

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JLS*
Jennifer Steingasser, AICP, Deputy Director
Development Review & Historic Preservation
Matt Jesick, Development Review Specialist

DATE: December 30, 2021

SUBJECT: Public Hearing Report for ZC# 19-29, Consolidated Planned Unit Development and Related Map Amendment at 1348 4th Street, NE

I. BACKGROUND AND RECOMMENDATION

UM 1348 4th Street NE, LLC and 1250 4th ST EDENS, LLC (the Applicant) request a consolidated PUD and related map amendment from PDR-1 (low to moderate density production, distribution & repair) to MU-9 (high density mixed use), to construct a 130', 9.74 FAR mixed use building on a property on the west side of 4th Street in Florida Avenue Market, at Penn Street and New York Avenue.

At its June 10, 2021 public meeting, the Zoning Commission declined to set this application down for a public meeting, and instructed the Applicant to more adequately address the Comprehensive Plan or the Mayor's Order on Housing of May 10, 2019. The application was amended to increase the affordable housing proffer, and to amend the PDR proffer. The Commission voted at their October 14, 2021 meeting to set the case down for a public hearing.

OP recommends that the Commission **approve** the application. OP continues to encourage the Applicant to augment the PDR space proffer, and to consider additional design changes, principally to the west elevation to provide additional articulation.

On balance, OP finds the project to be not inconsistent with the Comprehensive Plan. Those areas where the project is not directly consistent, such as the PDR use, is outweighed when balanced against the provision of housing and affordable housing near transit in a mixed use neighborhood, and the opportunities for economic development provided by the ground floor commercial space.

In their most recent filing the Applicant has requested additional flexibility for the proposed balconies on the western façade. OP has not had an opportunity to adequately review this request or discuss it with the Applicant. OP will provide analysis of this relief in a supplemental report or at the public hearing.

II. APPLICATION-IN-BRIEF

Applicant	Edens (UM 1348 4th Street NE, LLC and 1250 4th ST EDENS, LLC)	
Location	1348 4 th Street, NE Square 3587, Lots 3 and 7	Ward 5, ANC 5D
Current Zoning	PDR-1 – Moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.	
Proposed PUD-Related Zoning	MU-9 – Permits high-density mixed-use development including office, retail, and housing, with a focus on employment.	
Additional Relief and Flexibility Requested	<ul style="list-style-type: none"> • Special Exception for penthouse eating and drinking establishment per C § 1501.1(d)¹ C § 1500.3(c); • Flexibility for court dimensions; • 4% bonus density beyond typical 20% PUD bonus, per X § 303.10; and • Design flexibility.² 	
Site Characteristics	The subject site is bound by 4 th Street on the east and northeast, a small portion of New York Avenue to the northwest, and an alley and railroad easement to the west. The property slopes up from south to north along 4 th Street, to a high point at New York Avenue. The existing grade also drops off at the western edge of the property down toward the alley and railroad easement.	
Existing Development	One story bank with parking lot and drive through on northern lot; One story commercial building on the southern lot.	
Comprehensive Plan Generalized Policy Map	Multi-Neighborhood Center	
Comprehensive Plan Future Land Use	Mixed-Use: <ul style="list-style-type: none"> • High Density Residential • High Density Commercial • Production, Distribution, and Repair 	
Relevant Small Area Plan and Studies	<ul style="list-style-type: none"> • Florida Avenue Market Study Small Area Plan; • Ward 5 Industrial Land Transformation Study (Ward 5 Works); and • Mayor’s Order on Housing. 	

¹ The application was filed for relief from Subtitle C § 1500.3, which has been renumbered to C § 1501.1(d) pursuant to recently approved case 14-13E, amendments to the penthouse regulations.

² The Applicant has informed OP that relief would be required for the proposed balconies on the northwest side of the building, because they would extend over the private alley, a property which is owned by the District of Columbia and managed by DHCD. As of this report, that request for relief is not in the record. OP also informed the Applicant that they would need to provide written authorization from DHCD that the airspace of their property can be used for balconies. OP also suggested that the Applicant consider recessed balconies, entirely within the subject property.

SUMMARY OF DEVELOPMENT PARAMETERS			
Height	130 feet, 13 Stories		
Site Area	43,782 sq.ft.		
Floor Area (see Exhibit 34A)			
Residential	373,100 sq.ft.	(8.52 FAR)	
Commercial	44,882 sq.ft.	(1.02 FAR)	
Parking and Loading	8,504 sq.ft.	(0.19 FAR)	
Total	426,426 sq.ft.	(9.74 FAR)	
Penthouse floor area	16,000 sq.ft. (0.37 FAR)		
Dedicated PDR / Maker Space – for 5 years (Exhibit 34)	3,448 – 4,548 sf (0.08 – 0.10 FAR)		
Dwelling Unit Breakdown	Market	IZ	Total
Studio	107	13	120
1 Bedroom	128	19	147
2 Bedroom	81	16	97
3 Bedroom	13	3	16
Total	329	51	380
IZ Proffer (Exhibit 34)	13%, 48,800 sf (approx. 50 - 51 units) 11% at 60% MFI (41,292 sf) 2% at 50% MFI (7,508 sf) Three 3-BR IZ units		
Vehicle Parking	276 spaces		
Bicycle Parking	305 long term, 39 short term		

III. SUMMARY OF COMMISSION AND OP COMMENTS

The following summarizes the Commission’s comments, and the Applicant and OP responses.

	Zoning Commission Comment	Applicant’s Response
1	Continued to work with OP on the IZ and PDR proffers.	Since the October 14 meeting, the PDR and IZ proffers have not changed. OP recommends the IZ proffer as acceptable but continues to advise the Applicant to better address the PDR space commitment.
2	Modify the monumental and neon signage.	The updated design does not include the monumental signage and neon lighting shown in the plans at the time of the June 10 meeting.
3	Clarify the extent of the photovoltaic array.	The application indicates that 1,800 sq.ft. of solar panels would be provided (Exhibit 34). The Applicant has indicated to OP that the solar power generated on the

	Zoning Commission Comment	Applicant's Response
		roof would be sufficient to power 5% of the energy needs of the common areas of the building.

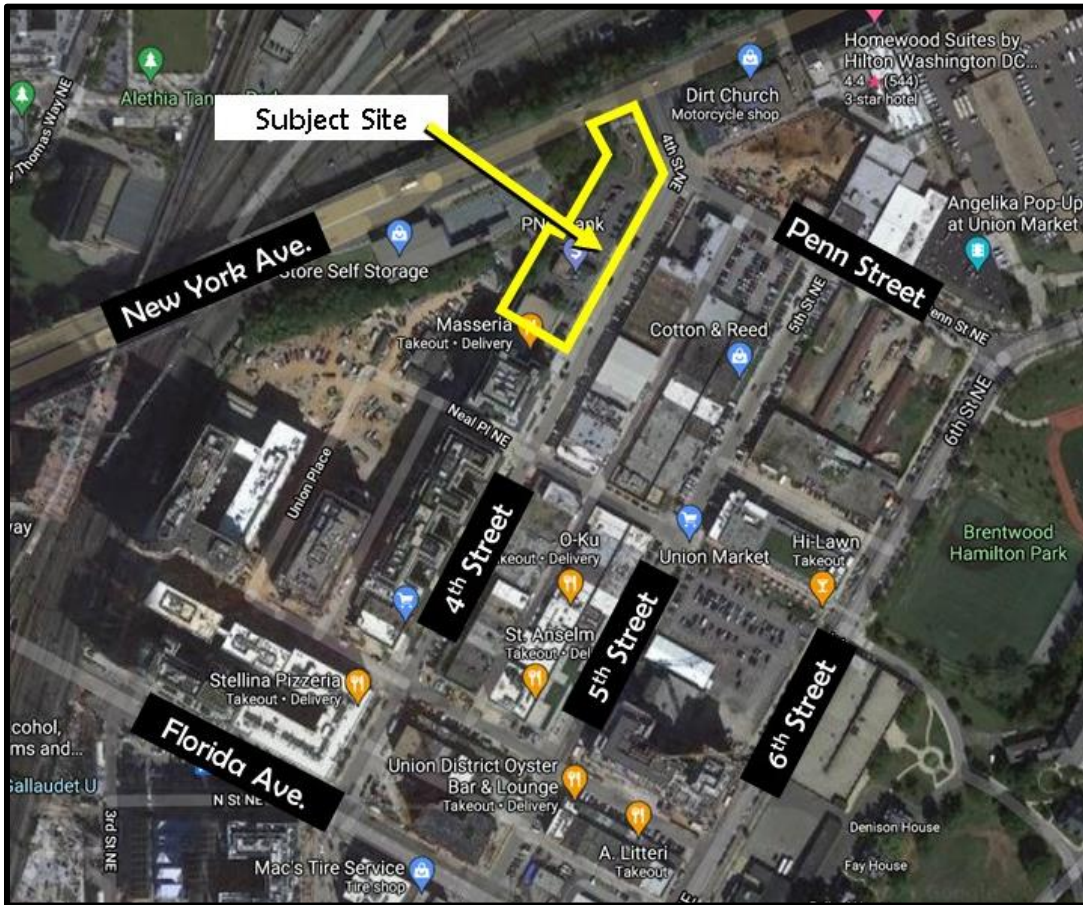
The following summarizes OP comments from our review of the PUD, and gives our analysis of the Applicant's response.

	OP Comment (Exhibit 14)	Applicant most recent response	Response Analysis
1	In order to address the Comprehensive Plan, a more significant portion of the non-residential floor area should be reserved for PDR uses for the life of the project.	The Applicant has committed to provide a minimum of 10% of the non-residential GFA (4,548 sf) to PDR/Maker uses for 5 years, and will build 50% of the ground floor to PDR/Maker specifications (Exhibit 34).	OP has recommended to the Applicant that they increase the amount and/or duration of the PDR commitment.
2	In order to address the Comprehensive Plan, and to provide a benefit commensurate with the degree of flexibility sought through the PUD, a higher percentage of the residential floor area should be reserved for inclusionary dwelling units.	The Applicant has committed to a total of 13% IZ, with 11% at 60% MFI and 2% at 50% MFI.	Resolved – OP and DHCD recommend this proffer is sufficient.
3	The Applicant's definition of "PDR / Maker" uses appears to be overly broad and needs refinement.	The Applicant has provided a definition of what uses would be considered "PDR / Maker Space	Resolved – OP accepts the Applicant's proposed definition in order to allow greater flexibility in the types of tenants.
4	The Applicant should provide an analysis that identifies how the project and commercial tenants would further the <i>Ward 5 Works</i> plan.	The Applicant has provided a summary of the proposal against the Ward 5 Works Study as part of Exhibit 34C.	Resolved – This analysis has been provided. The Applicant has also provided, at Exhibit 34D, an analysis of the impacts of the proposal on the Florida Avenue Market area.

	OP Comment (Exhibit 14)	Applicant most recent response	Response Analysis
5	Provide additional explanation for why the additional FAR provided for under X § 303.10 is “essential to the successful functioning of the project”.	At Exhibit 19B2, the response notes that the request for additional FAR has decreased from 5% of the permitted floor area to 4%. The Applicant argues that maintaining the streetwall along 4 th Street changes the method of calculation of GFA for the cellar / basement level, resulting in additional cellar area counting toward the FAR. They also argue that this situation is exceptional because of the slope of the property which exposes the cellar at the northwest side of the lot, creating additional GFA.	Resolved –Based on these explanations, OP does not object to the flexibility.
6	The mix of residential unit types should include more “family sized” units.	The Applicant increased their total number of 3 bedroom units to about 4.2% - 16 out of 380 total units.	Resolved , although OP would support more family-sized units,
7	The Applicant should provide a description and drawings showing the proposed interim and ultimate conditions for 1346 4 th Street.	At Exhibit 34G, the Applicant has provided more information about the ultimate appearance of 1346 4 th Street and its materials. The Applicant will also close the existing curb cuts to that site.	Resolved – The additional information has been provided and, while OP has no concerns with the design proposed and defers to DDOT on the final design.
8	Clarify the exact mix of uses at the rooftop level.	The application indicates that the Applicant will pursue a single option for the rooftop – a concept which combines commercial and residential amenity space. (Exhibit 34)	Resolved – The Applicant has requested the appropriate special exception relief for the commercial use, and has committed to meeting the penthouse related IZ requirement within the building (separate from the IZ proffer).
9	Explore design details that could add interest to the wall on the western exposure of the building, including adding balconies.	The main changes are the addition of two tiers of balconies and Juliet balconies.	Outstanding Item –OP supports the addition of the two tiers of balconies and Juliet balconies but the Applicant is encouraged to examine ways to further articulate the long façade. Some of the balconies proposed require relief to allow them to extend across a property line, as discussed below and permission from DHCD is required for the use of the air space.

	OP Comment (Exhibit 14)	Applicant most recent response	Response Analysis
10	The design should incorporate many more balconies for residential units.	The updated design includes two tiers of balconies on the rear façade, only some of which are functional. Exhibit 34 states that 25% of the units would have balconies which are landscaped and larger than typical in DC.	Outstanding Item – The updated design includes two tiers of balconies on the rear façade. Only some of those balconies are functional, however. Exhibit 19B2 states that more than 25% of the units would have balconies. This is less than some other recent projects reviewed by the Commission. OP has encouraged the Applicant to consider recessed balconies and other options.
11	Provide a sign plan identifying sign locations on the building, and the proposed large scale lighting and static signage on the New York Ave. side of the building.	The Applicant has provided the requested retail signage information, and removed the proposed monumental signage and large-scale lighting.	Resolved – OP is supportive of the changes to the signage plan.
12	Clarify the solar panels proffer.	At Exhibit 34, the Applicant indicated that about 1,800 sq.ft. of solar panels are proposed. The Applicant has informed OP that they would provide enough solar power generation on site to provide electricity equivalent to 5% of the demand for common areas in the building.	Resolved , OP and DOEE continues to encourage on-site energy generation be maximized.

IV. AREA AND SITE DESCRIPTION



The project site is located in the Florida Avenue Market, which is an approximately 40-acre area located north of Florida Avenue, south of New York Avenue, and west of Sixth Street. The subject site is at the north end of Florida Avenue Market, on the west side of 4th Street, where 4th meets Penn Street and New York Avenue. It is about half a mile walk to the Noma Metro station. The property slopes up approximately 25 feet from south to north along 4th Street, to a high point at New York Avenue. The existing grade also drops off at the western edge of the property down toward the alley and railroad easement. Beyond 6th Street to the east is Gallaudet University. Immediately to the west of the subject site, across the alley and railroad easement, is a self-storage facility fronting on New York Avenue.

The market and its immediate surroundings have been and are being redeveloped with a number of mixed use projects, including to the south of the subject site along 4th Street and to the southwest, adjacent to 3rd Street and the railroad right of way. Much of the area between 4th and 5th Streets is designated as an historic district, but the area between 5th and 6th is also approved or proposed for high density mixed use redevelopment. Many new restaurants and retailers have located in Florida Avenue Market in recent years.

V. PROJECT DESCRIPTION

General Description and Design

The Applicant proposes to construct a 13 story, 130 foot high building consisting of ground floor commercial space and 12 stories of residential above. A commercial habitable penthouse would also be provided. According to page 6 of Exhibit 12A, the residential units in the building would be rental. The entrance to the residential would be at approximately the midpoint of the building's east façade, and commercial entrances would be possible all along the 4th Street and New York Avenue façades of the building. Parking and loading would be accessed from the alley at the rear of the building.

Because of the slope of 4th Street, the commercial space would have a “headroom” height of at least 10 feet at New York Avenue, but would have headroom of over 30 feet at the southern end of the building (Exhibit 12F, p. 13). The top of the ground floor would be demarcated on the exterior of the building by a projecting canopy reminiscent of historic buildings within Florida Avenue Market.

The building footprint generally follows the outline of the lot, with two major courts breaking up the upper-story eastern residential façade. Some of the corners on that side of the building are chamfered to give additional shape and unique opportunities for balconies. According to renderings (refer to Exhibit 34F for the most recent architectural drawings), some of the balconies would have extensive landscaping, intended as design and a sustainability feature and will be maintained by an integrated irrigation system and regular maintenance conducted by property management. OP strongly supports the landscaping, as well as the large size of these balconies and their prominent incorporation into the design of the building.

Some additional balconies have been added to the western façade of the building. Because of the railroad easement, this façade would likely remain highly visible from New York Avenue, even if the nearby self-storage should be redeveloped, and OP continues to recommend that the Applicant explore design details that could add interest to that wall, including additional balconies.

Use Mix

The building would have 373,100 sf of residential use, 13% of which would be dedicated to IZ units. The total unit count would be approximately 380, with about 51 of those being IZ units. The habitable penthouse, according to the most recent discussions between OP and the Applicant, would be a commercial use that could also serve as an amenity space for tenants in the building. The entire penthouse commercial space would be subject to the penthouse IZ contribution, and the application indicates that the resulting requirement would be addressed through the provision of additional IZ units in the building. The Applicant has requested special exception relief to permit the commercial penthouse use.

The building would have 44,882 square feet of commercial space, 10% of which would be reserved for “PDR / Maker” uses for a period of five years. OP continues to encourage the Applicant to provide a stronger commitment to the provision of space dedicated to PDR uses.

PDR Definition

At page 10 of Exhibit 12A, the Applicant proposes a definition of “PDR / Maker” uses – that is, uses that could qualify for the space reserved for PDR uses. In order to maximize flexibility for the Applicant in their tenant selection, OP accepts the proposed definition, but with the range of available uses, the Applicant is encouraged to commit to a greater amount of PDR space and a longer time commitment.

Additional FAR

Subtitle X § 303.10 allows the Commission to grant an increase of 5% in the permitted FAR, provided “that the increase is essential to the successful functioning of the project and consistent with the purpose and evaluation standards of this chapter”. The Applicant requests that the Commission grant an increase of 4% (Exhibit 34). This is a decrease from the original request for 5% bonus density. The Applicant argues that maintaining the streetwall along 4th Street changes the method of calculation of GFA for the cellar / basement level, resulting in additional cellar area counting toward the FAR. They also argue that this situation is exceptional because of the slope of the property which exposes the cellar at the northwest side of the lot, creating additional GFA. OP does not object to this requested flexibility.

	Site Area	PDR-1	Base MU-9	MU-9 IZ	MU-9 PUD	Proposed per X § 303.10
Calculation	-	-	-	=base + 20%	=IZ + 20%	=PUD + 4%
FAR	-	3.5	6.5	7.8	9.36	9.74
Area (sf)	43,782	153,237	284,583	341,500	409,800	426,426

Sustainable Design

According to the application, “The Project is designed to be certified at the level of LEED Gold v4 (Exhibit 34). OP supports the sustainable elements incorporated into the design of the building, and requests that the Applicant confirm that it will obtain LEED certification. The Applicant further committed to the provision of a minimum of 1,800 sq.ft. of solar panels on the roof to the penthouse level, and has verbally indicated to OP this would be sufficient to power 5% of the energy needs of the common areas of the building. OP would defer to DOEE regarding whether the solar power generation is sufficient and whether rooftop solar power opportunities have been maximized.

VI. PLANNING EVALUATION

A. COMPREHENSIVE PLAN

OP provided an analysis of the proposal against the Comprehensive Plan as part of its original setdown report ([Exhibit 14](#)). OP continues to find that the proposal is not inconsistent with the Comprehensive Plan Future Land Use and Generalized Policy maps, and generally not inconsistent with the Citywide Elements and relevant Area Element of the Plan.

Since the original report, the Council has approved an updated Comprehensive Plan for the District (2021). OP analysis of the proposal against the policy statements of the 2021 Comprehensive Plan

is provided as Attachment I to this report. The Applicant has also submitted analysis of their proposal against the Comprehensive Plan, at Exhibit 34C.

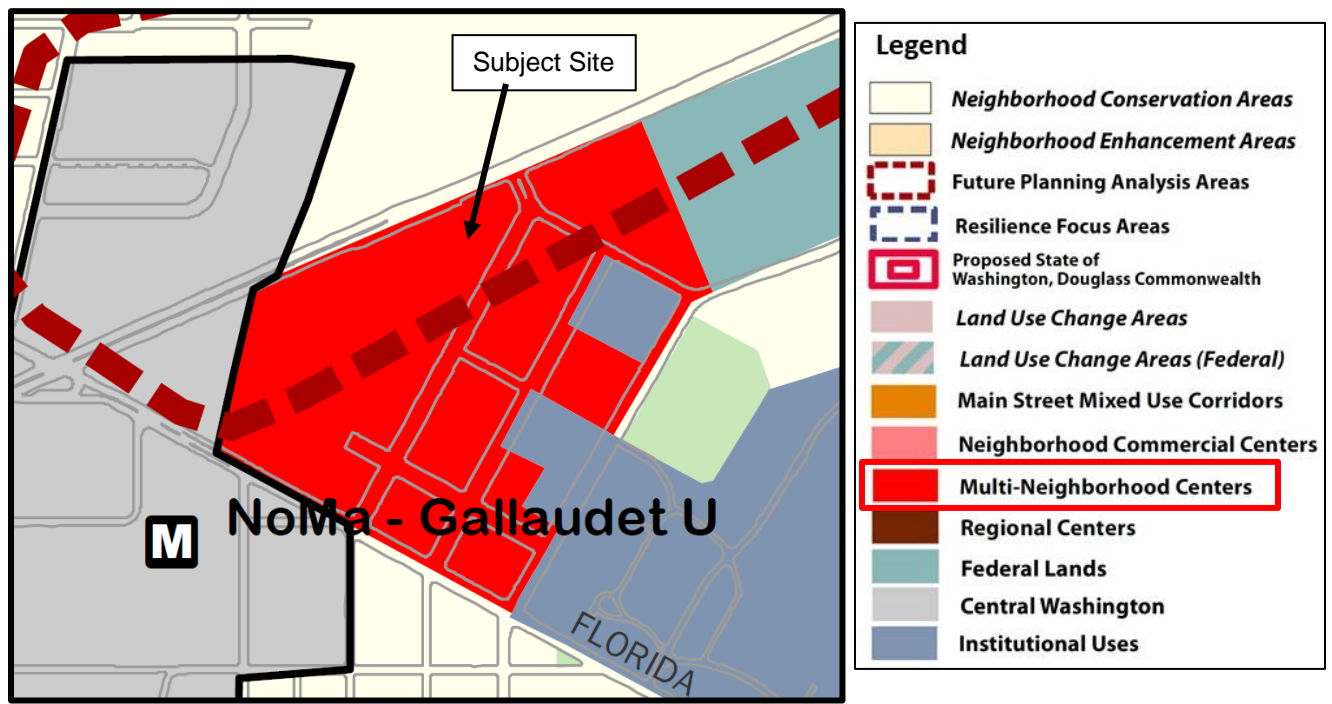
The Comprehensive Plan includes two land use maps – the Generalized Policy Map and the Future Land Use Map. The guidance of those maps as they relate to the subject site is described below. The maps are to be interpreted in conjunction with relevant written goals, policies and action items in the Comprehensive Plan text, and further balanced with policies or objectives contained in relevant Small Area Plans and other citywide or area plans.

Generalized Policy Map

The both the 2012 and the current 2021 version of the Generalized Policy Map designates most of the Florida Avenue Market as a Multi-Neighborhood Center, which is defined as follows:

Multi-Neighborhood Centers

Multi-neighborhood centers contain many of the same activities as Neighborhood Commercial Centers but in greater depth and variety. Their area served by a Multi-Neighborhood Center is typically one to three miles. These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers also may include residential and office space for small businesses, although their primary function remains retail trade... Mixed-use infill development at these centers should be encouraged to provide new retail and service uses, and additional housing and job opportunities. ... (Comprehensive Plan Framework Element §§ 225.17-225.18)



Comprehensive Plan Generalized Policy Map

The proposed development would not be inconsistent with that designation, as it would provide approximately 380 new housing units and 44,882 square feet of commercial and PDR space.

This specific site also appears to be within the rough boundary shown on the Policy Map for the New York Avenue Corridor Future Planning Analysis Area. These areas are described in the Land Use Element as

Areas of large tracts and corridors where future analysis is anticipated to plan for inclusive growth and climate resilience. Boundaries shown are for illustrative purposes. Final boundaries will be determined as part of the future analysis process for each area. In certain locations, planning efforts will be undertaken to analyze land use and policy impacts and ways to capitalize on, mitigate, and incorporate the anticipated growth. Current infrastructure and utility capacity should be evaluated against full build-out and projected population growth. The planning process will target issues most relevant to the community that can be effectively addressed through neighborhood planning. Planning analyses generally establish guiding documents, such as Small Area Plans, Development Frameworks, Retail Strategies, or Design Guidelines. (Policy LU-1.1.1)

Planning work for this corridor is not yet been initiated, so the final boundaries, and whether this particular site will include within the study boundary, has not yet been determined. The site does not have access directly onto New York Avenue NE and is subject to the detailed Florida Avenue Market Small Area Plan (analyzed below).

Future Land Use Map (FLUM)

The 2021 Future Land Use Map (FLUM) continues to indicate that the site is appropriate for a mix of high density residential, high density commercial, and production, distribution, and repair (PDR) uses. Please refer to the map excerpt below. Mixed use categories are used on the FLUM in a variety of circumstances, including commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future; and locations where it is anticipated that development would include residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses (Framework Element §§ 227.20(b) and (d)). The individual use categories are defined in the Framework Element as follows.

High Density Residential

This designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. Density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-4 and RA-5 Zone Districts are consistent with the High Density Residential category, and other zones may also apply. (227.8)

High Density Commercial

This designation is used to define the central employment district, other major office centers, and other commercial areas with the greatest scale and intensity of use in the District. Office and mixed office/retail buildings with densities greater than a FAR of 6.0 are the predominant use, although high-rise residential and many lower scale buildings (including historic buildings) are interspersed. The MU-9, D-3, and D-6

Zone Districts are consistent with the High Density Commercial category, and other zones may also apply. (227.13)

Production, Distribution, and Repair

*The Production, Distribution, and Repair (PDR) category is used to define areas characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services, food services, printers and publishers, tourism support services, and commercial, municipal, and utility activities which may require substantial buffering from housing and other noise-, air-pollution- and light-sensitive uses. This category is also used to denote railroad rights-of-way, switching and maintenance yards, bus garages, and uses related to the movement of freight, such as truck terminals. It is important to ensure that adequate, appropriate land is provided for these PDR uses that are critical to supporting the retail, transportation and service needs of the city. A variety of zone districts apply within PDR areas, recognizing the different intensities of use and impacts generated by various PDR activities. The corresponding zone category is PDR, and the present density and height limits set in these districts are expected to remain for the foreseeable future. **Other districts may also apply where the PDR map designation is striped with other land uses. In an area striped to include PDR, development must include PDR space, and on sites containing existing PDR space the amount of PDR space on-site should be substantially preserved.** (§ 227.14; emphasis added)*

The proposed height, density and mix of uses is not inconsistent with the FLUM designation for high density residential and high-density commercial areas. The site currently does not contain PDR space, and the Applicant has committed to provide a minimum of 10% of the non-residential GFA (4,548 sf) to PDR/Maker uses for 5 years and will build 50% of the ground floor to PDR/Maker specifications (Exhibit 34). OP supports the construction of the ground floor to PDR/Maker standards and notes that will be for the life of the project. OP continues to encourage the Applicant to further augment the PDR proffer to better meet the intent of this provision of the Comprehensive Plan.

B. COMPREHENSIVE PLAN WRITTEN ELEMENTS

On balance, OP finds the project to be not inconsistent with the Comprehensive Plan. Those areas where the project is not directly consistent, such as the PDR use, is outweighed when balanced against the provision of housing and affordable housing near transit in a mixed use neighborhood, and the opportunities for economic development provided by the ground floor commercial space.

A full analysis of the Comprehensive Plan's relevant written elements has been provided in previous reports, and analysis specifically against the current 2021 Comprehensive Plan is provided at Attachment I. The project would further a number of Plan policies, particularly in the Upper Northeast Area Element, and in the Land Use, Transportation, Housing, Environmental Protection, Economic Development, and Urban Design Citywide Elements.

Comprehensive Plan Analysis through a Racial Equity Lens

Racial equity is a broad and encompassing goal of the entire District government. As explained in the Framework Element of the Comp Plan,

[t]he District seeks to create and support an equitable and inclusive city. Like resilience, equity is both an outcome and a process. Equity exists where all people share equal rights, access, choice, opportunities, and outcomes, regardless of characteristics such as race,

class, or gender. Equity is achieved by targeted actions and investments to meet residents where they are, to create equitable opportunities. Equity is not the same as equality. Framework Element, § 213.6

The updated Comprehensive Plan further recognizes that advancing equity requires a multifaceted policy approach:

Equitable development is a participatory approach for meeting the needs of underserved communities through policies, programs and/or practices that reduce and ultimately eliminate disparities while fostering places that are healthy and vibrant. Equitable development holistically considers land-use, transportation, housing, environmental, and cultural conditions, and creates access to education, services, health care, technology, workforce development, and employment opportunities. As the District grows and changes, it must do so in a way that encourages choice, not displacement, and builds the capacity of vulnerable, marginalized, and low-income communities to fully and substantively participate in decision-making processes and share in the benefits of the growth, while not unduly bearing its negative impacts. Framework Element, § 213.7

Particularly relevant is Section 2501.7 of the Implementation Element’s call for “*the Zoning Commission to evaluate all actions through a racial equity lens as part of its Comprehensive Plan consistency analysis.*”

The direction to consider equity is intended to be based on the policies of the Comprehensive Plan and whether a proposed zoning action is “not inconsistent” with that plan.

Equity is discussed throughout the Comprehensive Plan. In the context of zoning, certain priorities stand out, including affordable housing, displacement, and access to opportunity. One of the key ways the Comprehensive Plan seeks to address equity is by supporting additional housing development, particularly on underutilized lands with good transit access.

The Plan recognizes that without increased housing options and opportunities, the imbalance between supply and demand will drive up housing prices in a way that creates challenges for many residents, particularly low-income residents. The Comprehensive Plan further recognizes the importance of inclusionary zoning and the many other District initiatives in providing affordable housing opportunities for households of varying income levels.

Housing: Speaking generally, the production of more housing decreases the upward pressure on overall housing prices. This project in particular, would provide significant new housing on a site with no housing at present, and not adjacent to any older, established housing developments. The project would include a large number of market rate units, but also would provide a high level of inclusionary zoning, at 13% of the residential gross floor area, for a total of approximately 48,800 square feet, to be divided between 50% and 60% MFI households. That would be approximately 50 to 51 units. A habitable penthouse IZ contribution, though not a benefit of the PUD, would add to the previously mentioned quantities of IZ units.

By providing new housing, including affordable housing, near transit in a mixed use neighborhood, the application would provide a housing option for individuals who wish to live close to where they work, or who rely on transit for mobility. This housing location would be a short metro ride away from many job opportunities in the downtown core, and is also walkable and bikeable to major

employment areas. Housing at this location, currently used only for commercial uses and a parking lot would not result in the displacement of any existing residents.

Healthier Community: The project would also tend to lead to a healthier community. Because of its high LEED score and its onsite renewable energy generation, the building would have a smaller environmental impact, contributing to a healthier city. This project would also improve walkability and pedestrian safety by removing curb cuts and presenting a more appealing built environment to the walker, including more eyes on the street. The public space design would also accommodate users of all mobility levels at this site with significant grade changes. Improving neighborhood walkability can encourage more residents to utilize parks, trails and other outdoor amenities, and potentially help to reduce auto usage.

Access To Employment Opportunities: Another aspect of equity is providing access to employment opportunities, including access to low-barrier-to-entry jobs with good wages. The Comprehensive Plan cites PDR uses as uses that often have high numbers of employees and provide salaries higher than the average retail job. The Future Land Use Map seeks to preserve PDR uses in this part of the city, even as it redevelops with other uses compatible with PDR. This project has an opportunity to reserve a large amount of space for PDR purposes, and to date has proffered 10% of the commercial floor area for a period of 5 years.

C. SMALL AREA PLANS

Florida Avenue Market Small Area Plan

The proposed PUD is located in the Florida Avenue Market, an area subject to the Florida Avenue Market Small Area Plan (SAP), adopted by Council on October 6, 2009. The vision for the market is that the revitalized market area should feature a mix of land uses such as retail, office, and residential, with a unique focus on wholesale food uses. The SAP notes that this vision – maintaining PDR uses while layering in other compatible uses – was a long-standing concept expressed in preceding planning documents such as the NoMa Vision Plan Small Area Plan and the Northeast Gateway Revitalization Strategy, and built upon in the Florida Avenue Market SAP (SAP, p. 14).

The Plan calls for high density development and greater building heights on the west side of 4th Street, and the Applicant’s proposal is consistent with that designation. The maximum height and density suggested by the SAP is achievable only through a PUD that includes the provision of “significant amenities” (SAP, p. 58).

D. OTHER PLANNING AND POLICY DOCUMENTS

Ward 5 Industrial Land Transformation Study

In addition to the Comprehensive Plan and Small Area Plan, this site is identified in the *Ward 5 Industrial Land Transformation Study* as one of the major centers for retention and reinforcement of the existing industrial fabric. Although the Study is not a Council-adopted policy document, it was generated by a task force established by Mayoral Executive Order to create a strategy for the modernization and adaptive use of industrial land in Ward 5, and completed in August 2014. The Vision of this Study is to adapt existing 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 the neighborhood, and provides opportunities for arts, recreation and other community amenities.

The study notes that development pressures to convert industrial land and buildings to permitted, but less industrial, uses are already reducing the effective supply of industrial land and raising prices above the level that most small businesses can afford. Entrepreneurial opportunities for small business creation and growth are being limited by the high cost and limited availability of industrial space (Ward 5 Works, p. 16). Given the identified need for industrial space, OP supports the construction of the ground floor to PDR/maker specifications which will be for the life of the building and suggests that this project provide a longer-term PDR commitment.

Mayor’s Order on Housing

On May 10, 2019, the Mayor issued Order #2019-036, which addressed the need for additional housing in the District. It stated that housing provides “*physical, financial and emotional health and opportunity for our residents, their children and grandchildren, [and] also represents a critical underpinning for Washington, DC’s sustainable and inclusive economic growth. For this reason, housing affordability is a top policy priority for Washington, DC*” (Mayor’s Order, p. 1). It goes on to say that “*...increasing supply can help to slow housing cost increases, and affordable set-asides can help to ensure our communities remain inclusive to a wide range of income levels.*” The Mayor set a goal of producing 36,000 total units by 2025, 12,000 of which would be affordable (p. 2). The Order also emphasizes the need to provide “units for large and/or multigenerational families” (p. 2).

The Applicant has revised their IZ proffer to provide a total of 13% of the residential floor area as IZ, with 11% available at 60% MFI, and 2% at 50% MFI (not including any IZ units required for the habitable penthouse). OP and DHCD have concluded that the amount of affordable housing is sufficient for this PUD, and would contribute to the goals of the Mayor’s Order, given the deeper level of affordability for some of the IZ units.

VII. ZONING SUMMARY

The site is currently zoned PDR-1, and the Applicant is requesting a PUD-related map amendment to the MU-9 zone. MU-9 is not inconsistent with the Comprehensive Plan, including the FLUM designation of High Density Commercial / High Density Residential / Production, Distribution and Repair. Below is a table comparing the existing and proposed zone to the proposal.

Item	Existing Zone PDR-1	Proposed Zone MU-9 PUD	Proposal	Flexibility
Site Area	n/a	n/a	43,782 sq.ft.	None
Height J § 203 X § 303.7	50 ft. max.	130 ft. max.	130 ft.	None
FAR J § 202 X § 303.3	3.5 max.	9.36 max.	9.74 (extra flexibility requested per X 303.10)	Requested

Item	Existing Zone PDR-1	Proposed Zone MU-9 PUD	Proposal	Flexibility
IZ Units C § 1003 C § 1505	n/a	8% residential GFA at 60% MFI (rental) Penthouse Habitable Space: 8% GFA at 50% MFI ³	13% residential GFA 11% at 60% MFI 2% at 50% MFI 8% of the penthouse habitable space would be provided, at 50% MFI	None
Lot Occupancy G § 404	None prescribed	No limit	86.3% at ground floor	None
Vehicle Parking C § 701.5	Retail: 1.33 spaces/1,000 sf in excess of 3,000 sq.ft. Residential: 1 space/3 units in excess of 4 units	Retail: 1.33 spaces/1,000 sf in excess of 3,000 sq.ft. Residential: 1 space/3 units in excess of 4 units (+ 50% reduction for both)	108 total required 276 total provided	None
Bicycle Parking C § 802	Long-term Retail: 1 space/10,000 sf Long-term Residential: 1 space/3 units Short-term Retail: 1 space/3,500 sf Short-term Residential: 1 space/20 units	Long-term Retail: 1 space/10,000 sf Long-term Residential: 1 space/3 units Short-term Retail: 1 space/3,500 sf Short-term Residential: 1 space/20 units	Long-term Retail: 1 space/10,000 sf = 7 spaces Long-term Residential: 1 space/3 units (half the ratio after 50) = 139 spaces 305 Long Term Provided Short-term Retail: 1 space/3,500 sf = 18 spaces Short-term Residential: 1 space/20 units = 21 spaces 39 Short Term Provided	None
Green Area Ratio J § 208 G § 407	0.3	0.2	0.2	None
Rear Yard J § 205 G § 405	12 ft. min.	27'1" required	45'	None
Open Court J § 209 G § 202	Width 2.5" / ft. of height; 6' min.	Width 4" / ft. of height 10' min.	Court 1 – See Exhibit 34F, Sheet 21	Requested
Closed Court J § 209 G § 202	Width 2.5 in./ft. of ht. of court; 12 ft. minimum Area 2*(Width ²); 250 sq. ft. minimum	Width 4 in./ft. of height of court; 15 ft. minimum Area 2*(Width ²); 350 sq. ft. minimum	Court 3 – See Exhibit 34F, Sheet 21	Requested

Requested Zoning Flexibility

The Applicant has requested the following flexibility:

1. PUD-related map amendment from PDR-1 to MU-9.
OP supports this request, which would facilitate the mixed use development of this site.
2. Flexibility for an additional 4% FAR above the permitted amount.
OP has no objection to this request, which would enhance both the housing and the affordable housing components of this development.
3. Court Dimension Flexibility.
OP has no objections to this flexibility.
4. Special Exception to permit a rooftop restaurant / bar.
A rooftop restaurant or bar is permitted by special exception pursuant to C § 1500.3(c), which refers to X § 900, the general special exception criteria. The proposed rooftop use should not result in adverse impacts to nearby properties. While some noise and light could be generated by the use, those factors would not be uncharacteristic for this developing area with many restaurants and bars. OP encourages the Applicant to ensure that all lighting on the rooftop be directed downward and away from any nearby apartment buildings or public ways. Further details of the exact nature and hours of the use, and the potential for outdoor noise, would be evaluated during the ABRA licensing process. Because the use would meet the criteria of X § 900, OP has no objection to the proposal
5. Flexibility from Subtitle C § 302.3 to allow west elevation balconies to cross over the record lot line, onto land owned by the District of Columbia and controlled by DHCD, as well as flexibility under Subtitle A § 207.1 to allow the proposed MU-9 zone to extend onto the PDR-1 zoning of the adjacent lot, for a depth equal to the depth of the balconies.

Supplemental Information: The Applicant requested this additional flexibility in their most recent filing. OP has not had an opportunity to adequately review this request or discuss it with the Applicant. OP will provide analysis of this relief in a supplemental report or at the public hearing.

VIII. PUD EVALUATION STANDARDS

The purpose and evaluation standards for a Planned Unit Development are established in Subtitle X Chapter 3:

- 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.*
- 304.3 *In deciding a PUD application, the Zoning Commission shall judge, balance, and reconcile the relative value of the public benefits and project amenities offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.*
- 304.4 *The Zoning Commission shall find that the proposed development:*
- (a) Is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site;*
 - (b) Does not result in unacceptable project impacts on the surrounding area or on the operation of city services and facilities but instead shall be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project; and*
 - (c) Includes specific public benefits and project amenities of the proposed development that are not inconsistent with the Comprehensive Plan or with other adopted public policies and active programs related to the subject site.*

The proposed project and map amendment would result in the additional height, density and uses listed in the table below. The PUD generally meets the relevant criteria. As noted in this report, OP continues to encourage a stronger PDR component to the project, and additional refinement of the architectural design, particularly through the addition of more private outdoor space for residents.

	<u>PDR-1</u>	<u>Proposed</u> <u>(MU-9 PUD + X § 303.10)</u>	<u>Difference</u>
FAR	3.5 max.	9.74 (=PUD FAR(9.36) + 4%)	6.24
Floor Area	153,237 sq.ft.	426,426 sq.ft.	273,189 sq.ft.
Height	50 ft. max.	130'	80'
Use	Light industrial and commercial uses	Mixed uses including residential	Residential uses permitted

Public Benefits and Amenities

Subtitle X of the Regulations describes PUD benefits and amenities, and the Commission’s evaluation of them, as follows.

- 305.2 *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.*
- 305.10 *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.*
- 305.11 *The Zoning Commission may not compel an applicant to add to proffered public benefits, but shall deny a PUD application if the proffered benefits do not justify the degree of*

development incentives requested (including any requested map amendment). Nevertheless, the Zoning Commission may at any time note the insufficiency of the public benefits and suggest how the benefits may be improved.

305.12 A project may qualify for approval by being particularly strong in only one (1) or a few of the categories in this section, but must be acceptable in all proffered categories and superior in many.

The Comprehensive Plan’s Framework Element also speaks to how PUD benefits should be viewed by the Commission, stating that benefits should be “lasting” and with a particular emphasis on affordable housing:

The goal of a PUD is to permit development flexibility greater than specified by matter-of-right zoning, such as increased building height or density, provided that the project offers a commendable number or quality of public benefits, and protects and advances the public health, safety, welfare, and convenience. These public benefits should be lasting and are developed through discussions between developers, District representatives, Advisory Neighborhood Commissions, civic organizations, and the community. (Comprehensive Plan Framework Element § 224.7)

Specific public benefits are determined through each PUD application and should respond to critical issues facing the District as identified in the Comprehensive Plan and through the PUD process itself. In light of the acute need to preserve and build affordable housing, described in Section 206, and to prevent displacement of on-site residents, the following should be considered as high-priority public benefits in the evaluation of residential PUDs:

- *The production of new affordable housing units above and beyond existing legal requirements or a net increase in the number of affordable units that exist on-site;... (Comprehensive Plan Framework Element § 224.9)*

The following is the Applicant’s summary of the project benefits, from pp. 13 and 14 of Exhibit 12A and Exhibit 34.

1. **Superior urban design and architecture**, as described above, including distinctive forms and building configuration, balconies, high-quality materials, detailing, and a modernization of the Union Market District canopy vernacular;
2. **Site planning and efficient and economical land utilization**, including removing surface parking, closing four existing curb cuts, and locating all parking and loading below grade with access only from a private alley and no new curb cuts, as well as extensive streetscaping along of 4th Street and New York Avenue, NE in accordance with the Union Market Streetscape Guidelines;
3. **Housing** that exceeds the amount that would have been required through matter-of-right development under existing zoning (i.e., none of the residential uses on the Property are permitted under the existing PDR-1 zoning, so all 375,387 square feet of residential GFA is a public benefit), as well as three to four percent (approximately 10 to 15 units) as three-bedroom units;
4. **Affordable housing** (10 [now 13] percent of residential GFA) in excess of the amount that would have been required through IZ for a matter-of-right development under the proposed zone, as well as some housing at lower levels of affordability than is required under the Zoning Regulations;
5. **Environmental and sustainable benefits** including LEED v.4 Gold design and the provision of on-site solar panels and green roofing ;
6. A commitment to study adding **bicycle infrastructure** along Mt. Olivet Road, NE from 9th Street, NE into the Carver-Langston neighborhood;

7. A \$25,000 contribution for projects requested by ANC 5D5, including
 - a. \$10,000 for lighting, landscaping, cleanup, and related improvements at Lewis Crowe Park (located at the corner of West Virginia Avenue and Mt Olivet Road, NE);
 - b. \$10,000 for establishing a seasonal farmers' market at Lewis Crowe Park;
 - c. \$2,500 for murals and public art in Lewis Crowe Park; and
 - d. \$2,500 for an ANC 5D neighborhood art project to design and install flags for the Single Member Districts within ANC 5D.
8. PDR/Maker use and design package on the lower floors of the Project similar to that included by other recent approvals in the area.

Subtitle X § 305.12 states that “A project may qualify for approval by being particularly strong in only one (1) or a few of the categories in this section [X § 305.5], but must be acceptable in all proffered categories and superior in many.”

- This project would be particularly strong in the housing and affordable housing categories, Sections 305.5(f) and (g), because of the total number of units provided where none are currently permitted, the degree of total affordable housing above what would be required as a matter of right, and the additional depth of affordable housing at 50% MFI, and the provision of some three bedroom units.
- The project would also further category 305.5(h), employment and training opportunities. The Applicant is doing this through the provision of new employment opportunities at a site that is proximate to transit. Although there is no PDR use on the property now, the Applicant is also providing some of the commercial area as PDR space, and is constructing half of the commercial area to PDR standards. PDR uses can be an effective way to provide self-employment opportunities (maker space) and potentially high-wage employment opportunities.

IX. AGENCY COMMENTS

As of this writing OP has received comments from the Department of Energy and the Environment (DOEE), and the Department of Parks and Recreation (DPR) included as Attachment 2 of this report. The Department of Housing and Community Development (DHCD) reported to OP that they have no objections to the proposal based on the increased IZ set-aside and they are working with the applicant on the IZ unit designations/distributions.

X. ANC COMMENTS

At Exhibit 13 is a memo in support of the proposal from ANC 5D, dated November 10, 2020. As of the filing of this report, the ANC had not provided comments to the record regarding the current, revised proposal.

XI. COMMUNITY COMMENTS

As of the filing of this report, no community comments had been filed to the record. .

XII. ATTACHMENTS

Attachment 1 – Comprehensive Plan Policies

Attachment 2 – DOEE, DPR and DHCD Comments

Attachment 1 Comprehensive Plan Policies

See also applicant analysis at Exhibit 34.

Upper Northeast Area Element

The subject site is located within the area covered by the Upper Northeast Area Element of the Comprehensive Plan, and in the Northeast Gateway and New York Avenue Corridor & Brentwood Policy Focus Areas. The proposal would further many of the policies that call for expanded retail options, including some PDR space, especially near metro, and would help fulfill the goal of improving the appearance of New York Avenue, which serves as a gateway into the city. The project would also generally complement the other redevelopment that has occurred or is approved in Florida Avenue Market. Policies regarding the preservation and enhancement of existing PDR zones are countered by the Future Land Use Map, which has designated this site for high density mixed use development, and the provision of a significant amount of retail in the proposed building, including space design for PDR uses on a site where there is currently no PDR use.

Policy UNE-1.1.6: Neighborhood Shopping

Improve neighborhood shopping areas throughout Upper Northeast. New pedestrian-oriented retail activity also should be encouraged around the area's Metro stations.

Policy UNE-1.1.8: Untapped Economic Development Potential

Recognize the significant potential of the area's commercially and industrially-zoned lands, particularly along the New York Avenue corridor, V Street NE, West Virginia Avenue, and Bladensburg Road, and around the Florida Avenue Market, to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing PDR zones are expected to remain for the foreseeable future.

Policy UNE-1.1.9: Production, Distribution, and Repair Uses

Encourage existing PDR uses in Upper Northeast to incorporate higher design standards, landscaping, and improved screening and buffering. Emphasize a mixture of new uses to be co-located with the PDR uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas.

Action UNE-1.1.B: Industrial Land Transformation Study

Implement the recommendations of the 2014 Ward 5 Works Industrial Land Transformation Study.

Policy UNE-1.2.4: Linking Residents to Jobs

Improve linkages between residents and jobs within Upper Northeast so that more of the area's working age adults fill the approximately 40,000 jobs located within the Planning Area. Achieve this linkage by developing additional vocational and trade schools within Upper Northeast, encouraging apprenticeships and internships, and creating new partnerships between the area's major employers the District, the public and charter schools, local churches, and major institutions.

Policy UNE-1.2.5: Increasing Economic Opportunity

Create new opportunities for small, local, and minority businesses within the Planning Area, and additional community equity investment opportunities as development takes place along New York Avenue, Bladensburg Road, Benning Road, West Virginia Avenue, and around the Metro Stations.

Section 2411.3: Florida Avenue Market

While the Market is a one-of-a-kind institution, it has been experiencing rapid redevelopment and is transforming from a traditional industrial distribution center into a mixed-use neighborhood. This change has put some current businesses at risk for displacement, particularly wholesalers and restaurant suppliers, even as new businesses spring up. Conversely, changes in Northeast Gateway are also advancing other elements of the Comprehensive Plan, as well as the DC Cultural Plan, by enlivening the area through outdoor movie showings and other cultural gatherings.

Policy UNE-2.1.2: Florida Avenue Market

Redevelop the Florida Avenue Market into a regional destination that may include residential, dining, entertainment, office, hotel, maker, and wholesale food uses. The wholesale market and the adjacent DC Farmers Market are historic amenities that should be preserved, upgraded, and more effectively marketed.

Policy UNE-2.1.4: Northeast Gateway Urban Design Improvements

Improve the image and appearance of the Northeast Gateway area by creating landscaped gateways into the community, creating new parks and open spaces, upgrading key streets, and improving conditions for pedestrians along Florida Avenue and other neighborhood streets.

Action UNE-2.1.A: Florida Avenue Market

Implement recommendations in the Florida Avenue Market Small Area Plan for the revitalization and development of the Florida Avenue Market into a mixed-use residential, commercial, and wholesale industrial destination, centered around a low-rise core of historic buildings. Implementation of redevelopment plans for the site shall be achieved through a collaborative process that involves the landowners and tenants, the project developers, the District government, and the community.

Policy UNE-2.3.1: New York Avenue Corridor

Improve the appearance of New York Avenue as a gateway to Washington, DC. Support road design changes and streetscape improvements that improve traffic flow and enhance the road's operation as a multimodal corridor that meets both regional and local needs.

Policy UNE-2.3.2: Production, Distribution, and Repair Land Uses

Retain the concentration of PDR land uses in the New York Avenue corridor. While some industrial land was converted to other uses on select sites, such as the Bladensburg/Montana/New York triangle, these changes should not diminish the area's ability to function as an industrial district meeting the needs of government and District businesses and residents. Mixed-use redevelopment should complement PDR uses within the building envelope as a primary use when PDR zoned.

Policy UNE-2.3.3: Infill Development

Support infill development and redevelopment on underused commercial sites along New York Avenue. Particularly encourage retail development that would provide better access to goods and services for residents, and sales tax dollars for the District.

Land Use Element

The proposal would help to fulfill several policies from the Land Use Element of the Plan. In particular, the project would create needed new housing and affordable housing within walking distance of a metro station and employment opportunities. The building's appearance would improve the visual quality of the neighborhood and its height and mass would generally be compatible with other nearby buildings. The Land Use Element encourages the retention of industrial lands except where PDR uses are no longer viable, and the project could provide space designed for PDR and maker space uses, where no such uses currently exist. OP has encouraged the Applicant to provide a stronger commitment to the provision of no PDR uses on this site. The relevant policies from the Land Use Element are listed below.

Section 304.7: Changes in Land Use Patterns

...The change in retail from brick-and-mortar businesses to online platforms, the mobile workplace, and the increasingly prevalent use of automation across sectors are recent examples of why continuously monitoring and adjusting the understanding of the District and responding to change is needed.

Policy LU-1.4.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for residential, economic, and civic development and to accommodate population growth with new nodes of residential development, especially affordable housing, in all areas of the District in order to create great new walkable places and enhance access and opportunities for all District residents. The establishment and growth of mixed-use centers at Metrorail stations should be supported as a way to provide access to housing opportunities at all income levels and emphasize affordable housing, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities that the stations provide. Station area development should have population and employment densities guided, but not dictated, by desired levels of transit service. This policy should be balanced with other land use policies, which include conserving neighborhoods. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.

Policy LU-1.4.3: Housing around Metrorail Stations

Build housing adjacent to Metrorail stations that serves a mix of incomes and household types, including families, older adults, and persons with disabilities, and prioritize affordable and deeply affordable housing production. Leverage the lowered transportation costs offered by proximity to transit to increase affordability for moderate and low-income households.

Policy LU-1.4.6: Development Along Corridors

Encourage growth and development along major corridors, particularly priority transit and multimodal corridors. Plan and design development adjacent to Metrorail stations and corridors to respect the character, scale, and integrity of adjacent neighborhoods, using approaches such as building design, transitions, or buffers, while balancing against the District's broader need for housing. 307.14

Action LU-1.4.C: Metro Station and Inclusionary Zoning

Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required.

Policy LU-1.5.1: Infill Development

Encourage infill development on vacant land within Washington, DC, 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 reflect high-quality design, complement the established character of the area and should not create sharp changes in the physical development pattern.

Policy LU-1.5.2: Long-Term Vacant Sites

Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these constraints.

Policy LU-2.1.1: Variety of Neighborhood Types

Maintain a variety of neighborhoods, ranging from low-density to high-density. The positive elements that create the identity and design character of each neighborhood should be preserved and enhanced while encouraging the identification of appropriate sites for new development and/or adaptive reuse to help accommodate population growth and advance affordability, racial equity, and opportunity. 3

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

Recognize the importance of balancing goals to increase the housing supply, including affordable units, and expand neighborhood commerce with parallel goals to preserve historic resources, advance environmental and sustainability goals, and further Fair Housing. The overarching goal to create vibrant neighborhoods in all parts of the District requires an emphasis on conserving units and character in some neighborhoods and revitalization in others, including inclusive and integrated growth and meeting communities and public facility needs. All neighborhoods have a role to play in helping to meet broader District-wide needs, such as affordable housing, public facilities, and more.

Policy LU-2.2.4: Neighborhood Beautification

Encourage projects that improve the visual quality of neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, murals, improvement or removal of abandoned buildings, street and sidewalk repair, park improvements, and public realm enhancements and activations.

Policy LU-2.4.1: Promotion of Commercial Centers

Promote the vitality of commercial centers and provide for the continued growth of commercial land uses to meet the needs of residents, expand employment opportunities, accommodate population growth, and sustain Washington, DC's role as the center of the metropolitan area. Commercial centers should be inviting, accessible, and attractive places, support social interaction, and provide amenities for nearby residents. Support commercial development in underserved areas to provide equitable access and options to meet the needs of nearby communities.

Policy LU-2.4.2: Hierarchy of Commercial Centers

Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District. Activities in each type of center should reflect its intended role and

market area, as defined in the Framework Element. Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs.

Policy LU-2.4.6: Scale and Design of New Commercial Uses

Develop new uses within commercial districts at a height, mass, scale, and design that is appropriate for a growing, densifying Washington, DC, and that is compatible with surrounding areas.

Section 315.1: Industrial Uses in the District

Approximately 333 acres of land in Washington, DC are zoned for industrial uses. PDR areas support a variety of uses, many of which are essential to the delivery of municipal services or are part of the business infrastructure that underpins the local economy. Furthermore, PDR businesses and uses create opportunities for entrepreneurship, creativity and innovation, and higher-paying jobs than comparable jobs for similar education attainment in economic sectors like retail and health care. It is estimated that nine percent of the employment in the District is in PDR industries. These jobs are often accessible to residents with lower education attainment and returning citizens...

Section 315.6: Mixed Use PDR Areas

Some historically industrial areas now have mixed-use land use designations that combine PDR with commercial and/or residential uses. These designations indicate that PDR uses with lower impacts, such as maker space, beverage manufacturing, and food preparation should be integrated with a broader range of uses, including housing. The intent is to support community revitalization while supporting existing PDR uses and encouraging new PDR businesses and more affordable housing.

Policy LU-3.2.3: Retain and Support PDR Uses in Areas Designated for Mixed PDR Uses

To promote long term retention of PDR uses, development on areas striped to include PDR on the Future Land Use Map must include industrial space intended for use during the life of the project, and on sites containing existing industrial space the amount of industrial space on-site should be substantially preserved. The mix of uses and site design of these areas must support the long-term retention of PDR uses, and minimize potential conflicts with PDR uses. PDR uses that are less intense and/or have less impacts may be more appropriate for areas striped to include PDR. The Florida Avenue Market Study area shall be subject to the industrial use concepts set forth in that Small Area Plan but is not subject to this policy. Use the Ward 5 Industrial Land Transformation Study recommendations to guide current and future uses and redevelopment in that area.

Policy LU-3.1.2: Redevelopment of Obsolete Industrial Uses

Encourage the reuse of nonproductive industrial sites, such as vacant warehouses and open storage yards, with higher value PDR uses, including public works facilities, and other activities that support the core sectors of the District economy (federal government, hospitality, higher education, etc.).

Policy LU-3.1.3: Location of PDR Areas

Accommodate PDR uses, including municipal public works facilities, in areas that are well buffered from residential uses (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of PDR and industrial uses. Such areas are generally designated as PDR on the Comprehensive Plan's Future Land Use Map.

Policy LU-3.1.4: Rezoning of Industrial Areas

Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities is located such that industry cannot co-exist adequately with adjacent

existing uses. Examples include land in the immediate vicinity of Metrorail stations and small sites in the midst of established residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas.

Policy LU-3.2.9: Promote Efficient and High-Performing PDR Uses

Promote new, and transform existing, PDR uses to achieve high environmental performance and be efficient, sustainable, and resilient in design and operations. Encourage pro-active facility management and continuous improvements to reduce impacts on adjacent residential neighborhoods.

Policy LU-3.2.10: Cottage Industries and Makers

Support low-impact cottage industries and makers in neighborhood commercial districts and on appropriate industrial lands. Maintain zoning regulations that regulate such uses in residential areas to avoid land use conflicts and negative business-related impacts while allowing residents to explore low-impact entrepreneurship in or near their homes.

Action LU-3.2.E: Ward 5 Works Industrial Land Transformation Study

Implement the recommendations provided in the Ward 5 Works Industrial Land Transformation Study released in 2014.

Transportation Element

The proposed development would result in streetscape improvements, consistent with the Union Market Streetscape Guidelines. These include the removal of a surface parking lot on the site, the closing of multiple existing curb cuts, and extensive new streetscaping along of 4th Street and New York Avenue, NE. The Applicant has also committed to fund a study to add bicycle lanes along Mt. Olivet Road, NE, to improve bicycle connectivity.

Policy T-1.4.1: Street Design for Placemaking

Design streets, sidewalks, and transportation infrastructure—such as bike racks and other public places in the right-of-way—to support public life, in addition to their transportation functions. This includes incorporating seating, plantings, and the design of spaces for gathering, lingering, and engaging in commerce and social or cultural activities.

Policy T-2.3.2: Bicycle Network

Provide and maintain a safe, direct, and comprehensive bicycle network connecting neighborhoods, employment locations, public facilities, transit stations, parks, and other key destinations. Eliminate system gaps to provide continuous bicycle facilities. Increase the amount of protected bike lanes, wayfinding signage, and Capital Bikeshare stations.

Action T-2.3.B: Bicycle Facilities

Wherever feasible, require large, new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users. Residential buildings with eight or more units shall comply with regulations that require secure bicycle parking spaces.

Policy T-2.4.1: Pedestrian Network

Develop, maintain, and improve pedestrian facilities. Improve the District's sidewalk system to form a safe and accessible network that links residents across Washington, DC.

Housing Element

The proposed development would provide a significant overall amount of housing, in conformance with the policies of the Housing Element. No housing currently exists on this site, so the proposal would not result in the displacement of existing residents. The proposal would exceed the IZ required amount of affordable housing, providing new affordable units.

Policy H-1.1.1: Private Sector Support

Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

Policy H-1.1.2: Production Incentives

Provide suitable regulatory, tax, and financing incentives to meet housing production goals, prioritizing affordable housing production in support of the targets in Policy H-1.2.2. These incentives should continue to include zoning regulations that permit greater building area for commercial projects that include housing than for those that do not, and relaxation of height and density limits near transit. Strongly encourage incentives and strategies that result in the production of more deeply affordable housing, such as the use of income averaging across a range of affordable housing income levels.

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing, including affordable housing, on surplus, vacant, and underused land in all parts of Washington, DC. Ensure that a sufficient supply of land is planned and zoned to enable the District 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 moderate to high-density, mixed-use development that includes affordable housing on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed-use corridors and high-capacity surface transit corridors, and around Metrorail stations.

Policy H-1.2.1: Low- and Moderate-Income Housing Production as a Civic Priority

The production and preservation of affordable housing for low- and moderate-income households is a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout all District neighborhoods.

Policy H-1.2.2: Production Targets

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI...

Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives, such as through the PUD process, to developers proposing to build affordable housing substantially beyond any underlying requirement. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. The affordable housing proffered shall be considered a high priority public benefit for the purposes of granting density bonuses, especially when the proposal expands the inclusiveness of high-cost areas by adding affordable housing. When density bonuses are granted, flexibility in development standards should be considered to minimize impacts on contributing features and the design character of the neighborhood.

Policy H-1.3.1: Housing for Larger Households

Increase the supply of larger family-sized housing units for both ownership and rental by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom market rate and affordable apartments across Washington, DC. The effort should focus on both affordability of the units and the unit and building design features that support families, as well as the opportunity to locate near neighborhood amenities, such as parks, transit, schools, and retail.

Environmental Protection Element

The proposed project would achieve a LEED v.4 Gold level, would provide green roof and rooftop solar panels, and innovative storm water retention to irrigate balcony green space.

Policy E-1.1.2: Urban Heat Island Mitigation

Wherever possible, reduce the urban heat island effect with cool and green roofs, expanded green space, cool pavement, tree planting, and tree protection efforts, prioritizing hotspots and those areas with the greatest number of heat-vulnerable residents. Incorporate heat island mitigation into planning for GI, tree canopy, parks, and public space initiatives.

Policy E-3.2.3: Renewable Energy

Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption.

Policy E-4.1.2: Using Landscaping and Green Roofs to Reduce Runoff

Promote an increase in tree planting and vegetated spaces to reduce stormwater runoff and mitigate the urban heat island, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces.

Economic Development Element

The proposed project would further several policies of the Economic Development Element, including policies calling for enhanced retail environments, improved neighborhood branding, and improving overall commercial vitality. The proposal also includes new retail space, and space designed for a diverse mix of uses, including PDR / maker space uses, providing new employment opportunities on a site that currently is under developed with a small bank and parking lot.

Policy ED-1.1.2: Economic Linkages

Leverage the potential of core industries to provide new employment opportunities, particularly the growth of businesses that supply essential goods and services to the government, universities, hospitals, law firms, hotels, nonprofits, and other major employers in the District.

Policy ED-1.1.3: Diversification

Diversify the District’s economy by targeting fields with the greatest potential for growth, including the impact economy, smart cities and civic solutions, professional services innovation, hospitality innovation, security technology, and data science and analytics. Established industries with significant growth potential include retail, international business, infrastructure, and building construction.

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 communities across the District and particularly in underserved communities.

Policy ED 2.2.3: Neighborhood Shopping

Create and support additional shopping opportunities in Washington, DC’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately scaled retail infill development on vacant and underused sites. Promote the creation and growth of existing locally owned, nonchain establishments because of their role in creating unique shopping experiences, as well as in generating stronger local supply chains that facilitate community wealth building.

Policy ED-2.2.4: Support Local Entrepreneurs

Support the efforts of local entrepreneurs who enhance the District’s economy by manufacturing and retailing goods within Washington, DC, which increases the local employment and tax revenue generated by consumer retail spending.

Policy ED-2.2.5: Business Mix

Reinforce existing and encourage new retail districts by attracting a mix of businesses, including local companies, regional chains, and nationally recognized retailers.

Section 711: The Production, Distribution, and Repair Economy

- 711.2: PDR jobs are particularly desirable in the District, as they offer competitive wages to persons with limited education and academic credentials. An analysis by OP in 2014 found that the jobs created in PDR areas pay \$4 to \$7 more per hour on average than comparable jobs in retail, while requiring little to no training or education. In addition, they frequently provide opportunities for career advancement and on-the-job training. The ability to continue creating these types of jobs in the District is a key to growing inclusively...
- 711.3 ...Today, the demand for housing continues to grow, while the supply of PDR properties has become very tight, which is creating a tension between much-needed housing production and PDR activities in a land-constrained District.
- 711.4 ... These areas serve a wide range of distribution needs. For example, all the alcoholic beverages sold in the District are warehoused and distributed from PDR areas, and same-day delivery services are seeking fulfillment centers in close proximity to customers. Entrepreneurs use facilities in PDR areas to operate creative businesses, including video production, food preparation, and beverage manufacturing. Preserving PDR areas supports industries that provide important services and economic diversification.
- 711.5 Currently, residential neighborhoods are emerging in and near PDR areas, such as Florida Avenue Market, Ivy City, Edgewood, and Buzzard Point. As of 2014, less than three percent of the District’s future land use was dedicated to PDR, which is low in the context of comparable cities, such as San Francisco and Boston. Due to this limited supply, the District recognizes the importance of PDR uses, which facilitate economic dynamism and support the delivery of municipal and other services. These areas are a limited resource that is important to many facets of Washington, DC’s economy, and they must continue to serve the needs of the District.

Policy ED-2.5.2: Improve Environmental Stewardship

Improve the environmental performance of PDR areas by capturing and treating stormwater on-site, generating renewable energy on-site, implementing energy efficiency upgrades, and improving air quality.

Policy ED-3.1.1: Neighborhood Commercial Vitality

Promote the vitality and diversity of Washington, DC’s neighborhood commercial areas by retaining existing businesses, attracting new businesses, supporting a strong customer base through residential density, and improving the mix of goods and services available to residents.

Policy ED-3.1.8: Neighborhood Retail District Identity and Promotion

Brand the distinct character of retail districts through signature promotional events, signage, streetscape, and district gateways. Additionally, encourage unique retail clusters where appropriate.

Policy ED-3.2.2: Small Business Incubators

Support small business incubators that provide space for lease to small and emerging businesses at low cost with flexible terms, paired with business development advisory services. Encourage entrepreneurship and workforce development in maker industries, particularly for businesses of color.

Policy ED-3.2.8: Certified Business Enterprise Programs

Expand opportunities for local, small, and disadvantaged business enterprises through programs, incentives, contracting requirements, and other activities.

Policy ED-4.2.1: Linking Residents to Jobs

Promote measures that increase the number of District jobs held by District residents. According to the Census Bureau’s Longitudinal Employer-Household Dynamics Program, 67 percent of the jobs in the District were held by non-residents in 2016. While recognizing that some imbalance is inevitable due to the relatively large number of jobs and small number of residents in Washington, DC, the District should work to increase the percentage of resident workers through its job training and placement programs.

Urban Design Element

The proposed project would replace an existing small bank and a surface parking lot with a new, high-quality mixed-use building. The building incorporates courts and balconies at strategic locations to address building massing related policy, although additional balconies have been recommended as both an outdoor amenity to residents and to enliven building facades. Existing curb cuts would be closed, and access to parking and loading provided from the rear, to allow the ground floor to be devoted to streetscape enlivening uses, much of which would have very tall ceiling heights to foster retail diversity. The height, massing, and contemporary design are appropriate to this area and not inconsistent with other recent development approvals.

Policy UD-1.4.4: Priority Avenues and Gateway Corridors

Focus the District’s avenue and gateway corridor design improvements on historically important or symbolic streets, including 16th Street, Rhode Island Avenue, North Capitol Street, Pennsylvania Avenue SE, and New York Avenue. Support federal efforts to preserve Constitution and Independence Avenues as major boulevards. Coordinate with NCPC to preserve and enhance the character of avenues and streets with shared federal and local interests that have important viewsheds and connections to federal and cultural structures and open spaces.

Policy UD-2.1.1: Streetscapes That Prioritize the Human Experience

Commercial streetscapes should be designed to be comfortable, safe, and interesting to pedestrians. At a minimum, commercial corridor sidewalks should be designed with clear, direct, accessible walking paths that accommodate a range of pedestrian users and facilitate a sense of connection to adjacent uses. Where width allows, corridors should have a generous presence of shade trees and café seating areas, as well as bicycle facilities. In areas with large pedestrian volumes, streetscapes should provide seating, drinking fountains, publicly accessible restrooms, and other infrastructure that supports increased frequency and duration of walking.

Policy UD 2.1.6: Minimize Mid-Block Vehicular Curb Cuts

Curb cuts should be avoided on streets with heavy pedestrian usage and minimized on all other streets. Where feasible, alleys should be used in lieu of curb cuts for parking and loading access to buildings. Curb cuts for individual residences should only be allowed if there is a predominant pattern of curb cuts and driveways on the block face.

Policy UD-3.2.5: Safe and Active Public Spaces and Streets

The design of the built environment should encourage public activity throughout the day and help minimize the potential for criminal activity. Design measures include active building frontages (such as windows, balconies, and frequently spaced entrances) adequate lighting that avoids glare and shadow, maintaining clear lines of sight and visual access, and avoiding dead-end streets. Where feasible consider closing streets to vehicular traffic to enhance pedestrian and cycling uses of streets.

Policy UD-4.2.1: Scale and Massing of Large Buildings

Design the scale, height, volume, and massing of large buildings to avoid monotony and enhance the human scale. Varied roof heights, facade widths, and more expressive massing can provide variety and visual interest. Massing should be articulated with a special emphasis placed on corners, especially along important view corridors or intersections. Patterns of architectural elements, expressive structure, or other design tactics can provide variety and visual interest.

Policy UD-4.2.2: Engaging Ground Floors

Promote a high standard of storefront design and architectural detail in mixed-use buildings to enhance the pedestrian experience of the street. Promote a high degree of visual interest through syncopated storefronts that vary every 20 to 30 feet, provide direct lines of sight to interior social spaces, provide socially oriented uses along the public street, and use tactile, durable materials at the ground level.

Policy UD 4.2.6: Active Facades

Prioritize the placement of multiple entrances for new multi-family and mixed-use buildings across the length of a block rather than a single lobby entrance at one location. New residential developments should promote active facades with spaces for social activity, such as porches, stoops, or patios along public streets, to encourage more activity along the sidewalk and increase social interaction in a neighborhood.

Policy UD-4.3.4: Rooftop Penthouses

Encourage new buildings to maximize the potential of penthouse regulations that allow for greater design flexibility and architectural expression of rooftops. Use penthouses to create shared recreation spaces for building users, using sculptural roof forms. Pay special attention to setback lines and tower projections in designing rooftop treatments