

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

FURTHER INFORMATION

TO: D.C. Zoning Commission

FROM:  Ellen McCarthy, Director

SUBJECT: Office of Planning Response to Applicant's Post-Hearing Supplemental Filings
Zoning Commission Case No. 05- 23, Square 3576, Lot 815
A Proposed Consolidated Planned Unit Development (PUD) With Related Map
Amendment at Eckington Place and Harry Thomas Way, N.E.

DATE: August 28, 2006

I. OP RECOMMENDATION

OP recommends the Commission leave the case record open for an additional month in order to:

- Provide an opportunity for a more complete resolution of the Community Benefits and Amenities and Administration package;

II. PROJECT SUMMARY

The applicant proposes to construct 738,702 gsf of residential space and 15,084 gsf of retail space on 4.3 acres in the Capital Commerce Center area of Eckington. The 753,786 gsf development would contain 625-675 residential units and 750-796 parking spaces, 46 of which would be for the retail space. Lot occupancy would be 47.4% and the FAR would be 4.01. Eight percent (8%) of the residential GSF – approximately 59,096 gsf or 60 units – would be reserved for 20 years as workforce housing aimed at households making 80% of the Area Median Income. The related map amendment would be from M to C-3-C.

ZONING COMMISSION
District of Columbia

CASE NO. 05-23 htr
EXHIBIT NO. 37



Proposed PUD Site Plan

II. SUMMARY AND STATUS OF APPLICANT'S RESPONSE TO COMMISSION CONCERNS

At its July 13, 2006 Public Hearing on this case, the Zoning Commission asked the applicant to address several matters in a post-hearing submission. The applicant responded to these concerns on August 11, 2006 and on August 25, 2006. A summary of the Commission's concerns, the applicant's responses, and OP's evaluation of the responses follows:

- **Benefits and Amenities: Make sure that all Benefits and Amenities are concrete, definable, observable and measurable.** In addressing this requirement, the applicant's August 25 filing (Exhibit B) has made certain changes to the benefits and amenities package. The total direct dollar contribution proposed by the applicant for the community benefits package remains at \$155,000. Five of the elements of the proposed package are the same as those submitted June 23, 2006 (Exhibit D) for the July 13, 2006 public hearing. Three of the elements have changed:
 - *North Capitol Street Business Improvement* - The applicant's August 11, 2006 package would have contributed \$30,000 to ANC 5C to begin a fund (to be supplemented by benefits package funds from other PUDs) for establishment of a Business Improvement District (BID) serving North Capitol Street in the vicinity of New York Avenue and Florida Avenue. The August 25, 2006 package retains the orientation towards business revitalization on North Capitol Street in the project area, but contributes \$25,000 (not \$30,000) to the North Capitol Main Streets, Inc. (not ANC 5C), and lists six specific items for which it will be used.
 - *Signage in the Eckington Neighborhood* - The applicant had proposed that \$15,000 be used by an unspecified party to erect neighborhood signage. The applicant now

proposed that the Eckington Civic Association receive \$20,000 (\$5,000 of which seems to have been re-allocated from the money that formerly was to have been contributed to ANC 5C for the North Capitol BID) for: a signage program; community meeting assistance towards the development of a North Capitol Street Small Area Plan; community meetings regarding business and economic development; and, the establishment of a senior safety program that would give small grants to help repair small physical items impeding the disabled.

- ANC 5C single member district community improvements project: In response to Zoning Commission comments, this item has been eliminated.
- Emery Elementary School – The contribution to the school for specified items has been increased from \$15,000 to \$20,000.

Because of these changes, OP believes the record should be left open for another month to permit continued discussions between the applicant and the affected community groups and to enable the groups sufficient time to file any desired comments with the Zoning Commission.

- **Affordable Housing: Confirm that the proportion of unit types are the same for affordable and market rate units.** The applicant submitted a Proposed Summary of its Affordable Housing Program (August 11, 2006 - Exhibit K). This notes that the affordable units will be dispersed throughout the three high-rise buildings, but not in the townhouses or “two-over-two” townhouses. OP had recommended the applicant make certain changes to the “Unit Types and Distribution” section so that affordable unit types reflect the full range and percentage of market unit types, and so that affordable units not constitute a majority of units on any floor of any building in the project. The applicant has made these changes in its August 25, 2006 filing - Exhibit C.
- **Retail: Demonstrate the viability of the proposed retail space.** The applicant has submitted a chart of existing and planned retail in NoMA, and text describing the market that would demand retail at the applicant’s project (August 11, 2006 filing - Appendix H). OP notes that the draft NoMA study which the applicant also submitted (August 11, 2006 – Exhibit F) projects between 16 million and 20 million square feet of new development in the NoMA area over the next twenty years.
- **Overparking and the Environment: Provide more “green” amenities to compensate for the more than 1:1 parking to residential unit ratio within ¼ mile of Metro.** The applicant has included a number of “green” measures, which are listed in Exhibit E of the August 11, 2006 filing. OP asked the applicant to indicate which items have been added in response to the Commission’s July 13 request. These were noted on page 2 of the cover letter of the August 25, 2006 filing.
- **Height of Building No. 1’s Base: The Commission was concerned that the scale of the base was too large.** The applicant has submitted a revised design in Exhibit C that softens the color of the base, makes the window openings larger and brings them closer to the ground.

- OP believes the revised design addresses the Commission's concerns and improves the appearance of the building and its street-level scale.
- **Brise Soleil on Building No. 2: The Commission expressed two concerns – that the Brise soleil was more decorative than functional and that the structure might project over the property line.** The applicant responded to both in Appendix B.
 - OP believes the applicant has demonstrated that the structure will help to shade the all-glass curtain wall of the top two floors and that because the top two floors are set-back the brise soleil do not extend beyond the property line.
- **NY Avenue and NoMA Studies. Enter the latest version of each into the record, given the number of references to these plans by the applicant and by OP. These are now in the record as Appendices F and G.**
 - OP notes that a newer draft of the NoMA plan was distributed for review the week of August 21, 2006, but that this new draft made no changes to the NoMA plans recommendations for Eckington or the Capital Commerce Center.
- **Harry Thomas Way. Confirm that it is a public street.** The applicant has entered the District Surveyor's record as Exhibit I (Eye).
 - OP believes this documentation is sufficient.
- **Traffic Studies: Provide further analysis of the need for and cost of a traffic signal at 3rd Street and Rhode Island Avenue, NE, as well as the project's projected traffic impacts at the intersections of Eckington Place and 1st Street, as well as North Capitol and R Streets.**

The applicant provided additional transportation impact analyses in Exhibit A of its August 11, 2006 filing. This responded to information requests from both the Commission and from the District Department of Transportation (DDOT).

 - OP has discussed the supplemental report with DDOT.
 - DDOT is requiring the applicant to do a more thorough study of the 3rd Street and Rhode Island Avenue, N.E. intersection, inclusive of new DDOT accident data. The applicant has agreed to do this.
 - DDOT is requiring the applicant to fund a portion of the traffic signal if one is needed at the above intersection. The applicant agreed to do this in Exhibit D of the August 11, 2006 filing, and re-affirmed this commitment to address OP's concerns in Exhibit B of its August 25, 2006 filing.
 - DDOT will install the 2 stop signs the applicant's traffic consultant recommends for the intersection of Eckington Place and Q Street extended.
 - DDOT will undertake other traffic-calming measures on Eckington Place and R Street as part of its regular program.
- The District Department of Transportation (DDOT) will also need to complete a Memorandum of Understanding, prior to a draft order, about the following commitments that are included in the Final Community Amenities Package and Procedure for

Monitoring Use of Financial Contributions (Exhibit B, Applicant filing of August 25, 2006):

- The applicant will contribute an amount commensurate with the percentage of project-generated traffic, but no less than \$25,000, for a traffic light at the intersection of 3rd Street and Rhode Island Avenue, N.E. should the applicant's or DDOT's continued examination of that intersection find a signal is necessary;
- The applicant will contribute \$ 55,000 to DDOT for the construction of a connection between Harry Thomas Way and the Metropolitan Branch Trail.

DDOT had registered no objections to the project in its memorandum to the Commission dated July 11, 2006, provided the applicant meets three conditions:

- Construct Q Street and the trail connection to DDOT standards;
- Perform additional traffic analysis on whether a signal is needed at 3rd Street and Rhode Island Avenue, NE;
- Participate in the cost of installing a signal if it is needed.

From telephone conversations and an e-mail between OP and DDOT, it is OP's understanding that DDOT believes that the Applicant has met, or has agreed to a process acceptable to DDOT for meeting the above conditions, and that DDOT intends to fax a memorandum to the Commission on August 28, 2006 that affirms this.

Emc/slc