

## MEMORANDUM

**TO:** District of Columbia Zoning Commission

**FROM:** Brandice Elliott, Project Manager  
*JLS*  
Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

**DATE:** July 19, 2019

**SUBJECT:** Preliminary Report for Zoning Commission Case No. 14-12E, Stage 2 Planned Unit Development for 1309 5<sup>th</sup> Street, N.E. (North Building)

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### **I. RECOMMENDATION**

The Office of Planning (OP) recommends the Commission **set down** the application by Clarion Gables Multifamily Trust (the Applicant), for a Stage 2 Planned Unit Development (PUD), to construct an 11-story, 120-foot high mixed-use building with ground floor retail and ten stories of residential at 1309 5<sup>th</sup> Street, N.E. in the Florida Avenue Market.

The proposal is generally consistent with the Stage 1 approval for this PUD and not inconsistent with the Comprehensive Plan. The filing generally meets the requirements of 11DCMR Subtitle X, Chapter 3. OP supports the overall site plan and building design and recommends that the application be set down for public hearing.

### **II. BACKGROUND**

The original Stage 1 approval (ZC Case 14-12) was approved March 30, 2015. That approval included a PUD-related map amendment from C-M-1 to C-3-C for the subject Stage 2 site. At the time, the Commission determined that the PUD would be not inconsistent with the Comprehensive Plan maps and text and would further the objectives of the Florida Avenue Market Small Area Plan and the Ward 5 Industrial Land Transformation Study.

The Zoning Regulations define the second stage of a two stage PUD review as “*a detailed site plan review to determine transportation management and mitigation, final building and landscape materials and compliance with the intent and purposes of the first-stage approval, and this title*”. (Subtitle X § 302.2 (b))

To date, the South Building, approved during the Stage 1 and Consolidated PUD, has been granted a second extension valid until May 8, 2020.

### III. SUMMARY OF OP COMMENTS

It is typical that some issues require additional resolution or detail at this stage of a PUD application – many applicants benefit from the additional direction provided by the Commission at the setdown meeting before preparing final drawings and proposals. However, it is important that identified issues be sufficiently resolved by the applicant prior the date being set for a public hearing to ensure that District agencies, the ANC, and the public have a reasonable opportunity to review a complete and comprehensive submission as final recommendations and comments to the Commission are being formulated.

The following table summarizes OP comments regarding this proposal, including areas where resolution or additional information is required. OP will continue to work with the applicant to adequately address these issues, and other issues raised by the Commission at setdown, prior to a public hearing.

OP Comment	Planning and / or Zoning Rationale
<b>Housing Comments</b>	
1. Additional information regarding affordable housing should be provided, including: floor plans showing the location of IZ units; number of IZ units; IZ unit types (one bedroom, two bedrooms, etc.); and depth of affordability.	This information would allow OP and the Commission to better understand how the PUD will comply with the Inclusionary Zoning regulations and Order.
2. The applicant should provide clarification regarding the IZ requirement for the North Building.	The narrative indicates that 20% of the affordable housing will be set aside for residents earning no more than 50% AMI, but this has not been reflected in the zoning data in the plans.
3. The applicant is strongly encouraged to increase the amount of affordable housing in the proposal.	Recent studies have shown that the region is experiencing a shortage of housing and affordable housing, and in response, the Mayor’s Order on Housing requires that the District create 12,000 new residential units affordable to low-income households by 2025.  In addition, the Inclusionary Zoning Regulations have been revised since the First Stage PUD was approved and would now require that 8% of the gross floor area of the rental building be set aside for residents at 60% MFI rather than the proposed 80% MFI.
4. The applicant is strongly encouraged to provide 3-bedroom units in the proposed building.	Since the First Stage PUD was approved, studies have shown that there is a shortage of family-sized housing in the District. The Mayor’s Order on Housing specifies that “The District must also plan for a variety of housing types, including units for large and/or multigenerational families...”

<b>Site Plan Comments</b>	
5. Detailed renderings of the rooftop, including all proposed structures, should be provided.	<p>This information is necessary for the evaluation of the superior architecture and design of the project.</p> <p>In addition, the applicant has requested flexibility from uniform roof structure height, and additional information is necessary to understand the impact of the flexibility.</p>
6. The applicant should commit to providing permanent retail entrances on 5 <sup>th</sup> and 6 <sup>th</sup> Streets.	Entrances are needed along all building elevations to activate the public realm.
7. Detailed plans of the proposed plaza should be provided, which identify specific hardscape materials to be used, images of outdoor furniture, including benches, and any landscaping that would be incorporated into the space.	This information is necessary for the evaluation of the superior architecture and design of the project.
<b>Environmental Comments</b>	
8. The applicant should commit to providing solar panels on the roof.	Introducing solar panels on the roof would increase the sustainability of the building and assist the District of Columbia in meeting its overall solar goals.
9. The applicant is encouraged to locate solar panels on the green roof.	Solar panels and green roofs can be compatible and would further the District's environmental goals. The applicant should work with DOEE regarding the roof design.
10. The number and location of EV charging stations should be provided on the garage floor plans.	The applicant has committed to provide EV charging stations and should identify them on the plans.
<b>Streetscape Comments</b>	
11. The applicant should provide detailed streetscape plans in coordination with DDOT and OP regarding the design and use of public space and its compliance with the Union Market Streetscape Guidelines.	The Florida Avenue Market Streetscape Guidelines have been approved and are being implemented in PUDs. Additional drawings demonstrating compliance with the Guidelines should be provided.
<b>PDR/Maker Space</b>	
12. The applicant should identify on the plans that 11,527 square feet on the ground floor will be constructed to PDR/Maker specifications and provide the specifications on the plans.	The applicant has provided this as a commitment of the PUD and should identify the space on the plans.

<p>13. The applicant is strongly encouraged to increase the amount of PDR/Maker Space on the ground floor to half of the floor area (11,527 square feet), and to dedicate the space to that use for the life of the project.</p>	<p>The Comprehensive Plan designates the site as High Density Residential/High Density Commercial/PDR, and the provision of additional maker space would be consistent with the Comprehensive Plan and comparable to what has been requested of other recent PUDs in the Market Area.</p>
<p>14. The applicant should provide additional information regarding the anticipated tenants of the ground floor and an analysis of how the tenants would meet the goals of the Ward 5 Industrial Land Transformation Study.</p>	<p>The applicant should continue to demonstrate that the project would meet the goals of the Study.</p>
<p><b>Design Comments</b></p>	
<p>15. Additional information regarding the types of materials to be used, including material type, color, and samples, demonstrating that the proposed building materials will be of a high-quality.</p>	<p>This information is necessary for the evaluation of the superior architecture and design of the project.</p>
<p>16. Window details should be provided, illustrating window mullions and depth from the façade.</p>	<p>This information is necessary for the evaluation of the superior architecture and design of the project.</p>
<p>17. A detailed sign plan should be provided, including sign types, illumination, and building locations.</p>	<p>This information is necessary for the evaluation of the superior architecture and design of the project.</p>
<p>18. The OP Design Division recommends that the applicant explore moving the lobby to the southeast corner of the property along 6<sup>th</sup> street and the plaza to free up additional retail space along 5<sup>th</sup> street.</p>	<p>5th Street is the retail spine of the area and requires continual frontage to ensure maximum pedestrian activity and retail value to the merchants. Currently approximately 40% of the 5<sup>th</sup> street ground floor is occupied by the lobby and associated circulation.</p>
<p>19. The applicant is encouraged to explore redesigning the canopies and the loggia to make the canopies a more visible and prominent feature of the façade. In addition, the canopies should meet the following dimensional standards: Minimum 16' in height and a minimum of 10' in depth but encourage at least 15'. To make the canopies more impactful it is suggested that the applicant review lighting treatments for the underside, and the addition of repeating horizontal support beams to punctuate a procession along the building frontage similar to the precedent image shown on the applicant's package (sheet A8).</p>	<p>The canopies along 5<sup>th</sup> Street are meant to be a defining signature element of the building design. Currently the canopies are visually diminished by the design of the 3<sup>rd</sup> floor loggia.</p>

<p>20. The applicant is encouraged to explore the use of bolder color and pattern on the building, particularly in the black metal clad portion.</p>	<p>The market is an opportunity to be architecturally bold and not adhere to the traditional principles of contextual design.</p>
<p>21. The applicant should provide details on how the street space can be enhanced with artwork, parklets, café seating adjacent to the street edge. In addition, per the streetscape standards the tree plantings the applicant has shown should be large caliper trees with generous soil volume to ensure the growth of mature trees.</p>	<p>5th Street is an opportunity to break the rules and be more creative in the design of the streetscape.</p>

**IV. AREA DESCRIPTION**

<p><b>Ward, ANC</b></p>	<p>Ward 5; ANC 5D</p>
<p><b>Comprehensive Plan Area</b></p>	<p>Upper Northeast Area Element; Florida Avenue Market Small Area Plan; Ward 5 Industrial Land Transformation Study.</p>
<p><b>General Context</b></p>	<p>The Florida Avenue Market has been the subject of several PUD applications since 2014. To date, nine PUDs have been approved or are in process that would add over 5.5 million square feet of retail, residential, university, and hotel uses to the Market area. The Florida Avenue Market Study Small Area Plan encourages denser development in the Market Area in exchange for significant benefits and amenities.</p> <p>The subject property is located in the Florida Avenue Market, north of Florida Avenue and west of 6<sup>th</sup> Street. Several approved PUDs are constructed or are under construction; although none of the buildings approved by ZC 14-12 are under construction.</p>

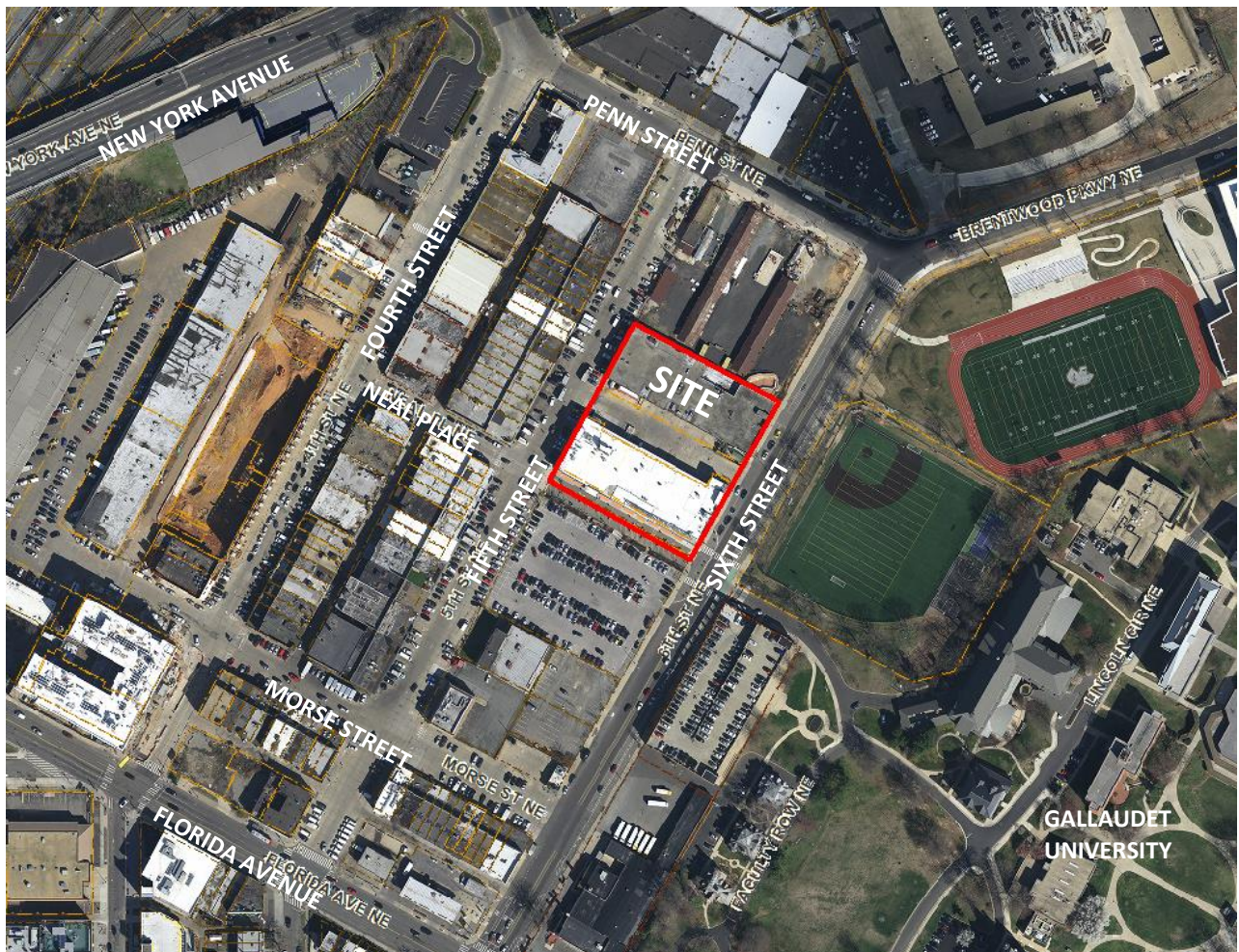


Figure 1: Vicinity Map (OP Orthophoto 2017)

## V. SITE DESCRIPTION

<b>Address</b>	1309 5 <sup>th</sup> Street, N.E.
<b>Legal Description</b>	Square 3591, Lot 800
<b>Property Size</b>	42,078 square feet (North Building)
<b>Current Zoning</b>	C-3-C (vested under the 1958 Zoning Regulations)
<b>Site Characteristics</b>	The site is bounded by a site owned by JBG to the north, 6 <sup>th</sup> Street to the east, 5 <sup>th</sup> Street to the west, and Neal Place to the south. The site is generally flat and is located approximately ½ mile from the NoMa-Gallaudet University Metro Station.
<b>Existing Use of Property</b>	The PUD site is presently improved with a two-story warehouse that is predominantly vacant.

**VI. PROJECT DESCRIPTION**

<b>Applicant</b>	Clarion Gables Multifamily Trust
<b>Proposed Zoning</b>	C-3-C; no change proposed with this application.
<b>Proposed Use of Property</b>	The applicant proposes to develop the North Building, approved in the Stage I and Consolidated PUD approved in March 2015. The proposal consists of an 11-story mixed-use building with ground floor retail and ten stories of residential.

	<b>Proposal – North Building</b>
<b>Building Height (ft.)</b>	120 ft./11 stories
<b>GFA (sq. ft.)</b>	Residential 290,000 sq.ft.
	Retail 35,000 sq.ft.
	Total 325,000 sq.ft.
<b>Residential Units</b>	301 units

**VII. PLANNING CONTEXT**

**A. COMPREHENSIVE PLAN MAPS**

The Commission found the Stage I PUD consistent with the Comprehensive Plan and discussion is detailed in the Order on page 15.

**B. SUMMARY OF PLANNING CONTEXT ANALYSIS**

On balance, the proposal would further the goals of the Comprehensive Plan and Florida Avenue Market Study Small Area Plan by providing retail and residential uses consistent with the FLUM. The proposed density of 6.30 FAR and height of 120 feet are not inconsistent with the Plan and would be similar to what has been proposed or approved in adjacent PUDs, and therefore complimentary to surrounding development. Coordination with other DC Agencies, including DDOT, DOEE, DHCD, and DCPS, will ensure that the goals of the Chapters relating to Transportation, Environment, Housing, and Educational Facilities will be addressed as the project progresses.

**VIII. ZONING ANALYSIS**

ZC Order 14-12 approved the First Stage PUD and PUD related map amendment for the C-3-C zone on the property and specified that the project and subsequent Second Stage applications be in accordance with the First Stage PUD. Subsequent to the First Stage PUD approval, the applicant has refined the details for the North Building, which has resulted in changes to what was approved in the First Stage PUD. As a result, the applicant has requested modification to the Order to accommodate these changes. The proposed changes would remain within the parameters of the C-3-C zone.

The table below shows a comparison of the development parameters approved for Building A2 at First Stage, the proposed modifications and the standards of the C-3-C/PUD.

North Building	C-3-C/PUD Standards	Approved Stage 1	Proposed Stage 2
<b>Lot Area</b>	15,000 sq.ft. min.	42,078 sq.ft. (North Building only)	42,078 sq. ft. (North Building only)
<b>Height (ft.)</b>	130 ft. max.	120 ft.	120 ft.
<b>Residential Units</b>	--	Details not provided	301 units
<b>Penthouse Height</b>	20 ft. max.	Details not provided	20 ft.
<b>Penthouse Setbacks</b>	Distance equal to its height from front, rear and side building walls.	Details not provided	6 ft., 12 ft., 17 ft., 20 ft.
<b>Habitable Penthouse</b>	--	Not proposed	15,568 sq. ft. devoted to residential amenity space  <b>Flexibility requested</b>
<b>Penthouse Walls of Equal Height</b>	Enclosing walls shall be of equal, uniform height	Details not provided	1 ft. to 20 ft. <b>Flexibility requested</b>
<b>FAR</b>	8.0	6.30 (Total) 3.78 (North Building)	6.23 (Total) 3.71 (North Building)
<b>Residential:</b>	336,624 sq. ft. max. or	290,000 sq. ft.	287,530 sq. ft.
<b>Non-Residential:</b>	336,624 sq. ft. max.	35,000 sq. ft.	23,053 sq. ft.
<b>Residential Units</b>	--	Details not provided	301 units
<b>Inclusionary Zoning</b>	8% GFA @ 80% AMI	8% GFA @ 80% AMI (23,200 sq. ft.) 20% of the IZ units to be set aside for households earning no more than 50% MFI (4,640 sq. ft.)	8% GFA @ 80% AMI (23,003 sq. ft.) 20% of the IZ units to be set aside for households earning no more than 50% MFI (4,600 sq. ft.)
<b>Lot Occupancy</b>	100% max.	77% (North Building)	77% (North Building)
<b>Rear Yard</b>	27 ft. min.	50 ft.	50 ft.
<b>Side Yard</b>	None required	0 ft.	0 ft.
<b>Parking</b>	138 spaces min.	139 spaces	139 spaces (310 spaces total)
<b>Bicycle Parking</b>	Residential: Long term: 76 spaces min. Short term: 0 spaces min. Retail: Long term: 3 spaces min. Short term: 0 spaces min.	Long term: 111-119 spaces Short term: 17-27 spaces	Long term: 111-119 spaces Short term: 17-27 spaces



North Building	C-3-C/PUD Standards	Approved Stage 1	Proposed Stage 2
<b>Loading</b>	Retail: Not required  Residential: 1 berth @ 55 ft. 1 platform @ 200 sf 1 delivery space @ 20 ft.	1 berth @ 55 ft. 1 berth @ 30 ft. 1 delivery space @ 20 ft. 1 platform @ 200 ft.	2 berths @ 30 ft. 1 delivery space @ 20 ft. 1 platform @ 200 ft.  <b>Flexibility approved in First Stage PUD</b>
<b>Green Area Ratio</b>	0.2 min.	0.2	0.2
<b>Green Building</b>	--	LEED Silver (2009)	LEED Silver (v4)
<b>PDR/Maker Space</b>	--	No requirement	11,527 sq. ft. of ground floor shall be constructed to industrial specifications; 1,153 square feet will be reserved for PDR/Maker use for five years

## IX. REQUESTED ZONING FLEXIBILITY

The applicant requests the following flexibility through this PUD:

1. Flexibility from loading requirements (§ 2201.1); approved in Stage 1 PUD.

The applicant requested flexibility to provide two 30-foot loading berths in the Stage 1 PUD, where one 55-foot berth and one 30-foot berth are required. The Zoning Commission approved the requested flexibility. No additional flexibility is requested.

2. Flexibility with the design of the PUD as provided in Condition A.6 in Zoning Commission Order 14-12; approved in Stage 1 PUD.

The applicant requested flexibility to vary the design of the building, including: the location and design of interior components; exterior materials; retail frontages; landscape design; floor-to-floor heights; and public space design. The Zoning Commission approved the requested flexibility and additional flexibility has not been requested.

3. Flexibility to provide habitable penthouse; new requested flexibility.

The applicant has requested flexibility that would allow a habitable penthouse, which was not contemplated during the First Stage PUD. The penthouse would consist of 15,568 square feet of area and would be used as residential amenity space.

OP will provide detailed analysis of requested flexibility prior to a public hearing.

## X. PUD EVALUATION STANDARDS

The PUD was approved under the ZR 58 Regulations, which, at 11 DCMR, Chapter 24 outlines the purpose and standards for Planned Unit Developments. Section 2400.1 states that a PUD is “*designed to encourage high quality developments that provide public benefits.*” The First Stage PUD established that the proposal would be of a high quality and would provide significant public benefits that it would protect and advance the public health, safety, welfare, and convenience.

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

2403.3 *The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.*

**Public Benefits and Amenities:**

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or result in an action inconsistent with the Comprehensive Plan. Building A2 was approved for a FAR of 7.13. The modified development would have a FAR of 7.88, remaining within the 8.0 FAR allowed in the C-3-C/PUD zone. The overall approved FAR for the entire PUD is 7.1, and additional information should be provided illustrating that the approved and proposed buildings up to this point do not exceed the overall FAR.

*(a) Urban Design, Architecture, and Open Space*

The project design utilizes the existing structure on the Property in order to infuse the industrial/commercial aesthetic into the building, particularly along the ground floor. Guided by the Small Area Plan's goal to incorporate existing buildings into redevelopments within Union Market, the Project would use the existing building on the site to maintain the existing industrial character. The open space between the buildings allows for a variation to the massing along 5th Street and creates an interesting, framed vista from Union Market into the Gallaudet campus and from the campus into the district. The design is responsive to the environment of the Florida Avenue Market, since it preserves the original building and incorporates masonry into an industrial design.

*(f) Housing and Affordable Housing*

Eight percent of the residential units would be set aside as affordable housing for the life of the Project. The applicant has provided that 80% of the GFA dedicated to affordable housing would be provided to residents earning no more than 80% MFI, while the remaining 20% would be provided to residents earning no more than 50% MFI. The applicant should verify this commitment and provide additional information as requested at the beginning of this report.

*(h) Employment Benefits*

The applicant will submit a First Source Employment Agreement for each building in the PUD that will require District of Columbia residents be hired for at least 51% of the new jobs created by the project.

*(k) Environmental Benefits*

The North Building will be designed to achieve at least a LEED Silver, 2009 level. The applicant has proposed to construct the building to achieve LEED Silver, v4, which is an upgrade from the original proffer. The project incorporates extensive sustainable features including features to maximize water efficiency and measures both to mitigate the building's impact on the environment and to create a healthier interior environment.

*(o) Transportation Benefits*

The proposed project includes a number of elements designed to promote effective and safe vehicular and pedestrian movement, transportation demand management, and connections to public transportation services. The project incorporates improvements to the streetscape surrounding and within the PUD site that will improve the transportation and pedestrian network in the Market area. The applicant has worked with DDOT to develop Streetscape Design Guidelines that guide the design and use of public space in the Market area.

*(q) Uses of Special Value to the Neighborhood and the District of Columbia as a Whole*

The applicant will provide employee time and company resources to arrange and maintain programming related to the use of the Market associated with local schools and students to create educational programs for the life of the Market. The applicant will also provide discounted or free event space or related services in the project to non-profits or similar institutions in the DC metro area at a value of \$30,000 per year. Finally, the applicant will host no less than 10 community events for five years.

**XI. AGENCY REFERRALS**

If this application is set down for a public hearing, the Office of Planning will refer it to the following District agencies for review and comment:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- DC Public Schools (DCPS)
- Department of Public Works (DPW)
- Department of Aging (DOA)
- Department of Employment Services (DOES);
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water
- WMATA