



TO: District of Columbia Zoning Commission

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

DATE: February 3, 2017

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

I. OFFICE OF PLANNING PRELIMINARY RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission (the Commission) set down for public hearing the application by SPE LLC and the District of Columbia for a Consolidated 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. with flexibility from the requirements noted under [Section IV](#) of this report.

Additional information and the resolution of concerns should be provided prior to the public hearing. Items are noted throughout this report and summarized in [Section VII](#).

II. SITE and PROJECT DESCRIPTION (SUMMARY)

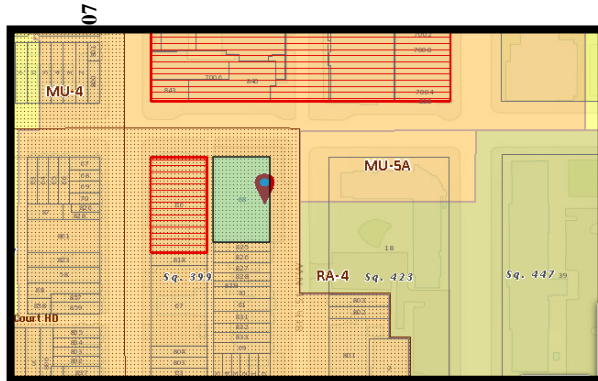


Figure 1 Location and Zoning

The 13,306 square foot lot is within the Shaw neighborhood and Shaw historic district, one block north of the Washington Convention Center and across from the O Street Market mixed-use development approved in PUD 07-26. The site is currently a surface lot used by the Church of the Immaculate Conception (“the Church”). Mixed-use and denser/taller development is located



along 9th and 7th Streets, while generally moderate density residential development is located on either side of the mixed-use corridors. The District awarded development rights for a 90-foot high residential development at this location.

Proposed Project

The applicant proposes to construct a new mixed use development as a PUD with a related MU-6 zone map amendment as follows:

- The building would be 98 feet in height as measured from O Street, with 8 floors;
- The building would have 95,228 square feet of gross floor area and an FAR of 6.56, including:
 - 87,248 sq. ft. of residential use in approximately 80 dwelling units, with 24.3% of the GFA for residential units set aside as affordable (or 30% of total unit count as mandated by the LDDA between the District and 1336 8th Street SPE LLC);
 - 7,980 square feet of retail space on the ground floor with 1,200 sq. ft. shared with the church;
- The building would include 29 vehicular parking spaces, as well as 30 residential bicycle spaces and 3 spaces - retail;
- The building would include one 30 foot loading berth and a 100 square-foot platform space for shared loading; and
- The building would include a 20 foot tall penthouse with 2,532 gross square feet of habitable space.

The application states the following as Benefits and Amenities

- More housing and affordable housing than could be constructed under a matter-of-right scenario;
- \$100,000 in contribution to a neighborhood retail promotion fund for the Shaw Neighborhood and \$25,000 to the Department of Parks and Recreation for enhanced youth activities at the Kennedy Recreation Center.
- Approximately 1,240 sq. ft.. for use by the Church.
- Reservation of 25 parking spaces at the garage at CityMarket at O for the Church.
- No monthly amenity/activity fees for future residents to use the amenities at CityMarket at O.

Comprehensive Plan and Zoning

- Not inconsistent with Comprehensive Plan FLUM and Policy maps and written elements;
- Consistent with the Convention Center Area Strategic Development (Small Area) Plan;
- Generally consistent with the purposes of the PUD process;
- Generally consistent with proposed zone, other than the following requested flexibility:

- 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;
- Penthouse setback C § 1502.1 (5): 20 ft. required; 14 ft. proposed for elevator override (from side of building bordering an open court);
- Maximum lot occupancy G § 404.1: 80% (residential); 100% proposed;
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Principal Issues to Be Addressed

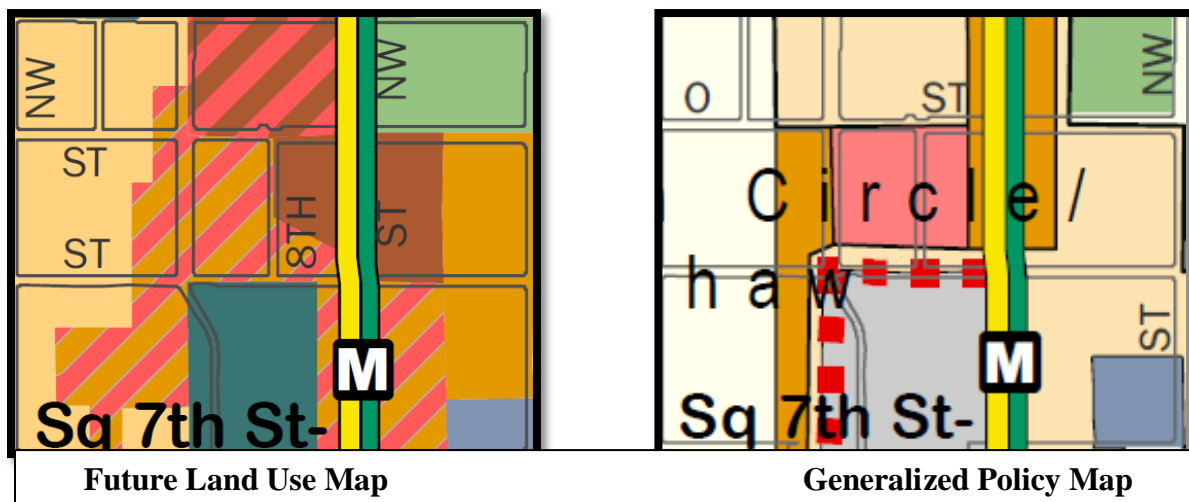
OP has requested additional information be provided on the following:

- The management of the specified funds to the community;
- Comprehensive transportation review and transportation demand management (TDM) measures;
- Substantial information on the flexibility requests;
- Discussion about projections into public space or modification as requested by OP Public Space staff; and
- Information on whether the project would be LEED GOLD certified.

III. PLANNING CONTEXT

Comprehensive Plan

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

MU-6 zone (previously the C-2-C zone in the 1958 zone regulations) is a medium density mixed use zone identified in § 225 of the Comprehensive Plan's Citywide Element, where the FLUM categories are described in detail:

Medium Density Commercial: This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply. ^{225.10}

The requested PUD-related rezoning to MU-6 zone, would allow a 9 story building with a 6.56 FAR, which is well within the general PUD parameters of the MU-6 zone.

The Generalized Policy Map shows the location 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 there is now a surface parking use, and would continue the activation of both 8th and O Streets, NW.

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 is serviced by 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 ranging between 50% and 80% AMI to market rate.

The design employs elements traditional to the Shaw historic district such as red brick and rhythmic bays. The design also received concept approval 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).

The proposed project would also be not inconsistent with many other written elements of the Comprehensive Plan. The Guiding Principles, and the Land Use, Transportation, Housing,

Environmental, Urban Design and the Near Northwest Area Elements include policies and recommended actions which the proposal supports. The written Comprehensive Plan policies and actions with which the PUD would be not inconsistent are listed in Appendix A to this report.

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.

IV. 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 (sq. ft.)	---	---	15,000 min.	13,300	n/a	Waiver should be requested
Height (ft.)	50 max	65 max	110 max	98 (+ 20 ft. penthouse)	n/a	Complies
Lot Occ.	100% (80% res.)	Same	Same	100 % res. < 100% non-res	+20% (res.)	Flexibility
FAR	2.5 max. (1.5 non-res.) 3.0 max IZ (1.5 non-res.)	7.2 max. (2.68 non-res.)	8.64 total (2.68 non-res.)	6.56 (2.68 non-res.)	- 2.08	Complies
GFA (sq. ft.)	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 sq. ft.> 3,000 sq. ft.	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 sq. ft. (short term) = 2 1/10,000 sq. ft.=0			Same Res.: 30 Retail: 0	n/a	Complies
Loading Residential Commercial C § 902		Residential with > 50 units 1 berth @30' 1 platform@ 200 sq. ft. 1 delivery space @ 20' Retail s/ 5,000 – 20,000 gsf. 1 berth @30' 1 platform @ 100 sq. ft. Could be shared.		TOTAL, ALL USES 1 berth @30' (shared)	n/a	Flexibility
Side Yard (ft.)	---	(If provided, ≥ 3 in. / foot of height or 8 ft.)		None provided	n/a	Complies
Rear Yard (ft.)	15 ft.	15 ft.		6 ft.	n/a	Flexibility
Open Court (ft.)	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 - flexibility

ZONING RELIEF / FLEXIBILITY

The request for a PUD-related map amended from the MU-4 zone to MU-6 is the most significant relief requested by the applicant. Under the requested PUD related-zoning the applicant has requested permission to build a mixed-use structure that would be taller and denser than could be constructed under the site's matter-of-right MU-4 zoning.

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

- 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;
- Penthouse setback C § 1502.1 (5): 20 ft. required; 14 ft. proposed for elevator override (from side of building bordering an open court);
- Maximum lot occupancy G § 404.1: 80% (residential); 100% proposed;
- Loading: C § 902: one 30 foot berth for all uses, without a 200 square foot platform which is required for residential use;
- Proportionality of affordable units: the project consists of apartments and townhouses. No townhouse would be included in the affordable IZ offering; and
- Flexibility to:
 - Provide a range in the number of residential units of plus or minus 10%
 - To vary the location and design of all interior components,...provided the exterior components do not change the exterior of the building;
 - 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;
 - To vary the final selection of the exterior materials within the color ranges and material types as proposed....
 - To vary the retail and service areas...
 - 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 notes the following:

Penthouse setback: Additional information is needed as to why the elevator core could not be located to negate the need for flexibility from the 1:1 setback requirement.

Loading and Transportation

The information provided will need to be significantly supplemented for the public hearing.

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.

The applicant will need to clarify whether a public easement would be provided over the 5-foot wide segment.

Dimensioned plans should be provided for the loading facilities with truck-turning diagrams that would be reviewed by DDOT given the berth's location close to the entrance to the parking ramp and the portion of the alley, which would remain within its existing 10-foot width.

A court plan should be included to identify where relief is requested.

At the writing of this report, the record contained no exhibits of a ***Comprehensive Transportation Review (CTR)*** to the file. Prior to a public hearing the applicant will work with DDOT to refine information and analysis, develop mitigation measures, and produce a Transportation Demand Management (TDM) plan.

Variations in design components and materials

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.

OP would defer to DOEE's comments on the request to vary ***environmental design features*** such as GAR and storm water management as requested by the applicant.

V. COMPLIANCE WITH PUD REGULATIONS

The application does 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 after the public hearing that the development is of exceptional merit and is in the best interests of the District of Columbia or the country 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 appears to satisfy (a) and (c) as it is part of the Convention Center Strategic Small Area Plan and 80% or more of the gross floor area would be devoted to residential use at an appreciable level of affordability.

The GAR information sheet should be included with the plans and the applicant should meet with DOEE on the flexibility request to adjust stormwater and other related requirements prior to the public hearing.

VI. AGENCIES REVIEWS

OP will hold an interagency meeting to request comments from the following agencies, should this application be set down for a public hearing:

- 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)

VII. SUMMARY OF INFORMATION TO ADDRESS CONCERNS

ITEM
Additional detail on the Benefits and Amenities
Width of alley / easement : Clarification of whether the 5 foot setback for rear yard adjacent to the 10 foot alley will include an easement for public use.
Provide dimensioned plans for courts and loading facilities
Elevator Override: Clarification of why setback cannot be met
Loading: Explain mitigation of potential conflicts in alley with other loading functions anticipated by building at 810 O Street
Provide a CTR and TDM Plan
Clarification of whether applicant is committed to LEED Gold or equivalency
East and north elevations' projections into public space: Consultation with public space to determine whether these projections would be permitted prior to the public hearing.
Materials samples should be provided at hearing
Reconsider language noted in flexibility with respect to variation to materials etc. that may affect the Commission's approved design.

Appendix A

COMPREHENSIVE PLAN ELEMENTS

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;