

SUPPLEMENTAL REPORT

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser, Deputy Director
 Historic Preservation and Development Review
DATE: June 29, 2018
SUBJECT: **ZC 17-14 – Supplemental Report for a Consolidated and First Stage Planned Unit Development (PUD) and Related Zoning Map Amendment for 500 Penn Street, N.E. in Florida Avenue Market (Maurice Electric)**

The Zoning Commission heard the subject case at a public hearing on June 14, 2018 public hearing. Prior to approval, the Office of Planning recommended that a number of conditions be satisfied. The Zoning Commission also posed additional questions to the applicant requiring responses. A post-hearing submission addressing additional questions from the Zoning Commission and conditions recommended by OP has been filed as [Exhibit 35](#) and attached to this supplemental report. OP met with the applicant on June 27, 2018 to go over the post-hearing submission and to address some of the outstanding issues. The applicant has responded to OP in a letter (with attachment) dated June 28, 2018 attached hereto. Additional OP analysis has been provided below.

Based on the total assembly of conditions, commitments, proffers and benefits the Office of Planning recommends approval of the PUD.

Zoning Commission Comment	OP Response
1. Some sort of treatment of Maurice Electric façade/entrance to continue building eastern edge line of new construction	The applicant has provided additional details regarding façade termination as well as renderings that illustrate the alignment (Exhibit 35A).
2. IZ commitment derived from penthouse should be square footage rather than payment into affordable housing trust fund.	The applicant continues to request flexibility that would allow either a contribution to the Housing Trust Fund or the provision of an additional affordable unit in the building for the proposed habitable penthouse. As noted by the Zoning Commission at the hearing, the provision of an affordable unit would have greater long-term value than the contribution to the Housing Trust Fund, and would be appropriate given the flexibility gained with the proposed development.
3. Proposed IZ unit distribution should be more randomized and evenly distributed.	Revised IZ floor plans have been provided to the record (Exhibit 35B). OP has provided the revised plans to DHCD and DCRA, but has not received comments.

4. No up-lighting on penthouse	The applicant has indicated that the penthouse would not include any up-lighting unless required through the permitting process.
5. Look at reconfiguring loading and parking access on ground floor so that they are not through the same entrance (move garage ramp).	The applicant maintains that the proposed loading and parking access configuration is the most efficient to meet all needs.
6. Additional detail regarding the existing Maurice Electric Sign	The applicant has provided a revised sign plan identifying the permanent location of the “Maurice Electric” sign (Exhibit 35C).
7. Continuation of sidewalk by PNC Bank site.	DDOT has provided additional analysis of the safety improvements on 4 th Street.
8. Increase time of commitment for PDR/Maker use in project or otherwise commit to more PDR/Maker use elsewhere.	<p>The applicant has provided a response to this condition in Exhibit 35E. OP met with the applicant on June 27, 2018, to further discuss PDR/Maker Space commitments. Based on the attached letter dated June 28, 2018 from the applicant’s attorney to OP, the following commitments have been made with this project:</p> <ul style="list-style-type: none"> • 5% of the ground floor (1,178 sq. ft.) will be set aside for PDR/Maker Space uses for a period of five years, beginning from the date of C of O issuance for the ground floor uses. • 50% of the ground floor (11,357 sq. ft.) will be constructed to the industrial specifications provided by the applicant in Exhibit 11A, ensuring PDR/Maker Space use potential for the life of the project. • A revised floor plan of the ground floor has been provided, which demonstrates a commitment to provide PDR/Maker Space by including PDR/Maker Space as a use on the ground floor and the industrial specifications by which the space will be constructed. • 20,000 square feet in the adjacent Maurice Office building will be set aside for PDR/Maker Space uses until March 1, 2023 (five years beginning from March 1, 2018). <p>OP supports the specified commitments, which ensure that the proposed PUD is not inconsistent with the Future Land Use and Generalized Policy Maps in the Comprehensive Plan.</p>
9. Provide DC Water with master utility plan.	<p>The applicant has indicated that the Master Utility Plan is an area-wide plan that supports the needs of the entire Market area and not a specific individual project or PUD site.</p> <p>OP has contacted DC Water for comments, but has not received a response. OP continues to recommend that the applicant work with DC Water to provide the requisite information.</p>

10. Specify how funds to DPR will be used.	The applicant has provided that the \$10,000 contribution will be used to purchase new computers for the Trinidad Recreation Center computer lab. Monetary contributions must comply with Subtitle X § 305.3(d), which requires that they shall only be permitted if made to a District of Columbia government program or if the applicant agrees that no certificate of occupancy for the PUD may be issued unless the applicant provides proof to the Zoning Administrator that the items or services funded have been or are being provided.
11. Retail parking pricing	DDOT has provided additional analysis of the proposed parking pricing scheme.
12. Access through site to adjacent site to east.	DDOT has provided additional analysis regarding access between sites.

OP requested additional clarification about the commitment to build fifty percent (50%) of the ground floor to enhanced retail/PDR specifications, the timing of the five-year reserved PDR/maker space commitment and updated ground floor plans to indicate the potential inclusion of PDR/Maker Space along with the retail use of the non-residential ground floor. The applicant has provided the requested details and commitments as evidenced in the attached letter to OP and revised ground floor plan.

OP recommends approval of the PUD subject to the total assembly of conditions, commitments, proffers and benefits.

JS/be
Case Manager, Brandice Elliott

Attachment 1 – PDR Clarification Letter
Attachment 2 – Revised Ground Floor Plan

June 28, 2018

VIA EMAIL

Jennifer Steingasser
Deputy Director
Development Review and Historic Preservation
D.C. Office of Planning
jennifer.steingasser@dc.gov

Re: Zoning Commission Case No. 17-14 – Applicant’s Clarification of
PDR/Maker Proffer

Dear Jennifer:

Following the Applicant’s meeting with you on June 27, 2018, this letter clarifies the PDR/Maker proffers that this project will provide. The project will include the commitments described below.

1. PDR/Maker Specifications

Prior to issuance of first Certificate of Occupancy for the ground floor Retail / PDR / Maker portion of the building, the applicant shall demonstrate via a self-certification letter to the Zoning Administrator that a minimum of fifty percent (50%) of the non-residential ground floor gross floor area has been constructed to the “PDR/Maker Specifications.” The PDR/Maker Specifications will include all of the following:

- a. Structural Slab Load (Ground Floor) live load of 125 psf.
- b. Clear height of approximately 16’-0” from ground floor slab to bottom of structure above.
- c. Electrical supply of 50 watts per square foot.
- d. Loading Dock will include a 48” raised loading dock and/or levelers.
- e. Open floor plan layout.
- f. Sound attenuation for mixed-use that satisfies NC-25 minimum noise criteria and includes 7” thick minimum concrete podium slab.
- g. HVAC designed for 1 ton per 300 square feet.
- h. Ventilation (Fresh Air / Make-Up Air) louvers at façade.

2. Reserved PDR/Maker Space

For five (5) years beginning at date of issuance of first Certificate of Occupancy for the ground floor Retail / PDR / Maker portion of the building, the project will reserve a minimum of five percent (5%) of the non-residential ground floor gross floor area for PDR/Maker uses. PDR/Maker uses shall be as defined in the Applicant's updated proffers filed with the Zoning Commission on February 14, 2018 (included in the record as Exhibit 11A).

3. PDR/Maker uses at Maurice Office

For five (5) years beginning on March 1, 2018, the Applicant shall reserve 20,000 square feet of floor area in the adjacent Maurice Office building (which is outside the boundaries of this PUD) for PDR/Maker uses, as defined in the Applicant's updated proffers filed with the Zoning Commission on February 14, 2018 (included in the record as Exhibit 11A). Compliance with this condition shall be self-certified by the Applicant by letter or other similar documentation provided to the Zoning Administrator.

4. Ground Floor PDR/Maker and Retail Uses

The attached ground floor plan for the project has been updated to indicate that PDR/Maker and/or retail uses will occupy the identified areas for the life of the project and that a minimum of 50% of the non-residential ground floor gross floor area will be constructed to the PDR/Maker Specifications described above.

Separate from this project and not any condition of this project, EDENS will be submitting future PUDs for the development of approximately 180,000 square feet of non-residential / office ground floor space in the Union Market District. Fifty percent (50%) of this space will be designed to the PDR/Maker Specifications described above and will be uniquely suited to meet the requirements of PDR/Maker users. Additionally, these future PUDs will reserve a minimum of five percent (5%) of the non-residential / office ground floor gross floor area for PDR/Maker uses. The five-year term will commence on the date of issuance of the first Certificate of Occupancy for the Retail / PDR / Maker portion of the building.

If you have any questions, please feel free to contact me.

Sincerely,

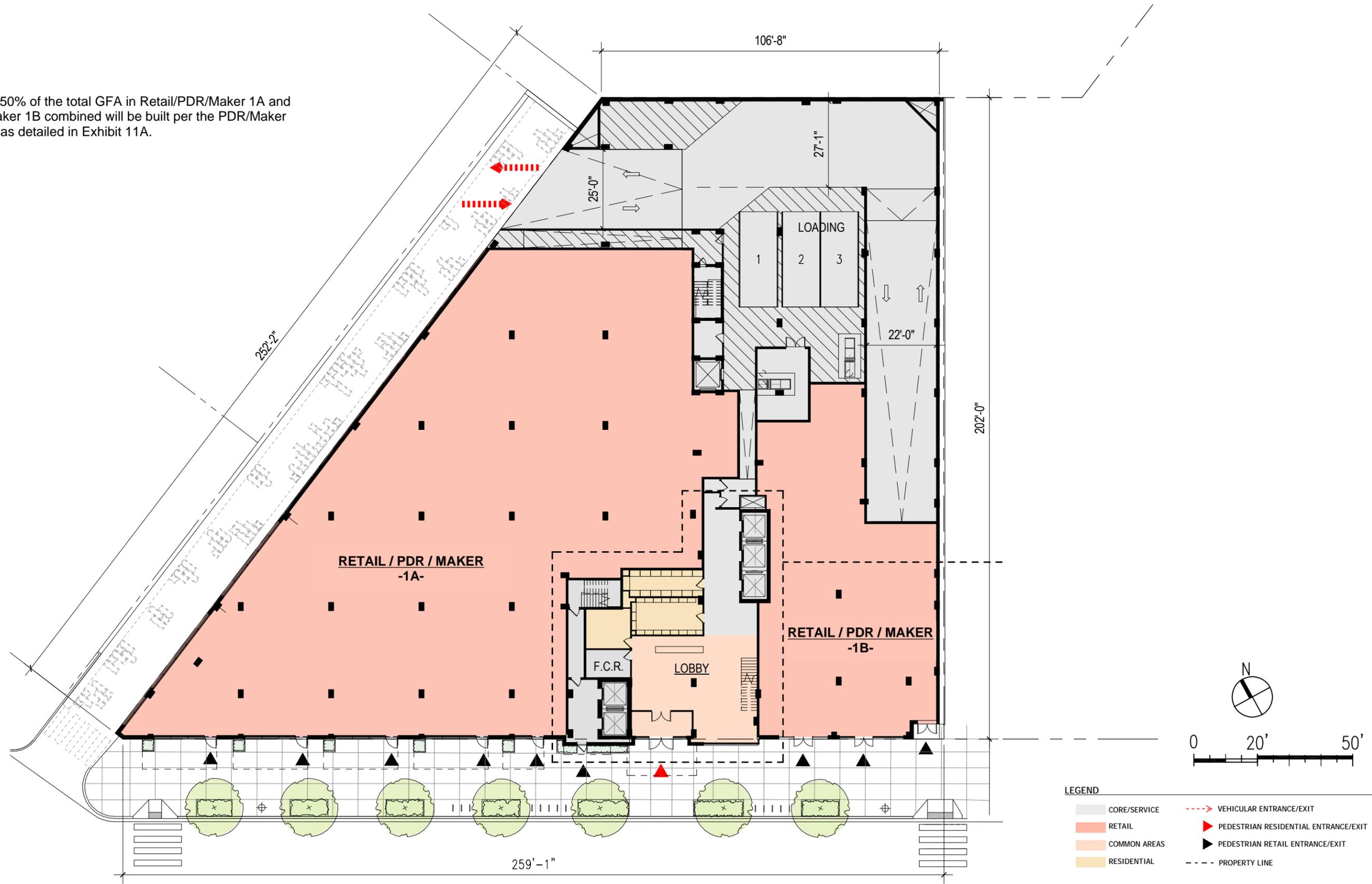
/s/
Cary R. Kadlecek

cc: Brandice Elliott, Development Review Specialist, D.C. Office of Planning
Jeff Kaufman, Managing Director, EDENS
Senthil Sankaran, Director of Development, EDENS
Sohael Chowfla, Development Associate, EDENS
Christopher Spendley, Director of Development, UDR Inc.

Attachment: Updated Ground Floor Plan

Notes:

A minimum of 50% of the total GFA in Retail/PDR/Maker 1A and Retail/PDR/Maker 1B combined will be built per the PDR/Maker Specifications as detailed in Exhibit 11A.



PENN ST. NE

RETAIL / PDR / MAKER SPACES

EXHIBIT - XX | 500 PENN STREET NE