



Memorandum

TO: District of Columbia Zoning Commission

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

DATE: October 17, 2014

SUBJECT: **ZC 14-08 – Public Hearing Report** for Consolidated Planned Unit Developments and PUD-related Amendments from R-5-B to R-5-D and CR, for 1441 - 1449 U Street, N.W.

I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of this Planned Unit Development (PUD) application and Zoning Map Amendment as it conforms to the 2010 Comprehensive Plan's objectives for the area and to the Generalized Land Use and Policy Maps, and would contribute to the redevelopment of the U Street Corridor. As proposed, the project would provide 96 affordable units marketed to households earning between 50 and 60 percent of the area medium income (AMI), which substantially exceeds the amount of affordable housing that would be developed on the site as a matter of right and at a significantly deeper subsidy. The proposal would provide existing Portner Place residents with family-sized units and the existing building's subsidized housing would be replaced on an approximately two-to-one basis.

As a response to OP and Zoning Commission requests during the setdown meeting on June 30, 2014, the Applicant submitted additional information pertaining to the affordable housing component, including the program for the temporary relocation of existing residents, and confirmed that either the entire development would be constructed at once, or if phased that the first phase include the affordable units (Exhibit 19). Further, the Applicant provided additional analysis regarding the flexibility requested (Exhibits 19, 28); more information regarding a Certified Business Enterprise (CBE) and First Source Employment Agreement (Exhibit 19); a more detailed amenities package (Exhibit 19); and additional street-level renderings and other plans and drawings (Exhibit 28).

II. PROPOSAL

Portner Place, LLC, (the "Applicant"), has petitioned the Zoning Commission for a PUD and related map amendment from R-5-B to R-5-D and CR to permit construction of a mixed-use residential with ground floor retail development at Square 204, Lot 208 (the "Project"). The proposal consists of an apartment house on the Subject Property, divided into "Wing A," fronting on V Street and zoned R-5-D, and "Wing B," fronting on U Street and zoned CR.

Wing A would include:

- An 8-story building with an FAR of 4.72 which would include 91,012 square feet of residential uses on the first through eighth floors;
- 96 residential units, all of which would be devoted to residents earning up to 60% of the area's median income (of which not less than 15 percent would be devoted to households earning 50 percent or less of AMI); and
- A maximum height of approximately 75 feet 8 inches at the V Street frontage.

Wing B would include:

- An 11-story building with an FAR of 8.27 which would include approximately 230,917 square feet of gross floor area (approximately 221,197 square feet of residential uses on the 1st through 11th floors and 9,720- square feet of gross floor area devoted to retail uses on the ground floor, plus an additional 5,060 square feet of retail on the P2 level);
- 270 market-rate units; and
- A maximum height of approximately 105 feet, 8 inches at the U Street frontage.

The Project would redevelop the existing Portner Place Apartment complex into a mixed-income community. The Applicant purchased the property in September, 2013, in collaboration with the existing Portner Place Tenant Association through the Tenant Opportunity to Purchase Act (“TOPA”). The PUD would include new housing for the current Portner Place residents.

The existing building’s subsidized housing would be replaced on an approximately two-to-one basis; the Applicant is in the process of extending the existing Section 8 contract with the United States Department of Housing and Urban Development (HUD) to preserve the affordable rents. If financing for the proposed affordable units could not be secured, a Zoning Commission re-evaluation of this Project, particularly its proposed benefits and amenities, may be needed.

The overall development would also include approximately 137 parking spaces on two levels below grade; parking and loading for both buildings would be accessed from V Street. Parking would be provided for employees of the retail tenants, and would be specifically marked within the garage as dedicated spaces. Each residential parking space would be assigned to individual residents of the building.

In addition to the requested PUD-related map amendment from R-5-B to R-5-D and CR, the Applicant seeks zoning flexibility in the following areas:

1. Closed Court (§§ 406.1 and 776.4)
2. Rooftop Structures (§ 411);
3. Compact Parking Space (§ 2115.4)
4. Loading (§ 2201.1);
5. Floor Area Ratio (§ 2405); and
6. Inclusionary Zoning Design Standards (§ 2605)

The Applicant worked with OP, the Historic Preservation Review Board (HPRB), and the community to address the height, massing, and design of the building prior to filing this application.

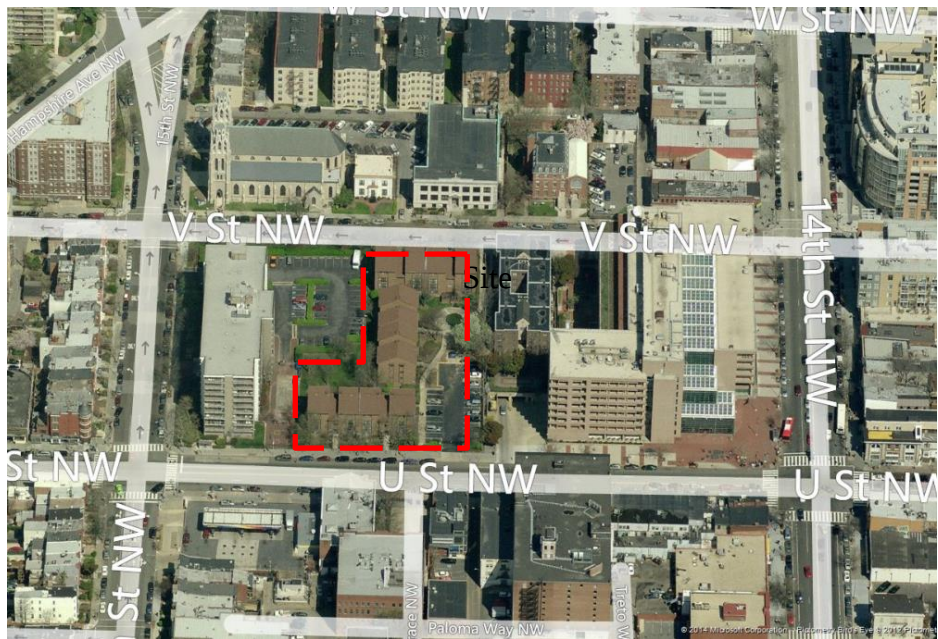
The Property is located within the U Street Historic District. A concept plan was submitted to the Historic Preservation Office (HPO) and HPRB, which reviewed the proposed height, density, and the compatibility of the buildings with the adjacent neighborhood buildings, and the historic district. The Historic Preservation Review Board conducted a public hearing in March 27, 2014. The Board found the height and mass of the proposed new construction, and the design of the V Street elevation, to be compatible with the historic district but on the U Street elevation requested further study to mitigate the horizontal quality of the projecting bays, to strengthen the tripartite organization and the base of the building, elimination of the entrance tower element, and a simplification of materials. The Project was modified and refined in response to HPRB guidance and comments. On May 1, 2014 the HPRB voted unanimously to approve the revised project design.

III. SITE and AREA DESCRIPTION

Lot 208 is a 47,170 square foot parcel located in Square 204. The Property currently includes the Portner Place Apartments, a 48-unit HUD Section 8 housing complex comprised of three garden apartment style buildings surrounded by surface parking lots. The property is located within the Greater U Street Historic District.

Surrounding squares have some mixed-use, higher density structures. To the east of the Property, is the Frank D. Reeves Municipal Center zoned ARTS/CR and a three story multifamily building. To the north of the Property, across V Street, is St. Augustine Catholic Church.

To the west of the Property are the Dunbar Apartments, zoned R-5-D. To the south of the Property, across U Street, are low-scale commercial uses, zoned ARTS/C-2-B and ARTS/CR.



The U Street right-of-way is 90' wide and the V Street right-of-way is 75' wide. U Street accommodates four lanes of vehicular traffic and two parking lanes. V Street accommodates one lane of vehicular traffic, two parking lanes, and one bike lane. The Subject Site is approximately two blocks from the U Street Metro Station and is served by several bus lines and Capital Bikeshare.

IV. MAJOR CHANGES SINCE SETDOWN

Affordable Housing

The Applicant provided information comparing Portner Place's existing affordable housing to those in the proposed Project. The existing Portner Place buildings consist of 48 garden-style units, with 36 two-bedroom units and 12 three-bedroom units. The Applicant provided a breakdown of proposed dwelling units by type, including the number of each type of affordable units (see table below). All of the affordable units would be located in Wing A, consistent with the wishes of the existing Portner Place residents.

ADU Unit Mix (Wing A)		
Type	Total Units	%
Efficiency	23	24%
1 BR	25	26%
2 BR	36	37.5%
2 BR + Den	12	12.5%
Total	96	100%

The Applicant detailed the contingency plan for the delivery of the affordable units if subsidies are not obtained by noting that the development of Wing A would require tax-exempt bond financing. According to the Applicant submissions, the Department of Housing and Community Development (DHCD) has provided a capital subsidy for the Project of \$2.4 million.

The Applicant provided details concerning the term of the proposed Section 8 contract and the implications of the potential expiration of the current contract; the Applicant proposes to extend the Section 8 HAP contract for 20 years, for which HUD has indicated initial support. The Applicant should provide details as to the level of affordability after the expiration of the proposed 20-year HAP contract. In the event that the current contract is not renewed, each resident would receive a Section 8 voucher.

The Applicant specified the term for its commitment to the proposed 96 affordable housing units through financing with Low-Income Housing Tax Credits (LIHTCs), which require a 40 year affordability commitment. If constructed in separate phases, Wing A (with the affordable housing) would be constructed first, consistent with 11 DCMR Section 2605.5.

Portner Place Tenants Association Letter

The applicant provided a letter from the Portner Place Tenants Association, dated June 24, 2014, expressing support for the proposed redevelopment of the PUD site, including locating existing Portner Place tenants in the “family-oriented” Wing A.

Relocation Plan

The Applicant provided additional information regarding the relocation plan for existing Portner Place tenants. Assuming the current HUD contract is extended, each current resident of the PUD site would receive a Section 8 Housing Choice Voucher. The Applicant would provide relocation assistance to each returning resident to find a new home with their voucher and would pay all residents’ moving costs. In addition, the Applicant would sign a master lease with the new landlord. If HUD does not extend the current contract, every current resident at the PUD site would be issued a voucher. Voucher holders would contract individually with their new landlord. The Applicant would contract with Transitional Housing Corporation (THC) or a similar agency to provide supportive services to current residents, assist families in the relocation process, and implement programs and services once the families return to the PUD site.

FAR

The Applicant noted in its prehearing statement that Wing A would have an FAR of 4.10, and Wing B would have a FAR of 7.52, for an overall FAR of 6.82. In light of a mathematical error, the Applicant revised the FAR calculation for Wing A to 4.725 and for Wing B to 8.27. The overall FAR for the site would remain at 6.82. The revised FAR calculations would not change the proposed building’s size, height, lot occupancy, configuration, or gross floor area. The Applicant would require flexibility from Section 2405 for the increase in FAR (see Section VII. Flexibility).

Amenities

The Applicant provided additional details regarding the amenities which would be provided in Wing A and Wing B.

Wing A would include the following:

- bicycle storage room in the below-grade parking garage;

- community space for social gatherings and for resident services;
- business center with multiple computers;
- fitness/yoga room;
- ground level courtyard;
- centralized laundry room on the second floor with large washers and dryers, including one set of commercial sized washer and dryer, to accommodate families; and
- rooftop community room with a catering kitchen; playground; community garden; and grilling and dining area.

Wing B would include the following:

- bicycle storage room in the below-grade parking garage;
- first-floor media center, club room with a game and lounge area, kitchen, and fitness/yoga center;
- ground-floor courtyard;
- small washer/dryers in each residential unit; and
- rooftop community spaces; deck with flexible seating; rooftop quiet garden; and swimming pool.

Although the proposed amenities differ between the market-rate unit and affordable unit wings, this approach appears to align with the stated intent of the Portner Place tenant association for more family-oriented amenities.

Design

At its public meeting on June 30, 2014, the Zoning Commission instructed the Applicant to provide a more simplified façade design. The Office of Planning requested that the Applicant provide additional and more-detailed street-level renderings that depict the Project's proposed materials and signage. The Applicant's revised drawings, dated October 7, 2014 (see sheets A-13, A-26-30, Exhibit 28), depict a simplified façade design and provide more detailed renderings of the U and V Street frontages.

The Office of Planning supports the design modifications. The building scale and massing is respectful of the adjacent commercial and residential corridors along U and V Streets. The Applicant's use of architectural elements creates a visual hierarchy. The Applicant proposes to clad floors 2-8 of the building in a lightly colored precast concrete; this should have the effect of making the building appear in context with many of the adjacent buildings along U Street. The upper floors would be clad in a dark gray brick. The retail façades would be uniformly clad in metal panels and glass. The Office of Planning would support retail facades customized to individual tenants because that approach typically provides an organic feel to the streetscape and a more interesting pedestrian experience. The large windows proposed for the ground floor should provide significant visual interaction between pedestrians and the interior of the retail level of the building. Further, the quality of design and materials is comparable on both the U Street and V Street facades.

V. COMPREHENSIVE PLAN AND PUBLIC POLICIES

The proposed PUD must be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies (§ 2403.4). The development proposal would particularly further the Land Use, Housing, Economic Development, Environmental Protection, Historic Preservation, and Urban Design Citywide Elements, as well as the Mid-City Area Elements and policies:

Land Use Element

- *The city's aging building stock still requires refurbishment and replacement. The renewed popularity of city living generates the need for more housing and new amenities. 300.4*

- *Land use changes have the potential to make the city more vibrant, economically healthy, exciting, and even more environmentally sustainable than it is today. 300.5*
- *Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors. 306.2*
- *Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include:*
 - *A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;*
 - *A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;*
 - *A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; 306.4*

Policy LU-1.3.2: Development Around Metrorail Stations *Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.*

The proposed mixed use development would capitalize on the site's proximity to several transit options, and would help to address the District's housing demand. Further, the Project would help to enliven and transform this section of U and V Streets between 14th and 15th Streets. OP worked with the Applicant to refine the Project's height and density so that the Project's scale would be appropriate given its context.

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.*

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.*

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

The development proposes to add 318 residential units, (not including the 48 replacement units), along a mixed use corridor consistent with the policies of the Housing Element. The project would include full-replacement of the existing affordable housing units on a two-to-one basis, with a focus on family-oriented unit sizes.

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.*

Policy ED-2.2.5: Business Mix Reinforce existing and encourage new retail districts by attracting a mix of nationally-recognized chains as well as locally-based chains and smaller specialty stores to the city's shopping districts.

The proposed Project would include ground-floor retail which could help the U corridor better meet the demand for basic goods and services.

Environmental Protection Element

Policy E-1.1.1: Street Tree Planting and Maintenance Encourages the planting and maintenance of street trees in all parts of the city;

Policy E-2.2.1: Energy Efficiency Promotes the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses;

Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff: Promotes an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction;

Policy E-3.1.3: Green Engineering: Promotes green engineering practices for water and wastewater systems;

Policy E-3.3.1: Promotion of Community Gardens: Encourages and supports the development of community gardens on public and private land across the city.

The proposed Project would include street tree planting, landscaping, energy efficiency, methods to reduce stormwater runoff, green engineering practices, and a communal rooftop garden. OP supports the inclusion of these environmental benefits into the proposed Project.

Historic Preservation Element

Policy HP-2.2.2: Neighborhood Preservation Planning Give full consideration to preservation concerns in neighborhood plans, small area plans, major revitalization projects, and where appropriate, applications for planned unit developments and special exceptions. Promote internal coordination among District agencies and the HPO at the earliest possible stage of planning efforts and continue coordination throughout. Involve Advisory Neighborhood Commissions and community preservation groups in planning matters affecting preservation.

Policy HP-2.4.3: Compatible Development Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail.

The Project would enhance the form and identity of the U Street Historic District and would be respectful of its historic context. Buildings of similar height and scale currently exist on the U Street and V Street corridors. In addition, the treatment of the façade would not be out of character with the surrounding historic neighborhood. As noted above, HPRB reviewed the proposal and indicated support for the current design.

Urban Design

Policy UD-2.2.4: Transitions in Building Intensity Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood.

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

Policy UD-2.2.7: Infill Development Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.

Policy UD-3.1.11: Private Sector Streetscape Improvements As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties.

The height and density of the building would step down from U Street toward the relatively lower scale structures along V Street. The façade would be articulated through setbacks, projections, and other design elements consistent with the character of the neighborhood. Setbacks at the tenth and eleventh floors along U Street (Wing B) would visually reduce the height and massing of the building. The building would be set back a smaller distance from U Street relative to its neighbors, particularly the adjacent Reeves Center.

The Applicant is also committed to streetscape improvements consistent with current District standards.

Since setdown, the Applicant provided additional street-level renderings which provide more realistic detail as to the Project's proposed materials and signage along U Street (see Sheet A-13 and A-14 of Exhibit 28). The renderings appear to show transparent glass for much of the ground-level on the U Street façade, which should contribute to the pedestrian experience on the street. Likewise, the rendering of the V Street façade at ground-level (Sheet A-12) indicates that the majority of ground-level would be transparent glass punctuated by dark gray brick.

Overall, the Project would enhance the vibrancy of the U Street and V Street corridors through infill development and ground floor retail on U Street, while protecting the surrounding lower density uses from light, noise, and disturbances.

Mid-City Area Element

The property is located in the U Street/Uptown policy focus area of the Mid-City Area Element:

Policy MC-1.1.2: Stimulate high-quality transit-oriented development around the...U St./African American Civil War Memorial/Cardozo Metrorail station areas...Opportunities for new mixed income housing, neighborhood retail, local-serving offices, and community services should be supported in these areas, as shown on the Comprehensive Plan Policy Map and Future Land Use Map.

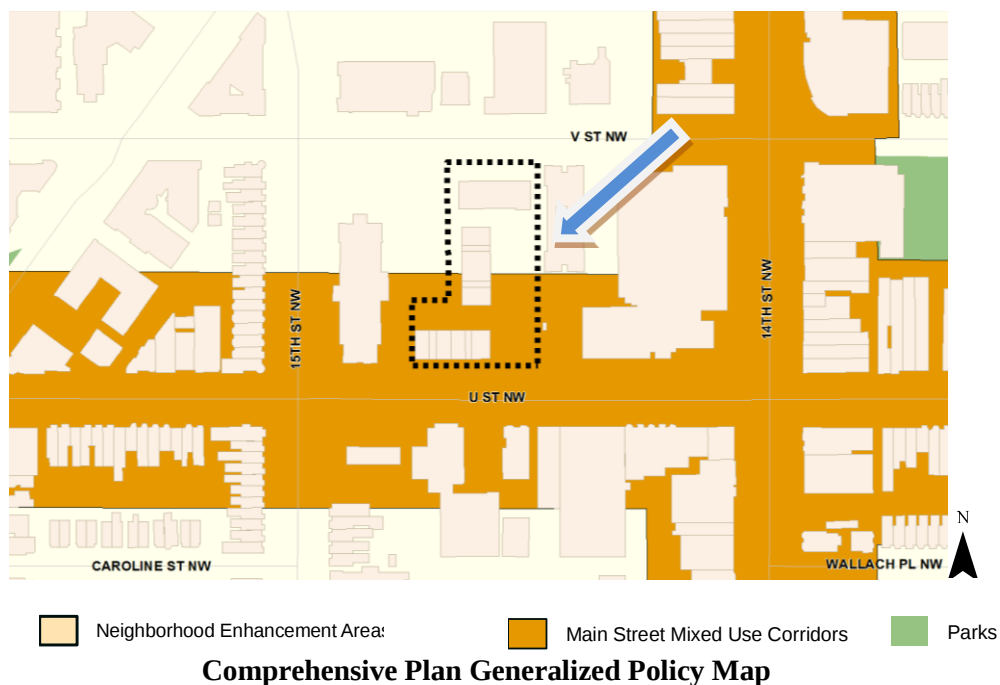
Policy MC-2.3: As development takes place, continued efforts to improve the streetscape and public space, provide affordable housing, preserve historic buildings, and mitigate development impacts (particularly those associated with the increased concentration of restaurants, night clubs and entertainment uses) should be included.

Policy MC-2.3.3: Uptown Design Considerations Ensure that development in the Uptown Area is designed to make the most of its proximity to the Metro Stations at Shaw and 13th Street, to respect the integrity of historic resources, and to transition as seamlessly as possible to the residential neighborhoods nearby.

The Proposal would provide a mixed-use, transit-oriented development near the U Street Metro. In addition, the Project would include affordable units, which is consistent with District policies pertaining to the addition of affordable housing.

B. Comprehensive Plan Generalized Policy Map

The Generalized Policy Map locates the south half of the Subject Site along U Street within a Main Street Mixed Use Corridor, a traditional commercial business corridor with a concentration of older storefronts along the street. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. This is where the higher density residential and retail is proposed. The north half of the site, where the lower scale residential building would be located, is designated as a Neighborhood Enhancement Area, which are neighborhoods which present opportunities for compatible infill development.



C. Future Land Use Map

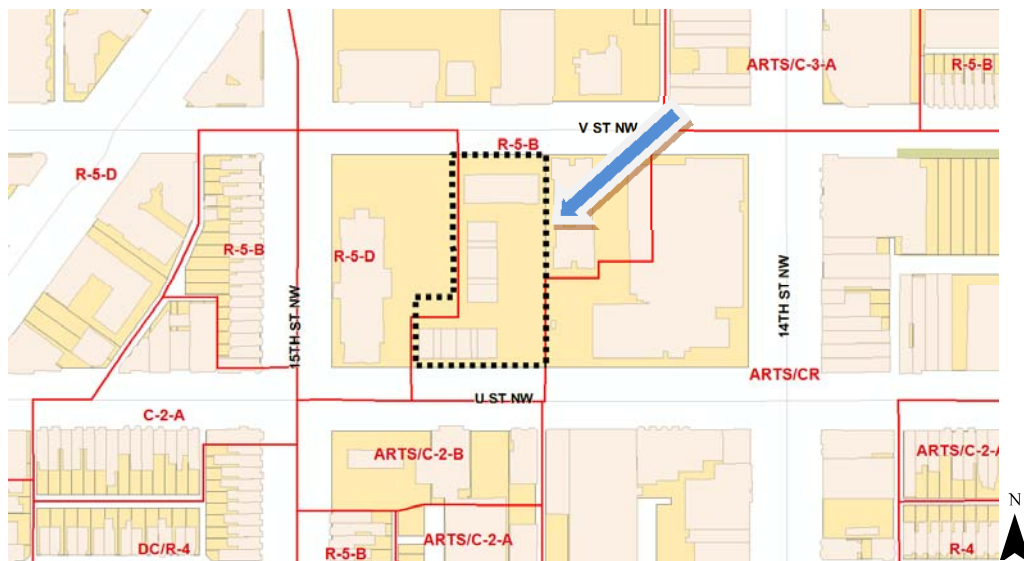
The Future Land Use Map designates the subject site for Medium Density Residential Uses. The proposed development is not inconsistent with the land use designation.



Future Land Use Map

VI. ZONING

The site is currently zoned R-5-B. Directly to the west is an R-5-D zone. Directly to the south (across U Street), is an ARTS/C-2-B zone, to the east in Square 204 is a ARTS/CR zone, and to the north (across V Street) is an R-5-B zone. The Reeves Center, directly east, is zoned ARTS/CR. The Applicant is proposing the R-5-D zone, characterized by moderate density residential use for the north half, and CR, a mixed use commercial residential district which encourages a diversity of compatible land uses, on the south half.



Location and Zoning

The following table compares the existing matter of right and requested R-5-D PUD and CR PUD for both Wing A and Wing B.

		R-5-D/PUD Wing A		CR/PUD Wing B	
Standard	R-5-B MOR	R-5-D PUD	Proposed	CR PUD	Proposed
Height (ft.)	50 ft.	90 ft.	75'-8" ft.	110'	86 ft.
Lot Occupancy %	60%	75%	71.4%	75%	68.7%
FAR	1.8 2.16 (with IZ)	4.5 max	4.72 Flexibility Required	8 max	8.27 Flexibility Required
Rear Yard	4" per foot of height and 15' minimum	4" per foot of height and 15' minimum = 25.22'	45' (to center of street)	3" per foot of height and 12' minimum = 26.4'	45' (to center of street)
Closed Court	4" per foot of height and 15' minimum	4" per foot of height and 15' minimum = 26.4'	West Court = 45' East Court = 21' Flexibility Required	4" per foot of height and 15' minimum = 26.4'	West Court = 45' East Court = 21' Flexibility Required
Number of units	-	-	96	-	270
IZ	8% of residential space	8% of residential space (23,957 sf) - Affordable units equally distributed - Interior amenities do not vary between unit types	30% of residential space (91,012 sf) - Affordable units not equally distributed Flexibility Required - Interior amenities vary between unit types Flexibility Required	-	-
Parking (spaces) residential	1 for 2 dwelling units	1 for 3 dwelling units 96/3 = 32 spaces	31 spaces provided	Residential: 1 for 3 dwelling units 270/3 = 90 spaces Retail: 15 spaces	106 spaces provided 137 spaces (both wings)
Compact Parking Spaces	5 spaces in a row minimum - Spaces must not exceed 40% of the required spaces	5 spaces in a row minimum - Spaces must not exceed 40% of the required spaces	- Compact spaces less than 5 in some rows Flexibility required 48% of the total required spaces for this phase Flexibility required	5 spaces in a row minimum - Spaces must not exceed 40% of the required spaces	- Compact spaces less than 5 in some rows Flexibility required 48% of the total required spaces for this phase Flexibility required
Rooftop Structures	- One penthouse enclosure allowed - All enclosures the same height - Penthouse setback from the edge of the roof at a 1:1 ratio minimum	- One penthouse enclosure allowed - All enclosures the same height - Penthouse setback from the edge of the roof at a 1:1 ratio minimum	- Two penthouse enclosures proposed Flexibility required - Two penthouse heights proposed Flexibility required 1:1 setback maintained	- One penthouse enclosure allowed - All enclosures the same height - Penthouse setback from the edge of the roof at a 1:1 ratio minimum	- Three separate penthouses proposed Flexibility required - Two heights proposed Flexibility required 1:1 setback maintained
Loading	Residential 1 @ 55 ft. deep 1 platform @ 200 sf 1 service space @ 20 ft. Retail 1 berth @ 30 ft. 1 platform @ 100 sf.	Residential 1 @ 55 ft. deep 1 platform @ 200 sf 1 service space @ 20 ft. Retail 1 berth @ 30 ft. 1 platform @ 100 sf.	2 berths @ 30 ft. 1 loading platform at 744sf. 1 service delivery space @20 ft. Flexibility Required	1 berth @ 55 ft. 1 loading platform @250 sf. 1 service delivery space @20 ft.	2 berths @ 30 ft. 1 loading platform at 744sf. 1 service delivery space @20 ft. Flexibility Required

VII. FLEXIBILITY

In addition to the PUD-related map amendment from R-5-B to R-5-D and CR, the following zoning flexibility is requested¹:

- Closed Court (§§ 406.1 and 776.4)
The Applicant requests flexibility from closed court requirements. The required court width is a minimum of four inches per foot of height of court, but not less than 15 feet. The required court area is a

¹ See § 2405.7.

minimum of twice the square of the required width of the court, based on the height of the court, but not less than 350 square feet. The Applicant proposes closed courts on the east and west sides of the building. Based on the heights of Wings A and B (75'-8 and 105'-8," respectively), the minimum required width of court for Wing A is 26.4 feet, and the minimum required area of the courts is 1,394 square feet. The minimum required width of the court for Wing B is 32.8 feet, and the minimum required area of the court is 2,152 square feet. The Applicant proposes to provide a 21 foot wide closed court on the east side of the building. OP has no concerns with this request.

- Roof Structures of Unequal Height and Substandard Setback (§ 411.11)

The Applicant requests flexibility for multiple roof structure enclosures. Two of the roof structures on Wing A would have enclosing walls of unequal height. The roof structure would contain elevator override equipment, a cooling tower, and other mechanical equipment that require a height of 18 feet, 6 inches. The smaller roof structure contains a stairway and needs to be constructed to a height of 13 feet, 6 inches. The Applicant is requested the same relief for Wing B, with the difference being the trellis connecting the two rooftop structures. The Applicant request flexibility to provide a pool on the roof of Wing B; the pool would be designed at less than four feet above the main roof.

All roof structures would be set back from all exterior walls a distance at least equal to their height above the roof. According to the application, each roof structure would provide separate means of egress for each wing and would break up the massing on the roof. In addition, the location and number of roof structures would be driven by the layout and design of the residential units within the building. Overall, the location and design of the rooftop structures should minimize their visual impact. OP has no concerns with this request.

- Compact Parking Spaces (§ 2115.4)

The Applicant seeks flexibility from the compact parking space requirements of § 2115.4, which provides that any "accessory parking area or accessory garage containing twenty-five (25) or more required parking spaces may designate up to forty (40%) of the parking spaces for compact cars." Sixty-eight of the proposed 137 parking spaces, or 49 percent, would be compact parking spaces. The Applicant also requests flexibility from the requirement that compact parking spaces be placed in groupings of at least five contiguous spaces with access from the same aisle. OP has no concerns with this request.

- Loading (§ 2201.1)

§ 2201.1 requires that structures include loading facilities for each proposed use. The Project as proposed would provide two loading berths at 30 feet deep, one loading platform at 744 square feet, and one service/delivery space at 20 feet. The Applicant requests flexibility from the requirement for an additional 55-foot deep loading berth because such a berth would not be required to accommodate the building's loading needs. The proposal would provide a single parking and loading entrance on V Street. This program of loading facilities would be slightly less than prescribed by the regulations, but according to the transportation study should be sufficient for the building's use ("Transportation Impact Study", September 12, 2014). The study indicates that the number of expected trips should be adequately handled by the number of berths. OP has no concerns with this request.

- Floor Area Ratio (§ 2405)

The Applicant is requesting flexibility from the FAR requirements. The Applicant states that the FAR increase is necessary to maximize the number of affordable units in the PUD. Pursuant to Section 2405.3 of the Zoning Regulations, the Commission may authorize up to a five percent increase in the maximum FAR for a PUD, provided that the increase is essential to the successful functioning of the Project, consistent with the purpose and evaluation standards of Chapter 24 of the Zoning Regulations. For the portion of the Project in the R-5-D District, an increase in FAR from 4.5 to 4.72 is requested; for the

portion in the CR District, an increase in FAR from 8.0 to 8.27 is requested. Both are within the five percent increase that the Zoning Commission can provide. The small increase in density would allow for an increase in the square footage devoted towards larger, family-sized affordable housing units and amenity space; therefore, OP does not object to the proposed revisions for either FAR or the zoning boundary line.

- Inclusionary Zoning Design Standards (§ 2605)

The Applicant is requesting flexibility from affordable housing regulations. Thirty percent of the residential floor area would be dedicated to affordable units, much in excess of the IZ requirement, and it would be provided at a deeper level of affordability. However; the Applicant proposes that all of the affordable housing units would be located in Wing A, with the market rate units in Wing B. According to the Applicant, the affordable units would be separated from the market-rate units based on the financing requirements of the Project, as well as numerous meetings with current residents of the Portner Place apartments during the TOPA process. Typically, OP opposes relief from any of the IZ provisions; however, in this case the existing residents expressed a preference for this design solution, all of the affordable units are being provided on the site, and the Applicant is expanding the number of affordable units on site with a greater subsidy. Therefore, OP has no concerns with this request.

VIII. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES

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 developments that provide public benefits.” In order to maximize the use of the site consistent with the Zoning Regulations, and be compatible with the surrounding community, the application requests that the proposal be reviewed as a consolidated PUD. This will allow the use of the flexibility stated in § 2400.2:

The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience.

The application requests a PUD-related map amendment, which is not inconsistent with the Comprehensive Plan, to allow approximately 40' of additional building height above R-5-B limits for Wing A and 60' for Wing B. The project proposes an FAR of 4.725 for Wing A and 8.27 for Wing B; the overall FAR for the site would be 6.82. The net gain in density, compared to the R-5-B and CR by-right amounts, would be close to 227,000 sf.

The PUD standards further provide that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not 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.”

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, § 2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” To assist in the evaluation, the Applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to the typical development of the type proposed...” (§ 2403.12). The application has offered the following amenities and benefits as an offset to the additional development gained through the application process:

(a) *Urban design, architecture, landscaping, or creation or preservation of open spaces*

The Applicant has worked closely with OP Development Review and historic preservation staff on the massing and design of the building. The design attempts to address the neighborhood's character through the building's materials and its articulation along both U and V Streets. The design makes extensive use of setbacks, projections, and other elements to articulate the massing. The Project's design is typical of other mixed-use buildings recently completed on U Street and V Streets. The design has received concept approval from the HPRB as being compatible with the Greater U Street Historic District. The Project's height and form would be compatible with the Dunbar Apartments to the west and the Reeves Center to the east. The materials selected for the façade and the massing articulation would augment the character of the U and V Street corridors and would be in context with the surrounding historic neighborhood.

(b) Site planning, and efficient and economical land utilization

The proposal would enhance a currently underused site located within close proximity to a Metro station and several Metrobus lines. The Project would activate the surrounding street network with a combination of active retail uses, additional residents, and streetscape improvements.

(c) First Source Employment Agreement

The Applicant proposes to enter into a First Source Employment Agreement with the Department of Employment Services with the aim of expanding employment opportunities for residents and local businesses.

(d) Historic preservation of private or public structures, places, or parks

The Applicant states that the proposed design, street orientation, and materials palette is consistent with the historic character of the U Street Historic District. The design has been reviewed by the HPRB and has received concept approval.

(e) Housing and affordable housing

The Applicant has committed to approximately 366 new residential units, of which approximately 30%, or 96 units, would be designated as affordable housing (compared to 48 affordable units at present). The affordable units would be devoted to households earning 60 percent or less of AMI, of which not less than 15 percent would be devoted to households earning 50 percent or less of AMI. The proposed PUD provides 91,012 square feet of gross floor area to be devoted to affordable housing, which is an increase of 67,055 square feet over a by-right project.

(f) Environmental benefits:

The proposed development provides a number of environmental benefits and includes street tree planting and maintenance, landscaping, energy efficiency, stormwater mitigation methods, green engineering practices and an emphasis on transit and pedestrian and bike access. The Applicant anticipates that the project would not be designed or constructed below the LEED Silver rating equivalent. Wing A would comply with Enterprise Green Community Standards. OP supports the inclusion of these environmental benefits into the proposed Project.

(h) Uses of special value to the neighborhood or the District of Columbia as a whole;

The Applicant would offer resident services, such as financial management, career counseling, employment skills, after-school programs, and computer training and access.

IX. AGENCY REFERRALS AND COMMENTS

The Office of Planning received comments from the District Department of the Environment (DDOE). Please refer to Attachment 1. The Office of Planning understands that DDOT will submit comments under separate cover.

X. COMMUNITY COMMENTS

The Property is within ANC-1B, which, on September 26, 2014 voted 8-0 to approve the application.

XI. SUMMARY OF ZONING COMMISSION AND OP REQUESTS FOR ADDITIONAL INFORMATION

The following summarizes Zoning Commission and OP requests for additional information relating to the Applicant's setdown submission. The Applicant has addressed all of these requests prior to the public hearing.

Zoning Commission Comment	Applicant Response	OP Analysis
Affordable Housing		
The Applicant should provide a letter from the Portner Place Tenant Association stating that the tenants of the existing buildings prefer to be located on V Street, NW.	The Applicant provided a letter which indicates the support by the Tenants Association for a location on the quieter and more family-oriented V Street.	Although OP typically opposes relief from any of the IZ provisions, this proposal is consistent with the preferences of existing residents, and retains and expands affordable housing on the site in a manner generally consistent with the market-rate units.
The Applicant should provide a relocation plan, including a description of the THC.	The proposed PUD would preserve the affordability of the existing 48 housing units (at or below 50 percent of AMI), with the same unit mixes and sizes, and add an additional 48 units for a total 96 affordable units at LIHTC income levels (60 percent of the AMI or below). The Applicant would be responsible for identifying the units of temporary housing for the current residents, relocation costs, and would sign a master lease with the new landlord. All residents would receive rental assistance during the relocation period. If the HUD contract is not renewed, each family would receive a voucher. The Applicant would contract with THC to provide services to current residents.	OP supports the proposed relocation plan.

Zoning Commission Comment	Applicant Response	OP Analysis
Affordable Housing (cont.)		
The Applicant should explain the contingency plan if the project does not achieve a contract with HUD.	The Applicant would be responsible for identifying the units of temporary housing for the current residents, relocation costs, and would sign a master lease with the new landlord. All residents would receive rental assistance during the relocation period. If the HUD contract is not renewed, each family would receive a voucher. The Applicant would contract with THC to provide services to current residents.	The Applicant adequately described the contingency plan.
The Applicant should clarify the mix and size of affordable housing units to be provided, and should provide the current AMI of existing Portner Place residents.	Wing A would consist of 96 units of affordable housing, with 23 efficiencies, 25 one-bedroom units, 36 two-bedroom units, and 12 three-bedroom units.	The Applicant sufficiently clarified the mix and size of the affordable housing units to be provided.
The Applicant should clarify the duration of the affordability commitment.	The Applicant intends to finance Wing A with LIHTC, which require a 40 year affordability commitment. The Applicant would also enter into an affordable housing covenant with the District.	The Applicant sufficiently clarified the duration of the commitment.
The Applicant should specify whether flexibility from the Inclusionary Zoning regulations would be requested, since the affordable units would not be spread throughout the building, and may have different amenities, pursuant to 11 DCMR 2605.	The Applicant is requesting flexibility from Section 2605 of the Zoning Regulations. The Applicant is dedicating almost 30 percent of the residential gross floor area of the development as affordable, all in Wing A. The amenities would differ for the affordable and market rate units.	OP supports the flexibility from the IZ regulations given the circumstances unique to this case. The amount of affordable housing substantially exceeds the amount that would be developed on the site as a matter of right and at a significantly deeper subsidy. The proposal would provide existing Portner Place residents with family-sized units and the existing building's subsidized housing would be replaced on an approximately two-to-one basis.

Zoning Commission Comment	Applicant Response	OP Analysis
Rooftop and Amenities		
The Applicant should clarify the differences between the amenities in Wing A and Wing B.	The Applicant clarified the proposed differences in amenities between Wing A and Wing B (see Section IV. Major Changes Since Setdown above for a summary of amenities).	OP supports the amenities as proposed. Further, the Portner Place Tenant Association favors the proposed distribution of amenities.
The Applicant should provide a calculation of the percentage of rooftop amenity space that is interior vs. exterior.	In regard to Wing A, indoor space would comprise approximately 15 percent of the total rooftop amenity space. In regard to Wing B, indoor space would comprise approximately 9 percent of the total rooftop amenity space.	OP supports the Applicant's proposed roof plan design.
The Applicant should describe the roof top amenities and the different heights on the roof structures. The Applicant should also describe the safety features on the roof of Wing A.	Wing A would include a rooftop community room with a catering kitchen, a rooftop playground, a rooftop community garden, and a rooftop grilling and dining area. A 6ft. fence would be included. Wing B would include community spaces, a grilling and dining area, a deck with flexible seating, and a quiet garden. Building parapets and guardrails would be used to maintain safety. See Section VII. Flexibility for a description of the roof structures.	OP supports the Applicant's proposed roof plan design. The location and design of the rooftop structures should minimize their visual impact.
Parking & Loading		
The Applicant should explain how parking would be allocated between residential and retail uses.	Retail parking would be provided for employees of the retail tenants (not customers), and would be specifically marked within the garage as dedicated retail spaces. Each residential parking space would be assigned to individual residents of the building.	OP supports the proposed parking plan.

Zoning Commission Comment	Applicant Response	OP Analysis
Parking & Loading (cont.)		
The Applicant should clarify the loading dock plan for Wing A and Wing B.	The proposed building would include a single parking and loading entrance on V Street. Trucks would turn around inside the building, which would allow front-in, front-out access.	OP supports the proposed loading plan.
Management		
The Applicant should clarify whether there would be one or multiple management companies.	The Applicant has not yet determined whether there would be one or two companies managing the two Wings; however there would be two on-site property managers.	OP has no objections to the proposed management plan.
Design		
The Applicant should provide a simplified façade design in coordination with the Office of Planning.	The Applicant submitted a revised façade design (see pages A-12 to A-14 of the Applicant's drawings, dated October 7, 2014)	OP supports the design modifications.
In addition to the comments above, the Applicant's responses to OP's comments are below:		
OP Comment	Applicant Response	OP Analysis
Affordable Housing		
The Applicant should provide information regarding Portner Place's existing affordable housing (size, level of affordability) compared to those in the proposed project.	As proposed, the project would provide 96 affordable units marketed to households earning between 50 and 60 percent of the area medium income (AMI). The proposal would provide existing Portner Place residents with family-sized units and the existing building's subsidized housing would be replaced on an approximately two-to-one basis.	OP supports the scope of the proposed affordable housing component.

OP Comment	Applicant Response	OP Analysis
Affordable Housing (cont.)		
The Applicant should provide information about the proposed construction phasing and should include a provision that the project would be constructed at one time, or if phased, the affordable housing component would be constructed first.	Consistent with 11 DCMR Section 2605.5, the affordable units would be constructed prior to or concurrently with the construction of the market-rate units.	OP supports the proposed construction timing.
The Applicant should describe the potential obstacles for delivery of the affordable units, such as competition for subsidies, and a contingency plan for the delivery of the affordable units if subsidies are not obtained.	According to the Applicant, the development of Wing A would not rely on subsidies which are subject to competitive funding rounds. Instead, Wing A would require tax-exempt bond financing, which is non-competitive and LIHTCs that come automatically with tax-exempt bond financing.	The Applicant adequately clarified the potential obstacles for delivery of affordable units.
The Applicant should provide details regarding the term of the proposed Section 8 contract and the implications of the potential expiration of the current contract.	The Applicant proposes to extend the Section 8 contract for 20 years. The current contract requires annual renewal. In the event the contract is not renewed, each current resident would receive a Section 8 voucher. Those with the voucher would be allowed to return to the new Wing A.	The Applicant adequately addressed the proposed Section 8 contract and the implications of the potential expiration of the current contract.
Zoning Flexibility		
The Applicant should provide analysis regarding the flexibility requested.	The Applicant provided more detail regarding the flexibility requested (see Section VII. Flexibility).	OP supports the requested flexibility.
CBE Agreement		
The Applicant should provide a signed Certified Business Enterprise (“CBE”) Agreement and First Source Employment Agreement.	The Applicant stated that it will enter into a First Source Employment Agreement with the Department of Employment Services (DOES).	OP supports the commitment to expanding employment opportunities for residents and local businesses.

JS/sg

Case Manager, Stephen Gyor AICP

GOVERNMENT OF THE DISTRICT OF COLUMBIA

District Department of the Environment



MEMORANDUM

TO: Stephen Gyor, OP
FROM: Jay Wilson, DDOE
DATE: 10/14/14
SUBJECT: [Z.C. CASE NO. 14-08](#)
**ZC 14-08 –Consolidated Planned Unit Developments and PUD-related
Amendments from R-5-B to R-5-D and CR, for 1441 - 1449 U Street, N.W.**

DDOE reviews planned unit development applications for environmental issues that the applicant should be aware of during early stages of planning, as well as to identify opportunities for increasing environmental benefits during development.

DDOE does not have comments to the applicant's height or setback requests. Rather, the comments contained herein address issues that the applicant should be made aware of in the early stages of design and entitlement. The items mentioned below are by no means comprehensive, but are a summary of specific items related to the site in question and some common issues that come up with many development projects. DDOE is always interested in meeting with developers and construction companies early in the development process in order to identify opportunities and to help avoid future regulatory problems. Some areas of interest for DDOE are as follows:

1) Green Building

- *General Guidance:* Starting January, 2012 (per the Green Building Act of 2008, D.C. Official Code §§ 6-1451.01 et seq.), all commercial, non-residential projects greater than 50,000 square feet are required to attain, at a minimum, LEED certification at the "Certified" level. In addition, on March 28, 2014 all buildings above 10,000 square feet are required to comply with the DC Green Building Code (per the 2013 District of Columbia Construction Code). *This project has included documentation that LEED v2009 NC Silver Certification will be pursued.*
- *Recommendations:* In addition to the base requirements, DDOE recommends that building owners consider future-proofing their buildings by 1) making building systems as energy efficient as possible; 2) maximizing the efficiency potential of the building envelope; 3) either installing renewable energy or making the building renewable-ready, and/ or 4) pursue certification under LEED v4 given the sunset for LEED v2009 will be in the summer of 2015. These efforts also



support the Mayor's charge and Sustainable DC Plan to reduce greenhouse gas emissions by 20% by 2020 and by 50% by 2032.

- *Actions:* The recommendations can be accomplished through a series of smart building and design choices. DDOE is available to meet with the developer and construction companies to consult.
 - i) Overall green building strategy – The project should define and express an overall green building strategy. Integrated design techniques (LEED IP Credits) are should be used from the earliest stages of the design process, as they and have been found to decrease cost and increase performance. Per the requirements of the DC Construction Code, the project should exceed the requirements of the Alternative Compliance Pathway, and achieve LEED v4 Certification at the Silver level or higher.
 - ii) Building systems – Establish specific and measurable energy reduction goals. DDOE recommends that buildings improve energy efficiency by 20% over ASHRAE 90.1-2010 to meet the Sustainable DC goals. Install high-efficiency unit mechanical systems such as VRV mini-split, aqua-therm, geothermal, and other high efficiency equipment. Commercial spaces should have adjustable, zoned controls, high efficiency lighting and controls, and daylight harvesting potential.
 - iii) Maximize the efficiency of the building envelope – Limit glazing to 40% of the envelope surface and install continuous insulation of the exterior side of the building sheathing. Include details in the plans and specifications to ensure proper air-sealing and compartmentalization.
 - iv) Solar ready - Install any roof structures on the north side of the roof surface, running conduit for future solar PV, or pre-plumbing for solar thermal if appropriate. *Recommend that solar is installed minimally on top of the pergola, achieving both goals.*
 - v) Renewable energy systems – Include on-site renewable energy to meet for 3% or more of the building's total energy need, including solar photovoltaic panels, fuel cell, geothermal, or CHP systems.
- *Site Specific Issues: Under the DC Green Code Alternative Compliance Path, affordable housing projects may choose to certify under the Enterprise Green Communities Criteria or the LEED criteria. Since this is a single site, the project could gain efficiencies by sharing infrastructure (parking was already mentioned, but also stowmwater, and utilities could service both wings). We recommend that the project pursue a single LEED v4 Silver Certification for both wings. This would simplify paperwork and provide financial and schedule efficiencies for the project team.*

2) Stormwater Management

- *General Guidance:* The [updated District stormwater regulations](#) and MS4 permit require an on-site retention requirement of 1.2 inches per storm event. The proposed regulations offer an off-site retention trading program and in-lieu fee options for projects with retention deficits. The revised technical Stormwater Guidebook and accompanying compliance spreadsheets provide engineers with detailed guidance on how individual stormwater management practices can be used to comply. Visit <http://ddoe.dc.gov/node/610572> to view and download the proposed regulation, transition guidelines, and the supporting guidance documents.
- *Recommendation:* In addition to the base requirement of 1.2” stormwater retention, DDOE recommends that this project be a leader for this neighborhood and design on-site retention systems or participate in the Stormwater Retention Trading Program for increased retention of 1.7” or 95th percentile storms.
- *Actions:* The recommendations can be accomplished through a series of smart design choices. DDOE is available to meet with the developer and construction companies to consult.
 - i) Consult the DDOE [Stormwater Management Guidebook](#) (2013) for strategies and guidance for stormwater management design.
 - ii) Engage a professional Landscape Architect and Civil Engineer to design public spaces which maximize green space and pervious surfaces.
 - iii) Integrate low impact development strategies for stormwater management throughout the site, including bioretention areas, intensive green roofs, permeable pavement, curbless streetscape with grass swales, and natural filtration areas.
- *Site Specific Issues:* *The side courts and green roof provide the best opportunities for increased stormwater management. DDOE recommends utilizing some of the “unexcavated area” below Wing A for rainwater storage, collection, and reuse for landscaping at the courtyard level. In addition courts should be designed to integrate bioretention areas and permeable paving to maximize infiltration.*

3) Water Quality & Use

- *General Guidance:* Per the Sustainable DC Plan, the city-wide goal is to reduce potable water demand by 40% by 2032. Conserving water can help protect the environment, decrease demand on public infrastructure, and provide short- and long-term utility savings for property owners and management. The Development Narrative and plans do not address water efficiency except to say that they will use “low-flow plumbing fixtures.” Exterior water use should also be considered during construction and for maintenance after construction.

- *Recommendations:* The applicant is encouraged to establish more specific measurable goals for water efficiency. DDOE recommends that the applicant demonstrate through modeling and fixture calculations, a 20% potable water use reduction beyond the code requirements.
- *Actions:* The recommendations can be accomplished through a series of smart building and design choices. DDOE is available to meet with the developer and construction companies to consult.
 - i) Plants must be only native and adaptive species in order to reduce potable water demand for irrigation.
 - ii) Rainwater may be captured in tanks or rain barrels and reused to meet site irrigation needs. Water used for irrigation must be separately metered and have moisture sensors installed.
 - iii) Commercial plumbing fixtures should include dual flush water closets, automatic, metered faucets, and waterless urinals.

4) Waste

- *General Guidance:*
 - i) Hazardous waste - all businesses must comply with the RCRA C regulations and law. All businesses which generate a RCRA C regulated waste in the District must have an EPA ID number before work begins. An EPA ID number can be obtained from the hazardous waste program at DDOE. Generally speaking, most businesses will generate at least one regulated waste as fluorescent lamps, mercury-based switches, and abandoned chemical or oil-based paints (among other things) qualify. Based on many inspections and compliance assistance visits, facilities often do not have sufficient space within the facility for storage of fluorescent lamp waste. Facilities will avoid regulatory problems in the future if they allocate space during the design phase. If a backup generator is planned, space should be allocated during the design phase for proper storage of used motor oil.
 - ii) Construction waste – Per the DC Green Construction Code, all construction projects are required to document that greater than 50% of construction waste, including demolition waste, has been diverted from the landfill.
 - iii) Recycling – Per DCMR Title 21, Chapter 20, commercial recycling is required for all properties in the District. Additional information may be found on the Department of Public Works website, <http://dpw.dc.gov/node/418932>.
- *Recommendations:* DDOE recommends establishment of waste management plans applicable both during construction and for long-term property maintenance. Hauling costs per load of recycling waste and less than hauling costs of trash waste going to landfill. Regular occupant training can assist to reduce waste and save operational costs.

- *Actions:* The recommendations can be accomplished through a series of smart building and design choices. DDOE is available to meet with the developer and construction companies to consult.
 - i) Hazardous Waste – As a former industrial site, provide documentation of existing hazardous materials through a Phase 1 Environmental Assessment. Establish operational guidelines for all regulated waste.
 - ii) Construction Waste – In order to decrease the demand on area landfill, it is recommended that the developer and contractor exceed the minimum requirements for construction waste and divert a total of 75% of construction and demolition waste.
 - iii) Recycling – Provide documentation of trash collection rooms with dedicated space for recycling and separation of waste streams. If trash chutes will be installed, include operation guidelines for diverters or separate chutes for recycling.

5) Air Quality/ Environment

- *General Guidance:* Per the DC Construction Code and DCMR Title 20, building projects shall comply with VOC emission limits for paint, coatings, adhesives, flooring, ceiling, and wall systems. In addition, HVAC systems are required to install MERV 11 filters or better. These guidelines contribute to overall indoor air quality and occupant health.
- *Recommendation:* During the design phase, a designer, builder, developer, etc., should review all of the equipment that will be installed in a building and determine whether any of them will emit an air pollutant. Any equipment that burns fossil fuel (gas, oil, coal), applies a coating, uses a solvent, or creates or has the potential to emit dust or other air pollutants should be limited to minimize exposure and emissions during construction and occupancy. Some of this equipment may need to be permitted by the Air Quality Division of DDOE before construction or installation of the equipment can begin. Note that this requirement includes some temporary equipment associated with the construction, as well as more permanent equipment. Other air quality regulations that must be complied with during the construction phase (as well as during occupancy) include limits on engine idling for a maximum of three minutes (e.g., delivery trucks, dump trucks, semis), limits on fugitive dust (e.g., kicked up by vehicles on dirt surfaces, equipment moving dirt around, pile drivers), and limits on odors (e.g., generators exhausting near the street or windows, painting, solvent cleaning, tarring).
- *Actions:* The recommendations can be accomplished through a series of smart building and design choices. DDOE is available to meet with the developer and construction companies to consult.
 - i) Erosion and sediment control guidelines should stress dust-free construction activity and the contractor should appoint personnel to enforce regulations.

- ii) Architect should specify zero-VOC paints, adhesives, and sealants to the greatest extent possible. Most products can be specified as a cost neutral substitution for more regularly specified materials.
- iii) HVAC and ventilation equipment should be specified to ensure proper air exchange and balanced interior air pressure which will limit odors, eliminate moisture, and guarantee healthy air quality.
- iv) Anti-idling signs should be posted during construction as well as permanently at the loading dock(s) and anywhere else at the site where it is likely that commercial vehicles would idle. Engine idling signs posted on public streets would need to be posted in coordination with the District Department of Transportation (DDOT).
- v) Perform an assessment of the presence of asbestos-containing materials in any existing structures that may be renovated or razed and conduct the appropriate abatement if such materials are determined to be present prior to the renovation process, if such materials may be disturbed. Any abatement plan must be approved by AQD and all abatement must be performed in accordance with the requirements of 20 DCMR § 800, Control of Asbestos.
- vi) A backup/emergency generator cannot be used in a reimbursed demand response program (i.e., they are paid to switch from the electricity grid to the generator when requested) unless the generator has had best available control technology (BACT) installed according to DDOE requirements.