



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, ^{JLS} Deputy Director
Development Review and Historic Preservation

DATE: March 9, 2015

SUBJECT: Setdown Report for ZC #15-01, Consolidated PUD and related Zoning Map
Amendment from C-M-1 to C-3-C, 320 Florida Avenue NE (Square 3587, Lot 4)

I. SUMMARY RECOMMENDATION

The Applicant/Owner, 320 Florida Owner, LLC c/o Level 2 Development, submitted a request for a consolidated Planned Unit Development (“PUD”) and related zoning map amendment for the property located at 320 Florida Avenue NE (the “Property”) in the Florida Avenue Market area, within the Eckington neighborhood. The proposed project consists of a mixed-used building of approximately 285 to 346 residential units and 8,472 sf of ground-floor retail, with a total gross floor area of 227,089 sf. Flexibility with regard to certain zoning regulations has been requested to facilitate the proposed development, which has been briefly summarized in Section II and detailed in Section VI in this report.

As described in Section IV of this report, the proposed zoning and PUD would not be inconsistent with the maps and written elements of the Comprehensive Plan and the small area plan known as the Florida Avenue Market Study. As such, the Office of Planning recommends the application be set down for a public hearing.

The following information should be provided prior to a public hearing:

- A set of two optional roof structure plans that depict both penthouse options (one option is 18’-6” in height with no residential uses, and the other options is 20’ in height with residential uses) and specific uses (in the 18’-6” option) and relief for each (setback relief will be different);
- More specificity with regard to pathway design and status of negotiations with DGS; and pedestrian improvements from the Property to the NOMA-Gallaudet U (New York Avenue) Metro Station
- Additional detail and specificity with regard to the public benefits and amenities.

- Clarification about which building and development elements are within the public space, including Pepco vaults, a water meter vault, underground garage space and building projections at the 4th through penthouse levels.

II. APPLICATION-IN-BRIEF

Location: Square 3587, Lot 400. Generally, a rectangular-shaped property bounded by Florida Avenue NE to the south, Gateway Market (340 Florida Ave, ZC #06-40) to the east, future development site to the north and to the west, open space owned by the District of Columbia, adjacent to the railroad tracks owned by the Washington Terminal Company. The Metropolitan Branch Trail is located west of the tracks. The Property is within 1,000 feet from the NOMA-Gallaudet U (New York Avenue) Metro Station.

Ward/ANC: Ward 5, ANC 5D

Applicant/Owner: 320 Florida Owner, LLC c/o Level 2 Development

Current Zoning: C-M-1 Commercial-Light Manufacturing District

Existing Use of the Property: One-story, concrete fast-food establishment including asphalt parking lot and driveways.

Comprehensive Plan Future Land Use Map Designation: Striped one-third each High-Density Commercial, High-Density Residential and Production, Distribution and Repair

Property Size: 28,394 square feet (0.6518 acres)

Proposal: Together with a related map amendment to C-3-C, develop a primarily residential, 120-foot mixed-use building of approximately 285-346 residential units with 8,472 sf of retail use on the ground floor. The total GFA is 227,089 or an FAR of 8.0¹.

Relief and Zoning: Pursuant to 11 DCMR Chapter 24, the Applicant/Owner seeks:

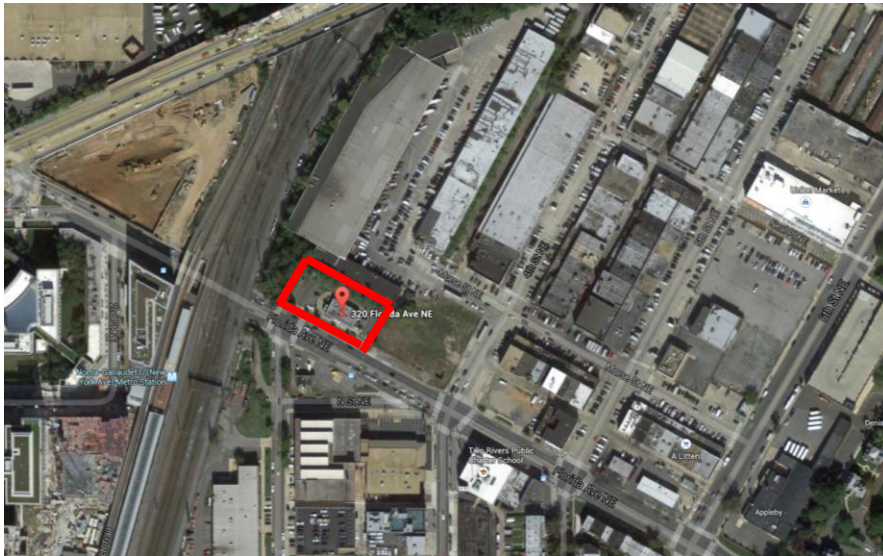
1. Consolidated PUD and related map amendment to the C-3-C District;
2. Flexibility from Rear Yard Requirements (§774.1);
3. Flexibility from Court Requirements (§776.3 and §776.7);
4. Flexibility from Compact Parking Space Requirements (§2115.2);
5. Flexibility from Loading Requirements (§2201.1);
6. Flexibility from Roof Structure Requirements (§411 & 770);
7. Flexibility with regard to optional penthouse use/height;
8. Flexibility with regard to the location and number of balconies;
9. Flexibility to vary the number of proposed residential units (+/- 10%).
10. Flexibility to vary the location and design of interior components;
11. Flexibility to reduce the number of vehicular and bicycle parking to the Zoning Regulation requirements;
12. Flexibility to vary the number, location and arrangement of compact parking spaces;

¹ Does not include penthouse GFA of 8,397 sf or .295 FAR permitted per Zoning Regulation 411.7

13. Flexibility to change the sustainable design features of building provided that the total number of LEED points remains equivalent to LEED Silver;
14. Flexibility with regard to the final selection of exterior materials without reducing the quality and to allow for minor modifications to external architectural details;
15. Flexibility in the location and design of ground floor components; and
16. Flexibility to vary the features, means and methods of achieving the Green Area Ratio of .2.

III. SITE AND AREA DESCRIPTION

The irregularly-shaped rectangular Property consists of one lot totaling slightly over one-half acre in area. There currently is a one-story, concrete fast-food establishment permitted by right (via the C-3 district uses permitted by right), with two curb-cuts and surface parking lot areas connected by a driveway. The Property fronts on to Florida Avenue NE and is bounded by private property to the north and east. Immediately to the west lies a District of Columbia-owned parcel and the raised railroad track area. The Property does not have alley access and is land-locked, except for Florida Avenue NE access. The Property is approximately 1,000 feet from the entrance of the NOMA-Gallaudet U (New York Avenue) Metro Station to the southwest. Please refer to the aerial vicinity map below. The topography of the Property includes a rise in elevation from Florida Avenue (elevation between 54' to 62') approximately ten (10) to fifteen (15) feet up to the northern/rear property boundary whereby the elevation is seventy (70) feet.



Vicinity Map/ Aerial Photo. Approximate bounds of the Property in red. 2014 Google.

The Property is within the small area plan known as the Florida Avenue Market Study Area which is detailed more specifically below in Section IV. The Florida Avenue Market Study Area is currently undergoing a significant amount of development interest. Within the forty (40) acre market area, there are several approved PUDs, several PUDs currently under review, and others are anticipated to be filed in the near future. See map below for a summary of PUDs. In almost all cases, the PUDs include a related map amendment to the C-3-C District from an industrial district of either M or CM.

Additionally, the area to the southwest and west of the Property, known as NOMA, subject to the NOMA small area plan, has undergone significant and transformative private and public investment through private development and infrastructure improvements. There are several NOMA PUDs in close proximity to the Property, and they are also included on the map below.



-  -- Applicant's PUD 15-01, 320 Florida Ave, NE. (245-346 residential units and 8,472 sf retail)
-  -- Potential Future PUDs
-  -- Nearby, approved PUDs or PUDs currently under review

#1: ZC 05-23, Approved in 2006 (extensions/modifications were granted through 2009), Rezoning from M to C-3-A, 600 residential units and 1,000 sf retail. (3.3 FAR). The project has been built.

#2: ZC 06-14, Approved in 2007 (extensions/modifications granted through June 2013), Rezoning from M to C-3-C, 230-270 residential units; 140-195 hotel rooms and 5,000-7,000 sf retail, which has been constructed. There is an unbuilt ~600,000 sf office building associated with the PUD. (7.08 FAR)

#3: ZC 06-40, Approved in 2008 (extensions/modifications through 2016), Rezoning from C-M-1 to C-3-C, 170-216 residential units and 27,410 sf of retail. (5.0 FAR). The project has not been built.

#4: ZC 14-07, Pending approval, C-M-1 to C-3-C, 420-520 units and 39,600 sf of retail. (8.0 FAR)

#5: ZC 14-12, Pending approval, C-M-1 to C-3-C, existing union market uses of 62,000 sf, ~40,000 sf of theater uses, residential (260,000 min to 615,000 sf max) or office uses (104,000sf to 400,000 sf max), ~30,000 sf retail.

#6: ZC 11-25, Approved in 2012, rezoning from C-M-1 to C-3-C, 220-240 hotel rooms (4.08 FAR). The project is under construction, near completion.

#7: ZC 14-19, Pending approval, C-M-1 to C-3-C, 401 residential units and 9,000 to 13,000 sf retail. (6.14 FAR).

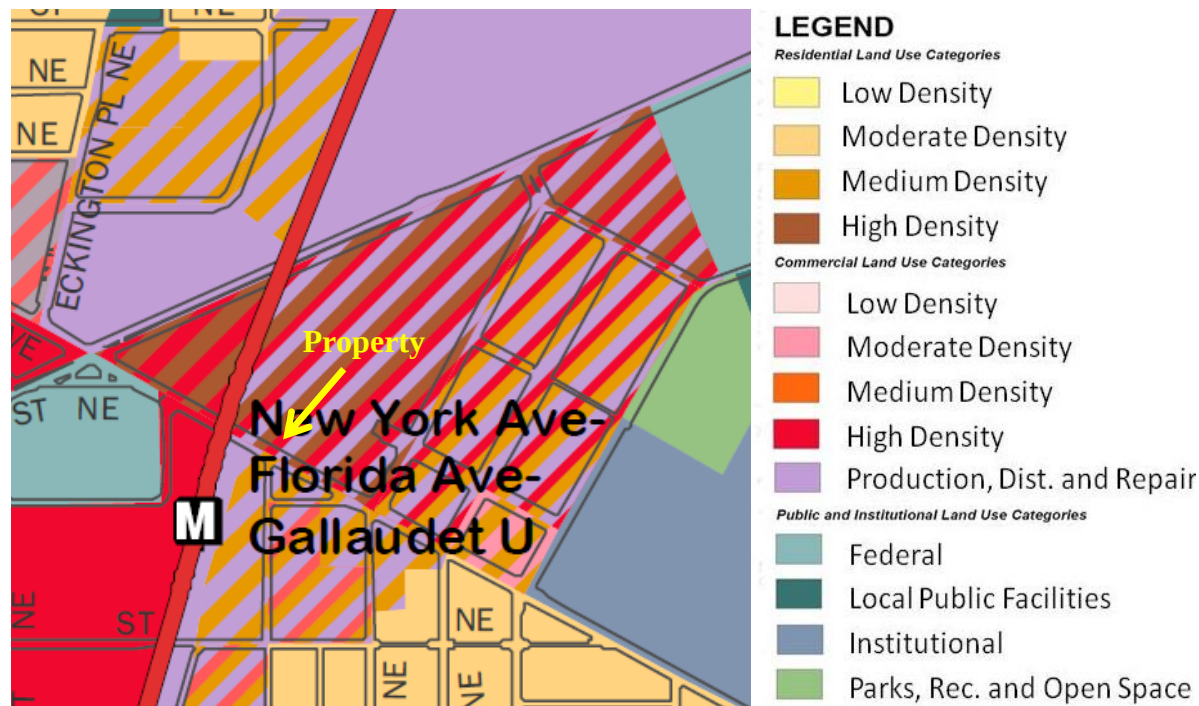
As depicted above, the area within .5 to .7 miles of the NOMA Metro station is undergoing a substantial influx of residential development of a minimum of 2,326 units to a maximum of 2,953 units that are built or are currently under public review. With the addition of anticipated PUDs not yet under review, the area will see a substantial influx of residents where there has not been a residential population for years, as all of these areas have been zoned to facilitate industrial or commercial uses. As such, continued infrastructure and public realm planning, among other considerations, are important factors that will facilitate the success of the area.

IV. COMPREHENSIVE PLAN MAPS AND 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 map amendment also should not be inconsistent with the Comprehensive Plan and other adopted policies.

A. Future Land Use Map

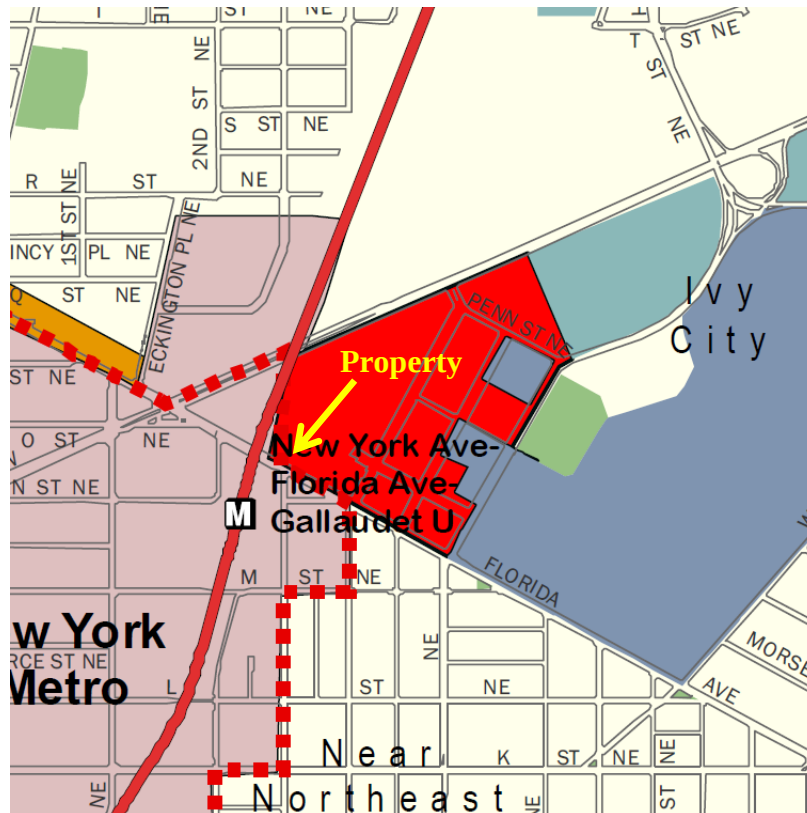
The Future Land Use Map designation for the Property is striped for mixed use High-Density Commercial, High-Density Residential and Production, Distribution and Repair.



B. General Policy Map

The Generalized Policy Map designates the Property as part of a “Multi-Neighborhood Center” which is to meet the day-to-day needs of residents and workers in the adjacent neighborhoods in terms of both depth and variety. Their service areas are typically one to three miles. These

centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers also may include office space for small businesses, although their primary function remains retail trade. Mixed-use infill development at these centers should be encouraged to provide new retail and service uses, and additional housing and job opportunities. Transit improvements to these centers are also desirable. (Comprehensive Plan, §§ 223.4 and 223.5)



C. Comprehensive Plan Policies

The Property is located in the Upper Northeast Area of the Comprehensive Plan. There are several policies within the Upper Northeast Area Element, as well as policies in the Citywide Framework (primarily the Land Use Element), which encourage a mix of uses in the Florida Avenue Market/Capital City Market Area and the creation of a gateway through physical improvements.

More specifically, the Property is located within the Florida Avenue Market Area Study (2009), a small area plan adopted by City Council, which includes general guidance for the immediate area, as well as site-specific guidance.

Finally, the area is included in the “Ward 5 Works: Ward Five Industrial Land Transformation Study” area. The ways in which this study is applicable to the Property is detailed below.

Ultimately, a map amendment-related PUD development facilitated by the regulations of the C-3-C zone would help achieve the applicable policies. Please note bold text was added for emphasis.

Upper Northeast Area Element (“UNE”):

- Planning and Development Priority: “Retail choices in Upper Northeast need to be expanded... Many of the commercial areas in Upper Northeast are dominated by used car lots, carry-outs, liquor stores, automotive uses and other activities that are not conducive to neighborhood shopping... **Florida Avenue and the areas around the Metro stations have the potential to become pedestrian-oriented shopping districts. The Florida Avenue Market also has the potential to become a more vital shopping district, serving not only as a wholesale venue but also as a retail center for Ivy City, Trinidad, Eckington and nearby neighborhoods.** (§2407.2)
- UNE-1.2.1: Streetscape Improvements: “**Improve the visual quality of streets** in Upper Northeast, especially **along...Florida Avenue...**Landscaping, street tree planting, street lighting, and other improvements should **make these streets more attractive community gateways.**” (§2409.1)
- UNE-2.1.2: Capital City Market: “**Redevelop the Capital City Market into a regional destination that may include residential, dining, entertainment, office, hotel and wholesale food uses...** (§2411.6)
- UNE-2.1.4: Northeast Gateway Urban Design Improvements: “**Improve the image and appearance** of the Northeast Gateway area **by creating landscaped gateways into the community, creating new parks and open spaces, upgrading key streets** as specified in the Northeast Gateway Revitalization Strategy, **and improving conditions for pedestrians along Florida Avenue** and other neighborhood streets.” (§2411.8)

Citywide Guiding Principles:

- Land Use (“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 station in areas...with large amounts of vacant or poorly utilized land in the vicinity of the station entrance... (§306.11)
- LU-1.3.3: Design To Encourage Transit Use: “**Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations** and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. **These improvements should include lighting, signage, landscaping and security measures...** (§306.13)
- LU-3.1.4 Rezoning of Industrial Areas: “**Allow the rezoning of industrial land for non-industrial purposes** only when the land can no longer viably support industrial or PDS activities or is located such that industry cannot co-exist adequately with adjacent existing uses. **Examples include land in the immediate vicinity of Metrorail stations...** (§314.10)
- Housing-1.1.4: Mixed Use Development: **Promote mixed use development, including housing, on commercially zoned land**, particularly in neighborhood commercial centers, along Mains Street mixed use corridors, and **around appropriate Metrorail stations.** (§503.5)

- Parks, Recreation and Open Space (“PROS”)-1.4.4: Parks on Surplus Land: **“Acquire and convert abandoned or tax delinquent land, surplus rail or road rights of way, and other land not in productive use into recreational use where feasible and appropriate, particularly in parts of the city that lack adequate access to park land.”** (§807.7)
- PROS-3.4.4: Trails in Underutilized Rights-of-Way: **Develop multi-use trails in underutilized rights-of-way, including surplus railroad corridors and undeveloped street rights-of-way.”** (§815.8)
- Urban Design-1.4.1: Avenues/Boulevards and Urban Form: Use Washington’s major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. **Focus improvement efforts on avenues/boulevards in emerging neighborhoods,** particularly those that provide important gateways or view corridors within the city. (§906.4)

D. Florida Avenue Market Study

The Florida Avenue Market Study (“FAMS”) was completed by the Office of Planning in March 2009 as a result of several catalysts which included development pressure within and around the NOMA-Gallaudet (New York Avenue) Metro Station, guidance from the Comprehensive Plan, the New Town at Capital City Market Revitalization Development and Public/Private Partnership Emergency Act of 2006, the Northeast Gateway Revitalization Strategy, and the Gallaudet University Campus Plan. It was adopted by City Council and is a small-area plan. Within the FAMS, is a “Development Framework.” The purpose of the FAMS “Development Framework” is to provide opportunities, guidance and direction for developers and property owners as they propose redevelopment solutions of the ~40 acre area (p.6). It defines a redevelopment vision which includes a recognition of the “grittiness” of the wholesale, ethnic market retail niche in its current state, as well as its turn-of-the century historic Capital Market past; future development as a mixed-use neighborhood with a focus on retail and food-related retail; inclusion of historic market structures that are to remain; new bustling and alluring ground floor uses; pedestrian and bicycle connections to the NOMA-Gallaudet (New York Avenue) Metro station and to the Metropolitan Branch Trail; and finally an improved public realm of streets, sidewalks, open spaces, plazas and gathering places. The following includes general guidance for the redevelopment Property, which is primarily taken from the Development Framework section of FAMS (p.49-76):

- Zoning and Intensity Plan (Figure 6.01) p. 57: Designated as “High Density,” which corresponds to development of 90’ in height and an FAR of 6.5 as a matter-of-right; or 130’ in height and an 8.0 FAR in a PUD/TDR scenario.
- “To fulfill the public real and sense of place vision for the Study Area, it is essential that **street-activating or pedestrian-enlivening activities are featured in the ground floors** of development or **within public space of key streets such as...Florida Avenue...**” (p.54)
- “Sense of Place: **Utilize design techniques in new construction to enhance the sense of place and pedestrian character of the FAMS.**” (p.58)

- “Open Space: Include **amenities in open space** for users, such as benches, water fountains, etc...**Ensure accessibility for a wide range of users**—both physically accessibility and obvious visual cues will ensure people know the space is public.” (p.58)
- “Public Realm: **Create a pedestrian-friendly environment with clear pathways throughout the market**...Improve sidewalk conditions...**encourage active ground-floor uses** (such as restaurants and retail) along expected pedestrian routes...” (p. 59)
- “Transportation: **Increase pedestrian connectivity to/from the New York Avenue Metro Station**...” (p.59)

E. “Ward 5 Works: Ward 5 Industrial Land Transformation Study”

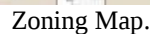
Through mayoral executive order in 2013, a task force was established to create a strategy for the modernization and adaptive use of industrial land in Ward 5. The resultant study strives to do the following: guide the development of existing industrial land into cutting-edge and sustainable production, distribution and repair industry that diversifies the District economy; recommend the preservation of industrial lands; serve as a hub for low-barrier employment and job-training; allow for cheaper land costs; complement and enhance the integrity of neighborhoods; and provide opportunities for arts, recreation and other community amenities, as well as creative start-up maker businesses.

The Property is within the 1,030 acre “Ward 5 Works” study area, and is specifically within the area named the ‘New York Avenue South’ area. While the proposed map amendment-related PUD would preclude future light industrial uses on the Property, the “Ward 5 Works” study acknowledges the FAMS and the market’s revived food distribution and production role, the fast-growth rate of the District, and market pressures for development by Metro that have resulted in zoning map changes that allow for residential uses and a mix of uses that do not otherwise allow for industrial uses (p.20-22). It also states: “In some ways, this area [FAM] is already sustaining PDR growth—particularly among food industries based in the FAM, though this zone also features several blighted and underperforming properties as well...sites in this zone feature somewhat better vehicular pedestrian connectivity as...Florida Avenue connect[s] to the broader city. This area still requires improved pedestrian and transit access to meet its potential as a PDR hub.” (p.49). In terms of request and its acknowledgement of the Ward 5 Works study, the proposed ground-floor retail uses provide an opportunity for certain creative, start-up maker uses that complement the food-focused retail of Union Market.

F. North of Massachusetts Avenue (“NOMA”): Vision Plan and Development Strategy

Prepared by the Office of Planning and adopted by City Council via resolution October 2006, the NOMA Plan is a small area plan to guide development of the 358-acre area roughly bounded by Massachusetts Avenue to the South, New York Avenue to the North, North Capital Street to the west and 3rd Street NE to the east to ultimately accommodate 20 million sf of residential and commercial development (50%/50%) within an ultimate period of 20 years. While the Property is not within the plan boundary, the Property benefits greatly from the increase of both residential and commercial density, and through public and private investments made in the past 5-10 years surrounding the NOMA-Gallaudet (New York Avenue) Metro Station. The physical

The Property is currently zoned to the C-M-1 Commercial-Light Manufacturing District, which is intended to provide sites for light manufacturing activities including warehousing, office and automotive usage at a low intensity level. It does not permit residential use or mixed use development with a residential component. The Applicant proposes C-3-C Major Business and Employment Center District which is designed to accommodate major business and employment centers, housing and mixed use development. It allows for compact, medium-high density development, including office, retail housing and mixed-use development.



The following table compares the existing matter-of-right development capacity of the C-M-1 District with the requested C-3-C District regulations:

Standard	C-M-1 By Right	C-3-C By Right	C-3-C PUD	Proposal
Uses	Industrial, commercial	Office, retail, residential and mixed use	Office, retail, residential, hotel and mixed use	Primarily residential with ground floor retail
Height in feet/stories	40 ft./3-stories	90 ft.	130 ft.	120 ft.
FAR	3.0	6.0	8.0	8.0
Lot Occupancy %	Not specified	100%	100%	100%
Rear Yard	For the portion of the structure above 20' in height, 12 ft.	2.5"/vertical feet in height, but $\geq 12'$	2.5"/vertical feet in height, but $\geq 12'$	25 feet required, 11'-2" provided (Relief Necessary)
Side Yard	None required	None required, but if provided, then 2" in width/vertical feet in height, but $\geq 6'$	None required, but if provided, then 2" in width/vertical feet in height, but $\geq 6'$	None provided
Courts	If provided, 6' width for open court and 2.5"/foot of height in width	Width of Open Court: 4"/foot in vertical height, $> 15'$; Area of Closed Court: 2x the square of the width of the court, but > 350 sf	Width of Open Court: 4"/foot in vertical height, $> 15'$; Area of Closed Court: 2x the square of the width of the court, but > 350 sf	Relief Necessary for court width (22.88' required and 11'-2" provided) and 2:1 court niche ratio
Parking (spaces)	1/1000 sf of manufacturing, industrial or whole sale establishment	1 space/1,800 sf office; 1 space/750 sf retail (if more than 3,000 sf); 1 space per 4 units	1 space/1,800 sf office; 1 space/750 sf retail (if more than 3,000 sf); 1 space per 4 units	Multifamily: 72-87 required for 285-346 units), 143 provided ² Retail: For 8,472 sf, 8 spaces.
Loading	Berth: 1 @ 30' deep Platforms: 1@ 100 sf & 1 @ 200 sf	Multifamily > 50 units 1 berth @ 55 ft. 1 platform @ 200 sf. 1 svc space @ 20 ft. Office & Retail (8,000 sf+): 1 berth @ 30 ft. 1 platform @ 100 sf 1 svc space @ 20 ft.	Multifamily > 50 units 1 berth @ 55 ft. 1 platform @ 200 sf. 1 svc space @ 20 ft. Office & Retail (8,000 sf+): 1 berth @ 30 ft. 1 platform @ 100 sf 1 svc space @ 20 ft.	For both multifamily and retail, 1 berth @ 30', platform of 200 sf, and 1 svc @ 20' (Relief Necessary)

VI. FLEXIBILITY

The following zoning flexibility is requested to facilitate the PUD -related map amendment:

- Rear Yard and Court Requirements (§§774.1; 776.3; 776.7)

The Applicant requests flexibility in the provision of the requisite rear yard setback for two approximately 40-foot portions of the building that project into the rear yard, where 22.88' is required, and at two locations, 11'-2" is provided. Several open courts are created as a result of the requested reduced rear yard and as such, the Applicant also requests flexibility to provide varying open court widths of between 12' and 26' where 35-8" is required at the north/rear elevation. It would appear that a substantial number of units could not be provided if the rear yard and related open court width flexibility were not granted. Finally, on all floors except the first and second, along the west elevation, court niche width-to-depth ratio of 2:1 is not met, given the long depths and narrow widths of the courts. The court niche relief appears to be as a result of design aesthetic in the Applicant's effort to enliven the massing of the north elevation.

² The Applicant has requested the flexibility to provide the number spaces required by the Zoning Regulations.

- Compact Parking Spaces (§ 2115.4); Reduction of the number of vehicular and bicycle parking spaces, and vary the location and arrangement of spaces; and Maintain 63% compact spaces:

The Applicant seeks flexibility from the compact parking space provision of § 2115.4, that establishes that no more than 40% of the parking may be designated as compact; the applicant is requesting 63% of the parking be compact. The Applicant also requests flexibility to provide a reduction in the number of parking spaces provided from 143 spaces, to the Zoning Regulation required/minimum amount of ~ 95 spaces. Should the required minimum parking spaces be provided, or an amount between the required and proposed, the Applicant requests to maintain 63% compact spaces.

- Loading (§ 2201.1):

§ 2201.1 requires loading facilities (berths, platforms, and/or services spaces of varying lengths) for each proposed use. For residential use, the required loading facilities are as follows: one loading berth of 55 feet deep, one platform of 200 sf, and one service space of 20 feet deep. For retail use, a loading berth of 30', platform of 100 sf, and service space of 20 feet is required. The Applicant requests flexibility to provide one shared loading berth of 30 feet deep; a platform of 200 sf; and a service space of 20 feet.

- Roof Structures Setback and Unequal Height (§§411.2, 770.6(b) & 411.5)

The roof structure is of two unequal heights 18'-6" (with optional 20') and 12'. The roof structure is set back from Florida Avenue a distance of 14' nearest to the 12-foot tall portion of the roof structure, so no setback relief is necessary for this portion of the roof structure. Portions of the roof structure along the north/rear of the building where the roof structure height is 18'-6" (with optional 20') is setback 15' from the northern wall of the building, 17'-3" from the northern court wall, and 5'-10" from the east and west edge of court walls in certain locations. Roof structure setback relief is necessary for the rear/north facing structure.

- Optional Penthouse Use: The Applicant requests the flexibility to allow for either 18'-6" roof structure with no residential units; or 20' roof structure with a mezzanine and residential units, depending on the outcome of the in-process revision to the existing penthouse zoning regulations.
- Number of residential Units: The Applicant requests the ability to provide a range of the number of residential units between 285 and 346.
- Interior Component and Exterior Materials: The Applicant requests the ability to vary interior components (including ground floor uses) and exterior materials, including the location and number of exterior balconies.
- Sustainable Features: The Applicant requests the ability to vary sustainable design features provided the total number of LEED points meets LEED Silver, as well as the features, means, and methods of achieving the requisite GAR.

VII. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES

The purpose and standards for Planned Unit Developments ("PUD") are outlined in 11 DCMR, Chapter 24. Section 2400.1 and 2400.2 states "The PUD process is designed to encourage high quality developments that provide public benefits....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 Applicant has requested various flexibilities detailed above and also offers several public benefits and amenities.

The Applicant requests a PUD and related map amendment, which is not inconsistent with the Comprehensive Plan, to allow approximately 80’ of additional building height above the C-M-1 limits, as well as a density increase of 5.0 FAR or 141,970 sf.

Per § 2403.3 PUD Evaluation Standards, the PUD regulations further state that “[t]he 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 state the definition and evaluation standards of public benefits and project amenities. Public benefits are tangible, quantifiable superior features of a proposed PUD that benefit the surrounding neighborhood or public in general to a significantly greater extent than would likely result from a by right project. A project amenity is type of public benefit that is a functional or aesthetic feature of a development that adds to the attractiveness, convenience or comfort of the occupants and immediate neighbors.

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 Applicant 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 - § 2403.9(a)*

Urban Design

In terms of urban design, the Applicant will greatly improve the current pedestrian realm from its current state through the ground floor building design and the streetscape elements.

Ground floor Building Design: The building design at the ground floor includes base articulation through the use of masonry that helps establish a comfortable pedestrian-scale along the Florida Avenue streetscape. The ground floor uses of retail, lobby and leasing with multiple entrances, floor-to-ceiling aluminum-framed store front glass broken-up with masonry piers at predictable intervals, as well as a metal sign canopy, will all help aid in creating a predictable and comfortable pedestrian experience along Florida Avenue. By locating the main retail component in the middle of the building, as opposed to the east side of the building, it will allow for direct, unimpeded access from the clear sidewalk into that retail establishment. The lobby and leasing areas located at the eastern side of building along Florida Avenue are sunken down several steps from the main clear sidewalk area, due to the change in grade of the Property.

Streetscape Elements:

The Applicant will provide a new 28’-5” streetscape along Florida Avenue that includes specialty paving of 9’ wide along the building edge, planters/steps/seat wall along the eastern part of the building, a 10-foot clear side, unimpeded sidewalk and 6’ wide tree pits. These elements will improve the pedestrian experience from the current state of the streetscape; additional detail should be provided OP explaining how the proposed streetscape will marry with the streetscapes to the east and west along Florida Avenue.

Architecture

The proposed architecture is reminiscent of a warehouse that has converted to residential use. A unique element of the proposed façade is the slightly projecting and recessing rectangular planes in a random pattern which help break up the horizontal mass along the Florida Avenue/south elevation. The requested court niche relief is a result of the shift in plane along the western elevation. The clear masonry base helps distinguish from the main body of the building.

Landscaping and Creation of Open Space

The Applicant intends to provide two types of landscaping concurrently with this project: on-site landscaping and off-site landscaping. With regard to on-site landscaping, the Applicant intends to provide plantings within the streetscape, raised green/softscape areas including trees within the rear yard, a bio-retention planter within the rear yard, green roof plantings on the court niches along the western elevation, and on the roof, planters, green roof areas and planter areas. In terms of off-site landscaping, the Applicant intends to design and build hard and soft landscaping (inclusive of a pathway) on the city property immediately to the west of the Property.

The off-site landscape elements will include main programmatic elements of a pathway from Florida Avenue sidewalk to the adjacent private property to the north, that will connect through private property to the main area of Union Market, a hardscape plaza, seating elements, lighting, trees and plantings. OP asked the Applicant for more information regarding the ultimate location of the pathway to Union Market as well as if the pathway can be made to accommodate users protected through ADA.

(b) Site planning, and efficient and economical land utilization - § 2403.9(b)

The proposal would completely transform a significantly underutilized site located within 1,000 sf of a Metro station and several Metrobus lines along Florida Avenue. The development will add to the activation of the FAMS/Unions Market area with its active retail uses, additional residents, and streetscape and off-site improvements. Internal loading and garage access from one curb cut is an efficient site planning element of the project.

(c) Historic preservation of private or public structures, places, or parks - § 2403.9(d)

The existing Property has no historic buildings on site.

(d) Housing - § 2403.9(f)

The Applicant proposes to provide 218,617 square feet of residential use which will be equivalent to 285-346 units. With a 315 unit program, the Applicant proposes 77% studio or one-bedroom apartments and 23% two bedroom apartments. The Applicant has proposed 8% or 17,489 sf of affordable housing at 80% area median income. This is the minimum requirement under the Inclusionary Zoning regulations. The introduction of residential use in an underutilized site is consistent with planning goals for the property detailed above; however to qualify as an amenity of the development OP encourages the Applicant to provide more than the minimum square footage or target a lower income.

(e) Environmental benefits- § 2403.9(h)

The Applicant intends to target LEED Silver rating equivalence. Should the Project be set-down, the Applicant will continue to work with DDOE regarding site sustainability measures.

(f) Uses of special value to the neighborhood or the District of Columbia as a whole § 2403.9 (i)

The Applicant intends to design and build pedestrian pathway, plaza and other functional elements, as well as landscaping of the city-owned area to the immediate west of the Property. The pathway will ultimately lead to Morse Street and the internal areas of Union Market. The pedestrian connection and improvement to the adjacent city-owned land will greatly contribute to the safety and connectivity between NOMA and the Florida Avenue Market.

VII. AGENCY REFERRALS

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

- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- DC Public Schools (DCPS);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD);
- Washington Metropolitan Area Transit Authority (WMATA); and
- DC Water.

VIII. COMMUNITY COMMENTS

The site is located in ANC 5D and is adjacent to 6C. The applicant has met with both ANCs. OP encourages the applicant to continue its community outreach efforts throughout the public review process.

JS/mcr