



TO: District of Columbia Zoning Commission
FROM: ^{JLS}Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation
DATE: October 14, 2016
SUBJECT: Final Report – ZC 16-07 – Consolidated PUD and Related Map Amendment at 810 O Street, N.W. Square 399, Lot 66

I. OFFICE OF PLANNING PRELIMINARY RECOMMENDATION

W-G 9th and O, LLC has applied for a Consolidated PUD with a related map amendment from C-2-A to C-2-B, and with relief from loading requirements.

The applicant has addressed all of the design matters and several of the other matters raised by the Office of Planning (OP) and the Zoning Commission at the June 13, 2016 public meeting. However, OP continues to have concerns about whether the project's benefits and amenities are commensurate with the approximately 100% increase in density and 80% increase in height beyond what would be permitted by-right. While recently filed submissions begin to address some of these concerns, **OP cannot yet make a recommendation on the application.** The principal remaining issues are noted in Section X of this report. Due to the timing of the application's setdown, the case is being considered under the 1958 Zoning Regulations.

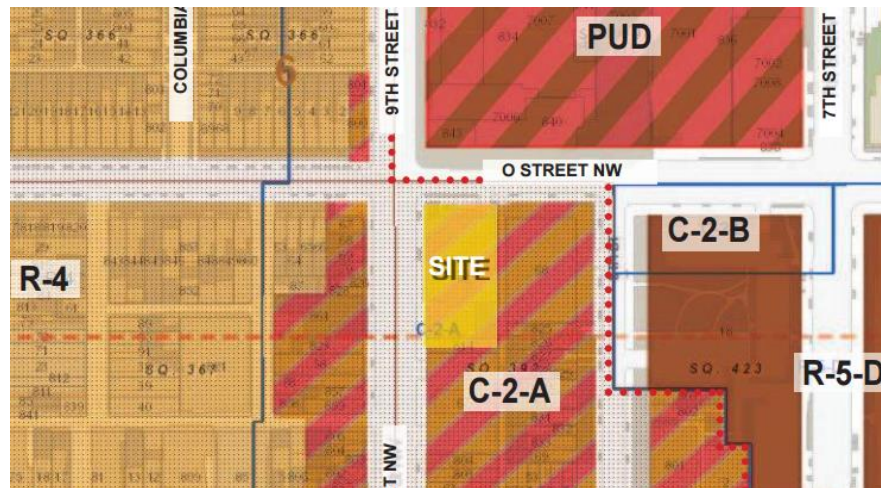


Figure 1. Location, Comprehensive Plan Future Land Use Map Designation, and Zoning Context

II. APPLICATION AND ANALYSIS SUMMARY

Context

The 15,093 square foot site is within the Shaw neighborhood and historic district, one block north of the Washington Convention Center and across from the O Street Market mixed-use



development PUD in Case 07-26. The Scripture Cathedral Church now on the site is not a contributing building to the historic district. Mixed-use and denser/taller development is located along 9th and 7th Streets, while generally moderate density residential development is located on 8th Street. Immediately to the east of the property, across a north-south alley, the District has awarded development rights for a primarily residential building.

Summary of Proposed Project¹

The applicant proposes to demolish the church and construct a new mixed use development as a PUD with a related C-2-B zone map amendment. The proposed building would:

- Be 90 feet tall as measured from O Street and contain 8 floors;
- Contain 90,558 SF of gross floor area and an FAR of 6.0, including:
 - 87,225 SF of residential use on floors 1 – 8 plus 4,822 square feet of penthouse residential uses for a total of 66² dwelling units;
 - The required Inclusionary Zoning (IZ) set-aside of 8% of the residential square footage for households earning no more than 80% of the Area Median Income (AMI).
 - A unit that would fulfill the requirement to set-aside the equivalent of 8% of the penthouse's habitable space for households earning no more than 50% of the AMI;
 - 6,900 square feet of retail space on the ground floor
 - 2,008 square feet of ground floor residential amenity space and 1,364 square feet of penthouse communal recreation space;
- Provide 56 conforming vehicular parking spaces, 10-12 parking spaces in public vault space, and 26 long-term bicycle spaces;
- Provide one 30-foot loading berth, one 400 sf loading platform and two 20-foot service delivery spaces;
- Provide a compliant rear yard and a compliant open court;
- Achieve a green area ratio of 0.3
- Have an 18'6" tall 2-story penthouse with 4,822 gross square feet of habitable space generating an affordable housing requirement of 362 net square feet at 50% AMI.
- Include 5,299 square feet of green roof.

Summary of Benefits and Amenities

The project would include the following, which are discussed in more detail in Section IV.D of this report :

¹ These figures are based on information in the applicant's architectural drawings and text available to OP as of 10/6/16. Minor differences among the sources may require clarification by the applicant prior to the hearing.

² Case Exhibit 25, filed October 13, 2016, describes the project as having 62 dwelling units.

- Approximately twice as much housing and affordable housing as could be constructed as under a by-right scenario;
- Larger than typical market rate and affordable units;
- A larger than required 50% AMI unit;
- An intended LEED Gold equivalency;
- \$125,000 in total contributions to seven neighborhood or District-based non-profit organizations to support recreation, social service and arts programs;
- Up to \$315, 000 in public space and transportation-related improvements, some of which would exceed DDOT standards or required mitigation measures;
- Superior design, consistent with the site's historic context.

The District Department of Transportation (DDOT) has categorized a proposed \$80,000 contribution to DDOT for a bikeshare station as a mitigation item. (DDOT report, October 14, 2016 -- Case Exhibit 26).

Relationship to Comprehensive Plan

As discussed in OP's preliminary report (Case Exhibit 13, pages 3-4 and Attachment 1), the proposed PUD would be:

- Not inconsistent with Comprehensive Plan's Generalized Future Land Use Map designation for medium-density residential and medium-density commercial uses; with the Policy Map; and with written elements;
- Consistent with the Convention Center Area Strategic Development Plan which, as a Small Area Plan, contains additional guidance to the Comprehensive Plan.

Issues Addressed Since the Public Meeting

The applicant has:

- Provided additional detail about what it considers to be benefits and amenities, particularly the types of goods or services that would be purchased or provided by the proffered contributions to local organizations, the timing and enforcement mechanism for the contributions, and a process for enforcement (Case Exhibit 25, filed October 13, 2016);
- Clarified that the proposed 5-foot setback adjacent to the alley on the eastern side of the property is to enable better loading and vehicular entry for the applicant's project and that a public easement will not be provided (Case Exhibit 15, page 10);
- Sufficiently redesigned the northern rooftop element for OP to consider it an architectural embellishment (Case Exhibit 24 A1, Sheets A-19 and A-20);
- Justified the partial relief from loading requirements (Case Exhibit 15, page 11);

- Clarified that while the project will be designed to achieve LEED Gold equivalency, certification will not be sought (Case Exhibit 25, page 2);
- Resolved at the OP and the Historic Preservation Office staff level, concerns about public space projections (Case Exhibit 24 A 2, Sheet A 24);
- Committed in writing to executing a First Source Employment Agreement, and recently adjusted the time frame so it will be in effect prior to the issuance of a building permit, rather than prior to the issuance of a Certificate of Occupancy (Case Exhibit 25, page 3) ;
- Refined the design of the metal work providing screening for balconies (Case Exhibit 24 A1, Sheets A08 and A20).

III. ZONING ANALYSIS

The PUD would be generally consistent with the proposed zone. There are minor numerical inconsistencies within the applicant’s exhibits, which should be resolved this prior to the hearing.

Table 1: Zoning Existing, Potential Maximum and Proposed Development³.

Item	C-2-A Zone - By Right	C-2-B by-right w/ IZ	C-2-B PUD	PUD Proposal	(+) or (-) from C-2-A By-Right	Complies w/ C-2-B PUD?
Lot Size (SF)	---	---	15,000 min.	15,093	n/a	Complies
Height (ft.) §770.6	50 max.	65 max	90 max.	90 (+ penthouse)	+ 40 ft. +240%	Complies
Lot Occ. §772	100% (80% res.)	Same	Same	80% res. < 100% non-res	n/a	Complies
FAR §771	2.5 max. (1.5 non-res.) 3.0 max IZ (1.5 non-res.)	3.0 max. (2.0 non-res.)	6.0 total (2.0 non-res.)	6.0 (0.4 retail)	+ 3.5 FAR (+140%)	Complies
GFA (SF)	37,733	45,279	90,558 SF	90,558 TOTAL	+ 52,675 + ~ 240%	Complies
				79,161 res. 1,605 -res. amenity 6,879 retail		
Res. Units (@ 1,197 gsf/unit)	32 total	38 total	66 total	66 total ⁴	+Approx. 34 total	Complies

³ Figures are based on information supplied in both the applicant’s architectural drawings and application text. Minor differences among the sources may require clarification by the applicant prior to the hearing.

⁴ Shown as 62 units in Case Exhibit 25.

Item	C-2-A Zone - By Right	C-2-B by-right w/ IZ	C-2-B PUD	PUD Proposal	(+) or (-) from C-2-A By-Right	Complies w/ C-2-B PUD?
IZ SF Chap. 26	6,850 total 3,225 low 3,225 mod. (10% res. GFA @ 50% low/ 50% mod)	---	6,686 at 80% AMI 386 sf @ 50% AMI	6,186 total at 80% + ~ 1,101 sf @ 50% AMI generated by penthouse	Equivalent total, but ~ 3,000 SF less at 50% AMI	Complies
Affordable (IZ)Units (Approx. # @ 1,197 gfa/unit)	3 low AMI 3 mod AMI	~ 6 mod AMI		5-6 mod + 2 low related to penthouse	(-) 2 low (+) 3 mod.	Complies
Vehicle Parking §2101.1	Res: 16 @ 1 spade:2 units Non-res: 0 @ 1/500 sf > 3,000 sf	Res.: 22 spaces @ 1:3 units Non-res: 0 @ 1/750sf > 3,000		Res 52-58 Non-res: 5 Plus 10-12 In public vault	n/a	Complies
Bicycle Parking § 2119.1	Res: 11 @ 1 :3 units Retail: 5% vehicular = 0 to 1 space			22 -26	n/a	Complies
Loading Residential and Non-Residential § 2201.1	Residential with > 50 units 1 berth @55' 1 platform@ 200 sf 1 delivery space @ 20' Retail s/ 5,000 – 20,000 gsf 1 berth @30' 1 platform @100 sf 0 delivery		<i>TOTAL, ALL USES</i> 1 berth @30' 1 platform @ 400 sf 2 delivery spaces @ 20'		n/a	Relief Requested: Size of 1 Res. Berth; No retail berth; No retail platform.
Side Yard (ft.) §775	---	(If provided, ≥ 3 in. / foot of height or 8 ft.)		None provided	n/a	Complies
Rear Yard (ft.) §774.7	15 ft.	15 ft.		15 ft.	n/a	Complies
Open Court (ft.) § 776	25.88 (If provided, greater of 4” width / ft. of height or 15’)	Same		105.33	n/a	Complies
Roof Structures § 411 5	Height: 20 ft. Stories: 2 (1 residential) Setback: 1:1 FAR 0.4 # Wall Heights:			Height: 19’3” Stories: 2 (1 residential) Setback: 1:1 exclusive of architectural embellishment	n/a	Complies

Item	C-2-A Zone - By Right	C-2-B by-right w/ IZ	C-2-B PUD	PUD Proposal	(+) or (-) from C-2-A By-Right	Complies w/ C-2-B PUD?
	2, (only one for habitable)			FAR: ≤ 0.4		
GAR	0.3	0.3		0.3	n/a	Complies

Within the context of the related map amendment, the proposed project would conform to all zoning regulations other than loading requirements, for which the applicant seeks relief to provide one 400 square foot loading platform for all uses, where one 200 square foot platform is required for residential use and one 100 square foot platform is required for retail use. Two 20' long service delivery spaces would, however, be provided when only one is required between the different uses.

The requested relief is not dis-similar to that requested for similar PUD's, and furthers a Comprehensive Plan policy of consolidating cub cuts downtown.

IV. COMPLIANCE WITH PUD REGULATIONS

A. Overview

The application is not inconsistent with the Comprehensive Plan, and meets the requirements in the 1958 Zoning Regulations for a PUD's minimum site-size requirements of § 2502.1(c). With the related map amendment the building would comply with all zoning standards other than the loading requirements. A PUD is an appropriate vehicle for realizing the Comprehensive Plan's designation of the site as appropriate for medium density residential and commercial use on a Main Street Mixed Use Corridor and for achieving the Convention Center Area Small Area Plan's goals for the Square.

B. Zoning Relief / Flexibility Under PUD Guidelines

The request for a PUD-related C-2-B zoning, rather than the existing C-2-A zoning, is the most significant relief requested by the applicant. It would enable the development to achieve the proposed 80% increase in height and 100% increase in density. Other zoning matters have been discussed in previous sections.

C. Transportation, Parking and Loading

All parking and loading would be entered off of the north-south alley to the east of the property. The building would be set-back five feet from the alley's western boundary to facilitate parking and loading access. Relief has been requested from loading requirements, as noted above. Loading would be at the ground floor level, adjacent to the alley.

Between the Comprehensive Transportation Review (CTR) (Exhibit 24B dated September 9, 2016; filed October 4, 2016) and the final chart of Proposed Benefits and Amenities (Exhibit 25,

page 3 “Transportation Benefits”) the applicant has proposed the following as mitigation, as Transportation Demand Management (TDM) measures, or as public benefit proffers:

- 68 on-site parking spaces
- 23 long term bicycle parking (22 of which are required by zoning regulations) and short-term bicycle parking (which is required by DDOT regulations);
- A bicycle repair station and cleaning facility;
- A cargo bicycle for building residents;
- A bikeshare membership for building residents, to last for one year after the building’s certificate of occupancy is received;
- A 5-foot setback adjacent to the alley, to facilitate loading turning movements;
- The identification of TDM leaders to inform building residents and employees of non-traditional transportation alternatives;
- New resident welcoming packages with the inclusion of “TDM materials”;
- Contribution of \$80,000 to DDOT for a bikeshare station in ANC 6E.

DDOT’s October 14, 2016 report considers most of the above to be mitigation of TDM, rather than public benefit proffers.

D. PUD Benefits, Amenities and Proffers

Since setdown, the applicant has identified additional benefits, amenities and proffers and added detail to better substantiate what had previously been listed. (See Case Exhibit 25).

TABLE 2: ASSESSMENT OF BENEFITS AND AMENITIES⁵

ITEM	MITIGATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER	NOTES
Urban Design, Architecture, Landscaping and Streetscape, (ground floor retail, upgraded paving, street trees, street furniture, low seating wall	No	Yes	No	Some of proposed streetscape is required by DDOT.	Some may be	The design and materials are superior to most by-right projects.
Up-to \$315,000 expenditure for public space and non-traditional transportation features. (See. Sec. IV.C, above).	Additional information is needed to determine what exceeds requirement and mitigation and what is a benefit or amenity			DDOT report indicates some of this will be a requirement.	What is not required by DDOT or public space regulations could be considered a proffer but additional information is needed to determine what exceed requirements.	
Market Rate Housing	No	Yes.	No	No	No	More market rate units than existing zoning

⁵ Based on information available on October 7, 2016.

ITEM	MITIGATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER	NOTES
						permits; units larger than typical.
8% affordable @ 80% AMI	No	Yes.	No	Yes	No	The applicant is providing no more than the required square footage of affordable housing. See discussion below, Section V of this report.
~ 715 sf of IZ at deeper level of 50% AMI	No	Yes	No	No	Yes	With the 386 sf of 50% AMI IZ required by penthouse, unit will total ~1101 sf
Environmental Benefits – Sustainable Design Features and LEED Gold Equivalent	No	Yes	Yes	Some may be, but LEED Gold equivalency is a proffer	Likely yes	Applicant should note to which items the applicant is committed. (See Exhibit 24A1, Sheets C7.02. and G.01).
\$35,000 to Bread for the City for groceries for seniors and low income families	No	Yes	No	No	Yes	Final status report from recipient of contribution should be required prior to certificate of occupancy.
\$ 15,000 to Emmaus Services for the Aging for 20 iPads for senior workforce program	No	Yes	No	No	Yes	Ibid
\$ 15,000 to Family Life Center Foundation for child anti-human trafficking awareness program	No	Yes	No	No	Yes	Ibid
\$ 15,000 to DC Artspace for after-school youth arts program, in association with Touchstone Foundation	No	Yes	No	No	Yes	Ibid

ITEM	MITIGATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER	NOTES
\$ 15,000 to Banneker City Little league (BCLL) for T-ball equipment	No	Yes	No	No	Yes	Ibid
\$15,000 to Shaw Main Streets for training/employing ex-offenders to maintain public space on 7 th and 9 th Streets	No	Yes	No	No	Yes	Ibid
\$ 15,00 to Kennedy Rec. Center for youth basketball & football uniforms	No	Yes	No	No	Yes	Needs expression of commitment or interest from DPR, and a final reporting requirement.
\$80,000 to DDOT for bike-share station in ANC6E	Yes	Yes	No	Yes, by DDOT	No	Considered mitigation in DDOT's Oct. 14, 2016 report
First Source Employment Agreement	No	Yes	No	No	Yes	--

V. AFFORDABLE HOUSING

The applicant would provide the minimum IZ-required set-aside of 8% of the residential square footage for the affordable housing. Of the 7,072 square foot IZ total, 6,186 would be targeted to households earning no more than 80% of the AMI. Half would be one-bedroom units and half would be two-bedroom units. 715 square feet of what would otherwise be reserved for 80% AMI households would be reserved for households earning no more than 50% of the AMI. This square footage would be combined with the approximately 386 square feet of 50% AMI space generated by the habitable penthouse space, for a single 50% AMI unit of 1,006 square feet.

The existing C-2-A zoning requires half of the IZ units to be for 50% AMI households and half to be for 80% AMI households. While the proposed C-2-B PUD would deliver 1 to 2 more IZ units at 80% than a by-right C-2-A project, it would provide fewer units at 50% AMI.

Residential Unit Type	Res. GFA; % Total ⁶	Units (assumes approx. 1,197 GSF/unit)	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Residential Total	80,591 GSF	66				
Market Rate	74,144 GSF	60				
IZ Required @ 8% of Res. GFA	6,686 GSF	6	Moderate	Project duration	Rental	Differences between OP and applicant calculations to be clarified.
IZ Required by Penthouse	386 GSF	1	Low	Project duration		
IZ Total Required	7,072 GSF	6, due to the 50% IZ unit being larger	Moderate & Low	Project duration for all IZ units		
Affordable/Non IZ	n/a	n/a	n/a	n/a	n/a	

The Total affordable square footage to be provided would not be greater than what is required by the zoning regulations, and the building would have a lower percentage of low income square footage than would be required under the existing zoning. However, the affordable moderate income units would be larger than is typical and the penthouse-related low-income unit would be approximately three times larger than required.

OP continues to strongly recommend the applicant increase the number and deepen the AMI level of the affordable housing units in the project.

VI. MITIGATION OF POTENTIALLY ADVERSE IMPACTS

The applicant and DDOT have worked to identify potentially adverse impacts and determine appropriate mitigation measures. These discussions are reflected in DDOT’s report (Case Exhibit 26).

VII. URBAN DESIGN AND ARCHITECTURE

The design is in scale with new and proposed development in the neighborhood. The masonry materials and colors, and the rhythm established by the projecting bays, are similar to those found throughout the Shaw neighborhood generally, and the historic O Street market in particular. The 9th Street façade establishes a strong, street-activating retail frontage at the base and provides variety to materials and scale within the residential stories. The setback at the top story reduces the apparent mass of the building and provides terraces for occupants.

The applicant has worked closely with OP’s Development Review, Historic Preservation and Public Space staffs to resolve the design concerns previously expressed by the Commission and OP. A rooftop pavilion has been redesigned as an architectural embellishment in conjunction with a more rectilinear treatment of the 9th Street facade; projections into public space have been reduced; the framing of the corner balconies has been strengthened; and the design of the balcony metalwork has been refined.

⁶ Totals are inconsistent due to inconsistencies in applicant’s materials.

VIII. OTHER AGENCY REPORTS

DDOT report is Case Exhibit 26. No other agency reports were on file at the time OP completed this report.

IX. COMMUNITY COMMENTS

It is OP's understanding that ANC 6E voted to support the application in June, 2016. An ANC report was not in the case record at the time OP completed this report.

X. REMAINING CONCERNS

Benefits and Amenities in Relation to Requested Flexibility: The applicant has not sufficiently addressed concerns about whether the project's benefits and amenities are commensurate with the zoning flexibility being requested, particularly the additional density and height achievable through the related map amendment. Additional information needed about the proposed benefits and amenities is noted above in Table 2.

OP continues to recommend that the applicant increase the square footage and/or deepen the level of affordability of the affordable units. This would significantly enhance the balance between the public benefits and the requested zoning flexibility.

Transportation and Public Space Benefits versus Requirements: To evaluate the degree of public benefits, the applicant will need to work closely with DDOT to determine which of the transportation and public space-related items are required TDM or mitigation measures and which are proffered public benefits.

Numerical Corrections: The exhibits filed by the applicant have some inconsistencies in square footages, numbers of units, numbers of parking spaces and other items. The applicant should clarify the actual numbers being proposed or requested.

JLS/sic

Stephen Cochran, project manager