



TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, ^{JLS} Deputy Director- Development Review & Historic Preservation
DATE: November 21, 2014
SUBJECT: Final Report – ZC 13-12 – Consolidated and Preliminary PUD at 1333 M Street, SE, with Associated Map Amendment

I. OFFICE OF PLANNING (OP) SUMMARY ANALYSIS AND RECOMMENDATION

The proposed project, to be located on an approximately 2.9 acre site at the foot of Virginia Avenue in near Southeast Washington, would consist of a consolidated and preliminary 673-unit residential PUD with approximately 10,600 square feet of ground floor retail space, and extensive publically accessible open space.

The proposed PUD would be:

- Not inconsistent with the Comprehensive Plan’s Future Land Use Map (FLUM), which shows the site as being suitable for medium density housing and institutional uses;
- Not inconsistent with the Comprehensive Plan’s Generalized Policy Map (GPM), which designates the site as one where land use change is expected and encouraged;
- Consistent with the Anacostia Waterfront Framework Plan’s proposals, which envisions a mixed use project on the site, with extensive open space and connections between Virginia Avenue and the waterfront.

Contingent on the applicant’s supplying the information noted in Section III, the **Office of Planning (OP) recommends** the Zoning Commission:

- 1) **Approve** the application for the Consolidated PUD, with a related map amendment from M to C-3-C, and with the following relief:
 - Roof Structure (§§ 411.2 and 770.6(b)):
 - *Required*, uniform height , one enclosure up to 18’6” high; *Proposed*, varying heights of 12 feet and 17 feet 10 inches in three pavilions joined by trellises.
 - *Required*, 1 to 1 setback; *Proposed*, 0.83 to 1 setback (14 feet 10 inch setback for the 17 feet 10 inch high central section of roof structure)
 - Loading Berth and Platform (§ 2201): *Required*, one 55-foot deep loading berth and one 100 sf loading platform; *Proposed* , One 30-foot deep loading berth and one 200 sf loading platform
 - Consolidated PUD Approval Timeframe: (11 DCMR, Chapter 24): *Required*, filing for building permit within 2 years of the effective date of the PUD Order; *Proposed* ,filing for building permit within 3 years of the effective date of the PUD Order.
 - Contingent Flexibility to:



- Vary the number of residential units by +/- 10%;
- Vary the number/location of parking spaces without providing fewer than zoning requires;
- Vary exterior materials, but not their quality, based on availability, within color ranges and material types approved by the Commission;
- “make minor refinements” to exterior details and dimensions for items such as:
 - Curtain wall mullions, spandrels, glass types
 - Window frames
 - Belt courses, sills, bases, cornices, railings and trim
 - Changes to comply with the building code or to obtain a building permit.

2) **Approve** the application for the Preliminary PUD, including the related map amendment, and with the following relief:

- Accessory Parking Location (§ 2116) *Required*, locate accessory parking on the same lot as the building generating the requirement; *Proposed*, locate parking for Building 3, on theoretical lot 3, within the garages on theoretical lots 1 and 2.
- Loading Berth and Platform (§ 2201)

<i>Required</i>	<i>Provided</i>
Building 2: (1) 55-foot loading berth Building 3: (1) 55-foot loading berth	Building 2: (1) 30-foot loading berth Building 3: none; will request on-street loading zone
Building 2: (1) 200 sf platform Building 3: (1) 200 sf platform	Building 2: (1) 100 sf platform Building 3: none; will request on-street loading zone
Building 2: (1) service delivery space Building 3: (1) service delivery space	Building 2: as required Building 3: none; will request on-street loading zone

- Contingent Flexibility, as requested for the Consolidated PUD.

3) **Attach the following Conditions to the PUD Order:**

- A) The applicant shall provide a one-year membership for CapitalBikeShare, ZipCar, Car2Go or an equivalent car-share or bike-share service to one resident in each unit each time the lease or ownership of the unit changes hands.
 - The revised Condition would expand the applicant’s proffer of a one-year membership for the first residents to occupy a building.
- B) The applicant shall sign a Certified Business Enterprise (CBE) agreement.
 - This would be in addition to the First Source Agreement the applicant has agreed to execute.

II. DISCUSSION OF APPLICANT’S RESPONSES TO CONCERNS RAISED AT, AND SUBSEQUENT TO, ZONING COMMISSION PUBLIC MEETING

- *Overall PUD Site Plan Rationale:* Based on the information provided by the applicant, the site plan appears to be driven by these factors:

- The L'Enfant Plan, including
 - An appropriate continuation of and termination for Virginia Avenue, S.E
 - Reinforcement of M Street, S.E.
 - Maintenance of visual view corridors from Capitol Hill, particularly in alignment with 14th Street, S.E. and a proposed pedestrian and bicycle crossing over the planned Southeast Boulevard;
- The topography of the thirty-foot elevation drop from M Street to Water Street and its challenges for stormwater runoff;
- The triangular shape of the site;
- Putting parking underground;
- Ability to phase project over time;
- Permeability through and active use of the PUD's ground level;
- A desire to retain and enhance as much green space as possible.

The site plan appears to solve the site's challenges while creating the potential for a development that will attract future residents and the general public to what is now a relatively inaccessible location with an attractive view of the river.

- *Consolidated PUD Architecture.* The applicant responded to the Commission's concerns about the first building's design by:
 - Reducing the "heaviness" and strong contrasts of elements on the northern side by moderating the color palate, using more traditional shapes and materials for the projecting bays and balconies and both strengthening and opening-up the base and ground floor;
 - Incorporating more white horizontal planes in the north side to add elements that reflect some of the treatment of the south façade while maintaining the clear distinctions between the river-facing and land-facing building fronts;
 - Providing transitional elements between the major facades through the use of an additional bay, banding and windows on the ends of the building.
 - Increasing the transparency of the penthouse.
- *Impact on Views:* Responding to OP's request, the applicant provided a perspective illustration (Consolidated PUD Sheet 35A) of the present view southward from the eastern end of Capitol Hill, and a projected view after completion of the Consolidated PUD construction. The first phase building prominently impacts the view. Future phases, for which illustrations were not provided, will add another high-rise building to the right and a mid-rise building to the left, in Sheet 35A's view. The proposed PUD would have a definite visual impact on the view, but could produce more access to the waterfront through the connections proposed from M Street, S.E. to Water Street, S.E. OP has requested additional illustrations for the Preliminary PUD.
- *Sustainability and landscape architecture:* The applicant has clarified that the project is being designed for LEED-Silver equivalency, including compliance with MS4 stormwater requirements. Details about how stormwater retention and mitigation will be incorporated with extensive landscaping is provided on page 3 and Sheets 27 – 29 of the August 14, 2014 applicant filing and on pages 3 – 5 of the applicant's September 11, 2014 filing. The assignment of points for transit accessibility will require clarification.

- *Retail Space.* Responding to Commission questions about the viability of providing retail in this location, the applicant has stressed that the planned 10,370 square feet is intended to serve primarily the residents and nearby office workers with basic services such as a dry cleaners and a restaurant. The applicant is open to considering additional retail space in later phases if demand warrants.
- *Parking.* The applicant has requested flexibility, but not relief, in the amount of parking to be provided. While the location is not well-served by transit at this time, it may be by the time later phases of the project are constructed. Bicycle parking will be provided at a ratio of 1 space for each 3 residential units.
- *Phasing.* Phasing information is provided in Exhibit M of the August 14, 2014 filing. The applicant has stated that a building permit for Phase II would be filed two years after Phase I construction is completed, with construction of Phase II to start three years after the completion of Phase I, and with a similar pattern for Phase III. OP estimates that with such phasing, the entire PUD would be slated for completion by 2032.
- *Loading Flexibility.* The applicant has clarified the requested relief.
- *First Source and CBE Agreements:* The applicant has committed to signing a First Source Agreement. The applicant has stated it will not commit to executing a CBE agreement. OP has recommended that executing both agreements be required as a condition of approval.
- *Responsibility For and Timing of Roadway Infrastructure Construction:*
 - *M Street, S.E. and the Anacostia Riverwalk and Bicycle Trail:* The applicant needs to clarify the timing. In one document it states that D.C. Water is scheduled to complete major stormwater-related work on M Street by the second quarter of 2017, which would enable the applicant to complete M Street improvements in the later of the second quarter of 2017 or the Phase III construction of PUD Building 2. In another document it sets the timing at 2022. DDOT states that at least partial reconstruction of M Street and the trail between the 11th Street circle and the proposed private road should be undertaken with the Consolidated PUD construction.
 - *Virginia Avenue, S.E.* The applicant would complete the extension and public parking spaces as part of the Consolidated PUD construction in 2018.
 - *Water Street sidewalk:* The applicant would construct this as part of Phase 4, by 2030.
- *Responsibility for, and Timing of, Other Mitigation Measures and Improvements in Public Space.* The applicant will install the wildflower meadow in private space in Phase I; the monumental staircase in private-space in Phase II; and the lower plaza, which is partially in public space, in Phase II. The applicant will be responsible for maintaining these facilities, including the portions in public space.

- *Outreach.* The applicant has met with a committee and subcommittee of ANC 6B, which was scheduled to vote on the application on November 19, 2014, and has presented to the Capitol Hill restoration Society.
- *Affordable Units:* The applicant will be providing the Inclusionary Zoning (IZ)-required square footage of housing affordable to households earning no more than 80% of the Area Median Income (AMI). The subcommittee of ANC 6B that was formed to discuss this project has recommended that there be a greater focus on more-affordable family-sized units. Accordingly, the applicant proposes reserving the four two-bedroom IZ units in the Consolidated PUD for households earning no more than 60% of the AMI. Before the hearing OP will explore whether IZ regulations permit such a reservation of units.

III. ADDITIONAL INFORMATION NEEDED BY THE HEARING

By the hearing, the applicant should provide the following information:

- Provide more specific information about the proposed schedules and capacity of the shuttle-to-Metro included in the project's TDM plan.
- Provide an explanation for why the requested relief is appropriate for:
 - the Consolidated PUD roof structure setback, and
 - for the loading dimensions for both the Consolidated and Preliminary PUD.
- Provide a viewshed analysis of the total Consolidated and Preliminary PUD: 1) from Capitol Hill and; 2) from the east side of the Anacostia River, to help assess the overall PUD's massing impact.
- Clarify the assignment of LEED credits for transit accessibility.
- Clarify the calculations for the stated Consolidated PUD affordable housing subsidy. This is needed because the applicant lists the dedication of the two bedroom IZ units in the Consolidated PUD at the lower affordability level of 60% AMI, rather than 80% AMI, as a \$ 524,000 proffer
 - Is the \$131,000 per two-bedroom unit @ 60% AMI *in addition to* the \$81,500 per two-bedroom IZ unit at 80%, i.e. $\$81,500 + \$131,000 = \$212,500$ of additional subsidy per 60% two-bedroom unit @ 60% that would not be incurred @ 80% AMI; or
 - Is the additional subsidy for increasing affordability from 80% to 60% AMI *the difference between* the two figures, i.e. $\$131,000 - \$81,000 = \$50,000$ of additional subsidy per 60% two-bedroom unit that would not be incurred for an 80% AMI unit.

IV. APPLICATION SUMMARY

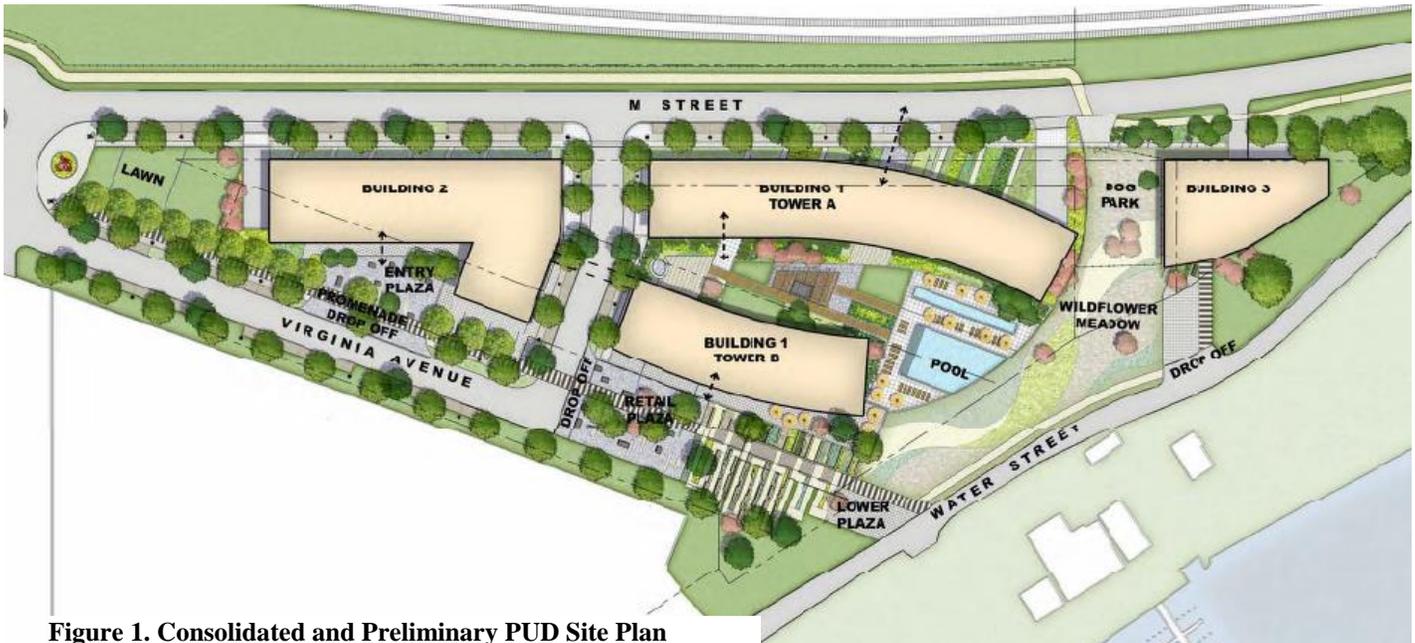


Figure 1. Consolidated and Preliminary PUD Site Plan

1333 M Street SE, LLC / Cohen Companies, seeks approval of:

- A Consolidated PUD for Building 1, Tower A, in the above site plan illustration, with interim landscaping and surface parking on the future site of Building 2;
- A Preliminary Planned Unit Development (PUD) for the remainder of the site, permanent site improvements, and the consolidation of all parking in below-grade structures;
- A related map amendment for the 2.92 acres site from M (high intensity industrial) to C-3-C (high density mixed use).

The proposed project would be located on the western side of the Anacostia River in Near Southeast Washington, upriver from the 11th Street bridges and adjacent to the Maritime Plaza complex. The generally triangular site is on a thirty-foot-high bluff overlooking the river and is bordered by the unimproved right of way of Virginia Avenue SE, M Street SE and the right of way of Water Street, SE. The site includes Square 1025-E Lot 802, Square 1048-S Lots 1, 801 and 802, and Reservations 129 and 299. Three theoretical lots would be configured for the development of the PUD. The applicant is the owner of all of the property.

The project would be constructed in four phases:

1. **Phase 1 – Consolidated PUD Building 1, Tower A:** 218 residential units, roadway and bicycle path improvements, the great lawn, a Virginia Avenue walkway as far as a small plaza at the crest of the hill overlooking Water Street, terraced landscaping, dog park, beginning of wildflower meadow, underground parking beneath Tower A and surface parking on Building 2 site totaling 101 spaces, and landscaping at the eastern and western corners of the PUD site.

Timing: file for building permit within three years of PUD approval, if relief approved (est., early 2018).

2. **Phase 2 – Building 1, Tower B:** 133 residential units, additional 11 parking underground parking spaces and relocation of surface spaces to garage, interim landscape of Building 2 site, residential amenities including outdoor pool, retail space and construction of retail plaza, completion of Virginia Avenue-aligned stairway and ramp to Water Street, construction of “water wall” and educational bio-retention basin on hill between Water Street and pool.
Timing: file for building permit within two years of Consolidated PUD completion (est., early 2022)
3. **Phase 3 – Building 2:** 234 residential units, 109 underground parking spaces.
Timing: file for building permit within two years Phase 2 PUD completion (est., early 2026)
4. **Phase 4 – Building 3:** 88 residential units, no additional parking, and proposed drop-off from Water Street.
Timing: file for building permit within two years of Phase 3 PUD completion (est., early 2030)

The property is zoned M, which permits no residential uses. Consequently, the applicant is requesting an associated map-amendment to C-3-C to permit residential use. The completed project would include three high-rise residential towers containing approximately 673 standard-size studio to 2-bedroom dwelling units, below grade parking for at least the minimum number of parking spaces required by the zoning regulations, a private road between Virginia Avenue and M Street, and approximately 10,000 square feet of retail space. Because one of the towers would be developed in two-phases and connected above grade, the three towers would read as four towers from a distance.

The overall PUD’s proposed 4.14 FAR and 45 % lot occupancy would be significantly less than the 6.0 FAR and 100% lot occupancy permitted in the M zone either by-right or as a PUD, and less than the 6.5 FAR and 100 % lot occupancy permitted a by-right C-3-C development. The applicant has applied for a C-3-C PUD not only to deliver the residential uses not permitted in the existing M zone, but also to achieve 91 to 110 foot building heights, which could not be realized under a by-right M zone’s 90 foot height limit.

The project is designed to achieve the equivalent of LEED Silver, with specific information on sustainability being included on pages 3 – 5 and Sheet 41 of the applicant’s November 11, 2014 filing.

Parking would be entered from M Street for all buildings. Loading would be entered from a private street between M Street and Virginia Avenue. Residential drop-off would be from Virginia Avenue for all but the final-phase building, which the applicant currently proposes to enter from a new curb cut on Water Street.

The applicant will be constructing extensive roadbed and roadway improvements to Virginia Avenue and M Street in order to gain access to the site. These could be considered as both public benefits and as mitigation. OP and DDOT are working with the applicant to achieve other services that would constitute both amenities and mitigation to address the location’s distance from transit services until projected future streetcar service to the general area.

The project amenities, public benefits, and proffers are oriented toward the creative design and use of public and private open spaces, including a rebuilt bike trail on a portion of M Street, S.E; stormwater sustainability elements and water features that are also educational tools; public and publicly-accessible plazas; and a grand and innovative landscape design that would provide a publicly-accessible connection down the 30 foot bluff between the end of Virginia Avenue, S.E. and Water Street, S.E., adjacent to the river.

Both the market rate and IZ residential uses at this location would contribute positively to several public objectives and would be a public benefit because they could not be constructed under the existing zoning. However, the applicant has not listed the affordable units as a proffer because the affordable square footage would be only what is required by zoning.

Residents' amenities would include a pool, a dog park, an exercise room, a community room and extensive open space and landscaping.

Table 1: Existing and Proposed Zoning, Development Potential, and Proposed Development.

(Based on applicant's summary figures).

Site: 127,499 SF	Permissions and Requirements			Proposed by Applicant		
	Existing M	C-3-C By-Right	C-3-C PUD	C-3-C PUD Proposals (Range of all buildings)		
Zone	Potential	Potential	Potential	Proposed	Difference from M By-Right	Compliance and Notes
Height (Ft.)	90	90	92 – 130	90 – 110 ft. 9-11 stories	Up to 20 feet higher	Complies. 20 feet < than permitted.
Total FAR	6	6.5	8	4.13	- 1.87	Complies. Density significantly less than permitted by-right or with C-3-C PUD
Lot Occupancy (%)	100	100	100	45	- 55%	Complies. Significantly more open space than required
Total SF	764,944	828,744	1,019,992	527, 861	- 237,083	Complies. 492,131 < C-3-C PUD max.
Res. Units	Residential prohibited	1,003 units	1,275 units	517,491 SF; 673 units	673 units	Brings residential to waterfront location where now prohibited
Affordable (IZ)Units	Not applicable	Approx. 83 (8%)	Approx. 102 (8%)	41,400 sf of total res. sf; ---- approx. 52 of 673 units ---- (8%)	None required or permitted by existing zoning	Complies. Provides IZ's required 8% @ 80% AMI.
Non-Res. SF (retail & res. Amenity)	764,944	~~~~	~~~	10,370 retail	Up to 754,574 less non-residential space than permitted	Complies.

Parking, residential	Not applicable	0.25 / unit = 251	0.25/unit = 319	169 required 212 proposed	Not applicable	Complies. 43 more than required
Parking, non-residential	954 – 2,540	414 - 1101	509 - 1356	11 required; 7 provided for retail	Up to 2,537 fewer	Complies.
Parking, bicycle	n/a	1:3 du's	1:3 du's	At least 224 (1 space:3 du)	same	Complies.

The requested zoning flexibility is noted in Section I of this report. OP has asked the applicant to provide further explanation of the rationale for the loading relief, and for the roof structure setback relief. With respect to the setback, OP notes that the proposed building's height, up to the top of the roof structure, is within the 130-foot height limit for a C-3-C PUD with frontage on Virginia Avenue.

V. COMPREHENSIVE PLAN ANALYSIS FOR BOTH PUD STAGES

As Figures 2 and 3 indicate, the site is not inconsistent with both the Comprehensive Plan Future Land Use Map (FLUM) and the Generalized Policy Map. The FLUM indicates the now-industrially zoned site is suitable for medium density housing and institutional uses. The proposed project's 4.14 FAR, of which 98% would be residential, is not inconsistent with a medium density land use designation. Although the up-to 11-story height of some of the buildings does exceed typical 8-story medium density heights, the heights enable the applicant to achieve a density consistent with the medium density category while providing lot coverage comparable to low and moderate density developments. This enables the development to be more permeable and to provide open space near the waterfront.

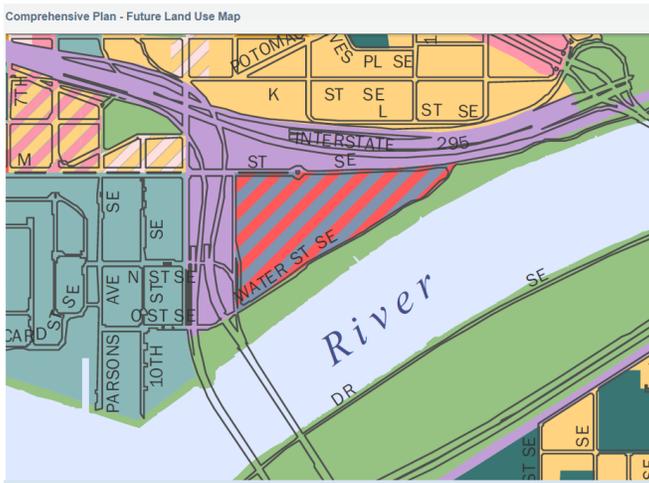


Figure 2. Comprehensive Plan Future Land Use Map

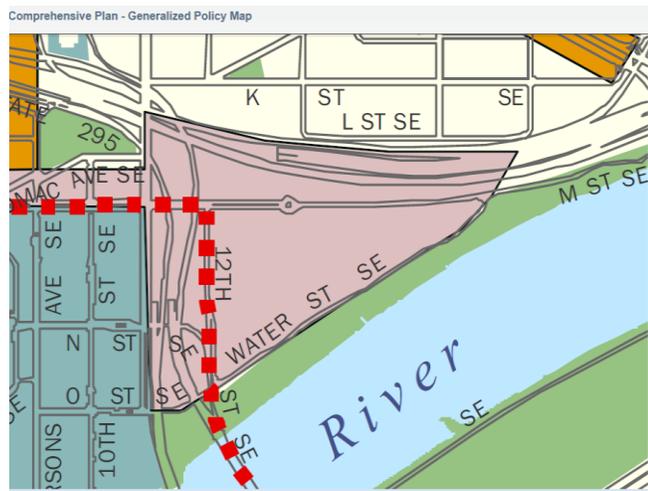


Figure 3. Comprehensive Plan Generalized Policy Map

The Policy Map indicates that a change in land use is expected and encouraged; the proposed project would introduce residential uses to a site where it is now prohibited.

The project would also be consistent with the Anacostia Waterfront Framework Plan's objectives, which, for the last decade, have envisioned a mixed-use project on the site that would connect Virginia Avenue east of 11th Street, SE with the waterfront, and provide extensive publicly accessible open space.

The proposed project is not inconsistent with the Housing Element's emphasis on Balanced Growth and Mixed Use Development (Policies H-1.1.3 and H-1.1.4).

By promoting greater access to the waterfront from both near Southeast and Capitol Hill, activating the spaces comprising the waterfront connections, restoring urban patterns that extend the L'Enfant Plan, and providing over 600 housing units, the project and its site plan would promote both the Urban Design Element's and the Lower Anacostia Waterfront/Near Southwest Element's policies UD 1.3 and AW 2.3 and the creation of a mixed-use neighborhood between the Anacostia riverfront and Interstate 395/295.

The introduction of 673 housing units to the site would contribute to the Housing Element's H-1.1 policies to increase the supply of the District's housing stock, create mixed-use development, and have a balance in the housing supply available to low, moderate and market-rate renters and owners.

VI. COMPLIANCE WITH PUD REGULATIONS BY BOTH STAGES

A PUD is the most appropriate vehicle for realizing the Comprehensive Plan's vision of changing the use of the land from industrial to high-density residential or institutional, and for achieving the waterfront access and liveliness goals of the Urban Design and Lower Anacostia Waterfront/Near Southwest elements.

The 127,499 square foot site size meets the 15,000 square foot minimum site size requirements of § 2502.1(c). With the related map amendment to C-3-C, the 90 to 110 foot buildings would rise less than the permitted 130 feet of height, and the 4.14 FAR would be well under the 8.0 FAR permitted a C-3-C PUD. The 55% lot occupancy is well below the 100% permitted. The number of parking spaces exceeds the number required. All of the requested relief appears to be relatively minor within the overall site plan's context.

The project is likely to have positive impacts on the surrounding area. It would generate additional housing, jobs and taxes, improve to the Virginia Avenue, SE and M Street, SE roadways, an improved bike trail, neighborhood-enhancing retail offerings, a connection to the waterfront across land that is now unimproved and topographically challenging, and public access to a range of plazas and landscape features.

The applicant has asked for relief from the requirement to file a building permit within 2 years of the Consolidated PUD Order's effective date. Given the complexity of the site and the need to negotiate several agreements with DDOT concerning the Virginia Avenue extension, the reconfiguration of M Street and the relocation of the bikeway, OP does not object to the applicant's request to have three years after PUD approval in order to file for the Consolidated PUD's building permit.

VII. CONSOLIDATED PUD DETAILS

The 2.27 FAR Consolidated PUD would contain approximately 218 residences in a 100-foot high, 10 story, Building 1 Tower A, to which a Tower B wing would be added in later as part of the 1st Stage PUD. There would be between 51 and 57 spaces in the underground parking garage and 44 surface spaces until future phases develop additional underground parking space. The consolidated PUD would also have 2,437 square feet of residential amenity space, a terrace adjacent to the entrance and a pathway adjacent to Virginia Avenue, and effectively extending the Avenue’s pedestrian access across the applicant’s property to a 175-foot wide circular lawn and terrace overlooking the river and to be further enhanced in later project stages. The roof would contain 3,183 sf of residential amenity space and 7,678 sf of green roof.

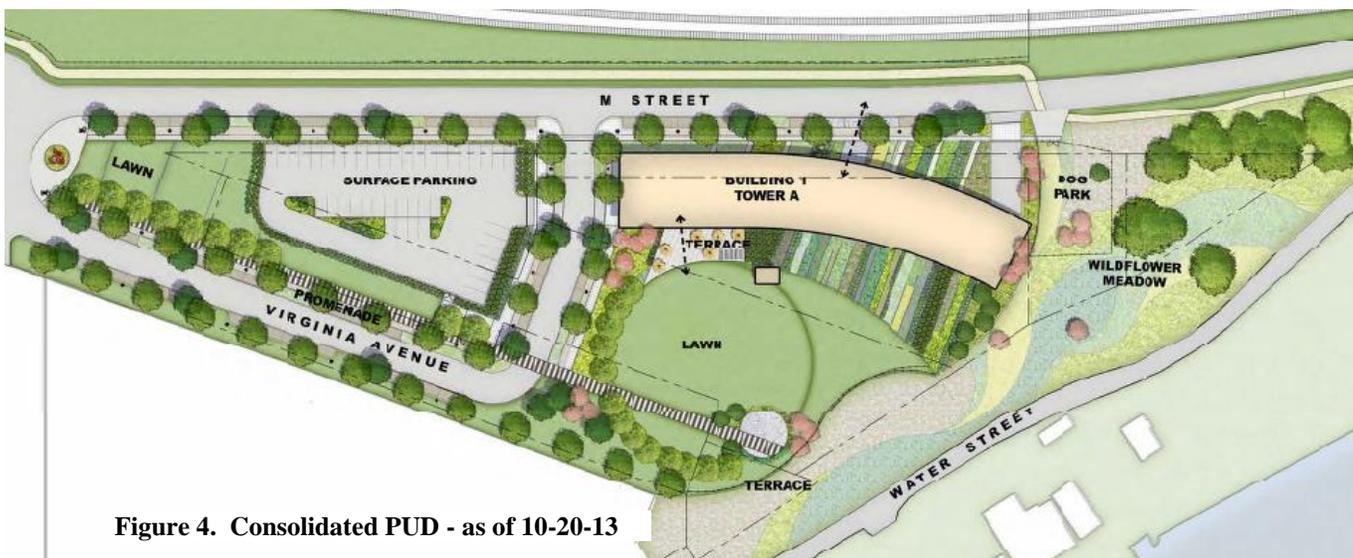


Figure 4. Consolidated PUD - as of 10-20-13

A. Zoning Analysis of Consolidated PUD and Its Requested Relief

With the exception of the length of the proposed loading berth, the varying height of the roof structure, and its setback, the consolidated PUD complies with the requirements of a PUD with related C-3-C zoning.

Table 4. Consolidated PUD Bldg. 1, Tower A Theoretical Lot 1 Land Area = 80,128 sf

Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Height (ft.) from measuring point	90.0	90.0	130.0	100.0	n/a	Complies.
FAR	6.00	6.50	8.00	2.27	n/a	Complies.
Lot Occ. Of total site (%)	100	100	100	20.6	n/a	Complies.
Total SF	480,768	520,832	641,024	181,911	n/a	Complies.

Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Residential SF	residential prohibited	520,832	641,024	151,584	n/a	Complies.
Res. Units,	residential use prohibited	@ 695 ave. gsf = 749	@ 695 ave. gsf = 922	218	n/a	n/a
Affordable SF (IZ 8%)	residential prohibited	41,667	51,282	12,127	12,127	Complies with IZ.
Affordable (IZ)Units	n/a	60	74	17	18	Complies.
Res. Amenity Space	-----	-----	-----	2,437	n/a	Complies.
Parking total for all uses	599 - 1503	113 - 690	320-851	95	55	Exceeds requirements
Parking Residential	residential prohibited	1 per 4 units = approx. 104	1/ 4 units = 128	95 (51 garage; 44 temp. surface)	55	Complies. 1: 2.06 units
Parking, Non-res.	n/a	n/a	n/a	n/a	0	Complies.
Parking, bicycle				73, (on P1) 1:3 du ratio		Complies.
Loading Residential	residential use prohibited	1 berth @ 55 ft., 1 platform @ 100 sf, 1 service space @20 ft.	Same as C-3-C	1 berth @ 30 ft., 1 platform @ 200 sf, 1 service space @20 ft.	Same as C-3-C	Relief required for loading berth length
Loading, Non-Res.	n/a	n/a	n/a	0	0	Complies. All residential
Rear Yard (ft.)	None for first 20 ft. Above 20 feet, greater of 12 ft. or 2.5 in. / ft. of bldg. ht.	If provided, ≥ the greater of 12 ft. or 2.5 in./ ft. of ht.; i.e. 20.3 ft. (or 24' 10 3/4 ")	same as C-3-C	174.5	20.8	Complies.
Side Yard (ft.)	Required only if abutting a R zone, which site does not	If provided, ≥ 2 in. per foot of height i.e. 15 feet (16' 8")	same as C-3-C	69.25	16.7	Complies.
Open Court (ft.)	If provided, the greater of 2.5 in. width / ft. of height or 12 ft.	If provided, ≥ the greater of 15 ft. or 4 in / ft. of ht.	same as C-3-C	n/a	n/a	Complies.

Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Roof Structures	One equal height enclosure with vertical walls ≤ 18.5 ft. setback 1:1 from edge, ≤ 0.37 FAR equivalent. One roof structure permitted per elevator core, or roof level differing ≥ 1 floor.	same as M zone	same as M zone	Height varying from 8 ft. for pergola to 12 feet for stair enclosures to 17 ft. 10 in. max. in center 0.83 to 1 setback for central portion of roof structure (i.e. 14 ft. 10 inches for 17 ft. 10 inches height)	~~~~~	Relief required for varying heights of roof structures and a setback of 3 feet less than required for tallest portion of roof structure

Requests for relief from the length of loading docks and platform sizes are not uncommon. However, while such requests may not be unreasonable within the PUD’s context, and while the applicant has provided information about the measures that would be taken to provide adequate loading with a reduction in the dimensional requirements, the applicant has not yet provided a discussion of why meeting these loading requirements is not achievable. Such a discussion would significantly strengthen the application.

The applicant has provided the following explanation of why granting three feet of setback relief would be appropriate for the center section of the roof structure: *The parapet is 3’-0” h, therefore, due to the 45 degree site line from the edge of the parapet the height of the penthouse can be 3’-0” taller than the distance.* Although the proposed dimensions do not seem to have a negative impact on the building or its surroundings, it is still necessary to discuss why such relief is needed.

B. Consolidated PUD Transportation, Parking and Loading

The applicant would upgrade the 72-foot wide right of way of M Street, S.E. for the length of the project, and the varying width of the Virginia Avenue, S.E. right of way from the existing circle at 13th Street to the proposed private roadway between Building 1, Tower A and the temporary parking lot on the Building 2 site.

There would be 95 parking spaces, devoted exclusively to residential use, since no other uses are proposed in this building. The spaces would be located in both a garage underneath Building 1, Tower A and the Building 2 site’s surface lot, at a distribution that needs to be clarified by the applicant. The applicant is seeking agreements with adjacent land owners to provide additional parking until future bus or trolley public transportation improvements bring greater access to the site, and is in discussions with DDOT about the possibility of a private shuttle service to Metro, either in this phase or in a future phase of the project.

Garage parking would be accessed from M Street, at the northeast corner of the building. Surface parking would be accessed from the private road the applicant would construct between Virginia Avenue and M Street.

Loading would be accessed at the southwest corner of the building, from the private road. DDOT has not expressed concerns about this arrangement.

C. Consolidated PUD Benefits, Amenities and Proffers

The most significant public benefits will not be completed until the portions of the Preliminary PUD are constructed. As a result there is some overlap between the items in Table 5's Consolidated PUD proffers and benefits and those contained in the Preliminary PUD's Table 6 on pages 16 and 17.

TABLE 5: CONSOLIDATED PUD ITEM	PROFERRED BY APPLICANT?	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	APPROX. SUPPLE- MENTAL COST
Market rate housing	No	No	Yes	No	No	n/a
Required 8% sf IZ units, including four larger, two-bedroom IZ units @ 60% AMI, a deeper affordability level than required	No	No	Yes	No	IZ required; deeper affordability level not required	\$524,000 (to be clarified by applicant)
Superior Architecture	No	No	No	No	Yes	not known
Publicly accessible terrace, plaza, great lawn on private land, and extensive improvements to Virginia Ave	Yes	No	Yes	Yes	No	Total cost shown in Table 6
Dog park	Yes	No	No	Yes	No	\$25,000
Wildflower meadow and wildlife habitat	Yes	No	Yes	Yes	No	See Table 6
Environmental Benefits, (LEED-Silver equivalent)	No	partially	Yes	No	partially	n/a
Greater connectivity through partial construction of Virginia Ave., and private road	No	Yes	Yes	Yes	Necessary for project	See Table 6
M Street Bike Path	Yes	Partially	Yes	Yes	Partially	\$250,000 for both phases

D. Consolidated PUD -- Mitigation of Potentially Adverse Impacts

The applicant will be significantly upgrading Virginia Avenue, S.E. and M Street, S.E. and will be relocating and reconstructing the bicycle trail adjacent to the site.

The transportation and traffic plan includes provisions for:

- An on-site transportation management coordinator
- A shuttle to Metro, for which additional details are needed by the hearing.
- Supplying written and electronic information about various transportation modes that do not involve ownership of private vehicles
- The option of a one-year CapitalBikeShare or a Car2Go membership for initial occupants of each building, for which OP is proposing an upgrade as a condition of approval;
- An on-site loading coordinator, with provisions to make arrangements with DDOT in a timely manner for tenants requiring accommodations for a truck longer than a long-than 30 feet.

DDOT has asked the applicant for additional information concerning the proposed shuttle to the Metro and anticipates resolving concerns about proposed driveways during public space review.

The applicant has proposed several permanent and temporary bio-retention improvements throughout the entire PUD site to mitigate stormwater runoff from the Consolidated PUD. These are shown on Sheet 07 of the Consolidated PUD architectural submission, and include approximately 7,678 square feet of green roof area. The project would be subject to full MS4 stormwater regulations.

The applicant will also be mitigating potentially adverse impacts on some views from the southern parts of eastern Capitol Hill by providing for increased access to the waterfront through the PUD's public benefits offerings.

E. Consolidated PUD Urban Design and Architecture

The site plan is exemplary in its re-establishment of and improvements to M Street and Virginia Avenue.

The architecture of Building 1, Tower A is bifurcated to respond to different contexts. The north side is intended to respond to both the red brick industrial buildings at the nearby Navy Yard and to traditional Capitol Hill facades with their masonry construction and punched windows. The south side is intended to connote the open feel of the waterfront it faces and capture views with extensive use of glass.

The applicant has refined the design since setdown by proposing less saturated masonry colors on the north side, increasing the transparency of the ground floor, adding windows and bays on the east and west walls to transition between the water-side and land-side side building facades, and has lightened up the overall feel of the north side by including light-colored horizontal elements similar to some on the south side.

The roof structure has also been simplified to allow for more views through it from the north.

VIII. PRELIMINARY (STAGE 1) PUD DETAILS (see Fig. 1, page 6)

A. Zoning Analysis of Preliminary PUD and Its Requested Relief

Similar to the Consolidated PUD, the Preliminary PUD requires relief from loading and roof structure height regulations but otherwise complies with the requirements of a PUD with related C-3-C zoning. Attachment 1's Tables 7, 8 and 9, provide a detailed zoning analysis focused on the Preliminary PUD's Building 1 Tower B, Building 2 and Building 3.

Relief is requested from 11 DCMR:

- § 2201, to provide thirty-foot long, rather than a fifty-five foot long, loading berths in Buildings 2 and 3.
- § 2201 to omit a 20 foot service delivery space while increasing the loading platform from 100 sf to 200 sf.
- §§411.2 and 770.6(b) to provide varying height roof structures for Building 2 and Building 1, Tower B.

The applicant will need to provide additional information by the public hearing about why the relief is appropriate. However, at the time this report was completed neither DDOT nor OP had concerns with this requested relief.

B. Preliminary PUD Transportation, Parking and Loading

As part of the consolidated PUD the applicant would be upgrading the 72-foot wide right of way of M Street, S.E. for the length of the project, and the varying width of the Virginia Avenue right of way from the existing circle at 13th Street to proposed private roadway between Building 1, Tower A and the temporary parking lot on the Building 2 site. In Stage 2 of the preliminary PUD the line of Virginia Avenue would be extended from the private road to Water Street, within both the applicant's private property and into public space adjacent to Water Street, via a sidewalk, vehicular drop-off, public plaza and landscaped ramp.

An additional 108 underground spaces would be added and would incorporate what were above-ground spaces in the Consolidated PUD. The applicant is discussing with DDOT the possibility of a private shuttle to Metro if nearby bus or trolley public transportation improvements have not been realized.

Garage parking for both towers of Building 1 would continue to be accessed from M Street, at the northeast corner of the building. Building 2's parking would be entered and exited from M Street, adjacent to the western side of the building. The garages under Buildings 1 and 2 would provide the required parking for Building 3.

Loading for all of Building 1 would be accessed at the southwest corner of the Tower A, from the proposed private road. Building 2 loading would be off of the private road on the eastern end of the building. Loading for Building 3 would be accessed from M Street.

Pedestrian Access and vehicular drop-offs would be from an entry plaza on private property on the south side of Building 2, from a private plaza on the east side of the private road for Building 1, and from a new curb cut and drop- area in public space off of Water Street for Building 3. DDOT has not expressed concern about the Building 1 and Building 2. The applicant has addressed DDOT's earlier concern about the location of the proposed drop-off and entrance for Building 3. It has been relocated from Water Street to M Street.

C. Preliminary (First Stage) PUD Benefits, Amenities and Proffers of Preliminary

TABLE 6: PRELIMINARY PUD ITEM	PROFERRED BY APPLICANT?	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	APPLICANT- ESTIMATED ADDITIONAL COST OF PROFFER
Market rate housing	No	No	Yes	No	No	n/a
IZ units	No	No	No	No	Yes	n/a
Superior Architecture	No	No	Yes	Yes	Yes	n/a
Additional publicly accessible terraces, plazas, grand staircase, including completion of Virginia Ave. with finishes exceeding public standards	Yes	No	Yes	Yes	No	\$1,400,000 (includes consolidated PUD wildflower meadow)
Enhance Bio-Retention Facilities with water-wall feature incorporating artwork and educational materials	Yes	Partially	Yes	Yes	No	\$750,000
Relocate and improved Anacostia Riverwalk Trail	No	Partially	Yes	Yes	Yes, by DDOT	\$250,000
Re-pave M Street, SE, installing permeable pave parking spaces, and plantings	No	partially	partially	No	partially	\$1,000,000 (total cost, not just enhancements)

Construct Water Street sidewalk	No	No	Yes	Yes	Not yet required by DDOT	\$ 250,000
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D. Preliminary PUD -- Mitigation of Potentially Adverse Impacts

The construction of Virginia Avenue and the private road, the reconstruction of M Street and the bikeway, and the provision of a shuttle, transit information, and limited subsidies for tenant use of alternative transportation options will mitigate the potential for traffic congestion on the site, and assist in the potential extension of. The permanent bio-retention facilities will reduce stormwater impact and serve as an attractive educational tool about sustainable treatment of stormwater. Green roofs on every building will help to reduce stormwater flow.

The November 11, 2014 applicant filing provided additional information about the measures the applicant will take to mitigate erosion during construction and stormwater impact during construction and after completion.

By the hearing the applicant should provide an illustration of a viewshed analysis of the entire PUD from Capitol Hill and from the east side of the Anacostia River to determine if the Preliminary PUD’s massing would have a significant impact in need of mitigation.

E. Preliminary PUD -- Urban Design and Architecture

The preliminary PUD addresses site plan and massing, but not architecture. The disposition of buildings and the extensive landscape design provide a transition from the orderly patterns of the urban grid to the natural areas along the banks of the Anacostia River.

IX. COMMENTS OF OTHER DISTRICT AGENCIES ON CONSOLIDATED AND PRELINARY PUD

The District Department of Transportation has indicated it will be submitting comments under separate cover. It has indicated that the only additional information needed by the public hearing concerns proposed shuttle and a more detailed correlation of street and sidewalk construction with the different phases of construction.

The District Department of the Environment comments (DDOE) has indicated that a report will be filed.

No other District agencies have indicated they will be filing comments prior to the hearing.

X. PUBLIC COMMENTS ON CONSOLIDATED AND PRELIMINARY OUD

ANC 6B voted unanimously on November 19, 2014 to recommend approval of the PUD. The ANC’s support is contingent on the signing of a Memorandum of Understanding to which the applicant and the ANC have assigned but not yet signed. The MOU contains the following provisions and phasing requirements that are not otherwise contained in this OP report:

- The applicant will support the ANC's goal that the Southeast Boulevard and Barney Circle Neighborhood Study should include recommendations to reconnect Capitol Hill and Hill East to the Anacostia Riverfront;
- The PUD will not include the following uses unless formally agreed to by the ANC: check-cashing establishment, pawnbroker, nightclub, sale of pornographic material;
- The applicant agrees to deliver the following improvements during Phase I (Consolidated PUD) construction:
 - Install permeable paver parking spaces and low impact landscaping and stormwater management facilities on the south side of M Street;
 - Develop the proposed wildflower meadow adjacent to the right of way of Water Street, S.E.;
 - Develop an improved lawn area at the end of the pedestrian promenade along Virginia Avenue;
 - Install lighting around the perimeter of the property.
- The applicant agrees to deliver the following improvements during Phase II (Preliminary PUD)
 - Construct an 8-foot wide Anacostia Riverwalk Trail segment on the north side of M Street between 13th and 14th Streets, S.E.;
 - Pave the entire width of M Street adjacent to the project;
 - Construct and bear maintenance responsibility for the upper public plaza, monumental staircase, lower plaza and connections to Water Street, including connections across public space, and a sidewalk on the north side of Water Street between M Street and the lower plaza;
 - Improve the triangular space at the west end of the project site as a green space until Building 2 is constructed.
- Limit non-emergency construction to 7 a.m. to 7 p.m. Monday-Friday; 8 a.m. to 7 p.m. on Saturday, and not engage in construction work on Sunday;
- Provide on-site parking for construction workers;
- Establish and community liaison position.

The applicant has also presented to the Capitol Hill Restoration Society.

No public comments were in the record at the time this report was completed.

Attachments

Jls/slc

Stephen Cochran, project manager

ATTACHMENT 1: Tables 7, 8 and 9: Detailed Zoning Analysis of Preliminary PUD

Table 7. Preliminary PUD Bldg. 1, Tower B and Consolidated PUD Bldg. 1, Tower A						
Theoretical Lot 1 Land Area = 80,128 sf						
Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Height (ft.) from measuring point	90.0	90.0	130.0	100.0	n/a	Complies Tower A, 100 ft. ,10 stories; Tower B, 90 ft., 9 stories.
FAR, theoretical lot	6.00	6.50	8.00	2.15	n/a	Complies. 5.85 < permitted
Lot Occ., theoretical lot (%)	100	100	100	39.8	n/a	Complies. Total is for both towers
Total SF	480,768	520,832	641,024	274,416	n/a	Complies
Residential SF	residential prohibited	520,832	641,024	274,416	n/a	Complies.
Res. Units, @ 695 gsf (ave. gsf = res. sf divided by # proposed units)	residential use prohibited	666	820	351	n/a	695
Affordable SF (IZ 8%)	residential prohibited	41,667	51,282	21,953	21,953	Complies with IZ.
Affordable Units (Approx., @ 695 gsf)	n/a	53	66	32	28	Complies with IZ.
Non-res. SF	480,768	520,832	641,024	2,437 (res. amenity)	n/a	Complies. All in Tower B
Parking total, all uses	599 - 1503	113 - 690	320-851	101	93	Complies. 22 > required
Parking Residential	residential prohibited	1 per 4 units = approx. 104	1/ 4 units = 128	101	88	Complies. 1: 3.31 units.
Loading Residential	residential use prohibited	1 berth @ 55 ft., 1 platform @ 100 sf, 1 service space @20 ft.	Same as C-3-C	1 berth @ 30 ft., 1 platform @ 200 sf, 1 service space @20'	Same as C-3-C	Relief required for loading berth length

Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Loading, Non-Res.	Office: 3 berths @ 30 ft., 1 berth@ 55 ft.; 1 platform @ 100 sf, 2 platforms @ 200 sf; 1 service space @ 20 ft. Retail: 1 berth @ 30 ft., 2 berths @ 55 ft.; 1 platform @ 100 sf, 2 platforms @ 200 sf; 1 service space @ 20 ft.	Office: 3 berths @ 30 ft. , 3 platforms @ 100 sf, 1 service space @20 ft.; Retail: 1 berth @ 30 ft., 2 berths @ 55 ft.; 1 platform @ 100 sf, 2 platforms @ 200 sf; 1 service space @ 20 ft.	Same as C-3-C.	0	0	Complies. For retail 8,000 - 20,000 sf: 1 berth @ 30 ft., 1 platform @ 100 sf, 1 service space @ 20 ft.
Rear Yard (ft.)	None for first 20 ft. Above 20 feet, greater of 12 ft. or 2.5 in. / ft. of bldg. ht.	If provided, ≥ the greater of 12 ft. or 2.5 in./ ft. of ht.; i.e. 20.3 ft. (or 24' 10 3/4 ")	same as C-3-C	60.75	22.6	Complies.
Side Yard (ft.)	Required only if abutting a R zone, which site does not	If provided, ≥ 2 in. per foot of height i.e. 15 feet (16' 8")	same as C-3-C	69.25	16.7	Complies.
Open Court (ft.)	If provided, ≥ the greater of 2.5 in. width/ft. of height or 12 ft.	If provided, ≥ the greater of 15 ft. or 4 in / ft. of ht.	same as C-3-C	82.42	33	Complies
Roof Structures	One equal height enclosure, ≤ 18.5 ft., vertical walls setback 1:1 from edge, ≤ 0.37 FAR equivalent. One roof structure per elevator core, or roof level differing ≥ 1 floor.	same as M zone	same as M zone	Heights vary: 8 ft. pergola, 17 ft. 10 in. , elevator overrun. Setbacks are ≥ 1:1	~~~~~	Relief required for varying heights of roof structures.

Table 8. Preliminary PUD Bldg. 2 (Theoretical Lot 2 Land Area = 38,297 sf)						
Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Height (ft.) from measuring point	90.0	90.0	130.0	110.0	n/a	Complies
FAR, theoretical lot	6.00	6.50	8.00	1.45	n/a	Complies. 6.55 < permitted.
Lot Occ. (%)	100	100	100	44.8	n/a	Complies. %
Total SF	229,782	248,931	306,376	274,416	n/a	Complies
Residential SF	residential prohibited	248,931	306,376	274,416	n/a	Complies.
Res. Units	residential use prohibited	212	261	234	n/a	1173
Affordable SF (IZ 8%)	residential prohibited	19,914	24,510	21,953	21,953	Complies. As required by IZ
Affordable Units (Approx., @ 1173 gsf)	n/a	17	21	19	19	Complies. As required by IZ
Non-res. SF	229,782	248,931	306,376	3,170	n/a	Complies. All in Tower B
Parking total, all uses	599 - 1503	113 - 690	320-851	109	59	Complies. 22 > required
Parking Residential	residential prohibited	1 per 4 units = approx. 104	1/ 4 units = 128	108	59	Complies. 1: 3.31 units
Parking, Non-res.	Same as requirements in Table 6	<u>Office</u> : 1 / 2,000 sf >1800 sf; <u>Retail</u> : 1 / 750 sf > 3,000 sf; i.e. 104-328	If all retail: 405	1	3,170	Complies. 3 more than required
Loading Residential	residential use prohibited	1 berth @ 55 ft., 1 platform @ 100 sf, 1 service space @20 ft.	Same as C-3-C	1 berth @ 30 ft., 1 platform @ 200 sf, 1 service space @20'	Sane as C-3-C	Relief required for loading berth length
Loading, Non-Res.	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	0	0	Complies

Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Rear Yard (ft.)	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	22.58	22.03, based on 110 ft. ht.	Complies
Side Yard (ft.)	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	60	18.3	Complies
Open Courts (ft.)	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	30.01, 44.25	36.6	Relief required for Court B. Court A complies.
Roof Structures	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	Heights vary, 8 ft. for pergola to 17 ft. 10 in. for elevator overrun. All set backs are ≥ 1:1	~~~~~	Relief required for varying heights of roof structures

Table 9. Preliminary PUD Bldg. 3 (Theoretical Lot 3 Land Area = 9,074 sf)

Item	M Zone - By Right Max	C-3-C by-right Max	C-3-C PUD Max	Proposed	Required for Proposal	Compliance
Height (ft.) from measuring point	90.0	90.0	130.0	92.0	n/a	Complies.
FAR, theoretical lot	6.00	6.50	8.00	7.6	n/a	Complies
Lot Occ.(%), theoretical lot	100	100	100	44.8	n/a	Complies
Total SF	54,444	58,981	72,592	69,056	n/a	Complies.
Residential SF	residential prohibited	58,981	72,592	69,056	n/a	Complies.

Res. Units,	residential use prohibited	75	93	88	n/a	785
Affordable SF (IZ 8%)	residential prohibited	4,718	5,807	5,524	5,524	Complies with IZ.
Affordable Units	n/a	6	7	7	7	Complies.
Non-res. SF	54,444	58,981	72,592	0	n/a	Complies. In Tower B
Parking total, all uses	599 - 1503	113 - 690	320-851	112	18	Complies. 22 > required
Parking Residential	residential prohibited	1 per 4 units = approx. 104	1/ 4 units = 128	0	22	Relief Required. required pkg. on different theoretical lot
Parking, Non-res.	Same as requirements in table 6	29 -75	If all retail: 93	0	0	~~~~~
Loading Residential	residential use prohibited	1 berth @ 55 ft., 1 platform @ 100 sf, 1 service space @20 ft.	Same as C-3-C	1 berth @ 30 ft., 1 platform @ 200 sf, 1 service space @20'	Same as C-3-C	Relief required for no loading facilities on-site
Loading, Non-Res.	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	0	0	~~~~~
Rear Yard (ft.)	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	12.25	27	Relief required.
Side Yard (ft.)	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	0	0.0	Relief required.
Open Court (ft.)	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	19.42	30.36	Relief Required.
Roof Structures	Same as Table 7 requirement	Same as Table 7 requirement	Same as Table 7 requirement	1 @ 18.5 ft. max. with 1:1 setbacks	~~~~~	~~~~~