

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jonathan Kirschenbaum, Project Manager
JL for Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: September 6, 2019

SUBJECT: Public Hearing Report for Zoning Commission Case No. 19-01, Consolidated Planned Unit Development and Related Map Amendment from RA-1 to RA-2 at 1 Hawaii Avenue, NE (Parcel 0124/0077).

I. BACKGROUND

At its March 25, 2019 public meeting, the Zoning Commission set down for a public hearing Zoning Commission case 19-01, a consolidated Planned Unit Development (PUD) for this site by Wesley Hawaii, LLC, with a PUD-related zoning map amendment from RA-1 to RA-2. The application would allow the construction of an all affordable apartment building. A more complete description of the site is provided in the OP set down report dated March 15, 2019 (Exhibit 10).

II. RECOMMENDATION

The Office of Planning (OP) recommends the Commission **approve** this PUD application. The proposal would be not inconsistent with the Comprehensive Plan, and OP is very supportive of the new affordable units and the applicant's efforts to accommodate existing tenants of this building.

At or prior to the public hearing, the applicant should address the following outstanding issues:

1. Revise and narrow the request to vary the number of dwelling units by an amount equal to minus 10% from the number depicted on the architectural plans.
2. The applicant has proposed additional flexibility to modify the proffered affordability levels and corresponding percentage of dwelling units dedicated to each MFI level, which DCHD and OP feels requires additional certainty and refinement as follows:
 - a. No dwelling unit should be rented to a household with an income greater than 80 percent MFI;
 - b. The overall average affordability levels for the building should not exceed 60 percent MFI;

- c. The proffered affordability levels of 30 percent, 50 percent, 60 percent, and 80 percent MFI should not change to different income levels; and
 - d. All units should be maintained as affordable for the length of the affordability control period.
3. Adequately address DOEE comments regarding the placement of solar panels on the roof.
 4. Address the DOEE comment that they provide one on-site electric charging station.
 5. Address DDOT comments that they provide mirrors along the driveway to improve visibility between entering and exiting vehicles.
 6. Commit to the construction and programming of the play area prior to the issuance of the certificate of occupancy for the building, and compliance with the conditions of Subtitle X § 305.5(m).
 7. Address any TDM conditions recommended by the District Department of Transportation.

III. REVISIONS SINCE SETDOWN

Revision to the proposal by the applicant since the set down meeting include:

- Reduction in building height from 58 ft. 6 in./5 stories to 48 ft. 6 in./4 stories.
- Reduction in overall dwelling units from 78 to 70.
- Corresponding reduction in IZ units to seven dwelling units, from the original proposal of eleven which was subsequently revised to eight.
- Increase in environmental performance from meeting the Enterprise Green Building standards to meeting the higher LEED Gold standards, and the inclusion of rooftop solar.
- Provision of a ground floor outdoor play area.
- Additional flexibility requested for the affordability levels of the project.
- Increase in provided parking from 12 parking spaces to 14 parking spaces.
- Minor design changes, including a vertical row of floor-to-ceiling windows enclosing an internal stairwell (Exhibit 26A3, Sheets A5.03-A5.04); and exterior material on the fourth story switched from brick to light gray stucco in certain sections (Exhibit 26A2, Sheets A2.01-A2.02).
- Inclusion of a pick-up/drop-off zone for cars along Rock Creek Church Road to reduce traffic and congestion on Hawaii Avenue, NE.

IV. RESPONSES TO OP AND ZONING COMMISSION COMMENTS FROM SETDOWN

The following summarizes OP's and the Zoning Commission's comments at the set down meeting and a summary of how there were addressed by the applicant:

	Comment	Applicant Response	OP Analysis
ZC-1	Explain the location and clustering of the IZ units around the building's loading area and trash area, especially at the ground floor. Reconsider the location of the IZ units.	The applicant has revised the IZ unit plan to avoid any clustering of IZ units. The applicant has attached updated Sheets A6.01 and A6.01 at Tab A.	The applicant revised the plans to remove all IZ units from being located directly next to or directly above the loading and trash areas. The applicant also revised the plans so that there are no IZ units that face the rear of the building along Allison Street, NW on the ground floor.
ZC-2	Explain how loading access could be provided with only a 6-foot clearance.	The applicant proposes a loading clearance of 10.5 feet, not 6 feet (Exhibit 2, pgs. 12-13; Exhibit 2D3, Sheet A3.01). The Applicant has confirmed, through its traffic expert, that a standard, 26-foot Uhaul truck could still access the proposed loading area (Ex. 2 pg. 13).	While OP defers to DDOT on this issue, the response appears to address the concern of the Commission. OP is supportive of this flexibility and finds that the all residential use would minimize the need for larger trucks.
OP-1	Work closely with OP to further discuss the parameters of the affordable housing component, such as (but not limited to): a) Units anticipated to be set aside for returning tenants. b) The anticipated MFI level for apartment type (i.e. 5 one bedrooms at 60% MFI) c) The bedroom count of apartments in the existing building compared to the proposed building.	The applicant provided additional information about the units anticipated to be set aside for returning tenants and the bedrooms count in the existing building compared to the proposed building (Exhibit 26).	The response appears to address the concerns of OP. As discussed below, OP has some remaining concerns about flexibility requested for the applicant's affordable housing program.
OP-2	Provide additional information for the comments provided in the benefits and amenities section for: a) Environmental and sustainable benefits b) Social services and facilities; and c) Superior landscaping, or creation or preservation of open spaces.	The Applicant has confirmed that the Project will be meet LEED Gold certification, which is a higher standard than originally proposed (Exhibit 15). The Applicant states on-site residential services will be available only to building residents (Exhibit 15). The Applicant states that the amenity and entry terraces would create social and personal spaces	The response appears to address the concerns of OP. However, the applicant should provide additional information about solar panels and how the play area would be programmed.

	Comment	Applicant Response	OP Analysis
		for residents gather and relax (Exhibit 15).	
OP-3	Provide additional information about why the bioretention area would need to be located along the driveway instead of the opposite side of the building, south of the amenity terrace.	The Applicant states the Property is restricted on all sides by building restriction lines and suggests that the bio-retention facility can only be placed on the subject property and not the building restriction line area.	The response appears to address the concerns of OP.
OP-4	The following should be provided on the architectural plans: a) Clarify how many bicycle spaces will be provided. b) Additional information about the type of plantings and pavement materials that would be used in the proposed outdoor spaces and areas. Key proposed materials to a site plan.	The applicant clarified how many bicycle parking spaces would be provided and updated the zoning calculation table (Exhibits 15 and 15C).	The applicant did not key proposed plantings to a site plan and should provide this information for the Commission.
OP-5	Additional information about the type of building materials that would be used, including proposed metal trim for windows and doors.	The applicant provided additional information about the type of building materials that would be used (Exhibits 15 and 15D).	OP is generally supportive of the materials choices.
OP-6	Information on any participation in a First Source Employment Agreement to provide job opportunity for DC residents.	The applicant states that as required by DC law they would participate in First Source Employment Agreement the Dept. of Employment Services.	The response appears to address this issue.

V. PROJECT DESCRIPTION

The subject site is located at 1 Hawaii Avenue, NE. It is approximately 26,400 square feet in area, triangular in shape with public streets abutting on all sides, and currently developed with a two-story brick apartment building. The site is located in an area characterized by cemeteries, row houses, semi-detached houses, and low-rise apartment buildings. The property is currently recorded as a parcel in the records of the Office of the Surveyor, but the applicant states they are undergoing a subdivision process to obtain a record lot (Exhibit 2). The applicant requested a PUD-related map amendment to rezone the existing site to gain additional density under the RA-2 PUD Zone.

The existing apartment building would be demolished to construct a four-story apartment building with 70 dwelling units that would all be affordable. The previous proposal was for a five-story apartment building with 78 dwelling units. The building would have a floor area ratio (FAR) of 2.24 (2.58

previously) and would have 59,070 square feet (68,238 previously) of floor area. The proposed building would include:

- 10 studios (9 previously),
- 38 one-bedrooms (41 previously),
- 7 two-bedrooms (10 previously), and
- 15 three-bedrooms (18 previously).

The project is anticipated to be financed through Low Income Housing Tax Credits (LIHTC) and the District Housing Production Trust Fund (HPTF) awarded through the Department of Housing and Community Development (DHCD) and would offer rental units for households whose income ranges between 30 percent and 80 percent of the median family income (MFI).

The affordability of the dwelling units would expire after 40 years. However, seven would remain affordable for the life of the project to households earning no more than 60 percent MFI pursuant to the Inclusionary Zoning (IZ) requirements. There is a covenant recorded against the property that requires 34 dwelling units at the property be maintained at affordable levels no greater than 60 percent of MFI.

The applicant states that there would be no permanent displacement of tenants and that tenants of the existing building would be allowed to rent apartments in the proposed building even if they would not meet the income eligibility requirements for the new dwelling units. For the existing tenants that would return, the applicant has agreed to not increase rent beyond what is allowed under the rent control law pursuant to D.C. Code §§ 42-3502.08(h) and 3502.24 (Rental Housing Act of 1985).

VI. PLANNING CONTEXT

Title 11 Subtitle X § 304.4(a) requires that a PUD, inclusive of a map amendment, be not inconsistent with the Comprehensive Plan. A full description of the Comprehensive Plan, and analysis of the proposal against its maps and policies is provided in the OP preliminary report (Exhibit 10).

OP continues to determine that, on balance, the proposal is not inconsistent with the Comprehensive Plan as a whole, including the maps and the policy statements. In particular, the proposal would further policy statements contained in the Land Use, Transportation, Housing, Environment Protection, and Urban Design Citywide Elements, and the Rock Creek East Area Element.

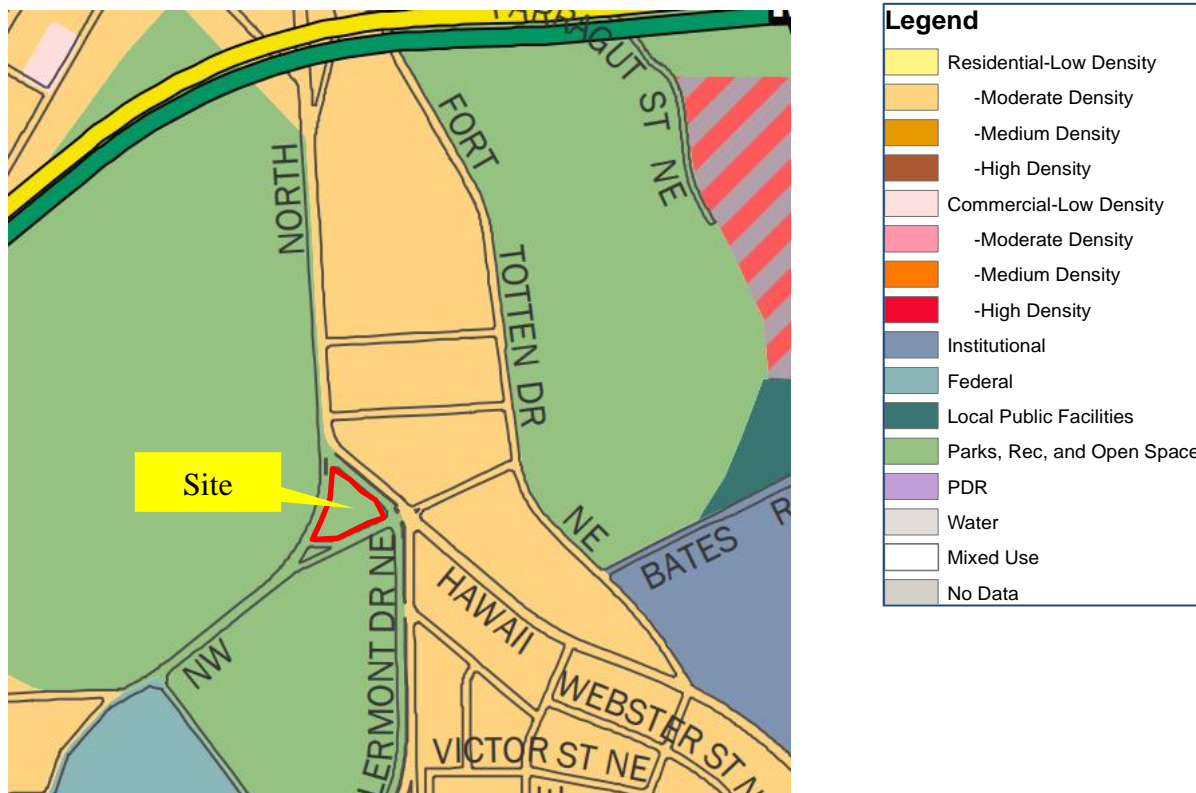
Generalized Future Land Use Map (FLUM)

The Future Land Use Map (FLUM) indicates that the site is appropriate for Parks, Recreation, and Open Space. However, the site has been improved with an apartment building since the 1940s, which is prior to the adoption of the Comprehensive Plan's FLUM in 1984¹. The existing designation of Parks, Recreation, and Open Space does not match the existing development on the site. This designation is generally used for federal and District park systems or for sites with permanent open space, like cemeteries or reservoirs. The surrounding area that is improved with residential land uses is designated as Moderate Density Residential. Given these existing factors, this report analyses the consistency with the Comprehensive Plan based on the Moderate Density Residential designation. Below is a description of the FLUM designation from the Framework Element of the Comprehensive Plan.

¹ The applicant submitted a copy of a FLUM amendment request from a member of the public to designate the site Moderate Density Residential (Exhibit 2H), and the applicant also analyzed consistency with the Comprehensive Plan based on this designation.

Moderate Density Residential: This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations (10A DCMR § 225.4).

The proposed PUD-related map amendment to RA-2 and the proposed development would not be inconsistent with the Comprehensive Plan’s FLUM. The RA-2 zone would permit moderate-density residential development as proposed and it would be appropriate as the site is bounded entirely by wide public streets, which would provide an appropriate buffer between surrounding lower density residential uses. The proposed four-story building with a floor area ratio FAR of 2.24 would be within the permitted PUD density flexibility, and the proposed development would conform to the RA-2’s development standards.



Generalized Policy Map

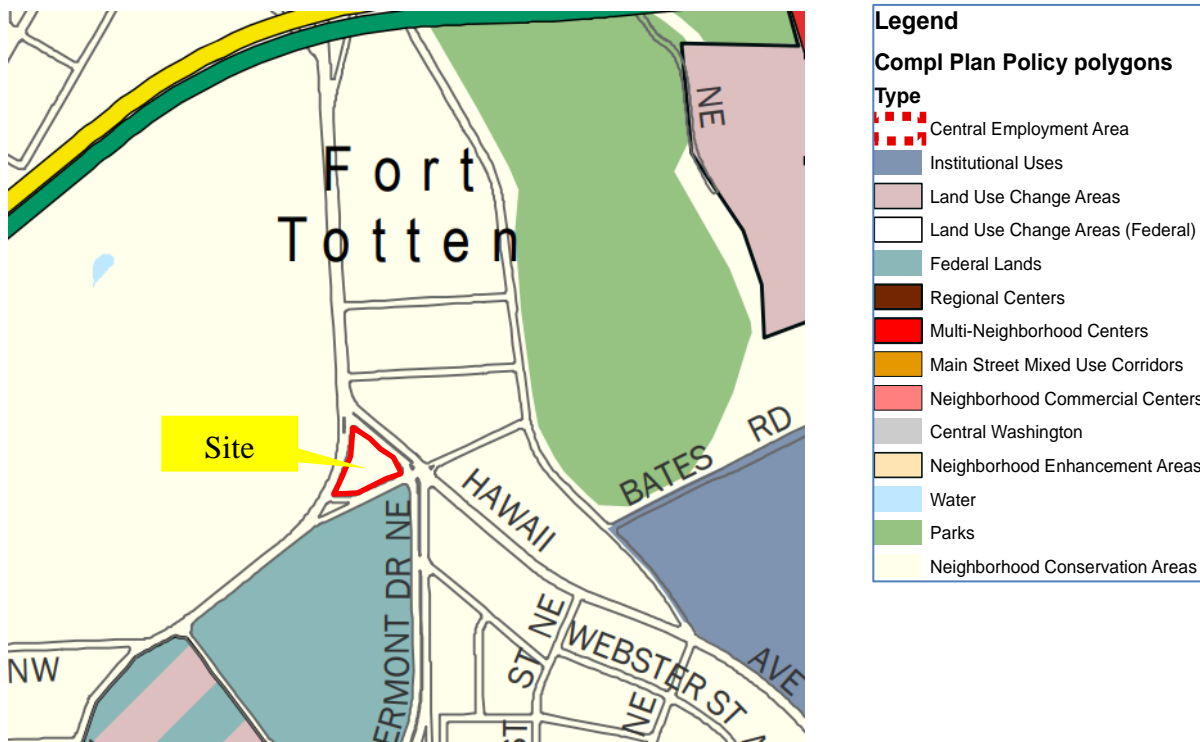
The Generalized Policy Map indicates that the site is located within a Neighborhood Conservation Area. Below is a description of this designation.

Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered

site infill housing, public facilities, and institutional uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided (10A DCMR § 223.4).

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map (10A DCMR § 223.5).

The proposed PUD-related map amendment and development would not be inconsistent with the Comprehensive Plan’s Policy Map, which anticipates the retention of residential uses and character. The project would help revitalize a site with a multiple dwelling building that is in need of significant maintenance and is nearing end-of-life, with new housing while also increasing the supply of affordable



housing in the neighborhood. Further, the proposed development would be respectful of the existing architectural style of the surrounding residential uses.

VII. ZONING ANALYSIS

The site is currently zoned RA-1; the applicant is requesting a PUD-related zoning map amendment to the RA-2 zone, which is not inconsistent with the Comprehensive Plan. Below is a table describing the proposal, with any changes from setdown and any relief required noted:

Zoning Table	Proposal	Change From Setdown	Flexibility
Lot Area X § 301.1	26,400 sq. ft. (0.6 acre)	No change	Yes
Height (ft.) F § 303.1/ X § 303.7	48 ft. 6 in./ 4 stories	Building height reduced from 58 ft. 6 in./ 5 stories	No
Penthouse F § 303.2	10 ft./1 story mechanical penthouse	No change	No
FAR F § 302.1/ X §§ 303.3 & 303.4	2.24 FAR/ 59,070 sq. ft.	FAR reduced from 2.58/ 68,238 sq. ft.	No
Lot Occupancy F § 304.1	53%	No change	No
Rear Yard F § 305.1	28 ft.	No change	No
Side Yard F § 306.2	15 ft.	No change	No
Parking C §§ 701.5 & 702.1(a)	14 parking spaces (7 standard; 5 compact; 2 accessible)	Parking increased from 12 parking spaces	No
Bicycle Parking C § 802	48 long-term bicycle spaces	No change	No
	12 short-term bicycle spaces	Short-term bicycle parking increased from 8 spaces	
Loading Requirements C § 901	1 loading berth	No change	No
Loading Size and Layout Requirements (Vertical Clearance) C §§ 905.2 & 905.4(a)	12 ft. wide by 30 ft. deep with 10 ft. 6 in. in vertical clearance	No change	Yes
Green Area Ratio F § 307.1	0.3	No change	No
Driveway Access Requirements C § 711.6	Driveway at its narrowest width is 14 ft.	No	Yes

In addition to the proposed PUD-related map amendment from RA-1 to RA-2, the applicant requests the following zoning flexibility through this PUD:

1. PUD minimum land area requirement.

Pursuant to Subtitle X § 301.1, a PUD in an RA-2 zone must have a minimum land area of one (1) acre or 43,560 square feet. The subject lot has a land area of 26,400 sq. ft., which is 40 percent less than what is required. However, the Zoning Commission may waive not more than 50 percent of the minimum area for a PUD in an RA-2 zone if the proposal is of exceptional merit, is in the best interests of the District of Columbia, and if it meets one of three criteria pursuant to Subtitle X § 301.2. The proposal meets the criterion of Subtitle X § 301.2(c):

If the development is to be located outside the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.

The proposal would be located outside of the Central Employment Area and would devote more than 80 percent of floor area to dwelling units. The PUD would be of exceptional merit and would be in best interest to the District as it would replace 34 existing dwelling units that are at the end of their life span with 70 new dwelling units that would be affordable to households earning no more than 80 percent MFI, with most of the units affordable at a lower level. The PUD would provide an exceptional design with superior materials, with modern amenities and apartment fixtures, and would provide a variety of unit sizes, including three-bedroom units.

2. Loading berth size requirement.

Pursuant to Subtitle C § 905.2, loading berths are required to have a vertical clearance of 14 feet. The applicant requests to reduce the vertical height clearance to 10 feet 6 inches due to the lot's topography, which slopes downward towards Hawaii Avenue, NE, and to maintain a consistent floor-to-floor clearance height with the residential floor above. If the applicant were to comply with the requirement, significant additional excavation would be required to lower the existing grade, or the second floor of the building would need to be placed on multiple levels. The applicant states that a standard, 26-foot truck could still access the proposed loading area (Ex. 2 pg. 13). OP is supportive of this flexibility and finds that the all residential use would minimize the need for larger trucks.

3. Driveway access requirement.

Pursuant to Subtitle C § 711.6, a driveway within 20 feet of all street lot lines must be 20 feet in width for two-way traffic. The applicant requests to reduce the width of the driveway that would access the underground parking garage to 17 feet at its widest point and 14 feet at its narrowest point. The triangular shape of the lot combined with the building restriction lines make the developable portion of the lot significantly constrained. The applicant states the average width of a car is approximately six feet wide and that two cars entering and exiting the garage should have enough space to pass each other. OP is supportive of this flexibility given the unusual size of the lot and that the garage would have relatively few parking spaces (14) for only resident use, which should limit the amount of traffic that should be generated by the garage.

As noted in the DDOT comments at the end of this report, the applicant should provide mirrors along the driveway to improve visibility between entering and exiting vehicles.

4. Design flexibility.

The applicant has requested flexibility for the PUD to vary the number of residential dwelling units by an amount equal to plus or minus 10% from the number depicted on the architectural plans approved by the Zoning Commission (effectively 63 to 77 units). OP does not support this level of flexibility, and the applicant should refine this request.

The applicant has also requested the following design flexibility:

1. Vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided such variations do not change the exterior configuration of the building;
2. Vary the number, location, and arrangement of parking spaces for the Project, provided that the total parking is not reduced below the minimum level required for the PUD;
3. Vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction, without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including curtain wall mullions and spandrels, window frames, glass types, belt courses, sills, bases, cornices, railings and trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit; and
4. Vary the location, attributes and general design of the streetscape incorporated in the project to comply with the requirements of and the approval by the Department of Transportation's Public Space Division.

The applicant should confirm that this level of flexibility is consistent with wording considered and approved by the Zoning Commission for other recent PUDs, and adjust if necessary.

5. Affordability flexibility.

Since the writing of the set down report, the applicant has also requested flexibility with the affordability levels of the project. The applicant requests flexibility to modify the proffered affordability regarding the percentage/number of dwelling units and corresponding MFI levels, while maintaining an overall average affordability that does not exceed 60 percent.

OP has discussed this with DHCD, which is generally supportive of this flexibility provided that:

1. No dwelling unit be allowed to be rented to a household with an income greater than 80 percent MFI;
2. The overall average affordability levels for the building do not exceed 60 percent MFI;
3. The proffered affordability levels of 30 percent, 50 percent, 60 percent, and 80 percent MFI do not change to different income levels; and
4. All units are maintained as affordable for the length of the affordability control period.

VIII. PUD EVALUATION STANDARDS

The Zoning Regulations define a Planned Unit Development (PUD) as “*A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a*

combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.” (Subtitle B-28). The purpose and general standards for a Planned Unit Development are established in Subtitle X 300:

300.1 *The purpose of the planned unit development (PUD) process is to provide for higher quality development through flexibility in building controls, including building height and density, provided that the PUD:*

- (a) *Results in a project superior to what would result from the matter-of-right standards;*
- (b) *Offers a commendable number or quality of meaningful public benefits; and*
- (c) *Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*

300.2 *While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.*

Public Benefits and Amenities:

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. “Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title” (§ 305.2). “A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors” (§ 305.10). Section 305.5 lists several potential categories of benefit proffers, and states that “(a) project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many” (§ 305.12). The Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)” (§ 305.11).

The applicant’s most recent summary of project benefits and amenities (Exhibits 15 and 26) provides additional information requested at set down. Additional entitlements gained through the current, revised PUD proposal are summarized below:

	MoR	Proposed PUD	DIFFERENCE
Height:	40 ft./3 stories max.	48 ft. 6 in./4 stories	+8 ft. 6 in./1 stories
Gross Floor Area	28,512 sq. ft. (includes IZ bonus)	59,070 sq. ft. (includes IZ and PUD bonuses)	+30,558 sq. ft.
Lot Occupancy:	40%	60%	+20%
Use:	Residential – No change		

OP analysis of the proffer is summarized in the following table, and detailed below. In particular, OP

notes that a by-right development would be required to provide approximately 10% of the units as affordable, whereas this development would be 100% affordable, a considerable benefit. Where noted, additional information about proffers is needed prior to a final decision on the case.

ITEM	MITI-GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER
Urban Design, Architecture <i>X § 305.5(a)</i>		X			X
Landscaping Open Space, Streetscape <i>X §§ 305.5(b) and (l)</i>			X		
Housing and Affordable Housing <i>X §§ 305.5 (f) and 305.5 (g)</i>		X		X	X
Employment and Training Opportunities <i>X § 305.5 (h)</i>		X		X	
Social Services <i>X § 305.5 (i)</i>			X		X
Environmental and sustainable benefits <i>X § 305.5 (k)</i>			X		X
Uses of Special Value to the Neighborhood <i>X § 305.5 (q)</i>			X		X
Outdoor Children’s Plan Area <i>X § 305.5 (m)</i>			X		X²

(a) Superior urban design and architecture

The applicant proposes to have a façade along the Hawaii Avenue, NE frontage that would be designed to be compatible with the existing brick residential row buildings across the street. The proposed building would also have four-story bay projections along the Hawaii Avenue, NE frontage and a staggered façade along the Rock Creek Church Road, NW and Allison Street, NW frontages. This would be a significant improvement over the existing building, which has long and continuous street walls. The primary building material would be red and ochre brick, which is a quality material (Exhibit 26A2).

(b) Superior landscaping, or creation or preservation of open spaces

The applicant states that there would be substantial improvements made to the existing landscaping around the site, including new green plantings. The project would provide a passive amenity terrace on the west side of the property (Sheet L1.01, Exhibit 26A3). The applicant did not key proposed plantings to a site plan and should provide this information.

(c) Site planning and efficient and economical land utilization

² Only considered a proffer if condition number six on page two of this report is met.

The massing, height, and density of the proposed building would be pushed away from the row houses along Hawaii Avenue, NE. The applicant states that the project would transform an irregularly shaped lot with varying topography and three building restriction lines into a modern multiple dwelling building.

(f) Housing

The project would increase the existing number of dwelling units by 36, from 34 to 70. The proposed PUD-related map amendment would permit an additional 30,558 square feet of residential floor area over what would be allowed as a matter-of-right.

The unit mix of the existing building is as follows:

Unit Type	Number	Percent
Studio	10	29%
1 BR	20	59%
2 BR	4	12%

The unit mix of the proposed building is as follows:

Unit Type	Number	Percent
Studio	10	14%
1 BR	38	54%
2 BR	7	10%
3 BR	15	21%

The project would provide 15 dwelling units with three bedrooms, which the existing building does not provide. The additional housing units, and particularly the new 3 BR units are a significant benefit to the community and the District as a whole.

(g) Affordable housing

The project would be 100 percent affordable with 70 dwelling units compared to the 34 existing rent controlled dwelling units. This is significantly higher than what is required by the IZ regulations, as noted below.

The applicant acquired the building through the Site Acquisition Funding Initiative (SAFI), which is administered by DHCD. Use of such funds requires a covenant to be recorded against the property to redevelop the existing 34 dwelling units with rents of no more than 60 percent MFI for 40 years.³ The applicant states that 19 of these units are expected to be occupied by existing tenants and that these tenants would have their new rent based on their existing rent control rent. The applicant states that the average rent currently paid by tenants is approximately 50 percent MFI. Rent increases for existing residents would be as permitted by the rent control law pursuant to D.C. Code §§ 42-3502.08(h) and 3502.24 (Rental Housing Act of 1985).

³ The applicant states that this covenant is likely to be removed when the applicant proceeds with additional financing for construction of the project and that DHCD would likely require new affordability covenants to be recorded against the property.

The applicant would provide 18 dwelling units with rents of no more than 80 percent MFI, 16 dwelling units with rents of no more than 60 percent MFI, 29 dwelling units with rents of no more than 50 percent MFI, and 7 dwelling units with rents of no more than 30 percent MFI for 40 years. There would be 52 dwelling units at or below 60 percent MFI, and the applicant states that the project would have an overall average affordability level of 58 percent MFI (Exhibit 26). These affordability levels would have a term of 40 years.

The applicant is also required to set aside 10 percent of the gross floor area as inclusionary zoning units, which would be 7 dwelling units, with rents at no more than 60 percent MFI for the life of the project. The location of the IZ units can be found on Sheet A6.01 of Exhibit 26A3.

The figures in the following table are based on information supplied in the application.

Residential Unit Type	Floor Area (net sf)	Percentage of Total	Unit Count	Income Type	Affordable Control Period	Affordable Unit Type
Total		100%	70			
LIHTC Affordable Units	Not provided by applicant	26%	18	Up to 80% MFI	40 years	Rental
IZ Affordable Units		10%	7	Up to 60% MFI	For life of project after 40 year control period ends	Rental
LIHTC Affordable Units		13%	9	Up to 60% MFI	40 years	Rental
LIHTC Affordable Units		41%	29	Up to 50% MFI	40 years	Rental
LIHTC Affordable Units		10%	7	Up to 30% MFI	40 years	Rental

OP has discussed this package with DHDC, which is supportive of this overall program, as is OP. Additional certainty and clarity to the package have been recommended, as follows:

- No dwelling unit be allowed to be rented to a household with an income greater than 80 percent MFI;
- The overall average affordability levels for the building do not exceed 60 percent MFI;
- The proffered affordability levels of 30 percent, 50 percent, 60 percent, and 80 percent MFI shall not change to different income levels; and
- All units are maintained as affordable for the length of the affordability control period.

(i) *Social services and facilities*

The project would provide various on-site services, including housing stability programs, adult education, and health and wellness classes. There would also be an on-site coordinator to help organize and administer services for residents. The applicant states that the programming would only be available to building residents and that additional specificity on the programming will

depend on the specific needs of the building's residents. These programs would be of considerable benefit to the residents.

(k) Environmental and sustainable benefits

Since the writing of the set down report, the applicant has revised the application to commit to the project to meeting LEED Gold certification, which is a higher level of certification than what is required by Green Building Act of 2006 and the building code. The applicant has also provided solar panels on the roof but states that solar panels are subject to availability and appropriate financial mechanisms. OP recommends that the Commission require the applicant to provide solar panels as depicted on Sheet A1.05 of Exhibit 26A2. This would also satisfy the comments from DOEE that solar panels should be provided.

Based on comments from DOEE, the applicant should also investigate opportunities to take advantage of financial tools that would allow increased commitment to sustainability, for example through the provision of solar panels on the roof, and to provide electric vehicle charging stations, or electric vehicle ready infrastructure.

(m) Outdoor children's play area

Since the writing of the set down report, the applicant revised their application to provide an outdoor children's play area (Sheet L1.01, Exhibit 26A3). The applicant states that they will work with the Tenant Association to program the new outdoor play area. OP is very supportive of the provision of this play space. The applicant should confirm that, to be considered a project proffer, the space would include play equipment, installed to the manufacturer's specifications, or natural features for children in both preschool and elementary school; and be a minimum of five hundred square feet.

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

As part of the project, the applicant would implement a relocation plan that would house existing tenants off-site within the District. The applicant states that the relocation units would be comparable or larger in size in comparison to existing units, and that every effort would be made to relocate tenants no more than two miles from the property. The applicant would also pay for moving expenses. A relocation specialist would also be available to assist tenants in the relocation process. Further, returning tenants would have substantially similar rents for their new apartments as their old apartments. OP is supportive of this proffer by the applicant.

Since the writing of the set down report, the applicant would also contribute to the organizational dues of \$2,500 per year to the Fort Totten Civic Association for a period of 10 years. The applicant states that this monetary contribution would help sustain the Civic Association. OP would only consider this a proffer on condition that no certificate of occupancy for the PUD may be issued unless the applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided pursuant to Subtitle X § 305.3(d).

The applicant has also worked with the Fort Totten Civic Association on a community benefits agreement. While aspects of that agreement are outside the scope of Zoning Commission review, the applicant has agreed to provide to the Civic Association the use of the first-floor amenity room to meet up to twice per month for as long as the Civic Association remains active.

In summary, OP finds that the benefits, amenities and proffers – particularly the provision of more housing and significantly more affordable housing than would be provided under a by-right development - would be commensurate with the related map amendment and other requested flexibility through the PUD.

IX. AGENCY COMMENTS

OP circulated project information to District agencies and received the following comments from District agencies. Individual agencies may file additional comments directly to the record:

Agency	Comment
DOEE	<ul style="list-style-type: none"> • A critical goal of the Sustainable DC Plan is to increase the use of renewable energy to make up 50% of the District’s energy use. This is a major priority of the current District administration, as the Mayor signed legislation in the summer of 2016 to increase the District’s Renewable Portfolio Standard (RPS) to 50% with a local solar carve out of 5.0% by 2032. This legislation has produced significant potential benefits for the business and development community as the District has the best financials for solar energy in the country. Solar panels may be mounted horizontally over mechanical penthouses or integrated into an extensive green roof system. Solar mounted above green roof is allowed under both GAR and stormwater retention requirements given the appropriate spacing, and could be pursued here. • A power purchase agreement may be executed for leased solar panels with zero up front cost. Also, for owner financed solar panels, which can be financed by DC PACE, the typical return on investment is between two and five years. Through the District’s community solar program, the energy generated can be “virtually” net-metered and the residents or commercial tenants can “subscribe” into the system providing mutual benefit for both the property owner and residents. • Financial tools like the DC Property Assessed Clean Energy (DC PACE) program and incentives from the DC Sustainable Energy Utility (DC SEU) can pay for increases in construction cost for sustainable design strategies. These could include on-site generation, any strategies that increase efficiency above the baseline code requirements, or stormwater management strategies that garner return on investment through the District’s Stormwater Retention Credit Trading program. This financing does not increase debt on the property and is repaid over time as a special assessment on the property tax. DOEE recommends that the applicant investigate opportunities to take advantage of financial tools that would allow increased commitment to sustainability. • Applicant should consider installing electric vehicle charging stations, or electric vehicle ready infrastructure
DHCD	<p>DHCD has no objections to the PUD proposal. The property is currently 100% affordable and receiving HPTF funding. The applicant has applied for additional HPTF funding and proposes to keep the building 100% affordable if the additional HPTF funding is approved. This would make the development ‘IZ Exempt’ pursuant to 11-C DCMR Section 1001.6 and for the duration of the HPTF funding, the property would</p>

	be subject to the HPTF rules. At the expiration of the HPTF funding, the property would be subject to IZ. Therefore, the property should identify which units would be Exempt Affordable Units (IZ units after the HPTF funding expires), which need to remain affordable pursuant to IZ rules for the life of the building.
DDOT	DDOT has no objection to a driveway narrower than 20'. The applicant is only proposing ~12 vehicle parking spaces, so the potential for overlapping inbound and outbound movements is pretty low to begin with. There's also space at the top of the driveway near the loading dock for a vehicle to wait for another drive to pass. It would be advisable to have the applicant install a couple of mirrors to improve visibility between entering and exiting vehicles.

OP also referred the application to, but did not receive comments from DC Water, DCPS, DPR, FEMS, and MPD.

X. COMMUNITY COMMENTS

At the time this report was filed to the record no community comments had been entered into the record.

JLS/jk