



MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE: June 4, 2012

SUBJECT: Final Report: ZC 11-24, Consolidated PUD and related Map Amendment from the R-4 to C-2-B zone at Square 901, Lot 801 (former Hine Jr. High School)

I. SUMMARY RECOMMENDATION

The proposed development will replace a vacated school site and connect the 8th Street, SE retail area to the south of Pennsylvania Avenue, SE with the 7th Street, SE retail area to the north of Pennsylvania Avenue. The proposal has a density and a mix of uses that are not inconsistent with the amended 2006 Comprehensive Plan, which recommends a mix of moderate density residential and moderate density commercial uses for the site. There have been extensive discussions and meetings within the community and with the Office of Planning (OP) which have led to significant improvements in the proposal since its original submission. OP remains supportive of the redevelopment of the site and **recommends approval of the project with the following conditions:**

- Signed DOES and CBE agreements be provided to the Zoning Commission prior to final action;
- Additional information be provided identifying the measuring points and elevations for each building and building component;
- Additional information be provided to address the relative size of the noted two-bedroom affordable units relative to the other units in the South Building;
- No non-residential windows be placed on the ground level of the 8th Street façade; and
- No fixed furniture or landscaping be installed in the C Street Plaza to allow the space to be flexible and responsive to the flea market and other community public events.

OP also encourages the developer to examine additional possibilities to increase the plaza space along the C Street including pulling only the ground floor back so it is parallel to C Street while maintaining the upper residential floors to allow for the flea market, farmers markets and community events.

II. APPLICATION

Stanton-EastBanc LLC (Applicant) on behalf of the District of Columbia submitted an application for a Consolidated Planned Unit Development (PUD) and related map amendment from the R-4 to the C-2-B zone for Lot 801 in Square 901. The proposed project would demolish the former Hine Junior High School building and redevelop the property with a mixed use development consisting of residences, office and retail uses. The development has features which are of significance to the community as well as the City and will include the reopening of C Street, SE through the property, the accommodation of a Capitol Hill tradition, the Eastern Market weekend flea market and 46 affordable units, 34 of which will be at 30% and 60% of the Area Median Income (AMI). On February 13, 2012, the Zoning Commission (ZC) set down the proposal for a public hearing. At the time of this report, the Applicant is still in negotiations with the Advisory Neighborhood Commission (ANC) which may result in some changes to the proposal.

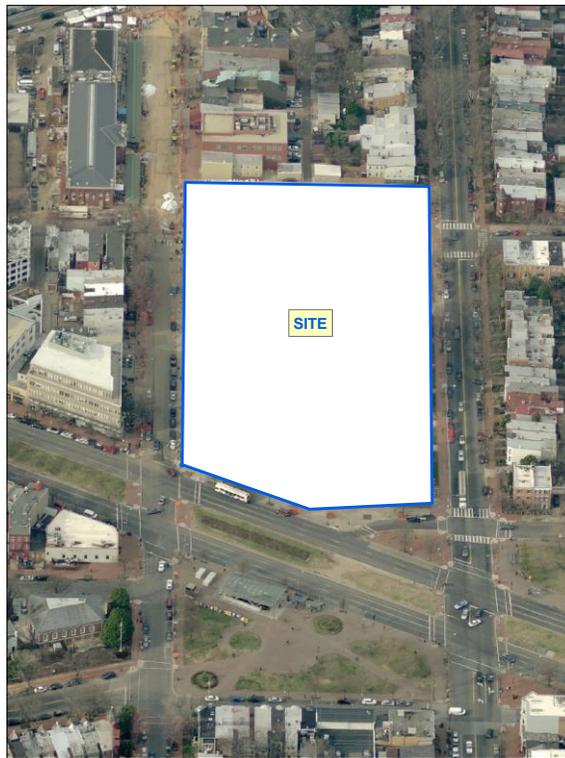
III. SITE DESCRIPTION

The property is within the Capitol Hill neighborhood which is developed with a variety of residential, office, retail and institutional uses. The square to the north is divided by a ten-foot wide north-south alley with properties fronting on 8th Street developed with two and three-story rowhouses in the R-4 zone. The properties fronting on 7th Street are developed with two and three-story buildings with ground floor retail and office or residential use above in the C-2-A/Capitol Hill Commercial (CHC) Overlay zone. To the east of the site are two-story rowhouses in the R-4 zone. To the south is the Eastern Market Metro Station and plaza with the 8th Street Barracks Row area beyond. To the west and southwest along 7th Street and Pennsylvania Avenue are buildings with a mixture of ground floor retail and office use on the upper floor. These properties are in the C-2-A zone with the CHC Overlay. To the northwest is the Eastern Market in the C-2- A zone.

The site, Square 901, Lot 801, is bound by a twenty-foot (20') wide public alley to the north; 8th Street to the east; Pennsylvania Avenue and D Street to the south; and 7th Street to the west. The 137,614 square feet (3.16 acres) property is currently developed with a building which formerly housed the Hine Junior High School and a tent which temporarily housed the Eastern Market while the original building underwent renovation after a fire. The property is zoned R-4.



Site Location, Zoning



Aerial Photograph

IV. MAJOR CHANGES SINCE SETDOWN

Height

The Office of Planning, the Zoning Commission and members of the community expressed concerns regarding the height of the office building and in particular, the portion of the building at the 7th Street and Pennsylvania Avenue intersection. The Applicant has subsequently responded by a redesign of this portion of the building as follows:

- Removal of the seventh floor penthouse;
- Removal of the seventh floor office and inclusion of the mechanical penthouse and two conference rooms;
- Removal of a portion of the sixth floor office along 7th Street; and
- Extension of the sixth floor setback to meet the Plaza Building.

Prior to the proposed changes, the building was at a height of approximately 87.6 feet with an additional 18.5 feet allowed for the penthouse. With the reduction in height of the building, two conference rooms were added to the penthouse. These conference rooms are considered “occupiable space” and therefore the penthouse area is included in the FAR and height of the building. This extends the height of this portion of the office buildings to 94.5 feet which is 4.5 feet above the height permitted in the C-2-B zone through a PUD. The Applicant has requested that the ZC grant the flexibility for this additional height as allowed by Section 2405.3.

It appears from the application that the building components of the South Building have different measuring points; a site plan should be provided identifying the measuring point and elevations for each component and clarification of any additional relief that may be needed.

Historic Preservation

The property is within the Capitol Hill Historic District. A concept plan was submitted to the Historic Preservation Office (HPO) and the Historic Preservation Review Board (HPRB) who reviewed the proposed height, density, and the compatibility of the buildings with the adjacent neighborhood buildings, and the historic district. HPRB conducted four public hearings in 2011-2012, and the project was substantially modified and refined in response to their guidance and comments. On April 26, 2012, HPRB voted 5-3 to approve the conceptual design, height and massing of the proposed development with the recommendation that if substantial changes are made it be returned to the Board for further review. Subsequent to the approval on April 26, 2012, the Applicant reduced the height of the office building. The HPO staff states that the proposal to reduce the height of the office building was not forwarded to HPRB as it remains consistent with the approved concept.

Conference Rooms

As part of the redesign of the upper floors, two new conference rooms (7,690 square feet) have been introduced at the roof level. The western conference room extends to the edge of the building facing 7th Street and the eastern room faces the central courtyard.

Underground retail

A below grade, 14,981 square foot space has been created under the 8th Street Building. The Applicant has requested flexibility for the space to be used as drug store, grocery store or health club/gym. The Applicant and the ANC are in conversation regarding the preferred use.

North Building Residences

The proposal includes 34 affordable units within the North Building which will be financed by Low Income Housing Tax Credits (LIHTC). In the original submission, the Applicant requested flexibility from the Inclusionary Zoning requirements for these units since they were all within one building and not distributed though out the development. The Zoning Administrator has given a written determination that these residences, administered by LIHTC, are exempted from the Inclusionary Zoning requirements. However, after the LIHTC program expires, the building will be subject to the Inclusionary Zoning requirements.

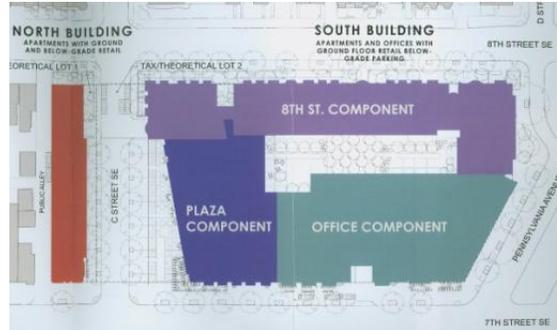
V. BACKGROUND

The District Government is the current owner of the property and on July 2010 the City Council approved a Limited Land Disposition Agreement (LLDA) with Stanton-EastBanc LLC to redevelop the property. The LLDA stipulates the following requirements:

1. The North Parcel rental building will provide 35 affordable rental units of which at least 50% will be age restricted (55 years and older). Additionally, 28 units at 60% of AMI and 5 units at 20% of AMI shall be provided.
2. The South Parcel residential condominium building will have 10 units at income levels required under the IZ regulations.
3. The construction of C Street, SE through the property.
4. The development will include two multifamily residential buildings; office space; retail space; and a hotel as an alternative use.
5. Below grade parking with parking spaces leased separately from the units at market rate.
6. The buildings will be developed in accordance with the Green Building Act of 2006.
7. The Applicant will provide a Noise Control Plan.
8. The Applicant will provide a Retail Plan.

VI. PROPOSAL

The subject property is proposed to be developed with two buildings identified in the Applicant's submission as the "North Building" and the "South Building" (See below). Overall, the development would have 461,946 gross square feet of above grade space resulting in an FAR of 3.31. The North Building has a maximum height of 46.88 feet while the maximum height of the South Building will be at 94.50 feet. The development will reopen C Street to reconnect the L'Enfant grid as a public right of way. C Street will remain a private access way open to the public.



North Building

The North Building will accommodate thirty-four (34) affordable residential units¹ and 14,449 square feet of ground floor and below grade retail. The building will have a maximum of four-stories (46.88 feet), stepping down to two-stories where it fronts on 8th Street to complement the existing two-story row houses and to three-stories along 7th Street to complement the Eastern Market and adjacent buildings along 7th Street. The residential use will be accessed off 8th and C Streets while the ground floor retail will be accessed from C and 7th Streets and the below grade retail from 7th Street only. Other facilities within the building include a fitness room, storage, computer room, and a bike storage room.

South Building

The South Building will have a number of "components" within a single building around a 12,110 square feet internal open space area.

8th Street Component

The 8th Street Component fronts on 8th and D Streets and will have eighty-two units, eight of which will be affordable units. The main portion of the 8th Street component will be at 4 stories (42 feet) with a 5th floor portion (54 feet) above the 8th Street entrance and setback between the entrance and D Street. The residences are accessed from an entrance along 8th Street with some of the first floor units having a second entrance directly from 8th Street. The residential use will be complemented by a roof-top pool and terrace, green roof, and a fitness center.

The D Street portion will extend to six floors (64 feet) and the Applicant is requesting flexibility to allow residential, office or retail uses in the ground floor of the portion of this component which fronts on D Street.

Office Component

¹ Financed through Low Income Housing Tax Credits (LIHTC)

The Office Component fronts on Pennsylvania Avenue and 7th Street and will have 149,974 square feet of office, 14,437 square feet of ground floor retail space and 7,690 square feet of conference space. The offices will be accessed from Pennsylvania Avenue via a two-story element at the entrance to the lobby while each retail storefront will have individual access from Pennsylvania Avenue or 7th Street. At its highest point (penthouse) at 7th Street and Pennsylvania Avenue, the building is 94.5 feet or 7 stories. Along 7th Street, the 7th floor is mostly setback, however the conference room #1 extends to the building edge (page A 19R). A one-story portion the office component extends into the courtyard area and will house conference rooms and a fitness center. This component will also have the entrance to the loading dock accessed from 7th Street.

Plaza Component

The Plaza Component at 7th and C Streets will accommodate forty-two residential units, four of which are affordable, and 12,597 square feet of ground floor retail. The Plaza Component will have a maximum height of 74 feet in 4-stories. Entrance into the Plaza Component will be on the eastern portion of the building along C Street while the retail use will have individual entrances along C Streets. The Plaza Component has a rear one-story portion that will house a variety of uses such as a conference room, a meeting room, management office, internet bar/clubroom. The residences will be further complemented by a roof top terrace and a party room for residents.

Alternate Use

Subsequent to the original application, the plans were revised to create 14,981 gross square feet of space within the underground parking garage space on the (P-1 and P-2 levels) to accommodate a gym/health club, grocery store or drug store (Sheets A 11R and A 12R of the May 25, 2012 submission). Access to the space will be via an elevator and stairs from the first floor along Pennsylvania Avenue and also directly for the parking garages. The Applicant is currently in discussions with a drug store merchant but at this time there is no agreement and therefore the Applicant would like to retain the flexibility for the aforementioned uses for the space.

Garden Area

The development has a 14,482 square foot, private, internal courtyard accessible only by the residents and office users of the South Building. The courtyard is divided into three sections, will be extensively landscaped and have seating areas. The courtyard will be directly accessible from the office building's fitness center and conference rooms; from the lounge of the 8th Street residential building, and from the meeting space and clubroom of the Plaza Building. Exit only emergency access from the courtyard is provided to 7th and 8th Streets.

C Street Plaza

In addition to reopening C Street, a plaza has been created in front of the South Buildings. The highlight of the C Street plaza will be to host some of the flea market vendors who currently operate on the site. On weekends, the area beyond the parking entrance will be closed to vehicular traffic to accommodate the flea market. The Applicant is building a portion of the property in front of the Plaza Building as public open space, which will be improved with seating areas. The plans also show how the tents would be arranged and outdoor sitting areas within public open space. To accommodate a safe use of the space for the flea and farmers markets OP encourages further study of this area.

Parking and Loading

Parking to serve both buildings will be located below the South Building and accessed from C Street (Sheets A 11R and A 12R). The one and a half level garage would have a total of 330 parking spaces. Of the total 330 spaces, 120 will be for the residential use, 82 for office use, 90 for retail use and 36 for conference rooms. In addition, on parking level P-1 (Sheet A 13R), 50 spaces to accommodate pick-up

trucks, vans and mini-vans will be provided for the weekend vendors. The vendors will also be allowed to use the spaces assigned to the office use on week-ends.

Loading facilities to serve both buildings will be on the first floor of the South Building. The facilities will consist of five, 30-foot berths; five platforms and two service delivery spaces. The Applicant has also requested to have short term loading spaces at various places along each street frontage as well as spaces to accommodate 55 foot trucks along 7th Street.

VII. ZONING AND PUD RELATED MAP AMENDMENT

The proposed map amendment would change the zoning from the R-4 district to the PUD related C-2-B district. The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families.

The C-2-B District is designated to serve commercial and residential functions but with high-density residential and mixed uses in compact areas and located on arterial streets, in uptown centers, and at rapid transit stops. These areas may be entirely residential or a mixture of commercial and residential uses.

Table 1 below shows the zoning requirements for the existing matter-of-right, the proposed PUD zone and the Applicant’s specific proposal.

Table 1

	R-4 MOR	C-2-B PUD	PROPOSAL	COMPLIANCE
Min. Lot Area	1,800 square feet	15,000 sf.	137,614 sf.	Complies
FAR	none applicable but density equates to approximately 1.8	6.0 maximum 2.0 commercial	1.45 residential 1.86 commercial 3.57 total which does not include the C Street easement	Complies
Lot Occupancy	60% residential	80% residential 100% non-residential	48.27% 100% non-residential	Complies
Height	40 ft.	90 ft.	North Building 47 ft. South Building 94.5ft.	Complies Flexibility requested
Side Yard	None required but if provided, 8 ft. minimum	None required but if provided, 8 ft. minimum	None provided	Complies
Rear Yard	20 ft.	15 ft.	50 ft.	Complies
Court	Open Court 2 15 in. width	Open Court 2 15 in. width	Open Court 2 11.33 in. width	Relief requested
Parking § 2101.1	<u>Residential</u> 1 per 2 du.	<u>Residential</u> 1 per 3 du. = 53 <u>Retail</u> 1/750 sf. gfa >3,000 sf = 49	<u>Residential</u> 120 <u>Retail</u> Above grade - 49 Below grade – 41	Complies

		<u>Office</u> 1/1,800 sf. gfa >2,000 sf = 89 <u>Conference Rooms</u> 1/10 occupants = 36 <u>Total: 227</u> Compact Spaces in groups of 5	<u>Office</u> 82 <u>Conference Rooms</u> 36 Car Share – 2 <u>Total: 330</u> Compact Spaces in groups of 5	Relief requested
Bike Parking § 2119.1	N/A	5% for commercial uses = 7	206	Complies
Loading § 2201.1	N/A	2 berths @ 55 ft. deep 3 berth @ 30 ft. 2 platforms @ 200 sf. 3 platforms @ 100 sf. 3 service space @ 20 ft.	5 berths @ 30 ft. 5 platforms @ 100 sf. 2 service space @ 20 ft.	Relief requested
Roof Structure Setback	1:1 setback from exterior walls	1:1 setback from exterior walls	No setback on the North Building	Relief requested
IZ requirements	8% of residential space	8% of residential space	8% of residential space	Complies

Zoning Flexibility

The Applicant has requested flexibility from several zoning requirements, under the provisions of § 2405.7.

Associated Map Amendment from R-4 to C-2-B

The proposed C-2-B zone is not inconsistent with the Comprehensive Plan land use designation for mixed use: moderate density residential and moderate density commercial development on the site. The Comprehensive Plan designates moderate density residential and moderate density commercial uses to correspond to the C-2-B zone, among others (225.9). The Applicant is proposing an overall density of 3.57 which is approximately double what would be allowed under the existing R-4 zone.

Regarding the height, the maximum height allowed by the C-2-B PUD is 90 feet while in the R-4 zone the height is limited to 40 feet. The proposal requests a range of heights between 46.88 feet and 94.50 feet. The Applicant has requested the Zoning Commission use their discretion and authorize an additional 5% in height pursuant to § 2405.3:

The Commission may authorize the following increases; provided, that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter, or with respect to FAR, is for the purpose of a convention headquarters hotel on square 370:

- (a) *not more than five percent (5%) in the maximum height; or*

The requested height flexibility would allow an extra 4.5 feet over the 90 foot limit.

The Office of Planning does not object to the overall height of the project, however additional information is needed that identifies the measuring points and elevations; and how the extra height is “essential to the successful functioning of the project”.

Two Buildings on a Single Lot

Due to the reopening of C Street, the fact that the South Building is to be developed with a long term ground lease and the requirement of the LIHTC program that the all affordable portion of the development be on its own fee simple lot, the buildings had to be separated resulting in two building on the lot. Having two buildings on the lot requires special exception review under §§ 3104, 2516. § 2516.1 states: “*If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.*” The Applicant has requested that the Zoning Commission retain jurisdiction to hear the requested special exception concurrently with the proposed map amendment and PUD. The analysis as to how the Applicant meets the special exception requirements of Section 2516 are addressed in Section XI of this report.

Parking

A total of 330 parking spaces are being provided which is 103 spaces above the required 227 spaces. Some of the spaces provided will be compact spaces and the Applicant is requesting flexibility from the requirements of Section 2115.4 which requires that compact spaces be placed in groups of at least five contiguous spaces to maximize the space around the other non-parking functions in the garage. The Applicant states that maximizing the number of compact spaces “will encourage the ownership and use of smaller cars and discourage the use of large vehicles, such as SUVs.” OP does encourage a use of smaller vehicles but also continues to encourage less total residential parking at this transit oriented site which is directly across the street from a metro station and served by many bus lines. This large number of spaces is contrary and counter to the TDM measures which are aimed at reducing vehicular traffic to and from the site.

Loading

The overall development requires a total of two, 55-foot berth, three 30-foot berth, two 200-foot platforms; and three service delivery spaces. Relief has been requested to provide five, 30-foot berths, five, 100-foot platforms, and two service delivery spaces, and eliminating the required 55-foot berths. The Applicant states that with proper management the number and size proposed will be sufficient to serve the development without any adverse impact. It should be noted that the residential use in the North Building does not require a loading berth² but the retail use would require a 30 foot berth and a 100-foot platform. A number of short term loading zones are proposed along all frontages of the buildings and loading zones to accommodate a 55 foot or longer trucks along 7th and C Streets. A loading management plan to manage both the internal and external loading areas and to help minimize the loading impacts on traffic around the property has been submitted to DDOT for review.

Multiple Roof Structures with less than the 1:1 setback ratio

Flexibility from the requirements of Section 770.6 (b) has been requested. The section requires that a 1:1 setback of the roof structure that encloses the mechanical systems on the North Building. The proposed height of the roof structure is 7.3 feet and therefore a minimum setback of 7.3 feet is required, however, a setback is not being provided. The Applicant states that due to the narrowness of the building (44 feet) and the need to accommodate all the mechanical systems on the roof, the setback cannot be provided. In order to minimize the noise impact from these systems on the residence to the north along 8th Street,

² Loading facilities are not required for apartment buildings with less than 50 units (Section 2201)

approximately 50% of the inward facing wall surfaces of the mechanical screen will be covered with an industrial grade Acoustic Panel system to assist in absorbing noise from the mechanical units. Additionally, the mounted height of the mechanical units have been lowered by a few feet in order to get the most “acoustical screening coverage” from the physical screen wall.

Courts

On Sheet A 41R of the architectural drawings the Applicant identifies a number of open, closed or court niche. Open Court #2 on the 8th Street residential building does not meet the required court width. Flexibility is therefore requested to address and provide architectural articulation on the façade of the building.

VIII. PUD EVALUATION STANDARDS

Section 2403 outlines the standards under which the application is evaluated.

“The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is “designed to encourage high quality development that provide public benefits.” In order to maximize the use of the site consistent with the zoning regulations and to utilize opportunities for additional FAR, the Applicant is requesting that the proposal be reviewed as a consolidated PUD to allow the utilization of the flexibility stated in Section 2400.2. The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or results in an action inconsistent with the Comprehensive Plan.

Public amenities are defined in Section 2407.3 as including “one type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience or comfort of the project for occupants and immediate neighbors.” Benefits and amenities evaluation is based on an assessment of the additional development gained through the application process. In this instance, the map amendment from R-4 to a C-2-B PUD would allow the site to be developed at a greater density and height as shown on Table 1. The Applicant has listed a number of areas which they feel contribute towards the proposed projects benefits and amenities. The development is covered by a LLDA with the District Government and the Commission has in past cases asked for clarification of what is required by other government agreements or legislative action. OP notes that while certain items may not qualify as “amenities” they definitely are benefits and exceed what could result as a matter-of-right.

Urban Design and Site Planning

The application proposes an urban, contextual and consistent site plan that is compatible with the Capitol Hill Historic District. There are no historic or contributing structures on the site and therefore the development is all new construction. The buildings incorporate some of the traditional historical elements of the Victorian-era residential and commercial building design instead of copying all the elements of the nearby historic buildings or those which contribute to the historic district. HPRB has reviewed the height and massing of the buildings and given concept approval. The design of each portion of the building is distinct and appropriated to its use. The proposal provides separate public and private open spaces which are extensively landscaped and a plaza with a water feature that will not be a barrier across the plaza when the water is turned off. The building design has taken care to place all parking, trash functions and most of the loading underground.

Landscaping and Streetscape Design

The landscaping along the adjacent street frontages are designed to reflect the uses on each portion of the buildings. Generally, the public space around the building will be improved with landscaped strips, street trees, benches, bike racks and trash receptacles and other elements. Along residential 8th Street, some of the lower floor units have entrances directly from the sidewalk. Along the northern portion of the street, the building is separated from the street by a 5 foot wide tree planting zone, a 7.5 foot wide sidewalk, a 10 foot wide raised planter bed, and a 7 foot area well to buffer the units on the lower floors. Going south along 8th Street where the topography changes, walkways going directly from the units to the sidewalk. The areas between the entrances are also landscaped.

The layout and design of tree boxes, sidewalk, and landscaping along commercial D Street, Pennsylvania Avenue and 7th Street are of a different design and has a wider pedestrian clear zone of 10-feet to accommodate heavier pedestrian traffic. Landscaping along C Street is designed to accommodate the weekend flea market and incorporates a public plaza adjacent to the Plaza Building with seating area, fountain, a pedestrian walk zone, tents and a tree zone. Adjacent to the North Building is a pedestrian walkway, tree boxes and accommodations for the tents within the C Street right-of-way.

Housing

The proposed housing component of the development will have 158 units composed of; one studio apartment; 64 1-bedroom units; and 93, 2-bedroom units. The residential portion of the development will have a total of 46 affordable units or 29.11% of the total number of units. The LIHTC financed residences will account program will account for the 34 units in the North Building while an additional 12 units provided at 80% of AMI will be in the 8th Street and the Plaza Components of the South Building to meet the projects IZ requirement. Additional information should be provided about the relative size of the noted 2-bedroom affordable units proposed in the internal corners of the residential components of the South Building. Although shown as 2-bedrooms they appear smaller than any of the 1-bedrooms.

Retail

Approximately 39,400 gross square feet of ground floor retail as well as approximately 22,200 square feet of below grade space for a total of approximately 61,600 gross square feet of space is to be provided. Retail spaces front on all adjacent streets and will be a combination of neighborhood serving and other retail uses. Consistent with the LLDA a minimum of 20% of the retail space will be reserved for small and locally owned retailers and at least 1,000 square feet of retail space will be made available at below market rents to local retailers with “unique “ goods and services. Although requested, no information was provided regarding how the small and locally owned retailers will be chosen, the period of time that the space will be available at below market rates, and what is the percentage of markdown on the below market rents.

Concerns have been expressed by community members regarding the introduction of retail use at the 8th and D Street corner. The Applicant had proposed various design elements to address the concern. At the time of this report, a number of options are being discussed with community representative but no agreement has been reached. The Applicant continues to request flexibility for a residential, retail or office use at this location. OP recommends that no non-residential windows be placed on the ground level of the 8th Street façade. To avoid a blank wall at this corner, OP recommends additional design techniques be used such as textured or decorative brick inlays.

Local Business Opportunities and First Source Agreements

In their submission the Applicant has stated that they have signed agreements with the Department of Employment Services (DOES) for the hiring of District residents and a Certified Business Enterprise (CBE) Utilization and Participation Agreement to provide equity and development opportunities to CBE

firms. The Applicant should provide copies of the signed agreements prior to the approval of the Zoning Commission Final Order.

Green Elements

The development includes a number of green elements and the South Building has been designed to LEED Gold standard. The Applicant has stated that the North Building will be constructed to at least LEED Silver standards. Elements incorporated into the development would include approximately 39,000 square feet of green roof, water efficient landscaping and energy efficient systems. A completed LEED checklist is provided at Exhibit G in the March 12, 2012 Prehearing Statement.

Transportation Demand Management

As part of their Traffic Impact Study the Applicant has submitted a Transportation Demand Management (TDM) Plan and a Loading Management Plan. The TDM includes the provision of car and bike share membership for residents, bicycle storage areas and racks, the provision of SmartTrip cards for residents, two car share spaces, and car charging stations. The implementation of these provisions should lead to a reduction in the use of single occupancy vehicles. The loading management plan will address both the internal and external loading areas and is intended to help minimize the loading impacts on traffic around the property. DDOT will provide a full analysis of these measures in their report.

Table 2 below is OP’s summary and categorization of the proposed items the Applicant has proffered as public benefits and amenities:

Table 2

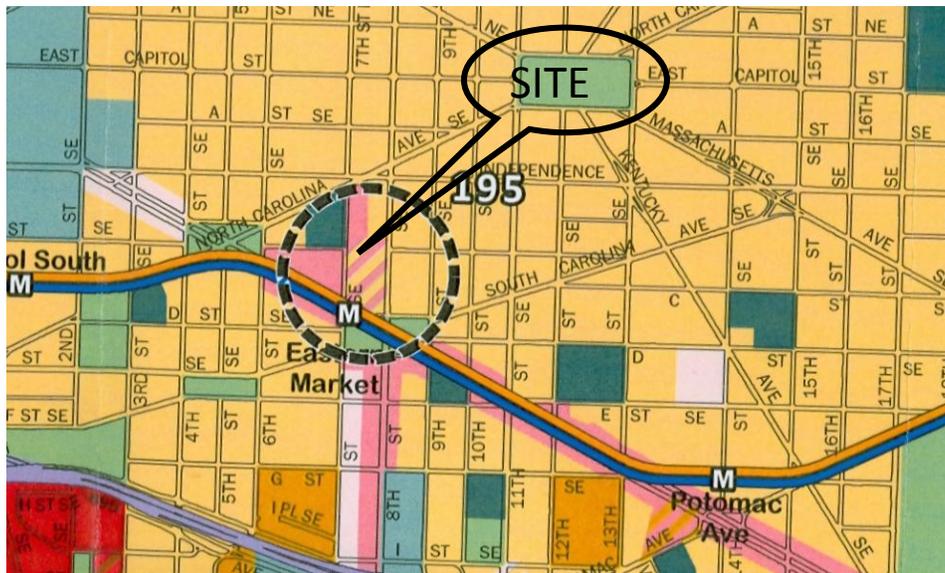
Applicant’s Amenities/Benefits	Required	Mitigation	Public Benefit	Project Amenity
Reopening, construction and maintenance of C Street	X		X	X
Public plaza			X	X
Use of C Street for flea market	X		X	X
Additional bicycle spaces than required			X	
Outdoor bike racks			X	X
Car share space		X		X
New housing and retail	X		X	X
Affordable housing	X		X	X
Space and reduced rents for small retail	X		X	X
Environmental benefits, including LEED-Gold for South Building	X	X	X	X
Contextual Arch/Urban Design			X	
Extensive landscaping			X	X
TDM Plan	X	X		
Loading Management	X	X		
DOES-First Source Agreement	X		X	
CBE	X		X	

At the time of this report, the Applicant is in discussions with the ANC which may result in other benefits and amenities being provided.

IX. COMPREHENSIVE PLAN

Generalized Future Land use map

The 2006 Comprehensive Plan's Future Land Use Map, was amended by the Comprehensive Plan Amendment Act of 2010 and became law on April 8, 2011. The amended Future Land Use Map (Amendment #30) designates the property as Mixed Use: Moderate density residential and moderate density commercial. The site is within an area with properties to the east and northeast of the site designated for moderate density residential while the properties to the south, west and northwest are designated for moderate density commercial. The property's designation as a mixture of uses allows for a development that relates to both the adjacent residential and commercial uses. Moderate density residential uses allows low-rise apartment buildings while the moderate density commercial where retail, office and service businesses are the predominant use. A PUD related C-2-B zoning for the site would not be inconsistent with the Comprehensive Plan.



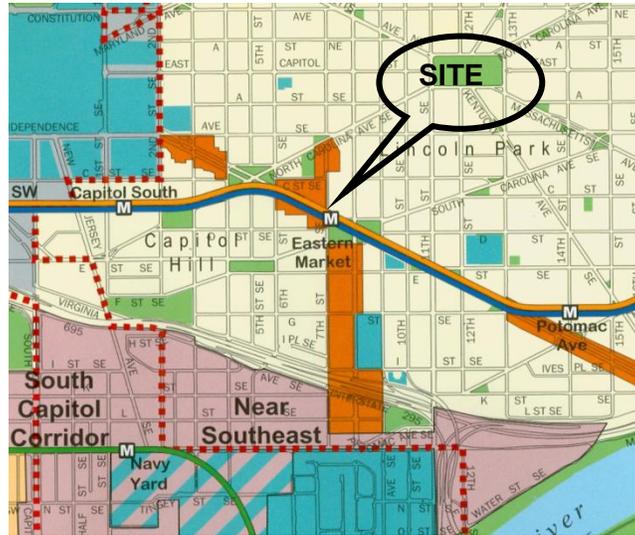
2006 Comprehensive Plan's Future Land Use Map, amended 2010

Generalized Policy Map

The site is located within an area designated as a neighborhood Conservation Area. The guidance and guiding philosophy toward development in these areas is to:

“conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.”

The proposal to redevelop the site with a mixture of housing, retail and office uses is not inconsistent with the designation as a Land Use Change area and the density proposed is not inconsistent with the Future Land Use map for a moderate density development.



2006 Comprehensive Plan Policy Plan Map

Comprehensive Plan City-Wide Elements

The Comprehensive Plan text provides a considerable number of policy guidance which is applicable to the proposal. The proposed development is not inconsistent with the following policies of the 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.

The development is immediately north of the Eastern Market Metro Station and is the proposed mixture of uses is consistent with this policy. The proposal will provide a mix or retail uses which includes small start up business. The office use will provide for employment opportunities. In addition to the metro station, the property and the area is served by a number of Metrobus routes and the Circulator Bus. The has proposed a number of measures to encourage bicycle use, metro bus and metrorail use through the provision of bicycle parking and storage, SmarTrip cards subscription to Bikeshare and a car share among other incentives to minimize single vehicle trips.

Policy LU-1.3.3: Housing Around Metrorail Stations

Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations.

The development will provide a variety of housing types including affordable, senior housing and no parking is provided to serve these units.

Policy LU-1.3.5: Edge Conditions Around Transit Stations

Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should “step down” as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards.

In general, more intense uses are encouraged near the Metrorail stations. The property is located between residential and commercial areas. The building has been designed to respect the character, and scale of the adjacent developments with the upper stories of the building stepped back along 8th Street with the higher portions of the buildings placed along the commercial 7th Street and in particular at the 7th Street and Pennsylvania Avenue portion.

Policy LU-1.4.1: Infill Development

Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

The property currently has vacant buildings which formerly housed the Hine Junior High School. The development proposes residences along 8th Street and commercial use along 7th Street, D Street, and Pennsylvania Avenue to be consistent with the established development along both streets. Although the proposed development is slightly larger in scale and height it is not excessive to detract from the scale of the existing development.

Policy LU-2.1.11: Residential Parking Requirements

Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.

All residential parking is provided below grade with entrance from C Street so as not to detract or interfere with traffic movements along 8th Street, D Street or Pennsylvania Avenue. The Applicant has proposed a number of transportation demand management (TDM) strategies to encourage the use of transit and thereby reducing vehicular trips. However, simultaneous with these measures, the Applicant is providing 1.4 spaces per unit. Both DDOT and OP conclude this parking ratio to be excessive and counterproductive to the TDM strategies.

Policy LU-2.2.4: Neighborhood Beautification

Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

As part of the redevelopment of the site, the Applicant is proposing extensive landscaping along all street frontages appropriate to the adjacent uses.³

The proposed development is not inconsistent with the following policies of the Transportation Element:

Policy T-1.1.2: Land Use Impact Assessment

Assess the transportation impacts of development projects using multimodal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate development impacts on the transportation network.

The DDOT report addresses the methodology by which the transportation impacts are assessed.

Policy T-2.3.3: Bicycle Safety

Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist.

Action T-2.3.A: Bicycle Facilities

Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users.

The development provides adequate public and private bicycle parking and secure storage for residents, employees and visitors to the site. In addition, shower facilities and storage areas are provided for employees in parking level P-1 (Sheet A 12R). DDOT will provide an evaluation of bicycle access to the site.

The proposed development is not inconsistent with the following policies of the Housing Element:

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.

The development is a private sector proposal that meets land use policies that calls for moderated density residential use at this location. The development will include market rate and 46 affordable units at 80%, 60%, and 30% of AMI.

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.

The proposed mixed use development on the underutilized land will include a total of 158 housing units.

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.

³ The applicant has proposed a \$50,000 donation to support landscaping of the District controlled portion of the Eastern Market Metro Plaza. However, the full details of the donation have not been established.

The proposal requests a rezoning to a commercial zone, C-2-B, which will accommodate the mixed use development proposed for this site which is appropriate for development proximate to the Eastern Market Metro Station.

The proposed development is not inconsistent with the following policies of the Environmental Protection Element:

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.

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.

The development will have extensive landscaping along all its street frontages that will enhance the buildings and the public spaces and lessen runoff into the public stormwater system. In addition, the development will have approximately 39,000 square feet of green roofs to reduce runoff.

Policy E-2.2.3: Reducing Home Heating and Cooling Costs

Encourage the use of energy-efficient systems and methods for home insulation, heating, and cooling, both to conserve natural resources and also to reduce energy costs for those members of the community who are least able to afford them.

The Applicant states that they have incorporated energy-efficient systems and methods for insulation, heating, and cooling throughout. These systems will also be included in the affordable units.

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.

The Applicant states that the development has been designed to LEED Gold standard for the South Building and a minimum of LEED Silver for the North building.

The proposed development is not inconsistent with the following policies of the Economic Development Element:

Policy ED-2.2.3: Neighborhood Shopping

Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences.

The proposed mixed use development will have approximately 61,514 square feet of retail space. The Applicant states that the goal is to provide a mixture of small and medium specialized retail goods and services for the local residents and employees. The Applicant has proposed that at least 20% of the retail space will be reserved for local or "non-national" tenants.

Policy ED-3.2.2: Small Business Incubators

Provide low-cost rental space (“incubators”) for small, home-grown businesses and start-up companies, particularly companies that are responsive to technological and economic innovation in the marketplace. A variety of spaces should be considered for business incubators, including vacant storefronts and surplus public buildings.

The Applicant proposes that at least 1,000 square feet of retail space will be made available for “unique small retailers” that will be accommodated at rents that are at 75% or less of market rents.

The proposed development is not inconsistent with the following policies of the Urban Design Element:

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.

The proposed development is fully in context with the surrounding community and is consistent and compatible with the patterns of development in the Capitol Hill area. The re-introduction of C Street re-establishes the L’Enfant grid across the site and helps to break down the bulk of the development into two portions. The development retains the residential uses along 8th Street and commercial uses along 7th and D Streets and Pennsylvania Avenue. The scale of the development is appropriate for the site as it is respectful of scale of adjacent developments and also takes advantage of its proximity to the Eastern Market Metro Station.

Policy UD-2.2.6: Maintaining Facade Lines

Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic facade line, or by placing buildings at odd angles to the street, unless the streetscape is already characterized by such variations. Where existing facades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm.

Consistent with many of the developments in the area, the buildings are placed along the property line with openings, indentations, undulations and stepbacks, to create variety, interest, and to break up the façade.

Policy UD-3.1.2: Management of Sidewalk Space

Preserve the characteristically wide sidewalks of Washington’s commercial districts. Sidewalk space should be managed in a way that promotes pedestrian safety, efficiency, comfort, and provides adequate space for tree boxes. Sidewalks should enhance the visual character of streets, with landscaping and buffer planting used to reduce the impacts of vehicle traffic.

Sidewalks are enhanced with landscaping with space to accommodate tree boxes and a 10 feet wide pedestrian clear zone for safety and easy access along Pennsylvania Avenue and 7th Street. The pedestrian area along 8th Street is 6 feet minimum.

Policy UD-3.1.3: Streetscape Design and Street Function

Use variations in lighting and landscaping to highlight and clarify the function of different streets. The design features of streets should make the city's circulation system easier to navigate and understand for residents and visitors.

The landscaping along the residential street is differentiated from the commercial street by the type of materials used.

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.

The development proposes ground floor retail with storefronts accessed directly from the sidewalk. The sidewalk provides adequate space to accommodate a 10-foot wide pedestrian zone outside of the landscaped areas and outdoor seating areas.

Policy UD-3.1.8: Neighborhood Public Space

Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the "activation" of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas.

The public space along commercial streets provide from window displays and outdoor dining areas that will stimulate pedestrian activity. A unique part of this community is the plaza area along C Street that will accommodate the weekend flea market and outside of those times could provide a focus for community activities.

The proposed development is not inconsistent with the following policies of the Community Services and Facilities Element:

Policy CSF-1.1.4: Addressing Facilities That Are Functionally Obsolete

Develop reuse or disposition plans for public buildings or sites that are functionally obsolete, that cannot be rehabilitated cost-effectively, or that are no longer needed.

The property formerly housed the public, Hine Junior High School

The proposed development is not inconsistent with the following policies of the Economic Development Element:

Policy ED-2.2.3: Neighborhood Shopping

Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites.

Policy ED-3.1.1: Neighborhood Commercial Vitality

Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents.

The proposed development will attract and accommodate new businesses to provide a variety of goods and services to serve the community. This new retail area will serve to connect the Barracks Row retail area to the Eastern Market retail area.

Capitol Hill Area Element

Policy CH-1.1.1: Conserving Residential Uses

Maintain the integrity and quality of Capitol Hill's residential uses, and recognize the importance of its historic architecture and housing stock to the entire District of Columbia. Ensure that Comprehensive Plan and zoning designations for Capitol Hill neighborhoods sustain its moderate density land use pattern.

Policy CH-2.2.7: Hine Junior High School Site

Promote continued investment and redevelopment of Hine Junior High School, an important community public facility, which was closed in the summer of 2008. Redevelopment of the site should complement the adjacent neighborhood.

The scale of development proposed is consistent with the moderate density commercial and moderate density residential land use pattern of the area. The architectural façade of the development is compatible with the adjacent neighborhood as it highlights and emulates many of the historic, architectural elements of the historic buildings in the Capitol Hill historic district.

X. SPECIAL EXCEPTION REVIEW

Section 2516 Exceptions to Building Lot Control (Residence Districts)

Section 2516.1 states: *"If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section."* The proposal is to subdivide the existing property into two building lots each with a principal building.

2516.2 This section applies to construction on a lot that is located in, or within twenty-five feet (25 ft.) of a Residence District.

The subject property is currently within a residence district and the proposed map amendment would retain the property within twenty-five feet (25 ft.) of a Residence District.

2516.3 In addition to other filing requirements, the Applicant shall submit to the Board, with the new application, four (4) site plans for all new rights-of-way and easements, and existing and preliminary landscaping and grading plans with approximate building footprints; provided:

- (a) The Applicant shall also submit, either with the original application or at a later time, final landscaping and grading plans and two (2) sets of typical floor plans and elevations; and***

- (b) *If the Applicant elects to submit the plans referenced in § 2516.3(a) at a later date, the Board's original approval shall be conditional, subject to a later public hearing and final decision on the project as a whole.*

The Applicant has provided the required site plans showing the existing and proposed right-of-ways, landscaping, building locations and footprints.

- 2516.4** *The number of principal buildings permitted by this section shall not be limited; provided, that the Applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507), and §§ 3202.2 and 3202.3 are met.*

The Applicant has requested to have two buildings on a single lot and has included maps showing the delineation of the lot and buildings and a data table for the development.

- 2516.5** *If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:*
- (a) *The front of the building shall be the side upon which the principal entrance is located;*
 - (b) *Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;*
 - (c) *A rear yard shall be required; and*
 - (d) *If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.*

Both buildings have street frontage.

- 2516.6** *In providing for net density pursuant to § 2516.11, the Board shall require at least the following:*
- (a) *The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;*
 - (b) *Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;*
 - (c) *If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and*
 - (d) *The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.*

The net FAR of the development is 3.6 if the C Street right-of-way is excluded and 3.31 if included.

2516.7 *Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building.*

The height limit for buildings in the proposed C-2-B PUD is 90-feet. The proposed North Building will have a maximum height of 46.88 feet and the South Building at its tallest point will be 94.5 when measured from the finished grade at the middle of the front of each building. The maximum height in the C-2-B district is 90 feet but Applicant has requested that the Zoning Commission grant the additional 4.5 feet under the 5% allowed by Section 2305.3.

2516.8 *The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.*

The Applicant has requested flexibility regarding compact parking spaces, loading, courts, and roof structures. The Applicant states that the requested flexibility will not adversely affect the present character and future development of the neighborhood.

2516.9 *Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:*

- (a) *The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; provided, that the planning considerations that are addressed shall include, but not be limited to:*
 - (1) *Public safety relating to police and fire concerns;*
 - (2) *The environment, relating to water supply, water pollution, soil erosion, and solid waste management;*
 - (3) *Public education;*
 - (4) *Recreation;*
 - (5) *Parking, loading, and traffic;*
 - (6) *Urban design;*
 - (7) *As appropriate, historic preservation and visual impacts on adjacent parkland;*
- (b) *Considerations of site planning; the size, location, and bearing capacity of driveways, deliveries to be made to the site; side and rear yards; density and open space; and the location, design, and screening of structures;*
- (c) *Considerations of traffic to be generated and parking spaces to be provided, and their impacts;*
- (d) *The impact of the proposed development on neighboring properties; and*
- (e) *The findings, considerations, and recommendations of other District government agencies.*

2516.10 The Board may impose conditions with respect to the size and location of driveways; net density; height, design, screening, and location of structures; and any other matter that the Board determines to be required to protect the overall purpose and intent of the Zoning Regulations.

Under the PUD review, all the above mentioned topics have been addressed and the proposal generally meets the requirements except in areas where the Applicant has requested flexibility.

XI. AGENCY REFERRALS AND COMMENTS

The application was referred to the following District government agencies for review and comment:

- Department of Employment Services (DOES);
- Department of Housing and Community Development (DHCD);
- Department of Public Works (DPW);
- District Department of Transportation (DDOT); and
- Fire and Emergency Medical Services Department (FEMS).

DDOT will submit their report under separate cover. The proposal was reviewed by DHCD and has submitted a report recommending support for the proposal (See Attachment 1). Fire and Emergency Medical Services Department has given verbal confirmation that they have no objections to the proposed development and request that “all applicable DC Construction Code provisions are satisfied.”

XII. COMMUNITY COMMENTS

The property is within the area governed by ANC-6B which is an automatic party under the Zoning Commission Regulations. The property is also within the area governed by the Capitol Hill Restoration Society (CHRS) and a number of other organizations or groups formed to specifically review the application. At the time of this report, the ANC was still in review and negotiations with the Applicant. OP has met with representatives of the ANC, surrounding neighborhoods and the flea market and they have expressed concerns regarding the proposed development. The consistent concerns expressed were the building’s height and mass, provision of public open space, compatibility with the historic district, benefit and amenities, reduction of light and air to adjacent properties, reduction in size of the flea market, traffic and noise and retail use at the 8th and D Street corner. It should be noted that there are also members of the community who are supportive of the proposed development’s uses, density and height.

XIII. RECOMMENDATION

OP remains supportive of the redevelopment of the site and **recommends approval of the project with the following conditions:**

- Signed DOES and CBE agreements be provided to the Zoning Commission prior to final action;
- Additional information be provided identifying the measuring points and elevations for each building and building component;
- Additional information be provided to address the relative size of the noted two-bedroom affordable units relative to the other units in the South Building;
- No non-residential windows be placed on the ground level of the 8th Street façade; and
- No fixed furniture or intrusive landscaping be installed in the C Street Plaza to allow the space to be flexible and responsive to the flea and farmers’ markets and other community events.

OP also encourages the developer to examine additional possibilities to increase the plaza space along the C Street including pulling only the ground floor back so it is parallel to C Street while maintaining the upper residential floors to increase the plaza area.

Attachments:
DHCD Report

JLS/mbr