



TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director- Development Review & Historic Preservation
DATE: June 17, 2013
SUBJECT: Final Report – ZC 05-36G – Modification to PUD in Square 749

I. OP RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission approve the application for a Phase III addition to PUD 05-36 and a related map amendment from C-2-B to C-3-C, contingent on the provision of the following information:

By Public Hearing

- The landscape design of the exterior ground-level space facing L Street, N.E., between the western wall of the Phase III structure and the parking entrance for the constructed portion of the PUD. The area is blank on Sheet L1.0 of the drawings submitted June 7, 2013;
- The proposed location and the individual and total square footage of the Inclusionary Zoning units;
- Phase III's loading plan and the status of discussions with the District Department of Transportation;
- Phase III's trash management plan;
- The revised parking ratio for the overall PUD that would need to be incorporated in a modified Condition No. 2 of the existing PUD Order.
- Revisions to the alternative proposal for the proffered \$5,000 for the purchase and installation of pavers for the Gallaudet University shuttle bus stop. Under the alternative to the bus stop pavers, the applicant would contribute \$5,000 to a non-profit group for the purchase of materials or in-kind services for unspecified improvements to the public space within the NoMA. The alternative should specify the deliverables that would be purchased or provided in-kind.

By Final Action

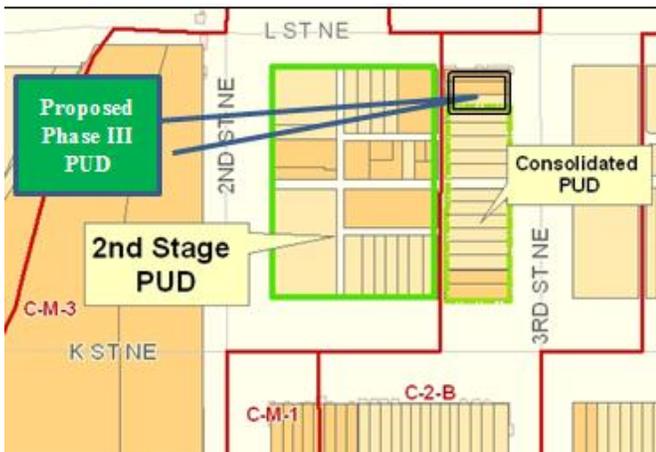
- Finalized agreements with the Department of Employment Services and the Department of Small and Local Business Development concerning local employment and contracting opportunities.

The proposed Phase III would:

- Add 5,016 square feet to the current PUD's 101,102 square foot site by, by including the remaining three lots in Square 769, on the southeast corner of 3rd and L Streets, N.E.;
- Add 41 units to the overall project, including 4 IZ units, in a seven-story all-residential building;
- Reduce the overall PUDs parking ratio, due to the provision of no additional parking for Phase III (1 space per 4 units required matter of right; 1 space per 0.71 unit to be provided under the existing Order; approximately 1 space per 0.67 unit proposed, which would necessitate the modification of Condition No. 2 of Order 05-36E;
- Require relief from rear yard depth requirements (13 ft. 3 inches required, 5 ft. proposed).



II. SITE AND SURROUNDINGS



Square 749 is on the east side of railroad tracks running north from Union Station, approximately four blocks southeast of the New York Avenue Metro station and two blocks north of the H Street, N.E. corridor. The Square is bounded by 2nd, 3rd, K and L Streets, NE. All but three of the Square's lots are in the approved PUD. The Square's underlying zone districts are C-2-B and C-M-3. C-3-C zoning is associated with the PUD.

The nearby area has been transition for the last ten years. Some of the row houses and light industrial uses have been converted or replaced with high-rise apartments, and low-rise institutional and office uses. New retail and entertainment venues have been established on H Street, N.E., where a trolley line will start service later this year.

III. SUMMARY OF CONSTRUCTED AND APPROVED PUD PHASES AND BENEFITS

The approved Consolidated and Preliminary PUD is a primarily residential project with some retail uses.

The Consolidated PUD, which fronts on 3rd Street and K Street, N.E., has been completed and is substantially occupied. It contains 217 units, and approximately 3,700 square feet is reserved for retail space. There are 177 underground spaces, atop which is an upper-level plaza intended for access by Phases I and II users.

The Second Stage PUD will front on 2nd Street, as well as K and L Streets. Its design was modified in 2012 and the phase's expiration date has been extended twice. Phase II may be constructed in two stages. When both stages are complete, Phase II will contain approximately 555,545 gross square feet (gsf) of floor area. 415,307 net square feet would be devoted to approximately 500 residential units. Ancillary residential indoor amenity spaces would comprise 13,328 square feet, and core and service areas would occupy 113,109 square feet (20% of GFA). There would be 13,801 square feet of retail space, including a 3,446 square foot daycare center, an addition to the parking garage for a total of 506 to 448 spaces, and a publicly accessible ground-level plaza atop the garage.

Affordable housing will comprise 10% of the Second Stage and 11% of the overall residential gross floor area. All of the affordable square footage for these phases is an applicant proffer, as the PUD preceded the applicable date of Inclusionary Zoning requirements.

IV. SUMMARY OF PROPOSED PHASE III

The proposed Phase III would incorporate the remainder of the Square, adding 34,485 gross square feet, and 41 residential units. It would occupy 97 % of its three lots. Its zoning height of 63 feet 8 inches would be able to incorporate seven stories because the overall PUDs measuring point is lower than the elevation of the curb at what would otherwise be the measuring point for the Phase III building. The

proposed building has been designed to complement the massing, materials and architecture of the approved phases of the PUD. No additional parking is proposed for this phase.

Since Setdown, the applicant has made the following additional commitments to the Phase III proposal:

- The proposed bicycle room has been expanded and re-located to the first floor, with direct exterior access;
- The applicant will install 18 bicycle racks in public space in Square 749;
- The Phase III building's sustainability elements will permit the equivalent of LEED Certification, as noted on Sheet A6.0 of the June 7, 2013 submission;
- The four IZ units will comprise 10% of the residential GFA and include a proportional mix of one bedroom and studio units throughout the first five floors;
- Unit leases or condominium documents will prohibit Phase III occupants from applying for residential parking permits, and the applicant is working with the District Department of Transportation (DDOT) to ensure enforceability;
- A \$5,000 contribution, or the equivalent of in-kind work, will be made for paving materials at the Gallaudet University shuttle bus shelter or, in the alternative, for streetscape improvements within the NoMA business improvement district.
- At the request of the ANC, the height of the roof structure has been reduced from 18'6" to 10 feet.

V. RELATIONSHIP TO THE COMPREHENSIVE PLAN

The Generalized Future Land Use Map indicates the Phase III site is appropriate for both moderate density residential and moderate density commercial uses. Although Phase III's proposed 6.48 FAR and the related map amendment from C-2-C to C-3-C are typically associated with medium density designations, the proposal would be not inconsistent with the Comprehensive Plan for the following reasons:

- The proposed modification to the approved PUD would further several Comprehensive Plan policies:
 - Housing Element: The modification would permit 41 additional housing units for balanced, mixed-use growth near certain Metro stations, as encouraged by policies 1.1.3 and 1.1.4;
 - Central Washington Element: The additional housing is responsive to Policy CW 1.1.4's encouragement of denser housing in the central area, particularly in NoMA;
 - Urban Design Element: Phase III's design and massing would be integrated with the approved PUD and would serve as a transition element to the nearby rowhouses. This would be consistent with policy UD 2.2.7's encouragement of appropriately-scaled infill, and policy UD 3.3.1's encouragement of quality treatment of public spaces.

- The Generalized Policy Map includes the site within the boundaries of the NoMA/New York Avenue Metro land use change area.
- The Commission has already found the C-3-C zone district to be appropriately related to Phases I and II of the PUD. Those phases will comprise more than 95% of Square 749.

VI. ZONING ANALYSIS

Table 1 analyzes the approved PUD and its phases, the proposed Phase III, and how that Phase would modify the approved PUD.

TABLE 1.	Approved Phases I & II, as Amended. (+/- 5% flexibility)	Proposed Phase III And Proposed Overall PUD
Land Area, Underlying Zoning	26,805 sf, C-2-B 74,277 sf, C-M-3 TOTAL: 101,102 sf	5,295 sf, C-2-B New total would be 106, 397 sf¹
FAR	7.84 FAR (8.0 FAR permitted for a C-3-C PUD)	3.5 C-2-B MOR 6.5 C-3-C MOR 8.0 C-3-C PUD 6.48 Phase III 7.77 New Overall
Height	121 ft., with stepdowns (130 ft. permitted for a C-3-C PUD)	65 feet C-2-B MOR 90 feet C-3-C MOR 130 feet C-3-C PUD 63 ft., 8 in. Phase III
Roof Structures	Multiple structures approved	1 @ 10 ft. 2 inches 1:1 setback
Gross Square Feet (gsf)	- 831,841 gsf residential - 17,497 gsf retail (incl. daycare) - TOTAL:849,338 gsf	34,485 gsf for Ph. III All residential (26,211 net sf) 883,823gsf New Overall
Residential Units	Approx. 712	41 units Phase III 753 New overall
Lot Occupancy	68,097 68% (100% permitted)	80% C-2-B MOR 100% C-3-C MOR 92% Phase III 69% overall
Rear Yard	--	5' 6" ft. provided 13'3" required
Vehicle Parking	0.71 spaces per unit approved (approx.506 spaces) (1 space for 4 units required; i.e., 178 spaces)	0 in Phase III (10 required) (Overall ratio would be approximately 0.67, although a change has not been requested)

¹ Includes 279 square feet reverting to applicant from closure of alley.

Bicycle Parking	--	30 Proposed (1 required) 5% of required vehicle spaces
Loading	2 berths @ 55 ft. 2 platforms @ 200 sf 2 loading areas @ 20 ft.	None required. Will use either Phases' I and II facilities, or public space.
Affordable Housing	Approx. 86,971 gsf housing @ 80% AMI = 11.07% of res. gsf.	IZ requires 2,759 square feet at 80% AMI for Phase III Applicant will provide 4 one-bedroom and studio units, which it calculates to be 10% of the phase's square footage.

Relief has been requested for the following:

Rear Yard (§ 774.1): The applicant has designated 3rd Street, N.E. as the front of the proposed Phase III building, for zoning purposes. The rear yard would, therefore, face the alley separating the northeastern corner of the Phase II building from the proposed Phase III building. The applicant requests permission to provide a 5 foot rear yard, measured from the centerline of the 10 foot alley, rather than the required 13 feet, three inches. The diminution of the rear yard would have little to no impact on future building occupants or the public. The Phase III building would have access to both the private and public central courtyard and would not need a separate rear yard for recreation purposes. The reduction would have no negative impact on residents' privacy: the distance between windows on the east side of Phase II and on the west side of Phase I would be approximately 55 feet, due to the combination of the 10-foot wide former alley and the 45 foot-wide driveway separating the two phases.

The applicant had filed for parking relief (§ 2101.1), but is no longer requesting this. If considered independent of the approved PUD, the Phase III building would require relief to provide 0 rather than the required 10 vehicle parking spaces. While such relief would not be necessary in the context of the full PUD, a modification of PUD Condition No. 2 of Zoning Commission Order 05-36E is needed to permit the marginal diminution in the required parking ratio of from 1 space per 0.71 residential unit to what OP calculates as 1 space per 0.67 unit. However, the impact of modification is not likely to have a negative impact. The PUD is located two blocks from the New York Avenue metro station; Phase III residents will have access, as space permits, to the parking garage for Phases I and II, and; the currently required parking ratio far exceeds the 1 space per four units ratio usually required for residential use in a C-3-C zone.

VII. PUD EVALUATION STANDARDS

Under 11 DCMR, Chapter 24, a PUD is “designed to encourage high quality development that provide public benefits” and 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 results in an action inconsistent with the Comprehensive Plan. In addition,

“The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to 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”.

With the exception of the items for which additional information is requested on page one of this report, the applicant has demonstrated that the Phase III proposal’s impact will be primarily favorable, and that those elements that may not have a favorable impact will either be appropriately mitigated, or acceptable, given the level of the project’s public benefits.

Public amenities are defined in § 2407.3 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.” § 2403.9 states “Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional categories:

- (a) Urban design, architecture, landscaping, or creation or preservation of open spaces;
- (b) Site planning, and efficient and economical land utilization;
- (c) Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;
- (f) Housing and affordable housing;
- (h) Environmental benefits, such as storm water runoff controls and preservation of open space or trees;
- (i) Uses of special value to the neighborhood or the District of Columbia as a whole.”

The applicant has listed items which it considers to contribute toward the proposed project’s benefits and amenities. These are noted in the table below, with OP’s evaluation of how the items should be classified.

TABLE 3: CITED BENEFITS and AMENITIES	MITIGA- TION	PUBLIC BENEFIT	PROJECT AMENITY	RE- QUIRED	APPLICANT PROFFER	OP COMMENT
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Contextual Architecture/Urban Design: § 2403.9(a)

Architecture and landscape architecture compatible with Phases I and II		x	x		No	See note following this table on proposed use and design within public space.
Green Roof	X	x	x		Yes	

Efficient Site Planning and Economical Land Utilization: § 2403.9(b)

Use compatible with Phases I, II		x			No.	
Replaces vacant land with multi-family residential		x			Partially	Single-family residential was first demolished by applicant.

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Scale provides appropriate physical transition		x			Yes	Applicant has limited height of proposed building to less than what would be permitted by requested zoning.

Effective and Safe Vehicular and Pedestrian Access, Transportation Management Measures, Connections to Public Transit and Measures to Mitigate Adverse Traffic Impacts § 2409.3(c)

Phase III 30+ bicycle parking and access			x		Yes	In excess of required
18 Public Bicycle Racks		x			Yes	New Proffer
Exclusion from RPP	x	x			Yes	
Transit Oriented Project		X			No	
“Inconsequential” impact on traffic					No	
Affordable Housing		X		X 8% @ 80% AMI is required.	Applicant proffers 10% rather than 8%	Applicant states required square footage is equivalent to 3.2 units, which, under IZ, must be rounded to 4 units

Employment & Training Opportunities § 2403.9(e)

First Source Employment					Yes	Not yet executed
DSLBD CBE Agreement					Yes	Not yet executed

Housing and Affordable Housing § 2403.9(f)

41 units		x			No	
4 IZ units (approx. 10%)				X 8% @ 80% AMI is required.	Applicant proffers 10% rather than 8%	Discussed above

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Environmental Benefits § 2403.9(h)

LEED equivalent certification		x			Yes	
Green Roof	x	x	x		Yes	Part of LEED equivalent

Uses of Special Value to Neighborhood or District as a Whole § 2403.9 (i)

New residential construction to revitalize vacant property		x			No	Applicant demolished former housing units on site
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Other Benefits and Project Amenities § 2403.9 (j)

\$5,000 for Gallaudet bus shelter paving, or equivalent in NoMA BID public space					Yes	New Proffer. See note at at end of table.
18 Public Bicycle Racks		x			Yes	Already noted above.

OP notes that the applicant proposes to locate transformer vaults within the landscaped public space on 3rd Street, N.E. (See Sheet L3.0). That location, as well the paving, benches and steps adjacent to the sidewalks shown on Sheet L1.0 are subject to review by DDOT’s Public Space Committee.

VIII. AGENCY REFERRALS AND COMMENTS

The application has been circulated to District agencies. DDOT will be sending comments under separate cover.

IX. COMMUNITY COMMENTS

ANC 6C’s planning and zoning committee has recommended approval of the Phase III proposal to the full ANC, which was scheduled to consider the matter on June 12, 2013.

JLS/slc
 Steve Cochran, project manager