

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

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

**DATE:** June 13, 2017

**SUBJECT:** ZC Case 05-28T: Final Report for a Modification to the First-Stage and Second Stage PUD approval for Block H, Parcel 12, filed by SCCI Parkside One, LLC

**I. APPLICATION**

At its public meeting of April 24, 2017, the Commission set down the subject application for a second-stage PUD for a 110-foot high office building, as described below.

*Table 1*

	Proposed Building	First-Stage PUD
Gross Floor Area	Office: 455,864 sq.ft. Retail: 7,171 <u>Above Grade Parking: 39,984</u> Total: 503,019 sq.ft.	750,000 square feet <sup>1</sup>
Lot Size	69,748 square feet	None specified
Lot Occupancy	88 percent <sup>2</sup>	80.6 percent <sup>3</sup>
Floor Area Ratio	7.21	7.05 <sup>3</sup>
Building Height	110 feet	110 feet
Rear Yard <sup>4</sup>	75 feet	75 feet
Off-Street Parking	Level 1: 111 spaces Level 2 (optional): 148 Total: 259 spaces	1,400 spaces <sup>5</sup>

The proposed second-stage application is generally consistent with the first-stage approval of the PUD by the Commission under Order 05-28 which approved an office building on Block H, Parcel 12.

<sup>1</sup> Amount approved under the first-stage approval for all of Block H.

<sup>2</sup> Lot occupancy approved under first-stage approval was for all of Blocks G, H and I.

<sup>3</sup> The FAR and lot occupancy approved under the first-stage PUD was for Blocks G, H and I. This application is for a portion of Block H only.

<sup>4</sup> Measured from Kenilworth Avenue centerline.

<sup>5</sup> Amount approved for all of Blocks G, H and I, which includes all of the medium-high density development fronting Kenilworth Avenue NE.



## II. SITE AND AREA DESCRIPTION

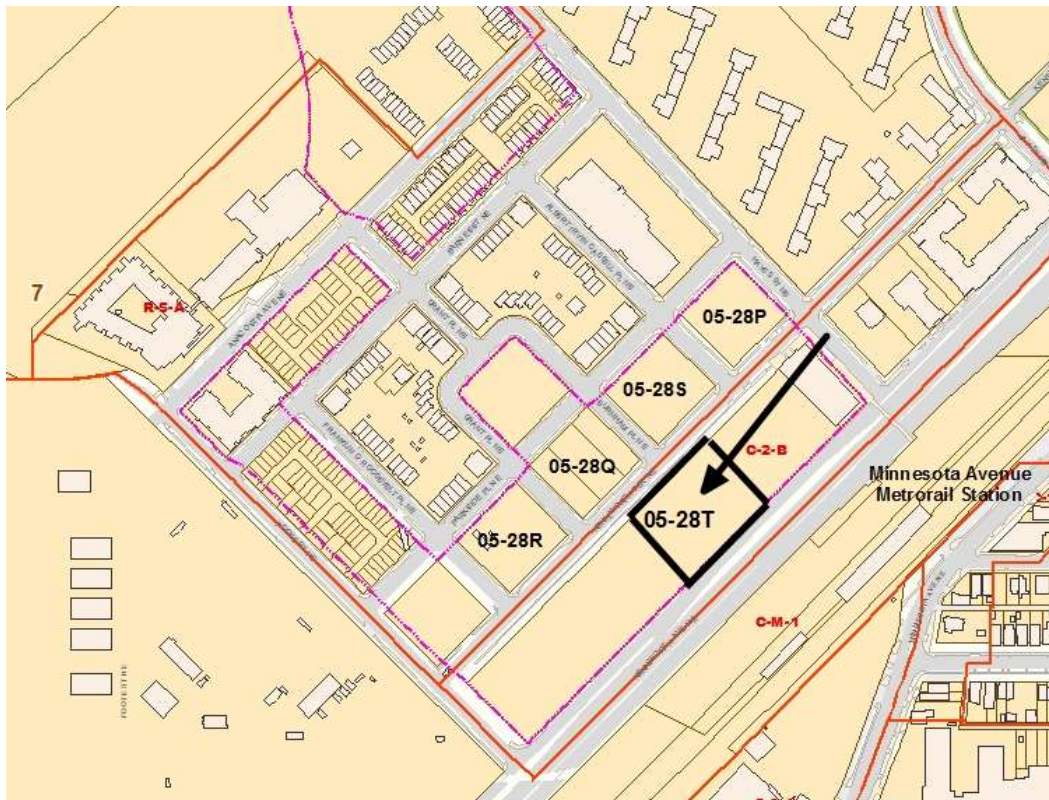
Parcel 12 is located on the southeast side of the Parkside PUD. The PUD site is 15.5 acres in size and located in Ward 7 in the North East quadrant of the District. Parcel 12, the subject site within the broader PUD, is bound by Kenilworth Terrace to the northeast, a vacant site for a future educational facility to the northwest, a future office building to the southwest and Kenilworth Avenue and the proposed Metro pedestrian bridge to the Minnesota Avenue Metrorail station to the southeast.

**Location:** Square 5055, Lot 26

**Ward, ANC:** Ward 7, ANC 7D

**Applicant:** SCCI Parkside One, LLC

**PUD-Related Zoning:** C-2-B to CR (ZR58<sup>6</sup>)



Vicinity Map

## III. PROJECT DESCRIPTION – CHANGES SINCE SETDOWN

A complete discussion of the proposed development can be found in the OP Setdown Report dated April 14, 2017 (ZC Case 05-28T, Exhibit 11). Since filing for setdown the applicant has revised the

<sup>6</sup> 1958 District of Columbia Zoning Regulations

application pursuant to comments from the Office of Planning and the Commission. A summary of those comments can be found on pages 3 through 5 of this report.

#### IV. COMMISSION AND OFFICE OF PLANNING SETDOWN COMMENTS

On June 2, 2017, the applicant filed revised plans (Exhibits 20A1 through 20A7) in response to comments received at the Commission’s public meeting on April 24, 2017. A prehearing statement was filed on April 27, 2017 (Exhibit 12), and a supplemental prehearing statement was filed on June 2, 2017 (Exhibit 20). A summary of the Commission’s comments with the applicant’s responses and OP analysis are listed below.

Commission/OP Comment	Applicant’s Response	OP Analysis
<p>1. Finalize and justify the number of parking levels and the number of automobile and bicycle parking spaces proposed to be provided, including applicable drawings demonstrating the proposal as the second parking level is labeled as optional.</p>	<p>The drawings depict how the garage levels would be constructed if one or both levels are built. Tandem spaces have been eliminated. Loading and parking access would be from the private access drive on the side of the building and not the adjacent streets (Exhibit 20A1). The option of either one or two levels is to satisfy GSA requirements if a federal tenant for which the RLA was issued is selected (one level) or two levels if another federal agency occupies the building.</p>	<p>OP supports the relocation of parking and loading access to the private drive, the elimination of tandem parking spaces and reduction in the number of off-street parking spaces, especially within close proximity to a Metrorail station. OP is not opposed to the option of one or two levels of parking, as necessary, to minimize the amount of off-street parking constructed to the extent possible. However, the provision of above grade parking is typically not preferred, and is a deviation from the first -stage approval. Although the parking would be partially below grade and wrapped in retail on the north elevation, the above grade parking results in a very poor street frontage design along Kenilworth Avenue consisting of unarticulated blank walls and parking level air vents. Revisions to the design to improve this aspect of the façade are needed.</p>
<p>2. Request flexibility to provide compact parking spaces in groups of less than five pursuant to Sec. 2115.4 of ZR58.</p>	<p>The applicant requested flexibility to permit compact spaces in groups of less than five.</p>	<p>OP supports the granting of flexibility to provide compact parking spaces in groups of less than five.</p>

Commission/OP Comment	Applicant's Response	OP Analysis
<p>3. Submit additional drawings, including more detailed perspectives and/or elevations, site plans and a refinement of the material colors proposed for the façade, including the penthouse screen wall, and perspectives from within the courtyards and of the grand stairway from Kenilworth Terrace.</p>	<p>Additional drawings depicting the building façade were submitted, including perspectives of the building with the proposed pedestrian bridge, identification of the penthouse screen wall and views into each of the two courtyards</p> <p>The drawings better detail the storefronts, including the signage band and the potential location of doorways into individual retail spaces.</p>	<p>The additional drawings better depict the façade of the building from a various angles, including the courtyards.</p>
<p>4. Document why it is not feasible to provide below-grade parking on the first level of the garage within the building.</p>	<p>Construction of below-grade parking is more expensive and would increase the cost of construction, adversely affecting the applicant's bid. Although above grade, no surface parking would be provided and the garage would be below the grade of the pedestrian plaza and behind the retail spaces facing Kenilworth Terrace.</p>	<p>Although the first level of the parking garage would be partially above grade, it would be partially screened from view by the pedestrian plaza and the retail spaces fronting Kenilworth Terrace.</p>
<p>5. Submit a traffic study a minimum of 45 days in advance of the public hearing.</p>	<p>The traffic study was submitted 36 days in advance of the public hearing.</p>	<p>In response to the late filing by the applicant, DDOT requested a waiver to submit its report to the Commission late (Exhibit 21).</p>
<p>6. Provide solar panels or document why not feasible.</p>	<p>The applicant has not documented why solar panels cannot be provided.</p>	<p>OP continues to support the installation of solar panels on the roof of the building.</p>
<p>7. Provide additional information on the habitable penthouse space and an estimate on the housing production fund (HPTF) contribution.</p>	<p>8,281 square feet of penthouse space is proposed, triggering a HPTF contribution estimated by the applicant the applicant to be \$132,496.</p>	<p>This estimation is approximate and the final contribution will be based on the value of the land at the time of building permit application.</p>
<p>8. Design is uninspiring. Provide more and darker colors.</p>	<p>Warmer colors were introduced, including tans, with contrasting colors eliminating the gray and white exterior originally proposed.</p>	<p>Warmer colors were introduced, eliminating the appearance of a plain white building. OP supports the coordination of the pavement colors used within the plaza with those on the building façade.</p>

Commission/OP Comment	Applicant's Response	OP Analysis
9. Minimize the ramps in the plaza. Consider elevator access or other solutions of HC access.	The drawings were revised to reduce the amount of switch-back ramps on the east side of the plaza, providing one long ramp from Kenilworth Terrace to the paving band providing access to the office building. The two sets of stairs leading up from Kenilworth Terrace have been better aligned with each other.	OP supports the minimization of switch-back ramps and the alignment of the two sets of stairs leading up to the plaza from Kenilworth Terrace. No elevator is proposed.
10. Provide information regarding the retail strategy.	The applicant proposes that the retail would be neighborhood serving, including fast casual and eating and drinking establishments that would be open evenings and weekends for use by Parkside residents.	The proposed retail would relate to the retail spaces proposed within the promenade across Kenilworth Terrace. In addition to fast casual and eating and drinking establishments open to Parkside residents on evenings and weekends, OP recommends the provisions of retail to support the daily needs of Parkside residents, with access directly accessible from the street.

**V. ZONING AND FLEXIBILITY**

**Requested Modifications:**

a. Compact Parking Spaces in Groups of Less than Five

The applicant proposes to provide compact parking spaces primarily in groups of four, but in one case a single compact space. This design would allow the applicant to maximize the parking layout of the garage. OP has no objection to this request.

b. Block

The first-stage PUD calculated the block area and not the lot area for blocks G, H and I, which includes public space, similar to the other second-stage applications within Parkside. As a result the FAR and lot occupancy, which are based on the lot area, increase. The applicant therefore requests a modification to permit the increase in FAR and lot occupancy. OP has no objection to this request as other second-stage applications within Parkside have not utilized all of the density anticipated.

**Requested Flexibility:**

a. Parking

The application proposes one or two parking garage levels, with the first level above grade, and requests flexibility to provide either one or both levels, without having to return to the Commission. The building, as designed in response to an RLP, would require one level of parking. However, should a different federal or other tenant ultimately occupy the building, a

second level of parking may be needed to satisfy the parking demand of that tenant, but still limiting the amount of off-street parking to the amount required. Therefore, the applicant requests flexibility to construct either one or two levels of structured parking. OP has no objection to this request, provided it is acceptable to DDOT.

b. Parking that Abuts a Public Street

Subtitle C Section 710.2 requires above-grade garage parking to be set back a minimum of twenty feet from a lot line that abuts a public street. Five of the proposed parking spaces would not conform to this provision on the first level of the garage. This provision is intended to ensure that above-grade parking would not deaden the street. In this case the parking would be within twenty feet of a garage wall facing Kenilworth Avenue and the Anacostia Freeway, with the office building windows above on the second level. OP has no objection to this request for flexibility, but has concerns about the blank exterior wall facing the sidewalk and its effect on the streetscape.

c. Various Flexibility

The applicant requests flexibility to the following:

1. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, mechanical rooms, and toilet rooms, provided that the variations do not change the exterior configuration or appearance of the structure;
2. To provide a range in the amount of retail GFA and number of parking spaces plus or minus 10 percent from the number depicted on the Plans;
3. To vary the final selection of the color of the exterior materials within the color ranges as proposed, based on availability at the time of construction;
4. To vary the final streetscape design and materials, as required by District public space permitting authorities; and
5. To make minor refinements to exterior details and dimensions, including belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems.

OP recommends these flexibilities be substantially limited or refined, particularly the flexibility on external building materials. When considered in total these flexibilities could result in a project that looks substantially different from the one in the public record and considered by the Commission.

## **VI. SECOND-STAGE REVIEW CONDITIONS**

The Zoning Commission approved a PUD-related map amendment for the subject application, from C-2-B to CR, subject to fifteen conditions, some of which are relevant to this site. Listed below are the relevant conditions and a review of how the subject application conforms to them.

1. *The Applicant shall submit, with the application for second-stage approval of the PUD, an application for rezoning the PUD site from R-5-A and C-2-B to C-3-A and CR that specifies the proposed rezoning by square and lot.*

The subject application includes a request to amend the zoning of Square 5055, Lot 26, from C-2-B to CR, as approved under the first-stage PUD.

2. *The first-stage PUD is approved in accordance with the plans and materials submitted by the Applicant marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order.*

The first-stage PUD included an approval for an office building with ground floor retail for Parcel 12. The applicant is now requesting second-stage approval for that building, but with modifications to increase lot occupancy and FAR.

3. *The second-stage design of the PUD shall be based on further development and refinement of the plans marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order and shall include all public benefits described in Findings of Fact 32 through 34.*

The application provides further development and refinement of the design, necessary for second-stage review. It also includes a listing and description of the public benefits and amenities proposed as a part of this application for the subject property and the PUD as a whole.

4. *In accordance with the plans and materials noted above, the approved PUD shall consist of approximately 1,500–2,000 dwelling units, 500,000–750,000 square feet of office space, 30,000–50,000 square feet of retail, with approximately 2,400 total parking spaces. The entire project will include approximately 3,003,000 square feet of gross floor area resulting in an overall density of approximately 4.44 FAR. The total lot occupancy of the PUD will be approximately 62.4 percent. The maximum height of the PUD will be 110 feet, which will be reserved solely for the buildings located in the center portion of Parcel 12 fronting Kenilworth Avenue. The heights for the remaining buildings shall not exceed 90 feet and must scale down to lesser heights around the existing townhomes, as depicted in the Applicant's plans.*

The subject application is generally consistent with the use and general layout proposed for the site. However, the applicant proposes to modify the lot occupancy and FAR.

8. *The Applicant shall submit, as part of the second-stage application, landscape plans, detailed architectural plans, and elevations indicating the design treatment of each building.*

The subject second-stage application includes detailed architectural plans, elevations and landscape plans indicating the design of the proposed building (exhibits 20A1 through 20A7).

10. *The Applicant shall submit, as part of a Second Stage application, a detailed traffic study that will (a) address the adequacy of pedestrian and vehicular access to the PUD Site, including an analysis of the DDOT recommendation with respect to access; (b) address traffic conditions pertaining Kenilworth Avenue, particularly in*

*light of the transportation initiatives identified by DDOT as planned or underway in the vicinity, such as the Kenilworth Avenue Corridor study; and (c) analyze the traffic impacts of the PUD in light of other new developments and uses in the vicinity, such as the Cesar Chavez Public Charter School.*

A Comprehensive Transportation Review, dated May 17, 2017, was submitted as a part of this second-stage application. It concludes that the proposed development would not result in detrimental impacts to the surrounding transportation system, provided all planned site design elements and mitigation measures are implemented. As the study was submitted late, DDOT has not yet had an opportunity for a full review and will provide comments separately.

13. *The first-stage approval is valid for a period of one year, within which time a second-stage application shall be filed. If the second-stage application is for less than the entire development described in this Order, no subsequent second-stage application may be filed after three (3) years from date of approval of the partial second-stage. It is within the Zoning Commission's discretion to extend these periods.*

ZC Order 05-28O extended the first-stage PUD until October 3, 2017, within which time any outstanding second-stage PUD applications must be filed. The subject application was filed on March 3, 2017, prior to the expiration of the first-stage PUD.

14. *Given the size of the PUD, the Applicant may file the second-stage application in phases for one or more of the buildings.*

The applicant has opted to file the second-stage applications in phases. The subject application is for an office building with ground floor retail on Block H, Parcel 12.

## **VII. PUD EVALUATION STANDARDS**

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. The overall PUD has been determined to be consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR § 2400.

Second-stage PUD applications are reviewed for consistency with the first-stage PUD approval, the PUD process and the intent and purpose of the Zoning Regulations. The Commission, in approving the application, may attach conditions, guidelines and standards in support of its decision, as described in § 2408.6 of the Zoning Regulations.

## **VIII. PUBLIC BENEFITS AND AMENITIES**

Public benefits are defined in § 2403.5 as “*superior features... that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under... matter of right...*” Amenities are defined under § 2403.7 as



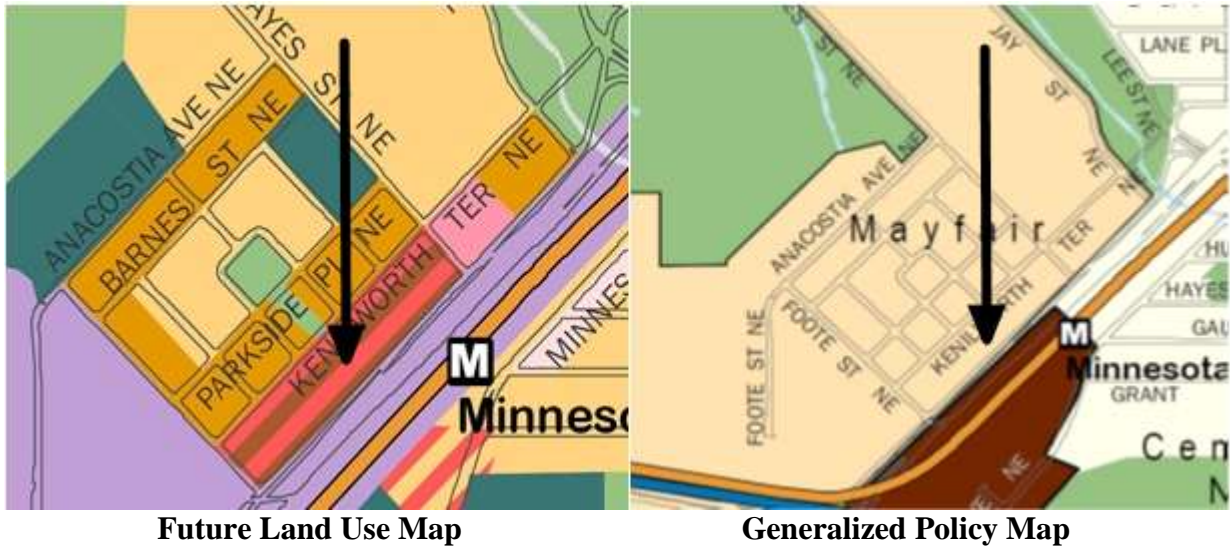
including “one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors.”

The applicant proposes the following benefits and amenities for this second-stage PUD:

- Superior Urban Design, Architecture and Landscaping: The proposed building would buffer the residential portions of Parkside from the traffic and noise of the Anacostia Freeway, include a pedestrian plaza that would provide access to the future pedestrian bridge connecting the Minnesota Avenue Metrorail station with the Parkside community, and introduce retail space into the Parkside community. The applicant responded to Commission comments at setdown regarding design and materials. OP continues to recommend additional limiting of requested flexibility and has noted concerns with the façade design at sidewalk level along Kenilworth Avenue. Additional refinement and articulation is needed.
- Special Value for the Neighborhood: The application proposes the provision of new office and retail space that would transition between the proposed uses and the lower density residential housing across Kenilworth Terrace on a long vacant site.
- Environmental and Sustainable Benefits: The applicant commits to design and certify the proposed building as LEED-ND Gold for the construction core and shell. OP continues to recommend that the applicant incorporate solar panels into the rooftop design.
- Pedestrian Bridge: As part of the first-stage approval the applicant committed to providing twenty-five percent of the cost, not to exceed three million dollars, toward the construction of the pedestrian bridge to provide improved access to the Minnesota Avenue Metrorail station and neighborhoods located to the east of Kenilworth Avenue. The proposed design of this building would facilitate the provision of this critical pedestrian connection to the Metrorail station and the residential and commercial neighborhoods to the east. DDOT expects construction to begin in 2017 with completion in 2018.

## **IX. COMPREHENSIVE PLAN**

As fully discussed in the OP setdown report dated April 14, 2017 (Exhibit 11), the application would further major policies from various elements of the Comprehensive Plan, including the Land Use, Transportation, Housing, Environmental Protection, Economic Development and Urban Design elements and the Far Northeast and Southeast Area Element. Since approval of the first-stage PUD the City Council adopted the 2006 Comprehensive Plan and the 2010 amendments. Parkside was identified for land uses that reflect the first-stage PUD approval.



**Future Land Use Map**

**Generalized Policy Map**

The **Future Land Use Map** designates the site for Mixed Use, a combination of High Density Residential, defined as “neighborhoods and corridors where high-rise (8 stories or more apartment buildings are predominant use” and Medium Density Commercial, defined as, “Retail, office, and service businesses are the predominant uses. Areas generally draw from a citywide market area. Buildings are generally larger and /or taller than those in moderate density commercial area but generally do not exceed eight stories in height.

The **Generalized Policy Map** depicts the site as within the “Neighborhood Enhancement Areas” designation. “The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development “fits in” and responds to the existing character, natural features, and existing /planned infrastructure capacity”.

The maps are intended to provide generalized guides for development decisions. They are to be interpreted broadly and are not parcel-specific like zoning maps and do not establish detailed requirements or permissions for an individual building. The proposal is not inconsistent with the land use designation on the Future Land Use Map or the depiction on the Generalized Policy Map, in that it would provide for a ten-story office building with ground floor retail, consistent with the Stage 1 approval.

The proposal to provide an office building on the site would further the Land Use, Transportation, Housing, Environmental Protection, Economic Development and Urban Design elements and the Far Northeast and Southeast Area Element policies of the Comprehensive Plan, as discussed in the applicant’s submissions and the OP setdown report (Exhibit 11).

The subject application has the potential to introduce federal employment into Parkside, something not currently available within Ward 7, should the applicant secure a federal tenant through the RLP. If not a federal tenant, then the building could provide private sector employment opportunities. The site, currently a vacant lot, would be developed as a 110 feet in height and would act as a buffer between the Anacostia Freeway and the moderate density housing across Kenilworth Terrace. With the addition of retail space, the proposed building has the potential to increase the livability and walkability of the new community Parkside. The construction of the adjacent pedestrian plaza would result in a viable safe connection between Parkside and the Minnesota Avenue Metrorail station.

## **X. AGENCY REFERRALS**

OP provided notification to the following agencies:

- Department of Consumer and Regulatory Affairs (DCRA);
- Department of Employment Services (DOES);
- Department of Energy and Environment (DOEE);
- Department of Health (DOH);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- District of Columbia Office on Aging (DCOA);
- District of Columbia Public Schools (DCPS);
- District Department of Transportation (DDOT);
- Fire and Emergency Medical Services (FEMS);
- Metropolitan Police Department (MPD);
- DC Water (DCWater); and
- Washington Metropolitan Area Transit Authority (WMATA).

OP also held an interagency meeting on May 11, 2017.

DDOT, in a memorandum dated June 7, 2017, requested a waiver to file its report no later than June 19, 2017.

No comments were received from other agencies.

## **XI. COMMUNITY COMMENTS**

As of the date of this report, no comments had been filed by ANC 7D or members of the community.

## **XII. RECOMMENDATION**

The Office Planning is supportive of the addition of an office building as proposed in the first-stage PUD. The applicant has refined the colors of the building, introducing softer colors that are coordinated with the pedestrian plaza, and eliminating the stark white façade as originally proposed. The green roof would contribute to the minimization of stormwater runoff and relocation of all vehicular access to the building, truck and automobile, from the public streets to a private access way on the side of the building would improve the pedestrian experience and environment.

The application is not inconsistent with the first-stage approval or with Comprehensive Plan. Therefore, the Office of Planning recommends that the Commission **APPROVE** the subject application and the requested modifications, some of which result from the difference in the area of Block H as noted in the first-stage approval versus the actual square footage of the lot and the use of the term “block occupancy” in place of “lot occupancy” in the order for the first-stage approval.

OP also recommends approval of the requested flexibility, including:

1. The number of structured parking levels;
2. To permit compact parking in groups of less than five; and
3. To permit structured parking within twenty feet of lot line when the parking spaces are above grade.

The OP recommendation is subject to the following:

- That the applicant refines and minimizes the various flexibilities (Section V.c.), as noted above;
- That the street level façade along Kenilworth Avenue is improved so that it reads less as the “rear” elevation;
- That the applicant satisfies any DDOT issues arising from the transportation study; and
- That the applicant either provides solar panels on the roof of the building or documents why the provision of solar panels would not be feasible.