

## Memorandum

**TO:** District of Columbia Zoning Commission

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

**DATE:** April 10, 2015

**SUBJECT:** **ZC 15-07 – Setdown Report** Consolidated PUD - 315 H Street NE  
(Square 777, Lots 23-28 and 813-815).

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### I. RECOMMENDATION

OP recommends setdown of the consolidated PUD in the HS-H/C-2-B District to permit redevelopment of the combined lots with an eight-story (90'), primarily residential building of 125 residential units (80,500 sf) and 6,163 sf of retail for a total of 86,663 sf. The proposed overall density is 5.98 FAR, which is slightly less than the maximum permitted 6.0 FAR under the C-2-B PUD. A PUD-related map amendment is not requested.

The proposal conforms to the Comprehensive Plan's policy objectives for the Capitol Hill Policy Focus Area, including the H Street corridor's "urban living" district between 2<sup>nd</sup> Street and 7<sup>th</sup> Street NE. This district is intended for medium-density residential development, with ground-floor retail uses. The Generalized Policy Map locates the site within a Main Street Mixed Use Corridor, where it is anticipated that new development would support transit use and enhance the pedestrian environment, as proposed with this project.

OP informed the Applicant that the following should be provided prior to the public hearing:

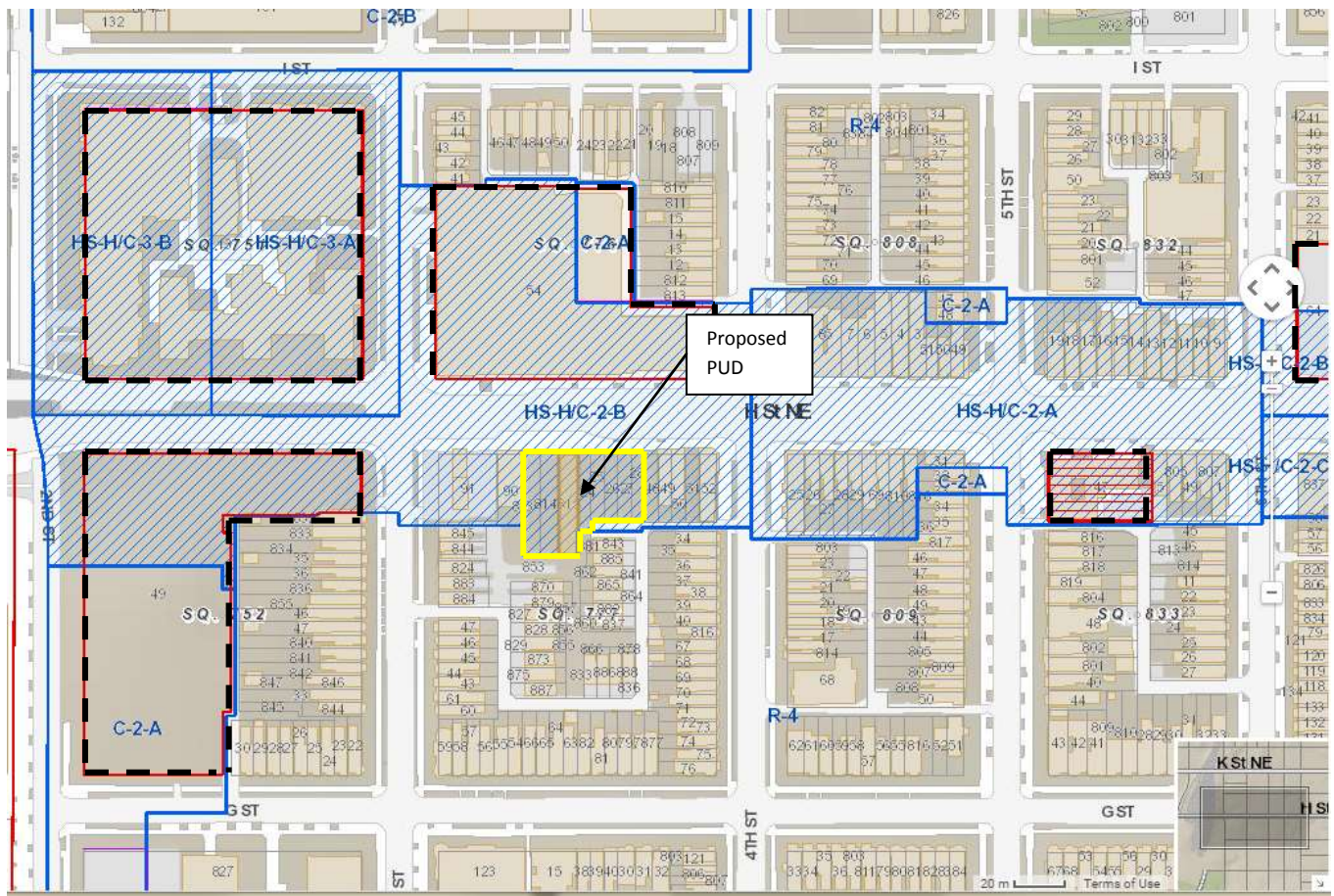
- Additional architectural detail and perspectives of the project and its context. Will the proposed brick privacy wall relate to the newer rowhouse and alley uses to the south of the Property?
- A loading management plan and/or more detailed information, necessary to evaluate proposed loading and trash collection from public alley, as vehicular conflicts could occur.
- Clarification of the affordable housing provision.
- Detail regarding the specific requested roof relief from the current roof structure regulations, as it appears the proposed includes residential space, not currently permitted. A roof plan conforming to current regulation should be provided<sup>1</sup>.
- Rationale regarding the residential building projection beyond the property boundary at the north/front elevation.
- Additional analysis regarding the requested parking relief and TDM Program;
- A strengthened LEED rating;
- A refined amenities package commensurate with the requested flexibility; and
- The project's participation in the District's job/employment program.

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<sup>1</sup> The submitted proposal shows habitable space within the penthouse, not currently permitted. If proposed under current regulations, relief from both the building height and FAR would be required. OP discussed this with the applicant and the applicant verbally agreed to submit to the record a roof plan, which does not include habitable space within the penthouse.

## II. SITE and AREA DESCRIPTION

The site, located along H Street NE between 3<sup>rd</sup> Street NE and 4<sup>th</sup> Street NE, is currently vacant with no structures and is within the Housing District of the H Street Neighborhood Overlay. A vibrant mix of residential, retail, service and arts uses line the H Street corridor, supported by an accessible transportation network. Several bus routes traverse the corridor. Union Station, which is the hub of Amtrak, the Circulator Bus and interstate bus lines, is within walking distance to the west approximately a distance of .5 miles. In the near future, the H Street/Benning Road Streetcar line will be operational. The site is among several large-scaled PUDs to the north, east and west, shown in dashed lines in the map below.



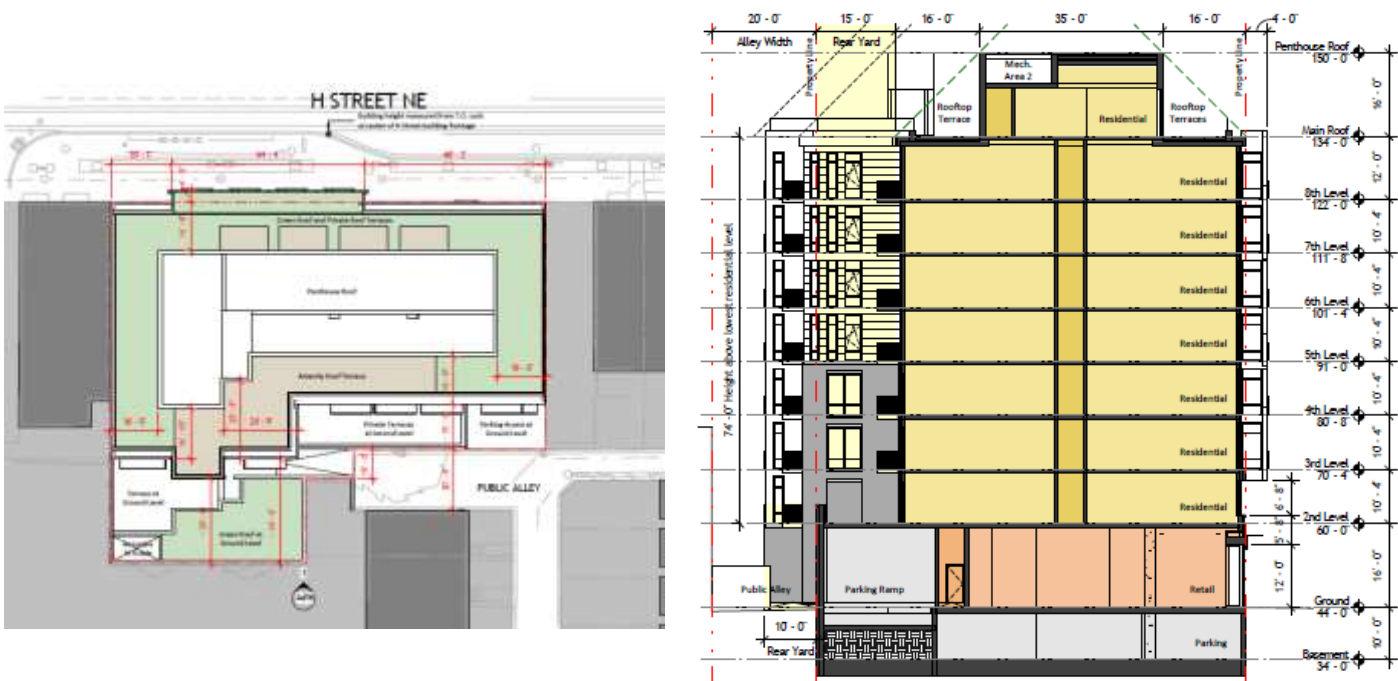
Location and Zoning Map

### III. PROPOSAL

The Applicant, MRP Realty, has petitioned the Zoning Commission for a consolidated PUD to permit redevelopment of the eight lots under the existing HS-H/C-2-B District regulations consisting of:

- A contemporary, primarily residential building with laminate, cement panels with metal balconies, and ground floor retail, expressed through its pedestrian-scale base of masonry with aluminum and glass storefront elements (Plans<sup>2</sup> – pg. A11)
- 81% lot occupancy (retail) and 75% (residential); (Plans – pg. A4)
- 5.98 FAR, with a combined gross floor area of 86,663 sf of which 80,500 square feet of residential uses and 6,163 square feet of first-retail use. The proposed FAR, which OP assumes does not include habitable penthouse spaces, meets the 6.0 FAR permitted under the C-2-B PUD; (Plans – pg. A4)
- A total of 125 units with 8% of the residential gross floor area dedicated to affordable housing. A unit mix was not provided on the plans. (Burden of Proof Statement, pg. 5, 10 and 28).
- 29 parking spaces provided in a one-level underground garage/basement level for residential uses and 0 spaces are provided for retail uses. Three spaces would be compact spaces. Forty-two spaces are required for residential uses and 4 spaces for retail uses. (Plans-A6), so relief has been requested.
- Trash would be stored and collected from the south/rear core area of the building, which opens on to a sloped ramp leading to the 30-foot shared loading space in the “dead end” portion of public alley, not within the private property boundary.
- The project satisfies the minimum GAR score for the zone (0.30) and is anticipated to be LEED certified. Sustainable benefits of the project would include provisions of a green roof, landscaped area at the southern portion of the site, energy efficient lighting and appliances, and low-flow plumbing fixtures.
- Flexibility from the minimum area for a PUD, lot occupancy, rear yard, loading, parking, roof structure and the H Street Overlay requirements are highlighted in Section V of this report.

The Applicant and the ANC are in discussions to refine an amenity package prior to the public hearing.



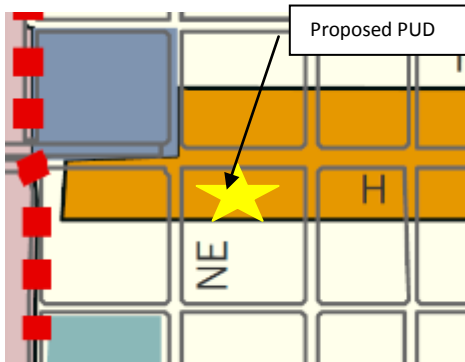
Site Plan and Building Section (Pg. A5, A9)

<sup>2</sup> All references to “Plans” include the Applicant’s submitted plans dated March 19, 2015, Exhibits 2A1 through 2A4 of the record.

#### IV. COMPREHENSIVE PLAN AND PUBLIC POLICIES

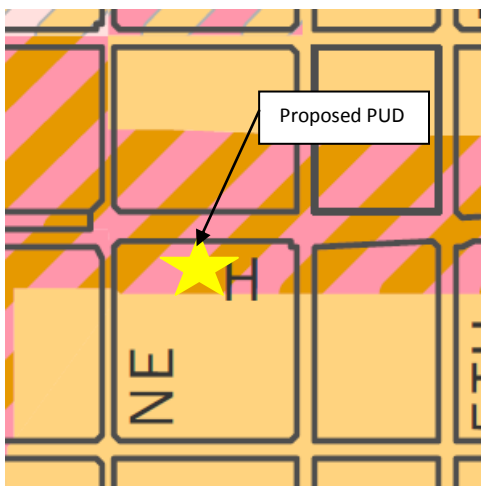
The proposed PUD must be not inconsistent with the Comprehensive Plan and with adopted public policies (§ 2403.4). The development proposal is not inconsistent with the Future Land Use and Generalized Policy Maps and would further objectives of the Land Use, Transportation, Housing, Economic Development, Urban Design and Capitol Hill elements and their related policies.

##### A. Comprehensive Plan Generalized Policy Map



The Generalized Policy Map locates the subject site within a main street mixed use corridor. This type of corridor is a traditional commercial business corridor with a concentration of older storefronts along the street, facilitating a pedestrian-oriented environment. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. The infill development of ground floor retail at the base of a new residential building is in keeping with this general policy. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.

##### B. Future Land Use Map



The map indicates that the property is within a mixed land use category of Moderate Density Commercial and Medium Density Residential. The proposed project is not inconsistent with this designation, as mixed-use developments of primarily residential uses with ground floor retail are permitted and encouraged in these areas. Retail, office and service businesses are typical, predominant commercial uses.

##### C. Comprehensive Plan Policies and Objectives

###### Land Use Element

- *Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors...The same is true for those corridors where light rail or bus rapid transit service has been proposed. 306.2*
- *Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include:*
  - *A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;*
  - *A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;*
  - *A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; .... 306.4*

The proposed mixed use development would enable future residents to capitalize on the location's proximity to several transit options, and would help to address the District's housing demand. It would also contribute to the continued transformation of this section of the H Street corridor.

**Policy LU-1.4.1: Infill Development**

*Encourage infill development on vacant land within the city, particularly in areas where there are vacation lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. (307.5)*

The proposed development is best characterized as infill development on a vacant property that is a gap in the urban fabric and rich pedestrian experience of the H Street corridor. The development, through its defined retail base and massing, complements the existing physical development pattern of the corridor

**Policy LU-2.1.10: Multi-Family Neighborhoods**

*Maintain the multi-family residential character of the District's Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.(309.15)*

The proposed residential building is on the main line of many Metro bus routes, as well as along a pending street car line. The primarily residential building would add new residents to support existing smaller-scale commercial businesses, as well as new local business opportunities, which are locating to this vibrant corridor.

**Policy LU-2.1.11: Residential Parking Requirements**

*Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flows. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated. (309.16)*

The Applicant requests to provide 29 residential parking spaces, where 42 residential and 4 retail spaces are required. While the project is approximately 0.5 miles from the Union Station Metro Rail station and the site fronts on a Metrobus corridor and the pending streetcar line. To mitigate potential impacts of future reduced private parking availability, a robust TDM program is proposed by the Applicant (p.6 Burden of Proof Statement).

**Policy LU-2.2.4: Neighborhood Beautification**

*Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements. (310.5)*

The redevelopment of the site would add to the visual improvement of the H Street corridor through the introduction of a retail base along the public space/streetscape, as well as proposed streetscape improvements.

**Transportation Element**

**Policy T-2.3.3: Bicycle Safety and Action T-2.3.A: Bicycle Facilities**

*Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist (409.10). Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users. (409.11)*

The proposed building would have secure bicycle parking area for 24 bicycles, as well as a bicycle repair area to be shown on the plans (p.6, Burden of Proof Statement).

## **Housing Element**

### **Policy H-1.1.1: Private Sector Support**

*Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. (503.2)*

The proposal includes new housing that will contribute to the high demand for housing in a desirable location, consistent with the land use policies and objectives cited herein.

### **Policy H-1.1.3: Balanced Growth**

*Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. (503.4)*

The proposal would include 125 new residential units on vacant and underutilized land in a prominent corridor of the city.

### **Policy H-1.1.4: Mixed Use Development**

*Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. (503.5)*

The proposal consists of a primarily residential building with ground floor retail on commercially-zoned land, along a main street mixed-use corridor, within 0.5 miles of a Metrorail station.

## **Environmental Protection Element**

### **Policy E-2.2.1: Energy Efficiency**

*Promote the efficient use of energy, additional use of renewable energy and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees. (610.3)*

The Applicant has agreed to provide energy efficient lighting and appliances, and low-flow plumbing fixtures which facilitate efficient use of energy and reduction of unnecessary energy expenses.

### **Policy E-3.2.1: Support for Green Building**

*Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. (614.2)*

The applicant proposes a LEED certified building that includes a green roof, as well as the sustainable elements mentioned above, which would benefit both the residents of the building and community as a whole. OP encourages the applicant to strengthen the LEED rating in support of the District's sustainability goals of requiring higher levels of LEED certification and the incorporation best practice sustainability principles. ([Sustainable DC – Built Environment – Goal 4](#)).

## **Urban Design Element**

### **Policy UD-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 gateway or view corridors within the city. (906.6)*

H Street is identified as a "Major Avenues, Boulevards and Gateways" in the Comprehensive Plan (906.7). The proposed project will improve the H Street corridor's aesthetic and visual character through its retail base and overall development on a vacant, underutilized site.

**Policy UD-2.2.1: Neighborhood Character and Identity**

*Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. (910.6)*

**Policy UD-2.2.4: Transitions in Building Intensity** *Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. (910.11)*

While the proposed infill development is typical in scale and massing of new development along H Street, the Applicant should detail how the proposal furthers a gradual transition to the three-story row houses immediately to the south of the Property, and how the massing provides an appropriate transition between the three-story row homes that face the alley.

**Policy UD-2.2.5: Creating Attractive Facades**

*Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. (910.12)*

The development has a visually appealing design at the retail level, which would complement the newer buildings of similar scale. OP requests that the applicant provide refined drawings with additional details, particularly at the pedestrian level, and as may be requested by the Commission.

**Policy UD-2.2.6: Maintaining Facade Lines**

*Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic facade line, or by placing buildings at odd angles to the street, unless the streetscape is already characterized by such variations. Where existing facades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm. (910.14)*

Generally, the building maintains established façade lines at the pedestrian level and complements the established rhythm along the street; however, the first residential level (at a height of 16 feet) projects beyond the property boundary into public space. The Applicant has requested flexibility from the H Street streetscape regulation of a 25-foot consistent street wall. OP requests further justification regarding the requested flexibility.

**Policy UD-2.2.7: Infill Development**

*Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. (910.15)*

The proposed infill project is generally consistent with new development along H Street in terms of scale, height and density.

**Policy UD-3.1.1: Improving Streetscape Design**

*Improve the appearance and identity of the District streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street 'furniture' and adjacent building facades. (913.8)*

**Policy UD-3.1.5: Streetscapes and Mobility**

*Ensure that the design of public space facilitates connections between different modes of travel, including walking, public transit, bicycling and driving. Bus shelters, benches, bicycle parking, safe pedestrian connections, and clear way-finding signage should be provided to facilitate multi-modal travels. (913.12)*

As part of the proposal, the Applicant proposes to enhance the existing streetscape with a 10-foot clear sidewalk, 5-foot tree-pits, and streetlights. More detail is required with regard to the current status of the street car stop infrastructure located in front of the residential lobby at the eastern end of the building, as the plans note “existing streetscape to be protected and preserved” at the location of the street car stop. (Plans, L1).

***Policy UD-3.1.7: Improving the Street Environment***

*Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall.*

The development would have ground floor retail uses with clear glass store front windows and no curb cuts.

**Economic Development Element:**

***Policy ED-2.2.3: Neighborhood Shopping***

*Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites.*

***Policy ED-3.1.1: Neighborhood Commercial Vitality***

*Promote the vitality and diversity of Washington’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents.*

The proposal would develop this vacant site with a mixed-use building including new retail space, thus expanding retail goods and services, as well as job opportunities to existing and future residents.

**Capitol Hill Area Element:**

The Comprehensive Plan places the property within the Capitol Hill Area Element and describes the area as being developed with a mix of residential and small-scale commercial uses. It anticipates that future development be directed to the H Street corridor, which is already zoned for commercial use and where redevelopment could reinforce the fabric of the neighborhood and provide needed housing and retail services. The policies generally recommend that residential use be retained and enhanced by new housing. The proposed development is not inconsistent with the area element.

***Policy CH-1.1.3: Upgrading Commercial Districts:***

*Reinforce and upgrade the major commercial districts of Capitol Hill, including the H Street and Benning Road corridors.*

***Policy CH-2.1.2: Clustering of Retail***

*Recognize that the existing supply of retail space on the H Street NE corridor may exceed demand, and that retail development should therefore be clustered on the 700-1100 blocks. <sup>1511.7</sup>*

This project would support these policies through the anticipated upgrade of this important commercial district, enabling the redevelopment of a vacant site and adding valuable retail square footage.

## V. ZONING

The following table compares the matter of right standards of the underlying C-2-B district, with the C-2-B/PUD proposed for the project.

| Standard                                                                                                                             | C-2-B<br>Matter-of-<br>Right     | C-2-B/PUD or HS<br>Required | Proposed                            | Flexibility      |
|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-----------------------------|-------------------------------------|------------------|
| Area (sf.)                                                                                                                           | No minimum                       | 15,000                      | 14,485                              | <b>Requested</b> |
| Height (ft.)                                                                                                                         | 90                               | 90                          | 90                                  | Conforms         |
| Lot Occupancy %                                                                                                                      |                                  |                             |                                     | <b>Requested</b> |
| Retail                                                                                                                               | 100%                             | 100%                        | 81%                                 |                  |
| Residential                                                                                                                          |                                  | 80%, 70% (§1324.4)          | 75%                                 |                  |
| FAR (max.)                                                                                                                           | 3.5 (4.2 with IZ)                | 6.0                         | 5.98                                | Conforms         |
| Residential                                                                                                                          | 3.5 (4.2 with IZ)                | 6.0                         | 5.55                                |                  |
| FAR Non Residential (max.)                                                                                                           | 1.5                              | 2.0 (non res.)              | .425                                | Conforms         |
| FAR Non Residential Maximum (H St - § 1321.2)                                                                                        | 0.5                              | 0.5                         | .425                                | Conforms         |
| GFA (sf) residential                                                                                                                 | -                                | -                           | 80,500                              |                  |
| GFA (sf) retail                                                                                                                      |                                  |                             | 6,163                               |                  |
| Number of units                                                                                                                      | -                                | -                           | 125                                 |                  |
| IZ                                                                                                                                   | 8% of gfa of res. uses           | 8% of gfa of res. uses      | 6,664 sf                            | Conforms         |
| Rear Yard (ft.):15 ft. min. (§774.7 measured from CL of alley @ 20' in height and below; rear lot line to structure @ 20' and above) | 15'                              | 15'                         | 10 ft.                              | <b>Requested</b> |
| Parking (spaces) residential                                                                                                         | 1 per 3 du                       | 1 per 3 du (42 spaces)      | 29                                  | <b>Requested</b> |
| Parking (spaces) retail in excess of 3,000 sf                                                                                        | 1 per 750 sf                     | 1 per 750 sf (4 spaces)     | 0                                   | <b>Requested</b> |
| Parking § 2115.2 – 25 spaces/compact spaces, 40% max.                                                                                | 11                               | 11                          | 3                                   | Conforms         |
| Loading berth residential (ft. deep)                                                                                                 | 1@ 55                            | 1@ 55                       | 1@30 in public alley, for both uses | <b>Requested</b> |
| Loading berth retail                                                                                                                 | 1@ 30                            | 1@ 30                       |                                     |                  |
| Loading platform residential (sf)                                                                                                    | 1@200                            | 1@200                       | <b>None</b>                         | <b>Requested</b> |
| Loading platform retail                                                                                                              | 1@100                            | 1@100                       |                                     |                  |
| Delivery space residential (ft. deep)                                                                                                | 1@ 20                            | 1@ 20                       | <b>None</b>                         | <b>Requested</b> |
| Delivery space retail                                                                                                                | Not required for 6,163 sf retail | N/A                         |                                     |                  |

**The submitted proposal shows habitable space within the penthouse, not currently permitted. If proposed under current regulations, relief from both the building height and FAR would be required. OP discussed this with the applicant and the applicant verbally agreed to submit a roof plan, which does not include habitable space within the penthouse.**

### FLEXIBILITY

As highlighted on the table above, the Applicant has requested flexibility from certain zoning requirements under the provisions of § 2405.7.

### PUD AREA

§2401.1(c) requires a PUD area of a minimum of 15,000 sf. Per §2401.2(b)(1), the Zoning Commission can waive the area requirement to a minimum of 7,500 sf if 80% of the total GFA is used exclusively for dwelling units. The percentage of residential GFA is 92%. The Applicant requests flexibility in this regard.

### H STREET DESIGN REQUIREMENTS

§ 1324 requires that buildings be constructed to the property line for the first 25' of height, in order to form a consistent street wall along the pedestrian realm. The Applicant requests flexibility to build the retail along the property line for 16' of height. At the first residential floor (2<sup>nd</sup> floor), a portion of the north façade projects beyond the property line a distance of 4'. The Applicant states they seek to distinguish the retail base from the residential tower. OP seeks additional explanation in this regard.

§ 1324.4 and § 1324.5 requires 70% residential lot occupancy measured from where the first level of residential uses take place. The Applicant requests flexibility to allow for 75% (p.A4, Plans) at the first residential level (2<sup>nd</sup> floor).

### PARKING

The lot's size and width limit the ability to provide the required off-site parking spaces. Therefore, flexibility is being requested from parking and from the 25-parking space requirement for the provision of compact spaces. In this instance, 8 spaces would be provided on the rear surface lot, and 6 of those would be compact spaces. The applicant informed OP that according to DDOT, the 500 block of H Street is RPP eligible (Zone 6 RPP). However, no RPP zones exist around the perimeter of the site. The H Street frontage is metered and the 5th Street frontage is marked for on-street loading. The applicant is contemplating whether to block the address from RPP (i.e. residents who apply for RPP will be in violation of their lease) to minimize parking impacts. This aspect would be addressed in further detail at the public hearing.

### LOT OCCUPANCY

§772.1 requires a maximum lot occupancy of 80% for residential uses and 81% is proposed.

### ROOF STRUCTURES

It appears the Applicant requests residential uses within the proposed roof structure, and that the gross floor area associated with the residential use be included in the total residential area of the project, subject to IZ regulations. This requires clarification.

### LOADING

The Applicant requests flexibility in its design to provide one 30-foot berth for residential and retail use within public alley space, not within private property bounds. A loading management plan should be provided to avoid vehicular conflicts or other alley uses from nearby properties. Additional information from the applicant and DDOT would be provided at the public hearing regarding this preference.

### REAR YARD

The proposed design does not provide the required 15-foot rear yard at the ground floor level measured from the centerline of the alley, but the requirement is satisfied at the upper floors, above 20', from the rear property boundary. Balconies are proposed within the rear yard. The loading and vehicular entry area would need to be redesigned to meet the rear yard requirement below 20'.

### **H Street Overlay Design Requirements § 1324**

The design requirements are highlighted as follows:

- 1324.2 *Buildings shall be designed and built so that not less than seventy-five percent (75%) of the streetwall(s) to a height of not less than twenty-five feet (25 ft.) shall be constructed to the property line abutting the street right-of-way. Buildings on corner lots shall be constructed to both property lines abutting public streets.*
- The Applicant has requested relief/flexibility to allow for a street wall abutting the street right-of-way of 16' in height instead of 25'.
- 1324.3 *New construction that preserves an existing façade constructed before 1958 is permitted to use, for residential uses, an additional 0.5 FAR above the total density permitted in the underlying zone district for residential uses.*
- There is no existing façade or structures on the property and thus this regulation is not applicable.
- 1324.4 *In C-2 Districts within the HS Overlay District, a seventy percent (70%) residential lot occupancy shall be permitted.*
- The Applicant has requested flexibility in this regard as the lot occupancy of the first residential level (2<sup>nd</sup> floor) is 75%.
- 1324.5 *For the purposes of this Section, the percentage of lot occupancy may be calculated on a horizontal plane located at the lowest level where residential uses begin.*
- The Applicant has requested flexibility in this regard as the lot occupancy of the first residential level (2<sup>nd</sup> floor) is 75%.
- 1324.6 *For the purposes of § 1324.5, "residential uses" includes single-family dwellings, flats, multiple dwellings, rooming and boarding houses, and community-based residential facilities.*
- Apartment units are proposed for residential uses.
- 1324.7 *Parking structures with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street N.E., or 15th Street, N.E. shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.*
- A one-level below-grade parking structure is proposed with no street frontage.
- 1324.8 *Each commercial use with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street, N.E., 14th Street, N.E., or 15th Street, N.E. shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.*
- This requirement appears to be satisfied as proposed.
- 1324.9 *Security grilles shall have no less than seventy percent (70%) transparency.*
- 1324.10 *Each commercial use with frontage on H Street, N.E., Florida Avenue, N.E., Maryland Avenue, N.E., 13th Street N.E., 14th Street, N.E., or 15th Street, N.E. shall have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one (1) primary entrance on H Street directly accessible from the sidewalk.*

Commercial entries (3) and a residential lobby entry are shown as accessible from H Street on the submitted plans.

- 1324.11 *Buildings shall be designed so as not to preclude an entrance every forty feet (40 ft.) on average, for the linear frontage of the building, excluding vehicular entrances, but including entrances to ground floor uses and the main lobby.*

The building has been designed to satisfy this requirement. Three retail entrances and one residential lobby entrance are provided for the 145 foot linear frontage, as shown in the plans. (Plans – A11)

- 1324.12 *The ground floor level of each new building or building addition shall have a uniform minimum clear floor-to-ceiling height of fourteen feet (14 ft.) if the building fronts H Street, N.E:*

It appears the floor-to-ceiling height requirement of 14’ would be satisfied, as 16’ floor-to-floor retail height is shown on the plans. (Plans – A9)

- 1324.13 *Buildings subject to § 1324.12 shall be permitted an additional 5 feet (5 ft.) of building height over that permitted in the underlying zone.*

The proposal meets the 90’ maximum height permitted under the C-2-B PUD standard; as such, the additional 5’ available per this regulation is not sought.

- 1324.14 *Projection signs shall have a minimum clearance of eight feet (8 ft.) above a sidewalk and fourteen feet (14 ft.) above a driveway, project no more than three feet, six inches (3 ft., 6 in.) from the face of the building, and end a minimum of one foot (1 ft.) behind the curbline or extension of the curbline.*

Projection signs shown on the section drawings (Plans- A9) are shown at 12 feet above the sidewalk with a projection that appears to meet the 3’-6” standard; however the Applicant should confirm it. OP anticipates that these requirements would be further reviewed when final plans are submitted, including at building permit review.

- 1324.15 *Façade panel signs shall not be placed so as to interrupt windows or doors and shall project no more than twelve inches (12 in.) from the face of the building.*

It appears the façade panel signs have been places so as to not interrupt windows and doors and do not appear to project more than 12” from the façade. This requirement would be addressed further at the building permit stage.

- 1324.16 *Roof signs are prohibited. – No roof signs are shown.*

## VI. PUD EVALUATION STANDARDS

The Applicant requests the proposal be reviewed as a consolidated PUD. The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24.

§ 2400.1 states that a PUD is “designed to encourage high quality developments that provide public benefits.” This will allow the utilization of the flexibility stated in § 2400.2.

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

The proposed development will be constructed on a vacant site. The development would add to the District’s housing stock and complement the revitalization of a vital arterial in the District. OP will request agency comments from other District agencies, including the District Department of Transportation (DDOT), the Department of Public Works (DPW) and DC Water.

## PUBLIC BENEFITS AND AMENITIES

§ 2403.9 address the requirement for public benefits and amenities as follows:

*“Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional categories:*

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

The proposed building in general is a modern design with asymmetrical paneling that will deviate from the historic row house fabric of the H Street corridor, yet will complement the newer architecture of nearby PUDs. The building base addresses the revitalizing neighborhood’s ground floor/pedestrian level character with its consistent streetwall of aluminum and glass store front, multiple entries, canopies and masonry base. The transition of the 90’/8-story building down to the 3-story residential homes to the south needs further clarification and detail. The development includes some landscaping through green roofs at the top of the building and above the underground garage at the south of the property.

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

The proposed development effectively maximizes the irregular-shape of the site, as it satisfies most of the bulk and yard requirements under the PUD. More explanation is required with regard to the residential projection of 4’ beyond the public space boundary and the transition to the residential uses to the south. The development also provides for less than required on-site parking with a robust TDM, in recognition of the variety of transportation choices that is available at this location. More information is required with regard to the how the loading, in a public alley, will be managed in order to avoid conflicts with public alley uses and/or vehicles.

*(c) Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts.*

The location of the development is well-served by transit modes, as it is accessible by bicycle, bus and Metrorail and the future streetcar. Additionally, 29 residential parking spaces will be provided with a robust TDM. The site is pedestrian-accessible to Union Station, which is a main regional transportation hub. DDOT’s comments would be presented at the public hearing regarding the traffic analysis provided by the applicant.

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

There are no applicable historic elements to be considered at this site.

*(e) Housing and affordable housing*

Affordable housing would be provided according to the minimum IZ requirement of 8% of gross floor area of residential uses which equates to 6,440 sf. (**Applicant to confirm 8% @ 80% AMI, or 2% @ 60% AMI + 6% @ 80% AMI**).

*(f) Social services/facilities*

No social services are to be provided by this proposal.

*(g) Environmental benefits:*

The proposed development provides some environmental benefits which include green roofs, energy efficient lighting and appliances, low-flow plumbing fixtures. The project will be LEED certified and meet GAR. OP encourages the applicant to pursue a LEED rating beyond the certification and anticipates improvement prior to the public hearing.

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

The amenity package is not fully developed to date as the Applicant is continuing to work with Advisory Neighborhood Commission ("ANC") 6C in this regard. Additional details will be provided prior to the public hearing. The Applicant has also committed to working with DDOT's Public Space Committee to finalize public space improvements and usage in accordance with their standards.

The table is OP's categorization of proposed items to date:

| Applicant's Amenities/Benefits                            | Required | Mitigation | Public Benefit | Project Amenity |
|-----------------------------------------------------------|----------|------------|----------------|-----------------|
| New housing and retail                                    |          |            | X              |                 |
| Contextual Arch/Urban Design (streetscape & public realm) |          |            | X              |                 |
| Environmental Benefits                                    | X        |            |                |                 |
| More bicycle spaces than required                         | X        | X          |                |                 |
| <i>Restricting RPP participation (in question)</i>        |          |            |                |                 |
| Robust TDM                                                |          | X          | X              |                 |
| Loading Management                                        |          | X          |                |                 |

## VII. AGENCY REFERRALS AND COMMENTS

Prior to a public hearing, the application will be referred to the following District agencies for review and comment:

- District Department of Transportation (DDOT);
- District Department of the Environment (DDOE);
- Department of Housing and Community Development (DHCD);
- DC Water; and
- District Department of Public Works (DPW).

## VIII. COMMUNITY COMMENTS

The Applicant is continuing to work with ANC 6C to produce an amenities package prior to the public hearing.

## IX. CONCLUSION

The proposed PUD is not inconsistent with the Comprehensive Plan and OP recommends the application be set down for public hearing. OP will continue to work with the applicant to respond to any Commission requests for additional information prior to the public hearing.