conveyance Agreement to NCPC staff. The agreement stipulates that the DOT site is subject to the 1992 approved Master Plan and that the purchaser of the DOT property must comply with the requirements of this Master Plan. With the SEFC Master Plan included as a required planning document in the DOT project, it seems clear that GSA views this as a relevant planning tool for the SEFC. This planning document is clearly out of date and not reflective of GSA's current intentions for the SEFC's redevelopment. The SEFC redevelopment, which staff generally supports, will require additional approvals by the Commission, including a highway plan

amendment and possible transfers of jurisdiction. Also, the staff has recommended in this EDR that the Zoning Commission include NCPC as a reviewing agency within the SEFC Overlay development process. The Commission will benefit from a revised Master Plan for the SEFC in reviewing future SEFC submissions. Since GSA is required to submit its selected SEFC development plan for consultation, **staff recommends that the Commission request that GSA submit the selected development plan to the Commission for consideration as an updated Master Plan for the Southeast Federal Center.**

National Environmental Policy Act

The General Services Administration issued a Draft Environmental Impact Statement (DEIS) for the Southeast Federal Center Redevelopment project on October 3, 2003 and a public hearing on the DEIS was held on October 29, 2003. In response, NCPC staff issued a comment letter dated November 10, 2003 and will review GSA's forthcoming Record of Decision.

National Historic Preservation Act

GSA has initiated Section 106 consultation with the D.C. SHPO, the Advisory Council on Historic Preservation, and other parties, including NCPC, to develop a Programmatic Agreement (PA) for the SEFC redevelopment. The SEFC includes six historic structures—Buildings 74, 160, 167, 173, and 202 as well as the historic Navy Yard wall—and sites with the potential for archeology. In addition, the site includes street rights-of-way that can serve as public spaces providing access, long axial views, and the opportunity for vistas to the waterfront or the Capitol dome. Staff has commented to GSA on the draft PA, urging that GSA consult with the DC SHPO in the identification of street rights of way as historic properties and in developing design guidelines to protect those rights-of- way. Staff received a draft PA on September 10, 2003.