

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director  
**DATE:** October 24, 2016  
**SUBJECT:** **Public Hearing Report** for ZC #16-09, Central Armature, 1200 3<sup>rd</sup> Street, NE  
 Consolidated Planned Unit Development and Related Map Amendment

**I. SUMMARY RECOMMENDATION**

Trammell Crow has submitted an application for a consolidated PUD and related map amendment to construct a mixed-use development on 3<sup>rd</sup> Street, NE, east of the NoMa metro station. The application also seeks flexibility to a number of provisions of the Zoning Regulations. The proposal is generally not inconsistent with the Comprehensive Plan, and the Office of Planning (OP) recommends approval, subject to adequate resolution of the issues discussed in this report and summarized below:

OP Comment	Planning and / or Zoning Rationale
Provide a greater commitment to PDR, maker or related uses.	It is a goal of the District to preserve PDR land, or, where the land is redeveloped, provide opportunities for PDR or similar uses. The application should increase the amount of space devoted to this use, to fulfill the PDR-related objectives and land use direction of the Comprehensive Plan and the NoMa Plan.
OP does not support the requested flexibility in the location of the PDR or maker uses.	Monitoring the requirement for these uses, and thus ensuring that the neighborhood and city receive the anticipated benefits, would be easier with greater specificity rather than less.
The design should achieve a greater LEED-equivalent rating.	OP appreciates that not all design features of the project are given significant weight by the LEED system. But strengthening the building’s sustainability even further would help achieve important goals of the Comprehensive Plan.
Provide additional detail on the art features of the project, as discussed in Section XII of this report.	The applicant is proposing some significant art features for the project. Additional detail is needed to ensure that the community fully realizes this project benefit.
The applicant should commit to LSDBE and First Source agreements, or provide a rationale for the lack of a commitment.	These programs are important for growing the businesses community of the District and ensuring maximum employment opportunities for District residents.
Provide details about the location and size of signage	The visual impact of the building on its surroundings can be affected by the signs for various uses.

## II. APPLICATION-IN-BRIEF

This application was set down on June 13, 2016 and is therefore being reviewed under the 1958 Zoning Regulations.

<b>Location</b>	1200 3 <sup>rd</sup> Street, NE, between M Street on the south, Florida Avenue on the north, 3 <sup>rd</sup> Street on the east, and the railroad tracks to the west; Ward 6, ANC 6C
<b>Property Size</b>	106,139 square feet (2.44 acres)
<b>Applicant</b>	1200 3 <sup>rd</sup> Street, LLC (Trammell Crow)
<b>Current Zoning</b>	C-M-3, Industrial / Commercial
<b>Existing Use of Property</b>	Office, warehouse and manufacturing headquarters for an electrical apparatus repair, supply and construction company, serving commercial and industrial clients.
<b>Proposed Zoning</b>	C-3-C, High Density Mixed Use
<b>Comprehensive Plan Generalized Policy Map</b>	Land Use Change Area
<b>Comprehensive Plan Future Land Use</b>	Medium Density Residential; Production, Distribution and Repair
<b>Proposed Use of Property</b>	A single mixed use building occupying almost 100% of the site and consisting of two residential towers and a hotel tower, all above a retail podium level; <ul style="list-style-type: none"> <li>- 120' in height, plus occupiable penthouse space</li> <li>- Total – 6.99 FAR, 741,622 sf</li> <li>- Residential – 5.25 FAR, 556,874 sf, 631 units</li> <li>- Hotel – 1.14 FAR, 120,974 sf, 196 rooms</li> <li>- Retail – 0.26 FAR, 27,221 sf</li> <li>- Covered Plaza – 0.06 FAR, 6,294 sf</li> <li>- Parking and Service – 0.29 FAR, 30,260 sf (plus below grade parking)</li> </ul>
<b>Requested Flexibility</b>	<ol style="list-style-type: none"> <li>1. PUD-related map amendment from C-M-3 to C-3-C;</li> <li>2. § 411.4(c) – allow penthouse restaurant;</li> <li>3. § 411.9 – varied heights for habitable portion of penthouse;</li> <li>4. § 775 – side yard;</li> <li>5. § 2115.9 – allow hotel valet parking to count toward required parking;</li> <li>6. § 2201 – no 55' loading berth;</li> <li>7. § 2605 – flexibility to locate 50% AMI units in rental building, 80% AMI units in both buildings;</li> <li>8. Flexibility to vary the:           <ol style="list-style-type: none"> <li>a. number of units and hotel rooms</li> <li>b. number of parking spaces and layout of the parking levels;</li> <li>c. size of the underground garage footprint;</li> <li>d. retail façade design;</li> </ol> </li> </ol>

	<ul style="list-style-type: none"> <li>e. retail, to provide additional retail below grade; provide retail mezzanines;</li> <li>f. streetscape, in order to coordinate with DDOT and adjacent property owners;</li> <li>g. interior penthouse design for the hotel;</li> <li>h. location of PDR-retail / maker space;</li> <li>i. phasing.</li> </ul>
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### III. SITE AND AREA DESCRIPTION



Red – Subject Site      Green – Approved PUDs      Blue – In-process PUDs

The subject site is located between Florida Avenue on the north, 3<sup>rd</sup> Street on the east, M Street on the south, and the railroad tracks on the west. As shown on the map above, the site is surrounded by properties that are either under construction, approved for new development, under consideration by the Commission, or proposed for development. The area west of the tracks is zoned C-3-C and is in a TDR receiving zone. All of the PUDs nearby have received or propose a PUD-related C-3-C zone.

The southern entrance to the NoMa metro station is just west of the property on M Street, and the northern entrance is opposite the property on the west side of the railroad tracks. The property's grade slopes down from east to west along M Street. At the northern end of the site the grade has been raised to allow access for service vehicles to the level of the railroad tracks. A large

industrial commercial building and parking areas occupy most of the remainder of the site.

#### IV. PROJECT DESCRIPTION

The applicant proposes a single building consisting of three towers – a residential tower on the north, a residential tower at the southeast, and a hotel tower at the southwest. The towers would be built above a one-story base covering almost the entire site and used for retail and back-of-house uses. The roof of the ground floor would have significant landscaped and patio areas for use by residents and hotel patrons. The lot occupancy at the ground floor would be 96%, and 65% above the ground floor, although a significant open space at the ground floor would be provided for a future connection to the NoMa Metro Station. Total FAR would be 6.99, and the height would be 120', the maximum permitted under the Height Act for this site.



There have been no significant design changes since the time of setdown, though some minor refinements have been made and additional information provided. The first three floors of the project would be bifurcated at the alignment of N Street, where DC Water and Amtrak would own easements, and where a pedestrian way would be reserved for the possible future tunnel to the metro entrance on the other side of the tracks. While several local property owners have applied for TIF funding for that project, according to the applicant there is no definitive timeline for when the TIF would be approved, if at all (Exhibit 22, p. 7). The entire building would be served by a single curb cut, on M Street at the intersection with Delaware Avenue, and the applicant would fund and install a new traffic signal at that location. All parking would enter at that curb cut, and all loading would enter there and maneuver within the building to the loading docks. Finally, while renderings and elevation details from Exhibit 22C show some hypothetical signs for the retail spaces, the application should include more formal depictions of where signs could potentially be located on the buildings and what their dimensions would be.

***Maker Space***

The application proposes to reserve 4,000 square feet of retail space for maker-type or PDR-related uses, for which the applicant has proposed a definition (Exhibit 22, p. 5). The scale of this commitment, however, is not commensurate with the preponderance of policy guidance for this area which supports PDR-related or maker uses. A larger area reserved for those uses – OP recommends a minimum of 10,000 square feet – would more fully meet the guidance of the Comprehensive Plan, the NoMa Plan and the Ward 5 Works study. Please see further discussion of those documents below. In addition, the applicant has requested flexibility in the location of the maker space. As discussed in more detail in Section X of this report, OP does not recommend approval of that area of flexibility.

***Inclusionary Zoning***

The proposed C-3-C zone would require that 8% of the total residential floor area be dedicated to households earning 80% of the AMI. The applicant proposes a deeper affordability commitment, with 2.4% of the floor area dedicated at 50% AMI. This is a slight increase from the time of setback when 2% would have been reserved for 50% AMI units, so is minimally responsive to Zoning Commission setback comments. In response to Commission and OP comments, the applicant no longer seeks to concentrate all IZ units in the northern, rental building, but instead would distribute IZ units throughout both buildings. A breakdown of the housing proposal is given in the table below.

<b>Residential Unit Type</b>	<b>GFA</b>	<b>Percentage of Total</b>	<b>Units</b>	<b>Affordable Control Period</b>	<b>Affordable Unit Type</b>
Total	556,874	100%	631*		
Market Rate	512,324**	92%	578***		
IZ – 80% AMI	31,185**	5.6%	37***	Perpetuity	Rental / Condo
IZ – 50% AMI	13,365**	2.4%	16***	Perpetuity	Rental
Affordable / Non IZ	n/a	-	-	-	-

\* Exhibit 22C, Sheet 3.01      \*\* Exhibit 14      \*\*\* See Exhibit 22C, Sheet 3.16

The applicant has requested flexibility that, should the southern residential building be developed as a condo, all of the 50% AMI units be located in the northern rental building. The 80% AMI units would be split between the two buildings. This request is in line with recently proposed amendments to the IZ program, and OP has no objection to the request.

The habitable penthouses would also generate an IZ requirement, described in the following table derived from information contained in Exhibit 14.

<b>Penthouse Type</b>	<b>Floor Area</b>	<b>IZ Requirement</b>	<b>AMI Requirement</b>	<b>Control Period</b>	<b>Unit Type</b>
Residential	8,966 sf	717 sf (8% of floor area)	50%	Perpetuity	Rental
Hotel	3,575 sf	894 sf (25% of floor area, consistent with C § 1505)	50%	20 years	Rental

***LEED***

The LEED scoresheets shown on Sheets 1.04 – 1.06 of Exhibit 22C indicate that the three major building components would each achieve a LEED Silver level. The hotel would come very close to the Gold level with 59 points, while the condo building and the apartment building would achieve 58 and 56 points, respectively. The applicant also states in Exhibit 22, pp. 4 and 5, that other sustainable features of the project are not adequately reflected in the LEED scoring system, including the substantial benefit to transit by constructing the metro plaza, and remediating soil contamination. OP recognizes those items as important features of the project, but continues to encourage the applicant to work with the Department of Energy and Environment to seek ways to achieve LEED Gold for the project.

***Phasing***

The application generally contemplates single construction of one building. But the applicant does request the flexibility to construct the northern section first, followed by the southern section. A building permit application would be required for the northern portion within two years of approval of the PUD, and four years for the southern portion. Given the scale of the development, and the amount of development in process in the vicinity, some flexibility in phasing is warranted.

**V. ZONING COMMISSION / OP COMMENTS FROM SETDOWN**

In response to the Office of Planning and Zoning Commission’s comments at the public meeting on June 13, 2016, the Applicant filed revised plans and a Prehearing Statement on July 27, 2016 (Exhibits 14 and 15), and a 20-day Supplemental Submission on October 14, 2016 (Exhibit 22). The following chart includes a summary of Commission comments and the response:

<b>Zoning Commission Comment</b>	<b>Applicant Response</b>	<b>OP Comment/Analysis</b>
Concern regarding the concentration of affordable units	Applicant has withdrawn request to concentrate all IZ units in northern building. Now requests to locate all 50% AMI units in northern, rental building.	OP does not object to locating all 50% AMI units in the rental building, as that approach would be in-line with a proposed amendment to the IZ program.

<b>Zoning Commission Comment</b>	<b>Applicant Response</b>	<b>OP Comment/Analysis</b>
Additional information on the proposed connection from the street to the metro station	The applicant provided additional information at Exhibit 14, p. 7.	OP supports the proposed connection and appreciates this applicant reserving the plaza space to allow the connection.
Need to strengthen the project amenity package	See Exhibit 22, beginning on page 1, for a description of the amenity package.	With an increase in the floor area committed to PDR-related uses, more information on the art programs, as well as a commitment to First Source and LSDBE programs, OP would consider the proffered list commensurate with the degree of flexibility achieved through the PUD.
Additional information on noise attenuation, for the residential units from the adjacent railway tracks	See Exhibit 14, p. 5, final bullet. The applicant will construct sound wall and upgrade windows facing the tracks.	OP supports the noise attenuation efforts.
Additional information on the types of retail proposed	See Exhibit 14, p. 8.	OP generally supports the use mix described, but recommends that the applicant commit to additional PDR-related or maker space in the building.

## VI. COMPREHENSIVE PLAN POLICIES

The proposal would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1
- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6
- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7
- (10) The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The



preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively. 218.3

- (25) Increased mobility can no longer be achieved simply by building more roads. The priority must be on investment in other forms of transportation, particularly transit. Mobility can be enhanced further by improving the connections between different transportation modes, improving traveler safety and security, and increasing system efficiency. 220.1

With the provision of a greater PDR-retail / maker space commitment, the application could be enhanced to more fully meet the following Guiding Principles:

- (4) The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income. 217.4
- (21) Land development policies should be focused to create job opportunities for District residents. This means that sufficient land should be planned and zoned for new job centers in areas with high unemployment and under-employment. A mix of employment opportunities to meet the needs of residents with varied job skills should be provided. 219.6
- (24) Despite the recent economic resurgence in the city, the District has yet to reach its full economic potential. Expanding the economy means increasing shopping and services for many District neighborhoods, bringing tourists beyond the National Mall and into the city's business districts, and creating more opportunities for local entrepreneurs and small businesses. The District's economic development expenditures should help support local businesses and provide economic benefits to the community. 219.9

For further analysis of the project's relationship to the policies of the Comprehensive Plan, please refer to the OP setdown report at Exhibit 12.

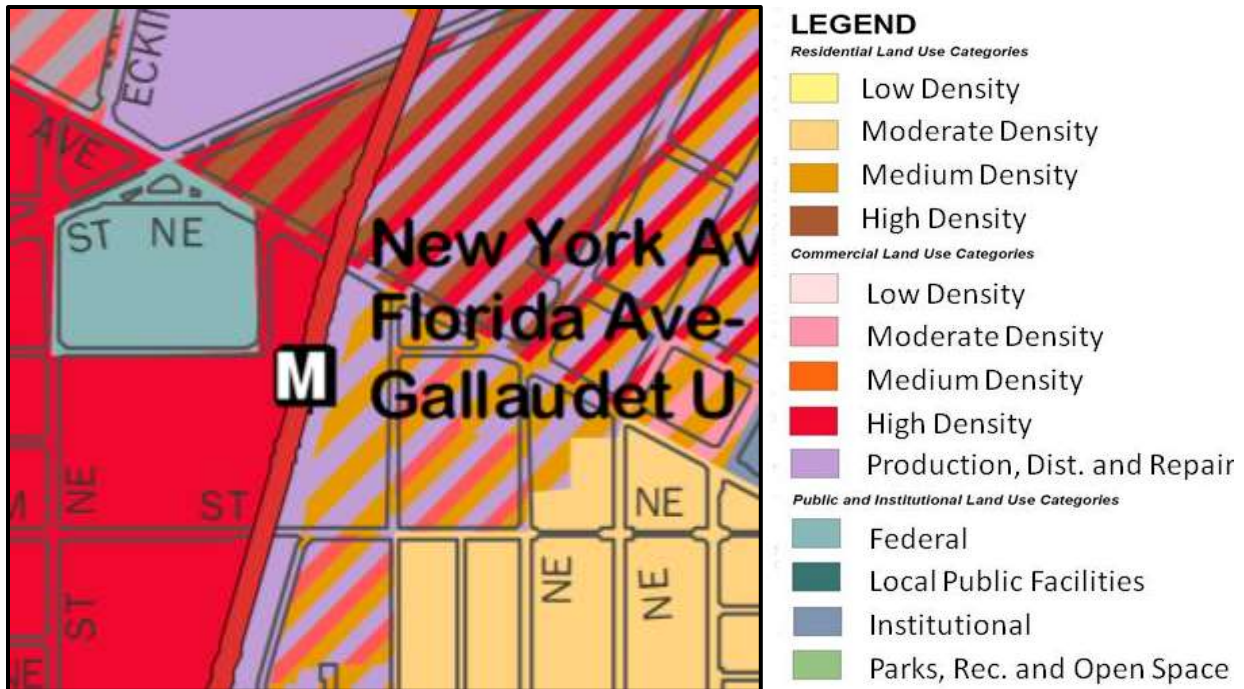
## **VII. COMPREHENSIVE PLAN LAND USE MAPS**

The Comprehensive Plan's Generalized Policy Map describes the subject site as a Land Use Change Area. Land Use Change Areas are anticipated to become "high quality environments that include exemplary site and architectural design and that are compatible with and do not negatively impact nearby neighborhoods (Comprehensive Plan, § 223.12). In Land use change areas the expected mix of uses is shown on the Future Land Use Map.

The Future Land Use Map (FLUM) indicates that the site is appropriate for medium density residential and production, distribution and repair uses. Given the property's location



immediately adjacent to metro, its adjacency to high density mixed use and high density commercial areas, and its near encirclement by C-3-C zoning or PUD-related C-3-C zoning, the proposal for the same zone on this site, with a 6.99 FAR, is not-inconsistent with the medium density residential designation. However, as of this writing, it is not clear how the proposal is fully consistent with the PDR designation on the site. The applicant has committed to reserve 4,000 square feet of retail space for PDR-related uses, but a greater amount of these types of uses would more completely meet the goals of the Comprehensive Plan. The Office of Planning recommends that the Commission require a commitment of 10,000 square feet. The applicant could also examine a subsidy for the PDR-related space, as has been contemplated in other recent PUDs.



## VIII. NOMA VISION PLAN AND DEVELOPMENT STRATEGY

The NoMa Vision Plan and Development Strategy (NoMa Plan) is a Council-adopted small area plan that applies to the subject site, and like all small area plans, supplements the Comprehensive Plan. The NoMa Plan designates the subject site as part of the “Creative Industries/Mixed-Use” transition area, which is described as “a mixed-use precinct with a diversity of uses including creative industries, residential and non-profit office uses, studio and live-work spaces...” (NoMa Plan, p. 5.12). The NoMa plan, on pages 5.12 and 5.13, lists a number of recommendations for this sub-area. Those relevant to this project include:

- Locating the greatest height and density near the NoMa metro station;
- Enhance connections to the Florida Avenue Market and strive for a synergy of uses in new project plans;

- Work with DC Commission on the Arts and Humanities to ensure a strong art presence in streets and public spaces, to include visual artists in preliminary phases of projects, and to fund artist / underpass projects;
- Encourage diversity of housing types, including live-work and flexible space for artists and artisans;
- Work with WMATA to study connections to New York Avenue Metro Station, including pedestrian links between the Florida Avenue Market and the metro station;
- Encourage public art in streetscape design as part of the proposed public realm plan and in individual projects.

Specifically regarding uses, the plan states that potential uses could include:

- Arts and design-oriented businesses and creative industries that can be broadly defined around the goal of creating job diversity. Potential tenants could include: technology companies, furniture manufacturers and designers, architects, engineers, electronics distributors, sign-makers, metal fabricators, jewelers, artists/sculptors, graphic designers, software engineers, video, radio, and television production, motion picture and sound recording, broadcasting, publishing industries, internet-related services, in addition to other uses;
- Non-profit office uses;
- Retail, in particular at ground floor, neighborhood-serving, smaller scale, such as coffee shops, dry cleaners, restaurant/café/bar/club; including design-related retail, showroom component of live-work uses, and uses that reinforce the connection between the Florida Avenue Market and the Metrorail Station entrance at M Street.

The proposed project would meet the plan guidance of concentrating height and density near metro, and would greatly enhance the streetscape at the edge of this site. The building would also allow for improved connections to metro by reserving a pass-through to a potential future pedestrian tunnel to the station. With the change since setdown to no longer provide only rental IZ units, the application would also meet plans goals to provide a diversity of housing types. The application could be strengthened to provide a stronger arts and creative economy presence, and a diverse mix of uses in this section of the neighborhood.

## **IX. INDUSTRIAL LANDS POLICIES OF THE WARD 5 WORKS STUDY**

Although the subject site is located in Ward 6 across Florida Avenue from Ward 5, policies from the Ward 5 Industrial Land Transformation Study, known as Ward 5 Works, could be informative to the transition of this property from purely industrial to a mix of residential and PDR-related uses. The study is not a Council-adopted policy document, but provides guidance

regarding the opportunities that can be found in industrial development. The vision of the study is to adapt industrial land to develop a cutting-edge and sustainable production, distribution, and repair industry that diversifies the District's economy, serves as a hub for low-barrier employment, complements and enhances the integrity of neighborhoods, and provides opportunities for arts, recreation and other community amenities. The study encourages the preservation of production uses, environmental stewardship, workforce development, long-term affordability of industrial space, development of new multi-tenant space providing space for arts uses and makers, and the development of additional community amenities. "Maker" spaces are defined as small scale, local businesses devoted to the creation and production of goods and services. A greater commitment to provide maker spaces would more completely achieve the policy goals of the District.

## **X. ZONING RELIEF**

To construct as proposed, the applicant requests the following flexibility.

### **1. PUD-related map amendment from C-M-3 to C-3-C**

The proposed zone would be not inconsistent with the Comprehensive Plan, and OP supports the PUD-related map amendment.

### **2. § 411.4(c) – allow penthouse restaurant**

The design proposes a restaurant in the hotel penthouse, a use permitted only by special exception. OP does not object to the request as this type of amenity is often expected by hotel guests, especially in higher density areas. The restaurant would be unlikely to have negative impacts on its surroundings because it is buffered on the west by the railroad tracks, to the north and east it is surrounded by other parts of this PUD, and to the south are commercial uses at the Uline Arena site. The addition of habitable space within the hotel penthouse also triggers an additional affordable housing requirement, which the applicant is meeting on-site within the residential portion of the development.

### **3. § 411.9 – varied heights for habitable portion of penthouse**

Per the Regulations, penthouse walls for mechanical and habitable space may be of different heights, but the walls for just the habitable space should all be of uniform height. The design proposes multiple heights for non-mechanical penthouses, as shown in the section drawings on Sheet 3.14 of Exhibit 22C, mainly to minimize their visual impact from the street level. All portions of the penthouse would be set back 1-to-1 from exterior walls. OP does not object to this area of flexibility.

**4. § 775 – side yard**

As described on pages eight and 21 of Exhibit 2, the application requests a side yard of 15' along the western property line, where 20' is required if a side yard is provided. The application states that OSHA rules require a setback of 15' for new construction next to the high-voltage power lines located along the railroad tracks. The small deviation from the required side yard would not impact adjacent properties because the railroad tracks are the adjacent use. OP does not object to the flexibility.

**5. § 2115.9 – allow hotel valet parking to count toward required parking**

Sections 2115.9 through 2115.18 permit valet parking in commercial buildings. The applicant requests to provide 60 all-valet spaces for the hotel, fulfilling the requirement of 56 spaces, despite the overall building being a mix of residential and commercial uses. The retail and residential parking would be conventional, non-valet parking. OP has no objection to this request.

**6. § 2201 – no 55' loading berth**

The applicant requests flexibility to not provide a 55' loading berth for the residential uses. According to the submitted traffic study, the proposed loading facilities of three 30-foot loading berths and two 20-foot delivery spaces would be sufficient to accommodate the demand of the project (Exhibit 22A, p. 14). OP has no objection to the requested flexibility, provided there are no objections from DDOT.

**7. § 2605 – flexibility to locate 50% AMI units in rental building**

The applicant has requested flexibility that, should the southern residential building be developed as a condo, all of the 50% AMI units be located in the northern rental building. The 80% AMI units would be split between the two buildings. This request is generally in line with recently proposed amendments to the IZ program, and OP has no objection to the request, provided the Department of Housing and Community Development does not object.

**8. See Exhibit 22, pp. 9-10 – The applicant requests flexibility to vary the:**

**a. number of units and hotel rooms**

OP has no objection to this area of flexibility as long as the changes do not impact the exterior design.

**b. number of parking spaces and layout of the parking levels;**

OP has no objection to this area of flexibility as long as they do not create a non-conformity, and the changes do not impact core locations or the layouts of the stories above.

**c. size of the underground garage footprint;**

OP has no objection to this area of flexibility and appreciates the alternative plan provided at Exhibit 22, Sheet 3.02.

**d. retail façade design;**

OP has no objection to this area of flexibility. Consistent with recent Zoning Commission actions, the applicant should provide adequate level of detail regarding retail, as well as hotel, signage.

**e. provide additional retail below grade; provide retail mezzanines;**

OP supports the provision of additional retail space below grade at the Florida Avenue end of the project, and has no objection to mezzanines within the other retail spaces.

**f. streetscape, in order to coordinate with DDOT and adjacent property owners;**

OP supports the design direction proposed in the application and supports flexibility, as long as the applicant's proffers such as providing playable art and a Capital Bikeshare station are still realized. OP will work with OAG to ensure that the Order for this case, should it be approved, includes appropriate language guaranteeing those amenities.

**g. interior penthouse design for the hotel;**

OP has no objection to this area of flexibility.

**h. location of PDR-retail / maker space;**

After consultation with the Zoning Administrator's office, who would be tasked with administering any requirements for PDR-retail or maker spaces, OP does not support this area of flexibility. Monitoring the requirement for these uses, and thus ensuring that the neighborhood and city receive the anticipated benefits, would be easier with greater specificity rather than less. OP, therefore, proposes the following condition of approval.

The applicant shall reserve, in perpetuity, retail bays 3A and 3B, as shown at Exhibit 22C, Sheet 3.04 ("reserved spaces"), for PDR-retail or maker uses as defined below ("required uses"). The applicant shall have the flexibility to alter the envelope of the reserved spaces slightly during development of final permit drawings, but in no instance shall the space reserved for the required uses be less than 10,000 (ten thousand) square feet. The reserved spaces shall receive Certificates of Occupancy (C of O) for required uses within 18 months of the initial C of O issued for the property. The reserved spaces may be demised and leased to any number of tenants meeting the definition of required uses.

Required uses shall be defined as the following:

- Production, distribution, or repair of goods, including accessory sale of related product;
- Uses encompassed within the Arts, Design, and Creation Use Category as currently defined in 11 DCMR Subtitle B § 200.2, including an Art Incubator, as currently defined in 11 DCMR Subtitle B § 100.2, but not including a museum, theatre, or gallery as a principal use;
- Production and/or distribution of food or beverages and the accessory sale or accessory on-site consumption of the related food and beverage;
- Design related uses as defined in 11 DCMR Subtitle U §700.6(e).

**i. phasing**

Given the scale of the development, and the amount of development in process in the vicinity, OP does not object to this area of flexibility.

**XI. PURPOSE AND EVALUATION STANDARDS OF A PUD**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

The application exceeds the minimum site area requirements of Section 2401.1(c) to request a PUD. The applicant is requesting a consolidated PUD and related map amendment. The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project” (§2403.3). The project is in keeping with the development magnitude envisioned by the Comprehensive Plan, and OP anticipates that any impacts to services or infrastructure would either be acceptable or capable of being mitigated. As of this writing, however, OP has received no agency comments discussing the project’s impacts.

**XII. PUBLIC BENEFITS AND AMENITIES**

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, § 2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” Sections 2403.9 and 2403.10 state that a project must be acceptable in all the listed proffer categories, and must be superior in many. To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12).

Amenity package evaluation is partially based on an assessment of the additional development gained through the application process. In this case, the application proposes a PUD-related map amendment from C-M-3 to C-3-C, which would allow the residential use, and would allow the proposed 0.99 gain in FAR (104,788 sf) and an increase in height of 30 feet over C-M-3 matter-of-right levels.

	Existing Zoning (C-M-3)	Proposed Zoning (C-3-C PUD)	Proposed Development
Height	90'	130'	120'
FAR	0.0 – residential	8.0 – residential	[Mix of residential and non-residential]
	6.0 – non-residential	8.0 – non-residential	
	6.0 – Total (636,834 sf)	8.0 – Total (849,112 sf)	

The application, at Exhibit 22, pp. 1-7, lists several potential benefits, some of which can be considered amenity items. The following is OP's summary of some of the benefits listed in the application. With an increase in the floor area committed to PDR-related uses, more information on the art programs, as well as a commitment to First Source and LSDBE programs, OP would consider the proffered list commensurate with the degree of flexibility achieved through the PUD.

Applicant's Amenities / Benefits		OP Comments, if applicable
1. Production of housing and affordable housing	Deeper affordability than required	OP appreciates the move to de-concentrate the affordable units. OP also supports the proffered provision of some housing at a deeper level of affordability than required. OP would support the provision of additional affordable housing on site, of additional units at a deeper affordability level.
2. Urban design	Single curb cut and internal loading	OP is strongly supportive of the innovative way in which the applicant has provided parking access and internalized all loading.
	Provision of open spaces at south side of building and at the metro plaza	The provision of more open space in the NoMa area has been identified as a priority. The applicant has proffered that at least 2/3 of the M Street plaza will be publicly accessible, and that no more than 1/3 would be available for restaurant seating.
	Working with adjacent property owners to establish uniform streetscape	OP supports a unified streetscape for the new developments along 3 <sup>rd</sup> Street.



Applicant's Amenities / Benefits		OP Comments, if applicable
	Art in southern plaza, metro plaza, Florida Avenue plaza and along 3 <sup>rd</sup> Street	<ul style="list-style-type: none"> <li>• The applicant provided additional information about funding for the artwork in the metro plaza (Ex. 22, p. 6). They should also commit to timing for when the art would be initially installed.</li> <li>• The applicant should commit to a condition of approval that requires the creative painting or lighting of the columns along Florida Avenue.</li> <li>• Clarify the statement "The applicant shall design and install...at least three pieces of playable or interactive art in the public space along 3<sup>rd</sup> Street side of the project <i>on an ongoing basis</i>" (Exhibit 22, p. 6, emphasis added).</li> </ul>
3. Site planning	Providing access to potential metro access tunnel	OP is very supportive of this intent as serving as a great benefit to this project and to the neighborhoods east of the tracks, and has been raising the need for this entrance with this and other area developers. The applicant estimates that the cost of the pass-through would be \$1.6 million, including the cost of the land and the actual construction costs. That number does not include revenue lost because of foregone retail and residential space. OP considers this a significant benefit.
4. Infrastructure	Pay for a new traffic signal at the south side of the M and Delaware intersection	It is estimated that the new signal would cost \$300,000.
	Install Capital Bikeshare station and maintain it for one year.	The applicant proposes to spend up to \$100,000 toward the station and its maintenance.
5. Environment	Proposes LEED silver buildings	The applicant should explore ways to increase the LEED rating of the building to Gold.
6. First Source and LSDBE		No commitment at this time – the applicant should commit to these items or provide an explanation for the lack of commitment.