

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Stephen Cochran, Project Manager
 Jennifer Steingasser, Deputy Director, Development Review/Historic Preservation
DATE: December 4, 2017
SUBJECT: Public Hearing Report, Zoning Commission Case No. 17-09, Consolidated Planned Unit Development and Related Map Amendment from PDR-2 and PDR-4 to MU-5-A, for 1501 Harry Thomas Way, N.E. (a.k.a. Eckington Park) Square 3581, Lot 15)

I. BACKGROUND

The application was set-down for a public hearing by the Zoning Commission on July 24, 2017. As detailed in Section III of this report, the applicant has responded (Exhibits 15-15G, 26 – 28C) to most, but not yet all, of the concerns that had been expressed by either the Office of Planning (OP) or the Commission at that time. In general, the proposed PUD appears to be a well-designed project that would contribute to the availability of transit-accessible housing, District arts production policies, the creation of new public parks, and the enhancement of alternative modes of transportation.

The major items that have been addressed include building and public space design and raising the projected sustainability from LEED Silver to LEED Gold equivalency. While most of the intended outcomes of the land donation and the \$795,000 contributions for the East Park, the South Park and the relocation of a portion of the Metropolitan Bicycle Trail have been clarified, additional details about proffers remain to be addressed by the hearing. These are noted in this report.

II. OP RECOMMENDATION

OP is supportive of the development, and recommends **approval** of the proposed PUD, subject to satisfaction of the following items, which are detailed in this OP report:

<u>Table 1. Additional Information Needed Prior to Recommended Approval</u>		
	TOPIC	
1.	PDR/Comp Plan	<i>By the hearing:</i> Further clarify the proposal’s consistency with the Comprehensive Plan’s direction that the site is appropriate for a mix of uses including Production, Distribution and Repair (PDR).
2.	Minor Discrepancies	<i>By the hearing:</i> Clarify minor discrepancies among residential FAR and square footages in different charts on Exhibit 28A1 Sheet G07
3.	Affordable Housing	<i>By the hearing:</i> The affordable housing commitment should be increased from 10% to a total of 12% of the residential GSF; by increasing the IZ

		component from 8% to 10%, or the non-IZ affordable low-income artist live-work space from 2% to 4%, or a combination thereof.
3.a.	“	<i>With the Draft Order:</i> Provide procedures to ensure that the rental of the proffered low-income artist live-work space meets income guidelines for the life of the project.
4.	Artist Live-Work Units	<i>By the hearing:</i> Clarify that the proffered market rate artist live-work spaces will be dedicated for the life of the project.
4.a.	“	<i>By the hearing:</i> Commit to consulting with DHCD prior to the issuance of a building permit to ensure that all artist live-work units are consistent with the District’s Artist Live and Work program and other housing policies. <i>By the draft Order:</i> Provide procedures for the above.
4.b.	“	<i>By the hearing:</i> Commit to executing an agreement with a recognized arts organization for the administration of all proffered market rate and affordable artist live-workspace -- to include artist selection, procedures to ensure the units will be used to produce arts, crafts or other PDR-related work, procedures for the sale and display and sale of works, and enforcement of income guidelines for low-income live-work units. <i>By the draft Order:</i> Provide a draft of such an agreement with a letter of intent from an arts organization.
5.	Arts and Design Proffers	<i>By the hearing:</i> Commit to including the NPF on the selection panels for: 1) the art works for the ground floor building panels facing the East Park, adjacent to the garage ramp, and, 2) the art on the 6 th floor terrace wallfacing the South Park. <i>By the draft Order:</i> Provide a draft of such an agreement with a letter of intent from NPF.
6.	East and South Parks	<i>By the hearing:</i> Provide greater detail on equipment and features in the East Park and South Park for which the applicant will pay, in a format that ensures the trackability of compliance with the Conditions related to the proffer
6a.	“	<i>By the hearing:</i> Provide a draft agreement with the NPF concerning responsibilities for physical improvements and maintenance related to the East and South Parks
7.	Metropolitan Branch Trail (MBT)	<i>By the hearing:</i> -- 1) Provide documentation that DDOT has agreed to the NoMA Parks Foundation’s (NPF’s) being responsible for the design and construction of the realigned Metropolitan Branch Trail (MBT) within the East Park; and, 2) Clarify the party responsible for maintenance of the relocated segment
8.	Retail Design	<i>By the hearing:</i> Provide details about the design of ground floor retail entrances
9.	Employment Opportunities	<i>By the hearing:</i> Clarify how the applicant will engage in outreach to the adjacent neighborhood for employment opportunities in the ground floor retail spaces.
10.	First Source /CBE s	<i>By the hearing:</i> Proffer a First Source Agreement and/or a Certified Business Enterprise Agreement or provide an explanation of why it is not being proffered.
11.	DDOT Concerns	<i>By the appropriate dates:</i> The applicant should also address any issues that the District Department of Transportation (DDOT) may raise in its report on this application

III. COMMENTS AND CONCERNS FROM SETDOWN AND AFTER

OP’s setdown report (Exhibit 12) raised several issues for which additional information or clarification was needed. The Commission noted additional issues it wished the applicant to address prior to the continued hearing. OP comments on the most recent applicant submissions about these items follow in Table 2. The Commission’s are in Table 3:

Table 2. OP Concerns at Setdown	Applicant Response	OP Comment
<p><u>PDR</u> Provide a more significant balance of the residential and PDR uses indicated on the Comprehensive Plan’s Generalized Future Land Use Map by enhancing or increasing PDR uses</p>	<p>(Exhibit 15, p.3): Artist live-work spaces are included within the Arts, Design, and Creation uses permitted by-right in PDR districts. The four proffered artist live-work units at 60% MFI will provide PDR uses. Additional maker-space would be inappropriate given the amount of such space planned in PUD 15-15, across Harry Thomas Way. “The Applicant will provide additional information as to compliance with these policy goals...”.</p>	<p>The applicant has addressed why the provision of additional maker-space may not be appropriate for a location adjacent to the live-work spaces being planned for PUD 15-15, but has not addressed providing other PDR uses.</p> <p><i>By the hearing:</i> The applicant should further clarify the proposal’s consistency with the Comprehensive Plan’s direction that the site is appropriate for a mix of uses including Production, Distribution and Repair (PDR). (Table 1, Row 1)</p> <p>The applicant should also consider providing additional unit for this purpose, as noted in Table 1. Row 3.</p>
<p><u>Affordable Housing:</u></p> <p><i>Inclusionary Zoning:</i> Enhance/increase affordable housing component of the net residential square footage</p> <p>*****</p> <p><u>Affordable Artist Live-Work Space:</u> Clarify control period for 60% MFI artist live/work units</p>	<p>(Exhibit 28, p.7-8) The IZ units will comply with the 8% of GFA requirements of the PUD-related zone. This will provide more affordable housing than could be provided in the existing PDR zone, which prohibits housing. Responding to the ANC, the applicant will provide larger units, including 14 two-bedroom and 4 three-bedroom units, and no studio or 1- bedroom IZ units.</p> <p>*****</p> <p>An additional 2% of residential GFA (5,400 SF) is proffered for 60% MFI artist live-work space for the life of the project, to be administered by the applicant separate from the IZ program.</p>	<p>The applicant has not increased its affordable housing component since setdown.</p> <p>While larger IZ units are desirable, OP and DHCD recommend the applicant increase the space reserved for IZ units to at least 10% of the residential GFA, exclusive of the proffered non-IZ artist live-work units. The applicant should comply with Table 1, Rows 3 and 3a of this report.</p> <p>*****</p> <p>The applicant has clarified the control period.</p>

Table 2. OP Concerns at Setdown	Applicant Response	OP Comment
<p><u>Environmental Concerns:</u> Clarify compliance with Comprehensive Plan Environmental Policy E-3.4.3</p>	<p>(Exhibit 15, p.5): The applicant has noted the policy refers to District agency actions and that the applicant will comply with EISF requirements.</p> <p>The applicant has increased the LEED Eligibility to Gold</p>	<p>Adequately clarified and improved.</p>
<p><u>Public Space</u> Relocate electric vaults from R Street to private space</p>	<p>(Exhibit 15G) Plans have been approved by DDOT’s Public Space Committee.</p>	<p>The applicant has complied.</p>
<p><u>East Park</u> Clarify responsibilities for relocation of MBT segment adjacent to site</p> <p>Clarify term “in aggregate”; in relation to no more than \$150,000 contribution for construction of dog park</p> <p>Consider placing security cameras to monitor the MBT and integrating their operation with the larger system’s operations</p>	<p>(Exhibit 28, p. 6) Applicant will donate \$80,000 to NPF for realignment of MBT.</p> <p>(Exhibit 15, p.6): Applicant will reimburse NPF up to \$165,000 for costs/expenses for design/construction of dog park.</p> <p>Not Addressed</p>	<p>The Applicant should comply with Table 1, Row 7 of this report.</p> <p>Applicant has clarified amount of contributions and intended product.</p> <p>DDOT report may address this.</p>
<p><u>South Park</u> Provide a specific amount of “up to \$350,000” contribution to “South Park”, and provide details on goods, products, services, landscaping and facilities to be made possible with such funds, as well as administrative responsibilities</p> <p>Provide copy of draft agreement with NoMA Park Foundation specifying applicant and NPS responsibilities and expectations.</p>	<p>(Exhibit 28, p.7; Exhibit 28, page 10). \$300,000 to pay for amphitheater and balance of \$350,00 to pay for retail and other kiosks.</p> <p>This has not been supplied</p>	<p>Applicant has clarified general expectations, but needs to comply with Table 1, Rows 6 and 6a of this report to ensure specificity and trackability.</p>

Table 2. OP Concerns at Setdown	Applicant Response	OP Comment
<u>Design</u> Enhance the architectural treatment of the four northern-most ground-floor bays on the east side of the building.	(Exhibit 28A, Sheets A21 and A 29) “The east-facing wall of the ground floor along the ramp will be used for decorative art to create visual interest when viewed from the East Park”. See sheet A29”.	The applicant has provided examples of types of art work that may be installed. The applicant should comply with Table 1, Row 5 of this report.
<u>Transportation</u> Provide a Transportation Study and TDM measures	(Exhibit 26, 26A) The Transportation Study, including TDM measures, has been filed.	The applicant appears to have satisfied this requirement, subject to DDOT’s final report, per Table 1, Row 11 of this report.
<u>Parking</u> Clarify whether parking fees are “un-bundled” from rents	Exhibit 15, p.7 Parking will be unbundled	Adequately clarified
<u>First Source/CBE</u> Justify lack of either First Source or CBE proffer	Not addressed. Applicant has told OP that it is providing other proffers rather than these.	The Office of Planning continues to encourage the applicant to provide a First Source Agreements and/or a Certified Business Enterprise Agreements or an explanation of why it is not being proffered. (Table 1, Row 10)
Provide material samples	Illustrations in Exhibit 28A, Sheet A23 – A 27	The applicant will provide samples of materials at the public hearing

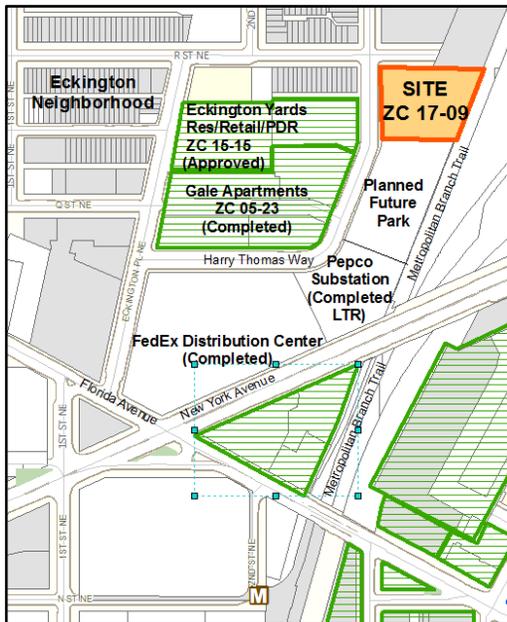
Table 3. Commission Concerns at Setdown, Not Reflected in Above OP Comments	Applicant Response	OP Comment
Simplify Façade Design	(Exhibit 28, p.2) Applicant has reduced the number of façade types along Harry Thomas Way.	Applicant has complied.
Consider if some masonry in the southwestern facades façade may be too light	(Exhibit 28 A, Sheets A26-27) The applicant has darkened the lighter material and introduced darker trim.	Applicant has complied
Refine Appearance of Top Floor	(Exhibit 28, p. 3 and 28A, Sheets A19-22). The applicant has provided added detail to the top floor’s design and darkened its color	Applicant has complied
Refine Design of Façade Embellishment Adjacent to South Terrace	(Exhibit 28, pp. 10-11; Exhibit 28A Sheets A28, 29) The Applicant will commission art piece from recognized arts collaborative	The applicant should address Table 1, Row 5 of this report.

Commit to LEED Gold	(Exhibit 28, p. 8) The project will be designed to achieve a 60-point, equivalent to LEED Gold, but will not seek certification. The applicant had previously committed to 55 points.	The applicant has adequately addressed the concern, despite the lack of commitment to certification.
Consider Installing Solar Panels	(Exhibit 28, p.8 and architectural plans Exhibit 28A1, Sheet A05) Applicant will install 1500 SF of rooftop solar panels	Applicant has complied
Consider proffer relating to skills training at the former Penn Center school or at McKinley High School	Not addressed The applicant has informed OP that it will proffer additional community-related benefits after additional meetings with ANC.	This should be addressed by the hearing, per Table 1, Row 9 and 10 of this report.

IV. COMPREHENSIVE PLAN AND OTHER PUBLIC POLICIES

OP analysis of the project’s relationship to the Comprehensive Plan was originally provided in OP’s setdown report (Exhibit 12, Section V). This section summarizes that analysis.

Both OP and the Commission expressed some concern at setdown about the degree to which the proposal would be not inconsistent with the Production, Distribution and Repair (PDR) component in the site’s FLUM designation and with PDR-related policies in the Comprehensive Plan. The applicant has discussed this concern in its pre-hearing statement (Exhibit 15, page 4) but has not added additional PDR uses to the project. OP has encouraged the applicant to expand the amount of space devoted to artist live-work units to better address the PDR component.



The 77,898 SF site is a vacant former industrial tract in the southern part of the Eckington neighborhood of northeast Washington. It is part of what had formerly been a rail marshalling yard.

Figure 1. Site Location

The **Generalized Policy Map** (Figure 2) designates the southern two-thirds of the site as a Land Use Change area where the creation or enhancement of neighborhoods is encouraged. The proposed development of the vacant site is not inconsistent with that designation. The northern third, adjacent to R Street, NE, is designated as a Neighborhood Conservation Area. The uses of the Metrorail-proximate project would contain a mix of residential and PDR uses in Eckington neighborhood

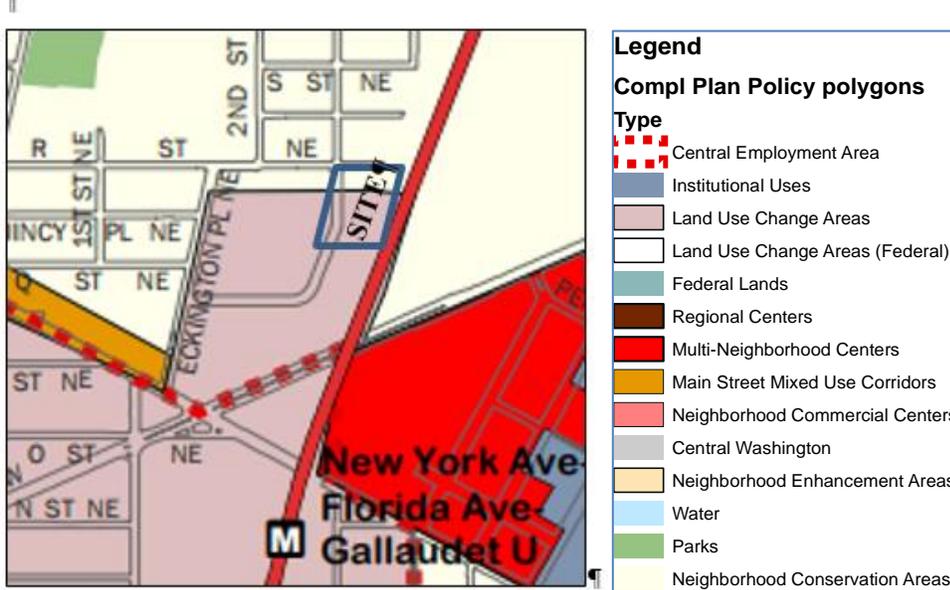


Figure 2. Generalized Policy Map

The proposed 4.03 FAR, seven-story, 81'6"-foot height would be well within what is typically considered appropriate for medium density residential land uses, particularly for PUDs. The applicant is proposing 10 units of double-height live/work space for artists, with 4 of those being reserved for artists earning no more than 60% of the MFI. This type of maker-space is typically considered not inconsistent with the PDR category.

The **Future Land Use Map (FLUM)** (Figure 3) indicates that the site is appropriate for medium density residential and production, distribution and repair uses. This denotes a mix of uses on the site.

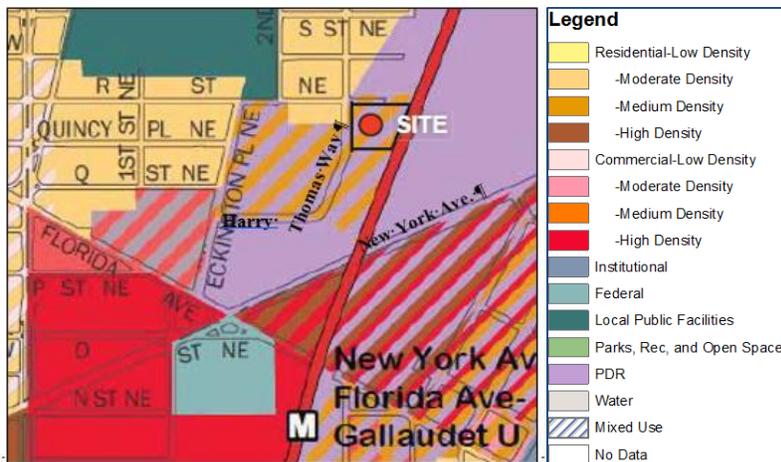


Figure 3. Generalized Future Land Use Map

The nearby area has moderate-density residential uses to the north and west, and PDR uses to the northeast, east and southeast. indicates that a change in land use from what exists today is expected and encouraged for the site. This designation is consistent with that of other properties in this square and squares to the north and south along this section of the Red Metro line; and many properties have been the subject of past or current PUDs. The proposed project would introduce residential uses to a site where residential is now prohibited. Given the site’s location the medium density residential uses and the small amount of retail use would not intrude into the areas to the east, across 3rd Street NE, that are designated for neighborhood conservation.

Section 225 of the Comprehensive Plan text identifies corresponding land uses and zoning districts, as indicated in Table 3.

Table 4 Zones Typically Associated With Generalized Future Land Use Map Categories

<p>Medium Density Residential</p>	<p>This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space.</p>	<p>The corresponding Zone districts are generally R-5 B and R-5-C, although other districts may apply. (225.5)</p> <table border="1" data-bbox="951 856 1459 1136"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">FAR</th> <th colspan="2">Height</th> </tr> <tr> <th>MoR</th> <th>PUD</th> <th>MoR</th> <th>PUD</th> </tr> </thead> <tbody> <tr> <td>R-5-B (now RA-2)</td> <td>1.8</td> <td>3.0</td> <td>50'</td> <td>60'</td> </tr> <tr> <td>R-5-C, Now RA-3)</td> <td>3.0</td> <td>4.0</td> <td>60'</td> <td>75'</td> </tr> </tbody> </table>		FAR		Height		MoR	PUD	MoR	PUD	R-5-B (now RA-2)	1.8	3.0	50'	60'	R-5-C, Now RA-3)	3.0	4.0	60'	75'										
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<p>Production, Distribution and Repair (PDR)</p>	<p>This designation is used to define areas characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services, food services, printers and publishers, tourism support services, and commercial, municipal, and utility activities which may require substantial buffering from noise-, air pollution- and light-sensitive uses such as housing. This category is also used to denote railroad rights-of way, switching and maintenance yards, bus garages, and similar uses related to the movement of freight, such as truck terminals.</p>	<p>A variety of Zone districts apply within PDR areas, recognizing the different intensities of use and impacts generated by various PDR activities. The corresponding Zone districts are generally CM-1, CM-2, CM-3, and M, although other districts may apply. The present density and height limits set by these districts are expected to remain for the foreseeable future. 225.12</p> <table border="1" data-bbox="951 1388 1459 1579"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">FAR</th> <th colspan="2">Height</th> </tr> <tr> <th>MoR</th> <th>PUD</th> <th>MoR</th> <th>PUD</th> </tr> </thead> <tbody> <tr> <td>CM-1</td> <td>3.0</td> <td>3.0</td> <td>40'</td> <td>60'</td> </tr> <tr> <td>CM-2</td> <td>4.0</td> <td>4.0</td> <td>60'</td> <td>90'</td> </tr> <tr> <td>CM-3</td> <td>6.0</td> <td>6.0</td> <td>90'</td> <td>90'</td> </tr> <tr> <td>M</td> <td>6.0</td> <td>6.0</td> <td>90'</td> <td>90'</td> </tr> </tbody> </table>		FAR		Height		MoR	PUD	MoR	PUD	CM-1	3.0	3.0	40'	60'	CM-2	4.0	4.0	60'	90'	CM-3	6.0	6.0	90'	90'	M	6.0	6.0	90'	90'
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<p>Mixed Use</p>	<p>The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. (225.19). A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities.” (225.21)</p>	<p>Given the mix of uses and the corresponding anticipated heights and densities of the FLUM designations, in combination with Comprehensive Plan policies noted below, the applicant’s proposed zone with its corresponding PUD height and density is generally not inconsistent with this direction, although additional attention to affordable housing and transition to lower density areas would strengthen the proposals response to Comp Plan policy statements:</p> <table border="1" data-bbox="951 573 1461 785"> <thead> <tr> <th rowspan="2"></th> <th colspan="2">FAR</th> <th colspan="2">Height</th> </tr> <tr> <th>MoR</th> <th>PUD</th> <th>MoR</th> <th>PUD</th> </tr> </thead> <tbody> <tr> <td>C-2-B (Now MU-5)</td> <td>3.5</td> <td>6.0</td> <td>70’</td> <td>90’</td> </tr> <tr> <td>Proposed MU-5A</td> <td>3.5</td> <td>6.0</td> <td>75</td> <td>90’</td> </tr> </tbody> </table>		FAR		Height		MoR	PUD	MoR	PUD	C-2-B (Now MU-5)	3.5	6.0	70’	90’	Proposed MU-5A	3.5	6.0	75	90’
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The site is currently zoned PDR-2 and PDR-4. The applicant is requesting a PUD-related zoning map amendment to the MU-5-A zone, which is not inconsistent with the Comprehensive Plan, and the FLUM designation of medium-density residential and PDR.

As noted in OP’s preliminary report (Exhibit 12, pp 9 – 20). the proposed building design, massing, use mix and proffers would further many goals and objectives of the written elements of the Comprehensive Plan. These include aspects of the Land Use, Transportation, Housing, Environmental Protection, Economic Development, Parks Recreation and Open Space, Urban Design, and Arts and Culture Chapters of the Citywide Element, and policies in the Mid-City Element.

Section 226 of the Comprehensive Plan provides guidance for the use of the Generalized Policy and Future Land Use Maps.

- a. **The Future Land Use Map is not a zoning map.** Whereas zoning maps are parcel-specific, and establish detailed requirements for setbacks, height, use, parking, and other attributes, the Future Land Use Map does not follow parcel boundaries and its categories do not specify allowable uses or dimensional standards. By definition, the Map is to be interpreted broadly.
- b. **The Future Land Use Map is a generalized depiction of intended uses** in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.
- c. The densities within any given area on the Future Land Use Map reflect all contiguous properties on a block—there may be individual buildings that are higher or lower than these ranges within each area. Similarly, the land use category definitions describe the general character of development in each area, citing typical building heights (in stories) as appropriate. **It should be noted that the granting of density bonuses (for example, through Planned Unit Developments) may result in heights that exceed the typical ranges cited here.**
- d. **The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan,** including the citywide elements and the area elements, as well as approved Small Area Plans.

V. INDUSTRIAL LANDS POLICIES OF THE WARD 5 WORKS STUDY

Policies from the Ward 5 Industrial Land Transformation Study, known as Ward 5 Works, are informative to the transition of this property from purely industrial to a mix of residential and PDR-related uses. The study is not a Council-adopted policy document, but provides guidance regarding the opportunities that can be found in industrial development.

The vision of the study is to adapt industrial land to develop a cutting-edge and sustainable production, distribution, and repair industry that diversifies the District’s economy, serves as a hub for low-barrier employment, complements and enhances the integrity of neighborhoods, and provides opportunities for arts, recreation and other community amenities. The study encourages the preservation of production uses, environmental stewardship, workforce development, long-term affordability of industrial space, development of new multi-tenant space providing space for arts uses and makers, and the development of additional community amenities.

The applicant’s commitment to dedicate four units in which artists earning no more than 60% of the MFI can work and live helps to further the objectives of this study. OP has encouraged the applicant to provide additional PDR facilities, particularly additional artist live-work units.

VI. ZONING ANALYSIS

OP provided a zoning analysis of the project in its setdown report (Exhibit 12, Table 2). There have been no dimensional changes to the proposal since setdown. The overall FAR has increased from 4.0 to 4.03, with a 0.09 increase in residential FAR and a 0.06 decrease in non-residential FAR.

Table 5. Zoning Analysis

77,898 SF site	Existing Zone (19%) PDR-2	Existing Zone (81%) PDR-4	Proposed Zone MU-5-A PUD:	Proposal	Difference from MOR	Flexibility
Height (ft.)	60 ft. <i>J §203</i>	90 ft. <i>J § 203</i>	90 ft. <i>G § 403</i>	83 ft.	30 ft./ PDR-2 0/ PDR-4	None
FAR Individual zone; Blended	4.5 5.7 <i>J §202</i>	6.0 5.7 <i>J §202</i>	5.04 <i>G § 402</i>	4.03	- 1.7 less than blended MOR	None
Residential:	3.0	1.0	5.04	3.8 3.89	+ 0.8 PDR-2 + 2.8 PDR-4	None
Non-Residential:	4.5	6.0	2.01	0.2 0.14	- 4.3 PDR-2 -5.8 PDR=4	None
IZ Units (8%)	No requirement <i>C §1001.2</i>	No requirement <i>C §1001.2</i>	8% of max. net residential sf (w/ 17% core factor) = 26,069 SF <i>C §1003</i>	{0.8 x [.83x(3.8x77,898)]} = 19,945 net SF @ 60% MFI (17% core factor)	19,945 net SF	None

77,898 SF site	Existing Zone (19%) PDR-2	Existing Zone (81%) PDR-4	Proposed Zone MU-5-A PUD:	Proposal	Difference from MOR	Flexibility
Lot Occupancy —	100 %	100 %	80 % <i>G § 404</i>	57 %	-43 %	None
Rear Yard	Greater of 2.5"/ft. of height or 12' <i>J § 205</i>	Greater of 2.5"/ft. of height or 12' <i>J § 205</i>	15' <i>G § 405</i>	49'10"	n/a	None
Side Yard	None required <i>J § 206</i>	None required <i>J § 206</i>	Greater of 2"/ft. ht. or 5' = 14'4" <i>G § 406</i>	5'	n/a	9'4" flexibility requested
Courtyards Width, Open Width, Closed Area, Closed	----	----	Greater of: 4"/ft.ht or 10' = 22'4"; 4"/ft.ht or 15' = 32'4"; 2(req.width ²) or 350SF = 2090.5 SF <i>G § 202.1</i>	53' 83' 9745 SF	n/a	None
Penthouse <i>C § 1500</i>	FAR: ≤ 0.4 Ht.:18'6"/1 story Setback: 1:1 <i>J § 203.6</i>	FAR: ≤ 0.4 Ht.:18'6"/1 story+mezz.+mechanicals Setback: 1:1	FAR: ≤ 0.4 Ht.:20'/1 story Setback: 1:1 <i>G § 203</i>	FAR: 0 Ht.:12' Setback: 1:1	- 6/6"	None
Parking <i>C § 701.5</i>	Res.: 1/3DU>4DU Retail: 1.33/1000SF>3000 SF <i>Sub.C § 702.1</i>	Res.: 1/3DU>4DU Retail: 1.33/1000SF>3000SF <i>Sub.C § 702.1</i>	Res.: 1/3DU>4DU Retail: 1.33/1000SF>3000SF BUT w/ <i>Sub.C § 702.1</i> (Metro reduction) = 60	Res.: 110 Retail:14 Total: 124	Greater than required	None

77,898 SF site	Existing Zone (19%) PDR-2	Existing Zone (81%) PDR-4	Proposed Zone MU-5-A PUD:	Proposal	Difference from MOR	Flexibility
Bicycle Parking <i>C § 802</i>	Res. 1 long /3DU 1 short/20 DU Retail 1 long/10,000 SF 1 short/3,500 SF	Res. 1 long /3DU 1 short/20 DU Retail 1 long/10,000 SF 1 short/3,500 SF	<u>Res.</u> 1 long /3DU = 110 1 short/20 DU = 17 <u>Retail</u> 1 long/10,000 SF = 1 1 short/3,500 SF = 3 <u>Sub-Total</u> Long-term= 111 Short-term: 20 Total: 131	Res. Long-Term: 170 Res. Short-Term: 20 Retail Long-term: 4 Retail Short Term: 10 Total: 204	+ 73	None
Loading <i>C § 901</i>	<u>Res.:</u> 1@ 30' 1 20'serv. Space 100 sf platform; <u>Retail:</u> none	<u>Res.:</u> 1@ 30' 1 20'serv. Space 100 sf platform; <u>Retail:</u> none	<u>Res.:</u> 1@ 30' 1 20'serv. Space 100 sf platform; <u>Retail:</u> none	2 30' berths and 2 100 sf platforms shared per C § 901.8	n/a	None
Green Area Ratio	0.3 <i>J § 208</i>	0.3 <i>J § 208</i>	0.3 <i>G § 407</i>	0.3	n/a	None

The applicant continues to request the following flexibility, which is unchanged from the original application:

- 1. PUD-related map amendment from PDR-2 and PDR-4 to MU-5-A**, which appears to be not-inconsistent with the Comprehensive Plan.
- 2. Side Yard Relief from Subtitle G § 406 Requirements** to provide a 5-foot wide side yard where a 14 foot-4-inch yard would otherwise be required. This request would not have a negative impact on neighboring properties or the public good, as the side yard is immediately adjacent to the South Park open space the applicant would be assisting the NoMA Parks Foundation in developing.

3. Additional Flexibility

The applicant requests flexibility to:

- vary the location of all interior components;
- vary the final selection of exterior materials within the color ranges and materials types approved by the Commission to respond to materials' availability or to DC code requirements;
- increase by no more than 5% the number of units within the limits of approved residential GFA;
- vary the streetscape design to comply with DDOT requirements;
- vary the garage design but not to decrease the number of spaces;
- vary public space design to comply with DDOT requirements;
- locate retail entrances and modify facades to suit retail tenants, within parameters approved by the Commission;
- vary signage within dimensions and materials of approved PUD

- i) modify the design of the proposed East Park provided it is maintained only for the realignment of the MBT, a dog park and related open space;
- j) vary types of retail uses within the categories “retail”, “general services”, “financial services”, and “eating and drinking establishments”.

The applicant has already received approval of public space elements from DDOT (3.d, above)

Requests 3 a, b, c and e are not atypical PUD requests for which OP would have no objection.

The request for some flexibility in the types of non-residential uses to be provided (3.j) within specified use categories appears to be justified and relatively minor, given the limited 0.2 FAR of non-residential uses proposed, and the significant amount of retail and PDR uses that have been approved for the adjacent PUD 15- 16 development.

However, **OP notes that the applicant has not provided the following information germane to the flexibility requests. It should be provided by the hearing.**

- **Suggested parameters (3.g) within which the design of retail entrances and facades could be modified.**

VII. COMPLIANCE WITH PUD REGULATIONS

The OP original hearing report (Exhibit 12, pages 23 - 27) provided an analysis of the applications compliance with the PUD requirements of Subtitle X, Chapter 3. The following updates this analysis.

300.1 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 PUD:

- (a) Results in a project superior to what would result from the matter-of-right standards;*
- (b) Offers a commendable number or quality of meaningful public benefits; and*
- (c) Protects and advances the public health, safety, welfare, and convenience, and is not inconsistent with the Comprehensive Plan.*

300.2 While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, or to result in action that is inconsistent with the Comprehensive Plan.

Table 6. Additional Entitlements Gained Through the Proposed PUD:

	By-Right	Proposed PUD	DIFFERENCE
Height:	90 ft.	81’6” ft.	8’ 6” less than by-right
Gross Floor Area:	5.7 FAR x 77,898 sf= 444,018 sf.	4.03 FAR x 77,898 sf.= 313,916 sf	130,102 SF less than by-right overall; 303,023 SF more residential than permitted by-right
Lot Occupancy:	100 %	80%	20% less by by-right
Use:	All uses <u>other than</u> residential permitted	Residential permitted; some PDR restrictions	Residential where not now permitted.

Public Benefits and Amenities:

Chapter X Section 305.2 states that “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.”

Chapter X Section 305.5 provides a summary of eligible categories for PUD benefits and amenities. The applicant has proffered the following for the proposed PUD:

(a) Superior urban design and architecture

The design complements the existing industrial and formerly-industrial buildings and includes modern elements that are congruent with elements of the recently approved PUD across Harry Thomas Way from the applicant’s site. The applicant has addressed the design concerns previously expressed by OP and the Commission.

(b) Superior landscaping, or creation or preservation of open spaces

The project would dedicate approximately 20,500 square feet for additional park-like uses north of the planned public park and provide \$515,000 of funding for park-related improvements.

(c) Site planning and efficient and economical land utilization

The plan makes effective use of a double-loaded corridor design organized around a central courtyard with communal features. Its low 57% lot occupancy signifies its economical land utilization.

(d) Commemorative works or public art

The applicant has identified locations for artworks that would be visible from park spaces used by the public. OP has recommended that the applicant submit procedures to the Zoning Commission that provide for input from the NoMA Parks Foundation into the selection of the art works for the spaces.

(e) Historic preservation of private or public structures, places, or parks

The design would be congruent with an adjacent early 20th century brick warehouse.

(f) Housing

The project would create 328 new housing units proximate to the NoMA/Gallaudet U metro station.

(g) Affordable housing

The project would meet its minimum IZ requirement. As requested by the ANC, the units would all have either two or three bedrooms. OP has encouraged the applicant to provide more than the minimum required square footage of IZ units.

The project would also contain an additional 2% of the net residential square footage to live-work units dedicated for low-income artists for the life of the project. These would not be IZ units administered by DHCD. OP has encouraged the applicant to increase the number of affordable live-work units to enhance both its affordable housing and its PDR offerings.

The figures in the following table are based on information supplied in the application.

Table 7. Affordable Housing

Residential Unit Type	Res. GFA	Units	Income Type	Affordable Control Period	Affordable Unit Type
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Residential Total	303,023 ¹ GSF	328			
Market Rate		none			
IZ Total Required @ 8% of Res. GFA	24,241	~20-22	moderate	Life of project	n/a
IZ Total Provided, according to applicant, based on 80% net efficiency ²	19,580	~20-22	moderate	Life of project	
Affordable/Non IZ (~ 2% of Res. GFA)	5428 GSF	4	to low	Life of project	n/a

(h) Employment and training opportunities;

The applicant was asked to address whether there would be out-reach to recruit workers from the neighborhood for the ground floor retail spaces, and to explain why it was not proffering either First Source or CBE agreements. The applicant has not responded to these requests.

(i) Building space for special uses

There would be ten units of artist live-work space. The four units to be reserved for households earning no more than 60% of the MFI would be reserved for the life of the project. OP has asked the applicant to clarify whether the other six market-rate units would also be reserved for artist live-work space for the life of the project.

(j) Environmental and sustainable benefits

The project would be designed to be eligible for a LEED Gold rating.

(k) Park maintenance or participation

The applicant would be contributing \$350,000 towards the creation of a new public park that would include a public amphitheater and play areas for children, and \$165,000 towards a dog park and other improvements adjacent to the eastern side of the building.

(l) Transportation infrastructure beyond that needed to mitigate any potential adverse impacts

The applicant would be providing land for the relocation and reconfiguration of the MBT. The applicant will need to clarify the responsibility for the construction and maintenance of that portion of the trail.

Table 8 summarizes the project’s benefits, amenities and proffers. Since setdown the applicant has provided additional information about the proffers, although additional details are needed. Generally, OP recommends the applicant’s proffers as commensurate with the density, height, and use flexibility gained through the PUD and related map amendment. The combination of land donations for the East Park, the relocation of the Metropolitan Branch Trail, and the contributions to facilities and, equipment in the East and South Parks are considerable for a primarily residential project that would be less dense than a non-residential project that could be constructed by-right. However, as noted throughout this report, OP strongly recommends the applicant consider proffering additional affordable housing and increasing the project’s level of PDR-related uses.

¹ OP has calculated this using the figures for land area and residential FAR supplied by the applicant. However, Applicant’s Exhibit 18a1, Sheet G07 shows the amount of residential GFA as 302,855.

²DCRA will provide final conversion of gross requirement to net square feet. (Cf. ZC 04-33I).

TABLE 8. BENEFITS ITEM	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER	NOTES
Urban Design, Architecture <i>X § 305.5(a)</i>	No	Yes	No	No	No	Refined since setdown
Landscaping Open Space, Streetscape <i>X §§ 305.5(b) and (l)</i> • New sidewalk, public space and trees on R St.; Rebuilt sidewalk, new trees on Harry Thomas Way	No	Yes	No	Partially	Partially	Public Space Committee preliminary approval since setdown.
Site Planning, Efficient Land Utilization <i>X § 305.5 (c)</i>	No	Yes	Yes	No	No	none
Public Art <i>X § 305.5 (d)</i>	No	Yes	Yes	No	Yes	Process details needed.
Housing and Affordable Housing <i>X §§ 305.5 (f) and (g)</i>	No	Yes	No	No	4 units @ 60% MFI for life of project.	Recommend proffering at least 10% IZ units, and additional affordable live-work units
Employment and Training Opportunities <i>X § 305.5 (h)</i>	No	Yes	No	No	No	Recommend commitment to neighborhood outreach for employment in retail spaces
CBE	None proffered	None proffered	None proffered	No	No	Should justify absence
First Source	None proffered	None proffered	None proffered	No	No	Should justify absence
Environmental Benefits –Sustainable Design Features <i>X § 305.5 (k)</i>	Yes	Yes	No	No	Yes, LEED Gold Equivalency	Improved from earlier LEED Silver equivalency
Uses of Special Value to the Neighborhood <i>X § 305.5 (q)</i> Donation of land and Construction of permanent dog park to	No	Yes	No	No	~ \$3.3 to \$5.8 million value of	Clarification of MBT reconstruction responsibilities needed. Details needed about intended purchase of

TABLE 8. BENEFITS ITEM	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER	NOTES
<p>plans approved by NoMA Parks Foundation, not to exceed \$150,000 “in the aggregate”</p> <p>Contribution of “up to” \$350,000 to NoMA Parks foundation for improvements to planned “South Park”</p>					<p>land³ donation for East Park plus contribution of \$165,000 for dog park and \$80,000 for MBT realignment</p> <p>\$350,000 donation to park to south park (\$300,000 for amphitheater; balance for park improvements)</p>	<p>equipment or services for parks, to enable tracking of execution of proffer.</p>

VIII. AGENCY COMMENTS

DHCD staff has suggested that the applicant work with DHCD staff prior to the issuance of a PUD Order, to ensure that the Order’s conditions adequately address requirements for the designation of space in the building to be reserved for artists, for the display and sale of the artists’ works, and other organizational needs to become part of the District Artist Live and Work program. DHCD would be providing guidance, but would not be administering these units.

The applicant has worked with DOEE and increased its likely LEED points from 55 to 60.

DDOT will be filing its report separately.

No additional agency comments were on file at the time OP completed this report.

IX. COMMUNITY COMMENTS

At the time OP completed this report there were no comments from the ANC in the case record.

One letter of opposition with several supporting documents had been filed by a nearby commercial property owner prior to setdown. (Exhibits 11 – 11C). There were no additional filings in support or opposition at the time OP completed this report.

JLS/slc

³ The 20,500 SF of land is currently assessed at ~ \$ 5.8 million. Applicant calculates that, if based on purchase price, value would be ~ \$3.3 million.