

# Government of the District of Columbia

## Department of Transportation



**d. Planning and Sustainability Division**

**MEMORANDUM**

**TO:** Sara Bardin  
Director, Office of Zoning

**FROM:** Jim Sebastian  
Associate Director *[Signature]*

**DATE:** November 20, 2019

**SUBJECT:** ZC Case No. 14-12E – 1329 5<sup>th</sup> Street NE Stage 2 PUD

**PROJECT SUMMARY**

Clarion Gables Multifamily Trust, L.P. & EAJ 1309 5th Street, LLC (the “Applicant”) seeks approval of a Stage 2 Planned Unit Development (“PUD”) for the North Building at premises 1329 5th Street NE (Square 3591, Lots 808, 809, & 7020-7033). Below is a summary of the proposed Stage 2 PUD building program compared to the program studied under the Stage 1 review:

Plan Component	North Building Stage 1 PUD	North Building Stage 2 PUD	Difference
Dwelling Units/Office	290,000 SF of either residential (approximately 368 dwelling units) or office	300 dwelling units (no office space)	-68 dwelling units
Retail Space	35,000 SF	23,053 SF	-11,947 SF
Vehicle Parking	300-475 spaces	310 spaces	Parking ratio narrows from 0.77-1.23 spaces/unit to 1.03 spaces/unit
Residential Bike Parking	111-119 spaces for North Building plus approximately 8 spaces for South Building	111-119 spaces for North Building plus approximately 8 spaces for South Building	No change
Loading Facilities	Loading facilities to be identified during Stage 2 PUD	Two (2) 30’ berth and one (1) service/delivery space	-

The PUD is vested under the 1958 Zoning Regulations.

## **SUMMARY OF DDOT REVIEW**

The District Department of Transportation (DDOT) is committed to achieve an exceptional quality of life in the nation's capital by encouraging sustainable travel practices, safer streets, and outstanding access to goods and services. As one means to achieve this vision, DDOT works through the zoning process to ensure that impacts from new developments are manageable within and take advantage of the District's multimodal transportation network.

The purpose of DDOT's review is to assess the potential safety and capacity impacts of the proposed action on the District's transportation network and, as necessary, propose mitigations that are commensurate with the action. After an extensive, multi-administration review of the case materials submitted by the Applicant, DDOT finds:

### **Site Design**

- Vehicle, loading, and trash access is proposed via a curb cut on 6<sup>th</sup> Street NE consistent with DDOT standards;
- The Applicant seeks relief from the requirement for one (1) 55-foot berth and proposes two (2) thirty-foot loading berths and one (1) service delivery space will be accessed from 6<sup>th</sup> Street with head-in/head-out movements consistent with DDOT standards. The Stage 1 approval included a Loading Management Plan which sufficiently mitigates potential impacts from the requested relief;
- An existing private plaza located between the North and South buildings is proposed to be enhanced as part of the subject action. This space will continue to accommodate the South Building's loading needs, while also providing pedestrian access and outdoor seating for the North Building's retail spaces;
- Pedestrian access to the long-term bicycle parking and retail parking is proposed via the 5<sup>th</sup> Street residential lobby;
- The Applicant proposes knock-out panels along the north edge of the parking garage to facilitate access to the adjoining property, which was approved as a Stage 1 PUD (ZC Case No. 15-24/15-24A). The knock-out panels preserve the option for 5<sup>th</sup> Street to fulfill a more pedestrian-focused character as envisioned in the Union Market Streetscape Guidelines by providing an alternate access point for the adjacent parcel. Additional coordination between the Applicant and the adjacent property owner is needed as part of this action to ensure there is mutual awareness and access permissions to take advantage of the knock-out panels;
- The vehicle parking supply for the North Building is within the range approved during the Stage 1 review. This parking ratio for the North Building alone is significantly higher compared to similar development projects in the District with similarly excellent access to non-auto travel options, but the parking is intended to also serve the South Building, which was approved with zero (0) vehicle parking spaces;
- The proposed 111-119 long-term bicycle parking spaces for the North Building and an additional eight (8) spaces to satisfy the South Building's needs meet ZR58 and ZR16 requirements; and
- The Applicant proposes to improve the streetscape adjacent to the North Building consistent with the Union Market Streetscape Guidelines.

## Travel Assumptions & Analysis

- The capacity analysis completed as part of the Stage 1 review was based on a predominant office use for the North Building, which would likely generate significantly more vehicle trips compared to residential uses. As such, the analysis from the Stage 1 review represents a conservative estimate of anticipated vehicular impacts that are not likely to be fully realized and therefore the Stage 1 capacity analysis remains valid. The Applicant did not provide an updated capacity analysis, which is appropriate; and
- The Applicant proposes Transportation Demand Management (TDM) elements in addition to those required as part of the Stage 1 approval. The proposed TDM plan is a strong basis for achieving the proposed mode split, but clarification is needed regarding the financial incentives for annual bikeshare memberships for both the North and South Buildings.

## Mitigations

DDOT has no objection to the requested Stage 2 PUD provided the following conditions are satisfied:

- Implement the following additional TDM elements for the life of the project, unless otherwise noted:
  - Work with DDOT and goDCgo (DDOT's TDM program) to implement TDM measures at the North Building;
  - Share with DDOT and goDCgo (info@godcgo.com) the full contact information of the TDM coordinator for the North Building;
  - Post all TDM commitments online for easy reference;
  - Provide TDM materials to new residents in the Residential Welcome Package materials;
  - Provide a transportation information screen within the North Building residential lobby;
  - Supply long-term and short-term bicycle parking in accordance with the approved final plans for the North Building; and
  - Provide an annual bikeshare membership to each residential unit of the North Building for three (3) years after the building opens. Relatedly, Mitigation Measure (f) from the ZC Case No. 14-12 Zoning Order should be clarified such that it applies to the South Building and there is no expense cap on incentives for the North Building.
- Provide the following commitments related to the knock-out panels and shared access with the adjacent property:
  - Commit to language that provides the adjacent property owner with permission to utilize the knock-out panels to access the North Building's garage and driveway access to 6th Street NE; and
  - Provide a letter of acknowledgement from the adjacent property owner to the north confirming awareness of the knock-out panels. DDOT will work with the Applicant for ZC Case No. 15-24/15-24A through a future Stage 2 PUD process on a site access scheme that takes advantage of the knock-out panels.
- As proposed, install a minimum of six (6) electric vehicle charging stations in the parking garage.

## Continued Coordination

The Applicant is expected to continue to work with DDOT on the following matter:

- Compatibility between and sequencing with other developments in the Market. The substantial amount of anticipated development in the Market will require close coordination on various aspects of the projects, including construction staging and traffic control plans, which will occur during the public space permitting process;

- Loading access for the South Building is expected to be maintained to the South Building during construction of the North Building and the plaza. Loading for the South Building shall not be displaced to the adjacent public streets. DDOT will review the Applicant's traffic control plans during the public space permitting process;
- All building projections require coordination to ensure they are compliant with the Building Code. Of note, the plans show a thick gray band that extends into public space and encircles the oriel window projections on 5th Street and 6th Street. This is not a type of projection specifically allowed by regulation and would likely require a modification from the Construction Code.

## **TRANSPORTATION ANALYSIS**

DDOT requires applicants who request PUD approval from the Zoning Commission perform a Comprehensive Transportation Review (CTR) in order to determine the PUD's impact on the overall transportation network. Accordingly, an applicant is expected to show the existing conditions for each transportation mode affected, the proposed impact on the respective network, and any proposed mitigations, along with the effects of the mitigations on other travel modes. A CTR should be performed according to DDOT direction. The Applicant and DDOT coordinated on an agreed-upon scope for the CTR that is consistent with the scale of the action.

The review of the analysis is divided into four categories: site design, travel assumptions, analysis, and mitigations. The following review provided by DDOT evaluates the Applicant's CTR to determine its accuracy and assess the action's consistency with the District's vision for a cohesive, sustainable transportation system that delivers safe and convenient ways to move people and goods, while protecting and enhancing the natural, environmental, and cultural resources of the District.

### **Site Design**

Site design, which includes site access, loading, and public realm design, plays a critical role in determining a proposed action's impact on the District's infrastructure. While transportation impacts can change over time, the site design will remain constant throughout the lifespan of the proposed development, making site design a critical aspect of DDOT's development review process. Accordingly, new developments must provide a safe and welcoming pedestrian experience, enhance the public realm, and serve as positive additions to the community.

### Site Access

Consistent with the Stage 1 PUD approval, parking garage, loading, and trash access will be provided from a curb cut on 6<sup>th</sup> Street NE. The curb cut location has been shifted six (6) feet south of the property line in order to meet DDOT standards for driveway offsets from an adjacent parcel. Access to the two (2) 30-foot loading berths and one (1) 20-foot service delivery space is proposed via the curb cut. All truck maneuvers will be accommodated with head-in/head-out maneuvers across public space consistent with DDOT standards. A site plan is shown in *Figure 1*.

Primary pedestrian access point for the residential use is from 5<sup>th</sup> Street. Retail access is from 5<sup>th</sup> Street, 6<sup>th</sup> Street, and the private alley in between the North Building and South Building. Access to the bicycle room is proposed from the 5<sup>th</sup> Street lobby and will be available to residents and retail patrons. This same lobby will also provide access to the retail vehicle parking spaces.

The Applicant proposes knock-out panels along the north edge of the parking garage to facilitate access to the adjoining property, which was approved as a Stage 1 PUD (ZC Case No. 15-24/15-24A). The knock-out panels allow the adjacent property to provide access via 6<sup>th</sup> Street, thus preserving the option for 5<sup>th</sup> Street to fulfill a more pedestrian-focused character as envisioned in the Union Market Streetscape Guidelines. Such shared access could be utilized on a full time or temporary basis when 5<sup>th</sup> Street may be closed to vehicular traffic for special events. In order to realize the benefits of the knock-out panels, the Applicant is expected to commit to language that provides the adjacent property owner with permission to utilize the knock-out panels to access the North Building's garage and driveway access to 6<sup>th</sup> Street NE. Additionally, the Applicant is expected to provide a letter of acknowledgement from the adjacent property owner to the north confirming awareness of the knock-out panels. DDOT will work with the Applicant for ZC Case No. 15-24/15-24A through a future Stage 2 PUD process on a site access scheme that takes advantage of the knock-out panels.

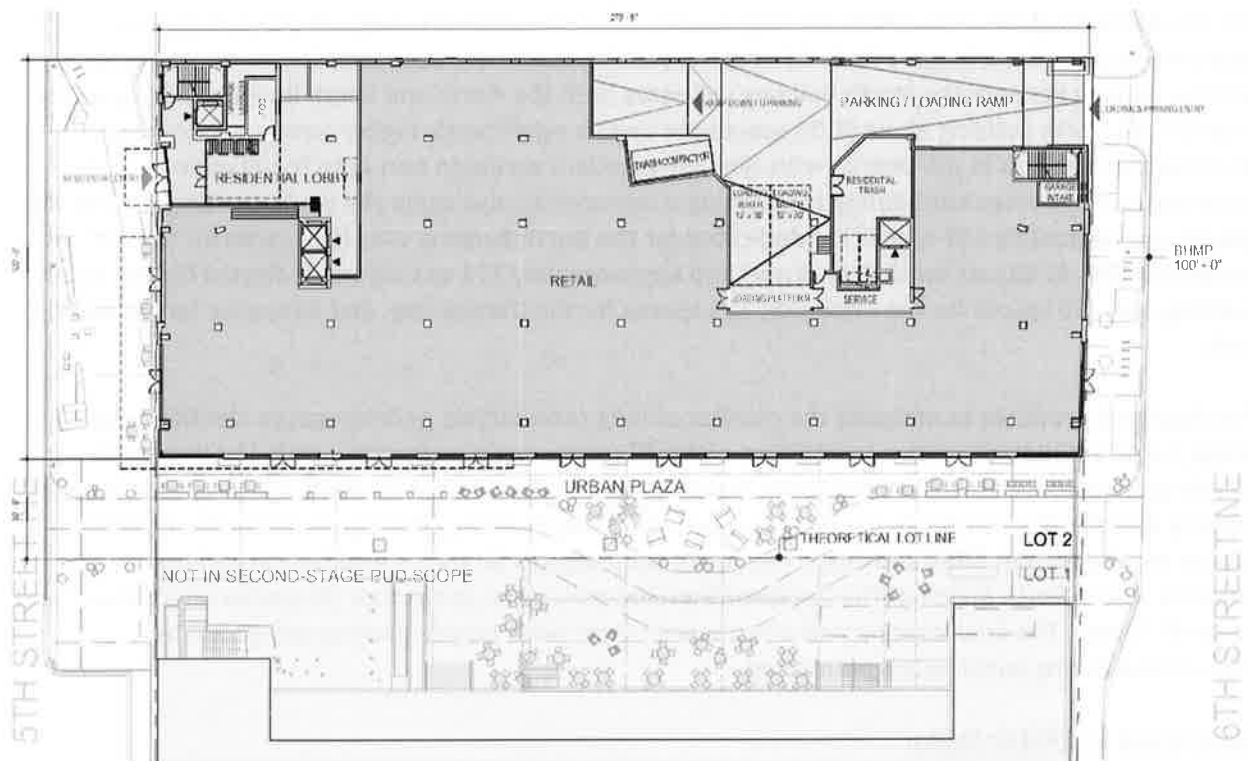


Figure 1 Site Plan (Source: Applicant's Supplemental Statement)

### Loading

DDOT's practice is to accommodate vehicle loading in a safe and efficient manner, while at the same time preserving safety across non-vehicle modes and limiting any hindrance to traffic operations. For new developments, DDOT requires that loading take place in private space and that no back-up maneuvers occur in the public realm. This often results in loading being accessed through an alley network.

The Applicant seeks relief from the required one (1) 55-foot loading berth and proposes (2) 30-foot loading berths and one (1) 20-foot service delivery space for the North Building. The Applicant anticipates approximately 16 daily truck deliveries using the 30-foot loading berths and an additional

five (5) daily deliveries using the service/delivery space. DDOT finds the number and size of proposed loading facilities to be appropriate. The Stage 1 approval included a Loading Management Plan which sufficiently mitigates potential impacts from the requested relief.

Of note, the plaza between the North and South Buildings serves as the loading area for the South Building. After delivery of the North Building the Applicant proposes to maintain a minimum 18' clear drive aisle through the plaza to facilitate truck and pedestrian access. Areas outside the drive aisle are proposed to be utilized for café seating and other furnishing. During construction, the Applicant is expected to maintain loading access for the South Building. Loading for the South Building shall not be displaced to the adjacent public streets. DDOT will review the Applicant's traffic control plans during the public space permitting process.

### Parking

The Applicant proposes 310 vehicle parking spaces, which is within the range of 300-475 spaces approved as part of the Stage 1 PUD. Of note, no parking spaces are proposed for the South Building, and the parking beneath the North Building will serve both the North and South Buildings. The parking ratio for the North Building alone (1.03 spaces per unit) is significantly higher compared to similar development projects in the District with similarly excellent access to non-auto travel options but is more appropriate when considering the parking is intended to also serve the South Building. Of the 310 spaces, approximately 139 spaces are dedicated for the North Building uses (92 spaces for the residential use, 47 spaces for the retail use) and approximately 171 spaces are dedicated for the South Building uses (10 spaces for the retail use, 125 spaces for the theater use, and 36 spaces for residential use).

The Applicant proposes to maintain the number of long-term bicycle parking spaces identified during Stage 1 at 111-119 total spaces. In addition, eight (8) spaces are proposed to satisfy the long-term bicycle parking requirement for the South Building, which has limited locations for long-term bicycle parking spaces since no on-site parking is proposed for that building. This figure meets the number of spaces required under ZR58 and ZR16. The Applicant proposes 20 short-term bicycle parking spaces adjacent to the North Building. The Applicant's preliminary plans shows four (4) spaces on 5<sup>th</sup> Street and 16 on 6<sup>th</sup> Street. The final location and treatment of short-term bicycle parking spaces will be determined during public space permitting.

### Streetscape and Public Realm

In line with District policy and practice, any substantial new building development or renovation is expected to rehabilitate streetscape infrastructure between the curb and the property lines. This includes curb and gutters, street trees and landscaping, street lights, sidewalks, and other appropriate features within the public rights of way bordering the site.

The Applicant proposes to improve the adjacent streetscape consistent with the Union Market Streetscape Guidelines. The Applicant will need to coordinate with DDOT to appropriately design the transition from the improved streetscape locations back into the existing conditions to the north and south of the North Building. Special attention is needed to ensure an ADA-compliant pedestrian path and adequate stormwater management facilities are provided. Of note, the Union Market Streetscape Guidelines call for non-standard treatments, including a curbless street section on 5<sup>th</sup> Street that requires a non-standard trench drain. The Applicant will be required to sign a maintenance agreement

as a condition of public space permit approval for any non-standard elements. In addition, coordination with DDOT and DC Water is needed on the 6<sup>th</sup> Street frontage to ensure the curblin and street trees are designed such that they meet the streetscape guidelines and minimize potential impacts to sensitive subsurface infrastructure. Preliminary streetscape plans are shown in *Figure 2*. Final design of the streetscape will be determined during the public space permitting process.

The Applicant proposes building projections on the 5<sup>th</sup> Street and 6<sup>th</sup> Street frontages. All building projections are expected to comply with the Construction Code. Oriel windows may project a maximum of four (4) feet into public space. Of note, the plans show a thick gray band that extends into public space and encircles the oriel window projections on 5<sup>th</sup> Street and 6<sup>th</sup> Street. This is not a type of projection specifically allowed by regulation and would likely require a modification from the Construction Code.

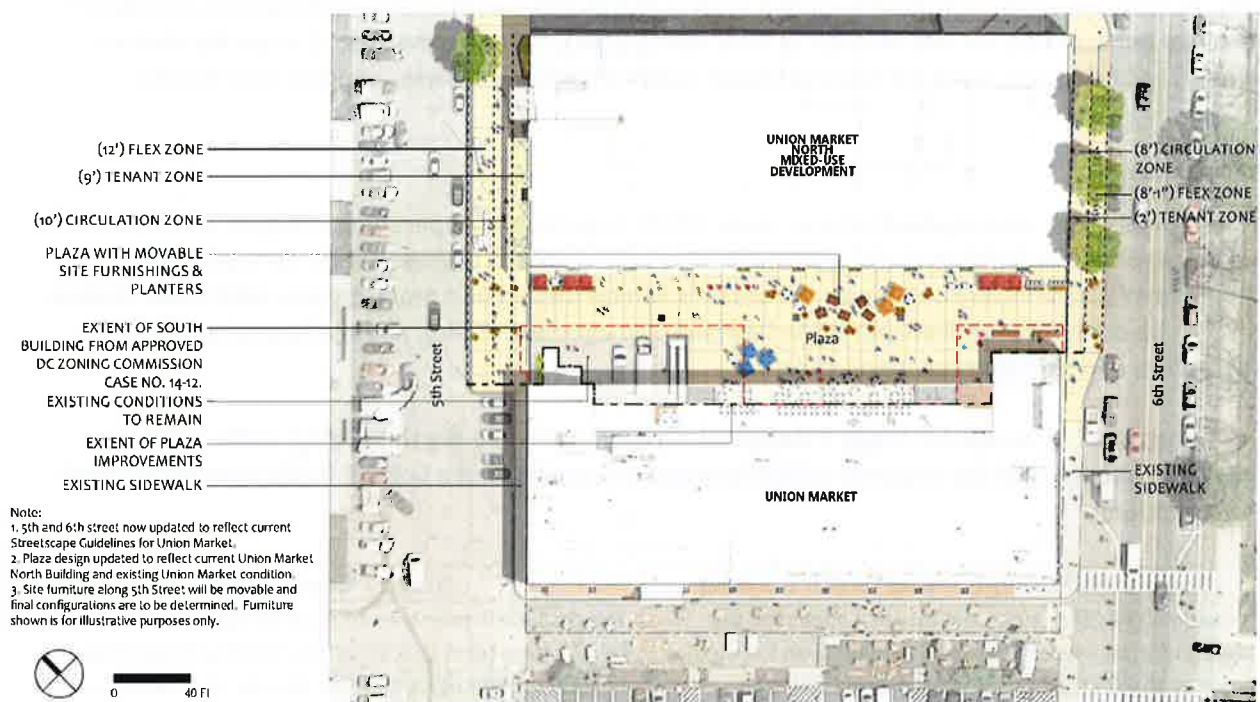


Figure 2 Preliminary Streetscape Plans (Source: Applicant's Supplemental Statement)

### Sustainable Transportation Elements

Sustainable transportation measures promote environmentally responsible types of transportation in addition to the transportation mode shift efforts of TDM programs. These measures can range anywhere from practical implementations that would promote use of vehicles powered by alternative fuels to more comprehensive concepts such as improving pedestrian access to transit in order to increase potential use of alternative modes of transportation. Within the context of DDOT's development review process, the objective to encourage incorporation of sustainable transportation elements into the development proposals is to introduce opportunities for improved environmental quality (air, noise, health, etc.) by targeting emission-based impacts.

DDOT recommends that the Applicant provide at least six (6) 240-volt electric car charging stations, which equates to approximately one (1) electric car charging station per 50 vehicle parking spaces. The Applicant proposes to provide six (6) to eight (8) charging stations.

**Travel Assumptions & Analysis**

The purpose of the CTR is to inform DDOT’s review of a proposed action’s impacts on the District’s transportation network. To that end, selecting reasonable and defensible travel assumptions is critical to developing a realistic analysis.

The capacity analysis completed as part of the Stage 1 review was based on a predominant office use for the North Building, which would likely generate significantly more vehicle trips compared to residential uses. As such, the analysis from the Stage 1 review represents a conservative estimate of anticipated vehicular impacts that are not likely to be fully realized and therefore the Stage 1 capacity analysis remains valid. The Applicant did not provide an updated capacity analysis, which is appropriate

**Mitigations**

As part of all major development review cases, DDOT requires the Applicant to mitigate the impacts of the development in order to positively contribute to the District’s transportation network. The mitigations must sufficiently diminish the action’s vehicle impact and promote non-auto travel modes. This can be done through Transportation Demand Management (TDM), physical improvements, operations, and performance monitoring.

The transportation review for Stage 1 identified mitigations for the North Building. Table 1 below provides a summary of the required mitigations and an update on the Stage 2 PUD’s compliance with the conditions.

Stage 1 PUD Conditions for North Building	Stage 2 Compliance
<p>Provide eight (8) permanent bicycle spaces for the theater/retail uses of the South Building on the first floor or the first subgrade level of the building’s parking garage</p>	<p>The Applicant proposes to provide approximately 119 to 127 long-term spaces within the North Building including eight (8) spaces for the theater/retail uses of the Future South Building and 20 short-term spaces adjacent to the North Building.</p>
<p>TDM elements For the life of the North Building, the Applicant shall provide the following TDM measures:</p> <ul style="list-style-type: none"> <li>• Designate a TDM coordinator, who is responsible for organizing and marketing the TDM plan and who will act as a point of contact with DDOT;</li> <li>• All parking on site will be priced at market rates at minimum, defined as the average cost of parking in 0.25-mile radius from the site; and</li> <li>• The Applicant shall reserve at least two parking spaces for a car-sharing service in the</li> </ul>	<p>In addition to the TDM commitments from Stage 1, the Applicant proposes the following additional measures:</p> <ul style="list-style-type: none"> <li>• The Applicant will work with DDOT and goDCgo (DDOT’s TDM program) to implement TDM measures at the North Building;</li> <li>• The Applicant will share with DDOT and goDCgo (info@godcgo.com) the full contact information of the TDM coordinator for the North Building;</li> <li>• The Applicant will post all TDM commitments online for easy reference;</li> </ul>



<p>North Building's underground parking garage, provided that space is desired by a car-sharing service.</p>	<ul style="list-style-type: none"> <li>• The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials;</li> <li>• Provide a transportation information screen within the North Building residential lobby; and</li> <li>• The Applicant will supply long-term and short-term bicycle parking in accordance with the approved final plans for the North Building.</li> </ul>
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Additional conditions were placed on the South Building, which the Applicant continues to propose to implement as part of the South Building.

Transportation Demand Management

As part of all major development review cases, DDOT requires the Applicant to produce a comprehensive TDM plan to help mitigate an action's transportation impacts. TDM is a set of strategies, programs, services, and physical elements that influence travel behavior by mode, frequency, time, route, or trip length in order to help achieve highly efficient and sustainable use of transportation facilities. In the District, this typically means implementing infrastructure or programs to maximize the use of mass transit, bicycle and pedestrian facilities, and reduce single occupancy vehicle trips during peak periods. The Applicant's proposed TDM measures play a role in achieving the desired and expected mode split.

The specific elements within the TDM plan vary depending on the land uses, site context, proximity to transit, scale of the development, and other factors. The TDM plan must help achieve the assumed trip generation rates to ensure that an action's impacts will be properly mitigated. Failure to provide a robust TDM plan could lead to unanticipated additional vehicle trips that could negatively impact the District's transportation network.

The TDM plan for the North Building Stage 1 PUD includes the following elements:

- Designate a TDM coordinator, who is responsible for organizing and marketing the TDM plan and who will act as a point of contact with DDOT;
- All parking on site will be priced at market rates at minimum, defined as the average cost of parking in 0.25-mile radius from the site; and
- The Applicant shall reserve at least two parking spaces for a car-sharing service in the North Building's underground parking garage, provided that space is desired by a car-sharing service.

In addition to these elements, the Applicant proposes the following additional TDM commitments as part of the Stage 2 PUD:

- The Applicant will work with DDOT and goDCgo (DDOT's TDM program) to implement TDM measures at the North Building;
- The Applicant will share with DDOT and goDCgo (info@godcgo.com) the full contact information of the TDM coordinator for the North Building;

- The Applicant will post all TDM commitments online for easy reference;
- The Applicant will provide TDM materials to new residents in the Residential Welcome Package materials;
- Provide a transportation information screen within the North Building residential lobby; and
- The Applicant will supply long-term and short-term bicycle parking in accordance with the approved final plans for the North Building.

Of note, one aspect of the Stage 1 TDM commitments from the ZC 14-12 Zoning Order requires clarification to ensure the North Building's TDM plan is sufficiently robust to realize the mode split assumptions included in the CTR. Mitigation Measure (f) from the ZC 14-12 Zoning Order reads as follows:

**Prior to the issuance of the Certificate of Occupancy for the North Building**, the Applicant shall provide the following financial incentives to its tenants or residents in the *South Building* as applicable:

- (1) Office: each office worker will be provided with access to a corporate bike share membership up to the maximum value of \$15,000 cumulatively for the Project; and
- (2) Residential: all new tenants will be provided with a car share or bike share membership up to the maximum value of \$14,000 cumulative for the Project.

This language requires clarification for two reasons: First, the Zoning Order language refers to both the North and South Buildings and is therefore unclear as to which building the financial incentive applies. Second, the clause "cumulative for the Project" is unclear but seems to attempt to limit the car share or bike share membership for both the North and South Buildings to a maximum of \$14,000. In lieu of the existing language, the Applicant should commit to provide an annual bikeshare membership to each residential unit of the North Building for three (3) years after the building opens. Mitigation Measure (f) should be clarified such that it applies to the South Building.

JS:jr