

MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE: September 7, 2018

SUBJECT: **OP Report** –Request for a Modification of Consequence to approved Design Review 16-06B at 1900 Half Street SW

I. RECOMMENDATION

After a review of the request, including a comparison of the modified plans against the approved plans and Orders (ZC 16-06 and ZC 16-06A); OP **concurs** with the applicant's submission that the proposed refinements are a **modification of consequence**. The proposed changes include the redesign and relocation of architectural elements and open spaces.

As such, OP has no objections to the applicant's request being considered a modification of consequence, and recommends that the proposed modifications be **approved**.

II. BACKGROUND

Subtitle Z § 703 provides for Zoning Commission consideration of a modification of consequence to an approved Planned Unit Development (PUD) as follows:

703 CONSENT CALENDAR – MINOR MODIFICATION, MODIFICATION OF CONSEQUENCE, AND TECHNICAL CORRECTIONS TO ORDERS AND PLANS

...

- 703.3 For the purposes of this section, the term “**modification of consequence**” shall mean a modification to a contested case order or the approved plans that is neither a minor modification nor a modification of significance
- 703.4 Examples of **modification of consequence** include, but are not limited to, a proposed change to a condition in the final order, a change in position on an issue discussed by the Commission that affected its decision, or a redesign or relocation of architectural elements and open spaces from the final design approved by the Commission.
- 703.5 For the purposes of this section, a “**modification of significance**” is a modification to a contested case order or the approved plans of greater significance than a modification of consequence. Modifications of significance cannot be approved without the filing of an application and a hearing pursuant to Subtitle Z § 704.
- 703.6 Examples of **modifications of significance** include, but are not limited to, a change in use, change to proffered public benefits and amenities, change in required covenants, or additional relief or flexibility from the zoning regulations not previously approved.

A “modification of consequence” requires the establishment of a timeframe for the parties in the original proceeding to file comments on the request and the scheduling of a date for Commission deliberations, while a more substantive “modification of significance” requires the holding of a public hearing, in accordance with Subtitle Z § 704.

III. MODIFICATION REQUEST

In summary, the applicant is proposing to modify the approved Design Review as follows:

Development Parameters:

Item	Approved PUD	Proposed PUD Modification	Plans Sheet #
Increase building’s total gross floor area (GFA)	468,647 square feet GFA 4.22 FAR	502,395 square feet GFA 4.53 FAR	Sheets 37-38
Increase number of residential units	415 units	453 units	Sheets 39-40
Increase number of parking spaces	246 spaces	277 spaces + 3 tandem spaces – parking spaces shift out to building edge	Sheets 39-40
Remove outdoor terraces for Anacostia River facing units	Two-story loft units with direct access to private, river-facing terrace.	One-story units with no direct access to Anacostia Riverwalk area.	Sheets 5-8, 27-28, 33-34, and 43-46
Revise second floor courtyard	North and south courtyards connected at end of central residential bar.	Two separate north and south courtyards.	Sheets 9-10
Penthouse redesign	Infinity pool, small pool deck, and large enclosed amenity space.	Infinity pool, large pool deck, and small enclosed amenity space.	Sheets 17-18
Building massing	Existing building sculpted to create terraced step backs at upper levels.	Existing building retained at upper levels.	Sheets 9-16

Item	Approved PUD	Proposed PUD Modification	Plans Sheet #
Building design	<p>Fifteen direct unit entries and one shared residential entry on east façade and one direct unit entry and shared residential entry at south façade.</p> <p>Floor to ceiling windows at northeast corner.</p>	<p>One residential entry on east façade and handicapped accessible ramp at south façade entry.</p> <p>Reduced window height at northeast corner.</p>	<p>Sheets 5-6</p> <p>Sheets 25-26</p>
Decision No. 2 Z.C. Order No. 16-06A	<p>The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case No. 16-06, dated June 20, 2016 (Ex. 29A1-29A3), as modified by the architectural drawings submitted in the record of Z.C. Case No. 16-06A, dated October 13, 2017 (Ex. 8A1-8A2), as further modified by the Riverwalk Plan shown in the Applicant’s PowerPoint presentation (Ex. 15, p. 11 [Sheet 43]), and as modified by the guidelines, conditions, and standards below.</p>	<p>The project shall be built in accordance with the architectural drawings submitted in the record of Z.C. Case No. 16-06, dated June 20, 2016 (Ex. 29A1-29A3), as modified by the architectural drawings submitted in the record of Z.C. Case No. 16-06A, dated October 13, 2017 <u>October 13, 2017</u> (Ex. 8A1-8A2 <u>8A1-8A2</u>), as further modified by the Riverwalk Plan shown in the Applicant’s PowerPoint presentation (Ex. 15, p. 11 [Sheet 43]), and as modified by the guidelines, conditions, and standards below.</p>	N/A
Affordable housing	10 units non-required	11 units non-required	N/A

Changes in Previously Approved Relief and Flexibility Requests

Z.C. Order No. 16-06A granted penthouse special exception relief for multiple penthouse heights and penthouse setback requirements, as well as variance relief for penthouse height. The proposed modification reduces the massing of the penthouse, but relief is still required for the penthouse for varying heights, setbacks, and overall height.

The proposed project is an adaptive reuse of an existing building, which is nonconforming with respect to FAR. Although the requested modification results in an increase in FAR from the original approval (4.22 FAR approved; 4.53 FAR proposed), the total FAR is still less than that provided in the existing building (6.0 FAR). No additional relief is necessary because of the proposed modifications.

Z.C. Order No. 16-06A, in Condition 5e, granted flexibility to provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the architectural drawings approved in Z.C. Order No. 16-06A. The applicant is proposing an increase in the number of dwelling units from 415 to 453, which is within the 10% limit.

Z.C. Order No. 16-06A, in Condition 5f, granted flexibility to vary the garage layout and the number, location, and arrangement of vehicle parking spaces, provided the total number of parking spaces is not reduced below the number of spaces required under 11-C DCMR Chapter 7. The applicant is proposing an increase in the number of parking spaces and proposes to provide 277 spaces, which exceeds the minimum number of required spaces at 168.

IV. OP ANALYSIS

The proposed modification results in changes to the interior layout, including increases in the number of residential units and parking spaces. The applicant should confirm that the shift in parking spaces to the building edge at the east façade complies with the requirements of C § 1102.1(c), which states that parking spaces and access to parking spaces shall not be located within the waterfront setback area.

The proposed modification also results in changes to the building exterior, including the massing and relationship of the building to the Anacostia River and Riverwalk Trail. The elimination of the step backs at the upper floors along the east façade reduces terrace access for building tenants and results in a flat façade along the Anacostia. The modifications to the ground floor of the east façade at the Riverwalk Trail reduce direct tenant access to the Anacostia River and alter the building's relationship to the Trail. While the proposed changes result in a less sculpted façade at the Anacostia River and decreased interaction between building tenants and trail users, the proposed changes do not rise to the level of a modification of significance.

With respect to the applicant's request to modify condition 2 of Z.C. Order No. 16-06A, OP notes that the applicant has restated its commitment to construct all site plan improvements shown on Sheet 43 of Ex. 8A2 in Z.C. Case No. 16-06A. Furthermore, the Anacostia Riverwalk Trail shall be constructed in accordance with the Buzzard Point Anacostia Riverwalk Trail Final Design Guidelines.

V. ANC/ COMMUNITY COMMENTS

Comments from ANC 6D and the community had not been received at the time this report was written.

VI. AGENCY REFERRALS

The District Department of Energy and the Environment (DOEE) and District Department of Transportation (DDOT) received notice of the requested modification of consequence. Comments from DOEE and DDOT had not been received at the time this report was written.