

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup>Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation  
Stephen Cochran, Project Manager  
**DATE:** July 17, 2020  
**SUBJECT:** Set down Report for Zoning Commission Case No. 20-12, Consolidated Planned Unit Development and Related Map Amendment at 400 I Street, SW (Square 499, Lot 52)

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**I. RECOMMENDATION**

The Office of Planning (OP) **recommends the Zoning Commission set down** the application for a consolidated Planned Unit Development (PUD) and a related map amendment from R-3 to MU-2 for the construction of a mixed-use project at 400 I Street, SW.

The filing generally meets the requirements of 11DCMR Subtitle X, Chapter 3 and the information provided appears to be sufficient for setting down the application. In balance, the proposal would be not inconsistent with the Comprehensive Plan. While there are aspects of the current Comprehensive Plan with which the proposal may not be consistent, the proposed public benefits of affordable housing and the retention of the community-oriented Westminster Church more than balance these inconsistencies. The principal inconsistency is between the site's *current* Generalized Future Land Use Map designation and the requested PUD-related map amendment. However, the *pending* proposed changes to the Comprehensive Plan Future Land Use Map would eliminate that inconsistency. Section III of this report discusses other policies and PUD benefits that provide a counterweight to this inconsistency.

The site location is on the southwest corner of 4<sup>th</sup> Street, S.W. and I Street, S.W. in near Southwest Washington, two blocks north of the Waterfront Metro station. All street addresses in this report are in the southwest quadrant.

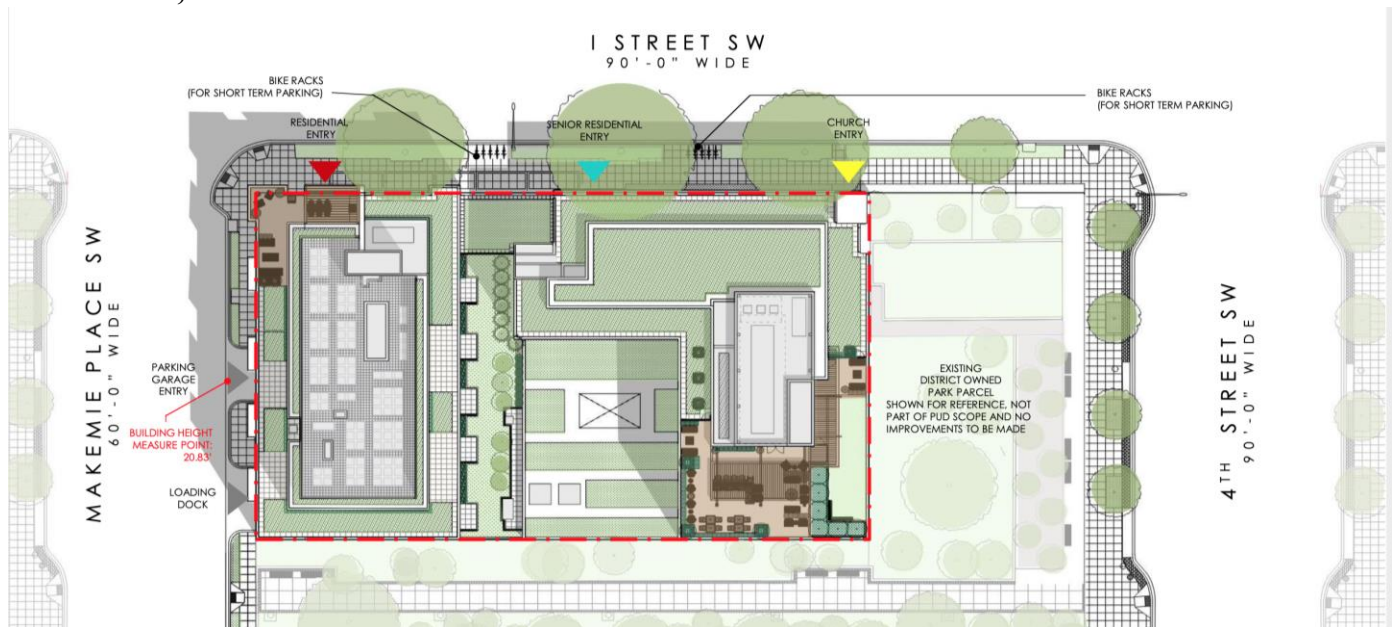
The primary benefits of the proposal would be the construction of the 123 affordable apartments for seniors, and the retention of the community-oriented programs of the Westminster Presbyterian Church on the church's existing site.

If the application is set down, OP will continue to work with the applicant on several matters and information needs. These are discussed throughout this report and summarized in Section VII. The principal concerns are:

- Providing more specific information about the duration of the public benefits related to church programs;
- Exploring alternative approaches to the proposed concentration of all Inclusionary Zoning units in one of the two proposed residential towers;

- Considering a higher level of sustainability including LEED Gold and solar panels;
- Re-examining aspects of the building's design, including the architectural embellishments, the absence of outdoor space for individual units and simplification of and better integration of the facades for the two towers;
- Providing an assessment of the building's impact on the plantings in the linear park to the south;

## II. SITE, AREA AND PROJECT OVERVIEW



<b>Address:</b>	400 I Street, S.W.	<b>Legal Description:</b>	Square 499, Lot 52
<b>Property Size:</b>	30,375 square feet e		
<b>Current Zoning:</b>	R-3	<b>Requested PUD-Related Zone:</b>	MU-2
<b>Ward, ANC:</b>	Ward 86 ANC 6D		
<b>Comp. Plan Area:</b>	Lower Anacostia Waterfront/Near Southwest Area		
<b>Comp. Plan FLUM Map:</b>	Moderate Density Residential <sup>1</sup>		
<b>Comp. Plan Policy Map:</b>	Neighborhood Conservation Area		
<b>Small Area Plan:</b>	Medium-Density Residential/ Low Density Commercial through PUD		

**Site Characteristics:** The essentially level rectangular property is bordered by public streets or parkland on all sides: I Street to the north, Makemie Place to the west, public parkland 4<sup>th</sup> Street on the east, and a public greenway to the south connecting public parks along the south side of I Street.

**Existing Use of Property:** The church occupies the eastern part of the property and the church's surface parking lot is to the west. The church is used for worship services and community activities.

<sup>1</sup> The Mayor's recommendation for Comprehensive Plan updates, which are now being considered by the Council of the District of Columbia recommend a FLUM change to Medium-Density Residential / Low Density Commercial. This is based on the Council-adopted 2015 Southwest Small Area Plan.

**Neighborhood Context:** The site is two blocks north of the Waterfront Metro station. The scale, density and type of nearby development differs on either side of I Street, with the south side being more dense and the north side being less so. Development to the south includes 8 to 11 story office buildings and apartments with ground floor retail that are parts of PUDs comprising the MU-8-zoned “town center”. North of I Street R-3 zoned rowhouses and RA-2-zoned garden apartments predominate. However, directly across I Street from the site is the Amidon-Bowen public elementary school and the future site of an approved 4 and 5 building containing apartments and support space for a local cultural institution, with a related map amendment to MU-4. The applicant’s site is transitional.

The “Duck Pond” public park is to the west and there is an RA-4-zoned 90’ high apartment complex across 6<sup>th</sup> Street. East across 4<sup>th</sup> Street from the site is the R-3-zoned Christ United Methodist church.

The existing Westminster Church site is part of an integrated design from the mid-20th century urban renewal plan for a linear park stretching from 1 Street to 5<sup>th</sup> Street SW with anchor parks at either end, a central park at 4<sup>th</sup> Street and church sites at four locations within the park area. The central park was eliminated when 4<sup>th</sup> Street was reconnected as part of the Waterside Mall redevelopment. The grassy public areas in front of the churches flanking 4<sup>th</sup> Street are remnants of that park.

**Proposal:**

<b>Applicant</b>	Westminster Presbyterian Church et al.			
<b>Zoning</b>	R-3 Zone Existing. PUD-related Map Amendment to MU-2 Requested.			
<b>Proposed Uses</b>	<b>Use</b>	<b>SF</b>	<b>FAR</b>	<b>Details</b>
	Residential;	195,825 SF	2__ FAR	Market Rate Units: 99 IZ Units TBD Senior 2 50% - 60% MFI 123 <b>Total Units</b> 222
	Church & Related	18,513 SF	__ FAR	
	<b>Total</b>	<b>214,338 SF</b>	<b>7.06 FAR</b>	
<b>Building Ht.</b>	90’ plus penthouses, and architectural embellishments from to 101’6” to 117’ .			
<b>Lot Occupancy</b>	98% on ground floor; 76% above			
<b>Principal Relief Requested</b>	PUD-Related Zoning Map Amendment from R-3 to MU-2 Lot Occupancy Multiple and varied penthouses and heights Rear Yard Inclusionary Zoning – distribution of IZ units			
<b>Vehicle Pkng.</b>	60			

The project site is now occupied by the Westminster Presbyterian Church. The proposal would replace the existing church with 18,513 square feet of new church-related worship and cultural facilities on the ground floor of a new building and entered from 4<sup>th</sup> Street. The upper levels of the building would

contain 222 new residential units in two towers, each with its own entrance on I Street. The eastern tower would contain 123 units reserved for senior households earning no more than between 50% and 60% of the area's Median Family Income (MFI). The western tower is intended to have 99 market rate units, probably condominiums, and no Inclusionary Zoning (IZ) units. There would be 60 enclosed parking spaces.

### **III. PLANNING CONTEXT**

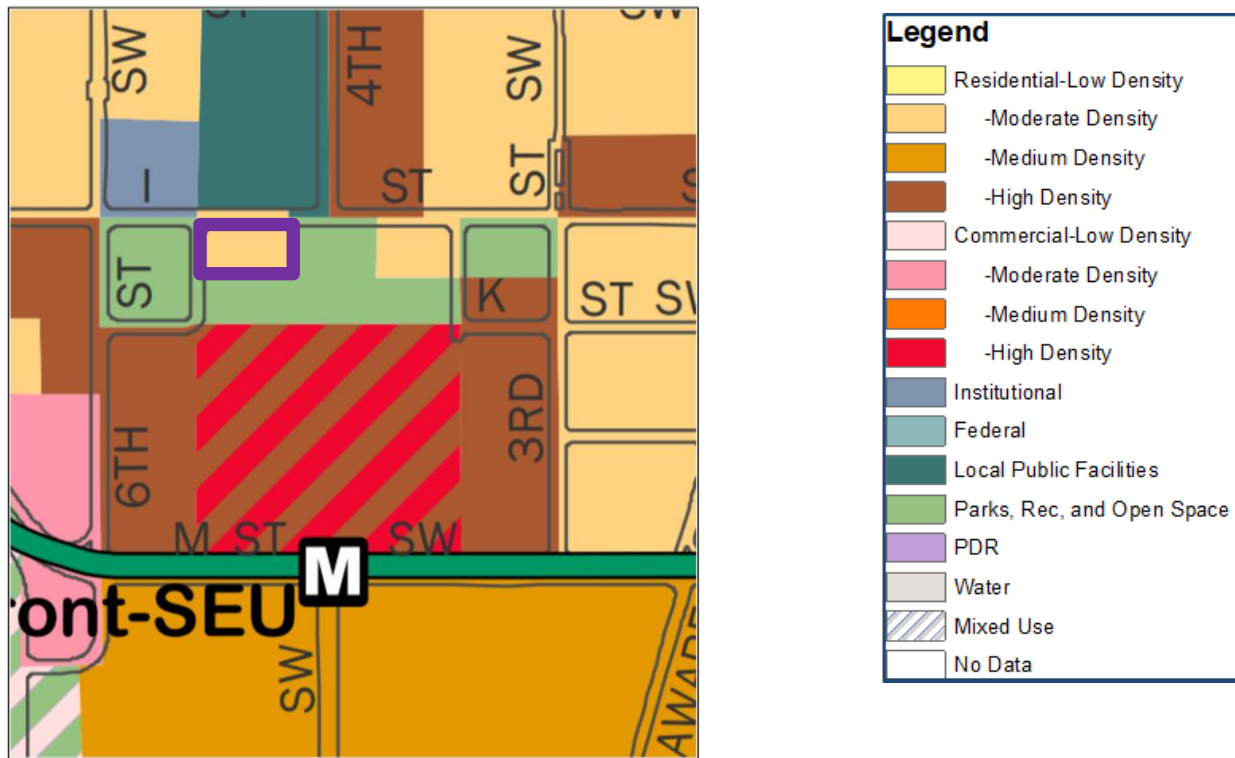
In balance, the proposed PUD is not inconsistent with the Comprehensive Plan, the Council-adopted Southwest Small Area Plan that is advisory to the Comprehensive Plan, and with the pattern of development between I and M Streets, SW that has been approved by the Zoning Commission in PUDs located near the Waterfront Metro Station.

#### **COMPREHENSIVE PLAN AND SMALL AREA PLAN MAPS**

The Guidelines for Using the Generalized Policy Map and the Generalized Future Land Use Map (FLUM) (Chapter 2 Framework Element, Section 226, Attachment III) note the maps are intended to provide generalized guidelines for development decisions. They are to be interpreted broadly and are not parcel-specific like zoning maps; i.e. the maps, in and of themselves, do not establish detailed requirements or permissions for a development's physical characteristics including building massing or density; uses; or support systems such as parking and loading. They are to be interpreted in conjunction with relevant written goals, policies and action items in the Comprehensive Plan text, and further balanced against policies or objectives contained in relevant Small Area Plans and other citywide or area plans.

When considered in this broad context the proposed PUD and map amendment would be not inconsistent with the map designations. This assessment is based on the combination of the depth of the affordable housing benefits, the extent of the public benefits accruing from the retention of the church and its community services and the unusual pending status of proposed FLUM changes that would be consistent with the requested PUD-related map amendment.

**Generalized Future Land Use Map (FLUM), the Framework Element and the Southwest Small Area Plan**



**Figure 1. 2012 Adopted FLUM With Site Outlined in Purple**

The current (2012) Future Land Use Map (FLUM) indicates that the site is appropriate for Moderate Density Residential use. This category is defined in 10-A DCMR § 225.4 of the existing Framework Element as applying to neighborhoods with row houses and low-rise apartment buildings, and some single-family houses, as well as older multi-story apartment buildings that pre-date current zoning or land use designations. Typical zones include what, after 2016, are the R-3, RF and RA-2 zones, although “other zones may also apply” according to the Framework element. The new Framework element adopted by the Council of the District of Columbia (the Council) in 2019 (10-A DCMR § 227.6) but not yet enacted by the Congress, also suggests that the types of uses noted above are not “exclusively” the types of uses appropriate to moderate density residential areas.

While the proposed PUD and its requested MU-2 map amendment may not comport with the existing Comprehensive Plan’s description of a moderate density residential land use, an amendment to the Comprehensive Plan that is based on a Council approved Small Area Plan suggests the applicant’s site is appropriate for the medium density development proposed by the applicant.

The Comprehensive Plan amendments currently before Council recommend amending the FLUM to show the site as appropriate for a mix of Medium Density Residential and Low-Density Commercial uses. Consideration of these amendments by the Council has been delayed due to disruption caused by the current pandemic.

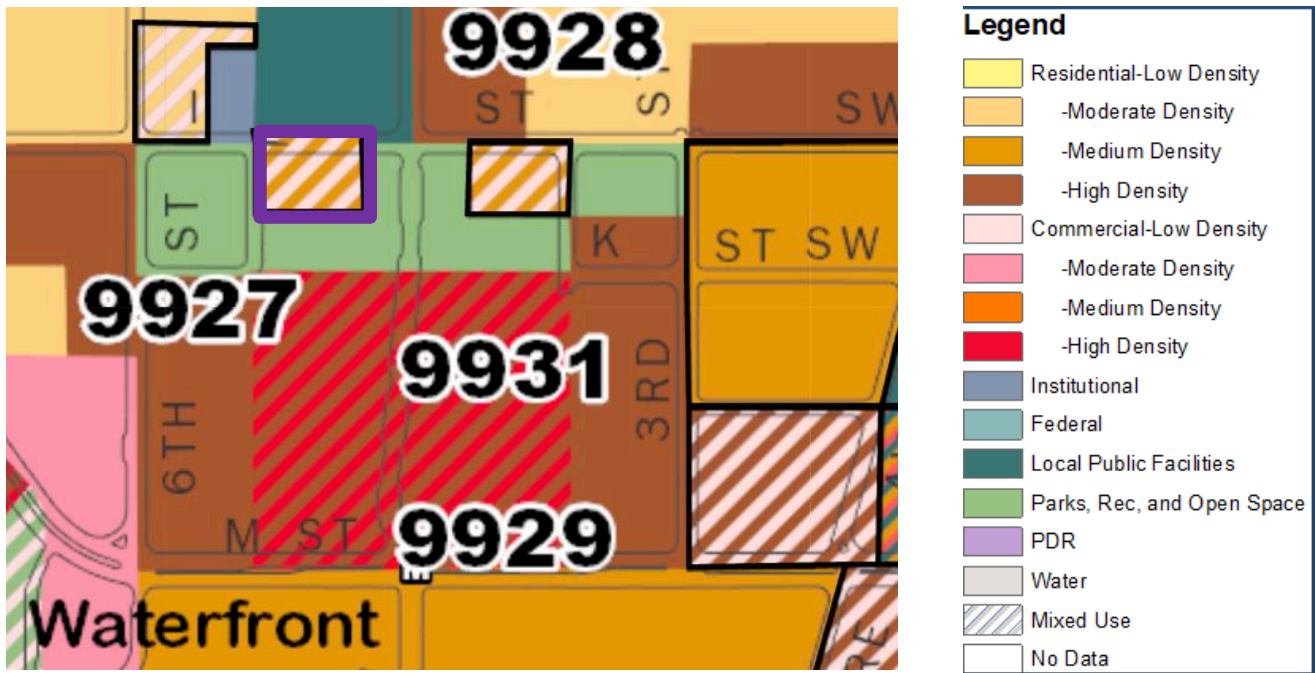
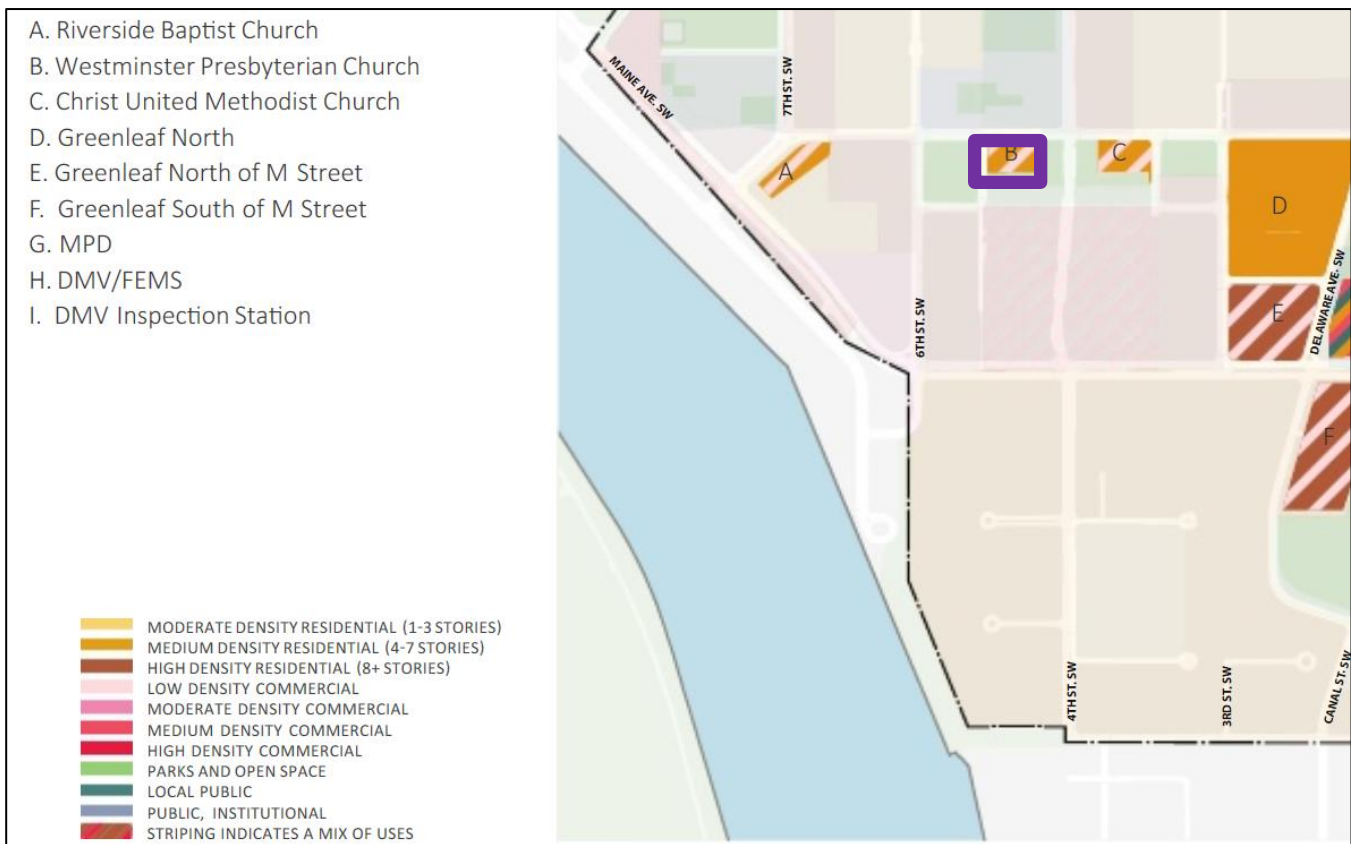


Figure 2. Proposed 2020 FLUM with Site Outlined in Purple

Normally OP would be reluctant to cite a not-yet-approved FLUM before it has become officially adopted. In this instance, however, OP believes the proposed FLUM amendment is more germane than the 2012 FLUM. The recommended FLUM revisions are directly related to the recommendations in the Southwest Small Area Plan (SAP). That SAP (Figure 3, below) explicitly designates the Westminster Presbyterian Church site and the Christ United Methodist Church site across 4<sup>th</sup> Street as appropriate for mixed-use medium density residential and low-density commercial uses if approved in conjunction with a PUD. (SAP, TC.4, TC, 5 and TC.6). That designation also permits churches and other places of worship. The Council adopted this SAP in July 2015. While a Small Area Plan is only advisory to the Comprehensive Plan, the Council's approval of the SAP four years ago signaled its intentions for the future land use designation of this site. The now-recommended FLUM amendment would simply incorporate this decision into the full Comprehensive Plan.





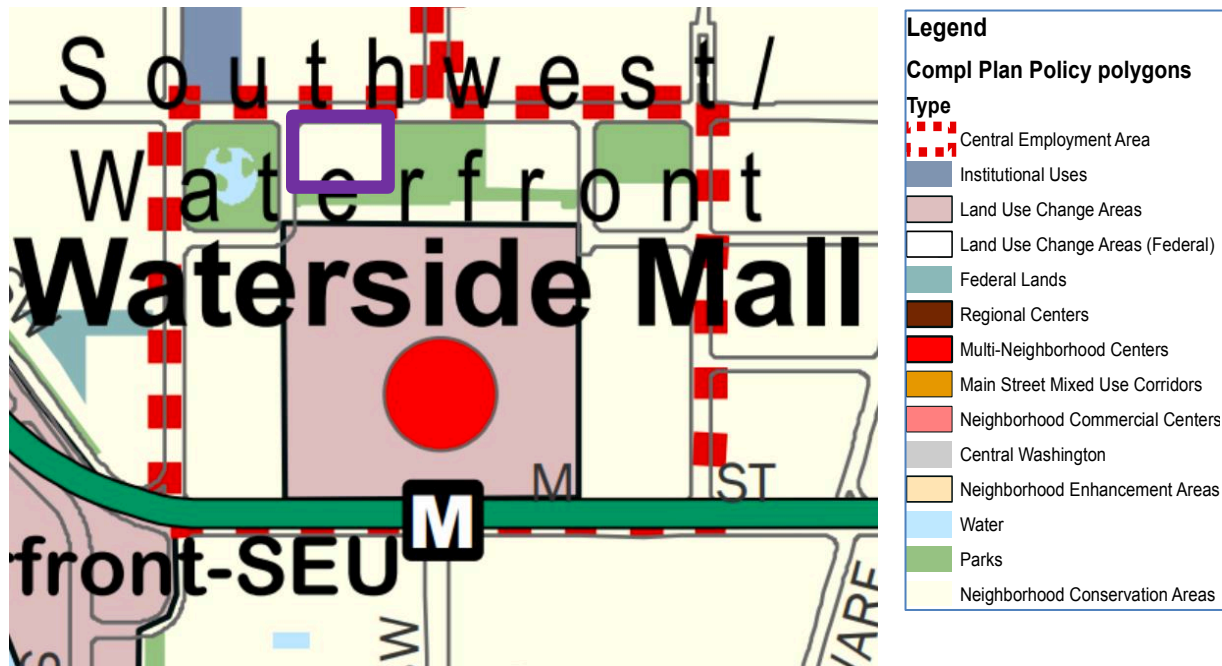
**Figure 3. Future Land Use Change Designations, Southwest Small Area Plan Adopted by Council of the District of Columbia, July 14, 2015 (Site in Purple)**

The proposed 7.07 FAR and 90-foot height would be within the upper range of what is considered appropriate for medium density land uses.

### Generalized Policy Map

While sharply delineating the Westminster Presbyterian site as suitable for medium density and change, the Small Area Plan retains the neighborhood conservation designation shown in the Comprehensive Plan's generalized policy map for the rest of the immediate area. The Generalized Policy Map (Fig. 3) designates the site as part of a Neighborhood Conservation Area (NCA).

*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. (DCMR 10 § 223.5)*



**Figure 5. Comprehensive Plan Generalized Policy Map**

Within the area bounded by 4<sup>th</sup>, 7<sup>th</sup>, G and M Streets, SW, development south of I Street has residential and office buildings ranging from 90 to 110 feet high that were approved as PUDs. With one exception, development north of I Street has rowhouses or low-and mid-rise apartment buildings. The proposed project would be a 90-foot high building south of I Street. That height would be transitional between the 110-foot height of the apartment building immediately to the south and both the 48-foot-tall apartment building approved for the corner of 6<sup>th</sup> and I Streets, SW and the townhouses north of that building. The proposed PUD would, thereby, be not inconsistent with the development pattern in the Neighborhood Conservation Area.

#### **A. COMPREHENSIVE PLAN WRITTEN ELEMENTS**

The proposed project would, on balance, also be not inconsistent with written elements of the Comprehensive Plan. The Land Use, Transportation, Housing, Urban Design and Lower Anacostia Waterfront/Near Southwest Area Element include policies and recommended actions with which the proposal is congruent. The proposal would:

- be transit-oriented (policies LU-1.3 and T-1.1.4);
- retain the church as an important community anchor (LU 2.3.6) and



- provide new housing and retail uses where now there is a surface parking lot behind the church (policies LU-2.1.3, CW 1.1.1, CW-1.1.4, CW-1.1.9, H-1.1.1, H-1.1.4 and, to some extent H-1.2.3);
- employ architectural and urban design using high-quality materials, varied massing and fenestration and attention to ground floor details and public benefits affecting pedestrians (policies UD 2.2.1, 2.2.7 and UD- 2.2.5);
- enhance environmental and sustainability objectives through the various green elements that would be built into a project intended for LEED-Silver equivalency (policies E- 1.1.1, E-1.1.3, and E-2.2.1); and
- generally be consistent with policies supporting the Southwest Waterfront and its major streets (AW-1.1.9)

As discussed below, the general furthering of policies relating to land use, senior and affordable housing, transportation and the retention of important neighborhood elements more than outweighs possible inconsistencies with aspects of the urban design element and with housing policy action H-1.2.A relating to the uniform distribution of Inclusionary Zoning units.

## **1. Citywide Elements of the Comprehensive Plan**

### **Chapter 1 - Land Use**

The Land Use Chapter provides the general policy guidance on land use issues across the District.

#### ***Policy LU-1.3.1: Station Areas as Neighborhood Centers***

*Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment...*

#### ***Policy LU-1.3.2: Development Around Metrorail Stations***

*Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations Eastern Market Metrorail Station emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 306.11*

#### ***Policy LU-1.3.3: Housing Around Metrorail Stations***

*Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations. 306.12*

4<sup>th</sup> Street has been a designated neighborhood center for almost 70 years. The existing and approved medium-density mixed-use development near the Waterfront Metro station has continued the 50-year-old development pattern of 4<sup>th</sup> Street between I and M being the commercial center of the Southwest neighborhood. The proposed project would add to the balance of uses in this center by providing guaranteed affordable housing for senior citizens, market rate housing, and the retaining a neighborhood-anchoring church and its variety of cultural, community and service offerings.

The retention of this church is also consistent with the importance that Land Use Policy 2.3.6 places on the retention of Places of Worship and Other Religious Facilities as “neighborhood anchors and sources of spiritual guidance”.

***Policy LU-2.3.4: Transitional and Buffer Zone Districts***

*Maintain mixed use zone districts which serve as transitional or buffer areas between residential and commercial districts, and which also may contain institutional, non-profit, embassy/chancery, and office-type uses. Zoning regulations for these areas (which currently include the SP-1 and SP-2 zones) should ensure that development is harmonious with its surroundings, achieves appropriate height and density transitions, and protects neighborhood character. 311.6*

The application emphasizes that the project and its requested MU-2 zoning will be consistent with Policy LU-2.3.4 Transitional and Buffer Zone Districts. The requested MU-2 zone district is a transitional zone (11 DCMR Section 300.1) and the project will be less tall and somewhat less intense in its uses than the development to the south. Unlike other existing and planned buildings on these blocks of 4<sup>th</sup> Street, it will not include ground floor commercial uses. However, OP has recommended that the applicant explore design changes that would further modulate the height of the building on I Street.

**Chapter 4 Transportation**

*The Transportation Element provides policies and actions to maintain and improve the District’s transportation system and enhance the travel choices of current and future residents, visitors and workers.*

***Policy T-1.2.3: Discouraging Auto-Oriented Uses***

*Discourage certain uses, like “drive-through” businesses or stores with large surface parking lots, along key boulevards and pedestrian streets, and minimize the number of curb cuts in new developments. Curb cuts and multiple vehicle access points break-up the sidewalk, reduce pedestrian safety, and detract from pedestrian-oriented retail and residential areas (10 DCMR § 404.8).*

The proposed project would be within two blocks of the Metro station and bus lines on 4<sup>th</sup>, I and M Streets. It would replace the existing surface lot behind the church with 60 enclosed parking spaces. To minimize disruptions to vehicular and pedestrian traffic, all parking and loading curb cuts would be located along Makemie Street, to the west. That street is one-block long and has a lower traffic count than any of the three streets bordering the project.

## **Chapter 5 Housing**

*The Housing Element describes the importance of housing to neighborhood quality in the District of Columbia and the importance of providing housing opportunities for all segments of our population.*

### **Policy H-1.1.3: Balanced Growth**

*Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing (10A DCMR § 503.3).*

### **Policy H-1.1.5: Housing Quality**

*Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities and respect the design integrity of adjacent properties and the surrounding neighborhood (10A DCMR § 503.6).*

### **Policy H-1.2.1: Affordable Housing Production as a Civic Priority**

*Establish the production of housing for low and moderate-income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city (10A DCMR § 504.6).*

### **Policy H-1.2.6: Non-Profit Involvement**

*Actively involve and coordinate with the nonprofit development sector, increasing their capacity to produce affordable housing. Enter into partnerships with the non-profit sector so that public funding can be used to leverage the creation of affordable units (10A DCMR § 504.13).*

### **Policy H-1.3.1: Housing for Families**

*Provide a larger number of housing units for families with children by encouraging new and retaining existing single-family homes, duplexes, row houses, and three- and four-bedroom apartments (10A DCMR § 505.6).*

### **Policy H-2.1.1: Protecting Affordable Rental Housing**

*Recognize the importance of preserving rental housing affordability to the well-being of the District of Columbia and the diversity of its neighborhoods. Undertake programs to protect the supply of subsidized rental units and low-cost market rate units (10A DCMR § 509.5).*

### **Policy H-4.2.2: Housing Choice for Seniors**

*Provide a wide variety of affordable housing choices for the District's seniors, taking into account the income range and health-care needs of this population. Recognize the coming growth in the senior population so that the production and rehabilitation of publicly-assisted senior housing that meets universal design standards becomes a major governmental priority. Acknowledge and support the establishment of Senior Villages throughout the city that allow seniors to remain in their homes and age in-place. <sup>516.8</sup>*

### ***Policy H-4.2.3: Neighborhood-Based Senior Housing***

*Encourage the production of multi-family senior housing in those neighborhoods characterized by large numbers of seniors living alone in single family homes. This will enable senior residents to remain in their neighborhoods and reduce their home maintenance costs and obligations. 516.9*

The proposed project would add 222 housing units to the neighborhood – 123 of which would be reserved for seniors earning no more than 60% of the median family income, with some of those being reserved for 50% AMI households. With the church downstairs and its continued commitment to offering social services, music performances and art displays the senior residents would have extensive opportunities for becoming part of a supportive network of neighbors.

While the market rate portion of the project contain a range of studio to two-bedroom units, all of the senior affordable units would be either one-bedroom or “junior bedroom” units. There would be no three-bedroom units in either tower.

OP notes one area in which the project does not seem fully consistent with an aspect of the Comprehensive Plan’s Housing chapter.

#### ***Action H-1.2.A: Inclusionary Zoning***

*Adopt an Inclusionary Zoning requirement which would require the inclusion of affordable units for low income households in new residential developments of 10 units or greater, with accompanying provisions for density bonuses and long-term affordability. Apply this requirement as fairly and uniformly as possible, providing flexibility as necessary for sites where density bonuses cannot feasibly be provided. 504.18*

The Inclusionary Zoning (IZ) regulations in 11 DCMR Subtitle C, Chapter 10 are a direct result of this Comprehensive Plan recommendation. The IZ programs strives for IZ units to be distributed equitably throughout a project in furtherance of the “as fairly and uniformly as possible” language in Action H-1.2.A. While taken as a whole the project would meet the IZ requirements, the project completely separates the market rate units from the affordable units by having a market rate tower with one entrance and an affordable senior tower with a separate entrance. The towers would share only the fact that they would be built atop a common first floor primarily housing church facilities, amenity spaces for the market rate tower and loading docks serving both towers.

The required portion of the affordable senior units would become IZ units after the expiration date of the financing mechanism assisting the senior tower’s construction . The applicant has not committed to distributing these IZ units throughout both towers at that time. If the application is set down, OP will continue to strongly encourage the applicant to include IZ units within the market rate tower.

## **Chapter 6 Environmental Protection**

*The Environmental Protection Element addresses the protection, restoration, and management of the District’s land, air, water, energy, and biologic resources.*

### ***Policy E-1.1.1: Street Tree Planting and Maintenance***

*Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade,*

*reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods (10A DCMR § 603.4).*

***Policy E-1.1.3: Landscaping***

*Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity (10A DCMR § 603.6).*

***Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff***

*Promote an increase in tree planting and landscaping to reduce stormwater runoff, 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 (10A DCMR § 613.3).*

***Policy E-3.2.1: Support for Green Building***

*Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. <sup>614.2</sup>*

The applicant states that the western residential tower would meet LEED Silver Standards and the Eastern senior tower would meet the Enterprise Green Community standards (Architectural Drawings Sheet LD 0.1). The applicant does not state what standard the overall building would meet when blending the market rate, senior and church uses. OP encourages the applicant to also consider the use of solar panels.

**Chapter 9 Urban Design**

*The Urban Design Element addresses the District's physical design and visual qualities.*

***Policy UD-1.1.2: Reinforcing the L'Enfant and McMillan Plans***

*Respect and reinforce the L'Enfant and McMillan Plans to maintain the District's unique, historic and grand character. This policy should be achieved through a variety of urban design measures, including appropriate building placement, view protection, enhancement of L'Enfant Plan reservations (green spaces), limits on street and alley closings (see Figure 9.3), and the siting of new monuments and memorials in locations of visual prominence. Restore as appropriate and where possible, previously closed streets and alleys, and obstructed vistas or viewsheds. 903.7*

***Policy UD-2.2. 1: Neighborhood Character and Identity***

*Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing*

***Policy UD-2.2.2: Areas of Strong Architectural Character***

*Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development within such areas does not need to replicate prevailing architectural styles exactly but should be complementary in form, height, and bulk. 910.7*



***Policy UD-2.2.6: Maintaining Facade Lines***

*Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic facade line, or by placing buildings at odd angles to the street, unless the streetscape is already characterized by such variations. Where existing facades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm. 910.14*

The proposed building would further the urban design objectives. 4<sup>th</sup> Street, S.W. is a L'Enfant street. It had been closed between I and M Street for several decades and was reintroduced in conjunction with an adjacent PUD. While the design does not relate to the nearby mid-century modern projects with their three-part composition of tower / low-rise / open space, the proposed building's being built to the eastern property line would reinforce the 4<sup>th</sup> Street right-of-way at a scale appropriate to nearby more recent and planned construction. The proposed façade materials – particularly the use of terracotta panels – would relate to other buildings on 4<sup>th</sup> Street.

***Policy UD-2.2.4: Transitions in Building Intensity***

*Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 910.11*

The design is somewhat consistent with this policy. It attempts to reduce the scale of the project by breaking up the mass into two towers. The transitional nature of the building would be enhanced by the provision of step-backs or step-downs that are indicative of the transitional nature of the requested MU-2 zone and the lower scale of existing and planned buildings across I Street. At 117 feet and back-lighted, the architectural embellishment at the corner of 4<sup>th</sup> and I Streets would emphasize height over scale transition.

**Chapter 14 Arts and Culture**

***Policy AC-1.1.6: Performance and Events in Non-Traditional Settings***

*Encourage the provision of spaces for performances and art events in neighborhood parks, community centers, schools, transit stations, residential developments and public areas in private development. This can help reach new audiences and increase access to the arts for people in all parts of the city. 1403.7*

Supportive of Arts and Culture policies, the Westminster Presbyterian Church has long sponsored a well-regarded jazz performance program and other musical programs. This would continue in the proposed facility. The church facilities would also include an art gallery.

## **2. Lower Anacostia Waterfront/Near Southwest Area Element**

The proposed development is located within the Lower Anacostia Waterfront/Near Southwest Area Element. The proposal would particularly further the following policy:

### ***Policy AW-2.1.6: Waterside Mall***

*Support the redevelopment of Waterside Mall with residential, office, and local-serving retail uses. The site should be strengthened as a retail anchor for the surrounding Southwest community. Its redesign should restore 4th Street SW as part of the city street grid, and improve aesthetics, circulation, and connectivity to surrounding uses. 1911.12*

When built the existing church structure flanked the Town Center Park, which was an integral part of the Waterside Mall development and the closing of 4<sup>th</sup> Street. That park was significantly modified when 4<sup>th</sup> Street was reopened. Development of a more intense use on the site that helps to frame the re-opened 4<sup>th</sup> Street would not be inconsistent with this Area Element policy for the revitalization of 4<sup>th</sup> Street.

## **B. OTHER DISTRICT POLICIES**

### **Southwest Small Area Plan**

The relationship of the application to the land use recommendations of the SAP were discussed in Section III of this report when considering the differences between the FLUM and the SAP's land use recommendations for the site. The proposed project is generally consistent with the SAP's land use recommendations. As noted above in the discussion of the urban design element, the proposed design does not reflect the SAP's preference for development that refers to the neighborhood's mid-century modern design tradition by incorporating both higher and lower heights and open space.

### **Mayor's Order 2019-036 (a.k.a. Mayor's Housing Order)**

The project would help to further the Mayor's goal of building 36,000 new residential units by 2025, 12,000 of which are to be affordable, by replacing vacant housing in poor condition with a larger number of affordable, modern units.

## **IV. ZONING ANALYSIS**

The site is zoned R-3 and the applicant is requesting a PUD-related zoning map amendment to MU-2. Below is a table comparing the proposal to the R-3 (MoR) and MU-2 PUD zoning potential:

**Table 1: Existing and Proposed Zoning, Development Potential, and Proposed Development.**  
 (Based on applicant's summary figures).

Item	R-3 Zone - By Right	MU-2 PUD with IZ	Proposed	(+) or (-) from Existing By-Right or PUD	Complies w/ C-3-A PUD?
Lot Size (SF)	2,000 min.	15,000 min.	36,015	n/a	Complies
Height (ft.) above measuring pt.	40 max	90 max	90 + penthouse (on 7thSt.) w/ step-downs to 70 (I St.) & 40 (ME)	+ 50 ft.	Complies
FAR Total	1.8 max	8.64	7.05	+ 5.25 FAR	Complies
FAR non-res.	0	4.69	0.6	n/a	Complies
<i>Lot Occ. Of total site</i>	60%	90%	<i>98%, 1<sup>st</sup> floor 87%, 2<sup>nd</sup> floor 76% floors 3 - 10</i>	+ 30%	<i>Relief Requested from G 304.1 for 1<sup>st</sup> floor</i>
Total GFA	54,675	262.440	Total: 214,338	+157,663	Complies
Non- Res. SF	n/a	108,045	Church:18,513	n/a	Complies
Residential SF	54,675	162,067	Total: 195,825 (West Tower: 90,000 East Tower: 102,236 SF)	+ 141,150	Complies
Res. Units	~30	~ 260	123 Senior Affordable 99 Market Rate	~+ 230	Complies
<i>IZ SF</i>	10% of res. GFA at 60% MFI = 5468	8% at 60% MFI for rental senior units; 8% at 80% MFI for condominium units	~ 15,426 SF GFA in East Tower	+ ~10,000 SF over by-right Same as required for PUD. Above does not include additional 86,810 SF of non-IZ affordable senior housing	<i>Relief Requested from C 1005.5</i>
<i>Roof Structures</i>	n/a	1 roof structure, with additional	Multiple Heights	n/a	<i>Relief requested</i>

Item	R-3 Zone - By Right	MU-2 PUD with IZ	Proposed	(+) or (-) from Existing By-Right or PUD	Complies w/ C-3-A PUD?
		permitted per elevator core, or roof level differing $\geq 1$ floor ; Uniform heights; 20' in 1 story + 2 <sup>nd</sup> story for mechanicals; Vertical walls; 1:1 setback from exterior walls below Height Act and from all walls above Height Act	West Tower: 10', 11'6", 16, , 20' East Tower: 8', 10', 11', 20'		<i>from, G 303.2 for multiple penthouse heights and penthouse with sloped roof</i>
<b>Side Yard (ft.)</b>	8 ft.	Not required	None provided	-8 ft.	Complies
<b>Rear Yard (ft.)</b>	20'	12' starting 20' above grade required	0	20 ft.	<i>Relief Requested from G 305</i>
<b>Open Court (ft.)</b>	n/a.	If provided, the greater of 4 in / ft. of ht. or 125 = 27'6"	80 ft	n/a	Complies.
<b>Non-Bicycle (Vehicular) Parking</b>	1 per dwelling unit	With 50% C 702.1(a) transit reduction TOTAL 53  Church: 1 / 10 seats = 26 Mkt. Rate Res.: 1 / 3 du's over 4 = 16 Affordable Elderly: 1 / du's = 11 Total 53	TOTAL 60  Res.: 95 - 129 Church:26 Mkt Rate: 30 Affordable Elderly: 4  (40 standard, 16 compact, 4 accessible (2 van)	7 more than required for PUD	Complies

Item	R-3 Zone - By Right	MU-2 PUD with IZ	Proposed	(+) or (-) from Existing By-Right or PUD	Complies w/ C-3-A PUD?
<b>Bicycle Parking</b>	n/a	Total 76 long-term 19 short-term	Total 76 long-term 20 short term	As required	Complies
<b>Loading Residential and Non-Residential</b>	n/a	<b>TOTAL, ALL USES</b> 1 berth @ 30' 1 delivery space @ 20' 1 100 sf platform	<b>TOTAL, ALL USES</b> 1 berth @ 30' 1 delivery space @ 20' (1) 100 sf platform	As required-	Complies
<b>Parking Access</b>	n/a	Maximum 12% driveway grade to required parking	16% grade	<b>May exceed requirement by 4%</b>	<b>TBD. Def of driveway may require relief from C 711.8</b>
<b>GAR</b>	20% pervious	0.3	0.3	--	Complies

Requested Relief

Subtitle C § 1500.9 Relief: The applicant is requesting relief from requirements that penthouse walls be vertical and of a single equal height. The applicant states that the varied heights, and the sloping roofline of the staircase tower on the senior building, are justified in order to meet 1:1 setback requirement from court walls and exterior walls. The applicant further notes that in ZC 14-13E the Commission is currently considering changes to the zoning regulations that would obviate the need to request the relief for the stair tower adjacent to the court. However, even if that change is passed, it would still be necessary to seek relief for the varying heights of the stair tower on the market rate tower in order to meet setback requirements. OP has asked the applicant to supply additional information explaining why the stair towers must be located where they cannot meet setback requirements without needing relief from the penthouse regulations.

Subtitle G § 304.1 Relief: Lot occupancy relief is requested for the ground floor. While the applicant does not explain the programmatic or design needs for this, the application does note that upper stories comply with lot occupancy requirements and that the site is surrounded by streets or parks on all sides. OP does not object to this request but has asked the applicant to provide an explanation of why the additional 8% of lot occupancy is needed on the ground floor.

Subtitle G § 305.1 Relief: Complete rear yard relief is requested. While the applicant does not explain the programmatic or design needs for this, the application does note that the site is surrounded by streets or parks and absence of a rear yard is not likely to have an adverse impact on the surroundings. OP does not object to this request.



Subtitle C § 1005.5 Relief: The applicant states that “although the project is exempt from IZ” (p. 21 of application) it is requesting relief from the requirement that the location of IZ units not be overlay concentrated. Subtitle C § 1001.6 provides a temporary exemption from IZ for a project that meets a mandatory affordable requirement exceeding what would be required under IZ, and then requires the project to comply with IZ once the program leading to relief eligibility expires. The regulations also require that the project designate, set aside and income restrict what will become the future IZ units according to the requirements that will apply when the units do become subject to IZ.

The applicant proposes to locate all of the exempt units in the Senior tower. There would be none in the market rate tower. OP objects to this requested relief and has encouraged the applicant either to include IZ units in the market rate tower or to propose an acceptable alternative. This is discussed further later in this report.

Possible Subtitle C § 711.8 Relief: The architectural plans show a 16% grade for the garage’s internal ramps. OP has asked the applicant to consult with the Zoning Administrator on whether the maximum 12% grade limitation for a driveway applies to access ramps within a building. If relief is required OP would have no objection.

Design Relief: The applicant requests 12 areas of design flexibility (pages 21, 22 of application). OP does not object to these requests, with the following exceptions :

- Because the retention of the church is a benefit of the project, limits should be set on the ability to vary the size of the church facilities;
- Percentage parameters should be set for the request to vary the number of parking spaces;
- Limitations on the flexibility for signage should apply to location as well as to font, color and message;

## V. 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.*

## **A. Public Benefits and Amenities**

Chapter X Section 305.2 states that “*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.*”

Subtitle X § 305.5 provides a summary of categories for PUD benefits and amenities. While the final benefits amenities proffer is typically refined and resolved later in the PUD process, at this point, the applicant notes several project benefits which are listed below under the categories in the PUD regulations.

The applicant’s complete list of public benefits and project amenities is on pages 28 – 33 of the application. While details need to be more fully developed after setdown , the benefits and amenities – particularly the affordable housing and the retention of the church and its programs --appear to be sufficient for setdown.

### *1) Superior urban design and architecture*

The design fills the site on the first floor, primarily for church-related facilities and places two towers above this for the different residential programs. In many respects the use of two towers makes the single building appear as if two, which helps to break down the mass of the I Street frontage. Above the first floor and the eastern section’s mezzanine level the towers would take L shapes, with the open sections facing south to the linear park.

The proposed building takes many of design cues from recent nearby buildings. This is particularly true for the market rate tower’s choice of materials and colors and its use of bay projections, all of which are similar to existing buildings on 4<sup>th</sup> Street.

The eastern sections and senior affordable tower appear somewhat flatter, successive planes of per-finished CMU and fiber cement panels being used to connote some depth. The color choices are not inconsistent with other buildings on 4<sup>th</sup> Street.

To be determined to be superior design additional design work is needed including the possible introduction of balconies:

- The market rate building tower would have an approximately 95 foot cross embedded in it and, at 117 backlighted feet in height, would be one of the most prominent architectural features in near Southwest.
- Additional attention and understanding of the roof top architectural embellishments on the western (senior) tower are needed to understand when a 1:1 setback may be required.
- The south side of the building, facing the linear public park, is relatively flat and plain at the ground level, adjacent to a well-used walkway leading to the Duck Pond.
- OP encourages the applicant to consider including balconies or terraces to serve individual units.

- The I Street ground floor frontage is interrupted by two fire control rooms and one pump room. OP encourages the applicant to consolidate these features to provide more transparency on this frontage.
- The senior tower appears to have only one laundry, located on the third floor. The applicant should clarify whether senior residents will be expected to do their own laundry. If so, OP encourages the applicant to provide laundry facilities within each unit. This would be consistent with contemporary market rate standards. At minimum, if residents are expected to do their own laundry, there should be a laundry room on each residential floor.

OP has also asked the applicant to explore the feasibility of providing additional setbacks on the I Street side of the building, in furtherance of the transitional nature of the requested MU-2 zone.

2) *Superior landscaping, or creation or preservation of open spaces*

The project would include the public space improvements usually required by the District Department of Transportation's Public Space Committee. The building would have terraces on at least two levels, would include green roof areas of unspecified square footage, and shade trees atop lower level roofs.

OP encourages the applicant to examine the potential impact of the building and its constructions on the trees adjacent to the linear park walk and to propose mitigation if impacts appear likely.

3) *Site planning and efficient and economical land utilization*

By locating the church and its support functions on the ground floor of the building the applicant has been able to make efficient use of the entire site for the two L-shaped residential towers. Their layout makes effective use of the site and provides sufficient light and surrounding space for all units; the double-loaded corridor design and site planning is very efficient and economical.

Locating the parking entrance and loading facilities on Makenzie Street avoids interruptions on the more heavily travelled 4<sup>th</sup> Street and I Street. Because these vehicular entrances are across from a public park the applicant will need to take special care with the appearance of doors to these facilities and ensure they remain closed when not in use.

4) *Housing*

The project would provide 99 units of market rate housing: 9 studios, 50 one-bedroom, 24 one bedroom plus den and 16 two-bedroom.

5) *Affordable housing*  
 Table 2:

Residential Unit Type	Res. GFA; % Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Residential Total	GSF	222				
Market Rate	GSF	99				Condominium
IZ Total Required @ 8% of Res. GFA	15,835 GSF	15	Low	Same as below	Rental	
IZ Total Provided	15,835 SF GSF	~15	Low	Project duration, after expiration of affordable housing financing control period		
Affordable/Non IZ	92,537 GSF	~ 108	Low	n/a	n/a	Likely senior affordable for life of building

The most significant public benefit of the project would be the provision of 123 senior affordable units and the retention of the church. Most would be non-IZ affordable housing built with public financial assistance. The senior housing would be targeted to senior households earning no more than 60% of the area’s Median Family Income (MFI). There would be 34 studios and 89 one-bedrooms.

Within the east tower total the applicant would be providing the minimum required IZ-set-aside of 8% of the overall residential square footage at 60% MFI. The total amount of affordable housing would be significantly more than IZ would require for either the R-3 or the MU-2 zone. The level of affordability would also be deeper for some units. Units within the market rate tower would be required to be reserved for 80% MFI households because that tower is intended to be for condominiums.

Unfortunately, the design clearly separates the affordable housing from the market rate housing – something contrary to the objectives of the Inclusionary Zoning ordinance and District policy.

Each tower is a separate entity atop a common base. Each has a separate entrance and separate elevator cores. The towers have no shared facilities other than a corridor from each tower leading to a common loading dock and garage. Because the towers are part of one building, while the proposal would not meet the physical distribution requirements of the IZ regulations, it would meet the absolute numerical and income requirements.

The senior affordable housing represents significant benefits, OP has asked for additional information why there are no IZ units proposed in the market rate tower and to consider additional proffers that would address the housing equity aspect of IZ.

The applicant should also:

- Clarify the square footage in each tower – including occupied unit in the penthouses – that was included in the Inclusionary Zoning set-aside calculations;

- Delineate in the architectural drawings which units would be reserved as IZ units.

6) *Environmental and sustainable benefits*

The applicant states that the project's sustainability commitment would be to LEED Silver for the market rate tower and certification under the Enterprise Green Community standards for the senior tower. Since achieving LEED Silver certification is a requirement of the District's Green Building Act of 2006 and the Enterprise Green Community's LEED Silver equivalency is standard for projects that receive public funding, the applicant should make a firm commitment to achieving LEED Gold certification if it wishes environmental benefits to be considered a public benefit.

The applicant should also supply figures for the amount and type of green roof and should consider the installation of solar panels.

As noted above, the potential impact of the building on the park corridor to the south should also be examined.

7) *Uses of special value to the neighborhood or the District of Columbia as a whole*

The project would contribute to the District-wide goal of producing affordable housing.

Just as importantly, it would also enable Westminster Church to remain in the community on its present site. On pages 32 and 33 of the application, the applicant notes the ways in which the church functions as a de facto community center and the myriad of benefits the church sponsored programs bring to the neighborhood and the District. These include:

- Jazz and blues presentations;
- Providing and subsidizing a community based cater and food service training operation;
- Supporting youth-oriented DC Court-ordered community service programs;
- Housing and subsidizing a weekly domestic violence clinic, weekly Narcotics Anonymous meeting and weekly health and fitness programs for seniors;
- Hosting and subsidizing a harm-reduction program for at-risk residents who are drug users;
- Hosting a Trans-Pride Festival;
- Regularly providing free services for funerals, weddings and other gatherings in the neighborhood;
- Providing space for meetings of various community organizations;
- Making annual contributions to support Amidon-Bowen school programs;
- Providing low-cost to no-cost housing for visitors to public rallies and marches;
- Hosting public meetings
- Permitting off-hour use of the parking lot for members of the community;
- Providing space for visual and performing arts by and for members of the community with lesser access to such programs .

The following table summarizes the public benefits and notes additional information or consideration needed about the proposed benefits after setdown.



<b>TABLE 3: ITEM</b>	<b>MITIGATION</b>	<b>PUBLIC BENEFIT</b>	<b>PROJECT AMENITY</b>	<b>REQUIRED</b>	<b>IS IT A PROFFER?</b>	<b>NOTES FOR POST-SETDOWN</b>
<b>Market rate housing</b>	No	Yes. ~ 52,000 more SF than by-right in existing R-3 zone.	No	No, but inherent in project	No	Inclusion of IZ in market rate tower, or sufficient alternative proffer required
<b>Retention of Church and Related Facilities</b>	No	Yes	Yes for related facilities	No, but inherent in project	Not clear. May be retention of existing programs.	The applicant should provide details on the duration and frequency of the church programs for incorporation into conditions of a Zoning Order, and any improvements to these programs the proposed facilities would enable.
<b>Affordable Housing for Seniors - ~ 99,000 SF More Affordable Housing @ 50% and 60% MFI than under R-3</b>	No	Yes. ~ 99,000 SF More Affordable Housing and related space @ 50% and 60% MFI than under R-3	No	No, but inherent in financing of project	Yes	Applicant should either meet IZ distribution requirements between both towers or propose an alternative that addresses that goal
<b>Superior Architecture</b>	No	Possibly. Needs refinement.	Possibly	Yes	No	OP's design comments are noted in Section V.A.1 above. OP will work with applicant on design refinements after setdown.
<b>Public Space Improvements</b>	Partially	Yes	Yes	Mostly	Possibly	Needs details, and preliminary assessment of what items would not be required by the District and/or typically be included in a high-profile market rate project and

<b>TABLE 3: ITEM</b>	<b>MITIGATION</b>	<b>PUBLIC BENEFIT</b>	<b>PROJECT AMENITY</b>	<b>REQUIRED</b>	<b>IS IT A PROFER?</b>	<b>NOTES FOR POST-SETDOWN</b>
						church replacement in this location.
<b>Environmental Benefits</b>	No	Yes	No	Yes	No	Appears to be meeting minimum District requirements and those of affordable housing finance program. Should consider commitment to higher , LEED level, inclusion of solar panels and should supply amount and type of green roof in design

**A. Mitigation of Potentially Adverse Impacts**

The applicant should provide information assessing the potential impact of the project and its construction on the line of trees along the public walkway at the southern edge of the project.

The applicant would also need to submit a Transportation Demand Management Plan before a hearing.

**VI. AGENCY REFERRALS**

If this application is set down for a public hearing, the Office of Planning will refer it to the following District agencies for review and comment:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- DC Public Schools (DCPS)
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water

## VII. SUMMARY OF REQUESTED INFORMATION OR ACTIONS

<b>Table 3. Additional Information Needed After Setdown</b>	
<b>ITEM</b>	<b>TIMING</b>
Report on Traffic, Parking and Transportation Demand Management Studies and Plans	To DDOT 45 days prior to the public hearing. To OP, ANC, Community 30 days before hearing. Pre-hearing statement to Commission.
Additional Sustainability Consultation with DDOE re LEED Gold feasibility and consideration of solar panels	To OP and DOEE 25 days prior to the hearing. Pre-hearing statement to Commission.
Provide square footages of different green roof types	To OP and DOEE 25 days prior to the hearing. Pre-hearing statement to Commission.
Address IZ distribution concerns or propose alternative.	To OP and DHCD 24 days prior to the hearing. Pre-hearing statement to Commission.
Clarify the SF in each tower – including penthouse residential space – used to calculate IZ requirement	To OP 25 days prior to the hearing. Pre-hearing statement to Commission.
Delineate units to be reserved as IZ units	To OP 25 days prior to the hearing. Pre-hearing statement to Commission.
Examine potential impact on public park walkway and plantings to south.	To OP and DDOT 45 days prior to the hearing. Pre-hearing statement to Commission.
Provide “Condition-ready” list of church programs that are to be continued or expanded and the duration of the commitment	To ANC and Community 45 days before hearing. To OP 25 days before hearing. Pre-hearing statement to Commission.
Specify parameters of requested parking flexibility and church design/size flexibility	To OP 25 days prior to the hearing. Pre-hearing statement to Commission.
Consult ZA on whether relief is needed for - 16% driveway grade - glass railing atop NW bay projection	To OP 25 days prior to the hearing. Pre-hearing statement to Commission.
Consider and respond to design concerns in Section V.A.1 of this report	To ANC and Community 45 days before hearing. To OP 25 days before hearing. Pre-hearing statement to Commission.
Explain the programmatic needs for the lot occupancy relief request	To OP 25 days prior to the hearing. Pre-hearing statement to Commission.
Further explanation of how quality of design and materials is superior to what would be provided if project not developed as a PUD	To OP 25 days before hearing. Pre-hearing statement to Commission.
Respond to request for commitment to First Source Agreement and CBE	Pre-hearing statement to Commission.
Provide signage details, including proposed limits on size and location of signage	To OP 25 days prior to the hearing. Pre-hearing statement to Commission.
Provide materials samples	At hearing.