

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
*JLS*  
**FROM:** Jennifer Steingasser, Deputy Director  
**DATE:** June 1, 2015  
**SUBJECT:** Public Hearing Report for ZC #05-38B, Marina View  
Modification of an Approved PUD and Related Map Amendment

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**I. SUMMARY RECOMMENDATION**

Mill Creek Residential Trust, LLC has submitted an application for a modification to an approved Planned Unit Development (PUD) (#05-38A) in order to construct two residential buildings on a site together with two existing residential towers. The application would retain the approved PUD-related C-3-C zone, but would reduce the approved height, density, number of units, lot occupancy and vehicular parking. The proposal would also modify the architecture of the two new proposed buildings. The application also requests three areas of zoning flexibility. The new buildings would be mostly residential with one retail bay at the corner of M and 6<sup>th</sup> Streets. The proposed development is generally not inconsistent with the Comprehensive Plan and the Zoning Regulations, and the Office of Planning, therefore, can recommend approval once the issues identified in this report have been addressed.

**II. APPLICATION-IN-BRIEF**

**Location:** East side of 6<sup>th</sup> Street, SW between M and K Streets. Ward 6, ANC 6D.

**Applicant:** Mill Creek Residential Trust, LLC

**Current Zoning:** PUD-related zone of C-3-C

**Property Size:** 135,262 sf (3.1 acres)

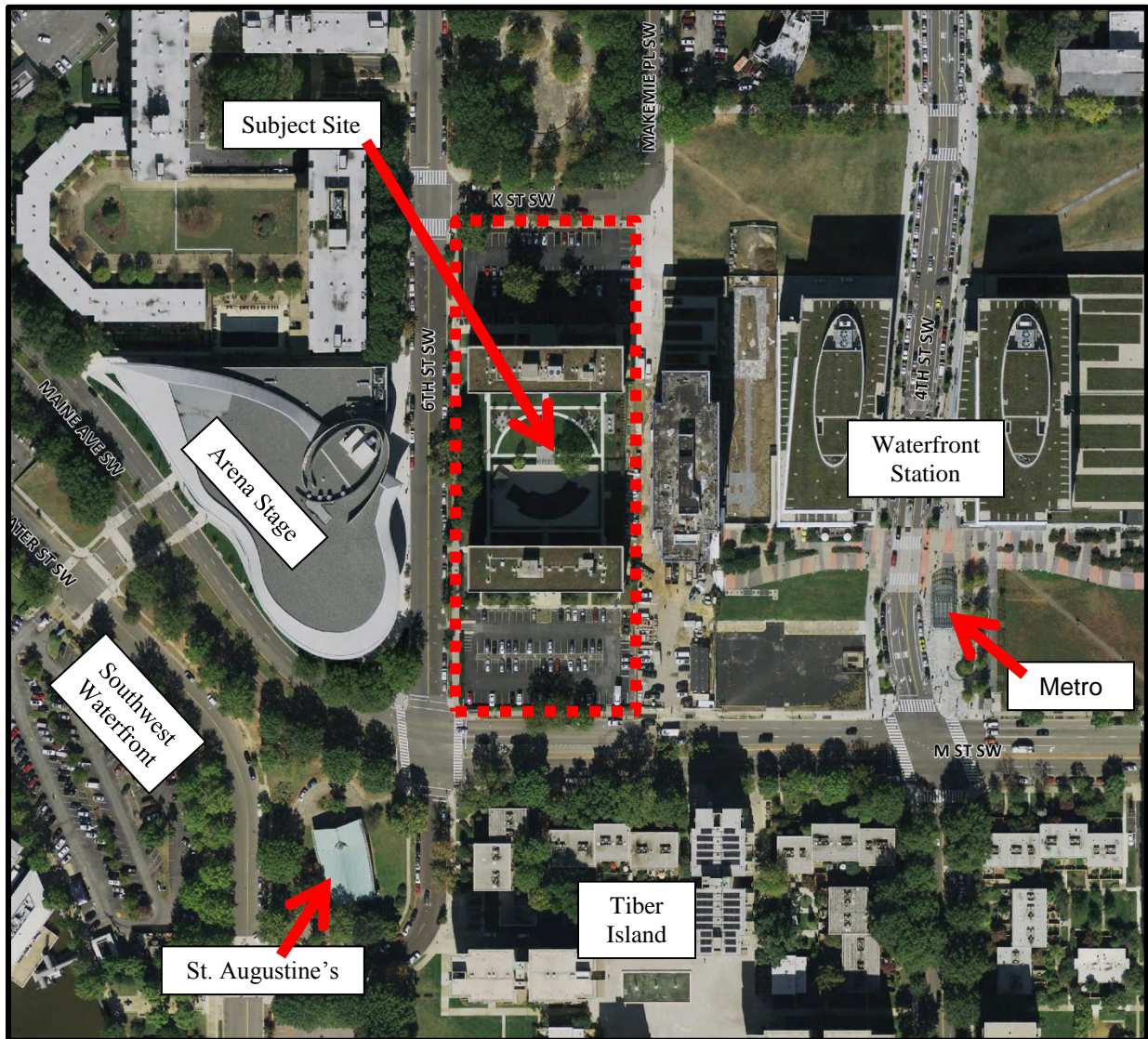
**Proposal:** As previously approved, add two buildings to the existing Marina View complex.

**Modification:** Maintain the PUD-related C-3-C zone, reduce the approved height from 112 to 85 feet, FAR from 4.39 to 3.32 and number of new units from 324 to 260 new units (516 total).

**Requested Flexibility:** In conjunction with the PUD modification, the applicant is seeking the following flexibility:

1. Grouping of Compact Spaces (§ 2115.4);
2. Loading (§ 2200); and
3. Number of Rooftop Structures (§ 411).

### III. SITE AND AREA DESCRIPTION



2013 Aerial Photo

The subject site is located on the east side of 6<sup>th</sup> Street, SW, between M and K Streets. The site has two existing 90' tall I.M. Pei-designed towers around a central courtyard. The courtyard is roughly half landscaping and half hardscaping with a pool for the residents. The surface parking lots at the north and south ends of the site are the locations for the two proposed new towers. There are three existing curb cuts on the site – one to the southern parking lot from 6<sup>th</sup> Street, and one from 6<sup>th</sup> Street and one from K Street into the north parking lot.

The site is bordered on the east by the Waterfront Station property (ZC #02-38A), including a private alley, part of Waterfront Station, immediately adjacent to the subject site. Waterfront

station includes an existing 130' tall residential tower on the east side of the private alley, and an approved but unbuilt office building along M Street that would be 127' tall. The Waterfront metro entrance is on the east side of 4<sup>th</sup> Street, one block from the subject site. To the northeast of the subject site a residential building, recently given second-stage PUD approval by the Commission (#02-38D), is under construction. To the north is the Town Center West Park, with a pond and seating areas. Across 6<sup>th</sup> Street is a 90' tall residential building to the northwest and Arena Stage directly to the west. The Wharf PUD (#11-03) is to the west and southwest, including the St. Augustine's church site which is being redeveloped with a new church and residential building. Tiber Island is across M Street to the south, and includes both townhouses and 90' tall buildings.

#### **IV. PROJECT DESCRIPTION**

##### **Approved PUD**

The approved project consisted of two new towers, each at 112' tall, with one north and one south of the I.M. Pei towers. Please see a copy of the approved plans at Exhibit C of the applicant's December 22, 2014 submission. The new buildings, while generally rectilinear along M and K Streets and their corners with 6<sup>th</sup> Street and the alley, had a curvilinear expression on the courtyards facing the Pei towers. The buildings tapered from a narrow profile on 6<sup>th</sup> Street to a wider body mid-block, with a minimum dimension between the new construction and the Pei towers of 56'. The approved PUD would have maintained the curb cuts on 6<sup>th</sup> Street and used them to access the underground garages. The approved project also contemplated significant changes to the central courtyard between the Pei buildings with the addition of an amenities building and restoration of the landscape to a configuration more similar to its original intent. 05-38 would also have included retail along the entire M Street ground floor frontage.

##### **Proposed Modification**

###### Overall Design

The modified proposal would maintain the basic program of the original, with two buildings of mostly residential with a relatively small amount of retail. The proposed buildings, however, would be smaller than the approved ones, as shown in the table below. For further detail please refer to the table in section VII of this report, Zoning.

<b>Feature</b>	<b>Approved</b>	<b>Proposed</b>
Height	112'	85'
FAR	4.39	3.32 <sup>1</sup>
Number of Units	580 (256 existing +324 new)	516 (256 existing + 260 new)
Parking	569 total spaces	290 total spaces

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<sup>1</sup> The application materials consistently refer to the proposed FAR as 3.40. However, the actual floor area proposed results in an FAR of 3.32. Should the project be approved, the Order and any final plans submitted should clearly state that the maximum FAR is to be 3.32.

The new buildings would be five feet shorter than the existing Pei buildings. The section drawing through the entire development on Sheet A-20 (Exhibit 24A3) provides a useful image of the building heights, as do the renderings on Sheets G-02 and 03 (Exhibit 24A1). Like in the original design, the buildings proposed in this modification would be more narrow on 6<sup>th</sup> Street and would flare out toward the interior of the site. In the modified proposal the degree of flare is less, though the average spacing between the buildings is greater. In the latest iteration of the design, the M Street building would now incorporate an amenity terrace at the 6<sup>th</sup> floor at the corner of 6<sup>th</sup> and M Streets.

### Ground Floor Residential Units

The buildings would have a significant number of residential units on the ground floor with access directly to the street. This feature provides a great way to activate and put eyes on the street. Sheet L-12 (Exhibit 24A2) shows how the ground floor façade, and therefore the units themselves, will be set back from the sidewalk. This distance could provide the sense of privacy and separation needed to make ground level units work. Based on feedback from OP, the applicant has increased the density of landscaping and added a small fence to increase the sense of privacy for those units (see Sheet L-18). OP also encouraged the applicant to add to the residential feel of that portion of the building rather than relying solely on the aluminum “storefront” façade. The design now proposes “semi-solid” doors and exterior sconce lighting (see Sheet A-19a, Exhibit 24A3). Sheet A-19b shows the same doors for units facing K Street, and those features – the semi-solid doors and sconce lights – should be included for all ground floor residential units, including those facing the pocket parks.

### Roof Plan

The rooftop plan, Sheet A-29b (Exhibit 24A4), has been clarified since the initial submission, and a new Sheet A-29c provides an aerial wire rendering of the buildings, including the rooftop structures. The rooftop structures would meet the setback requirements, but the application requests flexibility from the number of rooftop structures.

### Materials

The building materials are listed on Sheets A-18c-d (Exhibit 24A3) and include a mix of cementitious panels, metal panels, composite metal panels, and metal louvers. Example photos of the materials follow on subsequent sheets, and the applicant has stated that they will bring material samples to the public hearing. The overall impression on M Street and rounding the corners onto 6<sup>th</sup> is of a white frame encapsulating a darker amalgam of metal and glass. The white frame drops away where the building steps back slightly from 6<sup>th</sup> Street. At the recessed portion on 6<sup>th</sup> Street, OP is concerned that the buildings would read as too flat, with no relief around the windows, as seen in the precedent images on Sheets G-04 and A-18e. At the ground levels the building is set back and the white columns seem to support the mass of the upper stories, which is reminiscent of the Pei buildings. At the 6<sup>th</sup> floor terrace, the design proposes

similar materials to the rest of the building, but requests the option to choose a different color for the frame around the terrace. OP recommends that the color remain the same as the fiber cement siding used throughout the building. OP also recommends that the columnar spacing of the dark grey fiber cement frame continue the spacing used on lower floors. This would not only increase visibility out of and light entry into the terrace, it would remove what now feels like an overly heavy dark feature at that prominent corner.

In the application, general flexibility is requested to vary the materials as long as the quality of the materials is the same. Such language, while it has become standard, may not provide enough control over materials once a project reaches the building permit stage. If the application is approved, OP will work with OAG and DCRA to craft language for the Order that allows necessary flexibility for developers while also assuring a high quality of design as expected in the PUD process.

### Green Features

The revised application materials include a LEED checklist, which indicates that the project would achieve the equivalent of Silver on the rating scale. OP has asked the applicant to increase the sustainability of their project. The written statement at Exhibit 24 clarifies that the design does not propose a green roof but rather a cool roof, and provides rationale for that decision.

### Central Courtyard

At the time of Setdown, the applicant was not contemplating changes to the existing central courtyard between the Pei buildings. Since that time, and following further discussions with the existing residents, the applicant has chosen to propose enhancements to that space. Much of the concrete deck around the pool would be removed and replaced with landscaping, and some sidewalks would be removed to enhance the “great lawn”. The amenity areas throughout the central courtyard like grills and seating areas would be renovated.

### Transportation

The subject site is highly transit accessible, at its closest being located only one block from the Waterfront metro. This location is also highly bikeable, and bikeshare stations are located near the intersection of 4<sup>th</sup> and M and on Water Street across Maine Avenue from Arena Stage. The garage plans show 124 bicycle parking spaces in each garage, for a total of 248 spaces, all located on the first level below ground. That would be a change from the original PUD, which proffered one bicycle space per unit.

The original PUD contained commitments to basic TDM measures; the traffic memo (Exhibit 24B) proposes a revised set of TDM tools. OP defers to DDOT to comment on the adequacy of the TDM package.

Please note that while Exhibit 14 states on pages 4 and 5 that garage access would be from 6<sup>th</sup> Street, the design would actually use the alley for all parking and loading access, which would be a significant improvement for the pedestrian environment on 6<sup>th</sup> and K Streets where curb cuts currently exist. The submitted traffic memo noted no traffic concerns with vehicular and loading traffic accessing the site via K Street and Makemie Place. The applicant has also confirmed that an easement is in place to allow access to their site from the private alley on the Waterfront Station parcel.

### Inclusionary Zoning

The original PUD included a proffer of 16,000 square feet of workforce units, of which 9,500 square feet have already been provided in the existing buildings. The current applicant should, at a minimum, comply with current IZ regulations, which OP reviewed with OAG. IZ would require that 8% of the new residential floor area be provided as inclusionary units, which would equal 17,037 square feet. OP would support flexibility to count the existing 9,500 square feet toward the IZ requirement and distribute the remaining 7,537 square feet in the two new towers.

## **V. COMPREHENSIVE PLAN POLICIES**

The proposal would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

1. Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. (§ 217.1)
6. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. (§ 217.6)
7. Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. (§ 217.7)
8. The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced. (§ 218.1)

11. The District of Columbia contains many buildings and sites that contribute to its identity. Protecting historic resources through preservation laws and other programs is essential to retain the heritage that defines and distinguishes the city... (§ 218.4)
13. Enhanced public safety is one of the District's highest priorities and is vital to the health of our neighborhoods. The District must continue to improve safety and security... (§ 218.6)
27. Washington's wide avenues are a lasting legacy of the 1791 L'Enfant Plan and are still one of the city's most distinctive features. The "great streets" of the city should be reinforced as an element of Washington's design through transportation, streetscape, and economic development programs. (§ 220.3)

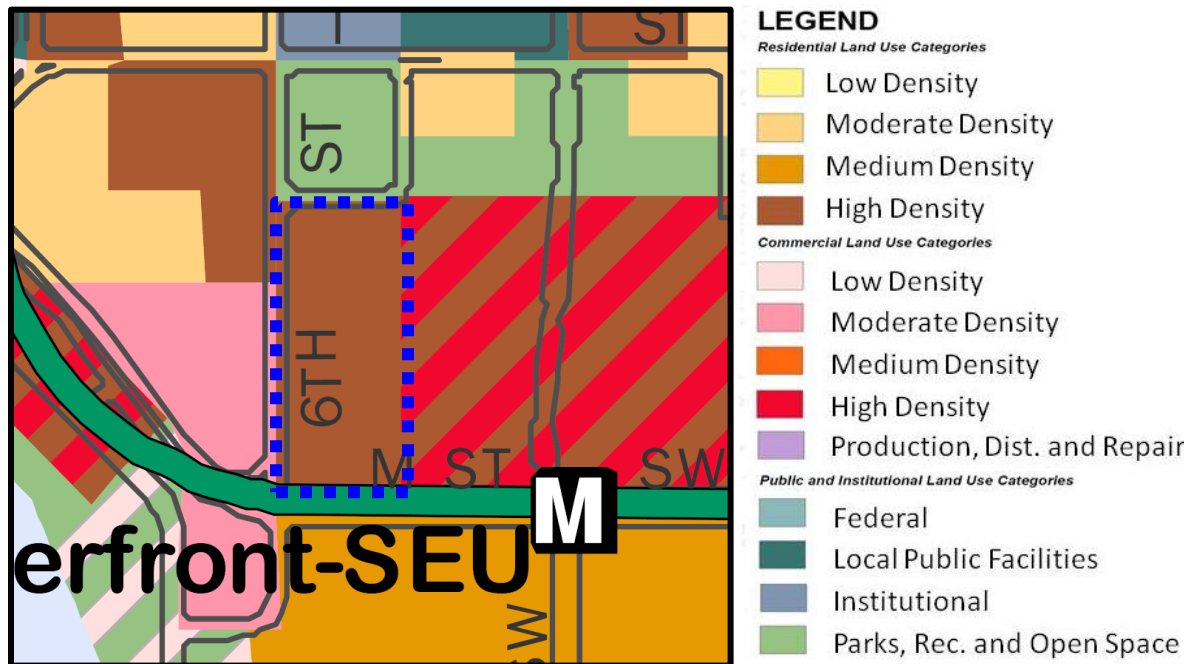
The application is also consistent with major policies from various elements of the Comprehensive Plan. The Land Use Element encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2). The project would provide increased residential density near the Waterfront metro station. The Transportation Element supports transit-oriented development and discourages auto-oriented uses (T-1.1.4 and T-1.2.3). The proposed development would concentrate housing within walking distance of Metro and improve the streetscape to encourage walking. The project would also eliminate three curb cuts and use the alley for all parking and loading access. The Lower Anacostia Waterfront / Near Southwest Area Element encourages the improvement of M Street as a "graciously landscaped" urban boulevard (Policy AW-1.1.9), which this project would help achieve. That element also encourages increased walkability in the neighborhood through the elimination of surface parking lots and the overall improvement of the pedestrian environment.

## **VI. COMPREHENSIVE PLAN LAND USE MAPS**

The Comprehensive Plan's Generalized Policy Map describes the subject site as a Neighborhood Conservation Area. Neighborhood Conservation Areas are primarily residential in nature and have very little vacant land. Where infill development occurs, however, it should be modest in scale, and major changes in density are not expected (Comprehensive Plan, § 223.4). The Plan notes that in Neighborhood Conservation Areas, "...new development and alterations should be compatible with the existing scale and architectural character of each area [and that] Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map" (ibid, § 223.5).

The Future Land Use Map (FLUM) indicates that the site is appropriate for high density residential uses. The Comprehensive Plan states that "This designation is used to define neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use...The corresponding Zone districts are generally R-5-D and R-5-E, although other zones may apply" (ibid, § 225.6). The scale of the proposed buildings would not be inconsistent with this designation. The approved commercial zoning would also allow the proposed retail at the corner of 6<sup>th</sup> and M, and while this particular parcel is planned for residential, a commercial use at an important corner on a major corridor two blocks from metro is not inconsistent with the overall guidance of the Comprehensive Plan to create complete,

active and walkable communities. Maintaining the approved C-3-C zoning, therefore, is not inconsistent with these designations. Please refer to the excerpt of the FLUM below.



## VII. ZONING

The site is has a PUD-related zone of C-3-C, which the current application would maintain. The proposal would comply with almost all parameters of the C-3-C PUD zoning, as noted in the table below.

Item	C-3-C PUD	Approved	Proposed <sup>2</sup>
Height	130'	112'	85'
Lot Area	135,263 sf (existing)	135,263 sf	135,263 sf
FAR	8.0	4.39	3.32
Floor Area	1,082,104 sf total	584,905 sf res. and other <u>8,900 sf retail</u> 593,805 sf total	430,405 sf residential 5,220 sf retail <u>13,420 sf other</u> 449,045 sf total
Lot Occ.	No limit	51%	42%
Rear Yard	12' min. or 2.5" per ft of height = 17'	Court-in-lieu 56' wide	56'8"

<sup>2</sup> Data provided by the applicant, except FAR, which was calculated by OP based on the floor area provided by the applicant.



Item	C-3-C PUD	Approved	Proposed <sup>2</sup>
Side Yard	None required; If provided 6' min. or 2" per ft of height = 14'2"	None	17'
Dwelling Units	n/a	580 (256 existing + 324 new)	516 (256 existing + 260 new)
Retail	n/a	8,900 sf	5,200 sf
Parking	Res: 1 per 3 d.u. = 172  Com: 1 per 750 sf over 3,000 sf = 3  = 175 total required	556 res. 8 com. 5 car-share  = 569 total	277 res. 8 com. 5 car-share  = 290 total
Loading	2 55' berths 2 200 sf platforms 2 20 foot delivery spcs.	3 30' berths 1 1,100 sf platform 1 600 sf platform	<b>2 30' berths</b> <b>2 200 sf platforms</b> <b>(flexibility requested)</b>

The original PUD approval granted flexibility from loading provisions and building lot control. The current proposal would require flexibility from the concentration requirement of compact spaces, loading standards and the number of rooftop structures.

### 1. Grouping of Compact Spaces (§ 2115.4)

This section requires that compact parking spaces be grouped into clusters of no less than five spaces. Given the design of the garage and the column spacing, however, compact spaces would be grouped in various configurations of less than five spaces. OP has no objection to the requested flexibility.

### 2. Loading (§ 2200)

Both new buildings would be required to provide one 55-foot berth, one 200 square foot platform and one 20 foot delivery space. The proposal would provide one 30-foot berth and one 200 square foot platform for each building, which the transportation memo (Exhibit 24B) describes as adequate for the expected number of loading trips. While OP has no objection to flexibility in the number of loading berths or their size, the applicant should provide more information about how residents of the existing Pei towers will use the loading docks and how retail trash will be handled. There is no clear path from the proposed loading locations to the Pei buildings, and no direct connection from the retail location to the trash area of the south building. Page 8 of Exhibit 14 simply states that "as shown on Sheet A26...the Pei Towers load from the loading corridor along the alley", but no "loading corridor" is visible on that sheet. Regarding retail trash, it seems logical given the layout of the south building and the location of the loading dock that trash would need to be taken out of the building to arrive at the collection location, but more detail on that operation is necessary.

### **3. Number of Rooftop Structures (§ 411)**

The design proposes three rooftop structures on each new building. One above each stair tower and one above the elevator core. OP has no objection to the requested flexibility. Separated the rooftop structures should be less visible than one large structure spanning north to south on each building.

## **VIII. PURPOSE AND EVALUATION STANDARDS OF A PUD**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

The application exceeds the minimum site area requirements of Section 2401.1(c) to request a PUD. The applicant is requesting a modification of an approved PUD and related map amendment. The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project” (§2403.3). Because the project would be smaller in scale than the approved PUD, and would be in conformance with the Comprehensive Plan, the project would likely have minimal impact on city services. The application should, however, conform to the applicable IZ regulations and provide affordable housing as called for by city policies.

## **IX. PUBLIC BENEFITS AND AMENITIES**

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” Sections 2403.9 and 2403.10 state that a project must be acceptable in all the listed proffer categories, and must be superior in many. To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12).

Page 3 of Exhibit 3 indicates that the amenities would remain the same as the original application, 05-38, as modified in 05-38A. The amenity packages proffered with those applications contained options for how the items could be fulfilled, and to date some items have been partially fulfilled. The applicant should provide a single comprehensive and updated list of benefits so that staff and the Commission can adequately evaluate the value of the amenities against the degree of flexibility requested, and so that interested parties can determine which benefits might apply to them. The following is OP’s attempt to summarize some of the benefits

listed in the Orders for 05-38 and 05-38A (Exhibits 3A and 3B), some of which may be considered amenity items. OP generally considers the list of benefits adequate, but requests the complete list mentioned above prior to making a full recommendation to the Commission.

1. *Housing and Affordable Housing* – The current application would provide 260 new units. The original application committed to provide 16,000 square feet of “workforce” housing for a term of up to 20 years. That would equal 6.9% of the total new residential floor area. The present applicant should, at a minimum, provide inclusionary units in conformance with the IZ regulations.
2. *Preservation of Existing Development* – The applicant will preserve the existing I.M. Pei towers and preserve and enhance the central plaza.
3. *Urban Design, Architecture, Landscaping and Site Planning and Efficient and Economical Land Uses* – The buildings would help frame the street corridors while maintaining open space at the middle of the site. The project would also provide internal pocket parks for use by project residents.
4. *Effective and Safe Access and Transportation Management* – The present application would improve upon the original by eliminating all curb cuts and using the alley for all vehicular and loading access. The design would greatly improve the pedestrian environment through wider sidewalks and by replacing surface parking lots next to sidewalks with retail and residential uses.
5. *Uses of Special Value* – Including rental or purchase discounts to existing tenants; expanded workforce housing; Contributions to local schools; Contribution to Friends of the Southwest Library; Study of park renovation and implementation of renovation, with a potential value of up to \$250,000. The applicant should provide updates on the status of the rental and purchase discount program. The applicant should also provide an update on whether the contribution to the Shuttle Bug program was made.
6. *First Source and LSDBE Commitment*

## **X. AGENCY COMMENTS**

As of this writing OP has received comments on the application from DHCD. Those comments are attached to this report.

## XI. SUMMARY OF OP COMMENTS FROM THIS REPORT

The following table summarizes OP's comments and questions from this report.

	Comment	Planning and/or Zoning Rationale
1	The final Order and any final plans should state that the maximum FAR would be 3.32, not 3.40.	The application materials repeatedly refer to a maximum FAR of 3.40, which is not reflective of the actual floor area proposed.
2	Semi-solid doors and sconce lights should be included for all ground floor residential units, including those facing the pocket parks	Ground floor units are most successful when there is a residential character to the units and a sense of privacy for the residents.
3	At the recessed portion on 6 <sup>th</sup> Street, OP is concerned that the buildings would read as too flat, with no relief around the windows.	As seen in the precedent images in the plan set, the completely flat façades of some buildings increases the sense of low-quality construction and could diminish the quality of nearby public space and the pocket parks.
4	The material color at the upper level terrace should remain the same as the fiber cement siding used throughout the building, and the columnar spacing should reflect that on lower floors.	A change in colors and a large dark mass at the upper corner of the building would distract from the architectural rhythm of the façade.
5	The applicant should increase the sustainability of the project.	The current design would achieve the equivalent of a low LEED Silver rating, less than seen on other recent PUD applications.
6	The application should comply with IZ.	Providing affordable housing is an important policy goal of the District.
7	Provide more information about how the Pei buildings load and how the retail trash is handled.	Basic quality of life issues will be important to future residents of the project, as well as to retail operators.
8	The applicant should provide a single comprehensive and updated list of benefits.	The record should include a single list of proffered benefits and amenities so that interested parties can determine which benefits might apply to them, and so staff and the Commission can evaluate the proffers.

## XII. ATTACHMENTS

1. DHCD Comments

JS/mrj

## Attachment 1 DHCD Comments

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Housing and Community Development



**MEMORANDUM**

TO: Jennifer Steingasser Deputy Director  
Development Review and Historic Preservation

FROM: Paul Walker  
Architect (Construction Inspector)

DATE: April 20, 2015

SUBJECT: Department of Housing and Community Development Review comments on  
Stepdown Report for ZC #05-38B, Marina View, Modification of an Approved  
PUD and Related Map Amendment

The Department of Housing and Community Development (DHCD) has reviewed the above Stepdown Report for ZC #05-38B, Marina View, Modification of an Approved PUD and Related Map Amendments. This Project is located at East side 6<sup>th</sup> Street SW Washington DC. DHCD supports, the requested action specified to the request. DHCD support is bases upon the following understanding of the information contained in the request and has no further comment.