

TO: District of Columbia Zoning Commission

FROM: Brandice Elliott, ACIP, Project Manager
JLS
Jennifer Steingasser, AICP, Deputy Director
Historic Preservation and Development Review

DATE: November 15, 2019

SUBJECT: ZC 14-12E – Final Report for a Second Stage Planned Unit Development (PUD) for the North Building at 1309 5th Street, N.E. in Florida Avenue Market

I. SUMMARY

Clarion Gables Multifamily Trust, L.P. has submitted an application for a Second Stage Planned Unit Development (PUD) to construct a mixed-use building at 1309 5th Street, N.E. in the Florida Avenue Market (North Building). The 11-story, 120-foot high building would include retail uses on the ground floor and ten stories of residential above. The penthouse would consist of residential amenities, including a swimming pool, and mechanical equipment. The proposal also includes a design for the Plaza, located between the North and South Buildings.

The Office of Planning has requested the following information be provided prior to approval or proposed action:

- Clarification regarding the required level of affordability (MFI) for affordable housing in the North Building, as the Order for 14-12 does not specifically address the affordable housing requirement for the North Building and the Zoning Regulations have since been amended to require 60% MFI for rental buildings.
- Clarification regarding the loading flexibility that has been requested for the North Building, since it does not appear that relief was requested for the North Building as part of the First Stage PUD.

The Office of Planning recommends the following condition of approval:

- Industrial specifications shall be incorporated into the plans on sheet A25, and the designated space for PDR/Maker Uses shall be identified on the floor plan.

The benefits associated with the North Building could be more robust by:

- Ensuring the rental IZ units (other than those proffered at 50 % MFI) comply with the 60 % MFI requirement for IZ rental units, and
- Extending the commitment for makerspace to at least twenty (20) years.

A final recommendation will be provided after a complete analysis of the requested supplemental information.

II. APPLICATION IN BRIEF

Location	1309 5 th Street, N.E. Square 3591, Lot 800	Ward 5, ANC 5D
Property Size	42,078 square feet (North Building)	
Applicant	Clarion Gables Multifamily Trust	
Current Zoning	C-3-C PUD (vested under the 1958 Zoning Regulations)	
Site Characteristics	The site is bounded by a site owned by JBG to the north, 6 th Street to the east, 5 th Street to the west, and Neal Place to the south. The site is generally flat and is located approximately ½ mile from the NoMa-Gallaudet University Metro Station.	
Existing Use of Property	The PUD site is presently improved with a two-story warehouse that is predominantly vacant.	
Proposed Use of Property	The applicant proposes to develop the North Building, approved in the Stage I and Consolidated PUD approved in March 2015. The proposal consists of an 11-story mixed-use building with ground floor retail and ten stories of residential.	
Background	<p>The First Stage approval (ZC Case 14-12) was approved March 30, 2015 and established the PUD-related zoning for the property, the site plan, the general use mix, the general massing of buildings, the maximum heights for buildings and the maximum FAR for the entire development.</p> <p>At the time, the Commission determined that the PUD would be not inconsistent with the Comprehensive Plan maps and text and would further the objectives of the Florida Avenue Market Small Area Plan and the Ward 5 Industrial Land Transformation Study.</p> <p>The Zoning Regulations define the second stage of a two stage PUD review as: <i>“a detailed site plan review to determine transportation management and mitigation, final building and landscape materials and compliance with the intent and purposes of the first-stage approval, and this title”</i>. (Subtitle X § 302.2 (b))</p> <p>The South Building (Union Market) has received two time extensions, with the most recent extension valid to May 8, 2020.</p>	

III. PLAN CHANGES SINCE SETDOWN

In response to comments and requests made by OP and the Zoning Commission identified in the setdown report dated July 19, 2019, and at the public meeting held July 29, 2019, the applicant filed revised plans and a Prehearing Statement on September 19, 2019 (Exhibits 14-14E).

An Interagency Meeting was held October 24, 2019. Agencies in attendance included: DC Water, Department of Energy and Environment (DOEE), Department of Housing and Community Development (DHCD), District Department of Transportation (DDOT), and Department of Parks and Recreation (DPR). OP also contacted DC Public Schools (DCPS), Department of Employment Services (DOES), Fire and EMS Department, and Metropolitan Police Department (MPD) for comment, but received no response. The applicant has been working separately with DDOT to address transportation concerns.

The applicant has provided written responses in **Exhibits 14 and 20** of the record. The following table summarizes the comments and responses from the Public Meeting and Interagency Meeting.

Zoning Commission / OP Comment	OP Comments
Housing Comments	
1. Additional information regarding affordable housing should be provided, including: floor plans showing the location of IZ units; number of IZ units; IZ unit types (one bedroom, two bedrooms, etc.); and depth of affordability.	The applicant has provided the requested information at Exhibit 14C. Sheet A41 provides that a total of 24 IZ units would be provided, with 7 units at 50% MFI and 17 units at 80% MFI. Four IZ studio units would be provided, ten IZ one-bedroom units would be provided, and ten IZ two-bedroom units would be provided. The provision of affordable units furthers the District's affordable housing goals.
2. The applicant should provide clarification regarding the IZ requirement for the North Building.	<p><u>Additional Information Required</u></p> <p>The Order for ZC Case No. 14-12 does not specify the affordable housing requirement for the North Building. The applicant asserts that the North Building is subject only to the required IZ at the time of the Stage 1 approval and cites the 2014 OP report as agreeing with that assertion.</p> <p>The Order for ZC Case No. 14-12 does not explicitly provide an affordable housing proffer for the North Building. The IZ Regulations have since been revised, requiring 8% of the GFA at 60% MFI for rental buildings.</p> <p>OP notes § X-310.1 which states: <i>No order approving a PUD shall be deemed to include relief from any zoning regulation, including, but not limited to, the Inclusionary Zoning requirements of Subtitle C, Chapter 26 unless such relief was expressly requested by the applicant and expressly granted in the order.</i></p>

Zoning Commission / OP Comment	OP Comments
	<p>The Order does not address requirements or flexibility for the North Building therefore it is OP's understanding that the North Building would be subject to 60% MFI for rental requirements that are currently in effect.</p>
<p>3. The applicant is strongly encouraged to increase the amount of affordable housing in the proposal.</p>	<p>The applicant has agreed to dedicate 9% of the GFA to affordable housing, with</p> <ul style="list-style-type: none"> • 30% of the units set aside for households earning no more than 50% MFI; and • 70% of the units set aside for households earning no more than 80% MFI. <p>This would result in 2,875 square feet more of affordable housing and furthers the District's affordable housing goals.</p> <p>However, the 80% MFI may need to be considered as flexibility since the IZ regulations now require 60% MFI for rental.</p> <p>OP and DHCD prefer the 60% MFI for rental.</p>
<p>4. The applicant is strongly encouraged to provide 3-bedroom units in the proposed building.</p>	<p>The applicant has indicated that due to the configuration of the project, it would not be possible to include true three-bedroom units without a significant reduction in the overall number of units. The project would include five two-bedroom plus den units. Four of those units would be IZ units. The provision of family-sized units is consistent with the District's housing goals.</p>
<p>5. It was assumed that the South Building would be constructed before the North Building. The South Building was required to provide two units at 50% MFI. Since that building has been delayed and has flexibility to provide non-residential uses, those two units should be provided in the North Building, where residential uses would certainly be provided.</p>	<p>The applicant has provided that 30% of the GFA of the affordable units in the North Building would be provided at 50% MFI.</p>
Site Plan Comments	
<p>6. Detailed renderings of the rooftop, including all proposed structures, should be provided.</p>	<p>The applicant has provided renderings of the rooftop, which show a residential amenity space, including swimming pool, green roof, mechanical equipment, and solar panels. The rendering appears to be consistent with the site plans, which comply with the Zoning Regulations.</p>
<p>7. The applicant should commit to providing permanent retail entrances on 5th and 6th Streets.</p>	<p>The applicant should commit to providing retail and residential entrances on both 5th and 6th Streets in order to activate the public realm, which would be consistent with the Small Area Plan and Streetscape Design Guidelines.</p>

Zoning Commission / OP Comment	OP Comments
8. Detailed plans of the proposed Plaza should be provided, which identify specific hardscape materials to be used, images of outdoor furniture, including benches, and any landscaping that would be incorporated into the space.	The applicant has provided renderings showing enlarged plans of the Plaza. The applicant should upgrade the space as requested by the Department of Parks and Recreation, including shade, playful elements, and flexible furniture, in order to create a more functional and inclusive open space.
Environmental Comments	
9. The applicant should commit to providing solar panels on the roof.	The applicant has indicated that approximately 1,300 to 2,300 square feet of solar panels would be provided on the roof. This would allow for approximately 1% of the building's common area power consumption to be powered on-site. This is consistent with the goal of increasing sustainability of the project and the District as a whole.
10. The applicant is encouraged to locate solar panels on the green roof.	Solar panels would be provided on a portion of the penthouse above green roof, consistent with DOEE's guidelines and recommendations.
11. The number and location of EV charging stations should be provided on the garage floor plans.	The applicant has provided that seven EV charging stations would be installed within the garage on the B1 level, which is consistent with the District's sustainability goals.
Streetscape Comments	
12. The applicant should provide detailed streetscape plans in coordination with DDOT and OP regarding the design and use of public space and its compliance with the Union Market Streetscape Guidelines.	The applicant has provided sections of the streetscape that show the various public space zones. The project incorporates improvements to the streetscape surrounding and within the PUD site that will improve the transportation and pedestrian network in the Market area. The applicant has worked with DDOT to develop Streetscape Design Guidelines that guide the design and use of public space in the Market area
13. OP continues to encourage the applicant to enhance the street space with artwork, parklets, café seating, and generous tree sizes.	The applicant agrees with this suggestion and agrees to continue to work with OP and DDOT to explore various concepts.
14. The thick gray band that extends into public space and encircles the oriel window projections on 5 th and 6 th streets is not a type of projection specifically allowed by the regulations and would likely require a modification from the construction code. OP would support it as an embellishment.	The applicant has agreed to seek a modification of the Construction Code to accommodate the cornice.
15. The width of the bay windows and balconies appear to comply with the regulations; however, the drawings are unclear in demonstrating that the balconies project within the 4-foot allowance. This information should be provided on the drawings.	The requested information has been provided.

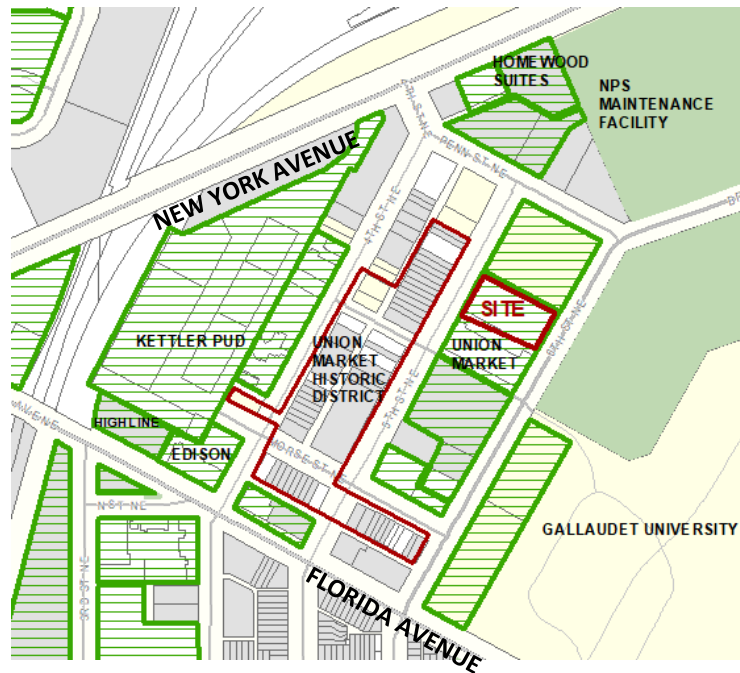
Zoning Commission / OP Comment	OP Comments
PDR/Maker Space	
16. The applicant should identify on the plans that 11,527 square feet on the ground floor will be constructed to PDR/Maker specifications and provide the specifications on the plans.	<p><u>Additional Information Required</u></p> <p>The applicant has identified that the details have been provided in the submission; however, OP has requested that the specifications be provided in the plans so that they carry forward and are easily enforced by DCRA. Preferably, a note with the specifications would be provided on the Ground Level Plan (sheet A25). The plans should also note the location of the proffered PDR/Maker Space, which would consist of 5% of the ground floor area.</p>
17. The applicant is strongly encouraged to: <ul style="list-style-type: none"> • Increase the amount of PDR/Maker Space on the ground floor to half of the floor area (11,527 square feet), and • To dedicate the space to that use for the life of the project. 	<p>A total of 5% of the ground floor (1,152 square feet) would be reserved for PDR/Maker uses for a period of five years.</p> <p>Although this is similar to what has been provided in previous PUDs, permanently dedicating this space would be more consistent with the intent of the Ward 5 Industrial Land Transformation Study, which aims to preserve PDR space indefinitely. The purpose of providing dedicated maker space is to support the maker industry; subjecting a maker business to relocation after only five years works against fostering the growth of maker businesses.</p>
18. The applicant should provide additional information regarding the anticipated tenants of the ground floor and an analysis of how the tenants would meet the goals of the Ward 5 Industrial Land Transformation Study.	<p>The applicant has indicated that the proffered PDR/Maker space will be occupied by tenants consistent with the Study.</p>
Design Comments	
19. Additional information regarding the types of materials to be used, including material type, color, and samples, demonstrating that the proposed building materials will be of a high-quality.	<p>The elevations have been updated to identify the proposed materials for the project, including a light-colored brick, a dark-colored metal cladding, and a rust-colored metal accent. A material board should be provided at the hearing.</p>
20. Window details should be provided, illustrating window mullions and depth from the façade.	<p>Window details have been provided on sheet A39, demonstrating that the building elevations would not be flat. The windows would be set back from the exterior building material between three and seven inches, creating depth to the façade.</p>
21. A detailed sign plan should be provided, including sign types, illumination, and building locations.	<p>A sign plan has been provided at Exhibit 14E.</p>
22. OP continues to encourage the applicant to explore the relocation of the lobby to the southeast corner of the property along 6 th Street and the Plaza so that retail can be provided	<p>The applicant has detailed why the lobby is best located at the proposed location on 5th Street, including: 1) the residential lobby will activate 6th Street; 2) access to parking and loading would be located on 6th Street; 3) the</p>

Zoning Commission / OP Comment	OP Comments
<p>along 5th Street. This would be consistent with the intent of the Union Market Guidelines, which encourages 5th Street to be “designed to incorporate retail activity, flexible gathering places, and other programmed spaces” to encourage pedestrian-driven uses.</p>	<p>First Stage PUD shows residential locations on 5th Street; 4) the residential lobby could blend into adjacent retail space so that it functions more like a retail space.</p> <p>OP appreciates the applicant’s analysis regarding the residential lobby but continues to prefer for the lobby entrance to be located on 6th Street, which would maximize 5th Street for pedestrian-driven uses.</p>
<p>23. The applicant is encouraged to explore redesigning the canopies and the loggia to make the canopies a more visible and prominent feature of the façade. In addition, the canopies should meet the following dimensional standards: Minimum 16’ in height and a minimum of 10’ in depth but encourage at least 15’. To make the canopies more impactful it is suggested that the applicant review lighting treatments for the underside, and the addition of repeating horizontal support beams to punctuate a procession along the building frontage similar to the precedent image shown on the applicant’s package (sheet A8).</p>	<p>The canopies would be accented with underside lighting and material treatments. Due to the grade changes on the adjacent streets, the canopies could not be relocated without exceeding the range of heights permitted in the Streetscape Design Guidelines. Modifying the height would also interfere with the ventilation system.</p>
<p>24. The applicant is encouraged to explore the use of bolder color and pattern on the building, particularly in the black metal cladded portion.</p>	<p>The applicant has provided that the use of light brick and dark metal would create a striking contrast, and a bright metal accent would be used on prominent and projecting architectural features.</p>
Parks and Recreation Comments	
<p>25. There is a need for shade in the Plaza, which consists largely of hardscape. Consider incorporating design elements that increase shade and make the space more useable.</p>	<p>The applicant has indicated that in the short term, shade would be provided by umbrellas and shade sails, and in the long term, shade would be provided by the construction of South Building. These elements would appear to meet the intent of DPR’s comments, although the applicant is encouraged to revisit the issue of shade once the building is constructed to ensure that the Plaza is functional and comfortable for pedestrians. The applicant is also encouraged to continue working with DPR regarding the design of the Plaza.</p>
<p>26. Incorporate playful elements for all ages, including programming, color, activities, and play space.</p>	<p>The Plaza would be flexibly designed to accommodate different types of programming. The applicant is encouraged to continue working with DPR to ensure that the space is designed to accommodate all mobility ranges and age groups.</p>
<p>27. Provide flexible furniture with back and arm support for seniors.</p>	<p>The Plaza would be flexibly designed to accommodate different types of programming. The applicant is encouraged to continue working with DPR to ensure that the space is designed to accommodate all mobility ranges and age groups.</p>

Zoning Commission / OP Comment	OP Comments
28. Crater’s Bowl, a skate structure and cultural events venue, is located north of the proposed building. Describe how impact to the structure will be limited during construction.	The applicant has agreed to work with the adjacent property owner to ensure that the structure is not impacted by construction, or to move it to a temporary location if it is impacted.
29. The plans depict a moveable stage and various chairs and tables in plaza adjacent to the south building. Please explain what happens to these features once the south building is fully constructed.	The moveable stage will be situated in the Plaza as needed for events.
30. Will there be any educational or historic signage integrated into the project design? The plaza could be a venue for these features.	Wayfinding signage will be installed around the Market area and in the Plaza, as required by the Consolidated PUD for the South Building.
DC Water Comments	
31. Ensure that the sidewalk and landscaping in public space are not in conflict with the 48-inch water line under 6 th Street.	The applicant and DDOT have confirmed that the public space improvements would not conflict with DC Water infrastructure.
32. Provide a plan demonstrating how sheeting and shoring will be supported and not in conflict with the water lines.	Once sheeting and shoring plans are required, the applicant and its design team will design a plan that does not conflict with DC Water infrastructure.

IV. SITE AND AREA DESCRIPTION

The project site is located in the Florida Avenue Market, which is an approximately 40-acre area located north of Florida Avenue, south of New York Avenue, and east of Sixth Street. Specifically, the project site is north of the Union Market building, between 5th and 6th Streets, north of Neal Place. North of the site is undeveloped property owned by JBG and Gallaudet University that is used for special events. To the west, is the Union Market Historic District, which consists of two-story buildings housing various warehousing and retail uses. To the east are ballfields located on the KIPP school grounds. The site slopes upward toward the north end of the property. The site is located approximately ½ mile from the NoMa-Gallaudet University Metro Station.



Several properties in the Market Area have received PUD approvals, as shown in the map above. To date, the Highline and Edison on Florida Avenue and 1270 4th Street have been completed. None of the sites included in this PUD are currently under construction.

V. PROJECT DESCRIPTION AND ANALYSIS

The North Building would consist of a 120-foot high residential building with ground floor retail. Three levels of below grade parking with 310 parking spaces would be provided and accessed by a curb cut on 6th Street. Loading would be accessed via the same curb cut on 6th Street. The applicant has indicated that flexibility from loading requirements was approved in the First Stage PUD; however, it appears that approval was only granted for the South Building. Additional information has been requested regarding this flexibility. A habitable penthouse would consist of residential amenities and solar panels would be located on top of the penthouse.

The proposed design of the building would resemble the warehouses emblematic of an industrial zone. The predominant building material is light brick, which is accented by a metal clad tower on the south building elevation and a copper metal accent in strategic locations. The applicant has been strongly encouraged to incorporate unique features into the design, such as bold colors or materials, that would result in a distinctive design symbolic of the creative environment that Union Market intends to foster. However, overall, the building façade is a contemporary interpretation of industrial materials, consistent with the Union Market aesthetic.

The building would have frontage on 5th Street, which is featured in the Small Area Plan as the retail spine of the Market Area. The ground floor would consist of 23,053 square feet of retail, with the predominant frontage facing the Plaza. Half of the ground floor would be constructed to industrial specifications, and 1,152 square feet of the ground floor would be set aside for PDR/Maker uses for a period of five years. These are new elements to the project that were not proffered during the review of the First Stage PUD.

The Plaza is an open space between the North and South Buildings that, in combination with the Park located to the south of the South Building, would function as open space for the project. The Plaza would feature a hardscape surface with moveable furnishings, dining areas, planters, and other elements that would provide flexibility to allow for programming of the space. It is recommended that the applicant continue to work with the Department of Parks and Recreation to ensure that the space meets the needs of different age groups and various levels of mobility, while providing the flexibility necessary for the intended programming.

The project would include ten stories of residential use, consisting of approximately 300 units. The unit mix would consist of studios, one-bedrooms, one-bedrooms plus den, two-bedrooms, and two-bedrooms plus den. Nine percent (9 %) of the gross floor area would be dedicated to affordable housing, with 70% of the floor area set aside for households earning 80% MFI and 30% of the floor area set aside for households earning 50% MFI. Four of the two-bedroom plus den units would be provided at 50% MFI and six would be provided at 80% MFI.

The Order for ZC 14-12 does not specify the affordable housing requirement for the North Building. The applicant asserts that the North Building is obligated to comply with the amount of IZ required at the time the Order was adopted, which was 8% of the gross floor area at no more than 80% AMI, and points to OP's reports as supporting that fact. However, OP's reports merely provide recommendations to the Zoning Commission, while the Order establishes the conditions of approval. While it is clear that the North Building was required to comply with the Zoning Regulations regarding IZ units for the North Building at the time that the PUD was approved, the Zoning Regulations have since been amended to require rental units to be provided at a greater depth of affordability at 60% MFI. The fact that the affordable housing provision for the North Building was not captured in the Order does create ambiguity regarding the depth of affordability that is required for this project. OP has discussed this issue with the applicant and OAG, and it continues to be unresolved.

VI. COMPREHENSIVE PLAN AND PUBLIC POLICIES

The Commission found during its review of the first stage PUD that the project is not inconsistent with the Comprehensive Plan. OP finds that the current second stage PUD application is generally consistent with the first stage as approved and does not detract from the project's correlation with the tenets of the Plan.

The proposal would further a number of the Plan's Guiding Principles and major policies from Plan elements, including: Land Use; Transportation; Housing; Urban Design; and Upper Northeast Area Element. The application is also not inconsistent with the Plan's Generalized Land Use Map or the Future Land Use Map. The proposal is also consistent with the Florida Avenue Small Area Plan and the Ward 5 Industrial Land Transformation Study. For a complete analysis of the project against relevant planning policies, please refer to the Office of Planning Setdown Report for Zoning Commission Case No. 14-12, dated July 18, 2014 at Exhibit 10 in the record for that case.

VII. ZONING AND PLANNED UNIT DEVELOPMENT

The purpose and standards for Planned Unit Developments are set out in 11 DCMR, Subtitle X Section 300 which states, "*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 project offers a commendable number or quality of meaningful public benefits and that it protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.”

The applicant is requesting approval of a second stage PUD. The second stage application must be in accordance with the intent and purpose of the Zoning Regulations, the PUD process, and the first-stage approval. The PUD standards state that the project should not result in unacceptable “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” (X § 304.4).

ZC Order 14-12 approved the First Stage PUD and PUD related map amendment for the C-3-C zone on the property and specified that the project and subsequent Second Stage applications be in accordance with the First Stage PUD. Subsequent to the First Stage PUD approval, the applicant has refined the details for the North Building that are consistent with the approval. All flexibility, with the exception of the habitable penthouse and possibly loading for the North Building, was approved by the Zoning Commission with the First Stage PUD.

The table below shows a comparison of the development parameters approved for the North Building at First Stage, the proposed Second Stage PUD and the standards of the C-3-C/PUD.

North Building	C-3-C/PUD Standards	Approved Stage 1	Proposed Stage 2
Lot Area	15,000 sq.ft. min.	42,078 sq.ft. (North Building only)	42,078 sq. ft. (North Building only)
Height (ft.)	130 ft. max.	120 ft.	120 ft.
Residential Units	--	Details not provided	301 units
Penthouse Height	20 ft. max.	Details not provided	20 ft.
Penthouse Setbacks	Distance equal to its height from front, rear and side building walls.	Details not provided	6 ft., 12 ft., 17 ft., 20 ft.
Habitable Penthouse	--	Not proposed	15,568 sq. ft. devoted to residential amenity space New flexibility requested
Penthouse Walls of Equal Height	Enclosing walls shall be of equal, uniform height	Details not provided	1 ft. to 20 ft. Flexibility approved in First Stage PUD
FAR	8.0	6.30 (Total) 3.78 (North Building)	6.23 (Total) 3.71 (North Building)
Residential:	336,624 sq. ft. max. or	290,000 sq. ft.	287,530 sq. ft.
Non-Residential:	336,624 sq. ft. max.	35,000 sq. ft.	23,053 sq. ft.
Residential Units	--	Details not provided	301 units
Inclusionary Zoning	8% GFA @ 80% AMI	8% GFA @ 80% AMI (23,200 sq. ft.)	9% GFA @ 80% AMI (25,877 sq. ft.)

		20% of the IZ units to be set aside for households earning no more than 50% MFI (4,640 sq. ft.)	30% of the IZ units to be set aside for households earning no more than 50% MFI (7,763 sq. ft.)
Lot Occupancy	100% max.	77% (North Building)	77% (North Building)
Rear Yard	27 ft. min.	50 ft.	50 ft.
Side Yard	None required	0 ft.	0 ft.
Parking	138 spaces min.	139 spaces	139 spaces (310 spaces total)
Bicycle Parking	Residential: Long term: 76 spaces min. Short term: 0 spaces min. Retail: Long term: 3 spaces min. Short term: 0 spaces min.	Long term: 111-119 spaces Short term: 17-27 spaces	Long term: 111-119 spaces Short term: 17-27 spaces
Loading	Retail: Not required Residential: 1 berth @ 55 ft. 1 platform @ 200 sf 1 delivery space @ 20 ft.	1 berth @ 55 ft. 1 berth @ 30 ft. 1 delivery space @ 20 ft. 1 platform @ 200 ft.	2 berths @ 30 ft. 1 delivery space @ 20 ft. 1 platform @ 200 ft. Flexibility approved in First Stage PUD for South Building
Green Area Ratio	0.2 min.	0.2	0.2
Green Building	--	LEED Silver (2009)	LEED Silver (v4)
PDR/Maker Space	--	No requirement	11,527 sq. ft. of ground floor shall be constructed to industrial specifications; 1,153 square feet will be reserved for PDR/Maker use for five years

VIII. FLEXIBILITY

In the First Stage PUD, the Commission approved PUD-related zoning of C-3-C for the PUD. Also, in the First Stage PUD, the Commission granted zoning flexibility for use, allowing either residential or office uses above the ground floor. The current proposal is consistent with the approved zoning as well as the uses approved in the First Stage PUD.

The current second stage application requests flexibility from the specific zoning regulations listed below. A summary of each area of relief is given below.

1. Penthouse Walls of Equal Height; Approved in First Stage PUD

The applicant requested flexibility to provide walls of unequal height in the First Stage PUD. The Zoning Regulations require enclosing walls of the penthouse to be of equal, uniform height as measured

from the roof level. The applicant has proposed walls ranging in height from one-foot to 20-feet. While they would not be of uniform height, the walls would provide sufficient screening and setbacks. No additional flexibility is requested.

2. Loading; Approved in First Stage PUD for South Building – Possibly Needed for North Building

The applicant requested flexibility to provide two 30-foot berths and two platforms for the South Building as part of the Consolidated PUD. The plans and Order do not indicate the loading that would be provided for the North Building, and it does not appear that flexibility for the North Building was requested. The applicant should clarify if flexibility for lading is being requested with this application so DDOT can determine if additional mitigations are necessary.

3. Habitable Penthouse: New Flexibility

The applicant has requested new flexibility to allow a habitable penthouse that consist of residential amenities. OP recommends the requested relief because it provides amenities to the residents of the building.

IX. PUBLIC BENEFITS AND AMENITIES

Subtitle X § 305.5 f the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. A project may qualify for approval by being particularly strong in only one (1) or a few of the categories..., but must be acceptable in all proffered categories and superior in many (Subtitle X § 305.12).

The First Stage PUD included a number of benefits, including housing and affordable housing, social services/facilities, environmental benefits, open space, maker space, transportation benefits, and employment benefits.

1. Housing and Affordable Housing

The proposal consists of 287,530 square feet of residential use, yielding approximately 300 units. 25,877 square feet (9%) would be dedicated to affordable housing, with 30% at 50% MFI and the remaining 70% at 80% MFI. OP has requested additional information clarifying the depth of affordability that is required for this PUD, as it is not specified in the Order.

2. Environmental Benefits

The project would be certified at the LEED Silver, v4 level. Points would be gained for developing on a site with access to public transportation, water efficiency, optimizing energy performance, and indoor environmental quality.

3. Open Space

The Plaza, a 12,500 square foot urban park located between the North and South Buildings, will be improved upon completion of the North Building. The park would include flexible furniture and outdoor seating intended to draw in pedestrians walking from Union Market and other retail in the Market Area.

4. Maker Space

The applicant has committed to construct half of the ground floor, approximately 11,500 square feet, to industrial specifications. Additionally, 5% of the ground floor approximately 1,150 square feet, would be dedicated to PDR/Maker users for a period of five years. This proffer is new commitment with this application and was not evaluated with the First Stage PUD. OP supports this benefit, as it would preserve maker space within the Market Area, albeit for a short period of time, consistent with the intent of the Ward 5 Works Industrial Land Transformation Study.

5. Transportation Benefits

The proposed project includes a number of elements designed to promote effective and safe vehicular and pedestrian movement, transportation demand management, and connections to public transportation services. The project incorporates improvements to the streetscape surrounding and within the PUD site that will improve the transportation and pedestrian network in the Market area. The applicant has worked with DDOT to develop Streetscape Design Guidelines that guide the design and use of public space in the Market area.

6. First Source Employment Agreement

The applicant is required to submit a First Source Employment Agreement for each building to the Department of Consumer and Regulatory Affairs (DCRA). The applicant should provide an update to the Zoning Commission regarding this benefit.

X. AGENCY REFERRALS

OP anticipates a report from Department of Transportation (DDOT) will be filed under separate cover.

OP coordinated an Interagency Meeting that occurred October 24, 2019. Several Agencies were in attendance, including DC Water, DOEE, DHCD and DPR. OP provided the comments made by each Agency to the applicant for response, which the applicant has submitted to the record at Exhibit 20.

XI. COMMUNITY COMMENTS

ANC 5D has provided a letter of support at Exhibit 10 in the record.

XII. RECOMMENDATION

OP finds the application for the North Building to be generally consistent with the First Stage PUD with the noted exceptions of the new flexibility for penthouse and possible flexibility for loading but concludes that the benefits of the project could be more robust by:

- Ensuring the rental IZ units (other than those proffered at 50 % MFI) comply with the 60 % MFI requirement for IZ rental units, and
- Extending the commitment for makerspace to at least twenty (20) years. Five years as proposed is a very short, if not insignificant, amount of time for a maker business considering the investment they would have to make to get established.

A final recommendation will be provided after a complete analysis of the requested supplemental information.

JS/be