

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

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

**DATE:** February 16, 2018

**SUBJECT:** Preliminary Report on Zoning Commission Case No. 17-14, Consolidated Planned Unit Development and Related Map Amendment for Maurice Supply Electric in Florida Avenue Market (500 Penn Street, N.E./Square 3594, Part of Lot 3)

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### **I. RECOMMENDATION**

The Office of Planning (OP) recommends the Commission **set down** the application by UM 500 Penn Street NE LLC and UDR, Inc. for a consolidated PUD with a PUD- related map amendment from PDR-1 to MU-9, to construct a twelve story, 130-foot high mixed-use building with ground floor retail and eleven stories of residential at 500 Penn Street, N.E. in the Florida Avenue Market.

The filing generally meets the requirements of 11DCMR Subtitle X, Chapter 3. OP supports the overall site plan and building design, and recommends that the application be set down for public hearing. OP notes that additional information, as summarized in Section IV of this report, shall be addressed and provided prior to a public hearing.

### **II. BACKGROUND**

The Florida Avenue Market has been the subject of several PUD applications within the past few years. To date, eight PUDs have been approved or are in process that would add approximately 5.2 million square feet of retail, residential, university, and hotel uses to the Market area. The Florida Avenue Market Study Small Area Plan encourages denser development in the Market Area in exchange for significant benefits and amenities.

Comprehensive Benefits and amenities that have been proffered thus far through all the PUDs include: increased affordable housing; reconnecting Neal Place to the street grid; providing a shared alley system to reduce curb cuts along the street; provision of open space; provision of maker space at below-market rate rents; and public art installations. If approved, this proposed development would gain 80 feet of height and 189,123 square feet of floor area.

### III. APPLICATION-IN-BRIEF

<b>Location</b>	500 Penn Street, N.E. Square 3594, Part of Lot 3	Ward 5, ANC 5D
<b>Property Size</b>	37,450 square feet	
<b>Applicant</b>	EDENS (non-residential) and UDR (residential)	
<b>Current Zoning</b>	<b>PDR-1</b> – Moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.	
<b>Proposed PUD-Related Zoning</b>	<b>MU-9</b> – Permits high-density mixed-use development including office, retail, and housing, with a focus on employment.	
<b>Site Characteristics</b>	The irregularly shaped lot has 450 feet of frontage along Penn Street, and 252 feet of frontage along a 20-foot wide public alley along the north side of the lot. The property is at a higher elevation at the north end of Florida Avenue Market, and, thus, has increased visibility from New York Avenue. There is an existing curb cut on Penn Street near the alley that would be removed as part of the proposed development.	
<b>Existing Uses</b>	The building, formerly known as Maurice Electric, is a two-story brick building that previously functioned as a warehouse and showroom. The building is currently used as offices for a variety of uses, including technology and filmmaking.	
<b>Comprehensive Plan Generalized Policy Map</b>	Multi-Neighborhood Center	
<b>Comprehensive Plan Future Land Use</b>	Mixed-Use: <ul style="list-style-type: none"> <li>• High Density Residential</li> <li>• High Density Commercial</li> <li>• Production, Distribution, and Repair</li> </ul>	
<b>Relevant Small Area Plans and Studies</b>	<ul style="list-style-type: none"> <li>• <i>Florida Avenue Market Study Small Area Plan</i>; and</li> <li>• <i>Ward 5 Works Industrial Land Transformation Study</i></li> </ul>	

## Proposed Use of Property

	Proposed Development
<b>Height (ft.)</b>	130 feet
<b>Stories</b>	12 stories

<b>Residential (sf)</b>	286,788 sq. ft.	7.66 FAR
<b>Retail/Service (sf)</b>	23,568 sq. ft. (including PDR)	0.57 FAR
<b>PDR (sf)</b>	1,178 sq. ft. for a period of five years	0.003 FAR
<b>Total (sf)</b>	320,198 sq. ft.	8.55 FAR

<b>Residential Units</b>	Studio	55 units (18%)
	1 Bedroom	116 units (38%)
	1 Bedroom + Den	52 units (17%)
	2 Bedroom	62 units (21%)
	3 Bedroom	17 units (6%)
	Total	302 units

<b>Penthouse Height (ft)</b>	20 ft.
<b>PH Residential Area (sf)</b>	8,247 sq. ft. (7 units)
<b>PH Amenities Area</b>	3,788 sq. ft.
<b>PH Required HTF Contribution</b>	660 sq. ft. or \$144,446

<b>Affordable Housing</b>	34,415 sq. ft. (12%)
	24,090 sq. ft. at 60% MFI (70%)
	10,325 sq. ft. at 50% MFI (30%)

<b>Off-Street Parking</b>	202 spaces
<b>Bicycle Parking</b>	78 long term spaces/23 short term spaces

<b>Requested Development Incentives and Flexibility</b>	<ol style="list-style-type: none"> <li>1. PUD-related Map Amendment from PDR-1 to MU-9</li> <li>2. G § 405.3 – Rear Yard</li> <li>3. Non-zoning flexibility to: <ol style="list-style-type: none"> <li>a. Vary the number of residential units from 295-325;</li> <li>b. Vary the distribution of unit types; and</li> <li>c. Vary the number of automobile parking spaces from 145-230 and remove one level or expand the third level of underground automobile parking.</li> </ol> </li> </ol>
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#### IV. SUMMARY OF OP COMMENTS

The following summarizes OP Comments from this report. OP will continue to work with the applicant to adequately address these issues, and other issues raised by the Commission at setdown, prior to a public hearing.

OP Comment	Planning and/or Zoning Rationale
<b>PDR Use/Future Land Use Map</b>	
<p>1. A more significant balance of PDR uses within the non-residential floor area should be provided as indicated by the mixed-use stripe on the Comprehensive Plan's Generalized Future Land Use Map.</p>	<p>The proposed development consists of a mixed-use project that includes residential, commercial, and PDR uses. The applicant has committed to providing 1,178 square feet of PDR use in the building for a period of five years, which amounts to 5% of the ground floor and 0.003 FAR of the total 8.55 FAR for the project. The remaining non-residential floor area is proposed for commercial retail.</p> <p>The applicant has also committed to preserving 20,000 square feet of Maurice Office, located on Lot 6 and not part of this PUD, for maker uses for a period of five years beginning March 1, 2018. Finally, the applicant has agreed to construct 50% of the ground floor to PDR/Maker specifications, which includes taller ceiling heights, loading docks, and an open floor plan. The specifications should be provided to the record.</p> <p>While the applicant has identified the provision of a PDR use as a proffer, the use is a requirement of the Comprehensive Plan. The site is evenly striped on the FLUM for all three uses, and the non-residential uses should be more evenly distributed in light of the policies that have informed the FLUM.</p> <p>The <i>Ward 5 Works Industrial Land Transformation Study</i> cites that development pressures to convert industrial land and buildings to allowed, but less industrial, uses are already reducing the effective supply of industrial land and raising prices above the level that most small businesses can afford. Entrepreneurial opportunities for small business creation and growth are being limited by the high cost and limited availability of industrial space (reference page 16, <i>Ward 5 Works Industrial Land Transformation Study</i>). Given the identified shortage in industrial space, OP suggests that more than the suggested 5% of the ground floor area be set aside for PDR uses.</p> <p>As the Comprehensive Plan includes policies that recommend the conservation of industrial land (LU-3.1.1 and LU-3.1.4) for industrial uses, the applicant should further address why the property can no longer viably</p>

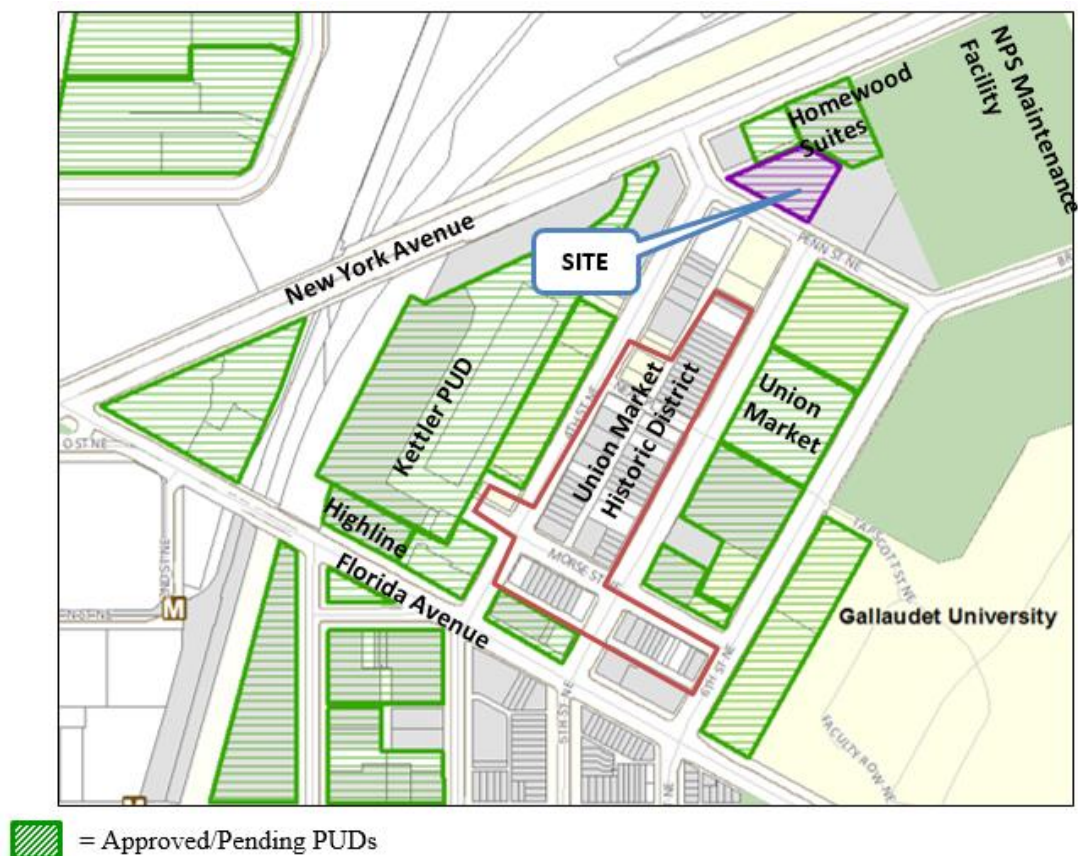
	support industrial or PDR activities, or is located such that industry cannot co-exist adequately with adjacent existing uses. Additional information regarding Maurice Office and how it complies with the “maker use” definition proposed by the application should be provided. Finally, OP anticipates that the definition of “maker space” as proposed by the applicant will require clarifications and refinement.
2. Additional information regarding future PUD applications and the PDR proffer should be provided before the public hearing.	<p>The applicant has indicated a commitment to provide PDR/Maker uses in future PUDs as a joint proffer with the subject PUD. The area would amount to 5% of the ground floor area, and would be leased to a PDR or maker use for a period of five (5) years.</p> <p>The applicant should provide additional information, including identification of future PUDs, submission timeframe, and approximate square foot area. Also, OP notes that should PDR/Maker space be proffered for the subject PUD, it cannot be doubly proffered in a future PUD.</p>
3. In order to provide for a greater variety of PUD/Maker uses, the applicant has offered a revised definition of PDR/Maker uses. This definition should be further refined to identify potential “food hubs” and “food incubators.”	The purpose of the definition is to ensure that the types of uses meet the intent of the <i>Ward 5 Works Land Transformation Study</i> . Therefore, it is important to understand what types of businesses would be permitted under some of the more general terms included in the definition.
4. The applicant should provide an analysis that identifies how the project and tenants will further the <i>Ward 5 Works Land Transformation Study</i> .	The <i>Ward 5 Works Land Transformation Study</i> focuses on the adaptation of 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 applicant should address how the specific proposed development furthers this goal.
<b>Site Plans and Architectural Drawings</b>	
5. The applicant should clarify the intent for Lot 3 (subdivision, future development, lot boundaries).	The proposed PUD covers only a portion of Lot 3. As such, the applicant should provide additional explanation regarding the future intent for development of the complete site. It is important for OP and the Zoning Commission to fully understand the implications of a partial lot development.
6. The applicant should provide refined architectural drawings demonstrating that the proposed project is of superior urban design and architecture, as proffered.	The applicant has proffered superior urban design and architecture as an amenity to the community, but this has not been demonstrated in the provided renderings. More refined and detailed renderings should be provided, including perspectives, so that OP and the Commission understand the extent of the proposal.

7. The applicant should provide refined and detailed perspectives from New York Avenue, 5 <sup>th</sup> Street, Brentwood Parkway, ground floor, alley, and roof.	As noted above, additional perspectives should be provided so that OP and the Commission fully understand the extent of the proposal.
8. The applicant should provide a sign plan identifying sign locations on the building.	Sign standards are an important element of building design, as their design and placement may impact the building.  Further, the applicant has indicated that there have been additional studies regarding the placement of the “Union Market” sign, and will update the Commission prior to the hearing.
<b>Benefits and Amenities</b>	
9. The applicant has provided an updated and improved benefits amenities package that considers an increase in PDR/Maker space and other benefits: <ul style="list-style-type: none"> <li>• Incorporating art into the development or art workspace could serve to enhance the benefits package and to meet some of the PDR uses.</li> <li>• OP has also suggested the applicant consider solar panels in the design.</li> </ul>	The applicant has requested a map amendment that would allow significant increases in height and FAR above matter-of-right development, resulting in a project that gains 80 feet of height and 189,123 square feet in area (five times the area of the lot). The proposed benefits and amenities are provided under “PUD Evaluation Standards” in this report, and include OP analysis.
<b>Housing</b>	
10. The applicant should identify whether the residential units would be rental or for sale.	Inclusionary Zoning requirements determine the level of affordability for residential units based on whether the units are for rent or for sale. The information is necessary to determine the level of the proposed benefit in balance with the requested flexibility and development incentives.
<b>Transportation</b>	
11. The applicant should provide detailed streetscape plans and coordination with DDOT and OP regarding the design of public space and its compliance with the Florida Avenue Market Streetscape Design Guidelines.	The applicant has worked with OP and DDOT to create Streetscape Design Guidelines for Florida Avenue Market. Additional drawings that demonstrate compliance with the Guidelines should be provided.
<b>Environment</b>	
12. The applicant is encouraged to include solar panels within the project.	Environmental protection is a goal of the Comprehensive Plan and Sustainable DC Plan, and the placement of solar panels on PUD projects is highly supported by OP, DOEE, and the Commission.
13. The applicant should clarify if the proposed development will be LEED Gold Certified through the U.S. Green Building Council (USGBC).	
<b>Employment</b>	
14. The applicant should provide details regarding the job training and readiness program proffered as a benefit and amenity to the project.	

Many of the comments are interrelated and can be addressed simultaneously.

## V. SITE AND AREA DESCRIPTION

The project site is located in the Florida Avenue Market, which is an approximately 40-acre area located north of Florida Avenue, south of New York Avenue, and east of Sixth Street. Specifically, the project site is at the north end of Florida Avenue Market, at the terminus of 4<sup>th</sup> and 5<sup>th</sup> Streets, on the north side of Penn Street. To the north and west of the site are two hotel developments: one existing and one approved by the Zoning Commission that has not yet been constructed (ZC 15-19). To the east are repurposed warehouses housing a movie theater, gelato factory, and retail space. The recently-designated Union Market Historic District is located south of the site, generally consisting of two-story warehouses located between 4<sup>th</sup> and 5<sup>th</sup> Streets. The Zoning Commission recently approved a PUD for JBG and Gallaudet University that includes a first stage approval for the site located at the southeast corner of Penn Street and 5<sup>th</sup> Street, which would consist of ground floor retail and residential uses (ZC 15-24 and 15-24A).



Several properties in the Market Area have received PUD approvals, as shown in the map above. To date, construction of the site at the northwest corner of 4<sup>th</sup> Street and Florida Avenue has been completed and is awaiting occupancy, and the site located at the southwest corner of Neal Place and 4<sup>th</sup> Street is under construction, as is the Highline PUD on Florida Avenue.

## **VI. PROJECT DESCRIPTION**

The applicant proposes to construct a 12 story, 130 foot high development consisting of ground floor retail and 11 stories of residential use. A habitable penthouse and roof deck would also be provided, consisting of approximately 3,788 square feet of community recreation space, and approximately seven residential units (8,247 square feet), which would generate an affordable housing contribution as required by Subtitle C § 1505 of the Zoning Regulations. The site is currently occupied by a two story showroom and warehouse, where the showroom is situated on two properties. The entirety of the warehouse would be removed from the northwest portion of the property, and the showroom would remain to function as ground floor retail space. The proposed PUD is for a portion of Lot 3; the applicant should provide clarification regarding the future lot boundaries of the property, detailing any planned subdivisions, lot line adjustments, and future development plans.

The proposed development would consist of three stories of below grade parking, providing 202 parking spaces and 78 long term bicycle parking spaces. Loading would consist of two 12 ft. by 30 ft. loading berths and one 12 ft. by 30 ft. service/delivery space. The parking garage and loading would be accessed via the 20 foot wide alley located to the northwest of the site.

The ground floor would consist primarily of retail uses, residential lobby access on Penn Street. The application indicates that retail would be continued and accessible from the alley; however, this is not clear from the renderings provided. The second floor would provide residential units, interior amenity areas, and landscaped courtyards along the northwest and southeast property lines. The third through twelfth floors would consist of residential units, and the penthouse would contain an additional interior amenity area, residential units, and a swimming pool and deck. Balconies would be provided to the residential units above, beginning from the second story and continuing to the twelfth story.

The applicant has provided renderings of the streetscape (Exhibit 1E3), which include tree boxes in the flex space along Penn Street. Additional coordination with OP and DDOT will be required in order to ensure that the streetscape is consistent with the Florida Avenue Market Streetscape Design Guidelines.

The proposed development would exceed minimum Inclusionary Zoning requirements, devoting 12% (34,415 square feet) of the gross floor area to affordable housing, with 70% of the floor area (24,090 square feet) reserved for households earning no more than 60% of the area's median family income (MFI), and 30% of the floor area (10,325 square feet) reserved for households earning no more than 50% of MFI.

The principal project proffers include:

1. Affordable housing that exceeds minimum requirements;
2. Provision of three bedroom units (17 units, 6% of total number of units); and
3. LEED Gold (60 points).

A full discussion of other proffers and uses of special value to the neighborhood and the District can be found in Section IX of this report.

## **VII. PLANNING CONTEXT**

As described in the Introduction (Chapter 1 Introduction, Section 103, Attachment I), the Comprehensive Plan is the centerpiece of a "Family of Plans" that guide public policy in the District. The Introduction goes on to note three "Tiers" of Planning (Chapter 1 Introduction, Section 104, Attachment II), including:

- a. Citywide policies



- b. Ward-level policies
- c. Small area policies.

The Comprehensive Plan's description of the tiers of planning is included in Attachments I and II of this report. The Generalized Future Land Use and Generalized Policy Maps are integral with the written elements.

## A. COMPREHENSIVE PLAN MAPS

As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, Section 226, Attachment III), the maps are intended to provide generalized guidelines for development decisions. They are to be interpreted broadly and are not parcel-specific like zoning maps; i.e. the maps, in and of themselves, do not establish detailed requirements or permissions for a development's physical characteristics including building massing or density; uses; or support systems such as parking and loading. They are to be interpreted in conjunction with relevant written goals, policies and action items in the Comprehensive Plan text, and further balanced against policies or objectives contained in relevant Small Area Plans and other citywide or area plans.

### Generalized Future Land Use Map (FLUM)

The Future Land Use Map (FLUM) indicates that the site is appropriate for a mix of high density residential / commercial / production, distribution, and repair (PDR) uses. The project would not be inconsistent with the residential, commercial, and PDR designations, although OP is continuing to discuss the provision of a greater proportion of PDR use with the applicant. While the balance of these uses requires further review and commitment, the current proposal appears to be sufficient for setdown.

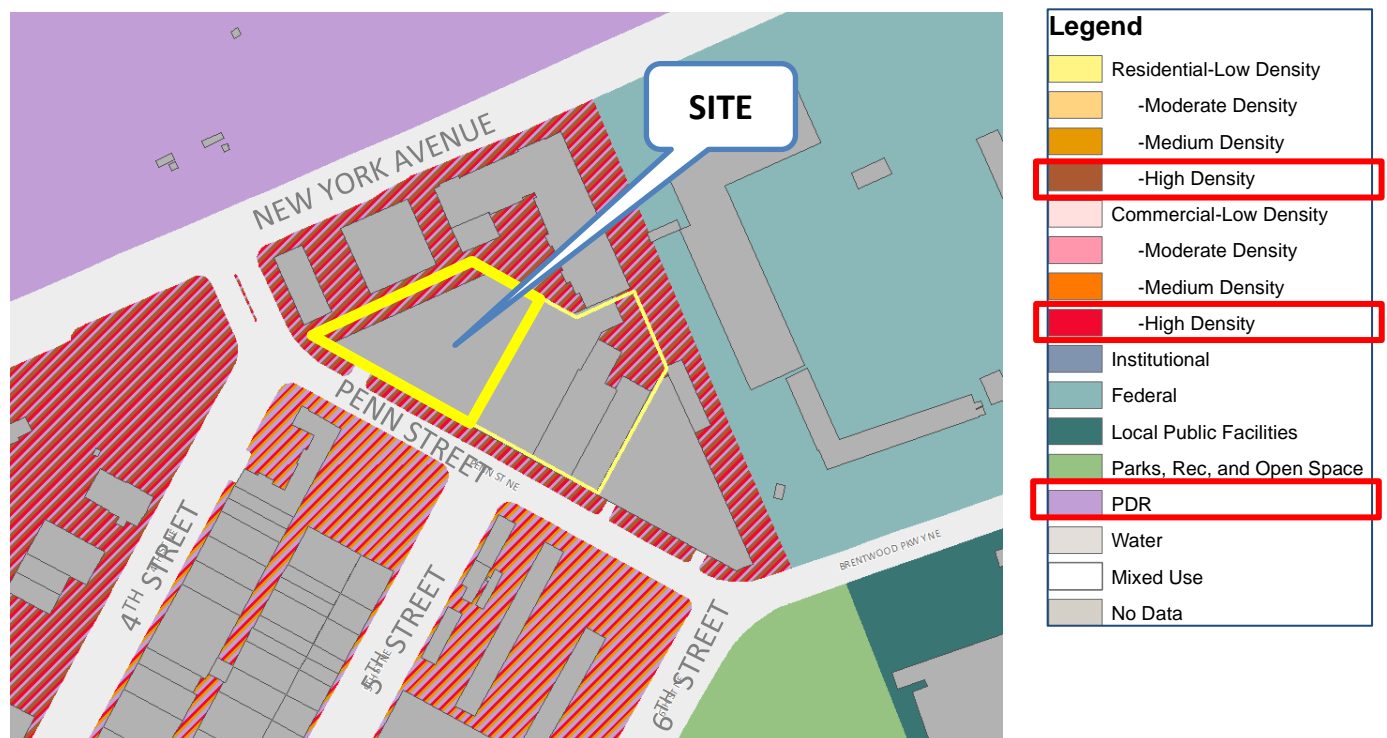


Figure 1 Comprehensive Plan Generalized Future Land Use Map

***High Density Residential:***

*Defines neighborhoods and corridors where high-rise (8 stories or more) apartment buildings are the predominant use. Pockets of less dense housing may exist within these areas.*

***High Density Commercial:***

*Defines the central employment district of the city and other major office employment centers on the downtown perimeter. Characterized by office and mixed office/retail buildings greater than eight stories in height, although many lower scale buildings (including historic buildings) are interspersed.*

***Production, Distribution, and Repair:***

*This category defines 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.*

The proposed mixed use, 8.55 FAR, 12-story, 130-foot high, building would be within what is typically considered appropriate for high density residential and commercial uses. The applicant has committed to the provision of 1,178 square feet for PDR use for a period of five years; although, OP notes that the floor area should be much more significant and permanent in order to achieve the balance of uses anticipated by the FLUM.

***Mixed Use Categories:***

*The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. The Mixed Use category generally applies in the following three circumstances:*

- a. Established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses;*
- b. Commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing; and*
- c. Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist but a plan dictating the precise location of these uses has yet to be prepared. 225.18*

*The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix ... 225.19*

*A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. ... 225.21*

The proposed PUD proposes a mixed-use building consisting of retail, residential, and PDR uses.

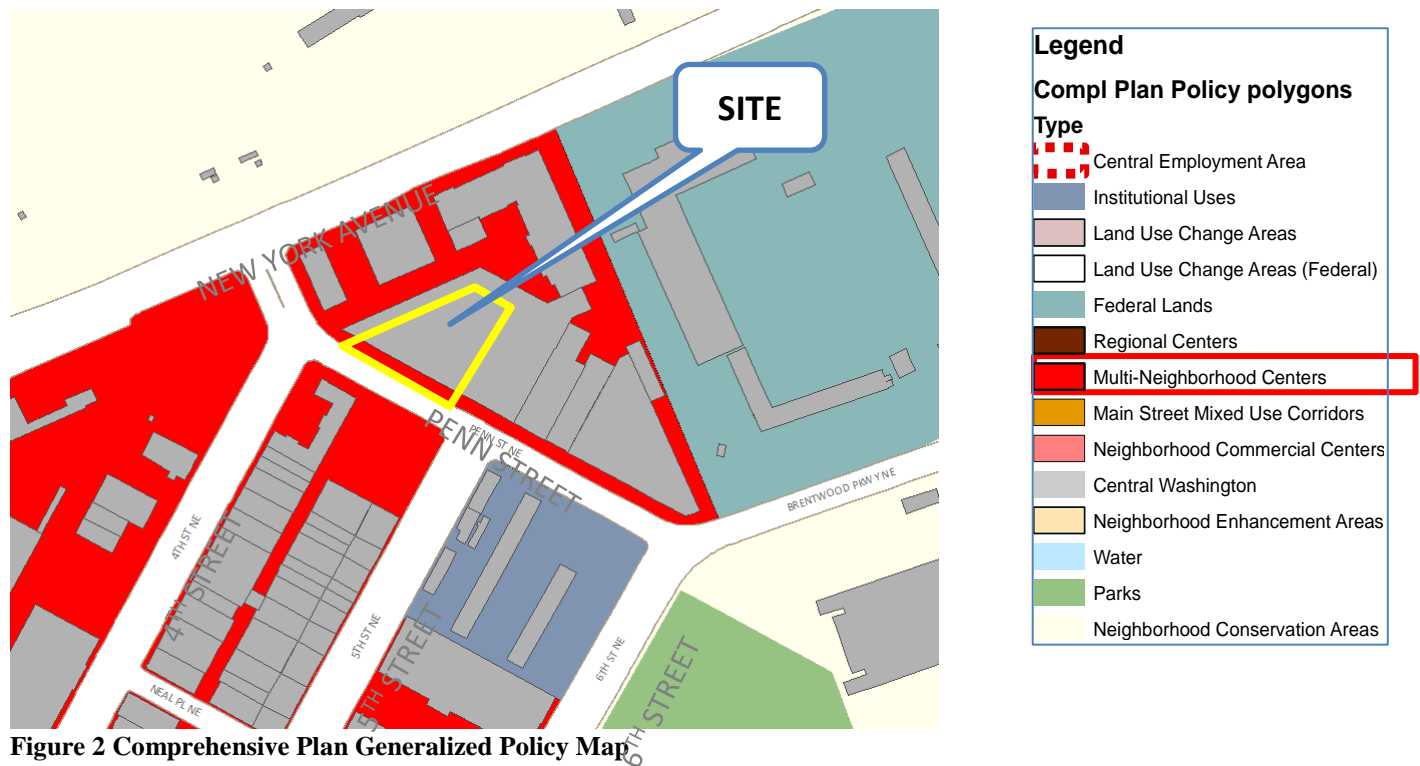


Figure 2 Comprehensive Plan Generalized Policy Map

### Generalized Policy Map

The Generalized Policy Map designates the site as a Multi-Neighborhood Center, which encourages the provision of new retail and service uses, and additional housing and job opportunities. The proposed development is not inconsistent with that designation, as it will provide approximately 302 new housing units, as well as 23,568 square feet of retail use. If the application is set down, OP will continue to work with the applicant regarding the provision of permanent, additional PDR space.

### Multi-Neighborhood Centers

*Multi-neighborhood centers contain many of the same activities as neighborhood centers but in greater depth and variety. Their service area is typically one to three miles. These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses. These centers also may include office space for small businesses, although their primary function remains retail trade. Mixed-use infill development at these centers should be encouraged to provide new retail and service uses, and additional housing and job opportunities. Transit improvements to these centers are also desirable.*

The proposed development is located in the Florida Avenue Market, and is currently developed with a two-story masonry structure that was previously occupied by Maurice Electric. The proposed density of 8.55 FAR is within the range typically associated with the high-density designation on the Future Land Use Map. The proposed uses of residential, retail, and PDR uses are consistent with the Generalized Policy Map. OP encourages the applicant to allocate a larger footprint to PDR uses to achieve a greater use balance and to provide transit improvements, consistent with the Generalized Policy Map.

## **B. COMPREHENSIVE PLAN WRITTEN ELEMENTS**

A full analysis of the Comprehensive Plan written elements has been provided in Attachment IV, located at the end of this report. While OP finds that, in general, the proposal meets the intent of the elements throughout the Comprehensive Plan, additional information, as requested in Section IV of this report, should be provided to demonstrate that the proposal is not inconsistent with certain elements of the Plan.

## **C. SMALL AREA PLANS**

### **Florida Avenue Market Study Small Area Plan**

The proposed PUD is located in the Florida Avenue Market Study Small Area Plan (FAMS), adopted by Council on October 6, 2009. The Vision for the Market is that the revitalized Market Area should feature a mix of land uses such as retail, office, and residential, with a unique focus on wholesale uses, food retail, and street activating uses. The maximum height and density provided by the FAMS is achievable only through a PUD that includes the provision of significant amenities. The applicant should continue to work with OP to ensure that the benefits and amenities are significant and commensurate with the level of proposed development.

Penn Street is envisioned as the main gateway for truck traffic arriving from New York Avenue, and should be planted with tall trees to make visitors feel secure, even among busy truck traffic. The FAMS recommends: a center median along Penn Street with large shade trees to create a “green canopy,” and for pedestrian safety at crosswalks and traffic calming; wide streets to accommodate high volumes of traffic; ten-foot wide sidewalks for ample pedestrian circulation; parking lands for a safety buffer between pedestrians and vehicles; and direct access to New York Avenue and Brentwood Parkway. The Plan also suggests that Gateway signage be placed on Penn Street at New York Avenue for wayfinding purposes, and to welcome visitors to the area. The applicant should continue to work with OP and DDOT to ensure that the objectives of the Plan have been met through TDM measures and public space design.

The Plan calls for high density and greater building heights along the north side of Penn Street, and the applicant’s proposal is consistent with this designation.

## **D. OTHER PLANNING DOCUMENTS**

### **Ward 5 Industrial Land Transformation Study**

In addition to the Comprehensive Plan and Small Area Plan, this site is identified in the *Ward 5 Industrial Land Transformation Study* as one of the major centers for retention and reinforcement of the existing industrial fabric. Although the Study is not a Council-adopted policy document, it was generated by a task force established by Mayoral Executive Order to create a strategy for the modernization and adaptive use of industrial land in Ward 5, and completed in August 2014. The Vision of this Study is to adapt existing 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 the neighborhood, and provides opportunities for arts, recreation and other community amenities.

The applicant has indicated that the proposed project meets the goals of this Study, noting that retail and PDR uses have been provided and that the development would include sustainable features. Greater detail regarding the anticipated tenants should be provided, as well an analysis that identifies how the project and tenants will meet the goals of the Study.

## E. SUMMARY OF PLANNING CONTEXT ANALYSIS

On balance, the proposal would further the goals of the Comprehensive Plan and Florida Avenue Market Study Small Area Plan by providing retail and residential uses consistent with the FLUM. The proposed density of 8.55 FAR and height of 130 feet are not inconsistent with the Plan and would be similar to what has been proposed or approved in adjacent PUDs, and therefore complimentary to surrounding development. Coordination with other DC Agencies, including DDOT, DOEE, DHCD, and DCPS, will ensure that the goals of the Chapters relating to Transportation, Environment, Housing, and Educational Facilities will be sufficiently addressed as the project progresses.

OP will continue to work with the applicant to provide a greater balance of permanent PDR uses will be provided, as anticipated by the PDR stripe on the FLUM, the goals of the Comprehensive Plan, and the *Ward 5 Works Land Transformation Study*.

## VIII. ZONING ANALYSIS

The site is currently zoned PDR-1; the applicant is requesting a PUD-related zoning map amendment to the MU-9 zone, which is not inconsistent with the Comprehensive Plan, including the FLUM designation of High Density Commercial/High Density Residential/Production, Distribution, Repair. Below is a table comparing the existing and proposed zone to the proposal:

37,450 sq. ft. site	Existing Zone PDR-1	Proposed Zone MU-9 PUD	Proposal	Deviation from MOR	Flexibility
<b>Height (ft.)</b> J § 203 X § 303	50 ft.	130 ft.	130 ft.	80 ft.	None
<b>FAR</b> J § 202 X § 303	3.5	9.36	8.55	5.05 (189,123 sf)	None
<b>Residential:</b>	N/A	0.65	7.92	7.92 (296,604 sf)	None
<b>Non-Residential:</b>	3.5	8.71	0.63	2.87 (107,481 sf)	None

37,450 sq. ft. site	Existing Zone PDR-1	Proposed Zone MU-9 PUD	Proposal	Deviation from MOR	Flexibility
<b>IZ Units</b> C § 1003	N/A	8% GFA at 60% MFI (rental) 80% MFI (ownership)  Penthouse Habitable Space: 8% GFA at 50% MFI	9% GFA at 70% at 60% MFI (18,066 sf) 30% at 50% MFI (7,743 sf)  Penthouse Habitable Space Required Contribution: 660 sf or \$144,446	+1% GFA (258 sf)	None
<b>Lot Occupancy</b> G § 404	100 %	N/A	100%	0 %	None
<b>Parking</b> C § 701.5	Retail: 1.33 spaces/1,000 sf in excess of 3,000 sf  Residential: 1 space/3 units in excess of 4 units	Retail: 1.33 spaces/1,000 sf in excess of 3,000 sf  Residential: 1 space/3 units in excess of 4 units	Retail: 1.33 spaces/1,000 sf in excess of 3,000 sf = <b>28 spaces</b>  Residential: 1 space/3 units in excess of 4 units = <b>101 spaces</b>	+73 spaces	None
<b>Bicycle Parking</b> C § 802	Long-term Retail: 1 space/10,000 sf  Short-term Retail: 1 space/3,500 sf  Long-term Residential: 1 space/3 units  Short-term Residential: 1 space/20 units	Long-term Retail: 1 space/10,000 sf  Short-term Retail: 1 space/3,500 sf  Long-term Residential: 1 space/3 units  Short-term Residential: 1 space/20 units	Long-term Retail: 1 space/10,000 sf = <b>3 spaces</b>  Short-term Retail: 1 space/3,500 sf = <b>7 spaces</b>  Long-term Residential: 1 space/3 units (half the ratio after 50) = <b>76 spaces</b>  Short-term Residential: 1 space/20 units = <b>16 spaces</b>	None	None
<b>Green Area Ratio</b> J § 208 G § 407	0.3	0.2	0.21	+0.01	None
<b>Rear Yard</b> J § 205 G § 405	12 ft. min.	22.88 ft. required	None	-22.88 ft.	<b>Requested</b>
<b>Penthouse</b> C § 1500	One equipment enclosure  Enclosing walls of equal height  12 ft. high, except 15 ft. for mechanical space  2 <sup>nd</sup> story permitted for mechanical space	One equipment enclosure  Enclosing walls of equal height  20 ft. high, with mezzanine  2 <sup>nd</sup> story permitted for mechanical space	One equipment enclosure  Enclosing walls of equal height  20 ft. high, with mezzanine  2 <sup>nd</sup> story for mechanical space	None	None

### **Requested Zoning Flexibility**

The applicant requests the following flexibility:

- 1. PUD-related map amendment from PDR-1 to MU-9 PUD**
- 2. Rear Yard Relief from Subtitle G § 405**
- 3. Additional Flexibility**

The applicant also requests flexibility to:

- Vary the number of residential units from 295-325;
- Vary the distribution of unit types; and
- Vary the number of parking spaces from 145-230 and to remove one level or expand the third level of underground automobile parking.

Apart from flexibility requested for the number of parking spaces to be provided, as documented in Section IV of this report, OP is generally supportive of the flexibility that has been requested. OP will provide a more detailed analysis prior to a public hearing.

## **IX. PUD EVALUATION STANDARDS**

The Zoning Regulations define a Planned Unit Development (PUD) as “A plan for the development of residential, institutional, and commercial developments, industrial parks, urban renewal projects, or a combination of these, on land of a minimum area in one (1) or more zones irrespective of restrictions imposed by the general provisions of the Zoning Regulations, as more specifically set forth in Subtitle X, Chapter 3.” (B-28). The purpose and general standards for a Planned Unit Development are established in Subtitle X 300:

- 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.*

**Additional Entitlements Gained Through the Proposed PUD:**

	<b>MoR</b>	<b>PUD</b>	<b>DIFFERENCE</b>
Height:	50 ft.	130 ft.	80 ft.
Gross Floor Area:	131,075 sq. ft.	333,706 sq. ft. (including penthouse)	202,631 sq. ft. 300,398 sq. ft. more residential than MOR
Lot Occupancy:	100%	100%	0%
Use:	All uses other than residential permitted	Mixed-use residential/retail; PDR use required	Residential permitted; PDR use to be determined

**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 categories for PUD benefits and amenities. The applicant has proffered the following (refer to Exhibit 1 Pages 27-30) for the proposed PUD:

*(a) Superior urban design and architecture*

The proposed design incorporates industrial elements that complement the existing industrial fabric of Florida Avenue Market, including the preservation of the Maurice Electric showroom, which would function as the ground floor residential lobby. Better detailed drawings and perspectives demonstrating superior design and architecture should be provided prior to the scheduling of a public hearing.

*(b) Site planning and efficient and economical land utilization*

The site takes advantage of its proximity to a Metro Station to provide a denser mixed-use development that is transit accessible.

*(c) Housing*

The proposed project includes approximately 17 three bedroom units, which would be approximately 6% of the total number of units.

*(d) Affordable housing*

The project would comply with the minimum IZ requirement and dedicate an additional 1% (258 square feet) of the residential floor area for affordable housing. A deeper level of affordability would be provided, with 30% of the floor area set aside for residents at 50% MFI.

*(e) Employment and training opportunities;*

The applicant is working with local organizations to formulate an employment-related agreement and/or program for local residents. Details regarding this program, or alternatively, participation in the District's First Source Employment Program or Contracting Opportunities for Small Businesses, should be provided.

*(f) Environmental and sustainable benefits*



The applicant has indicated that the project would be designed to satisfy LEED Gold requirements; however, the project should be certified through the U.S. Green Building Council for this to be considered a measurable benefit of the PUD.

*(g) Uses of special value to the neighborhood or the District of Columbia as a whole; and*

The applicant has indicated that the generation of additional tax revenues in the form of property and income will benefit the District. A contribution of \$25,000 per year for three years to a “Life Quality Enhancement Fund,” which will provide street cleaning and security for Florida Avenue Market prior to the formation of a formal BID would be provided; however, similar contributions proffered by the same and other developers in the Market area have not been considered benefits, as this is an investment that would be required regardless of whether the property is redeveloped. The applicant has also proffered the implementation of a transportation demand management plan, although this is generally considered mitigation as necessary for the impact of the development on transportation infrastructure.

In general, OP finds that while the proffered benefits and amenities are, as proposed, insufficient for the increase in development over what is permitted matter-of-right, the commitments made by the applicant to provide affordable housing, employment opportunities, and sustainable buildings are sufficient to move forward. However, OP suggests that the applicant include a proffer that provides tenant space to PDR uses at below market rates, and provide additional information as requested in this report and by the Zoning Commission.

The applicant should continue to work closely with OP, other Agencies, the ANC and other community groups to develop a full proffer that is commensurate with the flexibility requested, for submission prior to the setting of a date for a public hearing on this case. OP will provide detailed analysis of the benefits and amenities proffers prior to a public hearing.

Summary of Proffered Benefits and Amenities	
Applicant Proffer	OP Comment
1. <b><u>Provision of three-bedroom units.</u></b> The project will provide approximately 17 three-bedroom units, which amounts to approximately 6% of the total number of units. Further this unit type will be included in the mix of affordable units provided by the project. The proffer of any three bedroom units is identified as a public benefit and amenity under Subtitle X § 305.5(f)(3).	As discussed elsewhere in this report, OP considers the provision of three bedroom units to be a proffer.
2. <b><u>Affordable housing in excess of the minimum required.</u></b> The project will dedicate 12% of the residential floor area to affordable units. That amounts to approximately 34,415 square feet. Of that amount, 70% will be devoted to 60% MFI units, and 30% will be devoted to 50% MFI units. That equates to approximately 24,090 square feet for 60% MFI units, and approximately 10,325 square feet for 50% MFI units. This will be both more affordable units and a deeper level of affordability than required. This is an addition since the application was filed and is identified as	As discussed elsewhere in this report, OP considers the provision of 12% affordable housing to be a significant proffer.

a public benefit and amenity under Subtitle X § 305.5(g).	
3. <b><u>LEED Gold certification.</u></b> This is identified as a public benefit and amenity under Subtitle X § 305.5(k)(5).	As discussed under OP Comments above, LEED Gold certification would be considered a proffer should the applicant commit to certifying the building through the U.S. Green Building Council.
4. <b><u>Job training and readiness program.</u></b> Based on a desire from the ANC SMD, the Applicant will partner with and provide funding for Jubilee Jobs to provide job training and readiness programs for ANC residents. Services will include career coaching, transportation benefits to allow residents to attend programs at Jubilee Jobs' office, and trade training scholarships. The Applicant will continue to work with Jubilee Jobs to refine elements of the program. In addition, the Applicant will provide notice to the ANC and will post listings of all job openings associated with the project in the ANC's community room. This is an addition since the application was filed and is identified as a public benefit and amenity under Subtitle X § 305.5(h).	OP appreciates the applicant's willingness to develop a job training program with the community and ANC; however, additional information regarding this program should be provided.
5. <b><u>First Source Agreement.</u></b> Provided that the Department of Employment Services starts accepting them again, the Applicant will enter into a voluntary First Source Agreement commensurate with other projects in the Union Market district. This is an addition since the application was filed and is identified as a public benefit and amenity under Subtitle X § 305.5(h).	The applicant should provide an update to the Commission prior to the public hearing regarding this proffer.
6. <b><u>Contribution to "Life Quality Enhancement Fund."</u></b> The Applicant will contribute \$25,000 per year for three (3) years to provide street cleaning and security for the Union Market district prior to the formation of a formal Business Improvement District. This is a public benefit and amenity of "special value" under Subtitle X § 305.5(q).	OP has not considered this is a proffer in previous PUDs in Florida Avenue Market, and continues to regard this as a requirement regardless of whether the property is redeveloped. If a PUD was not under consideration for this property, the property owner would still be required to maintain it and the surrounding public space.
7. <b><u>Superior urban design and architecture.</u></b> This is identified as a public benefit and amenity under Subtitle X § 305.5(a).	The applicant should provide a detailed explanation describing how the proposed PUD is superior in urban design and architecture.
8. <b><u>Site planning, and efficient and economical land utilization.</u></b> This is identified as a public benefit and amenity under Subtitle X § 305.5(c).	The applicant should provide a detailed explanation describing how the proposed PUD is superior in terms of site planning, and efficient and economical land utilization.
9. <b><u>Transportation demand management plan.</u></b> At a minimum, this will include a transit screen in the lobby and one year memberships to a car share or bike share program for the first tenant of	A Transportation Demand Management (TDM) Plan generally provides mitigations required to accommodate the proposed development, and would not be considered a benefit or amenity to the project.

<p>each residential unit. The Applicant will continue to refine this with DDOT. This is a public benefit and amenity of “special value” under Subtitle X § 305.5(q).</p>	<p>The applicant should identify specific elements of the TDM that would be provided beyond the required mitigations, as those items may be benefits or amenities of the PUD.</p>
<p>10. <b>Art display.</b> For a period of 10 years, the Applicant will display art in an area of at least 80 square feet in the residential lobby. In selecting the art for this display, the Applicant shall give preference to local artists. This is an addition since the application was filed and is a public benefit and amenity of “special value” under Subtitle X § 305.5(q).</p>	<p>OP has discussed this item with the applicant, and agrees that it is an amenity of the PUD.</p>
<p>11. <b><u>PDR / Maker Uses</u></b></p> <p><b><u>A. PDR/Maker Definition</u></b></p> <p>The PDR / Maker definition below embodies the goals and policies of the Small Area Plan, Comp Plan and the Ward 5 Works Study. The Study attempts to provide guidance regarding opportunities to create dynamic uses in current/former industrial areas. The definition below meets the stated goals of the Small Area Plan and the Ward 5 Works Study.</p> <ul style="list-style-type: none"> <li>• PDR / Maker uses shall be defined as the following: production, sale, and/or distribution of food and beverages (provided that the onsite consumption of food and beverages shall only be permitted when associated with such production, sale, and/or distribution user); food incubators and food hubs; robotics and 3-D manufacturing; small-scale production, distribution or repair of goods and related accessory sales; curation and sale of small-scale production goods; or new and locally-owned small businesses as certified with the Department of Small &amp; Local Business Development (DSLBD).</li> <li>• PDR / Maker uses shall include “Creative economy” uses, which shall be defined as the following: incubators; graphic design; product or industrial design; engineering and design; technology design and production; design and product curation; fashion design; horticultural design;</li> </ul>	<p>OP will continue to work with the applicant to refine the proposed definition of PDR and Maker uses to ensure that it meets the intent of the <i>Ward 5 Works Land Transformation Study</i>.</p>

<p>green businesses and sustainable design; specialty sports and recreation uses; media/communications production and distribution.</p> <ul style="list-style-type: none"> <li>• PDR / Maker uses shall include “Arts” uses, which shall be defined as the following: arts, design and creation uses as defined in Section B-200.2(e) of the Zoning Regulations and entertainment, assembly and performing arts as defined in Section B-200.2(n) of the Regulations.</li> </ul>	
<p><u>B. PDR / Maker Specifications</u></p> <p>Below is a list of key design specifications that would ensure flexibility of ground floor spaces for PDR striped areas. Generally speaking, these specs should be applicable to new construction. When operating in historic spaces, some of these specs may not be able to be accommodated. However, some PDR / Maker users may still be able to operate within those spaces. Note that these specifications exclude Heavy Manufacturing and Hazardous Uses, which is in line with the Ward 5 Works Study land use recommendations.</p> <ul style="list-style-type: none"> <li>i. Structural Slab Load (Ground Floor) <ul style="list-style-type: none"> <li>a. Live load of 125 psf</li> <li>b. Allows for PDR / Light Manufacturing uses and equipment Note: Typical Retail is built to live load of 100 psf.</li> </ul> </li> <li>ii. Clear Height <ul style="list-style-type: none"> <li>a. Approx. 16’-0” from ground floor slab to bottom of structure</li> <li>b. Provides adequate clear height for PDR / Light Manufacturing uses</li> <li>c. Excludes Historic buildings Note: Typical Retail in DC is 10’ – 12’ clear height.</li> </ul> </li> <li>iii. Electrical <ul style="list-style-type: none"> <li>a. 50 watts per square foot</li> <li>b. Provides adequate power for PDR / Light Manufacturing Note: Typical Retail is 20 watts per square foot.</li> </ul> </li> <li>iv. Loading Dock</li> </ul>	<p>The <i>Ward 5 Works Land Transformation Study</i> indicates that industrial spaces should have a floor to ceiling height of 18 to 32 feet high. OP would recommend that the clear height be revised to include these more appropriate dimensions.</p> <p>OP will continue to work with the applicant to refine these specifications to ensure that they meet the intent of the <i>Ward 5 Works Land Transformation Study</i>.</p>

<ul style="list-style-type: none"> <li> <ul style="list-style-type: none"> <li>a. 48" raised loading dock / levelers</li> <li>b. Note: This eliminates need for vertical transportation for PDR / Light Manufacturing.</li> </ul> </li> <li>v. Layout           <ul style="list-style-type: none"> <li>a. Open floor plan</li> <li>b. Provides flexibility for PDR / Light Manufacturing</li> </ul> </li> <li>vi. Sound Attenuation for Mixed-Use           <ul style="list-style-type: none"> <li>a. NC-25 minimum noise criteria</li> <li>b. 7" thick minimum concrete podium slab</li> <li>c. Allows for compatibility between PDR / Light Manufacturing and Residential / Office</li> </ul> </li> <li>vii. HVAC           <ul style="list-style-type: none"> <li>a. Designed for 1 ton per 300 sf</li> <li>b. Adequate for PDR / Light Manufacturing</li> <li>c. Note: Typical Retail has higher HVAC requirements than PDR / Light Manufacturing, so use Retail specification.</li> </ul> </li> <li>viii. Ventilation (Fresh Air / Make-Up Air)           <ul style="list-style-type: none"> <li>a. Louvers at façade</li> <li>b. Allows for PDR / Light Manufacturing uses</li> </ul> </li> <li>ix. Vertical Transportation           <ul style="list-style-type: none"> <li>a. See Loading Dock specification above</li> </ul> </li> </ul>	
<p><u>C. EDENS PDR / Maker Use Commitment for EDENS-owned PUDs at Union Market</u></p> <ul style="list-style-type: none"> <li>i. PDR / Maker commitment for future PUDs, including this PUD:           <ul style="list-style-type: none"> <li>a. PDR / Maker definition (defined above)</li> <li>b. 5% of Non-Residential Ground Floor GFA devoted to PDR / Maker uses</li> <li>c. 5-year term from initial lease – Evidence via self-certification provided to Zoning Administrator</li> <li>d. Non-subsidized rent</li> </ul> </li> <li>ii. EDENS preservation of Maurice Office, which located on adjacent Lot 6 and not included in this PUD:           <ul style="list-style-type: none"> <li>a. EDENS PDR / Maker definition (defined above)</li> </ul> </li> </ul>	<p>The applicant should provide additional information regarding the proposed PDR and Maker commitment, including details regarding the tenants of Maurice Office.</p> <p>As discussed elsewhere in this report, PDR use is identified as a- Future Land Use designation in the Comprehensive Plan. While OP appreciates the applicant's effort to provide space for PDR uses, OP recommends additional focus on the PDR issue including the terms of a PDR commitment.</p>

<p>b. 20,000 SF at Maurice Office</p> <p>c. 5-year commitment, beginning on March 1, 2018 – Evidence via self-certification provided to Zoning Administrator</p> <p>d. Non-subsidized rent</p> <p>iii. PDR / Maker Specification for future EDENS PUDs:</p> <p>a. 50% of Non-Residential Ground Floor GFA built to PDR / Maker Specifications (defined above)</p>	
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## **X. MATTERS REQUIRING ADDITIONAL CLARIFICATION**

It is typical that some issues require additional resolution or detail at this stage of a PUD application – many applicants benefit from the additional direction provided by the Commission at the setdown meeting before preparing final drawings and proposals. However, it is important that identified issues be sufficiently resolved by the applicant prior a public hearing, to ensure that District agencies, the ANC, and the public have a reasonable opportunity to review a complete and comprehensive submission as final recommendations and comments to the Commission are being formulated.

OP will continue to work with the applicant to ensure the submission of additional information prior to a public hearing in this case, as summarized in Section IV of this report, and noted otherwise.

## **XI. AGENCY REFERRALS**

If this application is set down for a public hearing, the Office of Planning will refer it to the following District agencies for review and comment:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- DC Public Schools (DCPS)
- Department of Public Works (DPW)
- Department of Aging (DOA)
- Department of Employment Services (DOES);
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water
- WMATA

JLS/be

## **ATTACHMENT I**

### **Comprehensive Plan Chapter 1 - Introduction**

#### **The Family of Plans 103**

The Comprehensive Plan can be thought of as the centerpiece of a “Family of Plans” that guide public policy in the District (See Figure 1.1). In the past, there has been a lack of clarity over the relationship between the Comprehensive Plan and the many other plans prepared by District agencies. This has reduced the Plan’s effectiveness and even resulted in internal inconsistencies between agency plans. 103.1

Under the DC Code, the Comprehensive Plan is the one plan that guides the District’s development, both broadly and in detail. Thus it carries special importance in that it provides overall direction and shapes all other physical plans that District government adopts. In fact, all plans relating to the city’s physical development should take their lead from the Comprehensive Plan, building on common goals and shared assumptions about the future. For example, the growth projections contained in the Comprehensive Plan should be incorporated by reference in other plans that rely on such forecasts. 103.2

As the guide for all District planning, the Comprehensive Plan establishes the priorities and key actions that other plans address in greater detail. The broad direction it provides may be implemented through agency strategic plans, operational plans, long-range plans on specific topics (such as parks or housing), and focused plans for small areas of the city. 103.3

The Comprehensive Plan is not intended to be a substitute for more detailed plans nor dictate precisely what other plans must cover. Rather it is the one document that bridges all topics and is Where appropriate, this Comprehensive Plan includes cross-references and text boxes to highlight other documents in the “Family of Plans.” Some examples include the federally-mandated State Transportation Plan (known as the “Transportation Vision Plan”), the Historic Preservation Plan, the Parks and Recreation Master Plan, and the Public Facilities Plan. Other agency plans may be guided by Comprehensive Plan policies but are outside of the city government’s direct control. These include the District of Columbia Public Schools Master Facilities Plan. 103.6



## **ATTACHMENT II**

### **Comprehensive Plan Chapter 1 - Introduction**

#### **The Three “Tiers” of Planning 104**

Since the late 1980s, the District has maintained a three-tiered system of city planning comprised of:

- a. Citywide policies
- b. Ward-level policies
- c. Small area policies. 104.1

In the past, the Comprehensive Plan has been the repository for the citywide and ward-level policies. The small area policies, meanwhile, have appeared in separately bound “Small Area Plans” for particular neighborhoods and business districts. As specified in the city’s municipal code, Small Area Plans provide supplemental guidance to the Comprehensive Plan and are not part of the legislatively adopted document. 104.2

The 2006 Comprehensive Plan retains three geographic tiers but incorporates a number of changes to improve the plan’s effectiveness and readability. Probably the most important change is the replacement of “Ward Plans” with “Area Elements.” While Ward Plans were an effective way to express local priorities within the Comp Plan, the boundaries changed dramatically in 1990 and 2000 due to population shifts. Redistricting will occur again after the Censuses in 2010, 2020, and so on. Moreover, the city’s wards are drawn to ensure an equal number of residents in each Council district rather than to provide a coherent rationale for planning the city. Thus, places like Downtown Washington (divided by a ward boundary) and the Anacostia River (divided by four ward boundaries) have been covered in multiple places in past Comprehensive Plans. This has resulted in redundancy and fragmented policies for many of Washington’s most important places. The relationship between the Comprehensive Plan and the three tiers is described below. 104.3

#### ***Tier One: The Citywide Elements***

The Comprehensive Plan includes 13 Citywide Elements, each addressing a topic that is citywide in scope, followed by an Implementation Element. .... 104.4

#### ***Tier Two: The Area Elements***

The Comprehensive Plan includes 10 Area Elements, shown on Map 1.1. Taken together, these ten areas encompass the entire District of Columbia. ... 104.5

Although the Citywide and Area Elements are in separate sections of this document, they carry the same legal authority. The Area Elements focus on issues that are unique to particular parts of the District. Many of their policies are “place-based,” referencing specific neighborhoods, corridors, business districts, and local landmarks. However, the policies are still general in nature and do not prescribe specific uses or design details. Nor do the Area Elements repeat policies that already appear in the citywide elements. They are intended to provide a sense of local priorities and to recognize the different dynamics at work in each part of the city. 104.6

#### ***Tier Three: The Small Area Plans***

As noted above, Small Area Plans are not part of the Comprehensive Plan. As specified in the DC Code, Small Area Plans supplement the Comprehensive Plan by providing detailed direction for areas ranging

in size from a few city blocks to entire neighborhoods or corridors. In the past, Small Area Plans have been prepared for places in the city where District action was necessary to manage growth, promote revitalization, or achieve other long-range planning goals. Examples include the H Street NE corridor, the Takoma Metro station area, and the Shaw/Convention Center area. Small Area Plans are adopted by the DC Council by resolution. The Comprehensive Plan is adopted in a different manner—by legislation—and becomes part of the DC Municipal Regulations. 104.8

In the future, additional Small Area Plans will be developed. The Implementation Element of this Comprehensive Plan outlines where and under what conditions such plans should be undertaken. Existing Small Area Plans are cross-referenced in the Comprehensive Plan Area Elements and should be consulted for further detail about the areas they cover. 104.9

## **ATTACHMENT III**

### **Comprehensive Plan Chapter 2 – Framework Element**

#### **Guidelines for Using the Generalized Policy Map and the Future Land Use Map 226**

The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation.

- 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.
- e. The designation of an area with a particular land use category does not necessarily mean that the most intense zoning district described in the land use definitions is automatically permitted. A range of densities and intensities applies within each category, and the use of different zone districts within each category should reinforce this range. There are more than twice as many zone districts (about 30, plus more than a dozen overlay zones) as there are Comprehensive Plan land use categories. For example, there are at least three zone districts corresponding to “Low Density Residential” and three zone districts corresponding to “Moderate Density Residential.” Multiple zones should continue to be used to distinguish the different types of low- or moderate-density residential development which may occur within each area.
- f. Some zone districts may be compatible with more than one Comprehensive Plan Future Land Use Map designation. As an example, the existing C-2-A zone is consistent with both the Low Density Commercial and the Moderate Density Commercial designation, depending on the prevailing character of the area and the adjacent uses. A correspondence table indicating which zones are “clearly consistent”, “potentially consistent” and “inconsistent” with the Comprehensive Plan categories should be prepared to assist in Comprehensive Plan implementation and future zoning actions (see Action LU-4.3.B).
- g. The intent of the Future Land Use Map is to show use rather than ownership. However, in a number of cases, ownership is displayed to note the District’s limited jurisdiction. Specifically, non-park federal facilities are shown as “Federal” even though the actual uses include housing and industry

(e.g., Bolling Air Force Base), offices (e.g., the Federal Triangle), hospitals (e.g., Walter Reed), and other activities. Similarly, the “Local Public” designation includes high-impact uses such as solid waste transfer stations and stadiums, as well as low-impact uses such as schools. Other maps in the Comprehensive Plan are used to show the specific types of public uses present in each area.

- h. The Map does not show density or intensity on institutional and local public sites. If a change in use occurs on these sites in the future (for example, a school becomes surplus or is redeveloped), the new designations should be comparable in density or intensity to those in the vicinity, unless otherwise stated in the Comprehensive Plan Area Elements or an approved Campus Plan.
- i. Streets and public rights-of-way are not an explicit land use category on the Future Land Use Map. Within any given area, the streets that pass through are assigned the same designation as the adjacent uses.
- j. Urban renewal plans remain in effect for parts of the District of Columbia, including Shaw, Downtown, and Fort Lincoln. These plans remain in effect and their controlling provisions must be considered as land use and zoning decisions are made.
- k. Finally, the Future Land Use Map and the Generalized Policy Map can be amended. They are not intended to freeze future development patterns for the next 20 years. The Comprehensive Plan is intended to be a dynamic document that is periodically updated in response to the changing needs of the city. Requests to amend the maps can be made by residents, property owners, developers, and the District itself. In all cases, such changes require formal public hearings before the DC Council, and ample opportunities for formal public input. The process for Comprehensive Plan amendments is described in the Implementation Element. 226.1

## **ATTACHMENT IV**

### **B. COMPREHENSIVE PLAN WRITTEN ANALYSIS**

#### **Upper Northeast Area Elements of the Comprehensive Plan**

The proposed development is located at the southwestern corner of the area covered by the Upper Northeast Area Element of the Comprehensive Plan, and in the Northeast Gateway Policy Focus Area. The element establishes policies for the 8.7 square miles formed by North Capitol Street (north of Rhode Island Avenue) and the CSX railroad tracks (south of Rhode Island Avenue) to the west, and Florida Avenue, Benning Road, and the Anacostia waterfront area to the south. The northern/eastern border is Eastern Avenue at the District of Columbia line. The proposal would particularly further the following Area Element statements and policy objectives:

##### ***Policy UNE-1.1.6: Neighborhood Shopping***

*Improve neighborhood shopping areas throughout Upper Northeast. Continue to enhance 12<sup>th</sup> Street NE in Brookland as a walkable neighborhood shopping street and encourage similar pedestrian-oriented retail development along Rhode Island Avenue, Bladensburg Road, South Dakota Avenue, West Virginia Avenue, Florida Avenue, and Benning Road. New pedestrian-oriented retail activity also should be encouraged around the area's Metro stations.*

##### ***Policy UNE-1.1.8: Untapped Economic Development Potential***

*Recognize the significant potential of the area's commercially and industrially-zoned lands, particularly along the New York Avenue corridor, V Street NE, and Bladensburg Road, and around the Capital City Market, to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing M and CM-1 zones are expected to remain for the foreseeable future.*

##### ***Policy UNE-1.1.9: Production, Distribution, and Repair Uses***

*Retain the existing concentration of production, distribution, and repair (PDR) uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas.*

The applicant proposes to construct 23,568 square feet of retail, which will generate economic development potential and increase shopping possibilities in the Florida Avenue Market. Improvements to the site would accommodate pedestrians, including wider sidewalks and trees. The applicant should provide additional information regarding how the project meets this policy.

##### ***Policy UNE-1.2.1: Streetscape Improvements***

*Improve the visual quality of streets in Upper Northeast, especially along North Capitol Street, Rhode Island Avenue, Bladensburg Road, Eastern Avenue, Michigan Avenue, Maryland Avenue, Florida Avenue, and Benning Road. Landscaping, street tree planting, street lighting, and other improvements should make these streets more attractive community gateways.*

The applicant proposes to improve the streetscape with the installation of wider sidewalks and tree boxes; however, further coordination and review will be required with DDOT to ensure that the proposed streetscape complies with the recently developed Streetscape Design Guidelines for Florida Avenue Market, and with DOEE to ensure that stormwater requirements are met.

***Policy UNE-1.2.4: Linking Residents to Jobs***

*Improve linkages between residents and jobs within Upper Northeast so that more of the area's 40,000 working age adults fill the approximately 40,000 jobs located within the Planning Area. Achieve this linkage by developing additional vocational and trade schools within Upper Northeast, encouraging apprenticeships and internships, and creating new partnerships between the area's major employers the District, the public and charter schools, local churches, and major institutions.*

***Policy UNE-1.2.5: Increasing Economic Opportunity***

*Create new opportunities for small, local, and minority businesses within the Planning Area, and additional community equity investment opportunities as development takes place along New York Avenue, Bladensburg Road, Benning Road, and around the Metro Stations.*

The proposed development has the potential to create the lower-barrier to entry jobs that are associated with PDR uses. The applicant should provide additional information regarding how the project meets this policy.

***Policy UNE-2.1.2: Capital City Market***

*Redevelop the Capital City Market into a regional destination that may include residential, dining, entertainment, office, hotel, and wholesale food uses. The wholesale market and the adjacent DC Farmers Market are important but undervalued amenities that should be preserved, upgraded, and more effectively marketed.*

The proposed development, consisting of residential and retail uses, would continue to augment other PUDs that have been approved or are in progress in the Florida Avenue Market. In addition, the development would be complimentary to the existing Florida Avenue Market retailers, including Union Market, and would likely increase marketing efforts in the area due to increased foot traffic and residents.

**Citywide Elements of the Comprehensive Plan**

The proposed development is not inconsistent with the following policies of the Citywide Elements of the Comprehensive Plan:

## **Chapter 3 Land Use**

*The Land Use Chapter provides the general policy guidance on land use issues across the District.*

### **LU-1.3 Transit-Oriented and Corridor Development**

***Policy LU-1.3.1: Station Areas as Neighborhood Centers*** Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area. 306.1

***Policy LU-1.3.3: Housing around Metrorail Stations*** Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations. 306.12

***Policy LU-1.3.6: Parking Near Metro Stations*** Encourage the creative management of parking around transit stations, ensuring that automobile needs are balanced with transit, pedestrian, and bicycle travel needs. New parking should generally be set behind or underneath buildings and geared toward short-term users rather than all-day commuters. 306.15

The proposed development is located in the Florida Avenue Market, which is approximately one-half mile from the NoMa-Gallaudet University Metro Station. The Florida Avenue Market Small Area Plan Study encourages increased density in this area, in part, due to the site’s proximity to the Metro Station. It is anticipated that a Comprehensive Transportation Review will identify other modes of transit to the site and include improvements that encourage a multi-modal approach to the development.

The proposed development would be mixed-use, consisting of retail and residential uses. The applicant has proffered affordable housing equivalent to 12% of the gross floor area of the development (34,415 square feet), with 70% of the floor area set aside to residents at the 60% Median Family Income (MFI) level, and 30% set aside to residents at the 50% MFI level.

### **LU-2.1 A City of Neighborhoods**

***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*

The proposed development would repurpose an existing two-story warehouse and showroom that once housed Maurice Electric Supply, and would provide ground floor retail and a lobby for the residential component of the project. The adaptive reuse of this building maintains the industrial character of the Market area, providing an interesting retail space that will expand neighborhood commerce. The proposed residential units will increase the housing supply.

## **LU-2.2 Maintaining Community Standards**

***Policy LU-2.2.4: Neighborhood Beautification*** *Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements. 310.5*

***Policy LU-2.2.7: Alley Closings*** *Discourage the conversion of alleys to private yards or developable land when the alleys are part of the historic fabric of the neighborhood and would otherwise continue to perform their intended functions, such as access to rear garages and service areas for trash collection. 310.8*

The streetscape will be improved with this project with wider sidewalks and tree boxes, although the applicant should continue to work with DDOT to ensure that the design of the public space complies with the Streetscape Design Guidelines. The application indicates that the alley along the northwest property line would be maintained to provide parking and loading access to the site. The applicant should provide additional information regarding the proposed retail along the alley side of the building, and provide details regarding its impact on the use of the alley.

## **LU-2.4 Neighborhood Commercial Districts and Centers**

***Policy LU-2.4.1: Promotion of Commercial Centers*** *Promote the vitality of the District’s commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city’s role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents. 312.5*

***Policy LU-2.4.5: Encouraging Nodal Development*** *Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height,*



*mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them. 312.9*

***Policy LU-2.4.10: Use of Public Space within Commercial Centers*** *Carefully manage the use of sidewalks and other public spaces within commercial districts to avoid pedestrian obstructions and to provide an attractive and accessible environment for shoppers. Where feasible, the development of outdoor sidewalks cafes, flower stands, and similar uses which “animate” the street should be encouraged. Conversely, the enclosure of outdoor sidewalk space with permanent structures should generally be discouraged. 312.14*

The public space would be improved with the proposed development, including enhanced streetscape with wider sidewalks and landscape. The front elevation would be conducive to outdoor sidewalks and cafes that would animate the street, and the alley would be further activated by retail, although additional details regarding the alley should be provided. The proposed height and mass of the development, with 130 feet of height and an FAR of 8.55, is appropriate given the site’s proximity to a Metro Station, where density is generally encouraged, and would be consistent with height and density that has been approved by the Zoning Commission in adjacent PUDs.

### **LU-3.1 Public Works and Industrial Land Uses**

***Policy LU-3.1.1: Conservation of Industrial Land*** *Recognize the importance of industrial land to the economy of the District of Columbia, specifically its ability to support public works functions, and accommodate production, distribution, and repair (PDR) activities. Ensure that zoning regulations and land use decisions protect active and viable PDR land uses, while allowing compatible office and retail uses and development under standards established within CM- and M- zoning. Economic development programs should work to retain and permit such uses in the future. 314.7*

***Policy LU-3.1.4: Rezoning of Industrial Areas*** *Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas. 314.10*

***Policy LU-3.1.5: Mitigating Industrial Land Use Impacts*** *Mitigate the adverse impacts created by industrial uses through a variety of measures, including buffering, site planning and design, strict environmental controls, performance standards, and the use of a range of industrial zones that reflect the varying impacts of different kinds of industrial uses. 314.11*

The proposal consists of ground floor retail, PDR, and residential uses that would be located within one-half mile of a Metro Station, and within an area that has several approved PUDs that have residential and retail components. The Florida Avenue Market Study Small Area Plan has identified the Market area as one that should be redeveloped to include a mix of uses, including PDR uses. The applicant is encouraged to provide a greater balance of PDR uses for this development and the applicant should provide additional information regarding how the project meets these policies.

## **Chapter 4 Transportation**

*The Transportation Element provides policies and actions to maintain and improve the District's transportation system and enhance the travel choices of current and future residents, visitors and workers.*

### **T-1.1 Land Use – Transportation Coordination**

***Policy T-1.1.2: Land Use Impact Assessment*** Assess the transportation impacts of development projects using multi-modal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate development impacts on the transportation network. Environmental and climate change impacts, including that of carbon dioxide, should be included in the assessment to land use impacts. 403.8

***Policy T-1.1.3: Context-Sensitive Transportation*** Design transportation infrastructure to support current land uses as well as land use goals for compact, accessible neighborhoods. Make the design and scale of transportation facilities compatible with planned land uses. 403.9

***Policy T-1.1.4: Transit-Oriented Development*** Support transit-oriented development by investing in pedestrian-oriented transportation improvements at or around transit stations, major bus corridors, and transfer points. 403.10

As part of the PUD review process, a Comprehensive Transportation Review by DDOT will be required. It is anticipated that the review will identify the impacts of the proposed development on public roadways, and provide a multi-modal assessment of improvements necessary to mitigate the development. The minimum number of long term and short term bicycle parking spaces would be provided, in compliance with the Zoning Regulations. The applicant has proffered the installation of streetscape, including wider sidewalks and landscape, and has provided a circulation plan detailing vehicular and pedestrian circulation.

### **T-2.3 Bicycle Access, Facilities, and Safety**

***Policy T-2.3.3: Bicycle Safety*** Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist. 409.10

The proposed development would meet minimum bicycle parking requirements set forth in the Zoning Regulations, providing 78 long-term bicycle parking spaces in the below-grade parking garage, and 23 short-term bicycle parking spaces in public space. The applicant is encouraged to explore other measures that would improve bicycle safety around this site.

### **T-2.4 Pedestrian Access, Facilities, and Safety**

***Policy T-2.4.2: Pedestrian Safety*** Improve safety and security at key pedestrian nodes throughout the city. Use a variety of techniques to improve pedestrian safety, including textured or clearly

*marked and raised pedestrian crossings, pedestrian-actuated signal push buttons, and pedestrian count-down signals. 410.6*

***Policy T-2.4.4: Sidewalk Obstructions*** *Locate sidewalk cafes and other intrusions into the sidewalk so that they do not present impediments to safe and efficient pedestrian passage. Maintain sidewalk surfaces and elevations so that disabled or elderly pedestrians can safely use them. 410.8*

The proposed development includes streetscape improvements that would enhance pedestrian facilities adjacent to the site. Cafes and outdoor seating are generally encouraged in Florida Avenue Market, although the applicant should provide renderings of these areas to ensure that they would comply with the Streetscape Design Guidelines. The applicant should demonstrate that Deaf Space Design Principles would be incorporated into the building and streetscape design, as there is a large deaf population in the area due to the site's adjacency to Gallaudet University. In addition, the plans note that the alley would be activated with retail; the applicant should provide additional information detailing how that is achieved.

## **T-2.6 Addressing Special Needs**

***Policy T-2.6.1: Special Needs*** *Address the transportation needs of all District residents, including those with special physical requirements and trip needs, such as access to medical centers or senior centers. 412.3*

Given the site's proximity to Gallaudet University, the applicant is encouraged to embrace and demonstrate how Deaf Space Design Principles are being incorporated into the design of the site.

## **T-3.1 Transportation Demand Management**

***Policy T-1.1.2: Land Use Impact Assessment:*** *Assess the transportation impacts of development projects using multimodal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate development impacts on the transportation network. Environmental and climate change impacts, including that of carbon dioxide, should be included in the assessment to land use impacts. 403.8*

***Policy T-3.1.1: Transportation Demand Management (TDM) Programs:*** *Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system. 414.8*

The applicant is working with DDOT to address these policies and would be undertaking a full transportation study with TDM proposals after setdown.

## **T-3.2 Curbside Management and Parking**

***Policy T-3.2.1: Parking Duration in Commercial Areas*** *Encourage the supply and management of public parking in commercial areas to afford priority to customers and others on business errands, and discourage the use of these spaces by all-day parkers, including establishment employees. 415.3*

Long-term parking by all-day parkers should be discouraged at this location. The Comprehensive Transportation Review to be undertaken by the applicant should provide additional information regarding the management of parking.

## **Chapter 5 Housing**

*The Housing Element describes the importance of housing to neighborhood quality in the District of Columbia and the importance of providing housing opportunities for all segments of our population.*

### **H-1.1 Expanding Housing Supply**

***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-1.1.4: 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-1.1.5: Housing Quality*** *Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood. 503.6*

The proposed development would provide housing in a location where it is currently not permitted, including three bedroom units. The housing units would be located approximately one-half mile from the NoMa-Gallaudet Metro Station, making them Metro accessible; although, there are several bus routes along Florida Avenue that increase accessibility to the development. The housing would also have the benefit of being located in Florida Avenue Market, which will provide a variety of uses, including restaurants and specialty grocery stores, upon completion. Affordable housing totaling 12% of the gross floor area of the residential portion of the development would be provided. Residential amenities have been incorporated into the proposed building, including a courtyard, rooftop terrace, and swimming pool. Additional information regarding access to building amenities and the interior design materials for affordable housing should be provided.

### **H-1.2 Ensuring Housing Affordability**

***Policy H-1.2.3: Mixed Housing*** *Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing. 504.8*

***Policy H-1.2.7: Density Bonuses for Affordable Housing*** *Support the activities of the District's Housing Finance Agency to finance new construction and rehabilitation of affordable rental and owner units, including vacant and abandoned units. 504.15*

### **H-1.3 Diversity of Housing Type**

***Policy H-1.3.1: Housing for Families*** Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments. 505.6

***Policy H-1.3.2: Tenure Diversity*** Encourage the production of both renter-occupied and owner-occupied housing. 505.7

Affordable housing equating to 12% of the residential floor area has been proposed for the development. Approximately 17 three bedroom units would be provided; the applicant should identify the number of those units that would be allocated to affordable housing. The applicant should also include whether the units would be for rent or for sale.

## **Chapter 6 Environmental Protection**

*The Environmental Protection Element addresses the protection, restoration, and management of the District's land, air, water, energy, and biologic resources.*

### **E-1.1 Conserving and Expanding our Urban Forest**

***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-1.1.2: Tree Requirements in New Development*** Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance. 603.5

***Policy E-1.1.3: Landscaping*** Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. 603.6

***Policy E-1.1.4: Engaging the Community*** Promote partnerships between the District, community groups, and non-profit advocacy groups to undertake tree surveys and planting campaigns, volunteer training and education, and resident stewardship of Washington's urban forest. 603.7

The proposed development would provide for improved streetscape, including tree boxes and landscape. Should the project be setdown, OP will refer the application to DOEE for additional review and compliance with stormwater requirements.

### **E-2-1 Conserving Water**

## **E-2-2 Conserving Energy**

***Policy E-2.1.1: Promoting Water Conservation*** Promote the efficient use of existing water supplies through a variety of water conservation measures, including the use of plumbing fixtures designed for water efficiency, drought-tolerant landscaping, and irrigation systems designed to conserve water. 609.3

***Policy E-2.2.1: Energy Efficiency*** Promote the efficient use of energy, additional use of renewable energy, and a reduction of unnecessary energy expenses. The overarching objective should be to achieve reductions in per capita energy consumption by DC residents and employees. 610.3

***Policy E-2.2.2: Energy Availability*** Improve energy availability and buffer District consumers from fluctuations in energy supply and prices. This should be achieved through the District's energy purchasing policies, financial assistance programs for lower income customers, incentives for "green" power, and regulatory changes that ensure that local energy markets are operating efficiently. 610.4

***Policy E-2.2.4: Alternative Energy Sources*** Support the development and application of renewable energy technologies such as active, passive, and photovoltaic solar energy, fuel cells, and other sustainable sources. Such technology should be used to reduce the dependence on imported energy, provide opportunities for economic and community development, and benefit environmental quality. A key goal is the continued availability and access to unobstructed, direct sunlight for distributed-energy generators and passive-solar homes relying on the sun as a primary energy source. 610.6

***Policy E-2.2.5: Energy Efficient Building and Site Planning*** Include provisions for energy efficiency and for the use of alternative energy sources in the District's planning, zoning, and building standards. The planning and design of new development should contribute to energy efficiency goals. 610.7

The applicant has proffered to construct the proposed PUD to the LEED Gold rating. The scorecard includes points for achieving water and energy efficiency. Should the project be set down, OP will refer the project to DOEE for further review, and will continue to encourage the applicant to incorporate renewable energy sources into the project, such as solar panels.

## **E-2.3 Reducing Solid Waste Disposal Needs**

***Policy E-2.3.1: Solid Waste Source Reduction and Recycling*** Actively promote the reduction of the solid waste stream through reduction, reuse, recycling, recovery, composting, and other measures. Use appropriate regulatory, management, and marketing strategies to inform residents and businesses about recycling and composting opportunities, and best practices for reducing the amount of waste requiring landfill disposal or incineration. 611.3

***Policy E-2.3.2: Construction and Demolition Recycling*** Support the recycling of construction and demolition debris as a key strategy for reducing the volume of waste requiring landfill disposal. To carry out this policy, encourage the "deconstruction" of obsolete buildings rather than traditional

*demolition. Deconstruction dismantles buildings piece by piece and makes the components available for resale and reuse. 611.4*

***Action E-2.3D: Installation of Sidewalk Recycling Receptacles*** *Install receptacles for sidewalk recycling in Downtown DC and other neighborhood commercial centers with high pedestrian volume as a way of increasing waste diversion and publicly reaffirming the District's commitment to recycling. 611.8*

The proposed development would adaptively reuse a two-story structure that was previously a warehouse and showroom and would be constructed to the LEED Gold level of certification. Given that a portion of the building would be removed, the applicant should confirm if there is an intent to recycle the building materials. Should the project be set down, OP will refer the application to DOEE for further review and discussion of recycling initiatives.

### **E-3.1 Low Impact Development**

#### **E-3.2 Promoting Green Building**

#### **E-3.4 Reducing the Environmental Impacts of Development**

***Policy E-3.1.1: Maximizing Permeable Surfaces*** *Encourage the use of permeable materials for parking lots, driveways, walkways, and other paved surfaces as a way to absorb stormwater and reduce urban runoff. 613.2*

***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-3.1.3: Green Engineering*** *Promote green engineering practices for water and wastewater systems. These practices include design techniques, operational methods, and technology to reduce environmental damage and the toxicity of waste generated. 613.4*

***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*

***Policy E-3.4.1: Mitigating Development Impacts*** *Take measures to ensure that future development mitigates impacts on the natural environment and results in environmental improvements wherever feasible. Construction practices which result in unstable soil and hillside conditions or which degrade natural resources without mitigation shall be prohibited. 616.3*

***Policy E-3.4.2: Transparency of Environmental Decision-Making*** *Ensure that discussions and decisions regarding environmental impacts and mitigation measures occur through a transparent process in which the public is kept informed and given a meaningful opportunity to participate. 616.4*

***Policy E-3.4.3: Environmental Assessments*** *Ensure full and meaningful compliance with the DC District of Columbia Environmental Policy Act of 1989, effective October 18, 1989 ( D.C. Law 8-36; D.C. Official Code § 8-109.01 et seq.), including the use of procedures to assess the environmental impacts of major development projects comparable to the regulations developed by the Council on Environmental Quality for the National Environmental Policy Act of 1969, approved January 1, 1970 (83 Stat. 852; 42 U.S.C. 4321 et seq.). The environmental review should include all pertinent information about the effects of the project on the human environment, including information about existing conditions, projected impacts, and mitigation measures. Carbon dioxide and other greenhouse gas (GHG) emissions impacts should be included in the environmental impact assessments. The process should ensure that such information is available when a development is proposed and is available to the public and decision-makers before any decision is made. 616.5*

The applicant has indicated that the development would be constructed to the LEED Gold level of certification, but should confirm that it would be certified through USGBC. OP will refer the application to DOEE for further review against the applicable policies should the application be set down.

#### **E-4.2 Reducing Water Pollution**

***Policy E-4.2.3: Control of Urban Runoff*** *Continue to implement water pollution control and “best management practice” measures aimed at slowing urban runoff and reducing pollution, including the flow of sediment and nutrients into streams, rivers, and wetlands. 619.8*

OP anticipates that the applicant will continue working with DDOT and DOEE to provide a stormwater management plan that will adequately address runoff.

### **Chapter 7 Economic Development**

*The Economic Development Element addresses the future of the District’s economy and the creation of economic opportunity for current and future District residents.*

#### **ED-1.1 Stabilizing and Diversifying Our Economic Base**

***Policy ED-1.1.3: Diversification*** *Diversify the District’s economy by targeting industries with the greatest potential for growth, particularly technology-based and creative industries, retail, international business, and the building trades. 703.11*

Approved developments in Florida Avenue Market have diversified the District’s economic base by preserving and providing spaces for PDR uses. It is anticipated that the subject development would also fulfill this need. OP will continue to work with the applicant regarding the provision of maker space or other PDR use, preferably with below-market rents in order to provide affordable spaces for PDR-related tenants.

#### **ED-1.3 Creating a Knowledge Economy**



***Policy ED-1.3.2: University Partnerships*** Enhance partnerships with universities and other institutions to generate business and employment growth in the research and development sectors, and to continue technology transfer programs for District businesses and entrepreneurs. 705.6

The subject site is located approximately one-half mile from Gallaudet University, which specializes in the education of deaf and hard of hearing students. The applicant should demonstrate how Deaf Space Design Principles have been incorporated into the design of the site, and any other initiatives that have been undergone with the intent to advance students in the area.

## **ED-2.2 The Retail Economy**

### **ED 2.5 The Production, Distribution, and Repair Economy**

***Policy ED-2.2.1: Expanding the Retail Sector*** Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas. 708.4

***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-2.2.4: Destination Retailing*** Continue to encourage "destination" retail districts that specialize in unique goods and services, such as furniture districts, arts districts, high-end specialty shopping districts, and wholesale markets. Support the creative efforts of local entrepreneurs who seek to enhance the District's destination retailing base. 708.8

***Policy ED-2.2.7: Planning For Retail*** Coordinate neighborhood planning efforts with the District's economic development planning and implementation programs in order to improve retail offerings in local commercial centers. 708.11

***Policy ED-2.5.1: Industrial Land Retention*** Retain an adequate supply of industrially zoned land in order to accommodate the production, warehousing, distribution, light industrial, and research and development activities which sustain the local economy, support municipal services, and provide good employment opportunities for District residents. 711.5

The proposed development includes a retail component that will create additional shopping opportunities in what is currently an industrial zone. The applicant would dedicate 1,178 square feet for a PDR use for a period of five years, which would ensure the provision of an industrial-related use and potentially provide good employment opportunities for District residents. The applicant is encouraged to consider dedicating additional area to PDR uses, and at below-market rents.

## **ED-3.1 Strengthening Neighborhood Commercial Centers**

### **ED-3.2 Small and Locally-Owned Businesses**

### **ED4.2 Increasing Workforce Development Skills**

***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

***Policy ED-3.1.3: Commercial District Associations*** Encourage business improvement districts, merchant associations, Main Street organizations, and other commercial associations that enhance economic development and commercial revitalization efforts, particularly in underserved and/or rapidly gentrifying neighborhoods. 713.7

***Policy ED-3.2.2: Small Business Incubators*** Provide low-cost rental space ("incubators") for small, home-grown businesses and start-up companies, particularly companies that are responsive to technological and economic innovation in the marketplace. A variety of spaces should be considered for business incubators, including vacant storefronts and surplus public buildings. 714.7

***Policy ED-3.2.6: Commercial Displacement*** Avoid the displacement of small and local businesses due to rising real estate costs. Programs should be developed to offset the impacts of rising operating expenses on small businesses in areas of rapidly rising rents and prices. 714.11

***Policy ED-3.2.8: LSDBE Programs*** Expand opportunities for local, small, and disadvantaged business enterprises through city programs, incentives, contracting requirements, and other activities. 714.13

***Policy ED-4.2.1: Linking Residents to Jobs*** Promote measures which increase the number of District jobs held by District residents. According to the 2000 Census, 71 percent of the jobs in the city were held by non-residents, up from 67 percent in 1990. While recognizing that some imbalance is inevitable due to the relatively large number of jobs and small number of residents in the city, the District should work to increase the percentage of resident workers through its job training and placement programs. 717.9

***Policy ED-4.2.6: Entry-Level Opportunities*** Support the creation of entry level career opportunities, particularly for lower income youth and adults, and persons with special needs. Recognize the need for complementary efforts to provide affordable child care options, transportation, counseling, and other supportive services. 717.14

***Policy ED-4.2.7: Living Wage Jobs*** Promote the attraction and retention of living wage jobs that provide employment opportunities for unskilled and semi-skilled workers. Use marketing strategies and incentives to encourage the relocation of firms with such positions to the District. 717.15

***Policy ED-4.2.13: Equal Opportunity Compliance*** Ensure compliance by private sector employers in meeting equal opportunity and affirmative action requirements for groups that are under-represented in the District's economy. 717.21

The proposed development would provide ground floor retail, likely improving the mix of goods and services to District residents. The applicant should provide additional information regarding the type of

retail and PDR uses anticipated for the site. The applicant should also provide additional details concerning the proffered employment opportunities for local residents. OP will continue to work with the applicant regarding the provision of additional area for PDR uses, and strongly encourages the applicant to provide space for this use at below-market rates.

## **Chapter 8 Parks Recreation and Open Space**

*The Parks, Recreation and Open Space Element addresses the future of parks, recreation, and open space in the District of Columbia. It recognizes the important role parks play in recreation, aesthetics, neighborhood character, and environmental quality.*

### **PROS-1.2 Closing the Gaps**

#### **PROS-4.3 Open Space and the Cityscape**

**Policy PROS-1.2.1: Closing the Gaps** *Achieve a better distribution of parks in all neighborhoods of the city. This will require a priority on improving or expanding parks in: (a) more densely populated neighborhoods with limited open space; (b) areas that are more than ½ mile from a neighborhood or community park (or a federal park that serves an equivalent function); (c) areas where substantial new housing growth is expected, based on the forecasts of the Comprehensive Plan; and (d) areas where the existing recreation centers and parks are in poor condition. 805.5*

**Policy PROS-1.2.2: Improving Access** *Improve access to the major park and open space areas within the city through pedestrian safety and street crossing improvements, bike lanes and storage areas, and adjustments to bus routes. 805.6*

**Policy PROS-4.3.2: Plazas in Commercial Districts** *Encourage the development of outdoor plazas around Metro station entrances, in neighborhood business districts, around civic buildings, and in other areas with high volumes of pedestrian activity. Use the planned unit development process to promote such spaces for public benefit and to encourage tree planting, public art, sculpture, seating areas, and other amenities within such spaces. 819.4*

**Policy PROS-4.3.3: Common Open Space in New Development** *Provide incentives for new and rehabilitated buildings to include “green roofs”, rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance. 819.5*

The proposed development would incorporate open space for the residential use, including a courtyard on the second floor and the rooftop terrace and swimming pool. The applicant should provide a site plan that links parks and open space networks with the site in order to demonstrate that residents would have sufficient access to recreational opportunities.

## **Chapter 9 Urban Design**

*The Urban Design Element addresses the District’s physical design and visual qualities.*

### **UD-2.2 Designing for Successful Neighborhoods**

#### **UD-2.3 The Design of New Neighborhoods**

#### **UD-3.1 Urban Design Hits the Street**

**Policy UD-2.2.5: Creating Attractive Facades** Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. (see Figure 9.12) 910.12

**Policy UD-2.2.6: Maintaining Façade Lines** Generally maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings. Avoid violating this pattern by placing new construction in front of the historic facade line, or by placing buildings at odd angles to the street, unless the streetscape is already characterized by such variations. Where existing facades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm. 910.14

**Policy UD-2.3.5: Incorporating Existing Assets in Large Site Design** Incorporate existing assets such as historic buildings, significant natural landscapes, and panoramic vistas in the design of redeveloped large sites. For sites that were originally planned as integrated complexes of multiple buildings, historic groupings of structures should be conserved where possible. 911.8

**Policy UD-3.1.1: Improving Streetscape Design** Improve the appearance and identity of the District's streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street "furniture", and adjacent building facades. 913.8

**Policy UD-3.1.2: Management of Sidewalk Space** Preserve the characteristically wide sidewalks of Washington's commercial districts. Sidewalk space should be managed in a way that promotes pedestrian safety, efficiency, comfort, and provides adequate space for tree boxes. Sidewalks should enhance the visual character of streets, with landscaping and buffer planting used to reduce the impacts of vehicle traffic. 913.9

**Policy UD-3.1.4: Street Lighting** Provide street lighting that improves public safety while also contributing to neighborhood character and image. 913.11

**Policy UD-3.1.5: Streetscape and Mobility** Ensure that the design of public space facilitates connections between different modes of travel, including walking, public transit, bicycling, and driving. Transit ~~Bus~~ shelters, benches, bicycle parking, safe pedestrian connections, and clear way-finding signage should be provided to facilitate multi-modal travel. 913.12

**Policy UD-3.1.6: Enhanced Streetwalls** Promote a higher standard of storefront design and architectural detail along the District's commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort. 913.13

**Policy UD-3.1.7: Improving the Street Environment** Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian

*traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall. 913.14*

***Policy UD-3.1.8: Neighborhood Public Space*** *Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the “activation” of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas. 913.15*

***Policy UD-3.1.10: Sidewalk Cafes*** *Discourage the enclosure of sidewalk cafes in a manner that effectively transforms them into indoor floor space. The design of sidewalk cafes should be compatible with the architectural qualities of the adjoining buildings, should complement the street environment, and should not impede pedestrian movement. 913.17*

***Policy UD-3.1.11: Private Sector Streetscape Improvements*** *As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties. 913.18*

***Policy UD-3.1.13: Signage*** *Encourage high standards of signage throughout the District, particularly for signs that designate landmarks, historic districts, and other areas of civic importance. 913.20*

The proposed development would preserve a portion of an existing building, which would function as ground floor retail. The design would be of an industrial style that is appropriate for the location; additional detail in renderings and perspectives, with a fully articulated materials and color palette should be provided. A sign plan detailing the types of signs, their size, illumination, and building locations should also be provided.

Streetscape would be required to comply with the Streetscape Design Guidelines, which would align with the intent of the Comprehensive Plan. Wider sidewalks would be provided and could accommodate outdoor seating, provided that the Guidelines permit it at that location. The applicant should identify how Deaf Space Design Principles have been incorporated into the design.

## **Chapter 10 Historic Preservation**

*The Historic Preservation Element guides the protection, revitalization and preservation of the city’s valuable historic assets.*

## **Chapter 13 Infrastructure**

*The Infrastructure Element provides policies and actions on the District’s water, sanitary sewer, stormwater, solid waste management, energy, and telecommunication systems.*

### **IN-2.1 Wastewater System**

### **IN-5.1 Electric Infrastructure**

### **IN-6.1 Coordinating and Funding Infrastructure Improvements**

***Policy IN-2.1.1: Improving Wastewater Collection*** *Provide for the safe and efficient collection of wastewater generated by the households and businesses of the District. Ensure that new development*

*does not exacerbate wastewater system deficiencies, and instead supports improved system efficiency and reliability. 1306.7*

***Policy IN-5.1.1: Adequate Electricity*** *Ensure adequate electric supply to serve current and future District of Columbia needs. This will require collaboration with PEPCO and other service providers. 1314.6*

***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. 1314.7*

***Policy IN-6.1.1: Coordination of Infrastructure Improvements*** *Ensure that infrastructure upgrades are carefully scheduled and coordinated with development and redevelopment plans in order to minimize traffic rerouting, pavement cuts for laying cable or placement of other infrastructure within the street right-of-way, street closings, disruptive subsurface excavation, and utility shut-offs. 1317.2*

***Policy IN-6.1.3: Developer Contributions*** *Require that private developers fund the necessary relocation or upgrading of existing utilities to address limitations with existing infrastructure on or adjacent to proposed development sites. For necessary upgrades to water and wastewater infrastructure, developers should contribute to the cost of extending utilities to the project site or upgrading existing utilities to the specifications necessary for their proposed project. 1317.5*

The applicant should provide additional information regarding how the project is not inconsistent with these policies.

## **Chapter 14 Arts and Culture**

*The Arts and Culture Element provides policies and actions dedicated to the preservation and promotion of the arts in the District.*

### **AC-2.1 Increasing Opportunities for Public Art**

### **AC-2.2 Using Art to Express Neighborhood Identity**

### **AC-4.2 Partnerships**

***Policy AC-1.1.5: Siting of Facilities*** *Support the siting of arts facilities in locations where impacts upon nearby uses can be most easily managed. Give preference to locations near public transit, or sites where shared parking facilities are available. Conversely, ensure that appropriate parking and transit access improvements are made when arts and cultural venues are developed. 1403.6*

***Policy AC-1.1.6: Performance and Events in Non-Traditional Settings*** *Encourage the provision of spaces for performances and art events in neighborhood parks, community centers, schools, transit stations, residential developments and public areas in private development. This can help reach new audiences and increase access to the arts for people in all parts of the city. 1403.7*

***Policy AC-2.1.1: Emphasizing Important Places with Art*** Use public art to strengthen the District's identity as a local cultural and arts center. Public art should accent locations such as Metro stations, sidewalks, streets, parks and building lobbies. It should be used in coordination with landscaping, lighting, paving and signage to create gateways for neighborhoods and communities. 1406.3

***Policy AC-2.2.1: Using Art to Create Identity*** Use art as a way to help neighborhoods express unique and diverse identities, promoting each community's individual character and sense of place. 1407.2

***Policy AC-4.2.1: Private Sector Partnerships*** Develop partnerships with the private sector to encourage monetary and non-monetary support for the arts, as well as sponsorships of arts organizations and events. 1413.4

The applicant has agreed to provide an 80-square foot art display in the residential lobby for a period of ten years. The unique industrial setting of Florida Avenue Market lends itself to including art space, as provided in Zoning Commission Case No. 15-19. The applicant is encouraged to continue working with the artist community to include a more substantive art-related proffer.