

ZC Case No. 16-07
810 O Street, NW (Square 399, Lot 66)
Applicant's Response to Comments from Office of Planning and DDOT

	Relevant Topic	OP Comments from Hearing Report (Ex. 39)	Applicant's Response
1.	Benefits and Amenities in Relation to Requested Flexibility	<p>The applicant has not sufficiently addressed concerns about whether the project's benefits and amenities are commensurate with the zoning flexibility being requested, particularly the additional density and height achievable through the related map amendment. Additional information needed about the proposed benefits and amenities is noted in Table 2. OP continues to recommend that the applicant increase the square footage and/or deepen the level of affordability of the affordable units. This would significantly enhance the balance between the public benefits and the requested zoning flexibility.</p>	<p>The Comprehensive Plan designates the PUD Site as mixed-use, medium density commercial and medium density residential. The existing C-2-A District is a low to moderate density commercial designation, which is a lower designation than medium density as specified in the Comprehensive Plan for the PUD Site. Thus, the proposed Zoning Map amendment from the C-2-A District to the C-2-B District (which is the lowest zone district within the medium density commercial designation), will bring the PUD Site's zoning into alignment with the Comprehensive Plan.</p> <p>When evaluating a PUD and Zoning Map amendment application, the Zoning Commission compares the zone districts that are consistent with the Comprehensive Plan designation for what the subject site <u>should</u> be, to the zone districts that are consistent with the Comprehensive Plan designation for what the Site is <u>proposed</u> to be. <i>See</i> D.C. Code §§ 6-641.01 <i>et seq.</i> The range of zone districts that are consistent with the medium density designation ranges from C-2-B to C-3-B. <i>See</i> 10A DCMR § 225.10.</p> <p>In this case, the PUD Site should be zoned C-2-B based upon the PUD Site's medium density designation, and the Applicant's proposal to develop the PUD Site in accordance with the C-2-B PUD standards is directly consistent with the Comprehensive Plan designation for the PUD Site.</p> <p>Pursuant to 11 DCMR § 2403.8, in deciding a PUD application, the Commission is required to "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." When the C-2-B District is compared to the C-2-B PUD District in the manner described above, the maximum permitted height increases from 50 feet to 90 feet and the maximum density increases from 4.2 FAR to 6.0 FAR, which represents an increase of 80% and 43% respectively. The Applicant has provided substantial project amenities and public benefits that are</p>

			<p>commensurate to the degree of development incentives requested, as follows:</p> <ul style="list-style-type: none"> • Providing 1,101 square feet of affordable housing at 50% of the AMI, whereas only 386 square feet of affordable housing at 50% of the AMI is required; • Providing larger than typical market rate and affordable units; • Contributing \$80,000 for the installation and one year of maintenance of a new Capital Bikeshare station to be located within the boundaries of ANC 6E and in a mutually acceptable location to the Applicant and DDOT; • Contributing \$125,000 to local neighborhood organizations; • Expending \$500,943 for streetscape improvements, of which approximately \$255,000 exceeds DDOT’s minimum requirements; • “Undergrounding” all utilities; • LEED Gold equivalent; • Providing two 240-volt electric car charging stations in the parking garage; • Providing significant other transportation benefits, including designating TDM leaders and distributing TDM materials, installing a bike repair station and a cleaning facility in the bike room, providing a cargo bicycle, installing a transit screen, installing bicycle racks in public space, and offering each unit’s incoming residents a one-year Capital Bikeshare membership; and • Executing a First Source Employment Agreement with DOES. <p>Therefore, the Applicant’s proposed public benefits and project amenities are adequately balanced with the degree of development incentives requested, as required by 11 DCMR § 2403.8.</p>
2.	Transportation and Public Space Benefits vs. Requirements	To evaluate the degree of public benefits, the applicant will need to work closely with DDOT to determine which of the transportation and public space-related items are required TDM or mitigation measures and which are proffered public benefits.	As indicated in DDOT’s report, “[b]ased on this project’s anticipated level of trip generation, a comprehensive vehicle traffic analysis is not required, as thresholds are not met and impacts to the surrounding vehicle network are expected to be minimal.” DDOT’s report also states that “[t]he proposed action is expected to generate a low number of vehicular trips” and thus “[t]his project does not surpass DDOT’s threshold; therefore, a capacity analysis was not required.”

			<p>Given's DDOT's statements and the fact that the Applicant is not seeking any parking relief, the Applicant believes that its proffers to (i) designate TDM leaders, (ii) distribute TDM materials, (iii) install a bike repair station and cleaning facility, (iv) purchase a cargo bicycle, (v) install a transit screen, (vi) install bicycle racks in public space (vii) fund the installation and first year's operation expenses for a new Capital Bikeshare station, and (viii) offer each unit's incoming residents a one-year Capital Bikeshare membership, should all be credited as public amenities for the project.</p>
3.	Numerical Corrections	<p>The exhibits filed by the applicant have some inconsistencies in square footages, numbers of units, numbers of parking spaces and other items. The applicant should clarify the actual numbers being proposed or requested.</p>	<p>The calculations shown on Sheets A01-A02 of the Architectural Plans and Elevations (Ex. 24A) and on the proposed proffers and conditions chart (Ex. 25) are accurate, as set forth below:</p> <ul style="list-style-type: none"> • Proposed GFA <ul style="list-style-type: none"> ○ 90,558 sf total ○ 81,650 sf residential units (66 total units, including four penthouse units) ○ 2,008 sf residential amenity space ○ 6,900 sf retail • Proposed IZ <ul style="list-style-type: none"> ○ 6,996 sf total ○ 5,895 sf at 80% AMI (5 units) ○ 1,101 sf at 50% AMI (1 unit) (386 sf required at 50% AMI, so the Applicant is providing 715 sf more GFA at 50% AMI than is required) • Proposed on-site Parking <ul style="list-style-type: none"> ○ 71 total spaces ○ 56 zoning compliant spaces ○ 12 vault spaces ○ 3 tandem spaces <p>The Applicant has provided clarifications to the Office of Planning.</p>
4.	Public Space Expenditure	<p>Additional information is needed to determine what exceeds requirement and mitigation and what is a benefit or amenity.</p>	<p>As described in item #1 above, the Applicant is expending \$500,943 for streetscape improvements, of which approximately \$255,000 exceeds DDOT's minimum requirements.</p>

5.	Sustainable Design Features	Applicant should note to which items the applicant is committed. (See Exhibit 24A1, Sheets C7.02. and G.01)	<p>Consistent with prior Zoning Commission orders regarding sustainable features, the Applicant proposes that the following condition be included in the order approving this application:</p> <p><u>Prior to issuance of a Certificate of Occupancy</u>, the Applicant shall demonstrate to the Zoning Administrator that the Project has been designed to include no fewer than the minimum number of points necessary to be the equivalent of the LEED Gold designation under the LEED 2009 for New Construction rating system. The Applicant shall put forth its best efforts to design the Project so that it may satisfy such LEED standards, but the Applicant shall not be required to register or obtain the certification from the U.S. Green Building Council.</p>
6.	Contribution to Kennedy Recreation Center	Needs expression of commitment or interest from DPR, and a final reporting requirement.	<p>The Applicant has revised this condition such that the contribution will be paid to Friends of Kennedy Playground, Inc., as follows:</p> <p><u>Prior to issuance of a Certificate of Occupancy</u>, the Applicant shall demonstrate to the Zoning Administrator that it has contributed \$15,000 to Friends of Kennedy Playground, Inc. for uniforms for its youth basketball and football teams, and provided proof to the Zoning Administrator that the uniforms have been purchased.</p>

	Relevant Topic	DDOT Comments from Hearing Report (Ex. 40)	Applicant's Response
	TDM	<i>The TDM plan should be updated to include the following:</i>	<i>See below.</i>
1.	Bikeshare	<p>The Applicant agreed to fund the installation of a new Capital Bikeshare station up to \$80,000 as a part of their TDM plan. DDOT requests the mitigation is updated to the following:</p> <p>Fund the installation and first year's operation expenses of a new Capital Bikeshare station located within the boundaries of ANC 6E.</p>	The Applicant will contribute up to \$80,000 to DDOT for the installation and first year's operation expenses of a new Capital Bikeshare station located within the boundaries of ANC 6E and in a mutually acceptable location to the Applicant and DDOT
2.	Transit Screen	Provide a TransitScreen in the residential lobby.	The Applicant will provide a TransitScreen in the residential lobby area.

3.	Unbundling Parking Costs	Unbundle parking from leases of all units and charge market rate, defined as the average cost for parking within a quarter-mile of the site on a weekday.	The Applicant intends to develop and sell the project as a condominium, and to sell some of the units with a parking space. The Applicant notes that purchasers of the IZ units will not be required to purchase a parking space. Therefore, the Applicant does not propose to unbundle parking from all of the residential units.
4.	Short-term Bike Parking	Provide 6 short-term bicycle spaces (3 racks)	The Applicant will provide 6 short term bicycle parking spaces (3 racks) in public space.
5.	Electric Vehicle Charging Stations	Based on the size and type of the proposed development and the number of vehicular parking spaces, DDOT recommends that the Applicant provide two 240-volt electric car charging stations for residents.	The Applicant will provide two 240-volt electric car charging stations within the building for residents.