

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser, Deputy Director
DATE: December 6, 2019
SUBJECT: OP Report for ZC #17-05B, Modification of Significance Request for 2121 First Street, SW (Square 613, Lot 10)

I. RECOMMENDATION

2100 2nd Street SW LLC (Applicant) requests a Modification of Significance pursuant to Subtitle Z § 704 to ZC Order Nos. 17-05 and 17-05A for a use variance to permit a temporary lodging use within the 100-year floodplain. The Office of Planning (OP) recommends **approval** of the request, subject to the condition that the use be limited to a two-year (24 month) time period with no opportunity for extension, as proposed by the applicant.

II. OVERVIEW AND BACKGROUND

ZC Order 17-05, dated July 13, 2017, approved a Design Review application to permit the renovation of an existing office building to create a new residential building with ground-floor retail uses and below-grade parking in the Capitol Gateway 5 (“CG-5”) zone at 2100 2nd Street, S.W. (Square 613, Lot 10). ZC Order 17-05 also granted the Applicant variance relief from the drive aisle width requirements (C § 712.5) and a variance from the penthouse height limit (K § 505.5).

ZC Order 17-05A, dated October 22, 2018, approved a modification of consequence to the approved Design Review application related to the redesign and relocation of architectural elements of the building and property area including changes to:

- a) First Street;
- b) The rooftop terrace and façade;
- c) The south façade and terrace;
- d) Building materials; and
- e) Floodproofing plans.

III. SITE AND AREA DESCRIPTION

Square 613 is located in the southwest quadrant of the District and is bounded by 1st, 2nd, and V Streets SW, and the Anacostia River. The property is generally rectangular in shape with an angled southeastern property line. The entire subject property is located within the 100-year floodplain.

Lots 802, 804, 806, 812, 814 and 817 are to the south and east of the subject property and are partially on land and partially in the Anacostia River. These lots are owned by the National Park Service (NPS). NPS-owned property also includes James Creek Marina to the west and Buzzard Point Park to the east.

The property is improved with an existing nonconforming vacant eight-story office building with two levels of below grade parking that was constructed in 1973. The Applicant is adaptively reusing the structure for a mixed-use development with residential and ground-floor retail.

IV. PROJECT DESCRIPTION

To ensure building occupants upon delivery of the first units in April 2020, the Applicant is proposing to partner with WhyHotel to operate a temporary lodging use in part of the building. Once completed, the building would include 480 residential units and about 71,120 square feet of retail. If approved, the use variance would permit WhyHotel's use of 150 of the units for no more than two years. Subtitle C § 1102.4 prohibits lodging use within a 100-year floodplain, although the Applicant has proposed floodproofing to accommodate the proposed residential use of the property. Therefore, the Applicant is requesting this use variance.

V. ZONING ANALYSIS

Subtitle X § 1002.1(b) states “*An applicant for a use variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in exceptional and undue hardship upon the owner of the property.*”

1. Use Variance (C § 1102.4)

The Applicant is requesting a use variance from the General Waterfront Regulations (Subtitle C, Chapter 11) to permit a temporary lodging use in the 100-year floodplain (C § 1102.4(h)). The CG-5 zone permits lodging as a matter-of-right; however, the property's location within the 100-year floodplain necessitates a use variance for the temporary lodging use.

A. Attributes of the Property Result in an Undue Hardship

The Applicant is adaptively reusing an existing building that was constructed in the 100-year floodplain. The property is situated at the end of the Buzzard Point peninsula. While Buzzard Point is redeveloping, including projects that are under construction such as 88 V (ZC Case 10-21) and 1900 Half Street (ZC Case 16-06), there is not a residential or pedestrian presence in the immediate area. Buzzard Point is also home to several federally owned properties and utility uses. The National Park Service owns property to the east and west of the site and the secure Ft. McNair Army post is located to the west. The Potomac Electric Power Company (Pepco) has facilities to the north-east of the subject site, as well as the new Substation to the northwest. The relative isolation and development horizon for the surrounding properties result in an undue hardship.

B. No Substantial Detriment to the Public Good

The lodging use would be in place for a maximum of 2 years, with OP recommending that there be no opportunity for renewal, as the long-term intent is to provide new residential opportunities on this portion of the waterfront. Therefore, the temporary use of approximately 30% of the residential units should not result in substantial detriment to the public good, but rather would help to activate the area and help to promote viable retail as the residential building leases up.

C. No Substantial Harm to the Zoning Regulations

The requested variance can be granted without substantial impairment to the zone plan. The Applicant's proposed mixed-use development is consistent with the goals of the CG-5 zone and the requested limited relief for a temporary lodging use should not negatively impact the Zoning Regulations over the long term.

Zoning Tabulation

The requested use variance would not result in the need for additional vehicle or bicycle parking or loading berths. The provided parking and loading would be sufficient to accommodate the temporary lodging use¹ in combination with the retail and residential uses.

Item	CG-5	Approved 17-05	Required 17-05B	Proposed 17-05B
Residential	--	480 units		330 units
Lodging	--	--		132,378 square feet
Retail	--	71,846 square feet		71,846 square feet
Parking C § 701	<i>Residential</i> 1 / 3 du in excess of 4 du <i>Lodging</i> 0.5 spaces / 1,000 sf in excess of 3,000 sf <i>Retail</i> 1.33 / 1,000 sf in excess of 3,000 sf	<i>Residential</i> 285 spaces <i>Lodging</i> -- <i>Retail</i> 76 spaces 361 spaces total	<i>Residential</i> 109 spaces <i>Lodging</i> 66 spaces <i>Retail</i> 92 spaces 267 spaces total	342 spaces total
Bike Parking C § 802	<i>Residential</i> ST – 1 space / 2 du LT – 1 space / 3 du <i>Lodging</i> ST – 1 space / 40,000 sf LT – 1 space / 10,000 sf <i>Retail</i> ST – 1 space / 3,500 sf LT – 7 spaces ST – 41 spaces LT – 130 spaces	ST – 41 spaces LT – 168 spaces	<i>Residential</i> ST – 17 spaces LT – 110 spaces <i>Lodging</i> ST – 3 spaces LT – 13 spaces <i>Retail</i> ST – 21 spaces LT – 7 spaces ST – 41 spaces LT – 130 spaces	ST – 45 spaces LT – 167 spaces
Loading C § 901	<i>Residential</i> 1 30' berth / 1 platform 1 20' delivery space <i>Lodging</i> 3 30' berths / 3 platforms <i>Retail</i> 2 30' berths / 2 platforms 1 20' delivery space	3 30' berths 2 55' berths 2 20' platforms	<i>Residential</i> 1 30' berth / 1 platform 1 20' delivery space <i>Lodging</i> 3 30' berths / 3 platforms <i>Retail</i> 2 30' berths / 2 platforms 1 20' delivery space	3 30' berths / 3 platforms 2 55' berths / 2 platforms 2 20' delivery spaces

¹ See Attachment A of Exhibit 9, dated November 26, 2019.

VI. CRITERIA OF THE CAPITOL GATEWAY ZONE

The Capitol Gateway zone lists objectives and provides specific criteria for the Zoning Commission review of proposed developments. The following is OP's analysis of these standards as applied to the subject modification of significance application.

K § 500 The purposes of the CG Zone are to:

- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;*
- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;*
- (c) Allow for continuation of existing industrial uses, which are important economic assets to the city, during the extended period projected for redevelopment;*
- (d) Provide for a reduced height and bulk of buildings along the Anacostia riverfront in the interest of ensuring views over and around waterfront buildings, and provide for continuous public open space along the waterfront with frequent public access points;*

The requested modification of significance would not change the initial determination that the proposed project satisfies the purposes of the CG-5 zone by providing a mixed-use development with suitably designed public open space along the waterfront, including construction of a portion of the Anacostia Riverwalk Trail. The introduction of the temporary lodging use should result in a project with more viable retail and residential uses at the property.

512.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in Subtitle X and the relevant provisions of this chapter, an applicant requesting approval under this section shall prove that the proposed building or structure, including the sitting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the objectives of the Capital Gateway defined in Subtitle K § 500.1,*
- (b) Help achieve the desired use mix, with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail, or service uses;*
- (c) Be in context with the surrounding neighborhood and street patterns;*
- (d) Minimize conflict between vehicles and pedestrians;*
- (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and*
- (f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.*

The proposed temporary lodging use would be consistent with the desired use mix for the Capital Gateway zones and would help to ensure a strong residential and retail presence in the area in both the short- and long-term. Furthermore, the temporary lodging use would not impact the building

form or environmental impact. Finally, the temporary lodging use should not result in increased vehicular and pedestrian conflict in the surrounding neighborhood.

512.4 *With respect to a building or structure to be constructed on a lot within the CG-5 District:*

- (a) *The building or structure shall provide suitably designed public open space along the waterfront;*
- (b) *A plan shall be included in the application for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront;*
- (c) *The application shall include a view analysis that assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings, existing neighborhoods, South Capitol Street, and the Frederick Douglass Bridge.*

The proposed temporary use would not impact the design of the building or the proposed site and public space improvements. Therefore, the modification request should not change the Zoning Commission's determination that the project is consistent with the objectives and standards for review.

512.7 *The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.*

The Applicant has requested use variance relief, which is analyzed in Section V.1 of this report.

VII. COMMUNITY COMMENTS

ANC 6D had not provided comments at the time this report was drafted.

VIII. DISTRICT AGENCY COMMENTS

The District Department of Housing and Community Development (DHCD) provided the following comments:

1. DHCD understands the proposed temporary lodging use will have no impact on the already identified IZ units (stemming from new GFA and penthouse habitable space), in particular all the required IZ units will be available in the initial lease up phase and will not be delayed by this temporary use;
2. DHCD recommends full disclosure to the IZ and market rate tenants of the temporary lodging use;
3. DHCD does not object to the Modification of Significance, we do however want to recognize that the temporary lodging use is expressly a means to establish a higher rent market where one currently does not exist and would welcome IZ units in addition to those originally required so that a greater measure of affordability is retained as the market develops.

The District Department of Energy and Environment (DOEE) stated that it had previously approved the floodplain plans and would not provide additional comments on the proposed use change.

The District Department of Transportation (DDOT) indicated that it had no issues with the modification request.

IX. ATTACHMENTS

1. Vicinity Map

JS/emv

ATTACHMENT 1 VICINITY MAP

