

TO: District of Columbia Zoning Commission

FROM: Stephen Cochran, Development Review Specialist
JLS
Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

DATE: August 31, 2020

SUBJECT: Final Report on Zoning Commission Case No. 20-06 – Consolidated and Preliminary Planned Unit Development with Related Map Amendment at 1333 M Street, S.E.

I. RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission approve Zoning Commission case 20-06, an application for a 1st Stage Planned Unit Development (PUD) and a Consolidated PUD, each with a related map amendment from PDR-4 to MU-9, at 1333 M Street, S.E. This recommendation is subject to provision of information and clarifications for items summarized in bold italics in this report in Table 1 (Sec. III, (pages 6-10), Table 3 (Section VI. F, pages 22-24) and Section VII. D (page 28).

The application was submitted by Felice Development Group, on behalf of 1333 M Street LLC. This OP report reflects updates to the application through August 21, 2020 (Exhibits 28 – 30B).

The PUD would, on balance, be not inconsistent with the Comprehensive Plan. As discussed more in Section IV of this report, both the Framework Element and the Land Use Element permit the Zoning Commission to interpret the Comprehensive Plan broadly when considering a PUD, as opposed to a matter of right (MOR) project. This is especially true when the overall project and its benefits would contribute exceptionally to meeting important Comprehensive Plan goals.

With benefits and amenities that include 12% of the residential gross floor area for affordable housing, public space improvements, the provision of publicly accessible open spaces and LEED Gold equivalency, this project would make such a contribution, particularly with respect to Comprehensive Plan policies on housing, affordable housing, open space and recreation benefits, waterfront access and - to some extent - sustainability. The PUD would also be consistent with the Anacostia Waterfront Framework Plan, which envisions a mixed-use project on the site with extensive open space and connections between Virginia Avenue and the waterfront.

II. SUMMARY OF PROJECT AND RECENT UPDATES

A. Summary of Overall PUD

Applicant:	Felice Development Group, on behalf of 1333 M Street LLC.
Address:	1333 M St., SE
Legal Description:	Square 1025-E, Lot 802; Square 1048-S, Lots 1, 801, 802; Lot 129 (former reservation) and Lot 299 (former reservation) Two theoretical lots would be configured for the development of the PUD.
Ward, ANC:	Ward 6; ANC 6B
Comp. Plan Policy Map:	Land Use Change Area
Comp. Plan FLUM Map:	Medium Density Commercial/Institutional
Comp. Plan Area:	Lower Anacostia Waterfront/Near Southwest; Near Southeast Policy Focus Area
Property Size:	127,499 square feet (2.92 acres)
Current Zoning:	PDR-4 (does not permit residential use)
Proposed Zoning:	MU-9 (permits commercial, residential and other uses)

The project is essentially the same as what was described and analyzed in OP's Preliminary Report. Changes made to the proposal since the original application are relatively minor and updated figures are incorporated into this report.

Of the changes, six are of particular note:

- The proposed FAR has decreased from 6.22 to 6.17;
- The Inclusionary Zoning proffer has increased from 10% of the residential GFA to 12% of the residential GFA;
- The sustainability commitment has increased from LEED Silver to LEED Gold equivalent;
- The distribution of the approximately 900 units has been reallocated among the three towers;
- Relief from vehicle and bicycle parking is no longer requested;
- \$25,000 has been newly proffered for senior-related services.

As now proposed, the fully completed proposed project (Figure 2, below) would contain 786,160 square feet of mixed-use development at the eastern terminus of Virginia Avenue, SE. It would have approximately 900 residential rental units. 12% of the residential square footage would be set aside for Inclusionary Zoning at affordability levels consistent with the IZ requirements of 60% MFI for rental apartments. No residential penthouse space is proposed. There would be 44,092 square feet of retail/commercial space substantially oriented towards the Anacostia

Riverfront view. The maximum building height would be 130 feet and the total FAR would be approximately 6.17. The project would be LEED Gold equivalent.

The applicant is requesting a related map-amendment to MU-9 (high density mixed-use) for the entire site, because PDR-4 zone (high-density production/distribution/repair) does not permit residential uses and to achieve the proposed additional 40 feet of height that could not be realized under the existing zone's by-right 90-foot limit. The applicant states that the additional building height would allow the requested density to be concentrated on less land, leaving more open space for the provision of public benefits and views through the site to and from the waterfront.

All 176 required parking spaces would be located in two underground levels beneath both towers of Building 1 and entered from portals at the eastern and western end of that building. There would be no vehicular parking in Building 2.

Loading would be entered from both sides of a private street between M Street and Virginia Avenue. Residential drop-off would be from Virginia Avenue for Tower 1E and Tower 1W. For Building 2 the applicant proposes either a lay-by or restricted parking on M Street. This would provide for drop-off, for loading and for the removal of trash, which would be stored adjacent to M Street within Building 2.

The minimum number of bicycle parking spaces would be provided in each Tower and in Building 2; a total of 196 long term and 59 short term spaces.

The principal public benefits and project amenities are housing and affordable housing, public space improvements, the provision of publicly accessible open spaces and enhanced sustainability.

The residential use - both the market rate and the IZ units -- would contribute to several public objectives. The requested map amendment itself would constitute a public benefit because housing cannot be constructed under the existing PDR-4 zoning, but can in MU-9. At 12% of the residential square footage the IZ units would provide 50% more affordable space than required by IZ regulations and would be a significant proffer.

The project's exterior amenities, public benefits, and proffers would be focused on the design and use of public and private open spaces, including a rebuilt bike trail on a portion of M Street, S.E.; a public plaza at the termination of the public portion of Virginia Avenue; publicly-accessible plazas; and a landscape design for both public right of way and private land that could provide a publicly-accessible connection down the 30 foot bluff between the end of Virginia Avenue, S.E. and Water Street, S.E., adjacent to the river. While some of these would be essential to providing access to and circulation within the site, they could be considered as both public benefits and as mitigation. Some of the Transportation Demand Measures that the District Department of Transportation (DDOT) will address in a separate report could also be considered as both benefits and mitigation.

The commitment to LEED Gold equivalency is a newly proffered public benefit.

The application continues to request relief from the minimum dimensional zoning requirements for loading, rear yards, side yards and open courts, but has withdrawn the previous request for vehicle and bicycle parking relief. Other non-dimensional relief or flexibility is also requested. These requests are detailed in Section V of this report.

B. Summary of Consolidated Portion of the PUD

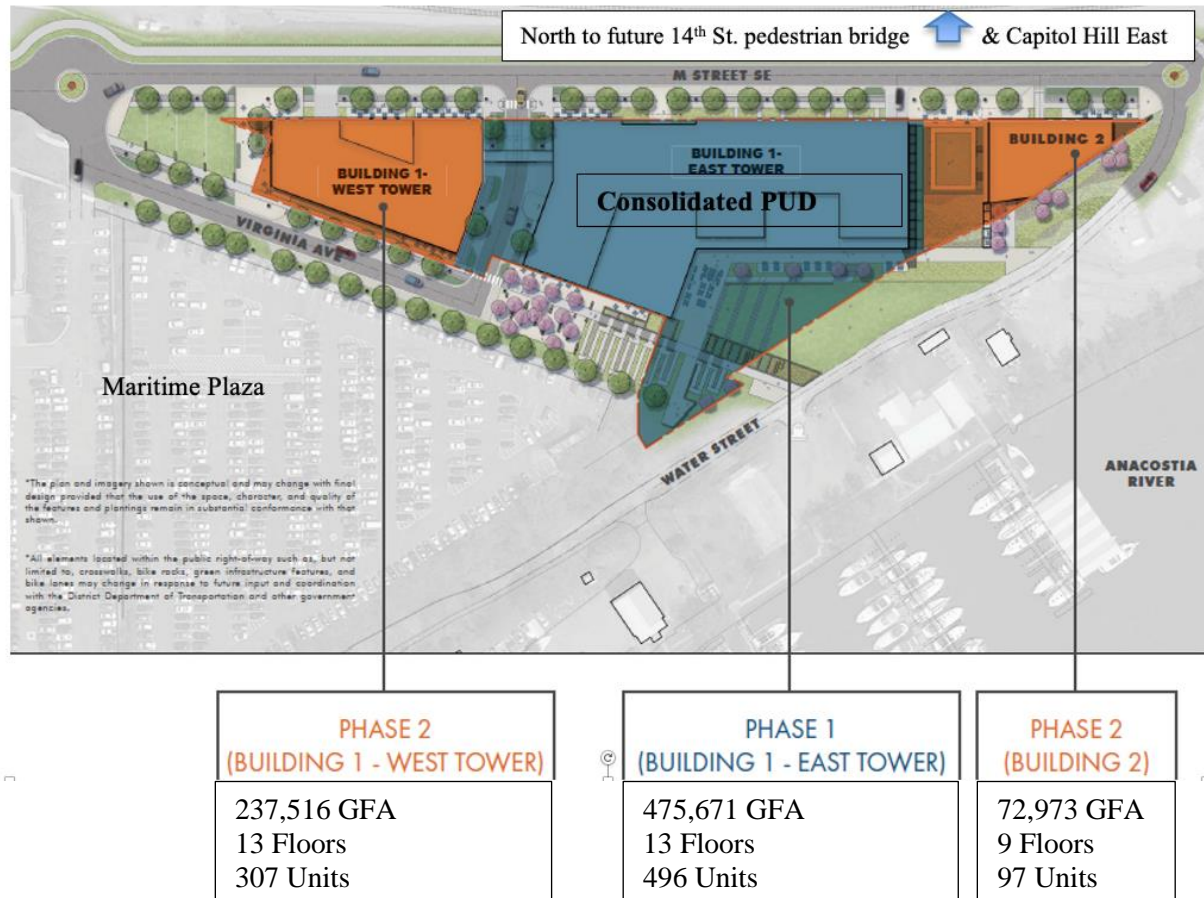


Figure 1. Consolidated and 1st Stage PUDs.

The Consolidated (PUD) would include what is labelled in Figure 1, above, as Building 1, East Tower (Tower 1E), and a 174-space parking garage below both Building 1E and 1st Stage PUD Building 1, West Tower (Tower 1W), and infrastructure and landscape improvements detailed below. The 475,671 square foot, 130-foot-tall structure would include:

- Approximately 496 apartments, of which 12% would be Inclusionary Zoning (IZ) units;
- Approximately 32,217 square feet of gross floor area of non-residential use;
- Construction of a vehicular and pedestrian connection between M Street, SE and Virginia Avenue, SE generally aligned with 13th Street, SE;
- The paving and landscaping the 1300 block of Virginia Avenue S.E. (Figure 2, below, # 2);

- Paving, landscaping and bicycle trail improvements in the 1300 – 1500 blocks of M Street, S.E. Figure 2, #1);
- Construction of a public plaza at the eastern end of Virginia Avenue and, aligned with Virginia Avenue but on private land, a “monumental staircase”, switch-back pedestrian path, associated landscaping and other pedestrian improvements (Figure 2, #4);
- Construction of a publicly accessible terrace and park at the foot of the private portion of Virginia Avenue adjacent to the planned retail space south of Tower 1E; (Figure 2, #4);
- Interim landscaping for the rest of the Applicant’s property (areas indicated in Figure 2, #'s 3, 4 and 5).
- LEED Gold equivalency.



Figure 2. Proposed Overall Improvements (Item in orange typeface are in public space. Those in blue are on Applicant’s property).

C. Summary of 1st Stage Portion of the PUD

The 1st Stage (PUD) would eventually include:

- The 130-foot tall Tower 1W connected to Tower 1E by a bridge connecting corridors at the towers’ third levels. It would contain approximately 307 apartments, (12% of which would be IZ units, and 9,971 gross square feet of retail space;
- The 92-foot tall Building 2, at the eastern end of the site, which would contain approximately 77 apartments (12% IZ) and 1,904 gross square feet of retail space and which would not include any parking or loading in the building;

- A landscaped area between Building 2 and Tower 1E of Building 1 that would contain a pedestrian overlook and connection, in alignment with a proposed 14th Street, SE pedestrian bridge across the planned Southeast Boulevard, between M Street, SE and the open space on the Applicant's land south of Tower 1E,
- Completion of permanent landscaping for the entire site;
- Installation of an unspecified quantity of solar panels atop 1st Stage Tower 1W and Tower 2;
- LEED Gold equivalency.

III. APPLICANT RESPONSES TO ZONING COMMISSION, OP COMMENTS, AND ADDITIONAL INFORMATION NEEDED

Additional information needs are noted in italics.

TABLE 1: Applicant Response to Previous Concerns		
Concern	Response	OP Comment
<u>COMP PLAN and FLUM</u> The proposal must be determined to be “not inconsistent” with the Comprehensive Plan’s FLUM designation	The PUD’s density would comport with a Medium Density Commercial/Mixed Use designation and the height enables the PUD to further several other Comprehensive Plan goals. The Plan’s illustrative densities and heights for FLUM categories refer to typical matter-or-right scenarios and the Plan gives the Commission authority to permit PUDs to exceed the illustrations if that flexibility helps achieve superior public benefit in furtherance of other Plan goals.	In balance, the PUD would be not inconsistent with the Comprehensive Plan. The 6.17 FAR may slightly exceed what might normally be associated with a matter of right (MOR) project with this FLUM designation, but is not inconsistent with the Comprehensive Plan when read as a whole or with flexibility inherent in a PUD. The height would exceed that associated with the FLUM designation for a MOR project but would help to achieve other Plan goals and brings public benefits, which is appropriate for a PUD. See Section IV of this report for discussion.
<u>AFFORDABLE UNITS</u> Additional and/or deeper affordability of IZ is needed to meet the goals of the Comprehensive Plan’s Housing Element and the	The required IZ would be approximately 8%; proffer is increased from 10% to 12% IZ.	The proffered 12 percent is 50% higher than is required for a MOR project. In conjunction with other benefits, the proffer addresses the need for additional affordable housing within the boundaries of ANC 6B and is within the general range of

Mayor's Housing Equity Report ¹		affordable housing proffers of other recent PUDs. The increased percentage is satisfactory. <i>However, while the applicant has shown the proposed unit types on the third floor of the Consolidated PUD (Exhibit 17AA3, Sheet A-1.4) and the proposed location of the Consolidated PUD's IZ units (Exhibit 17AA1, Sheet A-6), the applicant does not appear to have indicated the total distribution of unit types for either the overall PUD or for the Consolidated PUD. The applicant should specify the number of units, by-type, for the market rate and IZ units in both the Consolidated PUD and the 1st Stage PUD.</i>
<u>SUSTAINABILITY</u> The LEED Silver level of sustainability is neither superior, nor sufficient	The project would be designed to be LEED Gold-equivalent	The response is satisfactory.
<u>SOLAR PANELS</u> Solar panels should be considered.	There will be solar panels atop Tower 1W and Building 2.	There would be no solar panels on the Consolidated PUD tower. <i>The applicant should commit to a specific minimum amount of solar that would be provided in the 2nd Stage PUD.</i>
<u>FACADES</u> The contrast of the Consolidated PUD's different façade treatments is too great. The tall arches on the lower level and on the western end should be reconsidered.	The arches have been eliminated and the different façade treatments have been simplified and harmonized.	The response is satisfactory.
Explore providing greater permeability to the mid-level	That area has been redesigned.	The design has been simplified, resulting in more

¹ [housingdc/HousingEquityReport](#)

opening in the Consolidated PUD.		ability to see through that portion of the building, from the north. The response is satisfactory.
<u>BALCONIES</u> Consider adding more balconies.	Additional balconies have been added to the Consolidated PUD.	The response appears to be satisfactory, but <i>the applicant should provide a comparison of the number of balconies in the setback design versus the most recent design.</i>
<u>RETAIL CONCEPT</u> Provide more description of the concept for the retail space	It will emphasize “brand” and will be “centered on the consumers’ experience” including food/beverage, entertainment, convenience, local and small business, wellness, education and what the application refers to as “affordable luxury”.	The concept remains vague, but the requested ability to be able to convert 25,000 square feet of the retail space to residential use should provide sufficient flexibility for changing markets.
<u>PARKING GARAGE CONSTRUCTION</u> Clarify the sequencing of the parking garage construction.	The entire parking garage will be constructed with the Consolidated PUD, although Tower 1W will not be constructed atop the garage until a later phase.	The response is satisfactory.
<u>PARKING NUMBERS</u> Clarify the vehicular parking numbers	Parking spaces have been added sufficient to meet zoning requirements.	The response is satisfactory.
<u>STATUS OF STREETS</u> Clarify the status of streets or former streets within and adjacent to the project and whether the north-south private streets and pedestrian paths will line-up with 13 th and 14 th Streets in Capitol Hill.	The applicant confirms that 13 th and 14 th Streets south of the railroad tracks were not part of the L’Enfant Plan, that they do not extend into the project, that unimproved portions of 14 th St., M St. and VA Ave. have been closed by Council, and that the proposed private street and pedestrian path will align with streets north of the rail tracks.	The response is satisfactory. <i>However, OP recommends that the applicant consider modifications to the proposed landscaping of the public plaza in Virginia Avenue, and its monumental stair extension in order to maintain a more clear, consistent view corridor to the Anacostia River.</i>
<u>LOADING and TRASH</u> Further address on-street loading, drop-off and trash-handling for Tower 2	Drop-off and loading will be curbside in reserved spaces on M Street, S.E. Trash will be stored inside building	The general proposal is acceptable to DDOT. <i>By the hearing, details will be needed about this for the 2nd Stage PUD.</i>

	adjacent to curb and wheeled out to curb for pick-up.	
<u>VIEWS</u> Provide additional views of the project from Capitol Hill and from Anacostia Park	These have been provided.	The response is satisfactory.
<u>SHADOW STUDIES</u> Provide shadow studies	These have been provided (Sheets A-37 – A-42).	The response is satisfactory.
<u>SIGNAGE</u> Provide proposed guidelines for location, size and lighting of signage	The location and types of signage have been illustrated in the supplemental pre-hearing statement.	<i>Specific written guidelines are needed about signage dimensions, location, etc., and clarification is needed about whether the mural illustrated in the rendering of the Consolidated PUDs mid-level opening is part of the design and a commitment.</i>
<u>PUBLIC SPACE</u> Provide more details on the improvements in public space, clearly distinguishing between what would be in public space and what would be in private space	Additional information provided, particularly with respect to M Street and the plaza in public space at the end of the public portion of Virginia Avenue. Applicant will maintain all improvements in private and public space.	<i>The applicant should clarify whether the reference to M Street as having a 22-foot ROW is correct, and acceptable to DDOT. Applicant should clarify whether bike trail relocated to north side of M Street will be maintained by applicant in perpetuity. Other details are satisfactory.</i>
Clarify if lower-level path will be accessible to vehicles	The path is intended for bicycles and pedestrians.	The response is satisfactory.
<u>ADDITIONAL BENEFITS</u> The applicant should consider proffering additional public benefits.	In addition to the increased IZ proffer and LEED Gold-equivalent, the applicant proffers a \$25,000 contribution to an unspecified provider of senior services and/or adult daycare. The applicant has referred to the possibility of there being a community garden.	The proposed recipient of the \$25,000 contribution should be identified by the hearing. The applicant groups the possible provision of the community garden with green roof elements, so <i>clarification of the location of and commitment to a publicly accessible community garden, if any, is needed.</i>

Consider a commitment to a Certified Business Enterprise Agreement	Not Addressed	<i>The applicant should clarify if it will commit to CBE.</i>
NEW ITEM: consistency of requested design and use flexibility with recent Zoning Commission direction.	N/A	<i>The applicant should provide a comparison of the degree of design and use flexibility requested and the direction set by the Zoning Commission for recent PUDs. The applicant should also consider reducing the 10% +/- flexibility request for the number of dwelling units to be constructed</i>

IV. COMPREHENSIVE PLAN ANALYSIS – Overall PUD

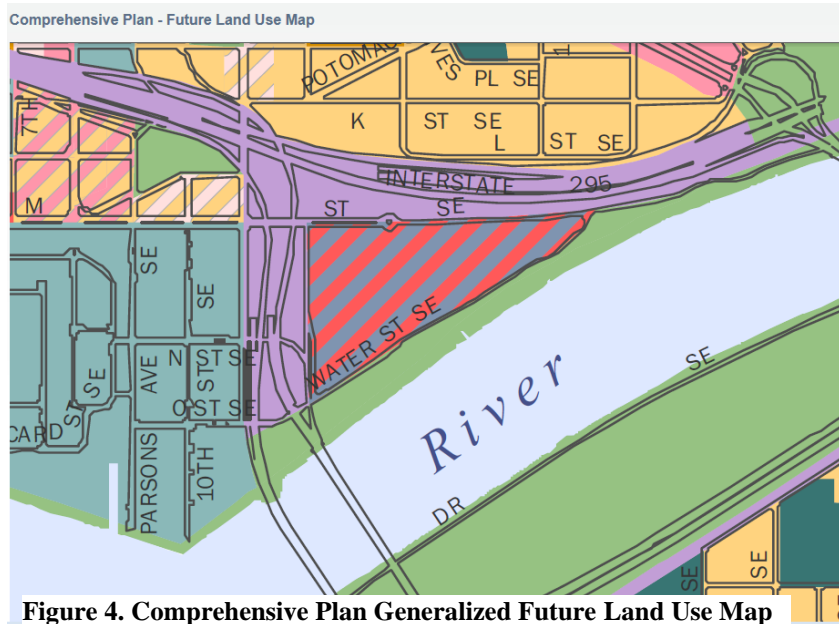
A. Framework

The PUD would be not inconsistent with the guiding principles of both the existing Comprehensive Plan’s Framework Element and the amended but still-pending Framework Element². On a site that is now only marginally used it would bring a mix of new uses, including several hundred housing units, and 50% more Inclusionary Zoning square footage than is required by the zoning regulations. While the site now seems isolated it is within two blocks of a high-priority bus corridor. The maintenance and enhancement of adjacent public streets and the creation of new private streets and paths that align with existing public streets would help integrate the development into the District’s historic street patterns. The development would be constructed to LEED Gold standards, which would exceed the District’s sustainability requirements.

There is also wording in the Framework Element illustrating the typical zones and heights appropriate for different Generalized Future Land Use categories. Section IV.B., below, discusses why seeming inconsistencies between the application’s proposed density and height are only apparent and not actual.

² The amended Framework has been adopted by the Council of the District of Columbia, with the Congressional review ongoing.

B. Generalized Future Land Use Map and the Framework Element



The relationship of the application and its related map amendment to the Generalized Future Land Use Map (FLUM) is nuanced. In balance, it would not be inconsistent with the FLUM when considering the degree to which the project would advance policies in the citywide and area elements of the Comprehensive Plan and the Anacostia Waterfront Framework Plan.

The FLUM shows the site as being generally appropriate for medium density commercial uses and institutional uses of an unspecified density. If this were a matter-of-right development, the proposed height, and to some extent the proposed density, as well as the proposed map amendment would typically be considered more appropriate for a high-density mixed-use zone. However, the Zoning Commission has discretion when considering a PUD, and balances the FLUM with other policies and objectives outlined in the elements of the Comp Plan. It may also consider the relationship between a PUD's public benefits and amenities and the map amendment or zoning relief being requested.

The Comprehensive Plan’s Framework Element notes that “the goal of a PUD is to permit development flexibility greater than specified by matter-of-right zoning, such as increased building height or density, provided that the project offers a commendable number or quality of public benefits... In considering whether a PUD is “not inconsistent” with the Comprehensive Plan, it is appropriate to consider the context of the entire site, such as aggregating density on one portion so as to increase open space on another portion – achieving an overall density that is consistent with the Plan”[Framework 224.7].

The applicant has requested a related map amendment to MU-9 within which it proposes a 6.17 FAR and a maximum height of 130 feet. That zone is not cited by the existing Framework Element as being typically appropriate for a medium density zone. The zones used to illustrate the medium density land use category are, in ZR 16 nomenclature, the MU-5, MU-6 and MU-8 zones [Framework 225.9]. The MU-6 zone is also cited as a typical high-density zone. The

upper FAR and height limits for these illustrative zones range from 3.5 FAR in the MU-5-A to 7.2 FAR for an IZ project in the MU-6 zone, and from 65 feet in the MU-5-A zone to 100 feet for an IZ project in the MU-6 zone. The proposed PUD would not exceed the greatest of these by-right FAR maximums. While it would exceed the highest of the by-right height maximums, it would do this to provide more market rate and affordable housing and to occupy 37% less of the site in order to provide additional public plazas, public connections to the waterfront and publicly accessible open space and retail terraces. These are the types of trade-offs inherent in the concept of a PUD.

That the PUD's height and density are not inconsistent with the Comprehensive Plan is further reinforced by the both the revisions to the Framework that have been adopted by the Council of the District of Columbia and are awaiting completion of the Congressional review process, and by the Mayor's proposed amendments to the FLUM, which are awaiting Council consideration³. The amended Framework focuses on typical by-right densities for land use categories, rather than number of stories, and the proposed FLUM amendments would change the site's future land use designation to high density residential use and medium density commercial use.

Further, the Framework Element gives particular attention to affordable housing. It states that *the following should be considered as high-priority public benefits in the evaluation of residential PUDs:*

- *The production of new affordable housing units above and beyond existing legal requirements or a net increase in the number of affordable units that exist on-site;*(224.9)

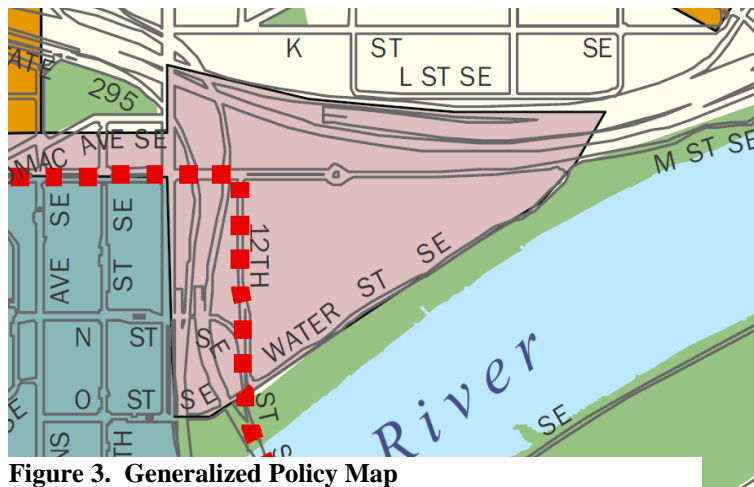
The Housing Equity Report published in October 2019 ([housingdc/HousingEquityReport](https://housingdc.org/HousingEquityReport)) provides goals for the more equitable distribution of affordable housing in Washington, DC, supporting Mayor Muriel Bowser's vision for creating 36,000 new housing units including 12,000 affordable units by 2025.

The permanent affordable housing within the boundaries of the Capitol Hill Planning Area represent only 3.0%, and within ANC 6B only 1.7%, of the District's current affordable housing supply. The goal for the Capitol Hill Planning Area is a total of 1,400 new affordable units by 2025 (Report, page 12). This site is one of the few sites that can make a significant contribution to that goal. The applicant has responded to the Commission's and OP's concerns by increasing its affordable housing proffer. It proposes to reserve 12% of the project's net residential square footage for affordable housing. This would be 50% more than is required by IZ regulations.

In addition to housing and affordable housing, the PUD would further other PUD purposes cited by the Framework Element. The proposed PUD-associated map amendment would enable the project to achieve greater porosity and more open space by distributing that density on in taller buildings with less lot coverage. The proposed visual and pedestrian connections aligned with 13th and 14th Streets to the north, the architectural opening in Tower 1E and the improvements to the Virginia Avenue corridor would be consistent with the Framework Element's emphasis on connections to the waterfront. A substantial portion of the plazas, terraces, landscaping and other public space improvements would also provide some of the commendable public benefits referred to in the Framework Element for a PUD.

³ Council has set November 12 and 13 as the dates for public hearings for the proposed amendments to the Comp Plan.

C. Generalized Policy Map



The Generalized Policy Map indicates that a change in land use is expected and encouraged for this site and adjacent areas. The project would introduce residential uses and some commercial uses, to an essentially undeveloped industrial site where residential use is now prohibited. These uses would not be inconsistent with the policy map designation and are encouraged for waterfront sites in both the Area Element and in the Anacostia Waterfront Framework Plan.

D. Other Written Elements

The introduction of approximately 900 housing units to the site and the proposed retail offerings would further the Housing Element's emphasis on Balanced Growth and Mixed -Use Development that increases the District's supply (Policies H-1.1.3 and H-1.1.4). It would contribute to the Housing Element's policies (H-1.1) to increase the supply of the District's housing stock, create mixed-use development.

By promoting greater access to the waterfront from both near Southeast and Capitol Hill, activating the spaces comprising the waterfront connections, emphasizing urban patterns that extend the L'Enfant Plan, and providing both housing and retail that would populate the waterfront, the project and its site plan would further Urban Design Element and the Lower Anacostia Waterfront/Near Southwest Element policies UD 1.3 and AW 2.3 and the creation of a mixed-use neighborhood between the Anacostia riverfront and Interstate 395/295.

The applicant's most recent filing states (see Exhibit 30, pages 14 and 15) that the proposed project may not be consistent with Comprehensive Plan policies concerning the Redevelopment of Obsolete Industrial Use [§314.8 and ED-2.5.1] and Industrial Land Retention, [§711.5] or with waterfront policies for River Views and Transitions in Building Intensity. With respect to the re-use of industrial land, OP notes that the site is now marginally used for storage and parking, with the only improvement to the land being a one-story shed in what was once the right of way of Virginia Avenue. Much of the land is vacant or overgrown. The Anacostia Waterfront Framework (AWI) Plan first identified this site almost 20 years ago as optimal for a high-density

mixed-use development that promotes waterfront access. This objective was somewhat advanced with the 2012 Comprehensive Plan's FLUM amendments' reclassification of the site from production, distribution and repair uses to mixed medium density commercial and institutional uses. Overall there are a preponderance of policies indicating the suitability of the applicant's proposed redevelopment of this site, rather than its retention as industrial land.

The Comprehensive Plan's Urban Design Element encourages the retention of river views and downward transitions in scale as buildings get closer to a waterfront [UD-1.3.5 and UD 2.2.4]. The proposed project would be significantly taller than the limited nearby development and would decrease views of the river from the neighborhood to the north. However, under the existing zoning, a by-right development on this site could be 90 feet tall and achieve a by-right FAR of 6.0. It could cover up to 100% of the site.

A 90-foot-high by-right development maximizing its possible footprint would block views from the north even more than this 130-foot design of this proposal. The PUD would break the development into three towers with view corridors towards the river in line with 13th and 14th Streets, S.E and would enable views through the middle of a portion of Consolidated PUD Tower 1E. The PUD would also enhance access to the waterfront with the proposed public space and landscape proffers and other public benefits.

It is not likely that a by-right 90-foot tall development covering more of the site would provide for this degree of connectivity to the waterfront. In balance, the greater public access the project would provide to waterfront-adjacent open space, and the project's public plazas, and recreational and leisure offerings outweigh the project's greater height and the absence of transitions in scale of the project's massing.

As such, on balance, the project's quality, quantity and degree of benefits are sufficiently supportive of important Comprehensive Plan policies, such that realizing those benefits would outweigh the project's being less consistent with other aspects of the Comprehensive Plan.

Anacostia Waterfront Framework Plan

As noted, the project would also be consistent with the Anacostia Waterfront Framework Plan's objectives, which, for the last decade, have envisioned a mixed-use project on the site that would connect Virginia Avenue east of 11th Street, SE with the waterfront, and provide extensive publicly accessible open space.

V. ZONING ANALYSIS AND REQUESTED ZONING FLEXIBILITY- Overall PUD

In this section, figures in the most recent applicant filing (Exhibit 30-30B) that have been revised

The Applicant has applied for a PUD-related map amendment from PDR-4, which does not permit residential density, to MU-9 which permits residential use.

The PUD's proposed 6.17 FAR would be 0.17 FAR greater than the 6.0 FAR permitted by-right, and 1.03 FAR less than could be permitted a PUD. The 130-foot height for the two towers of

Building 1 would be 40 feet taller than is permitted by-right or with a PUD. The 92-foot height of Building 2 would be two feet taller than would be permitted by-right or as a PUD. However, the proposed 63% lot occupancy would be significantly less than 100% lot occupancy permitted in the PDR-4 zone either by-right or as a PUD. The project will have less density and lot coverage than would be permitted by-right for an IZ project in the MU-9 zone, and would be within the discretionary height limit for a PUD in that zone.

As detailed in the table below the Applicant is seeking the following zoning relief:

- Loading for 1st Stage PUD Building 2, to provide no loading facilities;
- Rear yard, 1st Stage PUD Building 2 (23'5" required, 12'7" provided) (Exhibit 17A1, Sheet A-7);
- Two Sections of Side Yards, Building 1, West Tower (21'8" required, varying widths proposed);
- Open Court, Consolidated PUD Tower 1W (39'7": required, 36'7" proposed);
- Open Court, 1st Stage PUD Building 2 (32'8" required, 17'1" provided)(Exhibit 17A1, Sheet A-7);
- Ability to convert up to 25,000 SF of retail space in the Consolidated PUD to residential or other MU-9-permitted uses;
- Minor Design Flexibility (See Exhibit 17, pages 7 and 8. Page)
- Ability to vary the types of uses designated as retail, to include retail, service-general, services-financial, eating and drinking establishment, medical care, and arts and design;
- Ability to vary the font, message, logo and color of signage within the dimensions and materials shown on approved plans.

Within the context of the requested MU-9 zone, most of the requested relief appears to be relatively minor. The exception is the loading relief being requested for Building 2. The Applicant is proposing no loading for that building and states that trash would be stored in the building and wheeled to the curb for pick-up on M Street. DDOT has indicated the applicant's Transportation Management Plan has addressed this matter in a way that is generally satisfactory, but DDOT and its Public Space Committee will continue to work with the applicant on refining loading and drop-off procedures from M Street.

OP recommends the requested relief be granted, *provided the requested minor design flexibility is consistent with current Zoning Commission direction for such relief.*

OP also suggests the applicant consider reducing the degree of requested flexibility in the number of apartments to be provided. (See page 19 of this report).

**Table 2: Overall Consolidated and 1st Stage PUD –
Existing and Proposed Zoning, Development Potential, and Proposed Development.**

(Based on Applicant's information. Underlining indicate revisions since the initial filing. Relief is requested for items in Red).

Site: 127,499 SF 2.92 acres	Permissions and Requirements			Proposed by Applicant		
Zone	Existing PDR-4	MU-9 By- Right with IZ	MU-9 PUD With IZ	MU-9 PUD Proposals (Range of all buildings)		
	Potential	Potential Or Required	Potential or Required	Proposed	Difference from PDR-4 By-Right	Compliance and Notes
Height (Ft.)	90	90	130	Bldg. 1 – 130' and 13 stories Bldg. 2 – 92' and 9 stories	Up to 40 feet higher	Complies with MU-9
Total FAR	6	7.8	9.36	<u>6.17 overall</u> Bldg. 1 W E- <u>2.00</u> Bldg. 1 E W- <u>4.01</u> Bldg. 2 – <u>8.23</u>	<u>+ 0.17</u>	Complies Based on theoretical lots. Density less than permitted MU-9 by-right or PUD
Lot Occupancy (%)	100	100	100	61.3% (Bldg. 1) 87.5% (Bldg. 2) 63.1% total	On average, ~ 37% less	Complies. Provides more open space than required.
Total SF	764,944	994,492	1,193,391	<u>786,160</u>	<u>21,216</u>	Complies. <u>407,231</u> less than PUD max.
Residential GFA	Residential prohibited	994,492	1,193,391	<u>742,068</u>	<u>742,068</u>	Complies with MU-9
Res. Units, @ 660 (previously incorrect) <u>824.5</u> gsf [ave. gsf = residential sf divided by # of units in proposal]	Residential prohibited	1,506 units	1,808 units	~900 units	~900 units	+/- 10% flexibility requested
Affordable (IZ) Units @ ave. 800 <u>824.5</u> gsf	Not applicable	Approx. 11	Approx. 144 (8% at 60% MFI for	<u>89,068</u> sf of total res. sf; approx. <u>108</u> of 900 units	None required or permitted by existing zoning	Complies. 12% of residential GSF = <u>29,703 SF</u> and

Site: 127,499 SF 2.92 acres	Permissions and Requirements			Proposed by Applicant		
Zone	Existing PDR-4	MU-9 By- Right with IZ	MU-9 PUD With IZ	MU-9 PUD Proposals (Range of all buildings)		
	Potential	Potential Or Required	Potential or Required	Proposed	Difference from PDR-4 By-Right	Compliance and Notes
		(8% at 60% MFI for rental units)	rental units)	(12%)		<u>50%</u> more than required. (IZ's required 8% @ 60% MFI + <u>4%</u> @ 60% MFI
Non-Res. SF (retail & res. Amenity space)	764,944	N/A ~~~~~	N/A	<u>44,092</u> retail	Up to ~ <u>720,944</u> less	Complies. Includes residential amenity and retail space.
Parking, residential	Not applicable	1 per 3 du's > 4; 50% reduction per C 705.1	1 per 3 du's > 4; 50% reduction per C 705.1	149 required and provided	Not applicable	Complies
Parking, non- residential	1 per 1000 SF > 3000	1 per 1000 SF > 1000	1 per 1000 SF > 1000	16 required and provided	Not determined	Complies
Total Vehicle Parking	Not determined	Not determined	Not determined	174 required and proposed	Not determined	Relief No Longer Requested
Bicycle Parking (residential)			Long:163 Short: 53	Long: 191 Short: 45	Not determined	Complies
Bicycle Parking (retail)			Long: 33 Short: 6	Long: 5 Short:14	Not determined	Complies
Total Bicycle Parking		96 long term 59 short term	96 long term 59 short term	196 long term 58 short term Required and provided		Complies
Loading				<u>Bldg. 1</u> (1)55' berth, (2) 30' berths; (2) service spaces <u>Bldg. 2. none</u>		Bldg. 1: Complies Bldg. 2: Relief Requested

Site: 127,499 SF 2.92 acres	Permissions and Requirements			Proposed by Applicant		
Zone	Existing PDR-4	MU-9 By- Right with IZ	MU-9 PUD With IZ	MU-9 PUD Proposals (Range of all buildings)		
	Potential	Potential Or Required	Potential or Required	Proposed	Difference from PDR-4 By-Right	Compliance and Notes
Rear Yard (based on 2 theoretical lots) (Exhibit 17 A1, Sheet A- 7)	> 12 ft or 2.5 in./ft. of height	> 12 ft or 2.5 in./ft. of height w/option to measure from 20 ft. above rear grade if rear yard provided	<u>Bldg. 1</u> 50'8" width required if court provided in lieu of rear yard <u>Bldg. 2</u> Same as by-right	<u>Bldg. 1</u> (1) 109'10" Open court C5 provided in lieu of Bldg. 1 rear yard Bldg. 2: 23'5" deep yard Required; 12'7" deep yard proposed	<u>Bldg. 1</u> Not determined	<u>Bldg. 1</u> Complies Bldg. 2: Relief Requested
Side Yard (based on theoretical lots) (Exhibit 17 A1, Sheet A- 7)	Not Required	<i>If provided,</i> the greater of 5' or 2"/ft. of bldg. ht. = 21'8"	Same as By-Right	<u>Bldg. 1:</u> 3 at 21'8" required <u>Bldg. 1:</u> 1 provided at 2 at 73' 3" provided, and 2 (S2 and S3) provided at "varied" widths less than 21'3" <u>Bldg. 2:</u> none required or proposed	Not calculated	<u>Bldg. 1</u> S1: Relief requested S2: Relief requested for S1 and S2 S3: Complies Bldg. 2: Complies
Open Court (Exhibit 17 A1, Sheet A- 7)	n/a	> 6' or 2 in. per ft. of court height	Same as By-Right.	<u>Bldg. 1:</u> C1 – 39'7" Required 36'7" proposed <u>C2-</u> 43'8" Required 69'9" proposed <u>C3 –</u> 43'8" Required 65' 7" proposed <u>C4 –</u> 39'7" Required	Not determined	Bldg. 1 C1 - Relief requested C2 – Complies C3 - Complies C4 - Complies

Site: 127,499 SF 2.92 acres	Permissions and Requirements			Proposed by Applicant		
Zone	Existing PDR-4	MU-9 By- Right with IZ	MU-9 PUD With IZ	MU-9 PUD Proposals (Range of all buildings)		
	Potential	Potential Or Required	Potential or Required	Proposed	Difference from PDR-4 By-Right	Compliance and Notes
				87'4" proposed C6 – 43'8" required 73' proposed Bldg. 2 C7 – 32'8" required 17'1" proposed		C6 – Complies Bldg. 2 Relief requested
Penthouses	--	20' 2 levels Setback 1:1	20' 2 levels Setback 1:1	15' 1 level Setback 1:1	--	Complies
GAR	0.3	0.2	0.2	0.204 – 0.207	~ -0.1	Complies.

VI. COMPLIANCE WITH PUD REGULATIONS

A. Overview – Overall PUD

A PUD is the most appropriate vehicle for realizing the Comprehensive Plan's vision of changing the use of the land and for achieving the waterfront goals of the Urban Design and Lower Anacostia Waterfront/Near Southwest elements.

The 127,499 square foot site size exceeds the 15,000 square foot minimum site size requirements for a PUD. With the related map amendment to MU-9, the 92-foot and 130-foot proposed buildings would be within the limits of the requested PUD-related MU-9 map amendment and the ~~6.22~~ 6.17 FAR would be well under the 9.36 FAR permitted a MU-9 PUD with IZ. The 63% lot occupancy is well below the 100% permitted.

The project is likely to have positive impacts on the surrounding area. Not only would it generate additional housing, jobs and neighborhood-enhancing retail opportunities, it would result in significant improvements to the Virginia Avenue, SE and M Street, SE roadways, an improved bike trail, a connection to the waterfront across land that is now unimproved and topographically challenging, and a range of publicly accessible plazas and landscape features.

OP's preliminary report had expressed concern with respect to the level of detail in the description of the use of the proposed retail space. The applicant has provided a somewhat fuller

description in its most recent statement and has requested flexibility to be able to convert the space to non-retail uses through a future application for a Modification of Consequence. While OP continues to encourage the applicant to refine its vision for this space, given the level of uncertainty at this time about future retail markets, the additional description and requested flexibility is sufficient.

B. Zoning Compliance – Overall PUD

This was addressed in Section V of this report.

C. Other Requested Flexibility – Overall PUD

The Applicant is also requesting flexibility to:

- Provide a +/-10% range in the number of residential unit number;

While 10% may be acceptable for smaller developments, 5 % may be more appropriate for a development of this size; the applicant should specify the projected number of units by type, for the market rate and IZ units in both the Consolidated PUD and the 1st Stage PUD.

- Vary the number and mix of affordable units, consistent with and linked to changes in the number and type of market-rate units;

Prior to consideration of this flexibility, the applicant should specify the projected number of units by type, for the market rate and IZ units in both the Consolidated PUD and the 1st Stage PUD.

- Vary the design of interior components;
- Refine or vary the number and location of parking spaces without providing fewer than are required by zoning regulations;
- Vary somewhat the final selection of exterior materials without reducing their quality, and to make minor refinements to exterior details and dimensions;
- Vary the types of uses designated as retail, to include:
 - Retail
 - Services, general
 - Services, Financial
 - Eating and Drinking Establishments
 - Medical Care
 - Arts, Design and Creation
 - Up to 25,000 square feet of residential space in lieu of the proposed retail space;
- Vary signage within approved dimensions and materials;
- Vary streetscape to comply with DDOT requirements;
- Vary sustainable features, as long as the overall project meets LEED Gold equivalency.

The applicant should confirm that the requested design-related flexibility is consistent with current Commission direction for such flexibility.

D. Transportation, Parking and Loading – Overall PUD

As part of the consolidated PUD the Applicant proposes upgrading the 72-foot wide right of way of M Street, S.E. for the length of the project, adding a traffic circle and the varying width of the Virginia Avenue right of way from the existing circle at 13th Street to proposed private roadway between Building 1, Tower A and the temporary parking lot on the Building 2 site. As part of the consolidated PUD the pedestrian connections and other landscaping would be extended from the end of the public portion of Virginia Avenue to Water Street, within both the Applicant's private property and into public space adjacent to Water Street, via a sidewalk, vehicular drop-off, public plaza and landscaped ramp.

Pedestrian Access and vehicular drop-offs for Building 1's eastern tower would occur either in the private road aligning with 13th Street or from the Virginia Avenue plaza, and from Virginia Avenue or M Street for Building 1's western tower. M Street, the private road and the paving of a portion of Virginia Avenue would provide a circulation loop for vehicles entering the site from M Street.

Building 2 would provide for drop-off from a layby or no-parking area on M Street. There would be additional pedestrian access from a walkway south of the building. The construction of a circle at approximately 1500 M Street, S.E. would provide a circulation route for vehicles.

The parking to be provided is based on the site being eligible for a 50% reduction in required parking due to its proximity to the Capitol South Metro station and to a priority bus line at 11th Street. Parking for Building 1 would be entered and exited from curb cuts at the western end of the East Tower and the eastern end of the West Tower. No parking would be provided in Building 2. The parking supplied meets zoning regulations' requirements.

Loading for both Building 1 towers would be accessed from the private road that would align with 13th Street, SE. Loading would be head-in / back-out, with exiting most likely occurring via the private 13th Street and Virginia Avenue to M Street. (See Exhibit 28A, Fig. 11A for circulation plan).

E. Environmental Considerations – Overall PUD

The application indicates there will be extensive sustainability features embedded both within the buildings and the landscape improvements. With the site's proximity to the Anacostia River, bio-retention is the focus of these features, both on the green roofscapes and in the regraded slopes. The applicant has agreed to build the project to LEED Gold standards and is proposing an unspecified amount of solar panels atop buildings that would be constructed in later stages of the project. There would be no solar panels in the Consolidated PUD. The applicant should provide an estimated commitment for solar panels.

The development would not encroach on the 500-year flood plain. A small portion of the site's southeast corner is within the 100-year flood plan and no construction is proposed for that area.

E. Urban Design and Architecture – Overall PUD

The 1st Stage PUD addresses site plan and massing, but not architecture. Although the street grid is re-established with a combination of public and private streets, the disposition of buildings and the extensive landscape design provide a transition from the orderly patterns of the urban grid to the natural areas along the banks of the Anacostia River. This “loosening up” of traditional urban patterns seems appropriate for this site on the far edge of the L’Enfant plan, where visual and physical access to the waterfront is a priority.

The overall project benefits from the Applicant’s choice to concentrate density within greater heights rather than greater lot coverage. This allows for the site plan to provide for more visual and physical connections through the site, to the waterfront and to provide more room for project amenities and proffered public benefits facing the water. The site plan is exemplary in its re-establishment of and improvements to M Street and Virginia Avenue.

The more developed design of Consolidated PUD Tower 1E is discussed later in this report.

F. Public Benefits - Overall PUD

TABLE 3. PUD Benefits, Amenities and Proffers

ITEM	PROF-FERRED?	MITI-GATION ?	PUBLIC BENEFIT ?	AMEN-ITY?	RE-QUIRED?	NOTES
Market rate housing	No	No	Yes	No	No	<i>Distribution of unit types among towers and floors must be provided prior to hearing.</i>
12% IZ @ 60% MFI	No	No	Yes	No	8% Required + 4% Proffered	<i>Distribution of unit types among towers and floors must be provided prior to hearing.</i>
Superior Architecture	Yes	No	Yes	Yes	Yes	Consolidated PUD arches eliminated in revised proposal; façade treatments simplified; more balconies added.
Publicly accessible terrace, plaza, great lawn on private land, and extensive improvements to Virginia Ave., M Street, former federal	Yes.	No	Yes	Yes	No.	Applicant has agreed to construct all improvements and to maintain them in perpetuity. <i>Details about hours of public access to improvements on private space need to be submitted prior to the hearing.</i> If project

Reservation at Virginia Ave. and M Street, and in other public space						approved, will required additional coordination with District agencies;
Environmental Benefits including LEED Gold equivalency, green roofs, bio-retention and community garden	Yes	partially	Yes	No	Partially	LEED Gold Equivalency exceeds requirements. <i>Needed by hearing:</i> - <i>Square footage of green roofs</i> - <i>Details on amount of solar panels.</i> - <i>Location and size of proffered community garden. Applicant should consider solar for Consolidated PUD.</i>
Greater connectivity through construction of Virginia Ave., private rd., reconstruction of M St. , and publicly accessible north-south connections	Yes	Partially	Yes	Yes	Partially. Some items are required for project. Other improvement are proffers – including extensive landscaping of portion of Virginia Ave. not used for vehicle circulation. publicly accessible improvement on private land, pedestrian connection aligned with 14 th Street SE	Private 13 th Street and Virginia Avenue roadway could be considered mitigation to enable appropriate vehicular circulation for Building 1.
M Street Bike Path relocation	Yes	Partially	Yes	Yes	Partially	

Traffic Circle at eastern end of M Street, SE	No	Yes	Yes	No	Partially. Preferred by DDOT as part of TDM	Circle may be considered mitigation as it facilitates turn-around and circulation for Building 2
\$25,000 contribution to Support Senior Programming	Yes. Prior to building permit applicant will contribute \$25,000 to an unspecified non-profit group or to the District to fund “(i) items or services for an event or programming for seniors in Ward 6, or (ii) the cost of professional services related to securing a site for an adult daycare center in Ward 6,”	No	Yes	No	No	<i>Specifics needed on intended product to result from contribution, recipient of contribution, etc. These should be provided prior to a preliminary decision by the Commission.</i>

VII. CONSOLIDATED PUD DETAILS

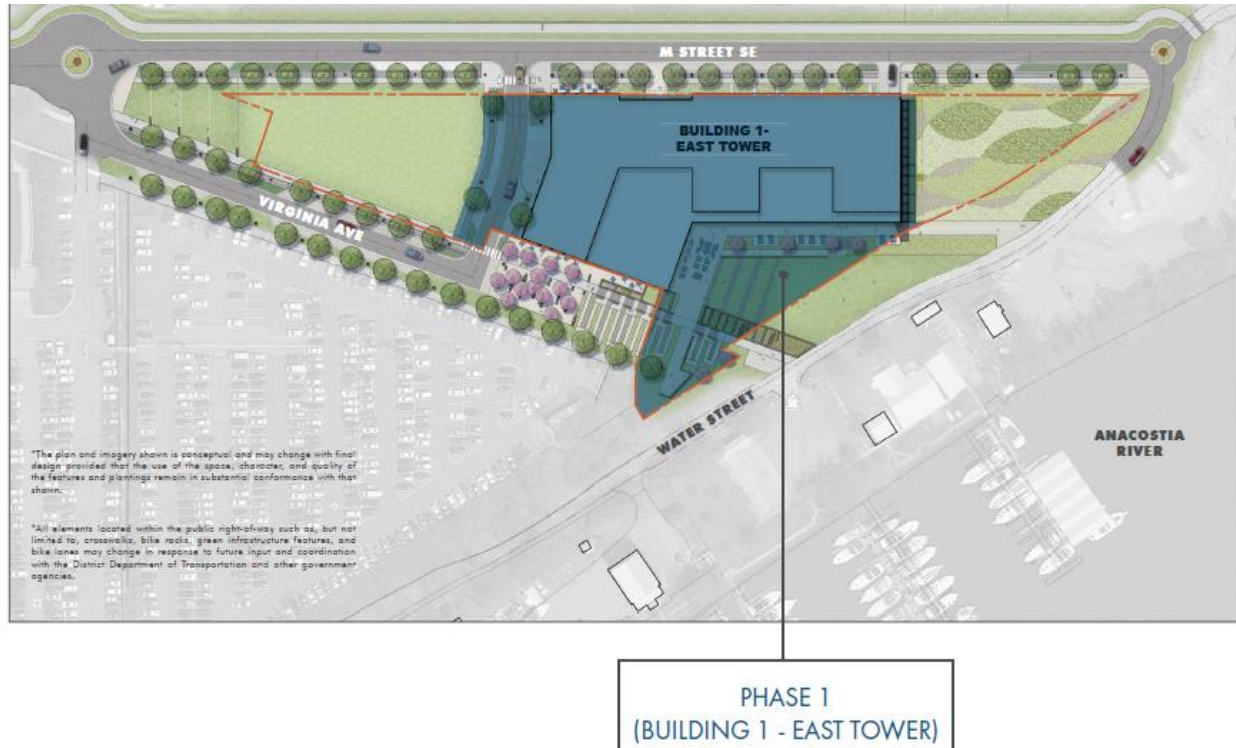


Figure 5. Consolidated PUD

A. Proposal - Consolidated PUD

The Consolidated PUD would be the Eastern Tower of Building 1 (Tower 1E). It would be the center tower of the overall project and would be located on the eastern portion of Theoretical Lot 1. The building would be 130 feet tall as measured from M Street, would contain 496 apartments and have a 4.01 FAR, based on the theoretical lot boundaries. It would cover 44.8% of that lot. 12% of the apartments would be IZ units. Approximately 32,217 square feet of FAR-countable non-residential space is proposed, with most of that being on the south side of the building, facing the Anacostia River.

There would be 174 parking spaces in an underground garage serving that building and the overall PUD. The entire garage would be under both the Consolidated PUD Tower 1E and 1st Stage PUD Tower 1W and would be constructed as part of the Consolidated PUD. Loading would be head-in/rear out from the eastern side of the private road to be constructed in general alignment with 13th Street, S.E.

The consolidated PUD would also have residential amenity space, a rooftop pool and communal penthouse, a terrace adjacent to the Virginia Avenue entrance serving retail uses, and a pathway adjacent to Virginia Avenue. That pathway that would extend the Avenue's pedestrian access through a portion that is now a paper street and across another section of the Applicant's property to public space adjacent to Water Street and overlooking the river.

On the Applicant's property north of Virginia Avenue there would be a publicly accessible plaza and green space serving the adjacent retail spaces located in the lower levels of Tower 1E. Access would be from a walkway or roadway between Virginia Avenue and Water Street, and a pedestrian bridge and stairway in alignment with 14th Street, S.E., against the eastern wall of the Consolidated PUD tower.

B. Zoning Compliance – Consolidated PUD

The square footages and comparative zoning data for the Consolidated PUD have been incorporated into the previous sections of this report that examine the overall PUD. The following table of zoning information is specific to the Consolidated PUD.

Table 3. <u>Consolidated PUD</u>, Tower 1B (Eastern), Bldg. 1 – Theo. Lot 1 Area = 118, 633 SF			
Item	Requirement or Max. Permission for MU-9 PUD with IZ	Proposed	Compliance
Height (ft.) from measuring point	130.0	130.0	Complies.
FAR	9.36	4.01	Complies.
Lot Occ. (%)	100	44.8% of theoretical lot	Complies.
Total SF	Up to 1.1 million for all theoretical lot 1	475,671 gsf	Complies
Residential SF	Same as above for total of all uses	~ 443,461	Complies.
Res. Units	~ 1,500 units for all theoretical lot 1	496	Complies
Affordable SF (IZ 8%)	Not provided for only Consolidated PUD	SF Not provided, but would provide 8% IZ plus additional 4% affordable in Consolidated PUD	Complies with IZ, plus 4% additional affordable at 60% MFI
Affordable Units	~ 40 for only Consolidated PUD	~ 49	Complies with IZ, plus 4%
Retail SF	Up to 1.1 million for total of all uses	32,217	Complies
Vehicular Parking for all uses	336 for only Consolidated PUD	174	Complies, with 50% for high-capacity transit route accessibility
Bicycle Parking	Long Term: 111 Short Term: 35	Long Term: 111 Short Term: 35 for	Complies

Table 3. <u>Consolidated PUD</u>, Tower 1B (Eastern), Bldg. 1 – Theo. Lot 1 Area = 118, 633 SF			
Item	Requirement or Max. Permission for MU-9 PUD with IZ	Proposed	Compliance
Loading for all uses	1 loading berth and 1 service delivery space	1 berth @ 55 ft., 2 loading berths @ 30 sf, 2 service spaces	Complies for Consolidated PUD
Rear Yard (ft.)	Open court provided in lieu of rear yard. See C5, below	109'10" width court	Complies
Side Yard (ft.)	21'8", if provided	>200' on west for only Consolidated; 73'7" on east	Complies until west tower constructed; Relief requested as part of Consolidated PUD. Complies on east
Open Court (ft.)	C4: 43'8" C5: 50'8" (rear yard) C6: 43'8"	87'4" 109'10" 73'	Comply
Roof Structures	20' max. ,1:1 setback	15', 1:1 setback	Complies

C. Benefits, Amenities and Proffers - Consolidated PUD

All benefits and amenities described in Section VII of this report would be provided as part of the Consolidated PUD, with the following exceptions, which would not be delivered until later phases:

- Any solar panel installation;
- A community garden;
- The 404 housing units, including approximately 48 IZ units, that would not be constructed until later phases of the project.

D. Urban Design and Architecture – Consolidated PUD

The architecture of the Consolidated PUD Tower 1E provides a variety of façade treatments. The western section and the portion of the retail base facing the river use red brick to respond to both the brick industrial buildings at the nearby Navy Yard and to traditional Capitol Hill facades with their masonry construction and punched windows. The eastern section, starting at the M Street level, is more modernist, with extensive use of glass. It also contains a large mid-level opening to provide visual connectivity with the waterfront from the north.

Since setdown the design has been simplified. This has better integrated the differences between the traditional and modernist facades and has provided a clearer line-of-site through the mid-level opening. More balconies have been added. The applicant has clarified that the pedestrian

overlook and connection on the east side of the of the tower is designed for access to the lower level by a range of users. The applicant has also supplied examples of the location, type and lighting of building signage (Exhibit 30A2, Sheet A-4-5).

In addition to the above information, the applicant should supply the following by the hearing:

- *Guidelines for any murals that might be visible from public ways (See Exhibit 30A2, Sheet A-3-2);*
- *Provide the square footage of the proposed green roof.*

E. Mitigation of Potentially Adverse Impacts – Consolidated PUD

The construction of the upper portion of Virginia Avenue, the private roads, the reconstruction of M Street and the construction of a new traffic circle at the eastern end of M Street, as well as the enhancement of the M Street bikeway should help to mitigate the potential for traffic congestion. Other mitigation measures are contained in the Transportation Demand Management report (Exhibit 28A) and will be addressed in DDOT's report to the Commission.

The permanent bio-retention facilities would reduce stormwater impact and serve as an attractive educational tool about sustainable treatment of stormwater. Green roofs on every building would also help to reduce stormwater flow.

The District Department of Energy and the Environment (DOEE) has suggested the applicant be aware of or consider other sustainability policies and practices. A summary of DOEE comments is included in Section XI of this report.

VIII. ANC COMMENTS

At Exhibit 11C ANC 6B supported the setdown of this application, with comments. At Exhibit 27 the ANC listed the meetings between the applicant and members of the ANC, noted that the ANC would meet September 8, 2020 to take a final vote on the application, and stated that the ANC intends to participate in the application's hearing.

IX. OTHER PUBLIC COMMENTS

At the time OP completed this report, the file contains three letters of support (Exhibits 23 – 25) and no letters in opposition.

X. OTHER DISTRICT AGENCY COMMENTS

OP held an interagency meeting with eight District agencies in attendance on August 17, 2020.

DDOT stated it has met with the applicant regularly throughout the application process. While most of its recommendations are reflected in the applicant's Comprehensive Transportation Report (Exhibit 28A) the Department is continuing to work with the applicant on project refinements. These include:

- Upgrading the loading management and trash plan for Building 2;

- Expanding the TDM Plan with improvements offsetting traffic impacts at 4 intersections;
- Promoting the realization of the projected mode split by enhancing access to Metro;
- Enhancing Water Street as a shared street.

DDOT will provide details on its recommendations in a separate report to the Commission.

The District Department of Energy and the Environment (DOEE) encouraged the applicant to pursue forward-looking Building Energy Performance Standards to meet the goals of Sustainable DC 2.0 and Clean Energy DC's plans to reduce greenhouse gas emissions. It suggested the project pursue Resilient Design pilot credits through LEED, which would be consistent with improving resilience in light of climate change. The applicant was encouraged to plan for solar ready roofs for those roofs where it does not plan to install solar panels initially. DOEE requested that the applicant install electric vehicle charges or provide infrastructure capable of enabling charges to be installed later.

The District Department of Parks and Recreation noted the applicant's commitment to construct and maintain the open space or park facilities that are in public space or that are in private space but accessible to the public.

The following additional agencies attended the interagency meeting and/or were invited to attend but did not provide comments to OP:

- Department of Consumer and Regulatory Affairs
- Department of Fire and Emergency Services
- Department of Public Works
- DC Public Schools
- The Executive Office of the Mayor.

The Department of Housing and Community Development had worked extensively with OP on the applicant's IZ proffer and attended the meeting but did not provide comments.

OP has also consulted with the State Historic Preservation Office (HPO) within the Office of Planning about the project's relationship to the L'Enfant Plan. Although, as noted, none of the existing or former rights of way that are within or adjacent to the project have historic status, HPO has encouraged the applicant to retain and improve vistas that extend the views from nearby streets that are part of the L'Enfant Plan.