



TO: District of Columbia Zoning Commission

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

DATE: May 15, 2017

SUBJECT: ZC 16-24 - Hearing Report — Consolidated PUD and Related Map Amendment at 1336 8th Street, N.W. (Square 399, Lot 68)

I. RECOMMENDATION

The Office of Planning (OP) recommends approval of the application by 1336 8th Street SPE LLC and the District of Columbia (collectively the Applicant) for a consolidated planned unit development (PUD) with a related map amendment from the MU-4 to the MU-6 zone for redevelopment of the surface lot at 1336 8th Street, N.W., as follows:

- 98 feet and residential penthouse, above ground floor retail;
- 98,450 SF of gross floor area and an FAR of 7.2, including:
 - 93,600 SF of residential use in approximately 85 dwelling units (26 affordable units);
 - 4,850 square feet of retail space on the ground floor which includes 1,350 sf. for use by the Immaculate Conception Church;
- 23 vehicular parking spaces below-grade, as well as 30 residential bicycle spaces and 3 spaces - retail;
- 1, 30-foot loading berth for shared loading; and
- A 20-ft. tall penthouse with 2,532 gross square feet of habitable space.

Approval is also recommended for flexibility from the following:

- Minimum rear yard G-§ 405.2 : 15 ft. required; 6 ft. proposed;
- Minimum open court width G-§ 202.1: 10 ft. required; 1 foot proposed;
- Minimum closed court width G-§ 202.1: 25 ft. required; 15 ft. proposed;
- Maximum lot occupancy G-§ 404.1: 80% (residential); 100% proposed; and
- Waiver from the PUD area requirement X-§ 301.1
- Flexibility from additional structure-related items identified under Item 6 on pages 18 and 19 of this report.

The proposal is not inconsistent with the policies and land use maps of the Comprehensive Plan as presented in [Section VI](#) of this report.



II. APPLICATION-IN-BRIEF

Location	1336 8 th Street NW – property at the southwest corner of the intersection of 8 th and O Street, NW; Square 399, Lot 68 Ward 6, ANC 6E
Property Size	13,306 square feet.
Applicant	1336 8 th Street SPE LLC (Roadside LLC and Dantes Partners)
Current Zoning	MU-4 - Permits low density commercial uses.
Existing Use of Property	Surface parking lot used by the Church of the Immaculate Conception.
Proposed Zoning	MU-6 – Permits moderate density mixed-use zone.
Comprehensive Plan Generalized Policy Map	Neighborhood Center Commercial.
Comprehensive Plan Future Land Use	Mixed-use medium density residential and medium density commercial.
Proposed Use of Property	Construct 6 townhomes and 79 apartment units with ground-floor retail; - 98,450 sf. new construction; - 7.2 FAR; - 98 ft. maximum height; 40 ft., 3 stories for new townhomes - Habitable penthouse above the 9 th story; - Parking – 23 spaces in garage below grade garage; - Loading – 1 Loading berth - Bike spaces – 33 spaces total (residential and retail, long term and short term)
Requested Flexibility	<ol style="list-style-type: none"> 1. PUD-related map amendment from MU-4 to MU-6; 2. G § 405.2 – Rear Yard; 3. G § 404.1 – Lot Occupancy; 4. G § 202.1 – Open Court Width; 5. G § 202.1 – Closed Court Width. 6. X § 301.1 – PUD Area Requirements (Waiver)

III. SUMMARY OF OP AND COMMISSION COMMENTS

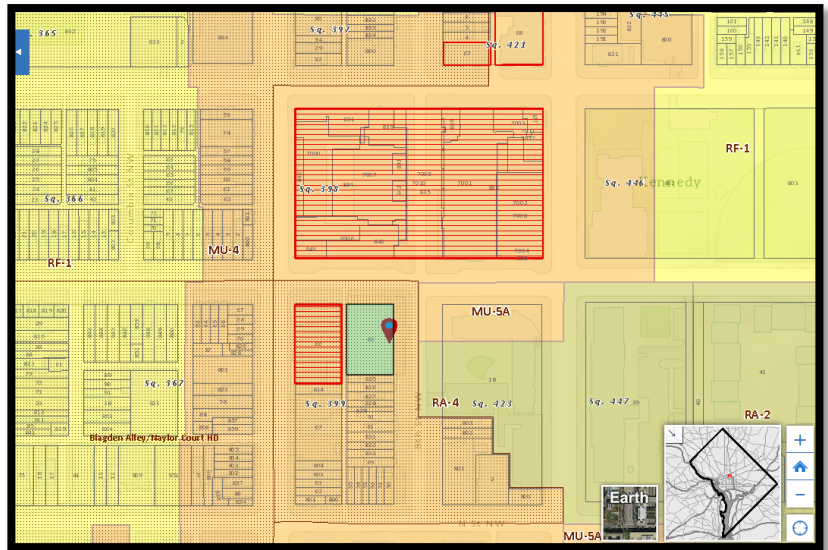
The following summarizes OP and the Commission comments from setdown and their current status:

Commission and OP Comments at Setdown	Applicant Response	Comment
<p><u>Benefits and Amenities detail.</u> Additional specificity and enforceability required on the proposed contribution of \$100,000 to fund events and programs over a two-year period to promote the retail and restaurant venues in the Shaw neighborhood.</p>	<p>Confirmation of the monetary contribution and the events/programs that will be funded shall be documented in an agreement between the Applicant and a local organization, which shall be submitted to the Zoning Administrator prior the issuance of a certificate of occupancy for the retail component of the PUD.</p>	<p>The agreement between the applicant and relevant parties must be completed prior to the Commission’s final action;</p> <p>X-305.1 requires that the ZC shall evaluate the specific public benefits;</p> <p>X-305.4 limits the Zoning Administrator’s role to confirming that the “<i>items of services funded have been provided.</i>”</p>
<p><u>Courts and Loading Facilities</u> Provide dimensioned plans for courts and loading facilities - Revised Plan should be provided to OP no later than 45 days prior to hearing.</p>	<p>The applicant provided a Comprehensive Transportation Review (CTR) to the record on 4/25/2017, Exhibit 24A</p>	<p>DDOT will provide a recommendation on loading under separate memorandum.</p>
<p><u>Elevator Override</u> Clarification of why setback is not met.</p>	<p>The size of the penthouse has been reduced to satisfy the required setback. The gross floor area has been shifted from the penthouse to the base building. This also resulted in an increased FAR, from 6.56 FAR to 7.2 FAR.</p>	<p>OP is satisfied that the setback requirement was met and the density would not exceed the maximum permitted for the MU-6 zone.</p>
<p><u>Loading</u></p> <ul style="list-style-type: none"> • Explain mitigation of potential conflicts in alley with other loading functions anticipated by building at 810 O Street • Provide Dimensioned plans for the loading facilities with truck-turning diagrams for review by DDOT given the berth’s location close to the entrance to the parking ramp. 	<p>The applicant’s CTR included the requested dimensions and turning diagrams for the loading facilities.</p>	<p>DDOT will provide a recommendation on loading under separate memorandum.</p>

Commission and OP Comments at Setdown	Applicant Response	Comment
<p><u>CTR and TDM Plan</u> Provide a CTR and TDM Plan - To DDOT and OP 45 days prior to the public hearing.</p>	<p>The applicant's CTR was provided to DDOT prior to the public hearing. OP had not received the document from the applicant in the requested time.</p>	<p>DDOT will provide a recommendation on loading under separate memorandum.</p>
<p><u>LEED Gold</u> Clarification of whether applicant is committed to LEED Gold or equivalency - Discuss with DOEE.</p>	<p>The applicant discussed the issues with DOEE. The Project will achieve a minimum of 60 LEED points need for LEED-Gold certification under the United States Green Building Council LEED for New Construction v2009. The Applicant is taking additional credits into consideration as requested. See Applicant's full response here.</p>	<p>The Commission and OP have been strongly encouraging applicants to receive the actual certification in addition to proffering the LEED Gold points</p>
<p><u>Projections into Public Space</u> Consult with public space staff to determine whether the projections proposed on the east and north elevations into public space would be permitted</p>	<p>After consultation with public space and HPRB staff, the Applicant revised those elements of the building that project into public space. The two types of projections include the occupied projections on the ground floor retail level, and on the first two residential levels, and will project 4 feet beyond the property line on O Street. The balcony projections will extend 4 feet beyond the property line on portions of 8th and O Streets. Both sets of projections will comply with the Building Code requirements.</p>	<p>OP has no additional concerns.</p>
<p><u>Materials Samples</u> Reconsider language noted in flexibility with respect to variation to materials etc. that may affect the Commission's approved design and warrant the Commission's review as a modification to the approved plan.</p>	<p>The exterior building materials are shown on Sheets A-26 through A-29. Material samples will be made available at the public hearing.</p>	<p>The applicant has not responded to the flexibility in material selection. Should the Commission approve the materials presented, OP would consider material changes to require a modification of the approved PUD.</p>

IV. SITE and AREA DESCRIPTION

The 13,306 square feet surface lot, owned by the District is located on the southwest corner of 8th and O Street NW, within the Shaw neighborhood and Shaw Historic District. One block north of the Washington Convention Center, it is directly south of the mixed-use development - O Street Market. Mixed-use and denser/taller development is located along 9th and 7th Streets, while generally moderate density residential development is located west and east (respectively) of 7th and 9th Street. The District awarded development rights for an eight-story residential development on the subject property.



V. PROJECT DESCRIPTION

Site Plan

The project proposal seeks to construct 80 residential units and 7,980 square feet of non-residential uses. The latter would include approximately 1,240 square feet of space dedicated to use by the Church of the Immaculate Conception (the Church). The development would fill in the gap created by the surface parking lot with residential development along 8th Street and commercial frontage on O Street. OP supports the site plan, which was refined as a result of collaboration with Public Space Review staff. All public space requirements have been satisfied as shown on revised site plans of Exhibit 26A3.

The building's scale and density is proposed in three tiers identified as a residential scaled mass fronting 8th Street and a traditional and primary mass fronting the commercially oriented O Street (Exhibit 26A2 – Sheet A-10 Conceptual Massing). The design intent seeks to complement the existing row pattern on 8th Street through the repetitive bays of the proposed row units. The row units would align with the existing frontage of the residential row homes, to continue the public parking area of the street with landscaping and plantings to improve the ambiance of the residential streetscape. This housing type would also provide future residents with interior terraces and small decks to the front, while overlooking an interior courtyard at the rear.

The “purposeful tapering and varying heights”¹ of the taller residential components of the O Street frontage would complement the residential building of City Market at O, obliquely opposite the site. Expansive glass in the primary building mass at the 7th through 9th stories and

¹ Exhibit 5 – Applicant’s Statement of Support: Page 5, Paragraph 2.

the habitable penthouse level would provide enhanced abundant natural light to living areas and expansive city views to the east.

Affordable Housing

Based on the Land Disposition and Development Agreement (LDDA) between the District of Columbia and the developer, 30% of the total units would be required to be set aside as affordable units with 50% of the affordable units reserved for households earning no more than 50% MFI and 50 % reserved for households earning no more than 80% MFI.

Residential Unit Type	Res. GFA; % Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Residential Total	93,600 GSF	85				
Market Rate	78,783 GSF	59				
Affordable Proposed (Non IZ) 50% @50% MFI 50% @80% MFI	14,451 GSF	26	Low to Moderate	Per Terms of LDDA affordable units will remain affordable for the life of the project.	Rental	
IZ Required @ 8% of Res. GFA	7,488 GSF					
IZ Required by Penthouse	1,266 GSF	1	Low			
IZ Total Required	8,754 GSF	12	Moderate & Low			

	Affordable		Market Rate		TOWNHOUSE	Tot. # Units
	1 BD RM Affordable	2 BD RM Affordable	1 BD RM Market Rate	2 BD RM Market Rate		
number of units	15	11	18	35	6	85
% of type (affrd/mrkt rate)	57.7%	42.3%	34.0%	66.0%	100.0%	
% of total excld'ng townhouses	19.0%	13.9%	22.8%	44.3%		
% of total by type excld townhouses	32.9%		67.1%			
% of total	17.6%	12.9%	21.2%	41.2%	7.1%	
% of total by type	30.6%		62.4%		7.1%	

The distribution of the affordable units is shown above (provided by the applicant), consisting of 6 townhouse units fronting on 8th Street, with 26 affordable one- and two-bedroom units and 59 market rate one- and two-bedroom units. The units would range in sizes, with one-bedrooms between 550 – 676 square feet and two bed-rooms between 775 – 825 square feet. At the end of the funding term for the affordable units, those units would remain affordable for the life of the project.

Architecture

The design was reviewed in concept by the Historic Preservation Review Board on June 2, 2016. The Board found the conceptual massing plan ([Exhibit 5A2 Sheets 10, 11](#)), height, materials and architectural approach to be compatible with the character of the Shaw Historic District. OP notes that the Board expects the design to be refined to... *“illustrate and address the unarticulated party wall and the tenuous nature of the intersection of the lower mass and intermediate mass at the corner of 8th and O Street and the store fronts.”* While the design may be in scale with new and proposed development, the projecting bays atop the northern facade seem to establish a signature design element. The public space projections add interest to the design and have been redesigned to fit all projections within the property lines on 8th Street and O Street after collaboration with OP’s public space staff subsequent to the case being set down for public hearing.

The 8th Street façade of the three and a half townhouses seek to establish a strong, residential scaled mass at the base. The setback of the transitional mass above the townhomes reduces the apparent mass of the building and provides interior courtyards for residents. ([Context Elevations – Exhibit 5A2, 5A3, - Sheets 22 – 25](#)) The façade types are documented in Exhibit 5A3 – pages 26 – 29 and consist of variegated dark brown brick with bronze colored metal work for the townhouses, variegated brown brick for the transitional mass, and a light buff brick for the primary mass.

The streetscape and landscape elements have been updated in order to be consistent with the nearby historic rowhouses and the PUD to the east. Black-painted metal fencing and gates are proposed for the rowhouses on 8th Street with black-painted metal tree guards around the tree boxes. Brick material will pave the pedestrian way on 8th Street and will match the width of the tree boxes in front of the existing rowhouses to the north. London pavers will be used on O Street and a granite curb with a concrete gutter will be provided to match the south side. The O Street streetscape was coordinated with the adjacent PUD at 810 O Street (Z.C. Case No. 06-07). (Sheets L-01 through L-02)

The project plans also includes a signage plan for the retail and residential components of the on Exhibit 26A6, 26A7 - Sheets A-22 through A-23 and A-30 through A-31.

VI. COMPREHENSIVE PLAN

The proposed PUD and related map amendment must both be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan. In Chapter 1 Introduction and Chapter 2 Framework Element, the Comprehensive Plan provides important instruction for how the various parts of the Comprehensive Plan, including the Citywide Elements, and the individual Area Elements, with Policy Focus Areas, are to be read and balanced, as well as how to incorporate additional direction provided in Council approved small area plans and other plans. In addition, these chapters of the Comprehensive Plan provide guidance for the use of the Generalized Policy Map and Future Land Use Map, and how they are intended to be balanced with other planning priorities and initiatives.

Chapter 1, Introduction

The Three “Tiers” of Planning:

Since the late 1980s, the District has maintained a three-tiered system of city planning comprised of:

- a. Citywide policies*
- b. Ward-level policies*
- c. Small area policies. 104.1*

In the past, the Comprehensive Plan has been the repository for the citywide and ward-level policies. The small area policies, meanwhile, have appeared in separately bound “Small Area Plans” for particular neighborhoods and business districts. As specified in the city’s municipal code, Small Area Plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. 104.2

Citywide and Area Elements - *Although the Citywide and Area Elements are in separate sections of this document, they carry the same legal authority. The Area Elements focus on issues that are unique to particular parts of the District. Many of their policies are “place-based,” referencing specific neighborhoods, corridors, business districts, and local landmarks. However, the policies are still general in nature and do not prescribe specific uses or design details. Nor do the Area Elements repeat policies that already appear in the citywide elements. They are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city. 104.6*

Small Area Plans - *As noted above, Small Area Plans are not part of the Comprehensive Plan. As specified in the DC Code, Small Area Plans supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors. In the past, Small Area Plans have been prepared for places in the city where District action was necessary to manage growth, promote revitalization, or achieve other long-range planning goals. Examples include the H Street NE corridor, the Takoma Metro station area, and the Shaw/Convention Center area. Small Area Plans are adopted by the DC Council by resolution. The Comprehensive Plan is adopted in a different manner—by legislation—and becomes part of the DC Municipal Regulations. 104.8*

Chapter 2, Framework

Comprehensive Plan Guiding Principles:

1. *The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. 217.4*
2. *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*
3. *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*

Mixed Use Categories

The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. ... 225.18

A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. 225.21

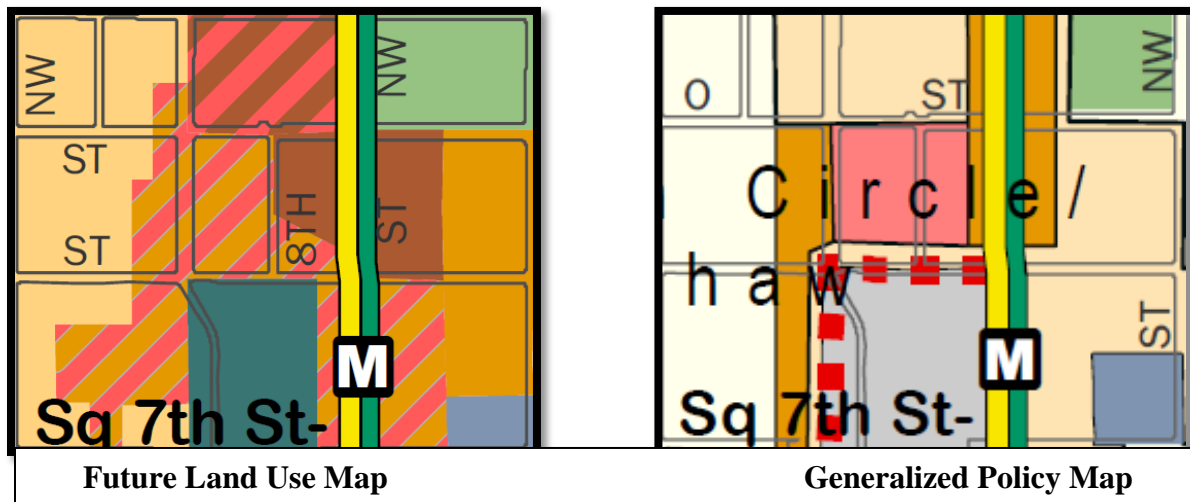
Guidelines for Using the Generalized Policy Map and the Future Land Use Map

The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation

- a. *The Future Land Use Map is not a zoning map. Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly.*
- b. *The Future Land Use Map is a generalized depiction of intended uses in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.*
- c. *The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block—there may be individual buildings that are higher or lower than these ranges within each area. Similarly, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here.*
- d. *The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the*

*citywide elements and the area elements, as well as approved Small Area Plans. ...
226.1*

The proposed PUD is not inconsistent with the Comprehensive Plan or with the Convention Center Area Strategic Development Plan, which, as a Small Area Plan, contains additional guidance to the Comprehensive Plan.



The Comprehensive Plan’s Future Land Use Map (FLUM) indicates that all of Square 399 is appropriate for a mix of medium density residential and medium density commercial uses. The requested MU-6 zone, and the proposed project at eight stories and 7.2 FAR are well within the matter-of-right parameters of the medium density commercial category noted in § 225 of the Comprehensive Plan’s Citywide Element, where the FLUM categories are described in detail.

The Generalized Policy Map shows the location in the Neighborhood Center Commercial category between two Main Street Mixed-Use Corridors, where new development as described in the map’s legend, is intended to “*foster economic and housing opportunities and serve neighborhood needs...and enhance the pedestrian environment.*” The project would bring tax-generating residential and neighborhood-serving retail uses where surface parking currently exists and would continue the activation of both 8th Street and O Street.

District Elements - The proposed project would also be not inconsistent with written elements of the Comprehensive Plan. The Guiding Principles, and the Land Use, Transportation, Housing, Environmental, Urban Design Area Elements -Near Northwest Area Elements include policies and recommended actions which the proposal supports.

The Convention Center Area Strategic Development Plan’s (Small Area Plan) development guide for the Square indicates that vacant sites in this locale should be considered for high and medium density residential development with improved storefront facades (Convention Center Area Strategic Development Plan, page 35). The development would provide this.

Guiding Principles: The mixed-use medium-density development is located within four blocks of the Mount Vernon Square/Convention Center WMATA station (which accommodates the

green and yellow lines) and is served by four bus lines on 9th Street. The ground floor retail spaces would help continue the redevelopment of O Street and potentially serve as a retail “bridge” between the Convention Center and the O Street Market. The upper stories would provide apartments as large as two bedrooms plus dens for income groups earning no more than 80% AMI to market rate. The plans indicate the distribution of the units on Sheets 14 through 18.

The design employs elements traditional to the Shaw historic district such as red brick and rhythmic bays. The design also received approval in concept from the Historic Preservation Review Board (HPRB). Together, these characteristics adhere to the Guiding Principles for Managing Growth and Change (Comprehensive Plan page 2-23, numbers 3, 4, 6 and 7), and for Creating Successful Neighborhoods (Comprehensive Plan page 2-24, numbers 10 and 15). The building’s proposed LEED Gold equivalency is consistent with the principles for Building Green and Healthy Communities (Comprehensive Plan page 2-27, number 34).

A PUD is the most appropriate vehicle for realizing the Comprehensive Plan’s designation of the site as appropriate for medium density residential and commercial use and for achieving the Convention Center Area Small Area Plan’s goals for the Square.

The written Comprehensive Plan policies and actions with which the PUD would be not inconsistent are as follows:

COMPREHENSIVE PLAN POLICIES

Land Use

LU-1.1 Strengthening the Core 304: Policy LU-1.1.7: Central Employment Area Edges Support the retention of the established residential neighborhoods adjacent to the Central Employment Area. Appropriate building setbacks, lot coverage standards, and a stepping down in land use intensity and building height shall be required along the edges of the CEA to protect the integrity and historic scale of adjacent neighborhoods and to avoid creating sharp visual distinctions between existing and new structures. 304.13

LU-1.3 Transit-Oriented and Corridor Development 306 ... Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors.

LU-2.2 Maintaining Community Standards 310: Policy LU-2.2.4: Neighborhood Beautification Encourage projects which improve the visual quality of the District’s neighborhoods, ...

Housing

H-1.1 Expanding Housing Supply 503 Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods.

Policy H-1.1.1: Private Sector Support Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2

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-1.1.6: Housing in the Central City Absorb a substantial component of the demand for new high-density housing in Central Washington and along the Anacostia River. Absorbing the demand for higher density units within these areas is an effective way to meet housing demands, create mixed-use areas, and conserve single-family residential neighborhoods throughout the city. Mixed income, higher density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment, and other amenities that are desired and needed in the heart of the city. 503.7

Policy H-1.2.3: Mixed Income Housing Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing. 504.8

Environmental

Policy E-1.1.1: Street Tree Planting and Maintenance Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. 603.4

Policy E-1.1.2: Tree Requirements in New Development Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance. 603.5

Policy E-1.1.3: Landscaping Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. 603.6

E-3 Promoting Environmental Sustainability 612

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 613.3

Policy E-3.2.1: Support for Green Building Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. 614.2

Urban Design

Policy UD-2.2.5: Creating Attractive Facades Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. (see Figure 9.12) 910.12

Policy UD-3.1.6: Enhanced Streetwalls Promote a higher standard of storefront design and architectural detail along the District's commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. 913.13

Policy UD-3.1.7: Improving the Street Environment Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. 913.14

Near Northwest Element

Policy NNW-1.1.2: Directing Growth Generally direct growth within the Near Northwest Planning Area to the eastern side of the Planning Area (Logan Circle and Shaw), given the strong market demand and limited land available on the west side, and the need for reinvestment and renovation on the east side. 2108.3

Policy NNW-1.1.4: Neighborhood Commercial Revitalization Improve the neighborhood shopping areas along 7th, 9th, and 11th Streets NW. The success of the established businesses on these streets should be strongly encouraged, and new businesses that provide needed goods and services to area residents should be attracted. 2108.5

Policy NNW-2.1.3: Shaw/Howard University and Mount Vernon Square Metro Stations Encourage mixed-income residential development with underground parking adjacent to the Shaw/Howard and Mount Vernon Square Metro stations, particularly on existing surface parking lots. 2111.7

Policy NNW-2.1.5: 7th and 9th Street Corridors Locate retail development within the Shaw/Convention Center Area in a manner that best serves residents, creates the best environment for businesses to succeed, and uses land already zoned for commercial uses. Continuous ground floor retail uses should be encouraged along sections of 7th and 9th Streets as designated in the 2005 Strategic Development Plan to create a traditional pedestrian-oriented Main Street pattern and establish a unified identity for the community. These corridors should attract convention-goers, residents, and visitors, and should include both new and existing businesses. 2111.9

Policy NNW-2.1.7: Public Realm Improve streets and open spaces throughout the Shaw/Convention Center Area. Open space in the area should promote a sense of community, provide a high level of public safety, and address multiple needs. Connections between the

area's parks and open spaces should be strengthened and opportunities for new recreational activities should be accommodated where feasible. 2111.11

Action NNW-2.1.F: O Street Market and Environs Support development of the O Street market site as a mixed use project that becomes the focal point for the 7th and 9th Street retail corridors. Encourage NCRC to develop their properties on adjacent sites along O and P Streets with mixed use projects containing ground floor retail and upper story housing. 2111.18

Action NNW-2.1.I: Street Hierarchy and Public Realm Undertake the following actions to improve the public realm in the Shaw/ Convention Center area: a. Develop, maintain, and enforce standards for residential and commercial streets that address sidewalks, tree boxes, and public rights-of-way;

Analysis:

This project would realize the above land use policies as the project's massing and variety in scale seek to protect the integrity of the residential structures along 8th Street, while respecting its historic character through the proposed rowhouse design. The front setbacks of the proposed rowhomes align with existing homes and the open space "park area" proposed in public space is integral to the street's residential character. The project is also an efficient use of land in close proximity to the metro, since it removes a parking lot with infill of a variety of housing types at a lower level of affordability than would be anticipated at a metro location.

As mentioned prior, the proposed mixed-income housing at the density proposed would provide an effective measure in meeting housing demand, supporting a vibrant and diverse street life in a mixed-use setting. The partnership with the District and the private sector would support the policy (H1.1.1) for providing housing at locations consistent with the District's land use policies and objectives. The applicant's TDM measures would promote the neighborhood's walkability and alternative transportation modes:

- TDM Leaders (for planning, construction, and operations), who will also work with residents and employees in the building to distribute and market various transportation alternatives and options. TDM materials would be provided to new residents in the Residential Welcome Package materials.
- Parking costs will be unbundled from the price of lease or purchase.
- Bicycle parking/storage facilities are proposed that meet or exceed zoning requirements. This includes secure parking located on-site, short-term bicycle parking around the perimeter of the site.
- A transit information screen (electronic screen) will be installed within the residential lobby containing information related to local transportation alternatives.

The project's streetscape would continue the enhancement of 8th Street and O Street which began with the revitalization of the O Street Market site PUD. The project would seek LEED Gold equivalency and would provide up to 5,000 square feet of green roof to reduce stormwater runoff from the site, which does not exist in its present condition. The enhanced streetscape and environmental features would contribute to the Shaw neighborhood's walkability and pedestrian enhancements as anticipated through by the community through the Comprehensive Plan.

The stacked and staggered massing along O Street would mimic the design of the residences at the O Street market and provide a lively street wall in the Shaw neighborhood. The roof terraces would provide outdoor amenity spaces for residents, including cooking and dining space with seating areas for entertaining. The project would also add to the commercial streetscape, providing new space for desired service uses. The applicant was encouraged to explore whether a daycare use could be included in the ground floor to relieve the shortage in daycare services, in support of the District's growing population.

In summary, the public realm and affordable housing would be boosted on valuable real estate in this quadrant of the District, as guided and anticipated by the Comprehensive Plan's Land Use policies, and the Small Area Plan.

VII. ZONING - Existing and Proposed

TABLE 1	Requirements			Proposed		
Item	MU-4 M-O-R	MU-6 M-O-R w/ IZ	MU-6 PUD	Proposed	Deviation from M-O-R	Flexibility from MU-6 PUD
Lot Size (SF) X - § 301.1	---	---	15,000 min.	13,300	n/a	Waiver requested
Height (ft.) X - §303.7	50 max	65 max	110 max	98 (+ 20 ft. penthouse)	n/a	Complies
Lot Occ. G - § 404.1	100% (80% res.)	Same	Same	100 % res. < 100% non-res	+20% (res.)	Flexibility
FAR G-§ 402.1	2.5 max. (1.5 non-res.) 3.0 max IZ (1.5 non-res.)	6.0 7.2 max. (2.68 non-res.)	6.0 total 8.64 (IZ) (2.68 non-res.)	7.2 (2.68 non-res.)	0	Complies
GFA (SF)	33,250	95,760	114,912	95,228 TOTAL 87,248 res. 7,980 non-res.	+ 61,978 + ~ 286%	Complies
Parking C - § 701.5	Res: 1:2 du's = 16 Non-res: 0 @ 1/500 sf.> 3,000 sf.	Res.: 1:3 units in excess of 4= 26 Non-res: 1.33/1,000 > 3,000= 2 Exemption C § 702.1 28/2 = 14		20	-8	Complies
Bicycle Parking C- § 802	Res: 1 per 20 du. = 4 (short term) 1 per 3 du. = 26 (long term) Retail: 1/3,500 sf. (short term) = 2 1/10,000 sf.=0			Same Res.: 30 Retail: 0	n/a	Complies
Loading Residential Commercial C- § 902	Residential with > 50 units 1 berth @30' 1 platform@ 200 sf. 1 delivery space @ 20' Retail s/ 5,000 – 20,000 gsf. 1 berth @30' 1 platform @ 100 sf. Could be shared.			TOTAL, ALL USES 1 berth @30' (shared)	n/a	Flexibility
Side Yard (ft.) G-§406	---	(If provided, ≥ 3 in. / foot of height or 8 ft.)		None provided	n/a	Complies
Rear Yard (ft.) G § 405.2	15 ft.	15 ft.		6 ft.	n/a	Flexibility

Open Court (ft.) G-§ 202.1	greater of 4 in. width / ft. of height or 10 ft. min.	Same	1 ft.	n/a	Flexibility
Roof Structures C § 1500		Height: 20 ft. (1 residential) Setback: 1:1	Ht. - 20 ft. Elevator override does not meet the one to one setback	n/a - 6 ft.	Penthouse complies Elevator override - complies

VIII. FLEXIBILITY

Within the context of the related map amendment, the proposed project seeks the following relief:

1. PUD related map amendment from MU-4 to MU-6;

The request to amend the MU-4 zoning to MU-6 is the most significant flexibility requested by the applicant. The requested permission to build a mixed-use structure would be taller and denser than could be constructed under the site’s matter-of-right MU-6 zoning, but does not exceed the maximum permitted under the PUD. Given the constraints resulting from the site’s size and the effort to provide a design compatible with the newer development on O Street, OP supports the map amendment which is also not inconsistent with the Comprehensive Plan’s Land Use Map and the type of development anticipated for the site in the Small Area Plan.

2. Loading: C § 902: one 30 foot berth for all uses, without a 200 square foot platform which is required for residential use;

All parking and loading would be entered off of the north-south alley to the west of the property. The alley’s effective width would be increased from 10 to 15 feet by the building’s rear yard. According to the applicant’s Comprehensive Transportation Review (CTR), the amount of loading expected is estimated as follows:

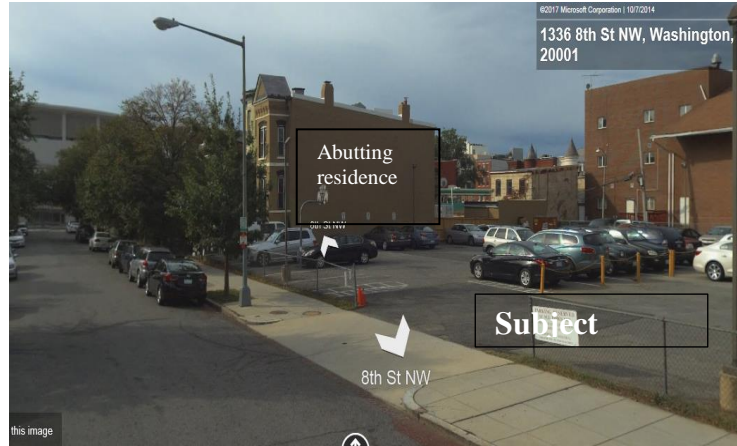
- Three (3) daily truck deliveries (covering trash, general delivery, and mail).
- Residential loading activity is estimated assuming an expected rental turnover of 18 months, with two (2) trucks per move – one move-in and one move-out.
- Although the exact nature of the retail space is unknown at this time, it is expected that general each retail store will generate an additional two (2) deliveries per day in addition to the baseline deliveries.

The CTR estimates that the proposed development is expected to generate 5 to 6 truck trips per day and the loading berth that would be provided should be sufficient to accommodate the projected demand. Truck routing to and from the site will be focused on 9th Street and 7th Street, which are DDOT designated primary truck routes. The addition of the 5-foot set easement proposed in the alley is expected to provide additional space for trucks to maneuver safely in and out of the site. OP has no objection to the requested relief to not provide an additional loading

area and a platform, subject to DDOT's confirmation that the loading assumptions and deliveries are satisfactory.

**3. *Minimum open court width G § 202.1: 10 ft. required; 1 foot proposed;*
*Minimum closed court width G § 202.1: 25 ft. required; 15 ft. proposed;***

A court plan was requested to identify where relief is needed. As shown (Sheet 14), the court area would provide light and air to future residents and would not impact same to any immediately abutting property to the east of the subject lot. There are no at risk windows of the abutting resident in the vicinity of the interior courtyard/closed court to create and adverse impact on that abutting neighbor. OP does not object to the request for flexibility from these requirements.



4. *Minimum rear yard G § 405.2: 15 ft. required; 6 ft. proposed;*

The rear yard would abut the alley system and the reduced yard should not adversely impact light and air to neighboring properties. Due to the relatively narrow width of the property (94 feet) a reduction of 15 feet, with a necessary core factor would create inefficiencies in the resulting building's footprint. The applicant has agreed to assign an easement of 5 feet towards the alley use, which should benefit all users of the alley. OP does not object to the request for flexibility from this provision.

5. *Maximum lot occupancy G § 404.1: 80% (residential); 100% proposed*

The maximum lot occupancy request pertains to the townhouse footprints on the lowest residential level, where maximum lot occupancy of 80% is permitted. At higher levels, the residential lot occupancy satisfies the requirement. OP has no objection to this flexibility as it would maximize the use of the lower level to provide row house dwellings on 8th Street, with frontage that would provide a park area typical of row house districts and on this street.

6. *Flexibility to:*

- a. *Provide a range in the number of residential units of plus or minus 10%-
OP does not object provided there is no decrease in the number of two bedrooms or "two plus dens".*
- b. *To vary the location and design of all interior components,provided the exterior components do not change the exterior of the building;
OP does not object.*
- c. *To vary the sustainable design features of the project provided the total number of LEED points...is not below the LEED GOLD standards...under LEED v2009;*

OP does not object provided DOEE has no objections.

- d. *To vary the final selection of the exterior materials within the color ranges and material types as proposed....*

While OP has no concerns about flexibility with interior design modifications, changes to the approved materials may require a modification of the PUD if the materials were determined by the Commission to be a significant aspect of the PUD's design. In this case, since the project is located in a historic district and subject to neighborhood character considerations by HPRB, OP is expressing this concern as significant to the PUD's elements of design.

- e. *To vary the retail and service areas...*

OP does not object provided DDOT approves of any change to the service areas that could affect loading or curb cuts.

- f. *To vary the features, and methods of achieving the GAR, stormwater retention volume and other requirements under 21 DCMR Chapter 5 and the 2013 Rule on Stormwater Management.*

OP does not object provided there is compliance with the GAR and other requirements.

- g. *To vary the location, attributes and general design of the streetscape incorporated in the PUD to comply with the requirements of and the approval by the DDOT Public Space Division; -*

OP does not object.

- h. *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; and*

OP does not object.

- i. *To locate retail entrances in accordance with the needs of the retail tenants and vary the facades as necessary within the general design parameters proposed for the PUD and to vary the types of uses designated as "retail" use on the approved Plans 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 does not object.

IX. PURPOSE AND EVALUATION STANDARDS OF A PUD

The application is not inconsistent with the Comprehensive Plan, but would not meet the minimum site-size requirements of **X§ 301.2**, which requires a minimum lot size of 15,000 square feet. It was not clear that the applicant requested a waiver from this requirement. However, the Commission may waive this requirement for applications in the MU-4 or MU-6

zone provided that the Zoning Commission shall find... that the development is of exceptional merit and is in the best interests of the District of Columbia ...*and one (1) of the following:*

- (a) The development is identified in an approved Small Area Plan and will be generally not inconsistent with the Small Area Plan; -.*
- (b) The development will be constructed or operated by the District of Columbia or federal government and serves a compelling government interest; or*
- (c) If the development is to be located outside the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.*

The proposal satisfies (a) as it is part of the Convention Center Strategic Small Area Plan. Provisions (b) and (c) would also be satisfied as it would be developed in partnership with the District and 80% or more of the gross floor area would be devoted to residential use at an appreciable level of affordability.

X. PUD BENEFITS AND AMENITIES

X § 305.2 and § 305.3

Subtitle X § 305 of the Zoning Regulations discusses 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 states

“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).

All public benefits shall meet the following criteria (X-305.3):

- (a) Benefits shall be tangible and quantifiable items;

- (b) Benefits shall be measurable and able to be completed or arranged prior to issuance of a certificate of occupancy;
- (c) Benefits may primarily benefit a particular neighborhood or area of the city or service a critical city-wide need; and
- (d) Monetary contributions shall only be permitted if made to a District government program or if the applicant agrees that no certificate of occupancy for the PUD may be issued unless the applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided.

Public benefits and project amenity evaluation is assessed relative to the additional development gained through the application process. In this case, the application proposes a PUD-related map amendment from MU-4 to MU-6, which would allow a mixed-use apartment and retail structure as a building type.

	Existing Zoning MU-4	Proposed Zoning (MU-6 PUD)	Proposed Development
Height	40', 3 stories	110'	98', 8 stories
FAR	n/a	6.0 – Matter-of-right 8.64 – IZ (2.68 – Non – Res.)	7.2

The application lists potential benefits, some of which can be considered amenity items. The following is a summary of the applicant’s benefits. Pursuant to X § 305.5., public benefits of the proposed PUD may be exhibited and documented in any of the following or additional categories highlighted in the table below.

Applicant’s Amenities / Benefits	OP Comments
1. Site Planning and efficient and economical land utilization (X-305.5 (c))	The PUD site is a desirable location for mixed-use development providing both market rate and affordable housing and commercial uses close to the District’s downtown. The location has an abundance of transit amenities and is located close to desired services, such as elementary schools, a grocery and neighborhood serving restaurants and bakeries, within walking distance of the site. The proposed townhouse style housing on the 8th Street frontage would continue the townhouse pattern of the street and provide a continuous landscaped streetscape, as desired by DDOT’s standards.
2. Access Easement (X-305.5 (a), (b) and (m))	<u>Alley Easement</u> : The applicant would provide a permanent public access easement over the alley on the PUD site. The easement would ensure that the other alley users can maneuver within the alley safely.

Applicant's Amenities / Benefits	OP Comments
3. Affordable Housing (X-305.5 (f)(1) and (g))	<p><u>Housing</u> that exceeds the amount that would have been required through matter-of-right development under existing zoning is considered a benefit. The project would exceed the minimum IZ-required set-aside of 8% of the residential square footage for the affordable housing, targeted to households earning no more than 50% and 80% of the Median Family Income (MFI). The existing zoning requires IZ units at both 60% and 80% AMI. The PUD would deliver (26) multifamily units, more than would be required under a matter of right and through IZ. This is a valuable benefit, specifically as referenced in X-305.5 (f) and (g).</p>
4. Public Benefit (X-305.3 ((a) (b) and (d))	<p>\$100,000 in contribution to a neighborhood retail promotion fund for the Shaw; The management of this fund should be incorporated into the order in compliance with X-305.3 (a) and (d) – no certificate of occupancy may be issued unless the applicant provides proof to the ZA that the items or services funded have been or are being provided.</p> <p><i>Additional detail is needed about what this entails and how it would be enforced.</i></p>
5. Public Benefit (X-305.3 ((c) and (d))	<p><u>Contribution</u> - \$25,000 to the Department of Parks and Recreation for enhanced youth activities at the Kennedy Recreation Center; This is a public benefit as identified under X-305.3(d) as it would be made to a District government program, and support the city's need for youth programs.</p>
6. Amenity (X-305.5 ((c) and (j))	<p><u>Office Space</u> - The donation of approximately 1,350 sf. of office space dedicated for the Church's use as an office could be considered an amenity for the Church but <i>it is not a public benefit as anticipated under X-305.2 or X 305.5 (j).</i></p>
7. Public Benefit/Amenity (X-305.5 ((c) and 305.5 (d))	<p><u>Shared Parking</u> - Reservation of 25 parking spaces at the garage at CityMarket for the Church; Similarly, the permission to provide such shared parking when the parking would be available is commendable as it would reduce on-street neighborhood parking which is a common complaint in this neighborhood.</p> <p>Unbundled Parking: Parking costs will be unbundled from the price of lease or purchase.</p>
8. Amenity (X-305.10)	<p><u>Activity Fees</u> - No monthly amenity/activity fees for future residents to use the amenities at CityMarket. This is an amenity to residents which could encourage the formation of a neighborhood culture among apartment residents on O and 8th Street;</p> <p><i>More information is needed regarding the duration of this benefit and how it would be enforced before OP can recommend whether this meets the standards of an amenity as anticipated by X-305.10</i></p>
9. Job Training (X-305.5 (h))	<p><u>First Source</u> - The applicant has committed to a First Source Agreement (Exhibit 5J). The agreement projects a total of 185 construction jobs</p>

Applicant's Amenities / Benefits	OP Comments
	and 17 permanent jobs for District residents. In addition, the Certified Business Enterprise program would lead to 98 of the jobs being held by District-based CBE's.

XI. AGENCY COMMENTS

OP held an interagency meeting on March 9, 2017 for comments from the following agencies:

- The District Department of Transportation (DDOT)
- The Department of Environment and Energy (DOEE)
- The Department of Housing and Community Development (DHCD)
- DC Water and
- DC Fire and Emergency Service (FEMS)

DOEE COMMENTS

OP received an email from DOEE on March 7, 2017 as follows:

- The development is only proffering LEED Silver, which is insufficient to demonstrate environmental performance that exceeds the baseline building code. In particular, there are additional credits that the project should be able to get including SSC4.4 Parking Capacity (2) no changes necessary; SSc7.2 Heat Island Roof (1) by changing the material of the decking; EAc1 Optimizing Energy Efficiency (2-8) by designing to code and making the envelope more efficient/ revisit the energy model; EAc2 On-Site Renewable (1) by incorporating solar above the mechanical penthouse; EAc6 Green Power (1-2) by buying green power. This is a total of 7-14 additional credits. Additionally, the project should focus on credits that enhance energy efficiency and generate renewable energy as these are priorities under the Sustainable DC Plan and have a return on investment to the developer and residents.
- This project (as all) should maximize every opportunity to provide rooftop solar. It appears that they have a good opportunity to provide flat mounted solar panels over the large mechanical penthouse but would need to reduce the building or penthouse an additional 8"-12" in order to fit under the height act and penthouse requirements. I would question specifically what heights are required for elevator and stair overruns and for mechanical equipment. As you have heard me say numerous times, the District has the best financials for solar in the country with return on investment in less than 3 years for owned systems and zero upfront cost for power purchase agreement (PPA) or leased systems.
- Note that the applicant is not proffering LEED or any other environmental benefits. They only mention the green roof and plantings, which are required to meet the stormwater regulations. This is disappointing and additional environmental benefits should be considered and offered.

- The applicant has not included any stormwater management plans. We have requested them but have not received a response. DOEE had a meeting set up through the attorney but it was cancelled to give the applicant “more time to prepare.”

Applicant’s response:

- The Project will achieve a minimum of 60 LEED points need for LEED-Gold certification under the United States Green Building Council LEED for New Construction v2009. The Applicant is taking additional credits into consideration as requested.
- The revised LEED scorecard is included as Sheet S-01 of the architectural plans.
- The amount of rooftop space is severely limited as a result of the building's stepped massing, which is a response to the surrounding neighborhood context. The stepped massing requires additional vertical height at each transition in order to accommodate plumbing transfers, which further reduces the amount of rooftop space.
- As indicated on the revised LEED scorecard (EAc2), the Applicant is investigating the feasibility of rooftop solar energy generation where possible and when not in conflict with meeting other Project requirements such as stormwater management, GAR, and LEED Credits. The Applicant will submit stormwater management plans in connection with the permitting for the project. The plans will comply with the DOEE's Stormwater Management regulations.

DC Water

OP received and email from **DC Water** providing the following comments:

- 1) There is an existing sewer line in the sidewalk are along O street that will be impacted by the proposed street trees. This should be relocated or relined.
- 2) Water service should be from the 8” water line in 8th street and the water meter should be in a vault in public space.
- 3) There is a combined storm and sanitary sewer in the alley behind the site. This is the only sewer for this block and needs to be protected. The applicant will need to CCTV the sewer to evaluate its condition and ability to accept the proposed storm and sanitary sewage loads. Depending upon condition and capacity it may need to be lined or replaced.

Applicant’s Response:

In response, the Applicant intends to replace or reline the existing combined sewer behind the Property depending on the result of the CCTV inspection and capacity of the existing pipe.

DDOT’s report will be filed separately to the record.

As of this writing OP has received no other comments from city agencies but notes that departments of Fire and Emergency Services (FEMS), review projects as part of the building permit review process.