

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: April 29, 2016

SUBJECT: ZC 14-07A – Minor Modification to a Consolidated Planned Unit Development and Related Zoning Map Amendment for the Shapiro Site in Florida Avenue Market

I. BACKGROUND

On June 8, 2015, the Zoning Commission approved Case No. 14-07, a consolidated and first stage PUD and map amendment from the C-M-1 District to the C-3-C District to facilitate a mixed-use development consisting of ground floor retail and nine stories of residential. The PUD is located at 1270 4th Street, N.E. within the Florida Avenue Market Area. The South Building, which was the consolidated portion of the PUD and the subject of this modification, would be 110 feet in height with an FAR of 8.0, resulting in approximately 29,042 square feet of retail space and 415-510 residential units.

II. SUMMARY AND RECOMMENDATION

1250 4th Street (EDENS), LLC and Union Market Apartments, LLC have requested modifications to ZC Order 14-07, for the Shapiro site located at 1270 4th Street, N.E. in Florida Avenue Market (Square 3587, Lot 9). The proposed modifications, related to the south parcel only, are in the following general areas:

1. Façade refinements that include: 1) reconfiguration of the balconies and fenestration to allow for internal unit shifting; 2) additional fenestration along the ground and second floor on the building's western façade; 3) a decrease in width and area of the western-facing closed courts; and 4) an increase in lot occupancy of about one percent;
2. Conforming modification of the roof structure to allow for the provision of a habitable penthouse, resulting in an additional 1,222 gross square feet of residential area at 50% AMI provided in the South Building;
3. Modifications to the loading and parking garage, including narrowing the range of parking spaces from 400-500 spaces to 400-430 spaces, and modifications to the loading, ramps, and drive aisles; and
4. Revision of the condition requiring construction of Neal Place so that it is better coordinated with proposed development.

The Office of Planning (OP) finds that the proposed modifications are generally in character with

the original approval, and would overall represent an improvement to the project, particularly with respect to the conditions relating to Neal Place. With the exception of minor court adjustments along the alley, none of the requested modifications would result in new or expanded nonconformities to the Zoning Regulations. Therefore, OP recommends that the Commission **approve** the changes as a minor modification.

III. OP ANALYSIS

The original application included a request for a PUD-related map amendment to the C-3-C District. The table below depicts in bold those items for which modification has been requested.

	C-3-C PUD	Approved	Change¹
Lot Area	15,000 sq. ft.	51,000 sf – South parcel 16,200 sf – North parcel	No change
Height	110 ft. maximum	110 ft.	No change
FAR	8.0	5.68 – South parcel 2.32 – North parcel 8.0 – Total	No change
Lot Occupancy	100%	83.56%	84.5%²
Closed Court	<u>Residential:</u> 2(width ²), based on height of court (350 sq. ft. min.)	CC-1: 40 ft./1040 sq. ft. CC-2: 40 ft./560 sq. ft. CC-3: 40 ft./560 sq. ft.	CC-1: 37 ft./185 sq. ft. CC-2: 37 ft./185 sq. ft. CC-3: 37 ft./185 sq. ft.
Open Court	<u>Residential:</u> 4 in. per foot (15 feet min.)	OC-4: 5 ft./600 sq. ft.	OC-4: 10 ft./1,200 sq. ft.
Dwelling Units		415-510 dwelling units	430 dwelling units
Affordable Housing	8% of gross square foot area of residential use	39,724 sq. ft. -31,778 sq. ft. at 80% AMI -7,946 sq. ft. at 50% AMI	40,946 sq. ft. -31,778 sq. ft. at 80% AMI -9,168 sq. ft. at 50% AMI
Parking	<u>Retail:</u> 1 per 750 square feet = 35 spaces <u>Residential:</u> 1 per 4 units = 104-128 spaces	<u>Total:</u> 400-550 spaces	<u>Total:</u> 400-430 spaces
Bicycle	<u>Retail:</u> none <u>Residential:</u> 5% of required parking spaces = 19 spaces	<u>Total:</u> 147-179	No change

Loading	<u>Residential:</u> 1-55 ft berth 1-20 ft space 1-200 sf platform 1-20 ft delivery <u>Grocery:</u> 1-30 ft berth 1-100 sf platform 1-20 ft delivery <u>Retail:</u> 1-30 ft berth 1-100 sf platform 1-20 ft delivery	<u>Residential:</u> 2-30 ft berths 1-200 sf platform <u>Retail:</u> 2-30 ft berths 1-100 sf platform	Revised design (same number of berths and platforms provided)
Roof Structure	1 per core 18'-6" height 1:1 setback	2 cores 18'-6" max (variable height) 1:1 setback (variable)	1 core <u>Height:</u> 11'-6" – habitable level 20' – mechanical level 17'-6" – elevator overrun <u>Setback:</u> 11'-6" – habitable level 20' – mechanical level 17'-6" – elevator overrun

¹ Information provided by Applicant in revised plans (Exhibit C).

² Lot Occupancy was not limited or conditioned in Order 14-07.

The closed court widths were measured incorrectly in the approved plans, as the depth, rather than the width, was recorded. The applicant has confirmed that the approved closed court widths provided in the modification submission are correct, and that the dimensions of these courts are the same as shown in the approved plans.

IV. MODIFICATIONS TO THE APPROVED PUD

Façade Refinements

The applicant proposes to modify the façade in response to changes made to the internal layout of the South Building. As a result of shifting units, the fenestration and balconies have been reconfigured. While balconies were originally proposed for each floor along the top and alternating sides of each volume on the east building elevation, they are now proposed for odd floors only. The projection of the balconies has been reduced from four feet to one and one-half foot. The materials, including the metal railing system, will remain unchanged.

The west building elevation, along the 48 foot wide alley, has been revised to add fenestration along the ground and second floor. The addition of doors, louvers, and clearstory will accommodate operational requirements, while enlivening the alley. It is anticipated that the alley will consist of a future bike lane, and neighboring developers have proposed to provide entrances to

ground floor retail along the alley. As a result, modifications intended to further activate the alley are supported by OP.

Courts

Due to modifications made to the internal layout of the structure, the applicant has revised the courts, enlarging the closed courts along the east elevation and shrinking the open court along the south elevation.

The Zoning Commission approved flexibility for the courts in Order 14-07, which resulted in three closed courts that did not meet width and area requirements, and one open court that did not meet width requirements. The closed courts would be reduced from 40 feet wide to 37 feet wide, and from a minimum of 560 square feet to 185 square feet. However, the courts located along 4th Street have been increased in area, creating larger amenity spaces for residents. The open court along the south elevation would be increased from five feet wide to ten feet wide, providing greater separation between the subject building and neighboring property. While larger courts on the west elevation is preferred in order to create greater depth and dimension, their reduction is balanced with the façade refinements intended to activate and add interest to the alley. OP is generally supportive of these modifications, as they result in larger amenity spaces.

Lot Occupancy

The project's lot occupancy, as a result of the proposed modification, would increase from 83.56% to 84.5%. This is less than the lot occupancy permitted in the C-3-C District, which permits 100% lot occupancy. In addition, the Order did not limit or condition the lot occupancy for this development. Given that the increase in lot occupancy is a minor adjustment, OP supports this request.

Number of Dwelling Units

The applicant has narrowed the number of dwelling units that would be provided in this development. The original approval consisted of 415 to 510 dwelling units, and the proposed modification would result in approximately 430 units. OP is supportive of this refinement.

Parking

Similar to the number of dwelling units, the applicant proposes to reduce the amount of parking provided, but within the range permitted by the approval. The original approval consisted of 400-550 parking spaces, with the site being intentionally over-parked in order to provide overflow parking to surrounding developments that are unable to provide on-site parking. The parking range has considerably narrowed, having approximately 400-430 spaces. Considering that approximately 163 parking spaces would be required, there would still be a significant amount of overflow parking available to patrons of Florida Avenue Market. The further refinement of the parking spaces provides greater certainty regarding the project's potential impacts.

Loading and Parking Garage

The applicant has continued to refine the design of the parking garage, and has made conforming modifications that result in changes to the loading, ramps, and drive aisles.

The express ramp that was originally intended for residential users of the garage has been eliminated, and a shared ramp for residential and retail has been provided. This modification results in greater efficiency, and allows for an improved location and layout of the bicycle parking

area. The applicant has also reduced the width of the drive aisle from 24 feet to 22 feet, which complies with the Zoning Regulations, and allows for greater efficiency. The parking spaces in the garage have a reduced length of 18 feet, where 19 feet is required; this relief was approved in the original Order.

The applicant has also modified the loading facilities, rotating them from 90 degrees to 30 degrees to allow for easier ingress and egress. The same number of facilities would be provided, as would the same number of trash receptacles. OP is supportive of the requested reconfiguration of the loading area and believes that it is an improvement in orientation over the approved design.

Penthouse Modification

On December 30, 2015, new penthouse regulations went into effect, which allow for minor modification requests to add habitable penthouse space in a building approved by the Zoning Commission as a PUD (§ 411.24). The applicant has modified the penthouse to include habitable space, combine the two cores into one, reconfigure the trellis at the covered pool deck, and add fenestration and doors for the increased habitable space. The heights of the penthouse have been revised from 13 feet and 18 feet, 6 inches, to 11 feet, 6 inches for the habitable penthouse level, and 20 feet for the mechanical level. A one-to-one setback has been provided along the entire perimeter of the building, complying with the penthouse regulations. The applicant has also provided perspectives of the proposed modifications that include nighttime lighting schemes, which is intended to demonstrate that lighting would be at an appropriate level for the surrounding neighborhood.

The applicant notes that relief to allow multiple roof structure heights, as approved by the original Order, is still required, since the layout of the units and building core resulted in the relocation of the elevator shafts closer to the courtyard. The elevator override could not be located behind the mechanical screen wall, as the one-to-one setback could not be provided.

OP is supportive of the proposed modifications to the penthouse, as they are consistent with the new regulations and will generate additional affordable housing.

Affordable Housing

The proposed modification to include habitable penthouse area obligates the applicant to provide additional affordable housing in the project, in compliance with Inclusionary Zoning requirements, or to contribute to the Affordable Housing Production Trust Fund. The penthouse, having a habitable area of 15,280 square feet, generates an additional 1,222 square feet of affordable housing at 50% AMI. The applicant has indicated that these units will be distributed in the South Building in compliance with the Inclusionary Zoning requirements.

The original proposal provided 39,724 square feet, or 8% of the floor area, of affordable housing, with 31,778 square feet at 80% AMI and 7,946 square feet at 50% AMI. The new total is 40,946 square feet, with 31,778 square feet at 80% AMI and 9,168 square feet at 50% AMI. OP is supportive of this modification.

Neal Place Extension

The original Order contained an elaborate condition that included triggers for the construction of Neal Place between 3rd Street and 4th Street. The language of this condition was thoughtfully constructed under the guidance of DDOT, and dictated when and under what conditions the roadway would be constructed. However, since this PUD was approved, more development proposals than was anticipated at the time have been submitted, creating more urgency for the completion of Neal Place. As a result, the applicant, in concert with DDOT, has decided that it is necessary to complete the construction of Neal Place and open it to vehicular traffic prior to the issuance of the first Certificate of Occupancy for the South Building. The following changes are proposed to the condition:

~~Except as provided in subparagraph (d) below, p~~Prior to the issuance of the **certificate of occupancy** (“C of O”) for the ~~North~~ **South** Parcel Building, the Applicant shall complete construction of the final Neal Place extension as shown on the Plans and open the roadway to vehicular traffic;

The remainder of Condition B(4) would be deleted.

OP is supportive of this modification, as it simplifies the condition and ensures that the significant extension is in place sooner than it otherwise would have been, making development to the west feasible and improving circulation.

V. PUBLIC BENEFITS AND AMENITIES

The proposed modifications would not revise the Benefits and Amenities approved under ZC Order 14-07, and would not be modified with this request.

JLS/be