

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL for* Jennifer Steingasser, Deputy Director
DATE: June 2, 2017
SUBJECT: **Setdown Report** for ZC #02-38I, Waterfront M Street Buildings
 375 and 425 M Street, SW
 First Stage PUD Modification and Second Stage PUD

I. SUMMARY RECOMMENDATION

Forest City has submitted an application for a first stage PUD modification and a second stage PUD in order to construct two apartment buildings with ground floor retail and some second floor office space at the Waterfront metro station, on sites that were originally approved for office buildings. The main purpose of the first stage modification is to allow both buildings to be predominantly residential whereas the original approval was for office buildings. The applicant seeks no new zoning flexibility. The proposal is generally not inconsistent with the policies and land use maps of the Comprehensive Plan. The Office of Planning (OP) has identified some items for which more information or clarification is needed from the applicant prior to a public hearing. OP, therefore, recommends that the application be set down for a public hearing.

II. APPLICATION-IN-BRIEF

Location	375 M Street, SW – Square 542, Lot 826 – Northeast corner of 4 th and M 425 M Street, SW – Square 542, Lot 825 – Northwest corner of 4 th and M Ward 6, ANC 6D
Property Size	375 M Street – 46,780 sf 425 M Street – 61,064 sf
Applicant	Forest City et al.
PUD Zoning	C-3-C (1958 Zoning Regulations)
Comprehensive Plan Generalized Policy Map	Land Use Change Area; Enhanced/New Multi-Neighborhood Center
Comprehensive Plan Future Land Use Map	Mixed Use High Density Residential / High Density Commercial

Approved Use	Office with ground floor retail																	
	<i>425 M Street</i>	<i>375 M Street</i>																
Height	127'	127'																
Floor Area	322,785 sf (office and retail)	339,815 (office and retail)																
FAR	0.55	0.58																
Total PUD FAR as currently approved¹	2.11 Residential 2.22 Commercial 4.33 Total																	
Proposed Use	Residential with ground floor retail and some second floor office																	
	<i>425 M Street</i>	<i>375 M Street</i>																
Site Area	46,780 sf	61,064 sf ²																
Height	127'	127'																
Floor Areas: Residential	283,080 sf	298,030 sf																
Office	19,450 sf	18,660 sf																
Retail	19,940 sf	21,930 sf																
Total	322,470 sf	338,620 sf																
Units	296	309																
Lot Occupancy³ (relative to the building site)	81%	63%																
FAR (relative to entire PUD)	0.55	0.58																
FAR (relative to the bld. site)	6.89	5.55																
Total PUD FAR with this modification	3.10 Residential 1.23 Commercial 4.33 Total																	
Parking⁴	<table style="margin-left: auto; margin-right: auto;"> <tr><td>Office</td><td style="text-align: right;">5</td></tr> <tr><td>Retail</td><td style="text-align: right;">11</td></tr> <tr><td>Residential</td><td style="text-align: right;">149</td></tr> <tr><td style="border-top: 1px solid black;">Total</td><td style="text-align: right; border-top: 1px solid black;">165</td></tr> </table>	Office	5	Retail	11	Residential	149	Total	165	<table style="margin-left: auto; margin-right: auto;"> <tr><td>Office</td><td style="text-align: right;">5</td></tr> <tr><td>Retail</td><td style="text-align: right;">13</td></tr> <tr><td>Residential</td><td style="text-align: right;">180</td></tr> <tr><td style="border-top: 1px solid black;">Total</td><td style="text-align: right; border-top: 1px solid black;">198</td></tr> </table>	Office	5	Retail	13	Residential	180	Total	198
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Residential	180																	
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Loading	Two 30' berths and one 20' delivery space per building																	

¹ 02-38A did not define FAR for individual sites not part of that second stage PUD.

² Includes the Metro plaza.

³ Lot occupancy at the ground floor. OP has asked the applicant to calculate the lot occupancy at each floor. 02-38A established the overall lot occupancy for the entire PUD at 58%.

⁴ 02-38A established 1,087 parking spaces as the minimum required for the entire PUD, but did not establish minimums for individual buildings. OP has asked the applicant to summarize the existing parking totals for the entire site.

<p>Requested Flexibility</p>	<p>No zoning flexibility requested, but the applicant requests the following design flexibility. OP’s preliminary analysis is provided in Section X of this report.</p> <ol style="list-style-type: none"> 1. 5% range in the number of units; 2. Vary interior components; 3. Vary garage layout; 4. Vary exterior materials; 5. Vary the public space design to comply with DDOT requirements; 6. Vary retail façades to meet tenants’ designs; 7. Vary exterior details in order to meet building code; 8. Allow “Retail” on the plans to actually be: <ol style="list-style-type: none"> a. Retail; b. Services, General; c. Services, Financial; d. Eating and Drinking Establishments; 9. Allow “Office” on the plans to actually be: <ol style="list-style-type: none"> a. Office; b. Institutional, General; c. Medical Care; d. Daytime Care; e. Services, Financial; 10. Vary design of signage, provided size and materials do not change.
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III. SUMMARY OF OP COMMENTS

OP supports the application and feels the project is generally not inconsistent with the Comprehensive Plan. The following summarizes OP comments from this report. OP will continue to work with the applicant to adequately address these issues, and other issues raised by the Commission at setdown, prior to a public hearing.

OP Comment	Planning and / or Zoning Rationale
<p>Examine the design and massing of the façades facing each other across 4th Street and possibly make them more symmetrical.</p>	<p>The streetscape, metro plaza and pedestrian and retail realm may be more successful if the buildings more easily read as a pair with more coordinated façades facing 4th Street.</p>
<p>Provide renderings showing the M Street streetscape, as well as aerial renderings of the proposed buildings and their surroundings.</p>	<p>Renderings are valuable in evaluating the project, including the impact of the large open court on the streetscape, and the buildings’ compatibility with the existing neighborhood.</p>
<p>Show on the plans the new location for the WMATA vault currently located where the west private street would meet M Street.</p>	<p>The new location for the vault will have an impact on the public space.</p>

OP Comment	Planning and / or Zoning Rationale
The design should include more private balconies.	Balconies make units more livable, add eyes on the street and other public spaces, and add a level of activity to the public realm.
Provide more information on materials and design details as noted in the report.	In order for the Commission and staff to fully evaluate the project as part of the Stage 2 PUD review, it is necessary to have a clear understanding of the details of the material and architecture of the buildings.
The plans should show the locations of the IZ units within the buildings.	It is important to demonstrate that IZ units are distributed equitably throughout the buildings.
OP encourages the applicant to examine the provision of more 3BR IZ units, and more overall IZ floor area.	Additional family sized units would help address housing needs in the city; A higher percentage of IZ floor area would be consistent with other recent PUDs and would further Comprehensive Plan goals.
The applicant should examine interim uses for the retail spaces, if they are not immediately leased to retail uses.	The existing office buildings had, for several years, inactive retail spaces that tended to create dead zones on the street. Interim uses could mitigate the absence of long-term tenants.
Requests for design flexibility should be refined to ensure minimal deviation from the plans approved by the Commission, should the application be approved.	The flexibility language should ensure appropriate flexibility in the design while preserving the certainty expected in an approved PUD plan set.
Provide a breakdown of the unit types by number of bedrooms.	Understanding the types of units provided would allow a full analysis of the benefit of the residential use.

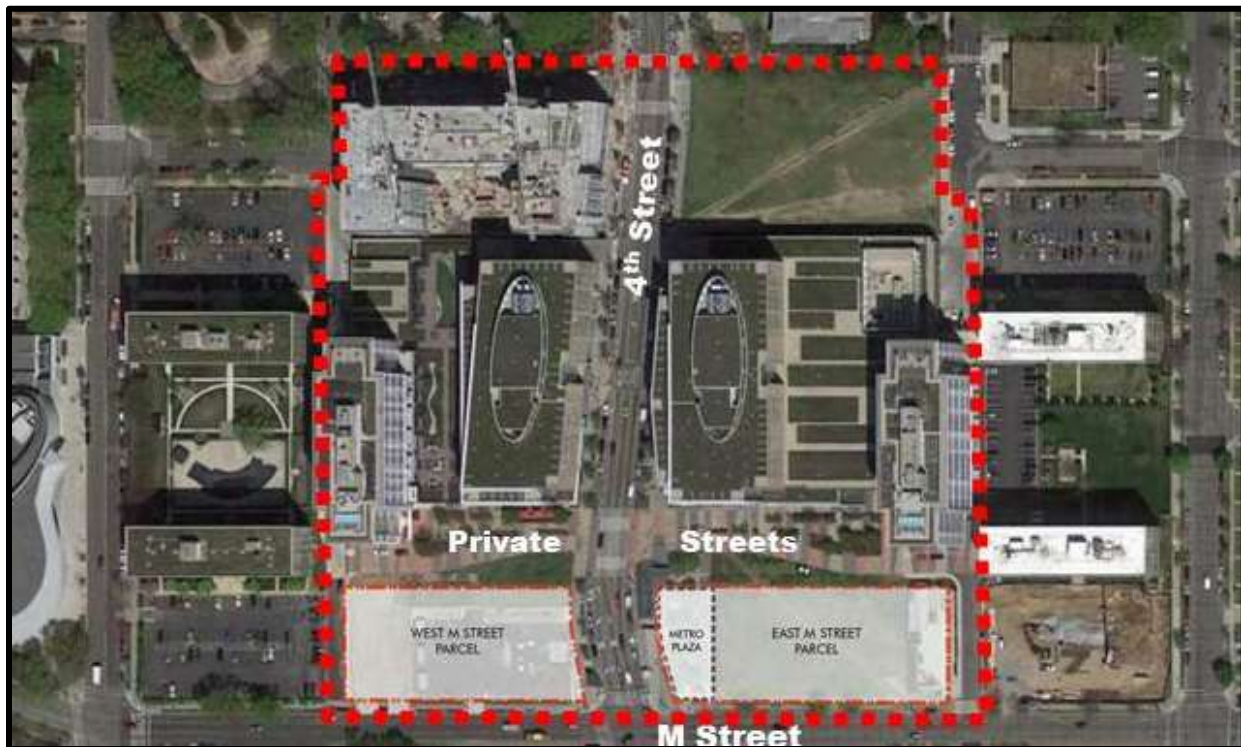
IV. BACKGROUND

The subject PUD began as Zoning Commission #02-38, which was approved as a first stage PUD in 2003. The total site area for that PUD, known as Waterfront, is 584,655 sf, or 13.42 acres. A major modification of the first stage, and a second stage PUD (together 02-38A) were approved in 2007. That second stage PUD encompassed the middle four buildings on the site – two apartment buildings on the east and west sides of the project, and two office buildings fronting 4th Street. ZC #02-38D was a second stage PUD for the northwest building on the site, which the Commission approved in 2013. The northeast building is currently before the Commission for a time extension, but is planned to be a residential building. The M Street buildings (the buildings subject to this application) were approved in 02-38A as office buildings with ground floor retail.

V. SITE AND AREA DESCRIPTION

The subject sites are portions of the overall Waterfront PUD site. The PUD, ZC #02-38 et seq., is centered around 4th Street, SW between M and I Streets, and the PUD is anchored by the Waterfront metro station at 4th and M. The sites for this application are at the metro, on either side of 4th Street, with M Street forming their southern edge. The lots are bound on the north by private streets which currently provide access to the existing apartment buildings on the east and west sides of the project, as well as the south sides of the commercial buildings fronting 4th Street.

The surrounding neighborhood is a mix of apartment buildings, rowhouses and institutional uses. Many apartment buildings are 90 feet tall or of a similar height. New apartment buildings are under construction immediately to the east and west of the subject site. Rowhouses and apartment buildings form the existing development across M Street from the proposed buildings (Tiber Island and Carrollsburg Square). The neighborhood has a patchwork of zone districts, some of which are vested under the 1958 Regulations, including C-3-C and R-5-D. Rowhouses tend to be zoned R-3 and older apartment buildings are usually zoned RA-2 or RA-4.



■■■■■■■■■■ PUD Boundary

VI. PROJECT DESCRIPTION

The applicant proposes to modify the first stage PUD, which called for office buildings with ground floor retail on the subject sites. The current proposal is for residential buildings with

ground floor retail. The Office of Planning, in an attempt to enhance the daytime foot traffic in the area, and to provide neighborhood-serving office space, requested that the second floor of each building be dedicated to office space. The current proposal provides for about half of the second floor of each building to be office. As approved in the first stage PUD, each building would be 127 feet tall with a two-story base extending out on the east side of the east building and west side of the west building. The apartment buildings would have an extra floor within that height, as well as communal habitable space at the penthouse level. The massing would feature a large court fronting on M Street, in contrast to the filled-out massing of the office buildings.

Urban Design

As seen on Sheet 15 of Exhibit 2F, the buildings would frame the view up 4th Street from south of M Street. The contrast of the two-story ground-level expression on the east against the one-story ground-level expression may require more study; The streetscape, metro plaza and pedestrian and retail realm may be more successful if the buildings more easily read as a pair with more coordinated façades facing 4th Street.

The massing of the proposed residential buildings is very similar to the approved office buildings, with the major difference being the open court facing M Street. OP has asked the applicant to provide renderings showing the M Street streetwall, in order to demonstrate how the streetscape would be enclosed with the new massing. Furthermore, while the application provides a number of renderings at ground level, OP has asked the applicant to also provide some aerial renderings to better understand how the proposed buildings would relate to the existing and under-construction buildings in their vicinity. The applicant has indicated that additional renderings would be provided prior to a public hearing. The design, however, does attempt to relate the new buildings to the existing. Sheet 41 shows the elevations facing 4th Street for the entire PUD, and demonstrates that the projecting bays on the proposed buildings would be at approximately the same height as the roofs of the existing 4th Street office buildings.

Another difference between the approved massing and the proposed massing is the setback from M Street. The entire south façade of the approved buildings would have been set back from M Street. In the current proposal portions of the buildings would extend out to the property line. The ground floor, however, would maintain the setback, and upper story courts add variety to the façade.

Site Plan and Architecture

Each building's main residential entrance would face 4th Street, with the east building's entry opening onto the metro plaza. Secondary residential entrances would face north onto the private streets and provide access to bike storage rooms. Ground floor retail would face 4th Street, wrap the corner, and line the entire M Street frontage. Lobbies for the second floor office space would be located on the M Street side and, with the retail, help to activate that frontage. The sides of the buildings opposite 4th Street would have the loading and vehicular parking access. Parking

access had been approved to come directly off of M Street, so the new design would improve upon the original. The private streets wrap the buildings and become de facto alleys serving the PUD. A WMATA vault is located where the western private street would connect to M Street, and this developer is responsible for relocating it. The plans do not appear to show the new location for the vault. See, for example, Sheet L3. Prior to a public hearing the vault's new location should be made clear on the plans. PEPCO vaults would be located on private property, in the private streets near the loading docks.

On the second floor, office uses would be concentrated on the southern face of the building, overlooking M Street, while residential units would occupy the north side of the floor. The amount of office space shown on the plans, 38,110 square feet, should be the minimum provided for the life of the project. Floors three through twelve would be entirely residential. Outdoor terraces and courtyards would be located on the second, third and fourth floors, and the penthouse levels would feature community amenities, including pools, but no private habitable space. As seen on Sheet L13, the green roof on both buildings, including terraces at lower levels, would total 32,060 square feet. Sheets 37 and 38 are rooftop plans which clearly convey the heights of all structures and that all setbacks are met.

Two hundred and ninety six residential units would be provided in the west building and 309 units in the east building. Both buildings would contain studio, 1, 2 and 3 bedroom residential units (Exhibit 2, p. 11), though the breakdown of how many of each type has not been provided. According to the applicant, 17% of the units in the east building would have balconies, and 18% of the units in the west building would have balconies. OP encourages the applicant to include more balconies in the design, as they make units more livable, add eyes on the street and other public spaces, and add a level of activity to the public realm.

Building materials are shown in the plans beginning on Sheet 49. OP has provided the following comments and questions to the applicant regarding the materials:

- Clarify the differences between “Masonry”, “Masonry Base” and “Masonry Type B”, as the terms seemed to be used interchangeably;
- Provide more information about the “Aluminum Glazing System”, specifically, the depth of the muntins, mullions and reveals;
- What material is the “Rainscreen Façade Panel” made of?;
- Specify the type of glass used in the glass railings;
- “Masonry Type C” is described as a “Back of House” material; Since these buildings are highly visible on all four sides, there should be no drop off in material quality.

The applicant has provided preliminary responses to these items to OP, and more information would be provided prior to a public hearing. The applicant understands that these are “four-sided” buildings, and it was not their intent to convey that there would be a drop off in material quality on the “back” sides.

Inclusionary Zoning

The applicant is proffering that 8% of the residential floor area would be dedicated to IZ units affordable to households earning 60% of the MFI. The original PUD required affordable housing distributed in the east and west residential towers and the northeast building. With the conversion of the subject office buildings to residential, it is required that they include affordable housing. The locations of the IZ units should be identified on the floor plans. The application states that four 3-bedroom units would be IZ units, and OP encourages the applicant to examine increasing that number to provide more affordable housing for families. The following table summarizes the market rate and IZ floor area distribution.

Residential Unit Type	GFA (sf)	Percentage of Total	Units	Affordable Control Period	Affordable Unit Type
Total	581,110	100%	605		
Market Rate	534,621*	92%	557*		
IZ – 60% AMI	46,489*	8%	48*	Perpetuity	For Rent
Affordable / Non IZ	n/a	-	-	-	-

* Estimated by OP

VII. COMPREHENSIVE PLAN POLICIES

The Commission determined that the approved first stage PUD was not inconsistent with the Comprehensive Plan. The current 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)
- (2) A city must be diverse to thrive, and the District cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families. A priority must be placed on sustaining and promoting safe neighborhoods offering [...] housing for families. (§ 217.2)
- (3) Diversity also means maintaining and enhancing the District’s mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples. (§ 217.3)
- (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)
- (10) The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively. (§ 218.3)

In particular, the change in proposed use from office to residential would further Guiding Principles 3 and 10. The application is also consistent with major policies from the Land Use, Transportation, Housing, Economic Development, Urban Design, and Lower Anacostia Waterfront / Near Southwest elements of the Comprehensive Plan. Please refer to Attachment 1 for a complete listing of relevant policies from those elements of the Plan. The proposed change in primary use would not be inconsistent with, and would further housing objectives, including the provision of affordable housing. Retaining ground floor retail and neighborhood-serving office space would further Economic Development and Lower Anacostia Waterfront / Near Southwest Area element policies.

VIII. COMPREHENSIVE PLAN LAND USE MAPS

The Comprehensive Plan's Generalized Policy Map describes the subject site as a Land Use Change Area, and as appropriate for an Enhanced / New Multi-Neighborhood Center. The site is also located within the Central Employment Area.

Land Use Change Areas are anticipated to become "high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods (Comprehensive Plan, § 223.12). In Land Use Change Areas the expected mix of uses is shown on the Future Land Use Map.



Multi-neighborhood centers:

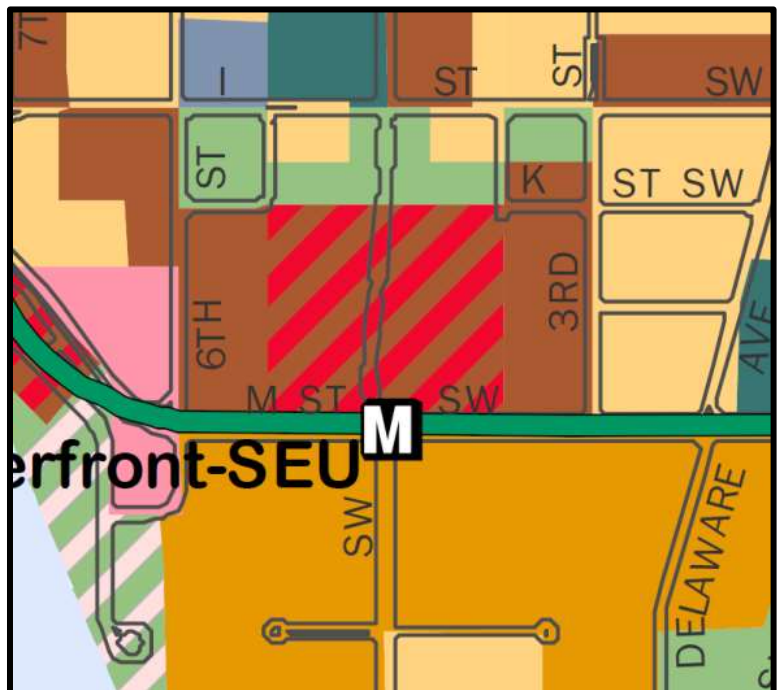
“contain many of the same activities as neighborhood centers but in greater depth and variety. Their service area is typically one to three miles. These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers also may include office space for small businesses, although their primary function remains retail trade” (§ 223.17).

The Central Employment Area is defined as:

“...the business and retail heart of the District and the metropolitan area. It has the widest variety of commercial uses, including but not limited to major government and corporate offices; retail, cultural, and entertainment uses; and hotels, restaurants, and other hospitality uses. The Central Employment Area draws patrons, workers, and visitors from across the region” (§ 223.21).

The Future Land Use Map (FLUM) indicates that the site is appropriate for mixed use High Density Residential and High Density Commercial. The Comprehensive Plan defines those categories as follows:

High Density Residential – This designation is used to define neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas. The corresponding Zone districts are generally R-5-D and R-5-E, although other zones may apply. (§ 225.6)



High Density Commercial – This designation is used to define the central employment district of the city and other major office employment centers on the downtown perimeter. It is characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings)

are interspersed. The corresponding Zone districts are generally C-2-C, C-3-C, C-4, and C-5, although other districts may apply. (§ 225.11)

OP finds that the project would not be inconsistent with the Comprehensive Plan land use maps.

IX. SOUTHWEST NEIGHBORHOOD PLAN

The Southwest Neighborhood Plan is a small area plan (SAP) adopted by Council on July 14, 2015. Like all SAPs, the content of the Southwest Neighborhood Plan refines and supplements the Comprehensive Plan and provides more detailed guidance for a particular neighborhood than the Comprehensive Plan.

The Southwest Neighborhood Plan (SNP) seeks to reinforce the idea that 4th Street between M and I Streets should be the heart of the neighborhood and act as a town center, providing a range of retail with an active street atmosphere (SNP, p. 100). The SNP states that an increase in the population immediately surrounding 4th Street will “strengthen the market position and overall vitality of the town center” (ibid., p. 101). It also states that retail in this particular area would be locally focused, rather than destination retail or entertainment such as the Wharf or Capitol Riverfront areas (ibid.). The applicant has proffered to conduct a “retail marketing study” to determine the optimal tenants for the properties (Exhibit 2, p. 17). Policy TC.7 on page 104 of the SNP also encourages “pop-up retail and temporary creative uses in vacant spaces and parcels as a means to enliven a space, maintain retail continuity along 4th Street, promote small and local retailers and activate the main street.”

The SNP also addresses the idea of residential versus office use on the subject properties. The plan states that the approved amount of office space may be difficult to lease, and that “the developer should have the flexibility to request a modification to the approved Planned Unit Development to incorporate residential uses within the buildings” (SNP, p. 52). The proposal is not inconsistent with the policies of the Southwest Neighborhood Plan.

X. PUD FLEXIBILITY

To construct as proposed, the application requires no zoning flexibility other than what was already granted in the first stage PUD, such as the PUD-related zoning of C-3-C and the allowable height of 127'. The applicant has requested, however, as stated on page 25 of Exhibit 2, the following design flexibility. OP will work with the applicant to refine the proposed flexibility language to ensure adequate flexibility in the design while preserving the certainty expected in an approved PUD plan set. OP's initial comments are noted below where necessary.

- 1. To provide a range in the number of residential units of plus or minus 5%;**
- 2. To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms,**

provided that the variations do not change the exterior configuration of the building;

The project contains no atria, so that word should be stricken from the condition. Otherwise, these are standard flexibility requests

- 3. To make refinements to the garage configuration, including layout, parking spaces and other elements, so long as the total minimum number of parking spaces is provided as set forth in Z.C. Order No. 02-38A;**
- 4. To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction;**
- 5. To vary the location, attributes and general design of the streetscape within public space to comply with the requirements of and the approval by the District Department of Transportation Public Space Division;**

This item would provide too great a level of flexibility. The public space design shown on the PUD plans should closely resemble what DDOT would eventually approve, so that “general design” flexibility would not be required. It is important to understand how the public space would interact with PUD.

- 6. To locate retail entrances in accordance with the needs of the retail tenants and to vary the facades as necessary;**
- 7. To make refinements to exterior materials, details and dimensions, including belt courses, sills, bases, cornices, railings, roof, skylight, architectural embellishments and trim, window mullions and spacing, or any other changes to comply with the District of Columbia Building Code or that are necessary to obtain a final building permit or any other applicable approvals;**

This request could allow significant changes to the exterior of the building. The language of the condition should be refined to allow the building to meet any code requirements, but not to deviate markedly from the approved design. As noted above, OP has asked the applicant to provide more information on the depth of window muntins, mullions and reveals, to prevent the appearance of “flat” windows.

- 8. To vary the types of uses designated as "retail" use on the Architectural Plans and Elevations to include the following use categories:
(i) Retail (11-B DCMR § 200.2(cc));
(ii) Services, General (11-B DCMR § 200.2(dd));
(iii) Services, Financial (11-B DCMR § 200.2(ee)); and
(iv) Eating and Drinking Establishments (11-B DCMR § 200.2(j));**

OP has no objection to this area of flexibility. The applicant should examine ways that interim uses, such as arts, artisan or maker uses, could use the retail space, should long-term leases not be signed immediately. The existing 4th Street office buildings had, for several years, inactive retail spaces that created dead zones on the street. Interim uses could mitigate this, and would directly support the policies of the Southwest Neighborhood Plan, cited above.

- 9. To vary the types of uses designated as "office" use on the Architectural Plans and Elevations to include the following use categories:**
 - (i) Office (11-B DCMR § 200.2(x));**
 - (ii) Institutional, General (11-B DCMR § 200.2(q));**
 - (iii) Medical Care (11-B DCMR § 200.2(p));**
 - (iv) Daytime Care (11-B DCMR § 200.2(i)); and**
 - (v) Services, Financial (11-B DCMR § 200.2(ee));**

- 10. To vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the approved plans.**

XI. PURPOSE AND EVALUATION STANDARDS OF A PUD

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Subtitle X, Chapter 3. The PUD process is intended to:

- “provide for higher quality development through flexibility in building controls, including building height and density, provided that a PUD:
- (a) Results in a project superior to what would result from the matter-of-right standards;
 - (b) Offers a commendable number or quality of meaningful public benefits; and
 - (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan” (§ 300.1).

The applicant is requesting a first-stage PUD modification and a second-stage PUD. In order to approve the project, the Commission must find that it would not be inconsistent with the Comprehensive Plan, would not result in unacceptable impacts on the area or on city services, and includes public benefits and project amenities that balance the flexibility requested and any potential adverse effects of the development (§§ 304.3 and 304.4). OP will provide at the time of the public hearing an analysis of the project’s conformance with these standards, including its impact on city services, as informed by comments from referral agencies.

XII. PUBLIC BENEFITS AND AMENITIES

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. “Public benefits are superior features of a proposed PUD 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 the matter-of-right provisions of this title” (§ 305.2). “A project amenity is one (1) 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” (§ 305.10). Section 305.5 lists several potential categories of benefit proffers, and “A project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many” (§ 305.12). The Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)” (§ 305.11).

Amenity package evaluation, therefore, is partially based on an assessment of the additional development gained through the application process. In this case, the benefits and amenities were established during the previous PUD approvals, which rezoned the property from a base zone of C-3-B, to a mix of C-3-B and C-3-C (#02-38), and then entirely to C-3-C (#02-38A). At the M Street buildings, the floor areas would slightly decrease from the previous approval – from 322,700 sf to 321,570 sf at the west building and from 339,000 sf to 338,550 sf in the east building.

Beginning on page 28 of Exhibit 2, the application lists benefits that “have already been delivered or are in the process of being delivered”. Those are summarized in the following table:

Item #	Applicant’s Benefit or Amenity – Already Delivered or In-Process
1.	The Re-opening of 4th Street, SW, as a dedicated public right-of-way to break down the super block previously in place, to restore the street grid, improve traffic flow and serve as a neighborhood town center
2.	Construction of 895 residential units, with approximately 11.8% being affordable
3.	Construction of more than 90,000 square feet of retail space, with more than 10,000 square feet provided for small and local retail users, and including a 55,000 sf Safeway
4.	Maintenance of the Safeway, CVS Pharmacy, and Bank of America on-site throughout the initial construction
5.	Delivery of over 50,000 square feet of public open space
6.	Construction and maintenance of the public park property to the north of the PUD Site

The applicant also lists benefits and amenities, some of which are newly proffered, that would be implemented with construction of the currently proposed buildings. In the Order for case #02-38A, the Commission found that the amount of benefits and amenities provided were sufficient given the amount of flexibility sought through the PUD process. OP finds that the current list of benefits is sufficient for setdown, and OP will continue to work with the applicant to refine the list and provide more information about certain items, as noted in the table below.

Item #	Applicant's Benefit or Amenity – To be Achieved With Construction of M Street Buildings	OP Comments
1.	Accomplishing major urban design benefits and improvements; Creating and improving the town center. (X § 305.5(a))	OP appreciates the urban design ideas that would be implemented with the project. Further information is required regarding the M Street streetwall as well as aerial renderings. OP has also asked the applicant to re-examine the ground-level expressions of the buildings where they face each other at 4 th Street.
2.	Adding more retail and service uses on the PUD Site, up to a total of approximately 132,000 sf, not including the Northeast building. (X § 305.5(r))	The additional retail/service space would help to create this area as a town center for the Southwest neighborhood, in conformance with the Southwest Neighborhood Plan.
3.	Incorporating sustainable design features; The Applicant will design the East and West M buildings to include no fewer than the minimum number of points necessary to achieve LEED v4 Silver. (X § 305.5(k))	The applicant should consider ways to achieve a higher LEED rating, and should consider actual certification; OP will consult with DOEE as to whether LEED v4 Silver is beyond what would be required for a matter-of-right project.
4.	Introducing elements of the Transportation Management Plan. (X § 305.5(o))	In order to count as a benefit, the applicant should clarify that the TMP goes beyond what is required for simple mitigation.
5.	Providing employment and training opportunities; For construction of the East and West M buildings, the Applicant will (i) enter into a First Source Employment Agreement, in order to promote and encourage the hiring of District residents (Exhibit 2K); and (ii) enter into a Certified Business Enterprise Agreement, in order to utilize local, small, and disadvantaged businesses (Exhibit 2L). (X § 305.5(h))	These items could potentially be very valuable amenity items. If the project to date has utilized First Source and CBE agreements, the applicant should update the Commission on the achievement of the goals in those agreements.
6.	The Applicant proposes to convert the majority of the East and West M Street buildings to residential use, with a minimum of 8% of the residential gross floor area in each building being devoted to households earning up to 60% of the MFI. Of the 8%, the applicant will set aside a minimum of two affordable units in each building, with each having three bedrooms in order to provide affordable housing for families. (X § 305.5(f) and (g)).	The locations of the IZ units should be identified on the floor plans. The application states that four 3-bedroom units would be IZ units, and OP encourages the applicant to examine increasing that number to provide more affordable housing for families. OP also encourages the applicant to increase the total IZ floor area, consistent with other recent PUDs

XIII. AGENCY REFERRALS

If this application is set down for a public hearing, the Office of Planning will refer it to the following government agencies for review and comment:

- Department of Energy and the Environment (DOEE);
- Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);
- Department of Employment Services (DOES);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- DC Public Schools (DCPS);
- Office on Aging (DCOA);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD);
- DC Water;
- WMATA.

XIV. ATTACHMENT

1. Comprehensive Plan Policies

JS/mrj

Attachment 1 Comprehensive Plan Policies

The proposal would further the following policies of the Comprehensive Plan.

Land Use Element

Policy LU-1.3.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.

Policy LU-1.3.2: Development Around Metrorail Stations

Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations Eastern Market Metrorail Station emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.

§ 307.2 Infill development on vacant lots is strongly supported in the District of Columbia, provided that such development is compatible in scale with its surroundings and consistent with environmental protection and public safety objectives. In residential areas, infill sites present some of the best opportunities in the city for "family" housing and low-to-moderate-density development...

§ 307.3 In both residential and commercial settings, infill development must be sensitive to neighborhood context. High quality design standards should be required, the privacy of neighboring structures should be respected, and density and scale should reflect the desired character of the surrounding area.

Transportation Element

§ 403.1 ...In general, the demands on our transportation system are reduced when homes are located close to places of employment and shopping. People spend less time traveling and overall quality of life may be improved. The transportation system as a whole benefits when more compact residential and employment areas are situated along major transit routes. Travel times are reduced and there is better use of public transportation investments.

Housing Element

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.

Policy H-1.1.4: Mixed Use Development

Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5

Policy H-1.2.1: Affordable Housing Production as a Civic Priority

Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.

Policy H-1.3.1: Housing for Families

Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.

Economic Development Element

Policy ED-2.1.4: Diversified Office Options

Diversify the tenant base by attracting both high-end, mid-range, and low-end office space users, and by supporting a range of office space types. Recognize that while many firms seek to be located in the District, some may prefer lower end space over premium Downtown office space.

Policy ED-2.1.6: Local-Serving Office Space

Encourage the development of small local-serving offices within neighborhood commercial districts throughout the city to provide relatively affordable locations for small businesses and local services (such as real estate and insurance offices, accountants, consultants, and medical offices).

Urban Design Element

Policy UD-1.4.1: Avenues/Boulevards and Urban Form

Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city. 906.6

Policy UD-2.2.1: Neighborhood Character and Identity

Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

Lower Anacostia Waterfront / Near Southwest Area Element

Policy AW-1.1.3: Waterfront Area Commercial Development

Encourage commercial development in the Waterfront Area in a manner that is consistent with the Future Land Use Map. Such development should bring more retail services and choices to the Anacostia Waterfront as well as space for government and private sector activities, such as offices and hotels. Commercial development should be focused along key corridors, particularly along Maine Avenue and M Street Southeast, along South Capitol Street; and near the Waterfront/SEU and Navy Yard metrorail stations. Maritime activities such as cruise ship operations should be maintained and supported as the waterfront redevelops.

Policy AW-2.1.6: Waterside Mall

Support the redevelopment of Waterside Mall with residential, office, and local-serving retail uses. The site should be strengthened as a retail anchor for the surrounding Southwest community. Its redesign should restore 4th Street, SW as part of the city street grid, and improve aesthetics, circulation, and connectivity to surrounding uses. 1911.12