



Memorandum

TO: District of Columbia Zoning Commission

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

DATE: February 19, 2016

SUBJECT: **ZC 15-32 – Setdown Report** for Consolidated Planned Unit Development (PUD) with PUD-related Map Amendments for 1126 9th Street NW

I. RECOMMENDATION

The Office of Planning (OP) recommends this PUD application and related map amendment to rezone most of Square 369 Lot 880 from DD/C-2-A to DD/C-2-C (a small portion of the site would remain DD/C-2-A) be **set down** for a public hearing. The proposal is not inconsistent with the Comprehensive Plan's objectives for the area and the Future Land Use and Generalized Policy maps, and would contribute to the redevelopment of the Mount Vernon Square/Shaw neighborhood. The Office of Planning will continue to work with the Applicant to ensure that the following are submitted prior to a public hearing:

1. Additional renderings of the south façade;
2. More detailed street-level renderings showing building materials and signage;
3. Additional detail regarding and justification for the zoning relief requested, particularly for rooftop structures;
4. Updated information regarding the Applicant's continued communication with residents of the adjacent Whitman Building and the potential blocking of "at-risk" windows; and
5. Additional details regarding the benefits and amenities package.

II. PROPOSAL

The Applicant proposes to construct a mixed-use development with approximately 28 new residential units, and approximately 7,644 gross square feet of commercial space on the ground and second floors, for a total gross square floor area of approximately 40,290 gross square feet. The Applicant is requesting flexibility for the second level of the project to be utilized as residential which would result in a use mix of approximately 33 residential units, approximately 3,723 gross square feet of commercial space on the ground floor and second floor and no change to the total project gross floor area.

Specifically, the overall development would include:

- An overall FAR of 5.3; and
- Maximum Height of 100 feet along 9th Street and 54 feet, 2 inches (with two loft bump ups creating a building height of 61 feet, 4 inches) feet along M Street.

Loading would be from the rear of the Property, accessible via an existing alley. The Project would include two (2) non-compliant surface parking spaces and no underground parking. An existing curb cut along M Street would be removed.

The Project would set aside two percent (2%) of the residential component of the Project for households earning no more than 80% Area Median Income (AMI), and two percent (2%) of the residential component for households earning between 80%-120% of AMI (workforce housing), on a site not subject to the (Inclusionary Zoning) IZ regulations.

The Applicant worked with OP, the Historic Preservation Review Board (HPRB), and the community to address the height, massing, and design of the building prior to filing this application. HPRB has given the proposed Project concept approval. The building scale and massing would be respectful of the adjacent commercial and residential corridors along 9th and M Streets NW. Further, the Applicant has worked extensively with residents of the adjacent Whitman Building to ensure that the proposed building would be respectful of the neighboring residential structure, which is located immediately to the west of the Subject Property.

III. SITE and AREA DESCRIPTION

The site is located at the southwest corner of 9th and M Streets, N.W. and is comprised of Lot 880 in Square 369. The site is 7,610 square feet. Square 369 is split zoned, with the existing historic building fronting on 9th Street located in the Downtown Development Overlay (DD)/C-2-A District, and the remaining western portion of the square located in the DD/C-2-C District.

The M Street portion of the lot is vacant. It abuts a three story with raised basement 1870s (contributing to the Shaw Historic District) rowhouse on the corner and an eleven story apartment building on the east that was reviewed and approved by the HPRB since the designation of the historic district. The 9th Street portion of the lot is occupied by a brick structure constructed in 1925 as a retail building with an apartment above. A portion of the existing building is one-story, while another portion is two-stories. The remainder of the Property is a vacant lot. The first floor of the building extends roughly 100 feet into the 138 foot deep lot and is topped with four large skylights; the second floor is only 32 feet deep.



The remainder of Square 369 primarily includes multifamily houses and condominiums, two and three story row dwellings with ground floor retail, and surface parking lots. Square 369 is bisected by a 15-foot wide public alley that runs north-south between L and M Streets. The square also includes several other east-west and north-south alley segments.

Surrounding squares have some mixed-use, higher density structures. To the east of the Property, on the east side of 9th Street, N.W., between Massachusetts Avenue and N Street

N.W., is the Washington Convention Center; to the north of the property, zoned DD/C-2-A, are low-density commercial structures and a multifamily building; to the west of the Property is a multifamily building, zoned DD/C-2-C; and to the south of the property, across L Street, is the Marriot Marquis Hotel. The property is near four Metrorail stations (Mount Vernon Square-Convention Center, Gallery Place-Chinatown, Judiciary Square, and Union Station), and has access to Metrobus routes, the DC Circulator, and Capital Bikeshare.

IV. COMPREHENSIVE PLAN AND PUBLIC POLICIES

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

Land Use Element

- *The city's aging building stock still requires refurbishment and replacement. The renewed popularity of city living generates the need for more housing and new amenities. 300.4*
- *Land use changes have the potential to make the city more vibrant, economically healthy, exciting, and even more environmentally sustainable than it is today. 300.5*
- *Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors. 306.2*
- *Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include:*
 - *A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;*
 - *A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;*
 - *A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; 306.4*

Policy LU-1.1.1 Sustaining a Strong City Center *Provide for the continued vitality of Central Washington as a thriving business, government, retail, financial, hospitality, cultural, and residential center. Promote continued reinvestment in central city buildings, infrastructure, and public spaces; continued preservation and restoration of historic resources; and continued efforts to create safe, attractive, and pedestrian-friendly environments.*

Policy LU-1.4.1 Infill Development *Encourage infill development on vacant land within the city, particularly in areas where there are vacant 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.

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.*

Policy LU-2.4.6 Scale and Design of New Commercial Uses *Ensure that new uses within commercial districts are developed at a height, mass, scale and design that is appropriate and compatible with surrounding areas.*

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

The proposed mixed use development would capitalize on the site’s proximity to several transit options, and would help to address the District’s housing demand by infilling a largely vacant site. Further, the project would help to enliven and transform the area adjacent to the Convention Center. The Office of Planning historic preservation staff worked with the Applicant to refine the project’s height and density so that the Project’s scale would be appropriate given its context.

Transportation Element

Policy T-1.1.4: Transit-Oriented Development – *Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points.*

Policy T-1.2.3: Discouraging Auto-Oriented Uses – *Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas.*

The Project will be an example of transit oriented development by adding new housing and non-residential uses at an underutilized site served by multiple transit options. Further, an existing curb cut along M Street would be eliminated.

Housing Element

Policy H-1.1 Expanding Housing Supply – Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.

Policy H-1.1.1: Private Sector Support Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

Policy H-1.1.3 Balanced Growth Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.

Policy H-1.1.4: Mixed Use Development Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.

Policy H-1.1.6: Housing in the Central City Absorb a substantial component of the demand for new high-density housing in Central Washington and along the Anacostia River. Absorbing the demand for higher density units within these areas is an effective way to meet housing demands, create mixed-use areas, and conserve single-family residential neighborhoods throughout the city. Mixed income, higher density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment, and other amenities that are desired and needed in the heart of the city.

The development proposes to add 28 (or potentially 33) residential units, comprised of studios, one- and two- bedroom units, along a mixed use corridor consistent with the policies of the Housing Element. The Project as proposed would set aside two percent (2%) of the residential component of the Project for households earning no more than 80% Area Median Income (AMI), and two percent (2%) of the residential component for households earning between 80%-120% of AMI (workforce housing). The Property is located in the DD Overlay and is completely excluded from the Inclusionary Zoning (IZ) program.

Economic Development Element

Policy ED-2.1.6: Local Serving Office Space – Encourage the development of small local-serving offices within neighborhood commercial districts throughout the city to provide relatively affordable locations for small businesses and local services (such as real estate and insurance offices, accountants and medical offices).

Policy ED-2.2.1: Expanding the Retail Sector – Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers, and visitors, and that will meet the retail needs of underserved areas.

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

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.

Policy ED-2.3.3: Amenities Beyond the Mall – Promote the development of cultural amenities beyond the Mall in an effort to more fully capitalize on the economic benefits of tourism.

The proposed Project would include ground and potentially second-story retail or office, which could help the Convention Center corridor better meet the demand for basic goods, for the provision of space for small businesses and local services.

Historic Preservation Element

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

Policy HP-2.4.1: Rehabilitation of Historic Structures – Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation as suitable for the particular historic environment.

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

Policy HP-2.4.5: Protecting Historic Building Integrity – Protect historic buildings from demolition whenever possible, and protect the integrity of whole buildings. Discourage treatments like facadism or relocation of historic buildings, allowing them only when there is no feasible alternative for preservation, and only after a finding that the treatment is necessary in the public interest. Waivers or administrative flexibility should be provided in the application of building and related codes to permit maximum preservation and protection of historic resources while ensuring the health and safety of the public.

The Project would enhance the form and identity of the Mount Vernon Square/Convention Center area and would be respectful of its historic context. Buildings of similar height and scale currently exist in the immediate vicinity. The Applicant is retaining, restoring, and adaptively reusing the existing building along 9th Street in the Project and incorporating it as a pedestal for ground floor office and/or

retail use as well as the residential lobby entrance. The Project has already received concept approval of HPRB.

Environmental Protection Element

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

Policy E-1.1.3: Landscaping - Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity.

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

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

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

The proposed project would include street tree planting, landscaping (including a both an intensive and extensive green roof), water efficiency measures such as low-flow plumbing fixtures, an efficient residential mechanical system, and low-emitting finishes for a healthier interior environment. The Project is intended to be a LEED Silver design; OP has suggested to the Applicant that they discuss with Department of Energy and Environment (DOEE) ways to potentially achieve a higher rating.

Urban Design Element

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.

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

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

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

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

The proposal would provide a mixed-use, transit-oriented development near the Mt. Vernon Square Metro Station, and provide vibrancy and an active streetscape along 9th Street that would interact with the new hotel to the south and the Convention Center to the east. The adaptive reuse of the historic structures would create an architecturally interesting streetscape.

The façade would be articulated through setbacks, projections, and other design elements consistent with the character of the neighborhood. The Project would fill in a gap and remove a curb cut along the south side of M Street. The massing would step down from the Whitman Condominium to the smaller historic structures along 9th Street. The Applicant is also committed to streetscape improvements consistent with current District standards.

The Project would enhance the vibrancy of the area through infill development and ground floor retail on 9th and M Streets NW. The Applicant should provide more detailed street-level renderings depicting how the retained building along 9th Street, as well as the proposed new façade on M Street, would interact with the street. Specifically, the renderings should show transparent windows allowing complete visual access to activated interior spaces through the existing windows, resulting in an experience that would encourage pedestrian activity and significant interaction between the indoor private space and outdoor public space.

The application states that the proposed materials for the residential component would be primarily brick masonry and tile wall with bent metal plates and insulated argon-filled, Low-E aluminum/glass window assembly glazing. A metal and/or glass railing system would be utilized on balconies and roof terraces throughout the project. The Applicant should provide more information about the proposed materials, including a materials board, at the public hearing.

Near Northwest Element

Policy NNW-1.1.4: Neighborhood Commercial Revitalization - *Improve the neighborhood shopping areas along 7th, 9th, and 11th Streets NW. The success of the established businesses on these streets should be strongly encouraged, and new businesses that provide needed goods and services to area residents should be attracted.*

Policy NNW-2.1.2: Reinforce Existing Development Patterns – *Stabilize and maintain existing moderate-density row house areas within the Shaw/Convention Center Area. Locate multi-unit buildings in areas already zoned for greater density, including areas near the Mount Vernon Square and Shaw/Howard University Metrorail stations, and on publicly owned land with the potential for housing. Ensure that development on infill sites scattered throughout the row house portions of the Shaw/Convention Center area is consistent with the neighborhood’s character.*

Policy NNW-2.1.5: 7th and 9th Street Corridors - *Locate retail development within the Shaw/Convention Center Area in a manner that best serves residents, creates the best environment for businesses to succeed, and uses land already zoned for commercial uses. Continuous ground floor retail uses should be encouraged along sections of 7th and 9th Streets as designated in the 2005 Strategic*

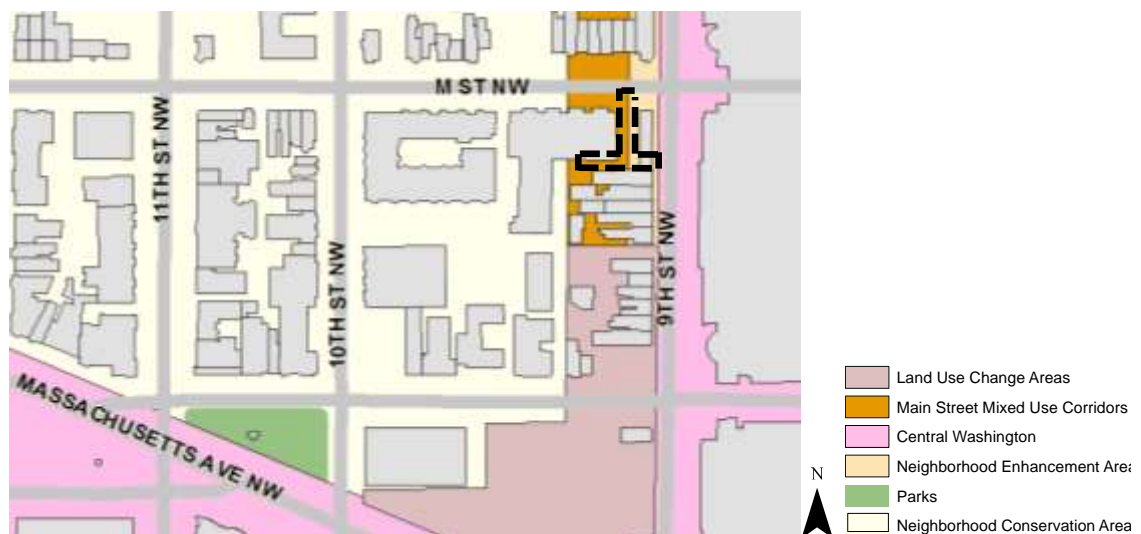
Development Plan to create a traditional pedestrian-oriented Main Street pattern and establish a unified identity for the community. These corridors should attract convention-goers, residents, and visitors, and should include both new and existing businesses.

The Project would include residential and retail space, consistent with the goals of the Near Northwest Element. The reuse of the historic building provides the opportunity for active ground floor uses at a pedestrian scale.

The proposed Project would also be consistent with the Convention Center Area Strategic Development Plan, which calls for lower level commercial uses and upper-story residential uses. The Area Plan identifies the 9th Street corridor as appropriate for a traditional main street-like development that serves local residents and convention-goers.

B. Comprehensive Plan Generalized Policy Map

The site is within areas designated on the Generalized Policy Map as Main Street Mixed Use Corridor, with Neighborhood Enhancement Area directly along 9th Street NW. A Main Street Mixed-Use Corridor is a traditional commercial business corridor with a concentration of older storefronts along the street. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment. A Neighborhood Enhancement Area is intended to ensure that new development fits in and responds to the existing character while encouraging new housing. The proposed development is not inconsistent with this designation.



Comprehensive Plan Generalized Policy Map

C. Future Land Use Map

The Future Land Use Map designates the subject site for High Density Commercial and High Density Residential Uses. High Density Commercial uses define the central employment district of the city and other major office employment centers on the downtown perimeter. These areas are characterized by

office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are interspersed. High Density Residential uses define neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas.

The proposed development is not inconsistent with the land use designation, which supports the construction of a dense residential project with lower level commercial uses on a site that is currently underutilized.



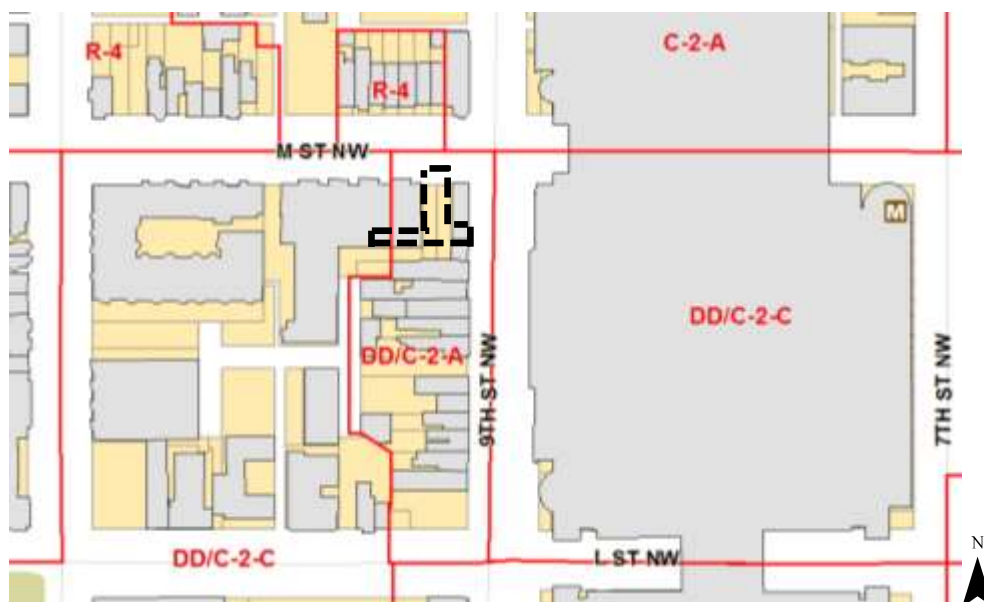
Future Land Use Map

V. ZONING

The site is currently split-zoned between the DD/C-2-A and DD/C-2-C zones. Approximately 843 square feet of the Property is within the DD/C-2-C Zone District and Housing Priority Area A, and the remaining 6,789 square foot portion is within the DD/C-2-A Zone District. The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District outside the central core. The C-2-C District is designed to serve commercial and residential functions with relatively high densities and mixed uses. The general purposes of the DD Overlay District are to create a balanced mix of uses; to guide office development, which is favored by market forces, so as to further the land use objectives for retail, hotel, residential, entertainment, arts and cultural uses; and to protect historic buildings and places while permitting sensitive and compatible new developments.

The Applicant is proposing the DD/C-2-C zone for most of the site, characterized by medium/high density development, including office, retail, housing, and mixed uses. The Project would be located in Housing Priority Area A, and would exceed the housing requirements of this area. A small portion (381

square feet) along 9th Street (the location of the historic building to be retained) would remain C-2-A, as shown on the Applicant’s drawing on page 3 of Exhibit 2A1).



Location and Zoning

The following table compares the existing matter of right and requested zoning of mostly DD/C-2-C for the 2nd floor office/retail option:

Standard	DD/C-2-A MOR	DD/C-2-C MOR	Proposal (mainly DD/C-2-C PUD)
Height (ft.)	50 ft.	110 ft.	100 ft.
Lot Occupancy %	60% residential 100% non-residential 75% with IZ Bonus	80% residential 100% non-residential 90% with IZ Bonus	80% lot occupancy
FAR	2.5 max 1.5 non-residential 3.0 with IZ bonus	8.0 max 4.5 min. residential	.97 commercial 4.5 residential
Rear Yard	15 ft.	15 ft.	53 ft. 10 in.
Side Yard	None required; if provided, 3 in/ft. of ht. but not less than 8 ft.	None required; if provided, 3 in/ft. of ht. but not less than 8 ft.	None Provided
Courts	Com. = No less than 12 ft. Res. = no less than 15 ft.	Com. = No less than 12 ft. Res. = no less than 15 ft.	Court #1 = 9 ft. Court #2 = 9 ft. Court #3 = 18 ft. 5 in. Flexibility Requested
Setback	1:1 Minimum	1:1 Minimum	1:1 Setback where possible Flexibility Requested
Parking (spaces)	Res. = 1 per 2 unit Off. = 1 for 600>2000 Ret. = 1 for 300>3000	Res. = 1 per 4 unit = 7 Off. = 1 for 1800>2000 = 3 Ret. = 1 for 750>3000 = 0	10 spaces required 0 spaces proposed Flexibility Requested
Loading	Not required	Not required	Loading provided at rear 15 ft. x 30 ft.
GAR	.3	.3	.325

The following table compares the existing matter of right and requested zoning of mainly DD/C-2-C for the 2nd floor residential option:¹

Standard	DD/C-2-A MOR	DD/C-2-C MOR	Proposal (mainly DD/C-2-C PUD)
Height (ft.)	50 ft.	110 ft.	100 ft.
Lot Occupancy %	60% residential 100% non-residential 75% with IZ Bonus	80% residential 100% non-residential 90% with IZ Bonus	80% lot occupancy
FAR	2.5 max 1.5 non-residential 3.0 with IZ bonus	8.0 max 4.5 min. residential	.5 commercial 5.0 residential
Rear Yard	15 ft.	15 ft.	53 ft. 10 in.
Side Yard	None required; if provided, 3 in/ft. of ht. but not less than 8 ft.	None required; if provided, 3 in/ft. of ht. but not less than 8 ft.	None Provided
Courts	Com. = No less than 12 ft. Res. = no less than 15 ft.	Com. = No less than 12 ft. Res. = no less than 15 ft.	Court #1 = 9 ft. Court #2 = 9 ft. Court #3 = 18 ft. 5 in. Flexibility Requested
Setback	1:1 Minimum	1:1 Minimum	1:1 Setback where possible Flexibility Requested
Parking (spaces)	Res. = 1 per 2 unit Off. = 1 for 600>2000 Ret. = 1 for 300>3000	Res. = 1 per 4 unit = 7 Off. = 1 for 1800>2000 = 3 Ret. = 1 for 750>3000 = 0	9 spaces required 0 spaces proposed Flexibility Requested
Loading	Not required	Not required	Loading provided at rear 15 ft. x 30 ft.
GAR	.3	.3	.325

VI. FLEXIBILITY

In addition to the PUD-related map amendment from DD/C-2-A to DD/C-2-A and DD/C-2-C, the following zoning flexibility is requested²:

- Roof Structures
 The Applicant requests flexibility to allow for deviation from the roof structure setback requirements along three of the four roof planes. The roof structure would extend to the edge of the façade, which, according to the Applicant, would be necessary to allow for sufficient space for elevators (see page 26a of Exhibit 2A1). A clearer explanation of the exact areas where relief is required and justification for that relief is required.
- Courts (§ 776)
 The Applicant requests flexibility for the dimensional requirements of closed courts for courts located on the 9th Street façade of the building (see Courts 1 and 2 on page 23 of Exhibit 2A1).

¹ Refer to pages 4 and 04a of Exhibit 2A1 for additional zoning information.

² See § 2405.7.

- DD Overlay (§1706.15)
The Applicant seeks flexibility from this provision of the DD Overlay, which state that new construction within 40 feet of M Street in DD Overlay may not be constructed above 60 feet. The proposed building has a baseline height of 54 feet, two (2) inches, with a loft element rising to a level 61 feet, four (4) inches, for a total deviation of one (1) foot, four (four) inches (see page 28 of Exhibit 2A1).
- Parking (§ 2101.1)
The Applicant seeks flexibility from parking requirements as a total of ten spaces are required and no conforming spaces are proposed, although there would be two non-compliant spaces in the rear yard.
- Land Area Requirements for PUD (§ 2401.1)
§ 2401.1(c) requires a minimum land area of 15,000 square feet for a PUD in the C-2-C District. The Subject Property has a land area of approximately 7,610 square feet and therefore does not meet the area requirement of § 2401.1. The Commission may waive up to 50% of the minimum area requirement, provided that the Commission finds, after a public hearing, that the Project is of exceptional merit and is in the best interest of the city or country. OP has no concerns with this request.

Should the Project be set-down, OP would continue to work with the Applicant to provide a more complete analysis and to further define the parameters of the additional flexibility requested.

VII. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is “designed to encourage high quality developments that provide public benefits.” In order to maximize the use of the site consistent with the Zoning Regulations, and be compatible with the surrounding community, the application requests that the proposal be reviewed as a consolidated PUD. This will allow the use of the flexibility stated in § 2400.2:

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

The application requests a PUD-related map amendment, which is not inconsistent with the Comprehensive Plan, to allow approximately 60’ of additional building height above DD/C-2-A limits. The Project proposes an FAR of 5.3; the net gain in density, compared to the DD/C-2-A and DD-C-2-C by-right amount, would be close to 19,500 square feet.

The Applicant has offered the following amenities and benefits as an offset to the additional flexibility development gained through the application process:

- (a) *Urban design, architecture, landscaping, or creation or preservation of open spaces - § 2403.9(a)*

The Applicant has worked closely with OP Development Review and historic preservation staff on the massing and design of the building, which fills in a gap in the M Street residential street wall of the re-emerging 9th Street commercial corridor. The design attempts to address the neighborhood's character through the building's materials and its articulation along both M and 9th Streets. The design makes extensive use of setbacks, projections, and other elements to articulate the massing. The Project's design is typical of other buildings recently completed on M Street and 9th Street. The design has received concept approval from HPRB as being compatible with the Shaw Historic District; the Applicant continues to work with HPRB to refine the proposed building's façade. The Applicant should provide more details about the Project's proposed materials, which should augment the character of the Mt. Vernon Square/Shaw neighborhood and be in context with the surrounding historic neighborhood.

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

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

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

The proposed design and street orientation is consistent with the historic character of the Shaw Historic District. The design has been reviewed by the HPRB and has received concept approval. The Project incorporates the historic structure along 9th Street. The design team worked extensively with the HPO staff to preserve and reuse the contributing building.

(c) Housing - § 2403.9(f)

The Applicant proposes to provide a minimum of 32,646 square feet of gross floor area devoted to residential uses comprised of 28 new residential units, including studios, one- and two- bedroom apartments. The Project would be located in the Mount Vernon Square neighborhood, which is a Housing Priority Area as provided by § 1706.8. The Project's residential component would help accomplish the balanced mixture of uses essential to a "Living Downtown". Additionally, the Project would set aside two percent (2%) of the residential component of the Project for households earning no more than 80% AMI, and two percent (2%) of the residential component for households earning between 80%-120% of AMI (workforce housing), on a site not subject to the IZ regulations.

(e) Environmental benefits- § 2403.9(h)

The proposed development provides a number of environmental benefits and includes street tree planting and maintenance, landscaping, energy efficiency, stormwater mitigation methods, green engineering practices and an emphasis on transit and pedestrian and bike access. The Project would provide an enhanced Green Area Ratio for the site. The Applicant has not yet indicated a targeted LEED standard, but anticipates that the project would not be designed or constructed below the LEED Silver rating equivalent. Should the Project be set-down, OP would continue to work with the Applicant and DOEE to ensure that the Project incorporates progressive green building elements.

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

The Applicant is considering a contribution for the continuing improvement of Gompers Park; the Applicant will continue to work with Gompers Park and the community to detail a specific program for the deployment of approximately \$10,000 from the Applicant.

The Applicant is continuing to work with Advisory Neighborhood Commission ("ANC") 2F, to develop additional benefits and amenities.

VIII. AGENCY REFERRALS AND COMMENTS

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

- Department of Transportation (DDOT);
- Department of the Environment (DDOE);
- Fire and Emergency Medical Services Department (FEMS);
- DC Water;
- DC Public Schools (DCPS);
- Department of Housing and Community Development (DHCD);
- Department of Public Works (DPW);
- Department of Employment Services (DOES); and
- Department of Health (DOH).

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 work with the Applicant to supplement the proposal as noted in this report, and to respond to any requests for additional information by the Commission.