

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 06-10C

Z.C. Case No. 06-10C

The Morris & Gwendolyn Cafritz Foundation, Art Place at Ft Totten, LLC
(Minor Modification to an Approved Planned Unit Development
Squares 3765 and 3769 and Portions of Squares 3766, 3767, and 3768)
June 30, 2014

Pursuant to notice, a public meeting of the Zoning Commission for the District of Columbia (the "Commission") was held on June 9, 2014 and on June 30, 2014. At the meetings, the Commission considered an application from The Morris and Gwendolyn Cafritz Foundation and Art Place at Ft Totten, LLC (collectively, the "Applicant") for a minor modification to an approved planned unit development ("PUD") for property located in Squares 3765 and 3769 and portions of Squares 3766, 3767, and 3768 (the "Property"). The requested modification applies only to "Building A," located at 5180 South Dakota Avenue, N.E. (Square 3765, Lot 5), the portion of the PUD that received consolidated approval pursuant to Z.C. Order No. 06-10 as modified by Z.C. Order No. 06-10A. Because the modification was deemed minor, a public hearing on the request was not required. The Commission determined that this modification request was properly before it under the provisions of §§ 2409.9 and 3030 of the Zoning Regulations (11 DCMR).

FINDINGS OF FACT

1. By Z.C. Order No. 06-10, effective January 15, 2010, the Commission granted first-stage PUD approval to replace an aging complex of low-rise multi-family residential buildings and three small warehouses on the Property with a multi-phase mixed-use complex of four buildings consisting of more than 900 units of multi-family residential (including approximately 171 income-restricted units), approximately 315,000 square feet of retail uses, and approximately 300,000 square feet devoted to cultural, arts, and community uses (the "Project").
2. At the same time that it granted first-stage PUD approval for the Project, the Commission granted consolidated approval for the Applicant to move forward with the first phase of the Project, referenced as "Building A," and located at the southern end of the Property. Building A was approved for a total gross floor area of 804,880 square feet, of which not more than 150,205 gross square feet were to be devoted to non-residential uses, including accessory parking and a grocery store. Above its retail and parking base, Building A was approved to contain between 510 and 550 multi-family residential units, 141 of which are

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to be dedicated for affordable housing and senior affordable housing. The Commission granted a minor modification to the PUD in Z.C. Order No. 06-10A to relocate the grocery component from Building A to Building B on a different portion of the Property, with other retail uses to be located in Building A.

3. By Application dated May 8, 2014, the Applicant requested a minor modification to the consolidated PUD approval granted for the first phase of the Project, to reduce the amount of residential parking required to be provided in Building A by approximately 80 parking spaces, representing a reduction from 344 spaces to 264 spaces devoted to residential use, but still above the minimum required by the Zoning Regulations. This reduction will be accomplished by a revision to the approved drawings of removing the sixth level and a portion of the fifth level of the above-grade residential parking.
4. The Applicant requested that the Commission treat the modification as minor, and therefore consider the request pursuant to the Consent Calendar procedures of § 3030 of the Zoning Regulations. The Applicant explained that based on market and expert transportation research in moving Building A forward with construction, it is possible to reduce a portion of the residential parking provided in the above-grade structure of Building A without detrimental impact to the operation of the building and without visible impacts to the approved design. The Applicant also confirmed the market trends of declining vehicle travel, decreasing vehicle ownership, and increasing use of non-vehicular modes of transportation in the metropolitan Washington, D.C. area within the past few years since the PUD was first reviewed and approved in 2008 and 2009. Based on these findings, the Applicant reevaluated the amount of parking that would be necessary in Building A, especially given its close proximity to numerous public transportation options, including the Fort Totten Metrorail station (Exhibit ["Ex "] 2.)
5. The approved plans for Building A provide a total of 681 vehicle parking spaces, of which 337 spaces are devoted to retail and service uses and are located in two below-grade levels within Building A, and 344 spaces are provided for residential units in a six-story above-grade parking structure in the western portion of Building A, wrapped on three sides by residential units and on the fourth by a "green" screen. Pursuant to § 2101.1 of the Zoning Regulations, parking for "apartment house or multiple dwelling" in the C-2-B Districts is a minimum of one space for each three dwelling units. Thus, in the C-2-B Districts, 520 dwelling units would normally generate a parking requirement of at least 173 spaces. The PUD approval for Building A provides 344 spaces for 510-550 dwelling units, which equates to a ratio of roughly two spaces for each three dwelling units, which is twice the ratio that would be required under the Zoning Regulations for a residential project of this scope. With the requested reduction of 80 parking spaces, the approximately 264 spaces provided will still exceed the 173 spaces that would be required for the residential portion of Building A under the Zoning Regulations.

- 6 The Applicant served copies of the requested modification to Advisory Neighborhood Commission ("ANC") 5A, ANC 4B, and the Lamond-Riggs Citizens Association. On February 26, 2014, at its duly noticed, regularly scheduled public meeting, with a quorum present, ANC 5A considered and discussed the requested modification. The Applicant also presented its request at a public meeting on April 9, 2014, hosted by the ANC Single Member District 5A08 representative, the district within which the Property is located. During this meeting, no concerns were raised regarding the requested parking reduction. On June 25, 2014, at its duly noticed, regularly scheduled public meeting at which a quorum was present, ANC 5A voted unanimously to support the modification request, which support was memorialized into a letter, dated June 25, 2014 (Ex 9)
- 7 The District of Columbia Office of Zoning referred this matter to the Office of Planning ("OP") for analysis and recommendation. By memorandum dated May 30, 2014, OP stated its support for approval of the requested parking reduction as a minor modification, provided that the Applicant supply certain additional information prior to the scheduled June 9, 2014 consideration date (Ex. 6). By letter dated June 6, 2014, the Applicant submitted the following items requested by OP. (i) a table comparing the originally approved and proposed/modified totals for parking, gross floor area, and floor area ratio ("FAR") for Building A and the overall PUD; (ii) a revised list of proposed modifications to Conditions 6 and 7 of Z.C. Order No. 06-10A, and (iii) a consolidated redline update to all of the Consolidated PUD Order's conditions (Ex. 7). By letter dated June 9, 2014, the Applicant submitted a corrected version of the consolidated redline update to the Consolidated PUD Order's conditions, which had failed to include a change made to Paragraph 7b of the Decision section of the order following the Commission's approval of Z.C. Case No. 06-10A (Ex. 8)
- 8 On June 9, 2014, at its regularly scheduled public meeting, the Commission reviewed the modification request as a Consent Calendar matter and determined to table the request until such time as the Commission received correspondence from ANC 5A regarding its position regarding the minor modification request. ANC 5A submitted its letter of support to the Office of Zoning on June 25, 2014. (Ex. 9)
9. On June 30, 2014, at its regularly scheduled public meeting, the Commission reviewed the modification request as a Consent Calendar matter and granted approval of the minor modification to Z.C. Order Nos. 06-10 and 06-10A. The Commission concurs with the Applicant that the approval of the requested modification is appropriate and not inconsistent with the intent of 11 DCMR §§ 2409.9 and 3030.

CONCLUSIONS OF LAW

Upon consideration of the record in this application, the Commission concludes that the proposed modification is minor and is consistent with the intent of the Commission's approval of the PUD in Z.C. Order No. 06-10 as modified in Z.C. Order No. 06-10A.

The Commission concludes that approval of the requested modification is in the best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Map.

The Commission further finds that approval of the modification to the approved PUD is not inconsistent with the District of Columbia Comprehensive Plan (10-A DCMR), and that the modification does not impact material elements of the Project, including permitted use, height, or project amenities or benefits

The modification is of such a minor nature that its consideration as a consent calendar item without a public hearing is appropriate.

DECISION

In consideration of the Findings of Fact and Conclusions of Law provided herein, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for modification of an approved PUD for Squares 3765 and 3769 and portions of Squares 3766, 3767, and 3768 and **ORDERS** that the following modifications be made to Conditions No 6 and 7a of Z.C. Order Nos 06-10 and 06-10A Deletions are shown in strikethrough. Insertions are shown in underlined text

Condition No 6 of Z.C. Order No. 06-10A is revised as follows

- 6 The consolidated portion of the PUD shall be developed in accordance with the plans submitted to the Commission on September 18, 2009, as amended and supplemented by the plans submitted on October 22, 2009, and the plans submitted on May 8, 2014, located, respectively, at Exhibits 71 and 89 of the record in Z.C. Case 06-10 and Exhibit 2B of the Z.C. Case No. 06-10C (collectively, the "Plans"), and the guidelines, conditions, and standards herein

Condition No. 7 of Z.C. Order No. 06-10A is revised as follows


- 7 The PUD, upon completion, shall include a maximum of ~~2,018,880~~ 1,994,201 gross square feet. The distribution of uses and densities, and the amount of parking and loading, shall be ~~as shown on Sheet 8 (Development Data) of the Plans~~, as follows.
 - a. Building A shall have a maximum total gross floor area of ~~804,880~~ 780,201 square feet (~~3.72~~ 3.60 FAR) on its own site, of which not more than 150,205 gross square feet shall be devoted to non-residential uses, including accessory parking. Nonresidential uses shall include retail totaling approximately 112,350 square feet, approximately 19,210 square feet of flexible commercial and a 7,250 square foot child care center. Building heights shall range from 55 feet (at the corner of

South Dakota Avenue and the newly-extended Ingraham Street) up to a maximum of approximately 74 feet A total of approximately ~~681~~ **601** parking spaces shall be provided in a combination of underground and structured parking, approximately ~~344~~ **264** of which shall be devoted to residential uses. Building A shall have a maximum lot occupancy of approximately 87%;


Pursuant to § 2409.3 of the Zoning Regulations, the Applicant shall record a notice of modification of Z.C. Order No. 06-10C among the land records of the District of Columbia After recordation of the notice of modification, the Applicant shall provide a copy of the same for the records of the Office of Zoning.

On June 30, 2014, upon the motion of Commissioner Cohen, as seconded by Commissioner Miller, the Zoning Commission **ADOPTED** this application by a vote of 4-0-1 (Anthony J. Hood, Marcie I Cohen, Peter G. May, Robert Miller to adopted, Michael G Turnbull not present, not voting)

In accordance with the provisions of 11 DCMR § 3028, this Order shall become final and effective upon publication in the *D C Register*, that is on September 5, 2014.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



SARA A. BARDIN
DIRECTOR
OFFICE OF ZONING