

## MEMORANDUM

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup>Jennifer Steingasser, Deputy Director Development Review & Historic Preservation  
**DATE:** January 9, 2017  
**SUBJECT:** ZC Case 06-14D, Modification of Significance to approved Washington Gateway PUD, Square 3584, Lots 23, 814, 815, 820 and 822

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### **I. APPLICATION**

At its public hearing on October 17, 2016, the Commission set down the subject application for a Modification of Significance to permit:

- A change in use from office to residential for the north tower with LEED Silver eligibility;
- The south tower to be either office or residential with the approved ground floor retail; and
- A reduction in parking for the existing residential building by allowing some of the parking within that building to serve the proposed north and south towers.

A summary of the Zoning Commission comments from the setdown meeting with the applicant's responses can be found on pages two through five of this report.

A full description of the approved PUD and its status can be found in Section V of the Office of Planning (OP) setdown report, dated October 7, 2016 (Exhibit 13).

### **II. SUMMARY RECOMMENDATION**

The OP recommends the Zoning Commission **APPROVE** the subject application, subject to the following conditions brought forward by OP and the District Department of Transportation (DDOT):

1. Should the applicant propose to develop the south tower as a residential building, the applicant returns to the Commission for a Modification of Significance, including a residential redesign of the building's façade and details of how the residential tower conforms with the requirements for residential buildings, including Inclusionary Zoning.
2. Document the elevator between the lobby and Level 2 is of sufficient size to accommodate bicycles.
3. Submit to DDOT for their approval:
  - a. How much, if any, the Metropolitan Branch Trail would be narrowed as a result of the new towers; and
  - b. A plan on how construction would impact the use and operation of the trail.
4. Provide additional information on landscaping proposed for the rear yard of the apartment building facing the Metropolitan Branch Trail, including refinement of the exterior railings separating outdoor private space from the trail.

OP encourages the applicant to increase the LEED commitment from Silver to Gold for both towers regardless of whether the building is an office building or a residential building.

OP notes that the requested modification will provide affordable units in the new residential North Tower that only meet the minimum Inclusionary Zoning requirements. OP encourages the applicant to increase the affordable housing commitment beyond that required by either increasing the amount of square footage set aside and/or providing a deeper median income limit.

### III. COMMISSION CONCERNS AND OFFICE OF PLANNING SETDOWN COMMENTS

On December 29, 2016 the applicant filed a pre-hearing statement and plans (Exhibit 30) in response to comments received at the Commission’s public hearing on October 17, 2016. A summary of the Commission’s comments with the applicant’s responses is listed below.

| Commission /OP Comment  | Applicant Response   | OP Analysis   |
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| 1. Obtain a determination from the Zoning Administrator that the residential and office towers would qualify as one building. | The applicant submitted an email from the Zoning Administrator confirming that the two towers would constitute one building. (Exhibit 15B)   | OP accepts the interpretation of the Zoning Administrator.  |
| 2. Provide required rear yard or request relief.  | Sheet A-101, dated December 30, 2016 (Exhibit 30A3) depicts the proposed rear yard as 34 feet, one inch.   | A minimum rear yard of 31 feet, 9 inches was approved as a part of the original PUD (2.5 inches per foot of building height above median grade). As the proposed building height remains at 130 feet, no additional relief is required. |
| 3. Provide short-term bicycle parking or request relief.  | Short-term bicycle parking will be provided.   | Sheet G-002, dated December 30, 2016 (Exhibit 30A4) documents that three short-term retail bicycle spaces and 6 short-term residential bicycle spaces would be provided.  |
| 4. Provide the location and setbacks of roof guardrails, if any.  | The locations of the guardrails and roof structures, together with setback dimensions from the roof edge, are shown on sheets A-113 and A-114, dated December 30, 2016 (Exhibit 30A4).   | All roof structures are setback a minimum distance of 1:1 from the roof edge.   |
| 5. Address affordable housing requirements for habitable penthouse space.   | The applicant proposes to set aside an area within the residential North Tower equal to 8% of the non-communal penthouse space at 50% AMI. For the non-residential penthouse space in the office South Tower, the applicants states they will make a contribution to the Housing | OP finds this proposal acceptable relative to the penthouse.  |

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|   | Production Trust Fund (pages 5-6 of the December 29, 2016 Supplemental Statement).   |  |
| 6. Submit a new Transportation Demand Management (TDM) Plan to DDOT.  | A new TDM was submitted to DDOT for their review. A Transportation Assessment was submitted to the file (Exhibit 27).  | DDOT will submit comments as a separate memorandum.  |
| 7. Address loading relief.  | <p>Loading relief requested (see Sheet G-002, dated December 30, 2016 (Exhibit 30A1))</p> <p><u>South Tower</u><br/>                     3 @ 30' deep &amp; 1 @ 20' deep approved; 2 @ 30' proposed</p> <p><u>North Tower</u><br/>                     1 @ 55' deep &amp; 1 @ 20' deep approved; 1 @ 55' deep proposed</p> | DDOT informed OP that the proposed loading is acceptable.  |
| 8. Need at a larger scale and details of the Florida Avenue ground floor plan.  | Sheet A-216, dated December 30, 2016, depicts a larger scale drawing better depicting the improvements. Sheet A-311 depicts proposed locations for wall signage on the building. (see Exhibit 30A5)  | OP has no objections to the proposed location of the signage.  |
| 9. Townhouse type units: need detail on yards, fencing, landscaping and relationship to the Metropolitan Branch Trail.  | The applicant clarified that rear yard of the building facing the trail does not include individual yards for individual units.  | <p>The "townhouse" units would have direct access to the trail, an amenity to the occupants of those units.</p> <p>Additional information is needed on landscaping within the rear yard of the building facing the trail and on railings proposed on those units facing the trail.</p> |
| 10. New York Avenue ground floor enhancements: with increased pedestrian activity from the proposed building, need design, landscaping and ground floor enhancements. | The architecture of the North Tower, the proposed apartment building facing New York Avenue, has been designed with an undulating glass wall atop a masonry base, creating an interesting façade along this busy street.   | OP finds the architecture, materials and landscaping work together to create an interesting street wall for New York Avenue adjacent to the bridge and rail lines.   |
| 11. Redesign the South Tower to be more residential.  | The applicant requests flexibility to develop the building as either office or   | OP has no objection to the request for flexibility to develop the South Tower as a residential building subject to   |

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|   | residential, and to return to the Commission should it be developed as a residential building with new drawings for review.  | future Commission review and approval including architecture, materials and compliance with regulations.<br><br>OP recommends the Commission explicitly indicate that any approval of flexibility for a building change does not foreclose the consideration of proffered benefits as a result of the Commission's review, especially as the review may pertain to design, materials and affordable units in the South Tower. |
| 12. Need details and material samples.  | Sheets A-109 and A-110, dated December 30, 2016 (Exhibit 30A4) depict the materials for the north and south towers.  | To ease the Commission's review of the materials and better represent colors proposed, the applicant should submit material boards for review for the Commission's review at the hearing.   |
| 13. Sustainability: Why is the South Tower not designed to LEED Gold, like the North Tower?                                   | It is cost prohibitive to design an office building to LEED Gold standards.  | OP continues to recommend LEED Gold, regardless of whether the building is an office building or changed to a residential building.   |
| 14. Proffers: Need to specify hours the bike lobby would be open to the public, staffing and the distribution of information. | The bike lobby would be open from 6:00 am to midnight, seven days a week, an increase from the previous proposal of 6:00 am to 9:00 am., seven days a week, with staffing and information available to the public. | OP supports the increase in hours. However, the applicant needs to document that the elevator between the lobby and level 2 is of sufficient size to accommodate bicycles.  |
| 15. DDOT needs to know how much the Metropolitan Branch Trail would be reduced in width.                                      | Sheets A-209 through A-212, dated December 30, 2016, (Exhibits 30A5 and 30A6) depict the bicycle features as proposed.   | The applicant indicated to OP that the reduction would be approximately one foot. This needs to be documented on a plan. In addition, the applicant needs to provide a plan of how construction would impact the use and operation of the trail, including any periods of time when the trail would have to be closed.  |
| 16. Can deeper levels of affordability be provided?   | Any new residential development would provide 8% at 80% AMI, as required by IZ.  | The original PUD was approved prior to the effective date of the IZ requirements. The applicant devoted 8% of the residential gross floor area of Phase I to affordable housing for households with incomes that do not exceed 80% of the area median   |

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|  |  | <p>income (“AMI”). The devoted space was considered a proffer because the IZ regulations were not yet in effect.</p> <p>In 2011, the hotel portion of Phase I was approved as a modification to residential and the minimum 8% and 80% AMI were again noted as benefits of the PUD because the IZ was not applicable.</p>   |
| <p>17. How will an affordable development be consistent with the original PUD?</p> | <p>The residential use would be in conformance with current IZ requirements.</p> | <p>The requested 2016 modification is to change the North Tower from an office building to a residential building which would cause IZ to be required. The affordable units proposed as part of the new North Tower residential building would only comply with the minimum IZ requirement of 8% GFA with an 80% AMI maximum. Should the South Tower be changed to a residential building it also is proposed only to comply with the minimum IZ requirement.</p> <p>While the provision of housing and affordable housing is a general benefit of the PUD because the matter of right zone does not permit residential use, OP does not find that the minimum IZ standard of 8% residential GFA at 80% AMI to be a “superior” public benefit in the meaning of Sub X §305.2.</p> <p>OP encourages the applicant to consider increasing the IZ benefits beyond just minimal compliance, especially in consideration of the use flexibility requested for the South Tower.</p> |