



**TO:** District of Columbia Zoning Commission

**FROM:** <sup>JLS</sup> Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation

**DATE:** September 18, 2017

**SUBJECT:** ZC 16-26 - Hearing Report — Consolidated Planned Unit Development and PUD-Related Map Amendment for 4620-4624 Wisconsin Avenue, N.W., filed by Goulston and Storrs PC for Wisconsin Owner LLC.

## I. RECOMMENDATION

The Office of Planning (OP) recommends **approval** of the application by Wisconsin Owner LLC for a consolidated planned unit development (PUD) with a related map amendment from MU-4 to the MU-7 zone for the proposed redevelopment of at 4620-4624 Wisconsin Avenue, N.W. The proposal is not inconsistent with the Comprehensive Plan as presented in [Section VI](#) of this report and further detailed in the applicant submissions and the OP Setdown report (Exhibit 11). The proposal is for a mixed residential / retail development which includes the following:

- 135,942 SF of gross floor area, for an FAR of 5.73, including:
  - 117,527 SF of residential use (including IZ) in approximately 146 dwelling units (15 affordable units);
  - 10,984 SF of retail space on the ground floor;
  - 7,431 SF of parking/loading/circulation space;
- 88 feet 4 inches in height plus mechanical penthouse;
- 58 vehicular parking spaces below-grade, as well as 60 bicycle spaces for residential and retail uses; and
- 1, 30-foot loading berth for shared loading, 1 shared loading platform, 1 20-foot service space.

In addition to the PUD-related map amendment from MU-4 to MU-7, approval is also recommended for flexibility from the following:

- Minimum rear yard G-§ 405.2 : 21.987 ft. required; 11.1 ft. proposed;
- Maximum lot occupancy G-§ 404.1: 80% (residential); 89.9% proposed;
- Penthouse Height Uniformity C-§1500.9; and
- Flexibility from additional structure-related items identified under Item 8 on pages 17 and 18 of this report.

The Applicant should confirm that all penthouse elements, particularly the guardrails, provide the required 1:1 setback.



**II. APPLICATION-IN-BRIEF**

<b>Location</b>	4620 Wisconsin Avenue NW – property near the northwest corner of the intersection of Wisconsin Ave. NW and Brandywine St. NW. Square 1732, Lots 45 and 49 Ward 6, ANC 6E
<b>Property Size</b>	23,741 square feet.
<b>Existing Use of Property</b>	A four-story commercial office and retail building at 4620 and 4622 Wisconsin, accessory surface parking, and three (3) residential units located at 4624 Wisconsin.
<b>Current Zoning</b>	MU-4 - Medium density mixed use development.
<b>Proposed Zoning</b>	MU-7 – Permits moderate density mixed-use zone.
<b>Comprehensive Plan Generalized Policy Map</b>	Main Street Mixed Use Corridor
<b>Comprehensive Plan Future Land Use</b>	Medium Density Residential and Moderate Density Commercial
<b>Proposed Use of Property</b>	Mixed use development of approximately 146 units and ground-floor retail; <ul style="list-style-type: none"> <li>- 135,942 sf. total;</li> <li>- 5.73 FAR;</li> <li>- 88’ 4” building height;</li> <li>- Parking – 58 spaces in garage below grade garage;</li> <li>- Loading – 1 Loading berth, 1 loading platform, 1 service space</li> <li>- Bike spaces – 60 spaces total (residential and retail, long term and short term)</li> </ul>
<b>Requested Flexibility</b>	<ol style="list-style-type: none"> <li>1. PUD-related map amendment from MU-4 to MU-7;</li> <li>2. G § 405.2 – Rear Yard;</li> <li>3. G § 404.1 – Lot Occupancy;</li> <li>4. C § 1500.9 – Penthouse Height Uniformity</li> </ol>

**III. SUMMARY OF OP AND COMMISSION COMMENTS**

The following summarizes OP and the Commission comments from setdown and their current status:

<b>Commission and OP Comments at Setdown</b>	<b>Applicant Response</b>	<b>OP Comment</b>
<p><u>Traffic Impacts</u>                      Provide current traffic counts and an analysis of any potential impacts to alley traffic.</p>	<p>The applicant provided a Comprehensive Transportation Review (CTR) to the record on 8/21/2017, shown as Exhibit 28A.</p>	<p>DDOT has provided analysis under separate memorandum (Exhibit 31).</p>
<p><u>Building Height</u>                      Provide additional detail regarding the proposed building height and report on any comments received from the ANC regarding building height.</p>	<p>The defined height of the building has been reduced 1’8” from the original proposal as depicted at setdown. The penthouse has also been modified to remove habitable space and reduce the structure and screening height. Additionally, should the Applicant acquire any of the remaining lots on the block, they agree to limit the height of any new development to six stories plus a penthouse level.</p>	<p>The reduction in height of the building on the subject site, combined with the articulation of the building massing particularly at the rear (along the alley), provide a compatible and appropriately scaled project for this location on a major corridor. The proposal is not inconsistent with Comprehensive Plan direction. Some additional detail regarding the changes to the penthouse structure height should be provided.                      With regards to limitations on potential off-site building height, OP notes that the Comprehensive Plan designates those properties to a low to moderate density, so a lower height on those lots would be not inconsistent with the Comprehensive Plan.</p>
<p><u>IZ/Affordability</u>                      Provide additional affordable housing beyond what was originally proposed</p>	<p>The Applicant increased the commitment from 8% of residential GFA at 80% AMI, to 10% at 60% AMI. One affordable unit would be two-bedroom.</p>	<p>This is an improvement from the originally proffered affordable housing proposal, resulting in 15 affordable units distributed throughout the building, as depicted on sheets A25 and A26 of Exhibit 30A2.</p>
<p><u>Solar Panels</u>                      Provide rooftop solar panels</p>	<p>Solar panels have been added.</p>	<p>OP and DOEE are supportive of the measures offered by the Applicant.</p>

<b>Commission and OP Comments at Setdown</b>	<b>Applicant Response</b>	<b>OP Comment</b>
<p><u>Simplify and Refine Façade</u>                      Provide additional articulation for the northern “blank” wall and a simplification of the architectural elements, along with refining materials and overall aesthetics.</p>	<p>Design has been simplified, reducing the height of the building and the complexity of architectural materials and protrusions into public space. The Applicant has noted that a future project to the north would disguise much of this blank wall.</p>	<p>Revised plans have generally demonstrated a more complimentary and refined aesthetic design. The design of the north wall remains unchanged, save the materials used. While a future project on the adjacent lot(s) would mask part of that north wall, they would likely remain at least partially visible, and would be entirely visible until new development occurs. Additional attention to the design of this façade is warranted.</p>
<p><u>Additional Renderings</u>                      Provide additional renderings of the south side of the building and photo-realistic renderings emphasizing the proposal in neighborhood context. Clarification and additional depictions of the penthouse and roofs, including cross sections and close-up detailing requested.</p>	<p>The Applicant has provided a series of contextual images of the proposed building, depicting its visual impact, from several locations around the block. Additional shadow studies have been provided that depict minimal impact to neighbors as compared to a matter-of-right development.</p>	<p>The additional renderings and perspectives generally address the Commission’s request, and provide a more comprehensive visual aid for the proposal.</p>

**IV. SITE and AREA DESCRIPTION**

The subject property is a total of 23,741 square feet in area and is located midblock from the northwest corner of Wisconsin Avenue and Brandywine Street, N.W. The site is approximately rectangular shape, extending westward to a twenty-foot wide public alley that runs north and south. With the exception of the western side which abuts the public alley, the site is surrounded on all sides by commercial zone districts.

The subject property is located one block north of the Tenleytown Metrorail station



on the Red Line. Wisconsin Avenue is served by several Metrobus routes providing service throughout the District and into Montgomery County.

## V. PROJECT DESCRIPTION

### Site Plan

The Applicant proposes to construct an eight-story mixed use building with retail on the ground and lower level and residential units on the upper floors. The existing structures at 4620 and 4624 Wisconsin Avenue will be partially retained and reused, with a new building constructed above the majority of the existing structure. The site plan was refined as a result of collaboration with Public Space Review staff.

Major changes made since setdown include:

	<b>Original Proposal:</b>	<b>Current Proposal:</b>	<b>Change from Setdown</b>
IZ	12 units (7,195 SF)	15 units (11,753 SF)	3 units (+4,558 SF)
Building Height	90'	88' 4"	-1' 8"
Total GFA	134,664 SF	135,942 SF	+1,278 SF
Total Residential Units	136 (89,238 SF)	146 (117,527 SF)	+10 units (+28,289 SF)
Total Retail Space	12,119 SF	10,984 SF	-1,135 SF
Parking	74 spaces	58 spaces	-16 spaces

Other changes include:

- Reduction of the penthouse from habitable space to a smaller vestibule for roof terrace access plus mechanical space and elevator over-run.
- Refinement of public spaces.
- Changes to the materials, architectural features and public space projections.

The building is arranged vertically in a series of ascending set-backs from the alley at levels 2, 5, 6 and the roof level. There is a roof terrace on the penthouse level. The remainder of the roof will be improved with green roof and solar panels.

New sidewalks and landscaping would be installed along Wisconsin Avenue, with terracing and monumental stairs responsive to the sloping topography. Street furniture, including tables, benches, five bicycle racks and trash receptacles would be added to Wisconsin Avenue. Five new trees (three new street trees) would be planted within public space. The applicant has been working with Public Space staff to refine and improve the design of the public space.

### Affordable Housing

The project offers an increase in the amount of affordable housing from the original proposal, 8% residential GFA, as noted at setdown. The Applicant would set aside 10% of all residential

gross floor area at 60% of the Median Family Income. Below are estimates of the required and proffered square footage:

	<b>Required</b>	<b>Proposed PUD/MU-7</b>
	8% of GFA at 60% MFI	10% of GFA at 60% MFI
<b>Total Affordable Housing (sq. ft.)</b>	<b>9,402 sq. ft. at 60% MFI</b>	<b>11,753 sq. ft. at 60% MFI</b>

The proposed affordable housing would be comprised of 15 units, distributed throughout floors 1-7. At least one of the affordable units will be dedicated as a two-bedroom unit. The remainder of the IZ units would be comprised of 9 studio units and 5 1-bedroom or 1-bedroom plus den units.

**Architecture**

Responding to comments from the Commission at setdown, the architectural elements have been streamlined, simplified and refined. The larger rectangular protrusions on the façade have been eliminated and replaced with a simpler grid-like hierarchy using softer, earth tone materials and colors. The western facing façade would include grey and beige brick, metal panels, punched windows and balconies with perforated metal railing in acknowledgement of the residential development west of the site. The southern façade would be primarily obstructed by an existing building and the northern façade will likely be predominately obstructed by a future by-right building. Both facades mimic the eastern and western façade materiality.

The tiered setbacks above the rear alley reduces the visual mass of the building and provides for more light and air availability ([context Elevations – Exhibit 30A3, - Sheets A41 – 46](#)). The façade types are documented in Exhibit 30A3 – pages 41-46 and consist of wirecut grey brick cladding the base of the building, walnut composite rainscreen paneling, and punctuated metal work for the balcony railings, along with grey metal paneling for the transitional mass, and a cream-beige colored buff brick for the primary mass. The original balconies on the westernmost side (alley facing façade) of the building have been removed in response to Commission and neighborhood input. The result is a neighborhood facing façade that appears airier, more streamlined and less intrusive due to the change to a light gray brick and removal of the balconies.

New sidewalks and landscaping would be installed along Wisconsin Avenue, with terracing and monumental stairs responsive to the sloping topography. Street furniture, including tables, benches, five bicycle racks and trash receptacles would be added to Wisconsin Avenue. Five new trees (three new street trees) would be planted within public space. The streetscape and landscape elements have been updated in response to OP and DDOT comments regarding public space improvements. Granite cobbles would bookend the tree boxes along Wisconsin Avenue and London pavers will be used for the sidewalk within public space, continuing existing improvements adjacent to the site. A special paving would be utilized for areas within private space, on-site (Sheets L-03 through L-04).

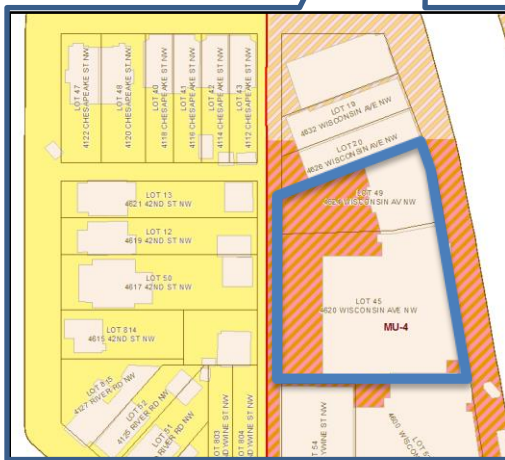
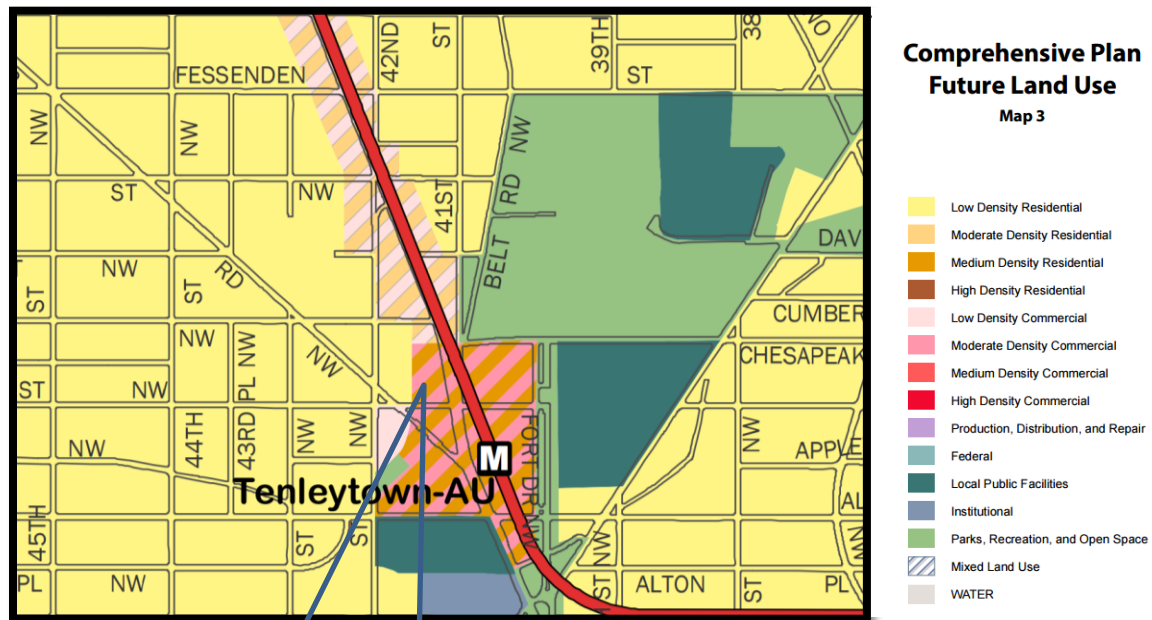
The project plans also include a signage plan for the ground floor retail components which can be found in Exhibit 30B.



## VI. COMPREHENSIVE PLAN

The proposed PUD and related map amendment must both be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan. As described in the OP setdown report (Exhibit 11), the proposal would not be inconsistent with the Comprehensive Plan Future Land Use Map and Policy Map, and would further many policies and objectives of the Citywide Elements and the Rock Creek West Area Element.

**The Comprehensive Plan’s Future Land Use Map (FLUM)** indicates that nearly half of Square 1732 and the entirety of the project site is appropriate for a mix of medium density residential and moderate density commercial uses. The requested MU-7 zone, and the proposed project at eight stories and 5.73 FAR, are within the matter-of-right parameters of this mixed-use designation.



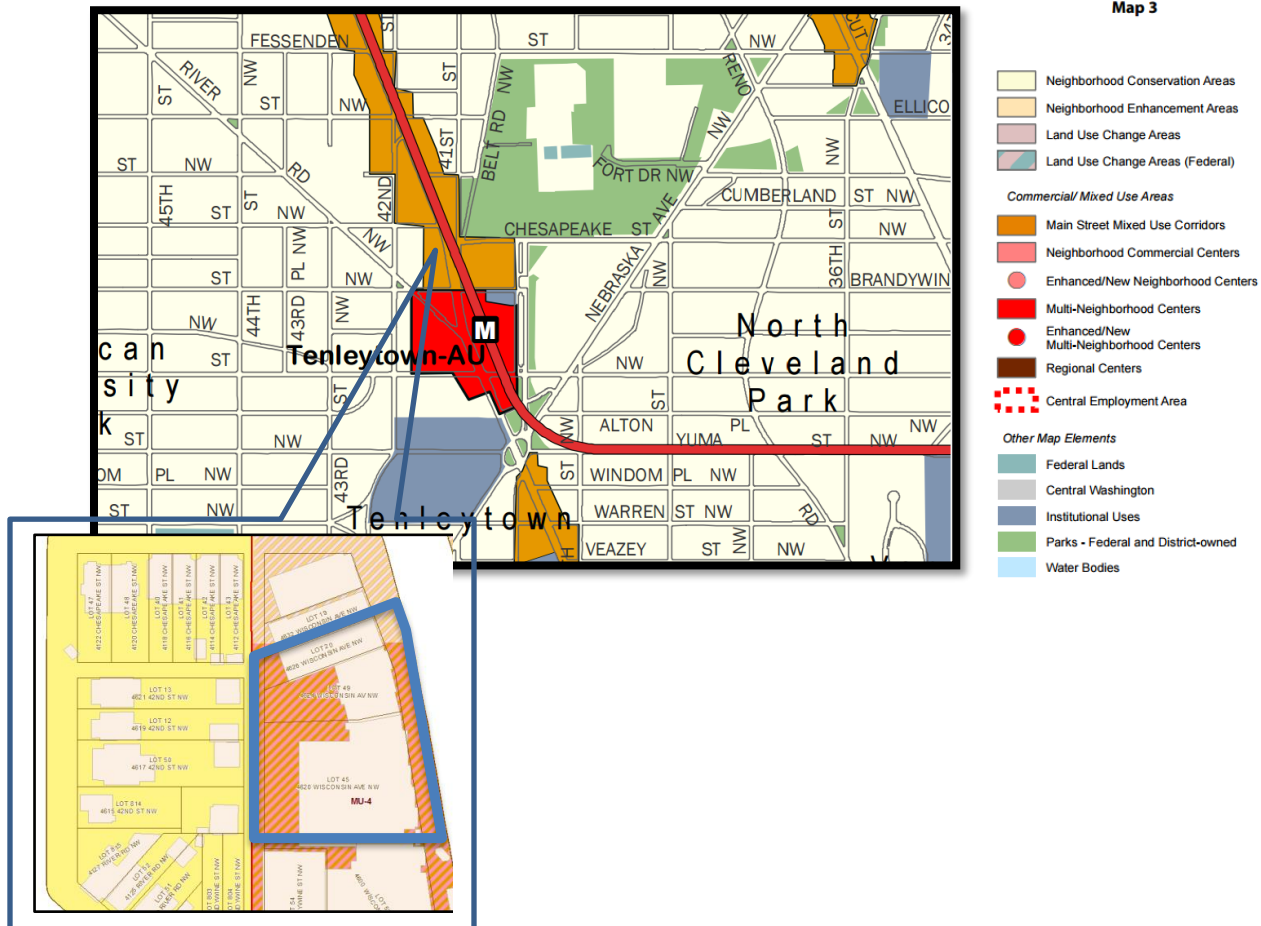
**Medium Density Residential:** This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. (Sec. 225.5)

**Moderate Density Commercial:** This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height. The corresponding Zone districts are generally C-2-A, C-2-B, and C-3-A, although other districts may apply.(Sec. 225.9)

**Mixed Use areas:** A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. Residential uses are permitted in all of the commercial zones. Mixed Use areas may have commercial zoning. (Sec. 225.21)[emphasis added]

The **Generalized Policy Map** shows the site within a Main Street Mixed-Use Corridor, where new development is intended to “*support transit use and enhance the pedestrian environment environment.*” The project would bring tax-generating residential units and neighborhood-serving retail uses to an underutilized and transit-accessible site while continuing the activation of Wisconsin Avenue, NW.

**Comprehensive Plan  
 Generalized Policy  
 Map 3**



**Citywide and Area Elements** - The proposed project would also be not inconsistent with written elements of the Comprehensive Plan. Land Use, Transportation, Housing, Environmental, Economic Development, Urban Design, Energy Infrastructure and Rock Creek West Area Elements all include policies and recommended actions which the proposal furthers, as fully documented in applicant submissions and the OP setdown report (Exhibit 11), and provided in Appendix I.

This project would further these policies, as the project’s stepped massing, aesthetic qualities and mix of uses seek to protect the integrity and vibrancy of Wisconsin Avenue, while responding to the lower density neighborhood to the west. The rear setbacks of the proposed building taper down to the scale of existing homes across the alley while the removal of the westernmost façade’s rear balconies provides continued privacy and minimal noise disruption. Along the front façade, the improvements proposed in public space are integral to the street’s mixed-use



character and neighborhood oriented services. The project is also a more efficient use of land in close proximity to the metro, redeveloping an underutilized commercial site with infill of a mixture of housing types, including more affordable units close to a metro station and in a neighborhood where new affordable units are particularly needed.

**VII. ZONING - Existing and Proposed**

Permitted/Allowed	MU-4 (MoR)	MU-7/PUD	Proposal
<b>Building Height (max.)</b>	50 feet	90 feet	88 feet 4 inches
<b>Lot Size (sq. ft.)</b>	23,741	23,741	23,741
<b>FAR (max.)</b> -Non-Residential	2.5/3.0* (with IZ) <u>1.5</u>	5.76 (with IZ) <u>3.35</u>	5.73 <u>.56</u>
<b>Lot Occupancy (max.)</b> -Residential -Non-Residential	60% 75%* (with IZ)	75% 80%* (with IZ)	89.9% <b>Relief requested</b> (for ground floor res. only)
<b>Gross Floor Area</b> -Residential -Non-Residential <b>-Maximum</b>	71,223* <u>35,611</u> 71,223* SF	136,748* <u>79,532</u> 136,748* SF	124,958 SF <u>10,984 SF</u> 135,942 SF (total GFA proposed)
<b>Parking (min.)</b> -Retail  -Residential  <b>TOTAL</b>	>3,000 SF, 1.33/1000 SF  >4 units, then 1 per 3 units	>3,000 SF, 1.33/1000 SF  >4 units, then 1 per 3 units	10,984 SF; >3,000 SF, 1.33/1000 SF = 11  146 units (@ >4 units; 1 per 3 units) = 47 spaces  50% metro proximate reduction = 29 spaces required.  58 spaces total proposed
<b>Loading (min.)</b> -Retail  -Residential	1 berth @ 30' deep 1 platform @ 100 SF 1 berth @ 55' deep 1 platform @ 200 SF 1 service/delivery @ 20' deep	1 berth @ 30' deep 1 platform @ 100 SF 1 berth @ 55' deep 1 platform @ 200 SF 1 service/delivery @ 20' deep	1 berth @ 30' deep 1 platform @ 100 SF 1 service delivery space at 20'
<b>Rear Yard (min.)</b>	(§ 405.2) 15 feet	(§ 405.3) 2.5"/1' vertical distance to highest point of roof or parapet. (§ 405.4) Rear yard may be measured at a horizontal plane 25' above grade.	Varies; <b>relief requested</b> for ~11.10' depth (above 25' horizontal plane)
<b>Side Yard</b>	None required.	If provided: 2" width for every 1' height of building (15 ft. required)	16.8'

Permitted/Allowed	MU-4 (MoR)	MU-7/PUD	Proposal
<b>Roof Structure (max.)</b>	1 roof structure Setback distance equal to height Enclosing walls of equal height	1 roof structure Setback distance equal to height Enclosing walls of equal height	1 roof structure Setback distance equal to or greater than height. Enclosing walls of equal height. <b>Relief requested.</b>
<b>Green Area Ratio</b>	.30	.25	.25

### VIII. FLEXIBILITY

The Applicant has withdrawn the original request for Penthouse Setback relief as requested in the original application. However, the applicant should ensure that all penthouse structures and guard rails provide the required 1:1 setback as no relief has been requested. The proposed project now seeks the following relief:

**1. PUD related map amendment from MU-4 to MU-7;**

The request to amend the MU-4 zoning to MU-7 would permit a mixed-use structure that would be taller and denser than could be constructed under the site’s matter-of-right MU-4 zoning. The map amendment is not inconsistent with the Comprehensive Plan’s Land Use Map and the type of development anticipated for the site in the General Policy Map. Given this clear Comprehensive Plan direction, its location on a major District corridor, the proposed massing, and the benefits resulting from the proposal, the proposed height and density available through the MU-7 PUD is also supported.

**2. Penthouse Height Uniformity C § 1500.9:**

The applicant has requested relief from this provision on account of the elevator enclosing penthouse not being the same height as the separate stairwell overrun. There is also mechanical screening of a separate height, as permitted in U Section 1500.9. To be conforming, the stairwell overrun would need to be increased in height, raising the profile of the structure and potentially creating a separate setback issue. For these reasons, OP does not object to the request for flexibility.

**3. Minimum rear yard G § 405.2: 21.7 ft. required; 11.1 ft. proposed;**

The rear yard would abut the alley system and the reduced yard should not adversely impact light and air to neighboring properties. Due to the building’s series of ascending setbacks, a neighborhood context sensitive approach, a further reduction of 10.6 feet would impede upon the necessary core factor and may create inefficiencies in the resulting building’s floorplates. OP does not object to the request for flexibility from this provision.

**4. Maximum lot occupancy G § 404.1: 80% (residential); 89.9% proposed (Ground level)**

The maximum lot occupancy request pertains to the ground level footprint on the lowest residential level, where maximum lot occupancy of 80% is permitted. At higher levels, the residential lot occupancy satisfies the requirement. OP has no objection to this flexibility as

it would maximize the use of the lower level to provide additional residential units at the accessible, ground level.

**5. Flexibility to:**

- a. *To vary the location and design of all interior components, ...provided the variations do not change the exterior configuration or appearance of the building;*  
OP does not object.
- b. *To vary the final selection of the colors of the exterior materials...provided such colors are within the color ranges proposed in the final plans;*  
OP does not object.
- c. *To make minor refinements to exterior details and dimensions, including without limitation to sills, bases, mullions, coping, railings and trim, or any other changes to comply with Construction Codes or that are otherwise necessary to obtain a final building permit, or to address the structural, mechanical, or operational needs of the building uses or systems;*  
OP does not object.
- d. *Provide a range in the number of residential units of plus or minus 5%;*  
OP does not object.
- e. *To vary the location, attributes and general design and materials of the streetscape in the public right-of-way to comply with the requirements of and the approval by the DDOT Public Space Division;*  
OP does not object.
- f. *To vary the final landscaping materials of the Project based on availability and suitability at the time of construction or otherwise in order to satisfy any permitting requirements of any applicable regulatory body;*  
OP does not object.
- g. *To vary the final design of the ground-floor retail space frontage, including the number, size, design, and location of retail windows and entrances, signage, awnings, canopies, and similar features, to accommodate the needs of the ground-floor tenants of the Project, provided that any design is consistent with the Storefront and Signage Guidelines.*  
OP believes that this request may be too broad and recommends refining the language to be more specific.

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

The purpose and standards for Planned Unit Developments (“PUD”) are outlined in 11 DCMR, Subtitle X § 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”*

Subtitle X § 305 of the Zoning Regulations discusses the definition and evaluation of public benefits and amenities.

“Public benefits are superior features of a proposed PUD that benefit the surrounding neighborhood or the public in general to a significantly greater extent than would likely result from development of the site under the matter-of-right provisions of this title” (§ 305.2).

A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors” (§ 305.10).

Section 305.5 lists several potential categories of benefit proffers, and states

“A project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section, but must be acceptable in all proffered categories and superior in many” (§ 305.12).

Public benefits and project amenity evaluation is assessed relative to the additional development gained through the application process. In this case, the application proposes a PUD-related map amendment from MU-4 to MU-7, which would allow a mixed-use apartment and retail structure as a building type.

	Existing Zoning MU-4	Proposed Development MU-7/PUD	Difference
Height	50’	88’ 4”	+ 38’ 4”
GFA	71,223 SF (w/ IZ)	135,942 SF	+ 64,719 SF

In Exhibit 30, the applicant outlines the following benefits and amenities:

- Affordable Housing (X-305.5 (f)(1) and (g))

Housing that exceeds the amount that would have been required through matter-of-right development under existing zoning is considered a benefit. The project would exceed the minimum IZ-required set-aside of 8% of the residential square footage for the affordable housing, targeted to households earning no more than 50% and 80% of the Median Family Income (MFI). The existing zoning requires IZ units at 60% MFI for a rental project.

The applicant is proffering through the PUD to provide 10% of the total residential GFA at 60% AMI, equivalent to 15 multifamily units, more than would be required under a matter of right and through IZ. OP considers this a valuable benefit, particularly in a neighborhood where the provision of affordable housing is more difficult. The affordable housing proffer also furthers Comprehensive Plan language, particularly Policy H-1.2.7: Density Bonuses for Affordable Housing.

- Environmental Benefits (X-305.5 (k)(5))

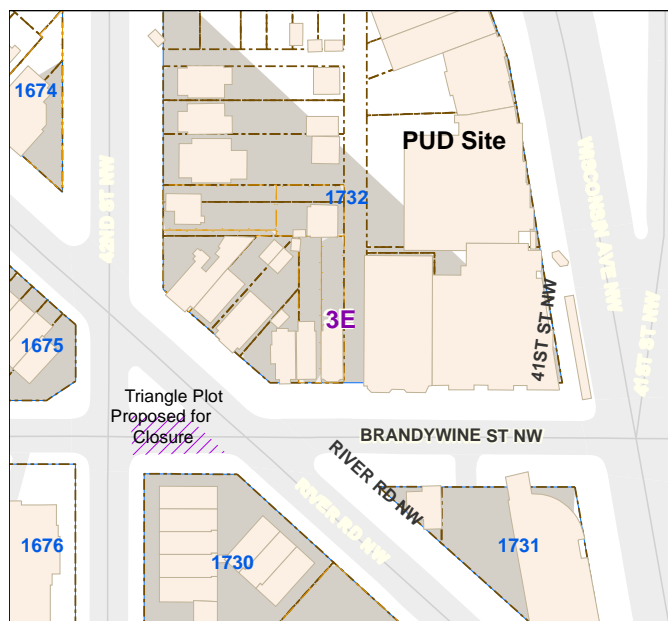
The applicant is proffering LEED Gold design and provision of solar panels and green roofs. OP is supportive of these initiatives; DOEE has indicated to OP support as well.

- Chesapeake House (X-305.5 (e) and (q))

The applicant is proffering to undertake renovations to the Chesapeake House, a currently vacant historic property in the neighborhood. The structure would be rehabilitated to “warm, lit shell” condition. This would be subject to continuing discussions and final approval by the National Park Service. Letter in support of this from the National Park Service and the Tenleytown Historical Society have been provided (Exhibit 2H)

The Applicant should document how the amenity package would be altered if this potentially difficult amenity item is not realized.

- Brandywine Street Closure and Park (X-305.5 (b), (l) and (n))



The ANC has noted the desire for the closure of a one-way segment of Brandywine Street between 42<sup>nd</sup> Street and River Road NW, consistent with the Rock Creek West II Livability Study. In response, the Applicant has agreed to design and construct a new park in its place, and an adjacent triangular plot, as well as maintenance of the new park for the life of the project.

OP is not opposed to this item, provided it meets with the approval of DDOT. The applicant should clearly state that they are covering the costs for the design and construction of this park.

- Restaurant (X-305.5(q))

In response to a request from the ANC, the applicant has proffered the reservation of up to 3,500 sq.ft. for retail space for the provision of a full-service restaurant.

While OP is not opposed to this use being provided, the provision of a use that is desirable to the developer and permitted under zoning is not considered by OP to be a project benefit or amenity, beyond the general provision of retail that serves the neighborhood as permitted by zoning and anticipated by the Comp Plan FLUM.

- Retail Leasing Restrictions (X-305.5(q))

Also in response to neighborhood concerns, the applicant has proffered to restrict a list of uses - a sexually-oriented business establishment, a check-cashing establishment, a pawnbroker, a nightclub, a mattress store, a convenience store such as 7-Eleven, a

professional office, a drug store such as CVS, and any “chain” retail, service, or food service establishment (meaning any business with either at least 10 stores within the District of Columbia or at least 50 stores nationally), unless approved by the ANC. The intent is to focus on neighborhood serving retail in this development.

OP is also not opposed to these uses being restricted, some of them are not permitted by zoning (such as a sexually-oriented establishment) so should not be noted as being permitted with ANC approval. Clarification of the means of enforcing this provision is needed.

- **Undergrounding Utilities (X-305.5 (b) and (l))**

The applicant is proffering to underground or cause to be undergrounded utilities along that portion of the 4600 Wisconsin Ave NW not yet undergrounded.

OP is supportive of this proffer.

- **Limitations on Future Development (X-305.5(q))**

Finally, in response to community comments, the applicant appears to proffer that, if the developer should acquire other property to the north of the subject site, development would be limited to six stories plus penthouse.

OP notes that these properties have a lower designation on the FLUM – Moderate Density Residential / Low Density Commercial as opposed to Medium Density Residential / Moderate Density Commercial on the subject site. Barring a change in this designation, OP agrees that the properties to the north of the subject site would appropriately be developed to a correspondingly lower density and height than the subject site.

In addition to these, OP notes that the proposal addresses the following PUD benefits criteria:

- **Superior urban design and architecture X-305.5 (a).**

This project would improve the current pedestrian realm by continuing retail development along the streetscape and by activating the street through the ground floor design, landscape improvements and improved streetscape elements. Additionally, in response to the Commission’s setdown comments, the building’s scale material palette was made more responsive to the site’s context.

- **Site Planning and efficient and economical land utilization X-305.5 (c).**

The PUD site is a desirable location for mixed-use development providing both market rate and affordable housing and commercial uses. The location is close to a metro station and has an abundance of transit amenities and is located close to desired services and amenities within walking distance. The proposed retail frontage would serve the neighborhood and encourage pedestrian activity along Wisconsin Avenue, NW. Public space improvements would provide a continuous landscaped streetscape, as desired by DDOT’s standards.

However, the applicant has not addressed Employment and Training Opportunities X-305.5 (f), as is typical for PUDs in the District – the applicant should address its initiatives to meet the intent of this criteria at or prior to the public hearing

In summary, the proposed benefits and amenity package, while requiring some additional detail, is commensurate with the flexibility that would be gained through the PUD process.



## **X. AGENCY COMMENTS**

OP held an interagency meeting on July 19th, 2017 for comments from the following agencies:

- The District Department of Transportation (DDOT)
- The Department of Environment and Energy (DOEE)
- The Department of Housing and Community Development (DHCD)
- DC Water and
- DC Fire and Emergency Service (FEMS)

District Department of Energy and the Environment (DOEE) – indicated to OP no concerns with this proposal. Achieving LEED Gold v2009 is supported.

District Department of Transportation (DDOT) –DDOT has submitted comments under separate cover (see Exhibit 31A1 and 31A2).

No other District agency provided comments to OP.

## **XI. AGENCY COMMENTS**

As of the date of filing this report, the ANC had not yet filed a recommendation for this project.

Nearby neighbor Bruce Lowrey (Exhibit 14) and the Tenleytown Neighbors Association (Exhibit 13) have both been accepted as parties in opposition. One additional letter in opposition was filed to the record (Exhibit 32).

Requests for party status in support of the application have been filed by Benjamin Nussdorf (Exhibit 9) and Ward 3 Vision (Exhibit 12).

## **APPENDIX I** **COMPREHENSIVE PLAN POLICIES**

### **Land Use**

*Although the District of Columbia was almost fully developed by 1960, the demand for land for housing and jobs has continued to fuel land use change. ... The renewed popularity of city living generates the need for more housing and new amenities. (§ 300.4)*

#### ***Policy LU-1.3.2: Development Around Metrorail Stations***

*Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. (§ 306.11)*

#### ***Policy LU-1.3.4: Design To Encourage Transit Use***

*Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots. (§ 306.13)*

#### ***Policy LU-1.3.5: Edge Conditions Around Transit Stations***

*Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should “step down” as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards. (§ 306.14)*

#### ***What Makes a Great Neighborhood? 309.6***

*In 2004, “A Vision for Growing an Inclusive City” identified essential physical qualities that all neighborhoods should share. These included:*

- Transportation options for those without a car, including convenient bus service and safe access for pedestrians;*
- Easy access to shops and services meeting day-to-day needs, such as child care, groceries, and sit-down restaurants;*
- Housing choices, including homes for renters and for owners, and a range of units that meet the different needs of the community; ... (309.6)*

#### ***Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods***

*Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others. (§ 309.8)*

***Policy LU-2.1.4: Rehabilitation Before Demolition***

*In redeveloping areas characterized by vacant, abandoned, and underutilized older buildings, generally encourage rehabilitation and adaptive reuse of existing buildings rather than demolition. (§ 309.9)*

***Policy LU-2.1.11: Residential Parking Requirements***

*Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated. (§ 309.16)*

## **Housing**

***Policy H-1.1.1: Private Sector Support***

*Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. (§ 503.2)*

***Policy H-1.1.3: Balanced Growth***

*Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. (§ 503.4)*

***Policy H-1.1.4: Mixed Use Development***

*Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. (§ 503.5)*

***Policy H-1.2.2: Production Targets***

*Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years should be affordable to persons earning 80 percent or less of the area wide median income (AMI). Newly produced affordable units should be targeted towards low-income households in proportions roughly equivalent to the proportions shown in Figure 5.2. (§ 504.7)*

***Policy H-1.2.7: Density Bonuses for Affordable Housing***

*Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood. (§504.14)*

## **Environmental**

***Policy E-1.1.1: Street Tree Planting and Maintenance***

*Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing*

*shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. (§ 603.4)*

***Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff***

*Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. (§ 613.3)*

***Policy E-3.2.1: Support for Green Building***

*Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. (§ 614.2)*

## **Economic Development**

***Policy ED-2.2.3: Neighborhood Shopping***

*Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences. (§ 708.7)*

***Policy ED-3.1.1: Neighborhood Commercial Vitality***

*Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents. (§ 713.5)*

## **Urban Design**

***Policy UD-1.4.1: Avenues/Boulevards and Urban Form***

*Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city. (§ 906.6)*

***Policy UD-1.4.3: Avenue/Boulevard Vistas and View Corridors***

*Protect views and view corridors along avenues/boulevards, particularly along streets that terminate at important civic monuments or that frame distant landmarks. Vistas along such streets should be accentuated by creating more well-defined street walls, improving landscaping, and requiring the highest architectural quality as development takes place. (§ 906.9)*

## **Energy Infrastructure**

***Policy IN-5.1.2: Undergrounding Electric Distribution Lines***

*Plan for the undergrounding of electric distribution lines throughout the District to provide increased reliability of service and enhanced aesthetics and safety, and seek equitable means to cover the high costs associated with undergrounding. Use the opportunity for undergrounding to bury other above-ground communication lines, such as telephone lines, wherever feasible. (§ 13-19)*

## **Near Northwest Element**

### ***Policy RCW-1.1.3: Conserving Neighborhood Commercial Centers***

*Support and sustain local retail uses and small businesses in the area's neighborhood commercial centers. These centers should be protected from encroachment by large office buildings and other non-neighborhood serving uses. Compatible new uses such as multi-family housing or limited low-cost neighborhood-serving office space (above local-serving ground-floor retail uses ) should be considered within the area's commercial centers to meet affordable housing needs, sustain new neighborhood-serving retail and small businesses, and bring families back to the District. (§ 2308.4)*

### ***Policy RCW-1.1.4: Infill Development***

*Recognize the opportunity for infill development within the areas designated for commercial land use on the Future Land Use Map. When such development is proposed, work with ANC's, residents, and community organizations to encourage projects that combine housing and commercial uses rather than projects that contain single uses. Heights and densities for such development should be appropriate to the scale and character of adjoining communities. Buffers should be adequate to protect existing residential areas from noise, odors, shadows, and other impacts. (§ 2308.5)*