



## Memorandum

**TO:** District of Columbia Zoning Commission

**FROM:** *JL for* Jennifer Steingasser, Deputy Director  
Development Review and Historic Preservation

**DATE:** February 12, 2016

**SUBJECT:** **ZC 15-22 – Hearing Report** for Consolidated Planned Unit Development (PUD) with PUD-related Map Amendments for 301 Florida Avenue NE

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### I. RECOMMENDATION

The proposed development of a new residential building with ground floor retail conforms to the Comprehensive Plan's objectives for the area and to the Generalized Land Use and Policy Maps, and would contribute to the redevelopment of the neighborhood. As such, the Office of Planning (OP) recommends **approval** of this Planned Unit Development (PUD) application with related Zoning Map Amendment, provided that issues and lack of certainty raised in the OP set down report and in this report, principally related to the proposal for the N Street right-of-way and the benefits and amenities package, are adequately addressed by the Applicant.

A summary of Applicant responses to OP and Zoning Commission comments made during the setdown meeting on November 23, 2015 is provided at the end of this report. The Applicant submitted additional information pertaining to the benefits and amenities package, renderings depicting an updated design, information concerning public space encroachments along Florida Avenue NE, a loading management plan, and information concerning the inclusion of “maker” spaces in the Project's retail mix.

At setdown, OP and the Zoning Commission also requested information about an Applicant contribution towards improvements, vehicular limitations, and the potential closure of all or a portion of N Street NE, between 3rd and 4th Street NE, to be enhanced as a mainly pedestrian plaza, as there was, and remains, a great deal of uncertainty about this proffer. The Applicant noted a commitment to contribute \$125,000 to support the construction of enhanced pedestrian improvements and the creation of a pedestrian-oriented plaza on N Street, NE, between Florida Avenue, NE to the east and 3rd Street NE to the west, and submitted an Escrow Agreement (Exhibit 26C). However, OP also requested a site plan depicting the proposed changes, maintenance agreements, and discussion regarding coordination with the landowner to the south and with the District Department of Transportation (DDOT). To date, the Applicant has not provided this information. A more detailed cost estimate of the proposed work, information about how the applicant's proffer would be utilized, and a time-line for the work is needed.

The Applicant should also detail an interim plan for streetscape improvements along N Street NE if construction of the Project commences prior to the PUD to the south (ZC 15-28). The Office of Planning notes that DDOT and ultimately Council approval of a potential street closing would be required, and such an application has not been filed.

In addition, given that the Inclusionary Zoning (IZ) program uses 80% and 50% Area Median Income (AMI), OP would support an increase in the proposed affordable housing subsidy for the two units (2,077 square feet) at 60% to 50% AMI, so that they would be consistent with IZ and able to be

administered by the Department of Housing and Community Development (DHCD) through that program.

While OP is generally supportive of the building materials and overall design intent, the extensive building projections as proposed, particularly on Florida Avenue, appear to exceed that normally permitted and may not be approved by the Public Space Committee.

Overall, the Applicant needs to better address how the Project would “offer a commendable number or quality of public benefit” per the requirement of § 2400.2.

## **II. PROPOSAL**

301 FL Manager LLC (the “Applicant”) has submitted an application for a PUD and related map amendment from C-M-1 to C-3-C to permit construction of a mixed-use residential building with ground floor retail development for a small, triangular lot at Square 722N, Lots 803 (the “Project”). The development would include:

- A mixed use building with an FAR of 7.57 and combined gross floor area of 66,010 square feet, of which 61,173 square feet would be dedicated to residential use (approximately 56 units) and 4,837 square feet would be dedicated to retail uses;
- Retail uses along Florida Avenue NE, N Street NE, and 3<sup>rd</sup> Street NE;
- A maximum height of 101 feet; and
- 8% of the total residential gross floor area (4,837 square feet) devoted to affordable housing.

In addition to the PUD-related map amendment from C-M-1 to C-3-C, the Applicant seeks zoning flexibility in the following areas:

1. Minimum PUD Area (§ 2401), as the lot, at 8,720 square feet is less than the 15,000 square feet required;
2. Off-site Parking (§ 2101), to reduce the parking from 16 spaces required to 0 spaces proposed;
3. Loading (§ 2201), to not provide any on-site loading facilities;
4. IZ Set Aside Requirements (§ 2603.2); and
5. Inclusionary Zoning Development Standards (§ 2605), to allow the proportion of IZ studio and 1-bedroom units to all IZ units to exceed the proportion of market rate studio and 1-bedroom units to all market rate units.

The Office of Planning analysis of each relief request is provided in Section VII of this report.

The proposed building’s exterior would be of a modern aesthetic but would reference the existing industrial character of the area, including sculptural steel truss columns at the corners. The Project would include masonry plinths to anchor and tie the seven story building top to the ground floor base. Given the building’s location across from the Union Market area, OP has suggested the inclusion of further design elements to reference the existing industrial character of the neighborhood.

Major changes to the proposal since set down include the following:

### Design

The Applicant submitted additional street-level renderings of the Project and updated Architectural Plans and Elevations addressing the design of the building. In response to comments by the Zoning Commission at setdown, the Applicant indicated that the composite metal panels have been changed to a darker color. Further, the Applicant provided additional information concerning the proposed materials, which would include metal and composite panels, as well as brick and stone veneers. The Applicant should provide a materials board at the public hearing.

### Transportation

The Applicant has now submitted a Comprehensive Transportation Review (“CTR”) which concludes that the requested parking flexibility will not cause any detrimental impacts due to the existing network of transit, bicycle, and pedestrian facilities surrounding the site, combined with the implementation of an extensive transportation demand management (“TDM”) plan. The TDM plan includes designation of a TDM coordinator, Residential Parking Permit restrictions, a marketing program, transportation incentives, bicycle amenities, and ride-matching/ridesharing programs. The CTR also includes a loading management plan, and concludes that the requested loading flexibility would not cause any detrimental impacts. DDOT is reviewing this document and is expected to provide analysis and recommendation.

### Benefits and Amenities

The Applicant noted its commitment to contribute \$125,000, to be placed in an escrow account, to support the construction of enhanced pedestrian improvements and/or the creation of a pedestrian-oriented plaza on N Street, NE, between Florida Avenue, NE to the east and 3rd Street NE to the west, and submitted an Escrow Agreement (Exhibit 26C). However, it is unclear what is actually being proposed, the timing, coordination with the adjacent landowner, or the benefit associated with potentially closing this street. A more complete review of the proffer is provided in Section VIII of this report.

The original submissions indicated that these funds may be used for either the N Street improvements, or as a contribution towards the installation of a new entrance to the NoMA-Gallaudet Metrorail station. Although the Applicant submissions are not entirely clear, the Applicant has indicated that the contribution to the metro entrance would no longer be considered as a potential part of the benefits and amenity package. This is unfortunate, as a new metro entrance would greatly benefit both this site and the neighborhood. The Office of Planning understands that other landowners in the area are working on ways to move that project forward, and the Applicant should detail their involvement, if any, in those discussions at the public hearing.

### “Maker” Spaces

Given the Project’s current location in the C-M-1 zone and proximity to industrial uses, OP supports the Applicant’s marketing of the Project’s retail areas for “maker” spaces. The Applicant should

provide details regarding commitments, assurances, and potential subsidies, which could allow this to further the Comprehensive Plan direction on the Land Use Map.

### III. SITE and AREA DESCRIPTION

The site is located at 301 Florida Avenue NE. The triangular site is 8,720 square feet, and is currently improved with a one-story building and associated surface parking.

The property is surrounded by a variety of uses including low to high density residential, industrial warehouses, and commercial uses. Industrial uses are located to the north, Gallaudet University to the east, residential uses to the southeast, large-scale residential developments to the southwest, and rail tracks and the NoMa Gallaudet Metrorail station to the west. In addition, several recently approved or in process PUDs are located in the area, and are detailed below.

The Property is within the NoMA Vision Plan and Development Strategy Area. NoMA has undergone significant and transformative private development and public infrastructure improvements.



Vicinity Map/ Aerial Photo. Approximate bounds of the Property in red. 2014 Google.

The Florida Avenue Market Study Area, just north of the Property across Florida Avenue NE, is currently undergoing a significant amount of development interest. Within the forty (40) acre market area, there are several approved PUDs, several PUDs currently under review, and others are anticipated to be filed in the near future. See map below for a summary of PUDs closest to the Property. Continued infrastructure and public realm planning, among other considerations, are important factors that will facilitate the success of the area.



★ -- Applicant's PUD #15-22

★ -- Potential Future PUDs

# -- Nearby, approved PUDs or PUDs currently under review

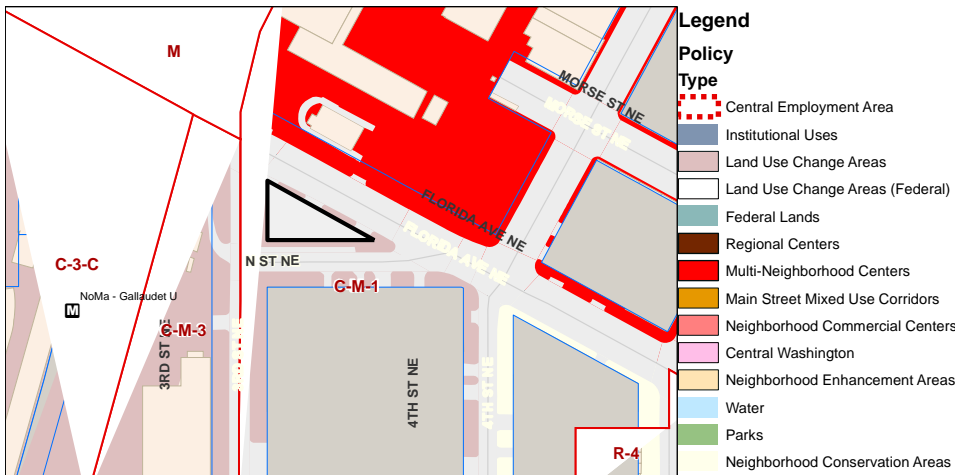
- #1: ZC 15-28, Setdown in February 2016, C-M-1 to C-3-C, 369 residential units (320,261 sf), commercial use (133,849 sf); 175 hotel rooms (6.68 FAR).
- #2: ZC 06-40, Approved in 2008 (extensions/modifications through 2016), Rezoning from C-M-1 to C-3-C, 170-216 residential units and 27,410 sf of retail. (5.0 FAR). The project is under construction.
- #3: ZC 14-07, Approved in June 2015, C-M-1 to C-3-C, 545-680 units and 41,042 sf of retail. (8.0 FAR)
- #4: ZC 15-1, Approved in July 2015, C-M-1 to C-3-C, 285-346 residential units and 8,472 sf of retail (8.0 FAR)
- #5: ZC 14-19, Approved in September, C-M-1 to C-3-C, 395-437 residential units and 10,302 sf of retail (6.21 FAR)
- #6: ZC 06-14, Approved in 2007 (extensions/modifications granted through June 2013), Rezoning from M to C-3-C, 230-270 residential units; 140-195 hotel rooms and 5,000-7,000 sf retail, which has been constructed. There is an unbuilt ~600,000 sf office building associated with the PUD. (7.08 FAR)
- #7: ZC 15-27, In process, C-M-1 to C-3-C, approx. 868,939 sf of residential use (or ~975 units), 67,215 sf of retail use and 303,395 sf of office use in six (6) FAR of 6.3



#### IV. COMPREHENSIVE PLAN

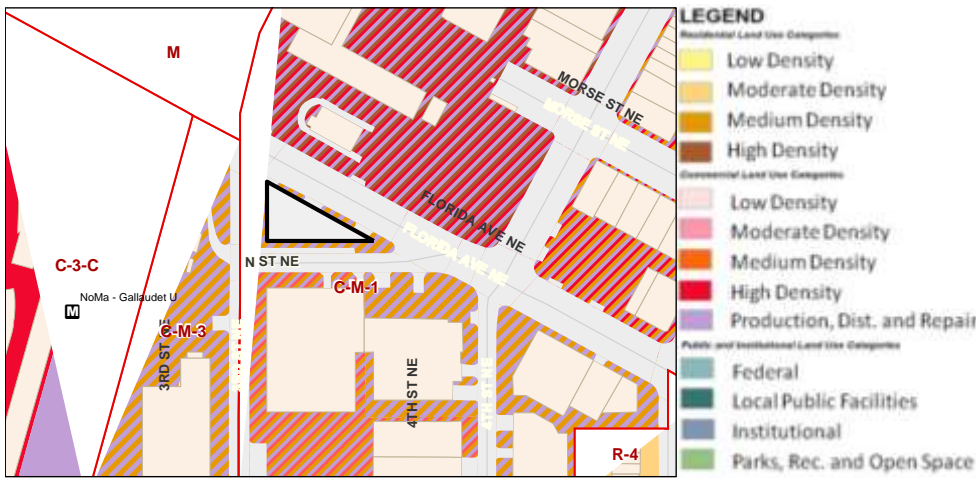
The proposed PUD must be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies (§ 2403.4). As detailed in the OP setdown report (Exhibit 15), the development proposal would particularly further the Land Use, Housing, Economic Development, Environmental Protection, Historic Preservation, and Urban Design Citywide Elements, as well as Central Washington Area Elements and policies.

#### B. Comprehensive Plan Generalized Policy Map



The Generalized Policy Map designates the site as a Land Use Change Area, which is defined as a large property expected to change from one land use to another. The proposed development includes a land use change from industrial to residential, which is not inconsistent with the land use designation.

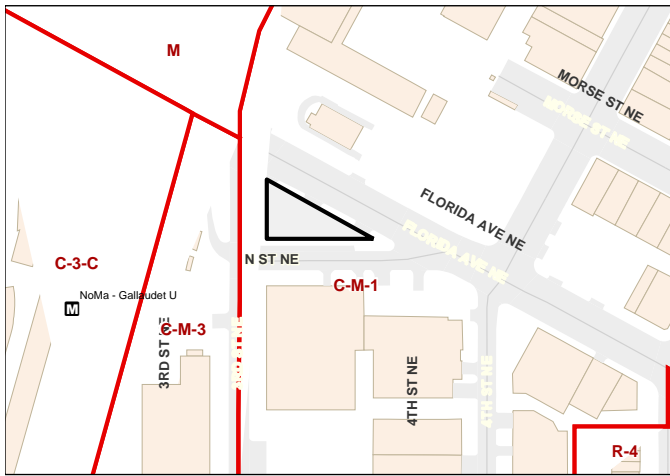
#### C. Future Land Use Map



The Future Land Use Map designates the subject site as mixed-use Medium Density Residential and Production Distribution and Repair (PDR). Medium density residential indicates areas of mid-rise (typically 4-7 story) apartment development, although may also identify areas with a mix of high-rises and row houses, or high

rises surrounded by open spaces. PDR areas are those characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services and food services, among other uses. The proposed development is not inconsistent with the land use designation, particularly if the ground floor retail is designed and programmed to include creative, “maker” space consistent with the PDR stripe.

## V. ZONING



The site is currently zoned C-M-1, which permits development of low bulk commercial and light manufacturing uses. The existing C-M zone does not allow for residential development and limits height to 40 feet as a matter-of-right and 60 feet through a PUD, so is considered not consistent with Comprehensive Plan direction. The Applicant is requesting a PUD-related map amendment to C-3-C, which Permits matter-of-right development for major business and employment centers of medium/high density development, including office, retail, housing, and mixed uses, and not inconsistent with the Comprehensive Plan.

The following table compares the matter of right and requested C-3-C zone

Standard	C-M-1 MOR	C-3-C MOR	C-3-C PUD	Proposal	Flexibility
<b>Uses</b>	Industrial, commercial and hotel uses	Office, retail, hotel, residential and mixed use	Office, retail, hotel, residential, hotel and mixed use	Primarily residential with ground floor retail	Use flexibility would be provided through the requested PUD-related map amendment
<b>Height (ft.)</b>	40 ft./3-stories	90 ft.	130 ft.	101 ft.	None required
<b>Lot Occupancy %</b>	Non-specified	100%	100%	100%	None required
<b>FAR</b>	3.0 max	6.5 max 7.8 (w/ IZ)	8.0	7.57	None required
<b>Rear Yard</b>	For the portion of the structure above 20' in height, 12 ft.	2.5"/vertical feet in height, but $\geq 12'$	2.5"/vertical feet in height, but $\geq 12'$	40 ft.	None required
<b>Side Yard</b>	None required	None required; if provided, 3 in/ft. of ht. but not less than 6 ft.	None required; if provided, 3 in/ft. of ht. but not less than 6 ft.	none	None required
<b>Parking (spaces)</b>	Industrial – 1 sp. / 1,000 sq.ft.	Residential: 14 spaces Retail: 2 spaces	Residential: 14 spaces Retail: 2 spaces	0	<b>Flexibility required</b>
<b>Loading</b>	Industrial (if more than 25,000 sq.ft.): 1-55 ft berth 1-30 ft space 1 – 100 sf and 1-200 sf platform	Residential: 1-55 ft berth 1-20 ft space 1-200 sf platform  Retail: 1-30 ft berth 1-100 sf platform	Residential: 1-55 ft berth 1-20 ft space 1-200 sf platform  Retail: 1-30 ft berth 1-100 sf platform	None proposed – loading would be provided on N Street NE	<b>Flexibility required</b>

## VI. FLEXIBILITY

In addition to the PUD-related map amendment from C-M-1 to C-3-C, the following zoning flexibility is requested<sup>1</sup>:

<sup>1</sup> See § 2405.7.

- Land Area Requirements for PUD (§ 2401.1)

§ 2401.1(c) requires a minimum land area of 15,000 square feet for a PUD in the C-3-C District. The Subject Property has a land area of approximately 8,720 square feet and therefore does not meet the area requirement of § 2401.1. The Commission may waive up to 50% of the minimum area requirement, provided that the Commission finds, after a public hearing, that the Project is of exceptional merit and is in the best interest of the city or country. OP has no concerns with this request.

- Off-Street Parking (§ 2101.1)

The parking requirements of § 2101.1 require one parking space for each four dwelling units (14 spaces) and one space for each 750 square feet of gross floor area in excess of 3,000 square feet devoted to retail space (two spaces), for a total of 16 required parking spaces. The Applicant requests flexibility to provide no parking, due to the small size and configuration of the lot. Given the proximity of the lot to mass transit, as well as the lot's small size and irregular shape, OP has no concerns with this request. OP would not support the provision of parking at street level, as this would require curb cuts and a loss of retail space. The Applicant should contribute towards the provision of the proposed additional entrance to the metro station on this side of the tracks (likely directly across the street from this site), and should provide a meaningful and comprehensive transportation demand management strategy supported by DDOT as mitigation.

- Loading (§ 2201.1)

§ 2201.1 requires that the proposed residential use provide one loading berth at 55 feet deep, one loading berth at 30 feet deep, one service platform at 100 square feet and another platform at 200 square feet, and a service/delivery space at 20 feet deep. Loading for the retail use is not required.

Due to the Subject Property's small size, irregular shape, and location at the intersection of three streets, the Applicant proposes not to provide any on-site loading facilities. Loading would occur off of N Street NE. The Applicant's CTR includes a loading management plan, and concludes that the requested loading flexibility would not cause any detrimental impacts. The Office of Planning has no concerns with this request, but DDOT is reviewing this document and is expected to provide analysis and recommendation.

- IZ Proportionality (§ 2605.2)

§ 2603.2 requires the greater of eight percent (8%) of the gross floor area (gfa) being devoted to residential use or fifty percent (50%) of the bonus density utilized for inclusionary units, at 80% AMI. The Applicant is required, and proposes, to provide a total of approximately 4,906 square feet of gfa devoted to affordable housing, equivalent to four units in the building. However, rather than it all being at 80% AMI, the Applicant is proposing that it consist of 2,077 square feet of residential gfa (approx. 1,771 sq. ft. of net floor area) dedicated to two smaller units set aside for households earning up to 60% of the AMI, and 2,829 square feet of residential gross floor



area (approx. 2,413 sq. ft. of net floor area) dedicated to two larger units set aside for households earning up to 80% of the AMI.

The proposed IZ units include one studio unit, one 3-bedroom unit, and two-4 bedroom units; the proportion of IZ studio and 1-bedroom units to all IZ units (1:4 = 25%) would exceed the proportion of market rate studio and 1-bedroom units to all market rate units (6:52 = 12%). According to the Applicant, this discrepancy is due to the small number of units in the Project as well as the larger family-sized units proposed and dedicated as IZ units. To do this, the Applicant seeks relief from the proportionality provisions of the IZ requirements in order to dedicate 5% of its residential gross floor area (2 units) as IZ units set aside for households earning up to 80% of the AMI, and to dedicate 3% of its residential gross floor area (2 units) as affordable housing units set aside for households earning up to 60% of the AMI. Both the IZ units and the affordable housing units would remain affordable for so long as the project exists.

The Office of Planning supports the inclusion of affordable family-sized units and has no concerns with this request as meeting IZ intent, and exceeding the intent by providing family-size units.

**VII. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is “designed to encourage high quality developments that provide public benefits.” In order to maximize the use of the site consistent with the Zoning Regulations, and be compatible with the surrounding community, the application requests that the proposal be reviewed as a consolidated PUD. This will allow the use of the flexibility stated in § 2400.2:

*The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience.*

The application requests a PUD-related map amendment, which is not inconsistent with the Comprehensive Plan, and would result in a gain in height and density and a change in permitted use summarized below:

	<b>C-M-1</b>	<b>C-3-C PUD</b>	<b>Proposal</b>	<b>PUD Gain</b>
Height	40 ft./3-stories	130 ft. max	101 ft.	+ 61 feet
FAR	4.0	8.0 max	7.57	+ 3.57
Density	34,880 sq. ft.	69,760 sq.ft.	66,010 sq.ft.	+ 31,130 sq.ft.
Use - Residential	0 sq.ft.	69,760 sq.ft.	61.173 sq.ft.	+ 61,173 sq.ft.

The PUD standards further provide that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, § 2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” To assist in the evaluation, the Applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to the typical development of the type proposed...” (§ 2403.12). The application has offered the following amenities and benefits as an offset to the additional development gained through the application process:

- (a) *Urban design, architecture, landscaping, or creation or preservation of open spaces - § 2403.9(a)*

The Applicant has worked closely with OP on the massing and design of the building, which attempts to address the neighborhood’s character through the building’s materials and its articulation along Florida Avenue and N Street. The design makes extensive use of setbacks, projections, and other elements to articulate the massing. The Project would eliminate four curb cuts, which would improve the pedestrian experience. Further, the Project would include new plantings, trees, pedestrian-oriented lighting, and paving adjacent to the building.

Given the building’s location across from the Union Market area, OP has suggested the inclusion of further design elements to reference the existing industrial character of the neighborhood.

In its most recent submission (Exhibit 26), the Applicant proposes to deposit \$125,000 into an escrow account, to “support the construction of enhanced pedestrian movements and the creation of a pedestrian-oriented plaza on N Street NE, between Florida Avenue NE to the east and 3rd Street to the west. However, no additional information is provided; there is no indication that either DDOT or the land owner across the street is supportive of this proposal, and OP questions its value as an amenity item, or whether such as small contribution towards streetscape improvements would result in a streetscape better than what a developer would normally provide for a new, quality building. The Applicant should provide further detail and considerably more certainty at the public hearing as to why this proposal would be considered a use of special value to the neighborhood, and not simply privatizing public space to enhance the Applicant’s project. Without this, OP would recommend that this not be considered a benefit.

#### Public Space Encroachments

At setdown, the Zoning Commission and OP requested additional information regarding encroachments into public space. The Applicant noted that the building would not include any public space projections at the ground level of the building’s frontage on Florida Avenue, NE. However, the building would include a proposed show window projection at the ground floor level of the building’s frontage on 3<sup>rd</sup> Street NE and an oriel window on the upper floors of the building on N Street NE. According to the Applicant, these projections comply with applicable DC Building Code requirements.

The building also includes proposed oriel projections on the second through eighth levels of the building on Florida Avenue NE. According to the Applicant, these proposed projections are permitted as defined by Section 3202.6 of the D.C. Building Code, a provision that includes a specific list of streets where

projections are prohibited that does not include this section of Florida Avenue NE. Further, the Applicant also notes that the design of the oriel windows would comply with the D.C. Building Code requirements for bay window restrictions.

However, the Applicant must obtain a building code waiver from the Department of Consumer and Regulatory Affairs (DCRA) since the projections result in a clearance of 12 feet from the outer edge of the curb to the outer face of all projections, three feet less than the minimum 15 feet clearance that is required on streets wider than 90 feet.<sup>2</sup> Florida Avenue has a right-of-way width of 100 feet. The Applicant is seeking a modification of this requirement pursuant to Section 3202.4 of the D.C. Building Code, which authorizes the code official to grant modifications of requirements for projections when the modification is deemed in the general public interest.

The show window projection on 3rd Street and the oriel projection on N streets further the city's goal of using projections to create an interesting building façade and pedestrian scale. However, although the drawings are not entirely clear, the Florida Avenue oriel projections appear to have a total width that would extend over 90 percent of the 203 foot length of the building façade. This would far exceed the approximately 100 feet allowed for oriel windows.<sup>3</sup> While the approval of projections is not a Zoning Commission issue, the OP representative to the DDOT Public Space Committee indicated that the Applicant should be aware that there will be objections to these building projections in the separate public space permit review and approval process, and the projections may be required to be reduced, which may impact the façade appearance, particularly along Florida Avenue.

Further, the sidewalks in some areas would be relatively narrow. A nine foot sidewalk on Florida Avenue and six foot sidewalks on N Street, and 3rd Streets are less than the 10 foot minimum sidewalk width in commercial areas, a standard established in DDOT's design and Engineering manual that OP supports. The narrower width on Florida Avenue would be offset by the Applicant, by setting the building first floor back three feet from the property line. The building would then on upper floors project back out to the property line (as shown on sheet A-2-2 of Exhibit 26) or over the property line (as shown on sheet A-2-1), and there would be additional, deeper bay projections along Florida. In addition, the narrow sidewalk condition as proposed on N Street and 3rd Street would be created by a streetscape design that unnecessarily narrows the sidewalk and impedes pedestrian traffic. The final design of the streetscape will be worked out as part of DDOT's public space permitting process and any non-standard elements will need to be approved by the Public Space Committee.

*(b) Transportation Features (Section 2403.9(c))*

The Project would not include any on-site parking, but would instead encourage use of alternative transportation modes. The Applicant is proposing to work with DDOT to develop an adequate Transportation Demand Management (TDM) Plan to encourage use of nearby public transportation options and mitigate any potential impacts created by the lack of on-site parking. However, this could be considered mitigation for the lack of parking, not a project amenity or benefit. The Office of Planning has recommended that the Applicant contribute towards the introduction of the proposed new

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<sup>2</sup> DCMR 12: Construction Code - Encroachments, 3202.7.1.1 Minimum Clearance to Curb Line

<sup>3</sup> DCMR 12: Construction Code – Encroachments, 3202.3.1 Width and 3202.10.4 Oriel and Show Windows

metro station, likely to be located directly across the street from the site. Depending on the level of contribution, this may be considered a project amenity.

*(c) Housing - § 2403.9(f)*

The Applicant proposes to provide 61,173 square feet of gross floor area (gfa) devoted to residential uses comprised of 56 new residential units, the majority of which would be three and four bedroom apartments. 8% of the total residential gross floor area (4,837 square feet) would be devoted to affordable housing, as required by the Zoning Regulations. The Applicant proposes that approximately 2,829 square feet (two units) be set aside for households earning up to 60% AMI (a deeper subsidy than the 80% required by § 2603), as well as approximately 2,829 square feet (two units) set aside for households earning up to 80% AMI. The additional depth of affordability is a project benefit, although OP notes that the IZ regulations use 50% and 80% AMI, and 2 units at 50% AMI are recommended for ease of administration by DHCD.

<b>Residential Unit Type</b>	<b>Net Square Feet and Percentage of Total (Approx.)</b>	<b>Units</b>	<b>Income Type</b>	<b>Affordable Control Period</b>	<b>Affordable Unit Type</b>
Total	61,173 sf of GFA (approx. 52,171 sf of net residential area (100%))	56	NA	NA	NA
Market Rate	52,267 sf of GFA (approx. 47,987 sf of net residential area) 92%	52	Market	NA	Rental/ownership
IZ	2,829 sf of GFA (approx. 2,413 sf of net residential area)	2	80% AMI	For the life of the Project	Rental/ownership
Affordable	2,077 sf of GFA (approx. 1,771 sf of net residential area)	2	60% AMI	For the life of the Project	Rental/ownership

*(d) Environmental benefits- § 2403.9(h)*

The proposed development would provide a number of environmental benefits, including street tree planting and maintenance, landscaping, energy efficiency, stormwater mitigation methods, green engineering practices and an emphasis on transit and pedestrian and bike access. The Applicant anticipates that the Project would be designated as LEED Gold. The Office of Planning supports the inclusion of these environmental benefits in the Project, although the Applicant should definitively commit to LEED Gold.

*(e) Uses of special value to the neighborhood or the District of Columbia as a whole § 2403.9 (i)*

The Applicant continues to work with ANC 6C to develop appropriate public benefits as part of the Project.

Given the Project's current C-M-1 zoning, the current Comprehensive Plan designation, and the existing industrial character of the area, the Applicant proposes to market potential "maker" spaces in the Project's retail tenant mix. "Maker" spaces are defined as small scale, local business devoted to the creation and production of goods and services. This would provide an active streetscape, and would be consistent with the Comprehensive Plan designation, the character of the area, and goals to encourage entrepreneurial start-up businesses owned by and employing local residents. OP is supportive of the intent, but to ensure consistency of the proposal with the Comprehensive Plan, recommends that the Applicant make a more meaningful commitment by providing details regarding commitments, assurances, and potential subsidies.

As noted at setdown, OP would support the Applicant coordinating with other PUD developers in the vicinity to create a ground floor retail plan for the area.

## **VIII. AGENCY COMMENTS**

The District Department of Transportation (DDOT) is expected to provide comments under separate cover.

DC Water has, in general comments (not specifically related to this PUD) noted the need to replace certain water lines, including major lines along Florida Avenue. This proposal will be reviewed by DC Water as part of the review of any building permit for this project.

In conversations with DHCD, DHCD indicated that it cannot administer units at 60% AMI through the IZ program. Units offered at 60% AMI could be administered as affordable units, and would be administered separately. DHCD would support an increase in the proposed affordable housing subsidy for the two units (2,077 square feet) at 60% to 50% AMI, so that they would be consistent with IZ and could be administered by DHCD through that program.

Metropolitan Police Department (MPD) has submitted a memo (Attachment I) which indicates that the proposal would increase pedestrian and vehicular traffic, but otherwise seems to indicate no objection to the proposal.



**IX. SUMMARY OF ZONING COMMISSION AND OP REQUESTS FOR ADDITIONAL INFORMATION**

The following summarizes Zoning Commission and OP requests for additional information relating to the Applicant’s setdown submission. The Applicant has addressed all of these requests prior to the public hearing.

<b>Zoning Commission Comment</b>	<b>Applicant Response</b>	<b>OP Analysis</b>
The Applicant should study options for enhancing the design of the building.	The Applicant revised the design to include darker metal panels.	OP supports the darker metal panels, which would provide contrast with the remainder of the building. OP would support the inclusion of further design elements to reference the existing industrial character of the neighborhood.
The Applicant should provide a detailed loading management plan indicating how the loading, trash collection, and other operational issues will be handled.	The Applicant provided an updated loading management plan.	DDOT is expected to comment on this and other transportation related issues, but OP is not opposed.
The Applicant should also ensure that the Project includes appropriate mitigation measures for the requested parking relief.	The Applicant has prepared and submitted to DDOT a Comprehensive Transportation Review (“CTR”) form. The report includes TDM measures to address the requested parking relief.	OP supports the provision of mitigation measures for the proposed parking relief, acceptable to DDOT, which should be made conditions in the Order.

<b>OP Comment</b>	<b>Applicant Response</b>	<b>OP Analysis</b>
The Applicant should provide additional street-level renderings.	The Applicant provided additional renderings, including street views from Florida, 3 <sup>rd</sup> and N Streets NE.	The Applicant should provide renderings which focus more exclusively on the street-level so as to more closely depict materials and signage.
The Applicant should provide the locations and sizes of the four affordable housing units.	The locations and sizes of the four affordable housing units are shown on Exhibit A of the Applicant’s Prehearing Statement (Exhibit 17A).	OP supports the locations and sizes of the affordable housing units.
The Applicant should provide additional information regarding building materials.	The proposed materials would include metal and composite panels, as well as brick and stone veneers. The Applicant will provide a materials board at the public hearing.	OP supports the proposed materials.

OP Comment	Applicant Response	OP Analysis
<p>The Applicant should provide a more detailed benefits and amenities package, including:</p> <ul style="list-style-type: none"> <li>the affordable housing proffer...</li> </ul>	<p>The Applicant would provide two units at 80% AMI and two units at 60% AMI.</p>	<p>OP supports this offer of additional affordability depth for two of the units, but notes that the IZ regulations use 50% and 80% AM, and would support increasing the housing subsidy from 60% AMI to 50% AMI.</p>
<ul style="list-style-type: none"> <li><u>N Street, N.E. Closure, WMATA Entrance, and ANC Designated Proffer</u></li> </ul>	<p>The Applicant is working with Advisory Neighborhood Commission (“ANC”) 6C and adjacent property owners to explore the feasibility of the Applicant contributing \$125,000 to a fund in support of improvements, vehicular limitations, and the potential closure of all or a portion of N Street, N.E. between 3rd Street, N.E. and 4<sup>th</sup> Street, N.E. to be enhanced as a pedestrian plaza.</p>	<p>This proffer remains confusing and uncertain, in terms of what is being proffered and how this might be an amenity. OP requested a site plan depicting the proposed changes and maintenance agreements. To date, the Applicant has not provided this information. The Applicant should also detail an interim plan for streetscape improvements along N Street NE if construction of the Project commences prior to completion of the PUD to the south (ZC 15-28). OP notes that DDOT and ultimately Council approval of a street closing would be required, and such an application has not been filed.</p>
<ul style="list-style-type: none"> <li>potential alternative plan for a new entrance to the NoMa-Gallaudet Metro Station</li> </ul>	<p>The Applicant indicated that the Applicant would not contribute funds toward the new entrance to the NoMa-Gallaudet Metro Station.</p>	<p>The new metro entrance would be of considerable benefit to this development, as it would likely be located directly across the street from the site. A group of area landowners is meeting to discuss ways to provide this entrance, and this Applicant is highly encouraged to participate in those discussions, and to provide a meaningful contribution towards the new entrance to round out a weak and uncertain amenity package.</p>

OP Comment	Applicant Response	OP Analysis
<p>The Applicant should provide additional information regarding the public space encroachments along Florida Avenue NE.</p>	<p>The building does not include any public space projections at the ground floor level of the building’s frontage on Florida Avenue, N.E. However, the building does include a bay projection at the ground floor level of the building’s frontage on 3rd Street, N.E. This projection meets the applicable DC Building Code requirements.</p> <p>The building also includes projections on the second through eighth levels of the building will require a building code waiver since the projections result in a clearance of 12 feet from the outer edge of the curb to the outer face of all projections, whereas a minimum clearance of 15 feet is required for the site.</p>	<p>Although OP is supportive of the overall building design intent, the OP representative to the DDOT public space committee has indicated that the projections, particularly on Florida Avenue, may significantly exceed normal allowances, and may not be supportable. While not directly a Zoning Commission issue, this could impact the design and massing of the building, particularly along Florida Avenue.</p>
<p>The Applicant should study the inclusion of “maker” spaces in the Project’s retail tenant mix.</p>	<p>The Applicant has indicated that they would market the proposed retail space to attract “maker” uses as tenants, including the following:</p> <ul style="list-style-type: none"> <li>• retain a retail broker with experience marketing to and securing a variety of tenant types, including makers.</li> <li>• sponsor a workshop and a job fair that targets the maker movement.</li> <li>• The Applicant will market the proposed retail space to retail tenants within Union Market and operating in Union Kitchen.</li> <li>• The Applicant will market the proposed retail space to retail tenants.</li> </ul>	<p>Although not part of the Applicant’s proposed benefits and amenities package, OP supports the marketing of the retail space to “maker” uses, and would support the Applicant also including commitments, assurances, and potential subsidies for maker space, to ensure consistency of the proposal with the Comprehensive Plan Land Use designation. Such commitments could also be considered project amenities.</p>



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

Stephen Gyor, AICP  
Development Review Specialist  
District of Columbia Office of Planning  
1100 4<sup>th</sup> Street, SW., 6<sup>th</sup> Floor  
Washington, DC 20024

Dear Mr. Gyor,

This is in response to the request that the Metropolitan Police Department (MPD) offer comments regarding the request for special exception and variance relief to construct a mixed-use building with approximately 56 apartments and 4,837 square feet of ground-level retail (Square 722N, Lot 803). This is Zoning Commission Case No. 15-22 301. The proposed site is located at 301 Florida Ave, NE on the south side of Florida Ave, NE.

Since the development would be located in the confines of the Fifth District, the proposal was forwarded to me. I have reviewed the plan and noted that the additional development would increase both pedestrian and vehicular traffic. Consequently, the D.C. Department of Transportation should also be consulted regarding the impact and plan for the anticipated increase in traffic in the area.

Thank you for the opportunity to provide comments on a matter that impacts the Metropolitan Police Department, as well as the service that we provide to the citizens of the District of Columbia.

Sincerely,

William FitzGerald  
Commander  
Fifth District