

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JLS*
Jennifer Steingasser, Deputy Director, Development Review/Historic Preservation

DATE: September 7, 2018

SUBJECT: **ZC Case 06-14E and 06-14F** - Office of Planning Report on a Request for a Modification of Consequence for Zoning Commission Order 06-14D and a Technical Correction to Zoning Commission Orders 06-14 through 06-14D for a Consolidated PUD at New York and Florida Avenues, NE (Square 3584, Lots 814, 815, 820, 821, 822)

I. BACKGROUND

The applicant is requesting:

- Case 06-14E: Zoning Commission Order 06-14D approved a modification of significance for the vested PUD which permits the north tower of the eastern building to be developed residentially, and for the south tower to be developed either commercially or residentially, subject to façade review for a residential option. The applicant is now planning to devote the south tower to residential use and is seeking approval of a modification of consequence pursuant to 11DCMR Subtitle Z §703, as required by the published Order's Decision B.3.
- Case 06-14F: The applicant's review of records at the Office of Tax and Revenue indicates there has been a relatively minor discrepancy between the land area cited for the PUD in Orders 06-14 through 06-14D and the actual land area. The applicant is asking for a technical correction from 134,655 square feet to 134,592 square feet for all references to the area of the PUD in those orders. This application was updated August 21, 2018.

Although not advertised as such, the applicant is also asking the Commission to Amend Decision No. B.6.d of Order 06—14D to permit changes to the type of lighting the PUD is required to provide for the adjacent Metropolitan Branch Trail (MBT) (Exhibit 5, page 4).

II. RECOMMENDATION

Consistent with the published Order 06-14 D Condition B.3.a., **OP recommends this application for a PUD modification be considered as a modification of consequence to:**

Modify the design of the south tower of the eastern building and devote that tower to residential and commercial uses. As detailed in Section IV of this report OP has some concerns about specifics of the proposed design and suggests the Commission seek additional information and clarification about design prior to its decision on the application.

OP further recommends that the Commission approve the requested technical correction (dated August 21, 2018 but not in the case file as of August 31, 2018) to the size of the PUD's lot area, from 134,655 square feet to 134,592 square feet, in Orders 06-14 through 06-14D.

OP has no recommendation on the requested-but-unadvertised modification to Order 06-14 Condition B.6.d. to permit the installation of ground-based light poles on the applicant's property, rather than façade-mounted fixtures, for lighting the length of the Metropolitan Branch trail adjacent to the applicant's property and for these fixtures to be connected to a District Department of Transportation (DDOT) power system, rather than the electrical service in the applicant's planned building.

A DDOT report addressing this is enclosed with this OP report.

III. APPROVED PUD AND STATUS

As outlined in green in Figure 1, below, the PUD is on a triangular 3.1-acre site bounded by New York and Florida Avenues and the Metropolitan Branch (bicycle) Trail (MBT), which is adjacent to the right-of-way of Metrorail's Red Line. As modified through Orders 06-14B and 06-14D, the PUD is to consist of:

- A. A completed residential building on the northwestern side of the site, containing 400 units and 5,000 sf of retail space. Prior to Order 06-14B's modifications the building was to have contained both residential and hotel uses;
- B. A substantially completed landscaped central plaza with existing access from Florida Avenue and New York Avenue, and future access from a two-story pavilion to be built as part of proffered upgrades to a segment of the Metropolitan Branch Trail.
- C. A single not-yet-constructed-building with two towers, on the eastern side of the site. This phase's site is highlighted in grey. As approved in Order 06-14D, the north tower is to be residential. The presumption of that order was that the south tower would be developed for office use with ground-floor retail, but the Order also permitted the south tower to be residential, subject to façade review by the Commission. The south tower is the subject of this application.

If both towers of the eastern building are developed residentially, the building would contain up to 372 units, 8% of which would be Inclusionary Zoning rental units. There would be approximately 5,000 square feet of retail space, with frontage on Florida Avenue 8% of the units (28 units) would be Inclusionary Zoning rental units reserved for households earning 60% of the MFI. Of this, 17,816 square feet (approximately 19 units) would be in the south tower.

Other than a newly proposed setback to accommodate proposed light poles along the Metropolitan Branch Trail, the applicant has proposed no changes to what was previously approved for the overall building massing, auto or bicycle parking, loading or benefits and amenities. Current approvals are summarized in Case Exhibit 5, page 2.



Figure 1. PUD Outline in Green. Phase 2 Building in Grey. Current Application's Tower in Yellow

IV. ANALYSIS

Order 06-14 D Condition B.3.a has already stated that review of the residential option should be considered as a Modification of Consequence subject to two conditions:

B.3.a If the South Tower is devoted to residential use, no building permit shall be issued for the South Tower unless the Commission has approved the revised project as a Modification of Consequence. The Commission shall not approve a Modification of Consequence unless the Applicant has provided:

- i. A residential redesign of the building's façade; and*
- ii. An explanation of how the South Tower satisfies all requirements for residential buildings, including Inclusionary Zoning.*

Design:

OP and the applicant have had several consultations. The applicant has been responsive to OP's comments, and the renderings in Exhibit 9A include greater detail than originally submitted and changes OP had suggested in the quality of materials on the ground floor façade. However, OP retains some design-related concerns and suggests the Commission ask the applicant to provide the following information prior to the Commission's decision:

- Regarding Flexibility Request (3) on page 6 of Exhibit 6, provide a comparison of the number of parking spaces required for the east building in Order 06-14 and the minimum number of parking spaces that would be provided if only “the minimum level required by the [2016] Zoning Regulations” were provided. The chart on Sheet G-002 of Exhibit 5G seems to base the parking requirements in the “Proposed PUD Modification” column on the 1958 Zoning Regulations, when the minimum requirement for the modified portions of the project would be determined by the reduced requirements in the 2016 Zoning regulations
- Regarding Flexibility Request (4), provide greater specificity about what is meant by “minor” refinements to the list of materials, details, locations and dimensions;
- Regarding Flexibility Request (5), clarify the type of lighting, if any, for the proposed signage;
- Regarding Flexibility Request (7), explain the impact of its request to include “Services, Financial” in the planned retail space’s permitted uses would have on the overall quality of the project’s retail uses. The project was originally approved with a mix of hotel, residential, office and retail uses. OP is concerned that with the requested changes o an all-residential project with limited ground floor retail, there will not be the critical mix of daytime and nighttime users to encourage retail success.
- Provide an explanation of why the proposed change from an enclosed and conditioned bicycle lobby / Metropolitan Branch Trail connection in Case 06-14D to an unenclosed, unconditioned connection in Application 06-14E does not constitution a diminution in the quality of a required amenity, for which a modification should be sought: (See Case 06-14D, Exhibit 2G5, Sheets A-201 and A-202 and Exhibit 2G6, Sheets A-210- A214. This change was not discussed in the application.
- Provide more detailed plans/renderings for the design of the private space adjacent to the Metropolitan Branch Trail and the light fixtures (Exhibit 5G2 Sheet L-301) that will be installed there. The drawings in Case 06-14D, Exhibit 2G7 had shown such details more clearly for the north tower.

Inclusionary Zoning:

The original PUD was approved prior to the effective date of Inclusionary Zoning requirements. At that time the applicant proffered to provide a public benefit of reserving 8% of the residential units for households earning no more than 80% of the AMI. The previous and currently-requested modifications to the eastern building have required the applicant to comply with current IZ requirements and provide, for the planned rental project, 8% of units as affordable for households earning no more than 60% of the MFI.

With both towers of the eastern building developed residentially, 8% of the units (28 units) would IZ rental units at 60% MFI. Of this, 17,816 square feet (approximately 19 units) would be in the south tower. The applicant provides details in Exhibit 5, page 6 and in Exhibit 5G5, Sheet A-218.

V. OTHER DISTRICT AGENCY REPORTS, AND COMMUNITY COMMENTS

DDOT has expressed some concerns about the application in conversations with the applicant. DDOT's report is included as an attachment to this OP report.

The applicant certifies it has circulated the application to OP and to ANC 5E, ANC 6E and ANC 5D. There were no other parties in the original case.

There were no filings from an ANC, group or individual at the time OP completed this report.

Jls/slc
Stephen Cochran, project manager

Attachment: DDOT report


GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION



d. Planning and Sustainability Division

MEMORANDUM

TO: Jennifer Steingasser
Deputy Director for Development Review & Historic Preservation, Office of Planning

FROM: Jim Sebastian
Associate Director 

DATE: September 6, 2018

SUBJECT: ZC Case No. 06-14E – Washington Gateway South Tower Modification of Consequence

Washington Gateway Three, LLC (the “Applicant”) seeks a Modification of Consequence to Condition No. B.3. of Z.C. Order No. 06-14D for an approved Planned Unit Development (“PUD”) in order to construct the South Tower as residential instead of office. The Applicant previously received flexibility to construct the tower as either residential or office, subject to certain conditions, which is the basis for this modification application. The South Tower would accommodate 241 units and approximately 2,984 square feet of retail.

As part of the subject action the Applicant proposes to modify Condition No. B.3., which pertains to the location and power source for Metropolitan Branch Trail lighting (Figure 1). The residential South Tower has a slightly smaller ground floor footprint that provides additional landscaped space between the Tower and edge of the trail. This space provides room for in-ground light poles compared to the office program that would have required building-mounted trail lighting. DDOT has no objection to this change in lighting, but notes that additional coordination is required at public space permitting on final design of lighting and associated electrical service tie-ins. As part of the permitting process, DDOT will require that a minimum two (2) foot offset between the edge of the trail and any light poles, trees, or other vertical elements be provided.

FROM	TO
<p>Condition B.6.d.</p> <p><u>Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall demonstrate to the Zoning Administrator that it has mounted light fixtures to the South Tower adjacent to the MBT that are designed to connect to the South Tower's electrical service;</u></p>	<p>Condition B.6.d.</p> <p><u>Prior to the issuance of a Certificate of Occupancy for the South Tower, the Applicant shall demonstrate to the Zoning Administrator that it has mounted light fixtures to the South Tower adjacent to installed pole lights along the MBT for the length of the South Tower, that are designed to connect to the South Tower's electrical service; The pole lights will be connected to the District Department of Transportation's ("DDOT") planned electrical power service and maintained by DDOT.</u></p>

Figure 1 Approved and Proposed Condition Language (Source: Statement in Support, Exhibit 5)

DDOT previously evaluated the anticipated transportation impacts as part of ZC Case No. 06-14D based on an office build-out since this land use is expected to generate more intense trip making behavior compared to residential. Accordingly, the transportation impacts and mitigations identified as part of 06-14D are expected to remain valid. As part of the subject action the Applicant coordinated with DDOT to update the Transportation Demand Management (TDM) Plan to customize it to the residential program (Exhibit 8) and remove office-focused measures. The Applicant proposes the following measures for the South Tower:

- Install a Transit Screen in the lobby of the South Tower;
- Provide the minimum ZR16 bicycle requirements (66 long-term spaces and 12 short-term spaces for the residential and 1 long-term and 2 short-term spaces for the retail)
- For a period of three years following the issuance of a certificate of occupancy for the South Tower, the Applicant shall offer each residential unit the option of either a one-time annual carshare membership or a one-time annual Capital Bikeshare membership, up to a maximum amount of \$85.00 per unit;
- Purchase five rolling shopping carts for use by residents of the South Tower; and
- Unbundle parking costs from lease or purchase of residential units.

DDOT finds that the revised TDM plan is appropriate. Regarding the financial incentive for Capital Bikeshare membership, the current cost of a membership is \$85.00. While DDOT does not typically support a cap on the value of the Capital Bikeshare membership due to the potential for future membership cost increases, the financial incentive measure proposed as part of the subject action matches that approved as part of ZC Case No. 06-14D.

Accordingly, DDOT has no objection to the requested Modification.