



TO: District of Columbia Zoning Commission

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

DATE: June 29, 2015

SUBJECT: Final Report – ZC 14-19 – Consolidated PUD at 300 M Street, N.E., with Related Map Amendment; Square 772, Lots 1, 2, 6, 7, 19, 801 and 802

I. OFFICE OF PLANNING PRELIMINARY RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission **approve** this application for a Consolidated PUD with a related map amendment from C-M-1 to C-3-C, and with relief from side yard, loading, and roof structure requirements. The application was set down by the Commission on February 9, 2015, and meets the requirements of 11DCMR §§ 2406, and the value of amenities and public benefits, estimated by the applicant's June 19, 2015 filing at \$4,905,020, appears to be commensurate with the requested map amendment, increased density and zoning relief, although clarifications of the actual proffers is needed.

The applicant's filing dated June 19, 2015 supplies much of the additional information requested at setdown. Transportation-related information remained under review by the District Department of Transportation (DDOT) at the time OP completed this report. ANC 6C has been consulted in the development of the amenities and public benefits, and has voted to support the project but had not filed a report at the time this report was completed. The applicant has committed to pursuing LEED Silver certification.

Remaining information needed by the hearing is noted in italics in the body of this report and summarized in Section VIII.



Figure 1. Proposed Consolidated PUD's Location and Zoning Context



II. APPLICATION SUMMARY AND PRINCIPAL CHANGES SINCE SETDOWN

M Street Development Group, LLC seeks approval of a PUD for an approximately 416-unit residential building that would include approximately 12,900 square feet of ground floor retail space, and would be compliant with Inclusionary Zoning. The proposed project would be located on the site of a vacant industrial building two blocks east of the NoMA/Gallaudet Metro station, proximate to NoMA, the Florida Avenue/Union Market and the primarily rowhouse neighborhood between Florida Avenue and H Street, NE.

The 67,446 square foot site comprises Square 772, Lots 1, 2, 6, 7, 19, 801 and 802. It is outlined in green in the map below, which also shows the adjacent streets, the alley system, existing buildings and Metro entrances.



Figure 2. Proposed Site

The applicant's 67,446 square-foot L-shaped site occupies approximately $\frac{3}{4}$ of the portion of the Square that is south of the east-west alley. It has frontage on M, 3rd and 4th Streets, N.E. Sheets A-05 through A-14 of the applicant's pre-hearing submission illustrate the physical context.

The property is zoned C-M-1, which permits no residential uses. Consequently, the applicant is requesting an associated map-amendment to C-3-C to permit residential use. The project's residential count has increased by 15 units since setdown.

The proposed PUD's 418,798 square foot total is approximately 4,500 larger than in the original submission and the proposed 6.21 FAR contains a marginal increase of 0.07. The project would be just more than twice the 3.0 density permitted by the existing C-M-1 zone, but within the density permitted a PUD in the requested C-3-C zone. Its 79% lot occupancy (1% more than

first filed) would also be less than the 100% lot occupancy permitted by both the existing and requested zoning. The applicant has applied for a C-3-C PUD not only to deliver the residential uses not permitted in the existing zone, but also to achieve a 110 foot height on the 3rd Street end of the building facing NoMA. This height would step down in stages to 80 feet and 50 feet along M Street and 4th Street, where the building faces two and three story rowhouses. These heights, which are illustrated diagrammatically on Sheets A-14 through A-16, could not be realized under the by-right C-M-1 zone's 40-foot height limit.

As illustrated on Sheets A-32 and A-33, the project would include 167 residential and 20 retail parking spaces, for a total of 187 parking spaces on two underground levels. This is an increase of 12 residential spaces and 6 non-residential spaces from the original application. The spaces would be unbundled from residential units and leased or sold at the market rate of other nearby spaces. The ratio of 1 space for each 2.5 units would provide 70% more residential parking than required by the requested C-3-C zone, and there would be 6 more non-residential spaces than required. The 140 indoor bicycle spaces shown on Sheet A-34 would include one more than is required. Parking and loading would be entered from the alley, which the applicant proposes to widen and extend, at the rear of the building.

The full public benefits package, which the applicant states has been developed in consultation with ANC 6C, is analyzed in Section V of this report

III. COMPREHENSIVE PLAN ANALYSIS

The proposed PUD is not inconsistent with the Comprehensive Plan.



Fig. 3. Comprehensive Plan Future Land Use Map



Fig. 4. Generalized Policy Map

The striping in the Comprehensive Plan's future Land Use Map (FLUM) indicates the now-industrially zoned site is suitable for medium density housing, residential and commercial uses, as well as production, distribution and repair uses. The proposed 6.21 FAR, of which 98% would be devoted to residential use, would be at the upper end of what is typically considered appropriate for medium density land uses. The maximum proposed height of 110 feet is 20 feet taller than is usual for a medium density residential or commercial structure, but the concentration of this height on the western end of the proposed structure, closer to the rail tracks

and the 130 high buildings in NoMA, better enables both the provision of taller-than-typical retail/maker space on the ground floor, and the lowering height to 80 feet and 50 feet where the building would be adjacent to blocks of two and three-story rowhouses to its south and east.

The Policy Map indicates that a change in land use is expected and encouraged for the site; the proposed project would introduce residential uses to a site where it is now prohibited, and would not intrude into the areas designated for neighborhood conservation.

The proposed project would be not inconsistent with written elements of the Comprehensive Plan. The Land Use, Transportation, Housing, Environmental Protection, Urban Design and Central Washington Area Elements all include policies and recommended actions with which the proposal is congruent. The proposal would be transit-oriented (policies LU-1.3 and T-1.1.4); would help to revitalize the neighborhood through new housing and retail uses where now there are vacant and underutilized lots (policies LU-2.1.3, CW 1.1.1, CW-1.1.4, CW-1.1.9, H-1.1.1, H-1.1.4 and, to some extent H-1.2.3); would provide superior architecture and urban design with high-quality materials, varied massing and fenestration and attention to ground floor details affecting pedestrians (policies UD 2.2.1, 2.2.7 and UD-2.2.5); would buffer the building's larger scale and ground floor retail uses through extensive and sustainable tree and other plantings and by stepping down its height next to row house areas (policy LU-2.3.3); would use a related map amendment to further the mix of uses in an underperforming industrially-zoned area (policy LU-3.1.4); would enhance environmental and sustainability objectives through the various green elements that would be built into the project in pursuit of a LEED-Silver certification (policies E-1.1.1, E-1.1.3, and E-2.2.1); and would be generally consistent with policies in support of the NoMA Vision Plan and others supporting a more vibrant Central Washington Area (e.g., policies CW-2.8.1 and CW-1.1.13).

IV. ZONING ANALYSIS

Table 1: Existing and Proposed Zoning, Development Potential, and Proposed Development. (Based on applicant's summary figures).

The yellow shading highlights the areas where approval of the applicant would result in an increase in height or density from the existing zone or greater relief from regulations.

Table 1.	Permissions and Requirements			Proposed by Applicant		
Item	C-M-1 Zone - By Right Max	C-3-C by- right Max	C-3-C PUD Max	Proposed	Proposal Requires	Compliance
Height (ft.) above measuring pt.	40' 3 stories	90.0	130.0	110' (on 3 rd St.) w/ step-downs to 80' and 50' on the south and east	n/a	Complies (M St. deter- mines max.; measured from 4th St.).
FAR	3.00	6.50 7.8 w/ IZ	8.00	6.21	n/a	Complies.
Lot Occ. Of total site (%)	100	100	100	79	n/a	Complies.

Table 1.	Permissions and Requirements			Proposed by Applicant		
Item	C-M-1 Zone - By Right Max	C-3-C by- right Max	C-3-C PUD Max	Proposed	Proposal Requires	Compliance
Total SF	202,365	526,149	739,640	418,798 sf	n/a	Complies
Non- Res. SF	202,365	526,149	739,640	Approx. 12,500	n/a	Complies
Residential SF	residential prohibited	526,149	739,640	406,298	n/a	n/a.
Res. Units	prohibited	526	739	416 du's, +/-10%	n/a	n/a
Affordable SF (IZ 8%)	residential prohibited	41,667	51,282	8% = 33,503 SF Est. 33 – 39	33,503	Complies
Affordable (IZ)Units	n/a	Approx. 41	Approx. 51	34	8% @ 80% AMI	Complies with IZ.
Parking total for all uses	n/a	1 space per 4 du's	1 space per 4 du's	187 (1 space per 2.5 dwellings)	118 (1 space per 4 dwellings)	Complies.
Parking, Non- res.	n/a	1 sp. /750sf > 3000 sf	1 sp./750sf > 3000 sf	20	14 spaces	Complies.
Bicycle Parking		5% required auto spaces =6; 1/3 du's = 134	Same as C-3-C	136 long term on level P 03; 99 short term on upper level	134	Complies
Loading Residential §2201	<i>residential use prohibited</i>	<i>1 berth @ 55 ft., 1 platform @ 200 sf, 1 service space @20 ft.</i>	<i>Same as C-3-C</i>	<i>Total, All Uses: 2 berths @ 30 ft., 1 platform @ 240 sf, 1 service space @20 ft.</i>	<i>Same as C-3-C</i>	<i>Relief: 2 berth lengths; residential platform sf; service space</i>
Loading, Non- Residential §2201	<i>n/a</i>	<i>For 8 -20K sf.: 1 berth @ 30', 1 platform @ 100 sf, 1 service space @20'</i>	<i>n/a</i>	<i>Included in above</i>	<i>Same as C-3-C</i>	<i>See above</i>
Rear Yard (ft.)	None for first 20 ft. Above 20 feet, greater of 12 ft. or 2.5 in. / ft. of bldg.	If provided, >12 ft. or 2.5 in./ft. of ht. i.e. 25'5" ht.-- from center line of rear street (cor- ner lot abut- ting 3 sts.)	same as C-3-C	45' From 3 rd St (per § 774.11)	25'5"	Complies.

Table 1.	Permissions and Requirements			Proposed by Applicant		
Item	C-M-1 Zone - By Right Max	C-3-C by- right Max	C-3-C PUD Max	Proposed	Proposal Requires	Compliance
Side Yard (ft.) §775.5	<i>Required only if abutting a R zone, which site does not</i>	<i>If provided, ≥ 2 in./ foot of height</i>	<i>same as C-3-C</i>	11'6"	18'4"	6' 10" of Relief required.
Open Court (ft.)	If provided, greater of 2.5 in. width per ft. of height or 12 ft.	If provided, ≥ the greater of 15 ft. or 4 in / ft. of ht.	same as C-3-C	Yes	n/a	Complies
GAR	0.3	0.2	0.2	0.2	0.2	Complies
Roof Structures §§ 411.3 and 770.6(a); 411.2 and 779.6(b) and 411.5	One equal height enclosure with vertical walls ≤ 18.5 ft. setback 1:1 from edge, ≤ 0.37 FAR equivalent. One roof structure permitted per elevator core, or roof level differing ≥ 1 floor.	same as M zone	same as M zone	4 roof structures.(2 on each of 2 levels separated by at least 1 floor) NW: 18'6" high, 1:1 setback from 3rd St. 11'3"setback from alley on N; 10' setback from alley on E SW: 16' and 18'6" high, 1:1 setback from 3rd and M Sts., no setback from open court NE: 16' high, ≥ 1:1 setbacks where required SE: 16' high, ≥ 1:1 setbacks on all sides.	1 roof structure (or 1 per roof level separated by at least one floor) with equal height vertical walls no higher than 18' 6" and set back from exterior walls at a 1:1 ratio of setback to roof structure height above the roof it is atop.	Relief for no., varying heights of, 2 of 4 multiple roof strucs. NW: setback relief of 7'3" from north; 8'6" from east alley; 17'6" relief may be needed from open court and is requested. SW: relief for 2-ft. height variation; 17'6"setback relief may be needed from open court and is requested NE: None SE: None

Section V. B., below, contains OP's discussion of the applicant's requested zoning relief.

V. COMPLIANCE WITH PUD REGULATIONS

A. Overview

A PUD is the most appropriate vehicle for realizing the Comprehensive Plan's vision of changing the use of the land from industrial to a mix of uses including medium-density residential.

The 67,455 square foot site size meets the 15,000 square foot minimum site size requirements of § 2502.1(c). With a related map amendment to C-3-C, a portion of the 110 foot high building would, given the 90-foot width of the street, rise to the upper height permitted in that zone. The majority, however, would be 20 to 60 shorter than permitted in the PUD-related zone. The 6.21 FAR would be less than the 8.0 FAR permitted a C-3-C PUD.

The requested zoning relief for roof structures, courts, side yard and loading is not unusual for a PUD, appears to be justifiable minor within the overall context and does not appear to be using the PUD process to circumvent other zoning regulations.

The applicant has listed extensive amenities and benefits that will be provided for residents and the public.

B. Zoning Relief / Flexibility Under PUD Guidelines

§775.5 - Side Yard Relief: The applicant's side yard confronts the alley to its north, which it proposes to effectively widen by setting the building back over nine feet from the alley to facilitate circulation and accommodate utility vaulting outside of public space. Although a side yard is not required, the set-back establishes the need for compliance with side yard requirements. The requested 6 foot10 inch relief, illustrated on Sheet A-26, is less than the applicant is voluntarily setting the building back from the side property line. The combined distance of the proposed18 foot 6 inch side and the existing 14.75 foot wide alley would provide adequate room for the building's light air and maintenance and separation from the north-adjacent building. The PUD-related flexibility would also further the applicant's attempts to decrease building height in areas across from or adjacent to rowhouses. OP supports this relief.

§ 2201 – Loading Relief: The applicant is seeking to provide two 30-foot deep loading berths, rather than the required single 55-foot deep loading berth. The flexibility, illustrated on Sheet A-26, would enable simultaneous loading for both residential uses and for the approximately 12,500 square feet of retail uses, for which loading is not required. OP is not opposed to this relief.

§§ 411.3, 770.6(a); 411.2, 779.6(b); 411.5 – Relief for Number of Roof Structures, Their Setbacks and Varying Heights: The applicant's original application noted that multiple service cores with elevator overruns would be needed for a building of the proposed design. The

applicant has requested relief for this. Specific dimensions of roof structure heights and setbacks are illustrated in Sheets A-17, A-30 and A-31. While the applicant's April 21, 2015 filing explains why multiple roof structures are required, *the June 19, 2015 filing does not provide the information requested at setdown that would explain the necessity for the proposed roof structure setback relief.*

The applicant should explore whether relief is needed for setbacks from open courts for the northwest and southwest roof structures.

The applicant will also need to address how the setback relief request for the northern edge of the western penthouse relates to the 1910 Height Act. The Zoning Commission has recently reiterated that: roof structures taller than the maximum height permitted by the 1910 Height Act are required by federal law to maintain a 1:1 setback from exterior walls; and, that the Commission is empowered to grant setback relief only for roof structures below Height Act limits. The northwestern roof structure would be above the building's 110 foot Height Act-based limit. Although the northern edge of that penthouse would be setback 22' from the property line contiguous with the existing alley, the applicant has proposed an 11'6" easement and building setback on that side of the project in order to expand the alley. The northern face of the 18'6 inch penthouse would be set back only 11'3 inches from that location of the northern building wall.

The applicant has not indicated an intention to include habitable space in a penthouse.

Additional Flexibility Requests: To enable response to market and cost variables, the applicant has requested the following:

- To vary the unit number by +/- 10%
- To vary all interior structure, material and designs, including those governed by code and legal regulations and as desired by tenants.
- To vary number, location and arrangement of vehicular parking spaces from those shown on Sheets A-32 and A-33, provided they comply with zoning regulations. *As part of this relief request, the applicant should specify the lowest actual number of residential and total parking spaces to which the applicant is willing to commit, and the requested minimum parking space to dwelling unit ratio the applicant is requesting.*
- To modify sustainability features from those listed on Sheet A-49, provided the building maintains the number of points needed to achieve LEED Silver certification. *OP encourages to applicant to achieve a higher than silver level of LEED certification.*

- To vary exterior materials within the same quality level and color ranges as those on Sheets A-43 and A-44, and to make minor changes to architectural details as needed to comply with building code requirements. *The applicant should provide an explanation of what would constitute a same level of quality-as the materials shown in the drawings, particularly for the ground level materials which the applicant has proffered as a PUD benefit. The applicant will also need to provide a clearer indication of materials to be used for penthouse and roof structure construction.*

C. Transportation, Parking and Loading

Under the tab for Exhibit B of the applicant's June 19, 2015 cover letter, Gorove /Slade consultants have supplied a transportation study, mitigation and enhancement plan and a set of Transportation Demand Management (TDM) measures. The studies have identified three failing intersections and one with a seriously degraded level of service within its study area. The consultant indicates that because of the project's proximity to transit, its high walkability score and its proposed TDM measures, the PUD would not contribute significant additional stress on these intersections

Sheets A-26 and A-32 through A-34 illustrate the parking, loading and bicycle storage layout.

TDM measures noted by the applicant include:

- An electronic transit board and information in the lobby that would be visible from M Street;
- Prohibition of the building residents obtaining residential parking permits, to be contained in lease or sales documents;
- Designation of TDM coordinator;
- Unbundled parking, priced to 0.25 mile radius market rate;
- Alternative transportation information packets on every tenant move in;
- Bike maintenance area and tools in building bicycle room.

The most recent filing does not include the proffering of a bikeshare station or bikeshare memberships.

Due to the timing of the transportation-related information's submission, it remained under review by DDOT at the time OP completed this report. DDOT indicated it would be asking the consultant to supply additional information, and TDM proposals, by the hearing.

D. PUD Benefits, Amenities and Proffers

Approval of the proposed PUD and map amendment would enable the following uses, density and height that would not otherwise be achievable with the existing zoning:

ITEM	EXISTING C-M-1 Zone	PROPOSED C-3-C PUD	DIFFERENCE Between by-right and proposal
USES	PDR, office, retail, institutional	Office, retail, residential, retail	Prohibits PDR Permits Residential
DENSITY	3.0 FAR	6.21 FAR	3.21 FAR
HEIGHT	40 feet; 3 stories	110 feet, 11 stories	70 feet, 8 stories

Exhibit C of the applicant's June 19, 2015 filing provides the applicant's table of public benefits and amenities, with a total value estimated by the applicant at \$4.9 million. Generally, the items in Exhibit C include four major categories:

- Public space improvements to be executed by the applicant if approved by DDOT
Approximately \$1.55 million
- Superior materials and finishes on ground floor:
\$1.66 million
- Contributions for community improvements:
\$85,000
- Increased District and NoMa bid revenues:
\$1.72 annually.

The noted level of benefits and amenities is commensurate with the requested zoning change, density increase and zoning relief. As indicated in Table 2, below, the list includes a number of items that may be beneficial but are not proffers, that are required as a matter of course, or that would be located in public space and have not yet been reviewed by DDOT. If approval or execution of particular benefits or amenities noted in the Final Order cannot be achieved, the applicant will be able to return to the Zoning Commission for a PUD modification seeking the substitution of an equivalent proffer.

Among the most notable items is the extensive public space improvements and landscaping on the north side of the 300 block of M Street, N.E. As illustrated in Sheets L-01 through L-06 these improvements would provide a linear park in public space.

OP notes that the project will not employ exterior HVAC "condenser farms", thus enabling the applicant to provide more and varied green space and stormwater retention areas.

Included in the list of amenities for residents are a large landscaped courtyard, units with street-activating direct access to 4th Street and M Street, a fitness center, and a rooftop pool and recreation area. As listed on page 11 of the Applicant's April 21, 2015 filing, the building will have approximately 24,000 square feet of "green space" among 3 roof levels and a central court.

The building design and overall massing may be superior to that of similar residential developments. However, with respect to the proffer of higher-quality materials on the ground floor, the information provided does not enable OP to evaluate whether the enhancements constitute a proffer. *OP encourages the applicant to provide additional information about this at the hearing.*

Both the market rate and IZ residential uses at this location would contribute positively to several public objectives and would be a public benefit because they could not be constructed under the existing zoning. The amount of affordable housing would not exceed what is required, and, therefore, cannot be counted as a proffer.

OP's summary evaluation follows.

TABLE 2: APPLICANT'S LIST AMENITIES/BENEFITS AND ESTIMATED COST OR VALUE	CONSTITUTES PROFFER?	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED
Market rate housing	No	No	Yes. Existing zone prohibits residential	No	No
8% affordable (34 du's)@ 80% AMI	No	No	Yes. Existing zone prohibits residential	No	Yes
Widen northern alley from 14.75 feet to 18 feet, with approx. 1500 SF of public easement (est. \$450,000 construction cost for applicant)	Partially. Also needed for DDOT-required truck access movements, unless bldg. corner modified	Yes	Yes	No	Indirectly, to meet DDOT loading movement requirements
Close 8 curb-cuts comprising 256 feet, resulting in space applicant estimates to be 25- 35 street parking spaces; (cost n/a)	No, DDOT requires closings, resulting in room for additional spaces	No	Yes	No	Yes,
Provide for one replacement "police vehicle parking only" space that will be lost to construction (cost n/a)	No	Probably	Possibly, subject to DDOT approval	No	Not by DDOT
14 public bike racks, 2 on M Street, other locations unspecified (\$7,000)	Yes	No	Yes	No	No
Granite curb and gutter at street-adjacent property line. Upgraded paving of public sidewalk and planting areas (\$512, 213)	Yes, but subject to DDOT public space approval	No	Yes	Yes	No, typically not permitted by DDOT

TABLE 2: APPLICANT'S LIST AMENITIES/BENEFITS AND ESTIMATED COST OR VALUE	CONSTITUTES PROFFER?	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED
Install 20 shade trees in "parking" strip and 20 ornamental trees adjacent (\$98,000)	No, most required by DDOT	No	Yes	Yes	Yes
Install bio retention planters on north side M Street (\$85,000)	Probably, unless needed for MS- 4	Probably not	Yes	No	Uncertain
Planters and trash receptacles adjacent to building (\$120,800)	Yes	No	Yes, subject to DDOT approval	No	No
Install Washington Globe fixtures adjacent along 3 streets adjacent to project (\$277,807)	Yes	No	Yes, subject to DDOT approval	No	No
Upgraded ground floor building materials, not inclusive of landscaping in public space (\$1.66 M applicant estimate)	Yes, subject to provision of additional information at hearing	No	Possibly	Probably	No, although some level of enhancement expected of a PUD
Pursue LEED Silver certification (\$68,200 additional administrative costs)	Yes	No	Yes	Yes	No
Install rooftop bee hive (cost n/a)	Yes	No	No	Yes	No
Supply sculpture to be placed in public space on axis with Abbey Place (up to \$50,000)	Yes	No	Yes, subject to review and approvals by DDOT and others	Yes	No
Contribute funds for concrete bench relocation and sidewalk repair for Two Rivers School (\$15,000)	Yes	No	Yes, subject to DDOT approval	No	No
Contribute funds to ANC- designated group for community room furniture	Yes, if specific list of items provided	No	Yes. Requires specific list	No	No

TABLE 2: APPLICANT'S LIST AMENITIES/BENEFITS AND ESTIMATED COST OR VALUE	CONSTITUTES PROFFER?	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED
and equipment (\$7,500)					
Contribute funds to WMATA towards 2 additional fare gates at NY/Gallaudet Metro (\$50,000)	Yes	No	Yes, subject to approval from WMATA	No	No
Rooftop recreation, dog park, lounge areas and pool	No	No	No	Yes	No
Applicant –executed public space improvements proximate to, but not on same side of street as, PUD: • New sidewalks (possibly brick), curbs, gutters on SS 300 block M St., • Replace existing street light on south side 300 block of M Street, with Wash. Globe fixtures, if supportable by existing below- ground infrastructure • Possibly, replace total of 16 street lights with Washington globes on Abbey Pl, ES of 1100 3rd St. blk., 11 blk. 4th St., 400 blk. M St. (not to exceed \$140,000 cost)	Yes, if design, construction and maintenance is approved by DDOT	No	Yes, subject to DDOT approval	No	No
Contribute funds to ANC committee to design & construct bulb outs SE corner of 4th and M Sts. (\$10,000)	Yes, if design, construction and maintenance is approved by DDOT	No	Yes, subject to DDOT approval	No	No

TABLE 2: APPLICANT'S LIST AMENITIES/BENEFITS AND ESTIMATED COST OR VALUE	CONSTITUTES PROFFER?	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED
Contribute funds to ANC committee to furnish crash barriers/ traffic control devices to prevent vehicles' driving on sidewalks at 3rd and M intersection (\$2,500)	Yes, if design, construction and maintenance is approved by DDOT	No	Yes, subject to DDOT approval	No	No
TDM Plan, including electronic alternative transportation board in lobby and visible from M Street (Cost not est.)	Partially; several required by DDOT for TDM	Yes	Yes	Yes	Substantially
Prohibition of RPPs (cost n/a)	Yes, if written commitment to include in lease or sales doc.	Yes	Yes	No	No
Recruit local retailers (Cost n/a)	Yes, if specific measures to be taken by applicant are specified	No	Yes	No	No
Possible public space cleaning on SS M St., not adjacent to PUD (cost n/a)	No, unless specific commitment made	No	Yes	No	No
First Source agreement (confirmed April 21, 2015)	Yes	No	Yes	No	No
Annual additional DC tax revenue (est. \$910,000)	No, is a matter of course required by the District, over which the applicant has no control	No	Yes	No	Yes, taxes are required on assessed values and revenues
Additional annual BID revenue (est. \$41,000)	No, simply required by inclusion in NoMA BID	No	Yes	No	Yes, within NoMa BID

While mentioned as a tentative proffer at the time of OP's preliminary report, a bike share station is not being proffered.

E. Affordable Housing

The applicant will be providing the minimum square footage of affordable housing required by the Inclusionary Zoning regulations. It will be targeted to households earning 80% of the area median income (AMI),

Residential Unit Type	Res. GFA; % Total	Units	Income Type**	Affordable Control Period	Affordable Unit Type	Notes
	Required		Required	Required		
	Provided		Provided	Provided		
Total	406,298 GSF	416, +/-10%				
Market Rate	372,795 GSF					
IZ*	33,503 GSF	34	80% AMI	Project duration	Rental	
	33,503 GSF	34	80% AMI	Project duration		
Affordable/Non IZ	n/a	n/a	n/a	n/a	n/a	

F. Mitigation of Potentially Adverse Impacts

Traffic mitigation measures are detailed in Exhibit 2 of the applicant's pre-hearing statement; are noted in this report's Section V.C and in Table 2; and will be discussed in a separate DDOT report.

Environmental and sustainability mitigation measures are illustrated in the sheets covering landscape, roof top and stormwater management in the final architectural submission. The design meets the required 0.2 GAR requirement. The applicant has proposed several bio-retention and sustainability improvements throughout the building and the public space. Overall, the applicant has committed to pursuing LEED Silver certification.

G. Urban Design and Architecture

OP believes that the finished building will be exceptionally attractive within the context of its neighborhood and of the entire District. The massing, varied but harmonious façade patterns, colors and overall materials more than meet the quality of what is expected of a PUD. Based on the illustrations, the design appears to relate well to the varied site context. Locating the apartment and the vehicular entrances on the western end of the building will help protect the rowhouse neighborhood from increases in pedestrian or vehicular traffic. The massing responds to the high rise context to the west and steps down and back to better integrate with the townhouse scale to the south and east. The use of dark custom brick for the first five stories and a more recessive white precast concrete above increases the prominence of the residentially-scaled elements, as does the use of bays on 4th Street and on M Street. The modernist facades are crisp, vary with function, and provide restrained, rhythmic variety in upper stories. The ground level paving, plantings, trees, Washington Globe fixtures, public seating areas, and direct

entrances to townhouse-type units will enhance public use of the perimeter and will provide a pleasant route for pedestrians walking to Metro.

The applicant will be supplying building material samples at the hearing. *By the hearing, the applicant will also need to specify the materials that will be used for the penthouse structures and; As noted in Section V, the applicant should provide further discussion of the proffer to use very high quality materials on the exterior of the ground floor and why the ground floor design and materials comprise a public benefit and proffer.*

VI. OTHER GOVERNMENT AGENCY COMMENTS

DDOT has informed OP that, to a degree, the applicant has worked with that department on the scope of the traffic study and on the mitigation measures, both of which the Department saw in final form on June 19, 2015. The department is not aware of the applicant's having consulted with its public space committee for a pre-review of the proposals for improvements to public space that the applicant has included in its table of proffers.

DDOT will be filing its report to the Commission under separate cover.

No other agencies have indicated that reports will be filed.

VII. COMMUNITY COMMENTS

ANC 6C voted to support the project on June 10, 2015. Its letter was not on file as OP completed this report. No public comments had been received prior to submission of this report.

VIII. SUMMARY OF INFORMATION REQUESTS, RESPONSES AND NEEDS

Table 3 indicates the applicant's response to requests for information and clarification at setdown and notes additional information need by the public hearing for items highlighted *in italics* in this report.

ITEM	STATUS
Report on Traffic, Parking and Transportation Demand Management Studies and Plans	Information provided, but additional information requested by DDOT. <i>DDOT will report.</i>
Public Space design revisions, if needed	DDOT has not reviewed proposals, particularly for proffers, and has concerns about the lack of information provided. <i>DDOT will report.</i>
Further justification of flexibility requests, particularly for roof structures, discussion of setbacks from open courts (newly requested), and discussion of absence of one roof	Not Provided

ITEM	STATUS
structure's 1:1 setback above Height Act (newly requested)	
More detailed drawings of roof structures and perspective views of overall roofscape	Provided, <i>with the exception of designation of penthouse building materials.</i>
Clarification of enclosed space usage in penthouses	Provided
Square footages of different green roof types	Provided (3,366 SF. Detailed on Sheets L-07 -- L-10, C-16 -- C-18, and A-46 -- A-48)
Specification of lowest number and ratio of parking spaces the applicant would provide if the requested flexibility is granted. (new request)	Additional information needed.
Alternative bicycle parking locations,	Information provided
Clarification and Enhancement of Certain Public Space Community Benefits Proffers (Includes several new items from applicant since setdown)	Partially Provided. See Table 2 in Section V of this report for all information needed, which includes: Additional information about arrangements with DDOT for private improvements proposed in benefits package for public space not immediately adjacent to project. More specific information about funds pledged to ANC for community room furnishings.
Retention of "Police parking only" space, in new location (new item)	Additional information needed
\$7,500 Contribution to ANC for community room furnishings (New item)	Details needed about items to be purchased and timing
Written Commitment to First Source Agreement	Provided
Conceptual ground floor signage plan	Provided
Additional study of façade treatment facing Abbey Pl.	Proposed sculpture in public space on north side of M Street at end of Abbey Place, in lieu of façade changes. Will require review/approval by DDOT public space committee.
TDM commitment to prohibit residential parking permits (new item)	Written clarification needed that prohibition will be included in lease or sales documents
Materials samples	To be provided.
Further explanation of why ground level	To be provided

ITEM	STATUS
architectural enhancements constitute a proffer and public benefit (new item)	
Explanation of what constitutes quality-equivalency when substituting materials for those shown in drawings (new item)	To be provided
Clarification of how much of the approximately 24,500 SF of “green space” noted in April 21,2015 filing is green roof square footage, or the sustainability equivalent.	To be provided

Jls/slc

Stephen Cochran, project manager