

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** Crystal Myers, Development Review Specialist *CM*  
Radhika Mohan, Deputy Director, Development, Design and Preservation *RCM*

**DATE:** March 12, 2026

**SUBJECT:** **ZC 78-17A Hearing Report** - Modification with Hearing for Zoning Commission Orders 213, 252, and 287, a Consolidated Planned Unit Development and Map Amendment at 450 5<sup>th</sup> Street, NW.

**I. RECOMMENDATION**

The Office of Planning (OP) recommends the Zoning Commission **approve** the requested Modification with Hearing to ZC Orders 213, 252, and 287, a Consolidated PUD, to convert an existing office building to a residential building. On balance, the proposed conversion would not be inconsistent with the Comprehensive Plan, and the project meets the requirements of Subtitle X, Chapter 3.

**II. RESPONSE TO OP and ZONING COMMISSION COMMENTS**

The following summarizes the Applicant’s response to OP and the Zoning Commission comments:

	<b>Comment</b>	<b>Applicant Response</b>	<b>OP Comments</b>
ZC 1	Please provide additional information about community outreach efforts. Is the ANC in support?	The Applicant met with ANC 2C on and received a <a href="#">letter of support</a> at Exhibit 16. The Applicant met with ANC 6E and received a <a href="#">letter of support, which is Attachment A</a> in their prehearing statement at Exhibit 15.	Provided.
ZC 2	Will the new units be for rent or for sale?	All of the units will be rental units	Response provided.
OP 1	Please provide plans that show the location and size of the IZ units	<a href="#">IZ Unit Plans</a> provided at Exhibit 22.	Provided and shows units are distributed throughout the building. None are in the cellar level.

	<b>Comment</b>	<b>Applicant Response</b>	<b>OP Comments</b>
OP 2	Please provide information about the penthouse IZ set-aside for households at 50% MFI	The project now includes a unit for households at 50% MFI.	OP is satisfied that the project now meets this requirement.

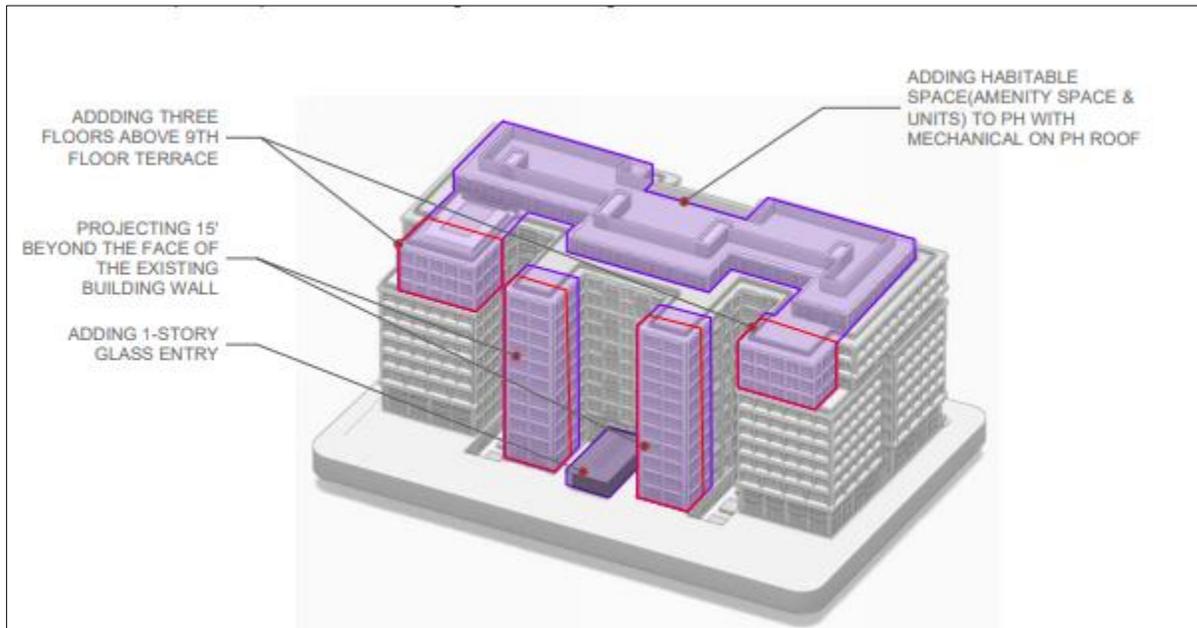
### III. APPLICATION IN BRIEF

<b>Applicant:</b>	Judiciary Plaza LLC
<b>Proposed Modification:</b>	Conversion of an office building, approved through a PUD, to residential use.
<b>Address:</b>	450 5 <sup>th</sup> Street, NW
<b>Ward and ANC:</b>	Ward 2, ANC 2C
<b>Legal Description:</b>	Square 489, Lot 21
<b>Property size:</b>	57,266 square feet
<b>Existing PUD Zone:</b>	MU-9B
<b>Existing Base Zone:</b>	D-2
<b>Future Land Use Map Designation:</b>	High Density Commercial
<b>Generalized Policy Map Designation:</b>	Central Washington
<b>Comprehensive Plan Area Element</b>	Central Washington
<b>Historic District:</b>	Pennsylvania Avenue Historic District and Commission of Fine Arts
<b>Existing Use of Property</b>	Office building

### IV. PROJECT DESCRIPTION

The project would convert the existing office building into a residential building while still retaining much of its current massing. This modification includes removing portions of the 5th Street frontage to create sunken courtyards and enhancing light and air circulation suitable for residential use. Massing would be added into the upper story setbacks. Habitable penthouse space would also be added. And, the existing arcade at the first and second floors would be enclosed and infilled with residential balconies, windows, and doors. Private terraces, garden walls, fencing, paving, extensive tree and landscape improvements would be added.

The new building would have approximately 501 residential rental units, 39 of which would be Inclusionary Zoning units. It would also retain the 242-below grade parking spaces.

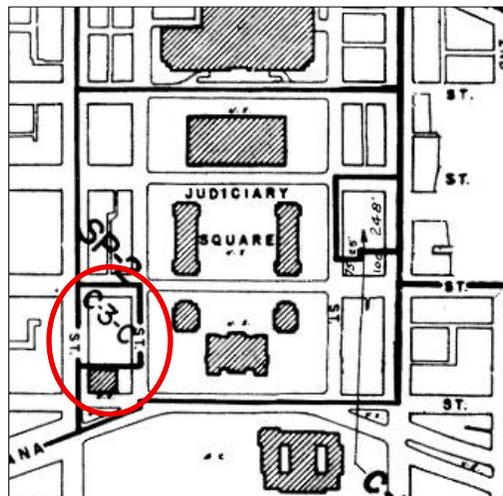


Applicant's diagram showing areas of modification ([Exhibit 3B2](#))

## V. ZONING ANALYSIS

### Corrections Since Setdown

At [Exhibit 26](#), the applicant requested to correct the zone within which the building falls and which also affects the allowable height and FAR. In the original submission, the Applicant stated that the approved PUD zone was MU-8B. However, with subsequent research of the property's zoning history, the Applicant confirmed that the property is zoned MU-9B. This can be seen in the 1984 Zoning Map below which shows the property zoned C-3-C, which is a zone that later became MU-9B under ZR16.



In the original submissions the requested flexibility for the building height was based on the MU-8B zone which allows up to 90 feet. Under the MU-9B zone, a height of 130 feet is allowed. The 120 feet

height of the building is therefore within the height of that allowed and therefore the flexibility requested is no longer needed.

Similarly, flexibility for the FAR, is not necessary because the MU-9B zone permits a maximum FAR of 7.8 (with IZ) and the proposal would have a maximum FAR of 7.41. The existing building has a FAR of 7.0 and this proposal would increase it to 7.41. Though this is more than the existing building, it remains below the maximum allowed by the MU-9B zone. Therefore, the flexibility is unnecessary .

The Applicant also notes that in the draft Omnibus text amendment (ZC 25-12) some of the inset balconies which are currently included in the FAR could be exempted. This exemption would reduce the FAR to 7.28.

A comparison of the project with the MU-9B zone requirements is provided below:

<b>Zone Standard</b>	<b>MU-9B (w/PUD)</b>	<b>Existing (78-17A PUD)</b>	<b>Proposed</b>	<b>Flexibility</b>
<b>Lot Area</b>	No minimum required	57,265.6 sf	No Change	Conforms
<b>Height</b> I §303 and X §303	130 ft. max	120 ft	120 ft.	Conforms
<b>Penthouse Height</b> G §205	20 ft. (2 <sup>nd</sup> story only mech)	Not provided	12 ft and 8 ft for mech.	Conforms
<b>Total FAR</b> I §509 and X §303	7.8 (IZ) 9.36 (PUD & IZ)	7.19	7.41 <sup>1</sup>	Conforms
<b>Residential Open Court Width</b> G §209	40.2 ft.	N/A	27 ft.	<b>Requested</b>
<b>Closed Court Width</b> G §209	Min of 4in/1ft height/15 ft. min.	N/A	24 ft. 9in	Conforms
<b>Rear Yard</b> G §207	N/A	Not Provided	No Change	Conforms
<b>Side Yard</b> G §208	N/A	Not Provided	No Change	Conforms
<b>Parking:</b> C §701.5	83 spaces	242 spaces	242 spaces	Conforms
<b>Bicycle Parking:</b> C §802.1	Short term: 1 per 20 units and Long Term 1/3,500 sq. ft.	Not provided	Short: 25 Long: 167	Conforms

<sup>1</sup> The Applicant revised their FAR calculation from 7.19 to 7.41 to include balconies.

<b>Zone Standard</b>	<b>MU-9B (w/PUD)</b>	<b>Existing (78-17A PUD)</b>	<b>Proposed</b>	<b>Flexibility</b>
<b>Green Area Ratio</b> I§ 208.1 and G § 211	0.25 min.	Not provided	0.25	Conforms

As shown in the chart above, the proposal complies with all other zoning standards or has requested the appropriate flexibility needed:

## VI. REQUESTED FLEXIBILITY

The applicant requests the following flexibility through to the approved PUD to accommodate the residential use.

### Open Court

The modification to the building includes creating a new open court along 5<sup>th</sup> Street with a width of 27-feet, whereas based on the 120 - foot height of the building, 40.2 feet minimum is required, (as shown on page PUD-13 in the [Architectural Plans](#)). The height is driven by the existing building’s structural system. In order to have a court width that complies with the 40-ft minimum and fits within the building’s existing structural system, the court width would need to be approximately 56 to 57 feet, which would significantly reduce residential density and result in an unattractive façade along 5<sup>th</sup> St. NW. At 27 feet, the proposed court would still meet building code requirements for providing light and air in a new building. Therefore, OP recommends flexibility to reduce the open court requirement.

### Design Flexibility

The applicant requests the following design-related flexibility:

- Interior Components: To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria, and mechanical rooms, provided that the variations do not change the exterior configuration of the building as shown on the plans approved by the order.
- Exterior Materials – Color: To vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges shown on the plans approved by the order.
- Exterior Details – Location and Dimension: To make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior configuration of the building or design shown on the plans approved by the order. Examples of exterior details include, but are not limited to, doorways, canopies, railings, and skylights.
- Number of Units: To provide a range in the approved number of residential dwelling units of plus or minus ten percent (10%), except that (1) the total square footage of the residential dwelling units shall not be reduced, and (2) the number of units and the square footage reserved for affordable housing shall not be reduced.
- Parking Layout: To make refinements to the approved parking configuration, including layout and number of parking space plus or minus ten percent (10%), so long as the number of parking spaces is at least the minimum number of spaces required by the Zoning Regulations.

- **Streetscape Design:** To vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by the DDOT Public Space Division.
- **Signage** To vary the font, message, logo, and color of the project signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the plans approved by the order and are compliant with the DC signage regulations.
- **Sustainable Features:** To vary the approved sustainable features of the project, provided the total number of LEED points achievable for the project does not decrease below the minimum required for the LEED standard or equivalent as specified by the order.

OP does not object to granting flexibility for these items.

## VII. COMPREHENSIVE PLAN

### Comprehensive Plan Maps

For a full review of the proposal against the Comprehensive Plan, including through a Racial Equity Lens, please also refer to the [OP Preliminary Report](#) at Exhibit 13.

### Generalized Future Land Use Map (FLUM)

The Future Land Use Map (FLUM) recommends High Density Commercial on the site.



**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

The proposed conversion to residential use would not be inconsistent with the property's High Density Commercial land use designation and the MU-9 zone. The FLUM states that high-rise residential buildings can be interspersed in areas with this designation. A residential building in the central employment district would provide the opportunity for existing or potential employees to reside near their place of employment. Introducing residential use in the area would likely make it more active and for longer hours, support retail in the area, and thus better support the longevity of the district.

### Generalized Policy Map

The property is within the Central Washington area on the Generalized Policy Map.



This project would not be inconsistent with the Generalized Policy Map Central Washington designation. The Central Washington area provides no specific land use guidance but refers to guidance provided in the Central Washington Area Element which strongly encourages more housing in this area.

The property also sits right outside the boundary of the National Mall/Federal Triangle Resilience Focus Area. According to DOEE's 2023 Resilience Focus Area Strategy the area is susceptible to riverine, tidal inundation, and interior flood risk. This project includes bioretention areas designed to capture stormwater runoff and mitigate effects of potential flooding. The project also includes a green roof on the penthouse level that would help to absorb rainwater

which would further decrease stormwater runoff on the property.

### **Racial Equity Analysis**

The Comprehensive Plan requires the Zoning Commission and OP staff to examine city policies through a racial equity lens. A full racial equity analysis was provided in the [OP Preliminary Report](#). Below is a summary of the analysis.

### **RACIAL EQUITY TOOL PART 1 – COMPREHENSIVE PLAN GUIDANCE**

In the context of zoning, certain priorities of equity are explicit throughout the Comprehensive Plan, including affordable housing, displacement, and access to opportunity. Below is an outline of Comprehensive Plan policies related to this project which, when viewed through a racial equity lens, provides the Commission with a framework for evaluating this request.

The project would not be inconsistent with both the Comprehensive Plan's Generalized Policy and Future Land Use Maps. On balance it would not be inconsistent with the Citywide Elements of the Comprehensive Plan and would particularly further the general policies of the Land Use, Transportation, and Housing elements. It would also further many of the policies in the Central Washington Area Element. For the complete listing of each relevant policy, refer to the [OP Preliminary Report](#).

### **Citywide Elements:**

#### ***Land Use Element***

The project would not be inconsistent with the policies of the Land Use Element in the Comprehensive Plan as it would bring much needed residential development to the District's downtown neighborhood and improve and balance the land use mix in the area. The neighborhood is also within the Central Employment area so adding high density housing in this location would allow more people better access to job opportunities and shorter commute times. The property is also within walking distance of multiple Metrorail stations.

The Land Use Element encourages adaptive reuse of public buildings, and the project is proposing to convert a federal office building to a residential building instead of demolishing it. This project could help revitalize the Judiciary Square area.

### ***Housing Element***

The project would not be inconsistent with the Housing policies in the Comprehensive Plan. This private sector project would bring to this high-cost area, high quality, market rate and affordable residential units to Central Washington. Approximately 39 of the 501 units would be affordable to moderate income households at the 60% MFI levels and at least one at 50% MFI.

### ***Transportation Element***

This project would not be inconsistent with Transportation policies in the Comprehensive Plan. It would bring new housing to a property that is in a very walkable area and within a short distance of three Metrorail stations. While providing parking spaces, the project includes a bicycle storage room for 167 bikes and 25 short-term bike spaces around the perimeter of the building near the entrance. The pedestrian experience would also be improved by the project through extensive natural landscaping and sidewalk improvements.

### ***Environmental Protection***

This project would not be inconsistent with the Environmental Protection policies in the Comprehensive Plan. The landscaping plan includes planting native species plants at the perimeter of the building and on the penthouse. The extensive landscaping includes planting approximately 75 trees and should help to reduce the urban heat island effect. The project would also be LEED certified at LEED Silver level.

### ***Urban Design***

This project would not be inconsistent with the Urban Design policies of the Comprehensive Plan. The proposed cutouts would create a more expressive massing and add visual interest, while also improving access to sunlight and air for the residential units. The upper floors would form a pillar-like profile that relates to the surrounding courthouse context. Additionally, the project would enhance the view corridor to the DC Court of Appeals, which is identified in the Comprehensive Plan as a “Significant National and Civic Corridor.”

The new landscape plan around the building introduces a park-like character to the surrounding public space. New trees and lush plantings would help frame Judiciary Square and improve the overall pedestrian experience.

The Urban Design Element also encourages the development of engaging facades. In this project, the western and eastern facades would be activated by connecting their entrances through an interior lobby, and the building’s terraces and balconies would further support opportunities for social interaction.

### ***Central Washington Area***

The project would not be inconsistent with the Central Washington Area policies in the Comprehensive Plan. Converting this largely inactive office building into residential use would introduce a stronger mix of uses, add affordable units, and improve overall housing diversity in the area. The building would retain key architectural features while incorporating new massing cutouts to increase natural light into

the residential units. Landscaping and streetscape improvements would further enhance the building as well as the pedestrian experience.

**Comprehensive Plan policies related to racial equity will potentially not be advanced by approval of the zoning action?**

At this time OP is unaware of Comprehensive Plan policies that would not be advanced by this map amendment.

**RACIAL EQUITY TOOL PART 2 – APPLICANT/PETITIONER COMMUNITY OUTREACH AND ENGAGEMENT**

The Applicant presented to both ANC 2C and 6E and received letters of support from them.

**RACIAL EQUITY TOOL PART 3 – CENTRAL WASHINGTON PLANNING AREA DATA**

The subject property is in the Central Washington Planning Area (“planning area”). Each table below compares data for this planning area with District-wide data. This data is from 2012-2016 and 2019-2023 American Community Survey 5 Year Estimates by Planning Area available via the OP State Data Center (ACS DATA).

Population by Race or Ethnicity

The Central Washington Planning Area has a majority white population at 57.5% in the 2019-2023 period. Second largest demographic group is Black residents, but as with the District-wide trend this group declined since the 2012 to 2016 period. All other groups in the planning area have increased since the 2012 to 2016 period.

*Table 1: Population/Race or Ethnicity Districtwide and in the Planning Area*

Race or Ethnicity	Districtwide 2012-2016	CW 2012-2016	CW % 2012-2016	Districtwide 2019-2023	CW 2019-2023	CW % 2019-2023
<b>Total Population</b>	659,009	17,976	100%	672,079	24,357	100%
<b>White alone</b>	266,035	9,250	51.45%	262,549	14,000	57.5%
<b>Black alone</b>	318,598	5,698	32%	290,772	5,680	23.3%
<b>American Indian and Alaskan Native alone</b>	2,174	5	0.03%	2,044	47	0.2%
<b>Asian alone</b>	24,036	2,010	11%	27,465	2,105	8.6%
<b>Native Hawaiian and Other Pacific Islander alone</b>	271	0	0%	378	0	0%

<b>Some other race alone</b>	29,650	481	2.68%	32,338	530	2.2%
<b>Two or more races</b>	18,245	532	2.96%	56,533	1,995	8.2%
<b>Hispanic or Latino</b>	69,106	1,493	8.3%	77,760	2,523	10.4%

Median Income

Central Washington had a higher median income than the District’s median income during both five-year periods. However, during both periods when looking at each race/ethnic group in comparison with their Districtwide counterpart, most groups in the planning area had a lower median income. In the 2019 to 2023 period only the Hispanic/Latino and Some Other Race groups had a higher median income.

As with the Districtwide trend the group with the highest median income was the White residents’ group. Different from the Districtwide trend was that the group with the second highest median income during the 2019 to 2023 was the Hispanic/Latino residents’ group.

During both five-year periods the Black or African American population had the lowest median income of all segments of the population with available income information during both time periods, (\$24,232 and \$31,365). They along with White, Asian, and Hispanic residents saw an increase in median income between the two periods.

Between the two five-year periods both Some other Race and Two or More Races experienced a decrease in their median income with a decrease of \$7,450 and \$2,253, respectively.

**Table 2: Median Income Districtwide and in the Planning Area**

<b>Median Income (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>CW 2012-2016</b>	<b>Districtwide 2019-2023</b>	<b>CW 2019-2023</b>
<b>Median Household Income</b>	\$72,935	\$86,637	\$106,287	\$121,010
<b>White alone</b>	\$119,564	\$110,772	\$166,774	\$149,493
<b>Black or African American alone</b>	\$ 40,560	\$24,232	\$ 60,446	\$31,365
<b>American Indian and Alaskan Native alone</b>	\$ 51,306	Not Available	\$ 63,617	Not Available
<b>Asian alone</b>	\$ 91,453	\$66,925	\$121,619	\$83,795

<b>Median Income (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>CW 2012-2016</b>	<b>Districtwide 2019-2023</b>	<b>CW 2019-2023</b>
<b>Native Hawaiian and Other Pacific Islander alone</b>	N/A	Not Available	Not Available	N/A
<b>Some other races</b>	\$ 41,927	\$114,149	\$74,754	\$106,699
<b>Two or more races</b>	\$ 83,243	\$119,122	\$116,869	\$106,659
<b>Hispanic or Latino</b>	\$60,848	\$91,589	\$106,435	\$129,751

Housing Tenure

The rising cost of housing in the District limits the ability to provide housing for a variety of household types, including family, senior housing, rental and ownership housing, and housing for all income levels. Given the land use characteristics of the District, only a small amount of the total land area (28.1 percent) is dedicated to residential use (205.3). Scarcity of land increases the cost of new housing, limits the availability of housing, and intensifies housing cost burdens, particularly for lower- and middle-income households. The Comprehensive Plan states that “*residents of color are a majority of lower-income households in the District and, therefore, face a disproportionate share of the problems caused by housing insecurity and displacement*” (206.4).

Between 2012-2016 and 2019-2023, the percentage of owner occupancy in the District stayed relatively the same, 40.7% to 41.4%, while in Central Washington there was a small decline from 20.5% to 18.6%.

In Central Washington, white and Asian households had the highest percentage of owner-occupied housing at 22.3% and 19% respectively in 2019-2023, while Black households had the lowest owner occupancy at 7.2%.

**Table 3: Owner Occupied Households Districtwide and in the Planning Area**

<b>Owner Occupancy (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>CW 2019-2023</b>	<b>Districtwide 2019-2023</b>	<b>CW 2019-2023</b>
<b>Total Owner Occupied</b>	40.7%	20.5%	41.1%	18.6%
<b>White alone</b>	47.8%	24.6%	48.0%	22.3%
<b>Black or African American alone</b>	35.9%	9.0%	34.9%	7.2%
<b>American Indian and Alaskan Native alone</b>	32.9%	8.5%	19.6%	Not Available
<b>Asian alone</b>	39.4%	29.9%	41.4%	19%

<b>Owner Occupancy (disaggregated by race and ethnicity)</b>	<b>Districtwide 2012-2016</b>	<b>CW 2019-2023</b>	<b>Districtwide 2019-2023</b>	<b>CW 2019-2023</b>
<b>Native Hawaiian and Other Pacific Islander alone</b>	9.1%	0.0%	31.8%	Not Available
<b>Some other races</b>	17.5%	10%	28.7%	20.2%
<b>Two or more races</b>	32.7%	16%	41.3%	16.0%
<b>Hispanic or Latino</b>	30.9%	20%	36.4%	17.6%

Unemployment/Poverty/Cost Burden

In 2012-2016, Central Washington had an unemployment rate of 6.3%, which was lower than the District’s 8.7% rate. In the 2019 to 2023 period both unemployment rates improved by decreasing to Central Washington’s 3% and the District’s 6.5%.

In the 2012-2016 period Central Washington and the District had essentially the same cost burden (38%) and poverty rates (17.9%). During the 2019-2023 period both the District’s and Central Washington’s cost burden and poverty rates slightly improved but the District’s rates improved more than Central Washington’s rates. Therefore, Central Washington’s cost burden and poverty rates were slightly higher than the District’s rates.

**Table 4: General Characteristics of the District and the Planning Area**

<b>Characteristic</b>	<b>Districtwide 2012-2016</b>	<b>CW 2012-2016</b>	<b>Districtwide 2019-2023</b>	<b>CW 2019-2023</b>
<b>Unemployment Rate</b>	8.7%	6.3%	6.5%	3%
<b>Cost Burdened Households<sup>2</sup></b>	38.6%	38%	34%	36%
<b>Poverty Rate</b>	17.9%	17.9%	14.5%	17.3%

The Project’s Potential Impact

The Central Washington planning area has a high-income, majority white population. Through the provision of approximately 501 residential units with about 39 units being IZ affordable units, this proposal could provide opportunities for more non-white residents to live in an employment district area that is well-served by public transit and within walking distance of various neighborhood services and amenities.

**Zoning Commission Evaluation Factors**

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<sup>2</sup> Percentage of households spending 30% or more of their income on housing

Factor	Question	OP Response
Direct Displacement	Will the zoning action result in displacement of tenants or residents?	The office building has no residential use. The Dept. of Justice, did not renew their lease and so the building is vacant. Therefore, there will be no displacement of residents or tenants.
Indirect Displacement	What examples of indirect displacement might result from the zoning action?	The conversion from an office building to a residential building is not expected to result in any indirect displacement.
Housing	Will the action result in changes to: <ul style="list-style-type: none"> <li>▪ Market Rate Housing</li> <li>▪ Affordable Housing</li> <li>▪ Replacement Housing</li> </ul>	The project would provide approximately 501 residential units of which 39 would be at 50% to 60% MFI.
Physical	Will the action result in changes to the physical environment such as: <ul style="list-style-type: none"> <li>▪ Public Space Improvements</li> <li>▪ Infrastructure Improvements</li> <li>▪ Arts and Culture</li> <li>▪ Environmental Changes</li> <li>▪ Streetscape Improvements</li> </ul>	Landscaping would be added around the building’s perimeter and connect to the adjacent park and would improve the pedestrian experience. Converting the building to residential use is expected to increase vehicle and pedestrian trips to the site. However, the site’s close proximity to multiple Metrorail stations should help to minimize vehicle trips.
Access to Opportunity	Is there a change in access to opportunity? <ul style="list-style-type: none"> <li>▪ Job Training/Creation</li> <li>▪ Healthcare</li> <li>▪ Addition of Retail/Access to New Services</li> </ul>	The site is within close proximity to multiple Metrorail stations. The site’s easy access to public transit would allow residents easy commutes to job opportunities all around the DC Metro area. Furthermore, the site is within a Central Employment area so there are numerous employment opportunities in the area. The area has many amenities, retail, and other services.
Community	How did community outreach and engagement inform/change the zoning action?	The Applicant received letters of support from both ANC 2C and 6E.

### VIII. PUD EVALUATION STANDARDS

The Zoning Regulations define a Planned Unit Development (PUD) as “*A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.*” (Subtitle B§28). The purpose and general standards for a Planned Unit Development are established in Subtitle X§300:

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

*(a) Results in a project superior to what would result from the matter-of-right standards;*

- (b) Offers a commendable number or quality of meaningful public benefits; and*
- (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*

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

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;*
- (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 proposal and the proposed benefits package would not be inconsistent with the Comprehensive Plan, as discussed in this report and the [OP Preliminary Report](#).

- (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*

As shown in the table below, the proposal would result in a modestly higher FAR than what was approved in the original PUD and within the PUD’s permitted maximum height of 120 ft. Though the density is higher than in the original approval due to its new residential use and the inclusion of balconies it should not cause an unacceptable impact on the surrounding area. Both the proposed height and density are within the limits of the PUD’s MU-9B zone and not out of character for this area.

	<b>Existing PUD</b>	<b>Proposed PUD</b>	<b>Difference</b>
Height:	120 ft.	120 ft	0
FAR	7.0	7.41	.41
Gross Floor Area w/IZ	400,859.27 sq. ft.	424,566 sq. ft.	23,706.73 sq. ft.

**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.*

Section 305.5 lists several potential categories of benefit proffers, and states that “(a) project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section but must be acceptable in all proffered categories and superior in many” (§ 305.12). The Commission “shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)” (§ 305.11).

The Applicant describes their [benefits and amenities package](#) in their Applicant Statement at (Exhibit 3A) and their [updated IZ proffer](#) is at Exhibit 15. Their description identifies categories of benefits from Subtitle X § 305.5 which would apply to the project. OP analysis of all these benefits and amenities is summarized below:

### ***Superior urban design and architecture***

The project balances new features with the existing features of the building. It retains the original massing and prominent framing of Judiciary Square and integrates modern elements such as the champagne bronze metal panels. The project includes warmer materials and variation to the 5<sup>th</sup> Street facing façade. The redesign of the ground floor and the addition of balconies gives the building a more residential feel and look.

### ***Superior Landscaping and Preservation of Open Spaces***

The project includes a landscape plan with approximately 75 tree plantings combined with flowering plants and shrubs in raised planters. The increased tree canopy and new greenery should improve the pedestrian experience in this area. The landscape improvements should also help to reactive this underutilized block.

### ***Site planning and efficient and economical land utilization***

The project would reuse an existing office building and convert it into much-needed residential units.

### ***Historic Preservation***

Though the building is a non-contributing structure in the historic district, this project retains much of the existing building’s character and features. Its design incorporates new elements while still maintaining the character of depth and shadow of the existing facades.

### ***Housing and Affordable Housing***

The proposal would introduce approximately 501 new residential units to this transit-oriented, downtown site. Converting this building to residential is a benefit of the PUD.

In summary, OP finds the Applicant’s proposed benefits and amenities, would be commensurate with the additional height, density, and flexibility requested through the PUD modification.

## **IX. SUMMARY**

This proposal would bring much-needed residential units to a part of downtown DC where housing is in high demand. It would also adaptively reuse an underutilized office building, helping to revitalize the area by attracting new residents and activity. OP appreciates the Applicant's commitment to the IZ program, including providing units affordable to households at both the 50% and 60% MFI levels. Converting this largely inactive office building to residential use would bring more residents to a walkable, transit-oriented area with an abundance of amenities and employment opportunities. This requested PUD Modification would not be inconsistent with the Comprehensive Plan maps, elements, and policies, and therefore OP recommends **approval of the requested modifications**.

## **X. HISTORIC PRESERVATION**

The proposal received concept approval from the Commission of Fine Arts and Historic Preservation and Historic Preservation Office Staff concurred with this approval.

## **XI. AGENCY COMMENTS**

### **District Department of Transportation (DDOT)**

DDOT will provide comments in a separate report.

### **Department of Energy and the Environment (DOEE)**

DOEE's comments are provided in Attachment 1

## **ATTACHMENTS**

Attachment1 – DOEE Comments

## **ATTACHMENT 1 - DOEE COMMENTS**

DOEE applauds the applicant's reuse of an existing building for an office-to-residential conversion. The applicant's commitment to a building conversion will reduce the embodied carbon emissions associated with full demolition and reconstruction. This project will help contribute to the District's goal of sustainably accommodating future population growth, as described in the [Sustainable DC 2.0](#) plan. The following recommendations are intended to assist the applicant with incorporating strategies that will minimize the building's impact on the environment.

### **Energy Efficiency, Electrification, and Renewable Energy**

DOEE encourages the applicant to explore additional energy efficiency measures and maximize on-site renewable energy, both of which are District priorities. DOEE notes that, according to the [DC Building Energy Performance](#) reporting, the existing building only uses electricity to power the building systems and appliances. In line with the District's goal of carbon neutrality and the objectives of the [Sustainable DC 2.0](#) and [Clean Energy DC](#), DOEE strongly recommends the applicant continue to only install electric appliances and systems going forward and to avoid any installation of any fossil fuel combustion equipment. Efficient electric systems reduce indoor air pollution caused by combustion equipment, improve tenant health and comfort, and can reduce operating costs, especially when coupled with onsite renewable energy.

Many of these strategies can be financed with no upfront cost through [DC PACE](#). The [DC Green Bank](#) aims to help projects gain access to capital and financing for electrification, clean energy, and energy efficiency measures. DOEE recommends that the applicant [contact](#) the DC Green Bank to explore options. The [DC Sustainable Energy Utility](#) (DCSEU) also offers custom rebates and technical assistance. To learn about project-specific financing options, contact Crystal McDonald at [cmcdonald1@dcseu.com](mailto:cmcdonald1@dcseu.com) or complete DCSEU's [Custom Rebate Form](#).

### **LEED Certification**

DOEE acknowledges that the applicant is committed to LEED certification at the certified level using the BD+C New Construction system. DOEE recommends using LEED Multifamily Midrise, which is better suited for the end use of the building and includes features that will benefit future tenants. Additionally, DOEE encourages the applicant to exceed the requirement and pursue LEED Silver or Gold.