

## MEMORANDUM

**TO:** District of Columbia Zoning Commission

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

**DATE:** March 18, 2019

**SUBJECT:** Hearing Report on Zoning Commission Case No. 17-21, Consolidated Planned Unit Development and Related Map Amendment for 501 I Street, S.W. (Square 498, Lot 52)

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### **I. SUMMARY RECOMMENDATION**

The Office of Planning (OP) recommends the Commission:

- **Approve** the application by As You Like It LLC (the Applicant) for a consolidated PUD with a PUD- related map amendment from R-3 to MU-4.

The applicant proposes to construct a two-building, 2.87 FAR, mixed use development on a 0.8-acre irregularly-shaped vacant site at the northwest corner of 6<sup>th</sup> and I (Eye) Streets, SW. It would contain 64 condominium residential units, 7 of which would be affordable at 80% MFI, offices and costume shop space for the Shakespeare Theater Company (STC), 18 STC actor residential units, and 18 SRO-type units for STC Fellows.

With the related map amendment, the project would be 7 feet taller, 38% more dense, contain 39 to 42 more residential units than the 12 to 15 rowhouses that would be permitted by-right on the site. The height and density would be within the limits set for the MU-4 zone without the PUD bonus. There would be six more IZ units, with a relatively high percentage of 2-bedroom units, than would be required for a by-right R-3 project. The PUD-related zone would also permit STC-related residential SROs and certain non-residential uses that would not be permitted in the existing zone.

Project benefits would include the additional market rate and IZ units, traffic-calming measures and a variety of STC-related educational offerings and free or reduced-price tickets for local schools and the Southwest neighborhood.

The application is generally not inconsistent with the Comprehensive Plan and meets the PUD-related requirements of 11 DCMR Subtitle X, Chapter 3. The project's benefits, proffers and design would balance the additional development enabled by the PUD-related map amendment and any potential adverse impacts.

Since setdown, the applicant has responded to concerns raised by the Commission, OP, other District agencies, the ANC and the community. At the time OP completed this report ANC 6D had voted to support the application, with conditions. A Memorandum of Understanding with the United Neighbors of Southwest (UNSW) had been drafted but not yet finalized.

While OP retains some concerns, which are noted in Section VIII of this report, they have been communicated to the applicant and OP anticipates their being addressed by the hearing.

## II. SITE AND AREA DESCRIPTION

**Postal Address:** 501 I Street, SW; **Legal Address:** Square 498, Lot 52 **Ward / ANC:** Ward 6; ANC 6D  
**Size:** 34,476 square feet **Current Use:** vacant, undeveloped site  
**Comprehensive Plan Area:** Lower Anacostia/Near Southwest Area Element  
**Relevant Small Area Plan:** Southwest Neighborhood Plan (2015)

**Boundaries and General Context:** The 34,476 square-foot site is generally rectangular, with a dog-leg extension at its northeastern corner. It is approximately 4 blocks northwest of the Waterfront Metro station and 3 ½ blocks east of The Wharf development PUD. It was formerly occupied by a two-story mid-twentieth century school building that was demolished approximately four years ago.

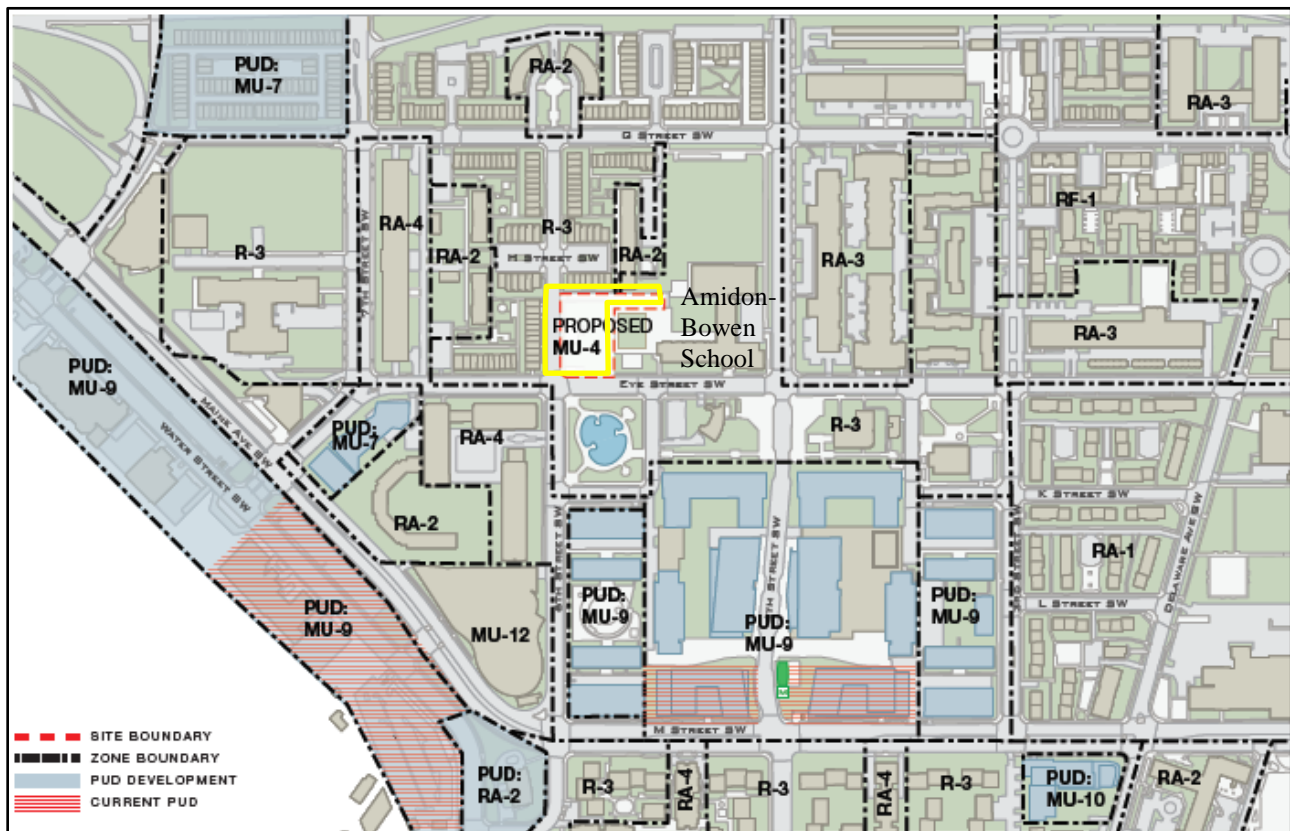


Figure 1. Site (in yellow) Location / Zoning Context. (Waterfront Metro Entrance is Green)

The site’s northern property line is bounded at its western end by the back yards of six 3-story and one 4-story rowhouses; in its central section by the side of a 3 ½ story apartment building with three south-facing balconies and living rooms; and at its eastern end by the surface parking lot for the apartment building. To the west, across 6<sup>th</sup> Street, there are 2 ½ and 3 ½-story rowhouses. The irregular eastern property line is adjacent to the playing fields of the Amidon-Bowen elementary school. To the south, across I Street, is a public park commonly known as the “Duck Pond”. To the south-west, diagonally across I Street, is a 100-foot high apartment building.

### III. PROJECT SUMMARY

<b>Applicant</b>	As You Like It, LLC (Erkiletian Development Co./ Shakespeare Theater Company)			
<b>Zoning</b>	R-3 Zone Existing. PUD-related Map Amendment to MU-4 Requested.			
<b>Proposed Uses</b>	<b>Use</b>	<b>Square Footage</b>	<b>FAR</b>	<b>Details</b>
	Residential;	90,800 SF	2.49 FAR	Market Rate Condominium Units: 57 IZ Units (5,405 net SF) 7 Reserved, STC Actors/Fellows <sup>1</sup> 36 <b>Total Units</b> 100
	Office/Arts	13,860 SF	0.38 FAR	
	<b>Total</b>	<b>104,660SF</b>	<b>2.87 FAR</b>	
	An additional ~ 18,000 SF of below-grade space for other STC uses is not FAR-countable			
<b>Building Height (ft.)</b>	<u>Main:</u> 47’ and 4 stories to top of roof (48’ to parapet <sup>2</sup> ) plus an 11’ occupied penthouse, one 15’ elevator overrun and one 9’ elevator overrun and stair tower <u>Annex:</u> 47’ 2” and 5 stories to top of roof; 48’ 2””, plus 8’4” mechanical penthouse			
<b>Lot Occupancy</b>	79%			
<b>Parking</b>	55 (38 below-grade, 2 at-grade, 15 off-site)			
<b>Principal Relief Requested</b>	PUD-Related Zoning Map Amendment from R-3 to MU-4 Rear yard for north side of “Annex” building Dimensions of 1 closed court			
<b>Sustainability</b>	Commitment to LEED-Gold certification			

**Table 1. Project Summary**

The proposed project would consist of two buildings connected by excavated lower levels containing an underground passageway, shared vehicle and bicycle parking, loading facilities, four STC rehearsal rooms, a costume shop, other theater-related spaces and mechanical rooms. Access to the parking would be provided from a 6<sup>th</sup> Street curb cut and driveway at the site’s northern edge.

<sup>1</sup> While the actor housing units have been included in the base from which the IZ requirement has been calculate, the SRO units do not have an IZ requirement per § C-1001.6 (b) and have not been included in the base.

<sup>2</sup> Height is measured to the highest point of the roof or parapet, per 11 DCMR Subtitle B §307.1.

The above-grade four-story main building would be rectangular on the first floor and U-shaped above, with an open court facing east. The first floor would be devoted to STC administrative offices, 7 condominiums, mechanical space, and enclosed loading facilities. The STC offices and the residential component would each have a separate entrance on I Street.

The 2<sup>nd</sup> - 4<sup>th</sup> floors would contain 57 condominiums ranging from studios to two-bedrooms and 6 actor housing units. With the reduction in the size of the project since setdown, there would no longer be any three-bedroom units.

The 2<sup>nd</sup> floor also would contain a residential terrace in an east-facing courtyard. On the 4<sup>th</sup> floor there would be a 1:1 setback from 6<sup>th</sup> Street for the length of the building, other than a tower element at the corner of 6<sup>th</sup> and I Streets.

The size of the penthouse level has been significantly reduced since setdown and the massing has been concentrated towards the south. There would be two penthouse structures. Each would be setback at a 1:1 ratio or greater, inclusive of railings. The northern structure would contain an elevator overrun and stairway. The southern penthouse would contain mechanical equipment and community amenity space, adjacent to which would be a communal terrace. Atop the southern penthouse would be a second elevator overrun, and 830 SF of solar panels. There would be 13,500 SF of green roof.

In the main building there would be 5,405 net SF of 80% MFI of for-sale Inclusionary Zoning (IZ) residential space in seven condominium units. This would result in one more IZ unit than regulations require. The reduction in the amount of habitable space in the penthouse has obviated the 50% MFI affordable housing requirement that had applied at setdown.

The Annex building would be located above the below-grade costume shop. Street-level pedestrian access would be from a walkway on the south side of the driveway,. The Annex would contain 22 housing units for STC fellows, actors and staff. 10 would be dormitory-like units sharing a common kitchen and 12 would be similar to studio apartments. The Annex penthouse would be only for mechanical equipment and would be surrounded by a green roof.

The Applicant lists several project benefits and proffers, which are detailed in Section VII.G of this report. Additional benefits may be proffered after the Applicant completes discussions with the ANC, UNSW and the Amidon-Bowen PTA.

#### **IV. EVALUATION OF APPLICANT RESPONSES TO CONCERNS PREVIOUSLY EXPRESSED BY THE ZONING COMMISSION OR OP**

The following table summarizes the Zoning Commission’s and OP’s comments at set down, a summary of how they were addressed by the Applicant, and any OP comments on that response. **Bolded OP comments indicate additional information is needed by the hearing.**

<b>ZC and OP Comments at Set down</b>	<b>Summary of Applicant’s Response</b>	<b>OP Comments</b>
<u>Community Consultation:</u> Continue to consult with ANC and community groups to address their	Applicant has worked closely with ANC 6D and UNSW to refine the project design, enhance community	As a result of these meetings, the ANC has voted to support the application, with

<b>ZC and OP Comments at Set down</b>	<b>Summary of Applicant's Response</b>	<b>OP Comments</b>
concerns about possible impact of project	benefits package, commit to building uses and operations to mitigate impact. Applicant's meetings with Amidon-Bowen PTA are ongoing.	conditions, and a draft MOU between the applicant and UNSW had been negotiated but, was not finalized at the time OP completed this report. Discussions were ongoing with UNSW and with the Amidon-Bowen PTA.
<u>Design</u> : Better reflect the scale of the facades and red-brick masonry of the north-adjacent residential area	The applicant has eliminated one floor and increased the setback for the new top floor; has reduced the size of the penthouse; has increased the percentage of masonry vs. glass on the 6 <sup>th</sup> Street façade and tower element at 6 <sup>th</sup> and I Streets. It is proposing that landscaping on 6 <sup>th</sup> Street follow the pattern set by the rowhouses on 6 <sup>th</sup> Street between G and I Streets, SW, subject to approval by the Public Space Committee.	While the brick color would be a more contemporary shade than the adjacent rowhouses, the revisions appear to address the concerns expressed by the Commission and OP.
<u>Loading Movements</u> : Address turning movements needed to ensure head-in/head-out loading.	The design accommodates head-in/head-out loading, although not all of it would be internal to the building. The ground floor loading area has been moved to the west to reduce noise impacts on the apartment building and some rowhouses to the north.	DDOT has found this plan to be acceptable.
Assess impact of <u>rear yard relief</u> request for annex building on the apartments to the north.	The applicant has reduced the annex's width, reducing potential impact on the living rooms and balconies of the apartments to the	The changes appear to be satisfactory. No comments are on file from owners or renters of the apartment building to the north.

ZC and OP Comments at Set down	Summary of Applicant's Response	OP Comments
	<p>north. The rear yard of the annex has also been increased to 8'4", further separating it from the apartment building.</p>	
<p>Consult with Public Space Committee (PSC) about <u>glass art panels</u> proposed for I Street public space; describe process for selecting <u>murals</u> visible from public streets</p>	<p>The applicant has consulted with DDOT and the PSC on the art panels.</p> <p>The most recent plans do not show murals</p>	<p>PSC staff has indicated the panels would be acceptable.</p>
<p>Provide a comprehensive transportation review (<u>CTR</u>) and transportation demand management (<u>TDM</u>) measures.</p>	<p>The applicant submitted its CTR, including a TDM plan, to DDOT December 4, 2018 and has since agreed to construct "bulb-outs" at each corner of 6<sup>th</sup> Street between G and I to promote pedestrian safety.</p>	<p>Since submission of the CTR the applicant has continued to work with DDOT on additional mitigation measures and public enhancements. <b>Discussions with the Amidon-Bowen PTA, ANC 6D, UNSW and DDOT about parking and drop-offs on I Street were continuing when OP completed this report. The applicant will need to update the Commission on agreed-upon I Street parking agreements.</b> DDOT will address this and other findings in its report to the Commission. <b>The applicant should specify the location of and arrangements for the proposed 15 off-site parking spaces.</b></p>
<p>Clarify whether parking fees for residential units will be un-bundled from rents.</p>	<p>The project has changed from rental to condominium units. Parking spaces would be sold separately.</p>	<p>The response addresses the concerns expressed by the OP.</p>

ZC and OP Comments at Set down	Summary of Applicant's Response	OP Comments
Clarify mechanisms to enable the 10-year reservation of 2 units of below-market housing for teachers or staff at nearby schools.	This proffer has been eliminated.	DHCD had expressed reservations about the feasibility of this proffer.
Provide materials samples.	These will be provided at the hearing.	<b>In addition to samples for the project's materials, OP suggests the applicant also provide a sample of the red-brick used in nearby rowhouses, for comparative purposes.</b>
1) Clarify approval selection process for <u>murals</u> visible from public street; 2) Consult with Public Space Committee about feasibility of <u>etched-glass panels</u> in public space.	1) Murals no longer proposed. 2) The applicant has consulted with DDOT and the PSC on the art glass panels.	The PSC has indicated the panels would likely be approved/
Increase the usability of the proposed courtyard facing 6 <sup>th</sup> Street	The applicant has moved the courtyard to the eastern side of the building and chosen to leave an unbroken street wall on 6 <sup>th</sup> Street	The reorientation of the court to the east reduces that side's potential impact on light available to the Amidon-Bowen school playground and enables the western side to better define the street wall and reflect the nearby rowhouse pattern.
Work with the District's Department of Small and Local Business Development or Department of Employment Services on possible training and employment opportunities	-----	<b>This was not addressed.</b>
Address Adequacy of Affordable Housing Proffer	The applicant would provide on additional IZ unit (710 SF) at 80% MFI	The revised proposal decreases the size of the project but provides the same number of IZ units as

ZC and OP Comments at Set down	Summary of Applicant's Response	OP Comments
		<p>at setdown, resulting in a new proffer of one IZ unit. Additional information about IZ is in Section VII.F of this report. This proffer is not at the 60% MFI that was required by IZ regulations that governed the set-down proposal, and the applicant is no longer a proffering the affordable (or market rate) 3-bedroom units.</p> <p><b>OP strongly encourages the applicant to consider proffering a lower MFI for one of the two-bedroom IZ units and/or providing 3-bedroom units.</b></p>
<p>Address comments on other adequacy of benefits, amenities and proffers</p>	<p>Other than the IZ proffer, the principal benefits or proffers are:</p> <ul style="list-style-type: none"> <li>• One additional IZ unit at 80% MFI;</li> <li>• In response to a neighborhood request, the construction of 8 sidewalk “bulb-outs” on the corners of 6<sup>th</sup> Street;</li> <li>• Provides artwork in I Street public space;</li> <li>• Rotating costume display visible from I Street;</li> <li>• Monetary and in-kind contributions and theater-related outreach and participation programs.</li> </ul>	<p>Benefits and proffers are discussed in Section VII.G which notes where additional detail is needed.</p> <p><b>OP has encouraged the applicant to quantify the value of the theater-related, community benefits, artworks, public space improvements and proffers.</b></p>



## **V. PLANNING CONTEXT**

As described in Chapter 1 §104 of its Introduction, the Comprehensive Plan is the centerpiece of a “Family of Plans” that guide public policy in the District. The Introduction notes three “Tiers” of Planning including:

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

The Generalized Future Land Use Map [FLUM] and the Generalized Policy Map are integral with the written elements and “[B]oth maps carry the same legal weight as the text of the Comprehensive Plan” (200.5 page 2-1).

### **A. SUMMARY OF PLANNING CONTEXT ANALYSIS**

A 2016 proposal for this site was considered to be inconsistent with the Comprehensive Plan and the application was withdrawn before a Preliminary OP Report was filed. The current application, as refined since setdown, is generally not inconsistent with the Comprehensive Plan and the Small Area Plan that advises it.

The Comprehensive Plan provides specific guidelines on how the Generalized Future Land Use Map and Policy Map should be used when a site designated for institutional use is proposed for a different type of use (Chapter 2, Sec.226, Guideline “h”, p 2.28).

### **B. COMPREHENSIVE PLAN MAPS**

As described in the Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, § 226,), 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 Policy Map**

The Generalized Policy Map designates over 80% of the site as appropriate for an institutional use, and the remaining “dogleg” portion of the site as a neighborhood conservation area.

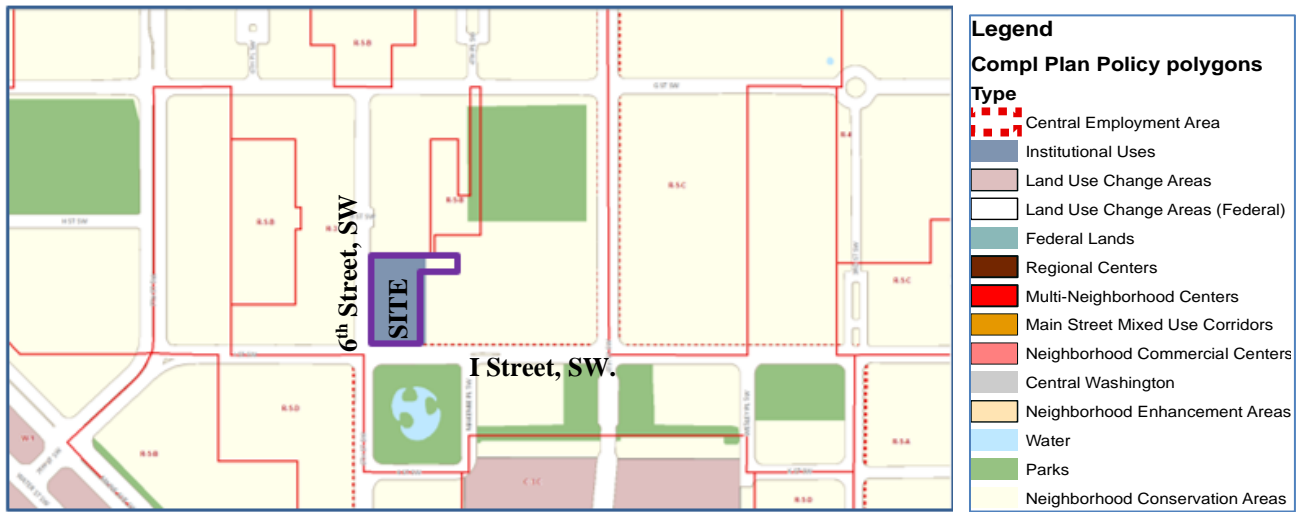


Figure 2 Comprehensive Plan Generalized Policy Map Near Site



Figure 3. Comprehensive Plan Generalized Policy Map for Near Southwest

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The Comprehensive Plan’s Chapter 2, Framework Element, states that the institutional designation *...includes land and facilities occupied and used by colleges and universities, large private schools, hospitals, religious organizations, and similar institutions. Smaller institutional uses such as churches are generally not mapped, unless they are located on sites that are several acres in size. Zoning designations vary depending on surrounding uses. (§ 225.16).*

The Comprehensive Plan’s use of the word “institutional” is specific and limited. It does not encompass facilities such as theaters, museums, cultural and entertainment facilities (whether for-profit or not-for-profit), even though the word frequently connotes such uses in general conversation or writing.

The Element also states that neighborhood conservation areas are:

*...areas with very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density are not expected but some new development and reuse opportunities are anticipated. Neighborhood Conservation areas that are designated for Production, Distribution & Repair uses on the Future Land Use Map are expected to be retained with the mix of industrial, office and retail uses they have historically provided.* (§223.4)

*The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.* (§ 223.5)

Compatibility with the neighborhood conservation area designation is considered within the context of the *neighborhood*, not just adjacent or nearby properties. The neighborhood near the applicant’s site contains a broad mix of residential building types, including rowhouses, low, mid-rise and high-rise apartments and open spaces. While there is a concentration of three and four-story rowhouses immediately north of the Applicant’s site, there is also an apartment building on the sites northern boundary that varies from three to four stories, plus a faux mansard roof. Within a block of the site there are also mid-rise and high-rise apartment buildings, two-story schools, one-story churches and public parks. The introduction of a moderate density, approximately 48-foot high, predominately residential development on an infill site would not be inconsistent with a neighborhood conservation area designation for a portion of this location

Additional guidance on this point is provided by an examination of the FLUM and the Comprehensive Plan’s guidance on its interpretation.

**Generalized Future Land Use Map (FLUM)**

The FLUM shows the entire site, including the “dogleg”, as appropriate for an institutional use.



**Figure 4. Comprehensive Plan Generalized Future Land Use Map Near Site**

**Change from Institutional Use**

The prior institutional use no longer exists. The Comprehensive Plan's Guidelines for Using the Generalized Policy Map and the Future Land Use Map (Chapter 2 Framework Element, § 226) provide guidance on what type of uses and densities would be not inconsistent with the Comprehensive Plan when redeveloping an institutionally designated site where the institutional uses are no longer present. Guideline "h" states:

*The [FLUM] 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.*

The FLUM identifies the vicinity immediately surrounding the site as moderate density residential and local public facilities. The application includes a PUD-related map amendment to MU-4. As noted in Subtitle G § 400.3 of the Zoning Regulations:

*The MU-4 zone is intended to:*

- (a) Permit moderate-density mixed-use development;*
- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and*
- (c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.*

The PUD-related map amendment to MU-4, for a project that would be developed with 87% residential use and 13% cultural-support uses would not be inconsistent with the intentions of this moderate-density designation. A building with an FAR of 2.87 and a height of 48-feet would be well within the moderate density category. The site is in a moderate density residential area with access to major arterial roadways, limited access highways, transit, and commuter rail. The proposed development would not be classified as an institutional use, but it would not be inconsistent with the Comprehensive Plan's guidance for the future use of institutionally-designated areas where the institutional uses have ceased.

**C. COMPREHENSIVE PLAN WRITTEN ELEMENTS**

The Applicant has cited 217 principles or policies from the Comprehensive Plan's Guiding Principles, Citywide elements, and Lower Anacostia Waterfront/Near Southwest Area Element that would be furthered by the proposed PUD (Exhibit 2, pages 20-25). The most relevant may be:

**LU-1.4 Neighborhood Infill Development**

*Policy LU-1.4.1: Infill Development: Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the*

*established character of the area and should not create sharp changes in the physical development pattern. 307.5 (Ch.3-23).*

The site has been unused since the departure of the educational uses formerly occupying the site. The vacant status of the prominent site does not contribute to the quality of the urban fabric. While the proposed building-type would differ from the rowhouse developments immediately to the north, the proposed massing, height and density of the proposed project should not create a sharp change in the development patterns within one block of the site. It would be one building as seen from 6<sup>th</sup> Street, not individual rowhouses, but the latest design has taken many design cues from the rowhouse tradition of the blocks of 6<sup>th</sup> Street, SW between G and I Streets. It includes masonry facades on all but I Street. On 6<sup>th</sup> Street there would be brick with punched windows, individual unit entrances at the ground level, bays to break-up the massing into rowhouse-size units, and a setback for the fourth floor to reduce the building's apparent height to one similar to nearby rowhouses. The proposed public space improvements and landscaping would help to integrate the site into the character of the neighborhood.

Of the other policies in the written elements with which the proposed PUD would not be inconsistent, there are three that stand out in demonstrating the proposal's overall congruency with the Comprehensive Plan's objectives:

- The location of a substantial number of new housing units near the Green Line's Waterfront Metro would further transit oriented development and the District's housing objectives;
- The delivery of seven IZ units would provide six more IZ units than would be delivered with by-right construction of approximately 12 to 15 rowhouses under the site's current R-3 zoning;
- Locating the STC-related housing, rehearsal and administrative space within a 10-minute transit or bicycle ride to STC's principal performance space would be synergistic with policies supporting the development of arts and cultural uses.
- The commitment to LEED Gold certification would further the Plan's sustainability policies.

#### **D. SMALL AREA PLAN**

The Council-adopted the Southwest Neighborhood Plan in July 2015. This Small Area Plan (SAP) includes a goal "to Strengthen 'I' Street as a cultural corridor" and a goal to "Grow the presence of the arts throughout the Southwest neighborhood" (SAP, p. 96). Specifically, with respect to the Applicant's site at 6<sup>th</sup> and I Street, the SAP states that the SAP:

*...is not making a recommendation for a land use designation change for this site until further outreach efforts can be conducted by the STC and its development partner to address community concerns. A cultural use at this site would be a preferred use going forward and efforts to change the land use should seriously be considered by the community and the ANC. The theater is encouraged to continue dialogue with the Southwest neighborhood through the upcoming Comprehensive Plan Amendment process which will get underway in 2015. (SAP, p. 97)*

The SAP also states that “*The land use designation would need to be changed to facilitate the full building program as required by the theater company and its development partner*” (SAP, p. 97). The When the SAP was adopted, the Applicant’s “full building program” was already known. It was then proposed as “a 6-9 story building” (SAP, p. 97), which is no longer the case.

The applicant has engaged in community outreach since the SAP was adopted, resulting in changes to the proposal. The most significant physical changes to the proposal are the separation of the project into two buildings, a reduction of 25-feet in the proposed height, and a reduction of 1.83 FAR since the original proposal.

With respect to the SAP’s 2015 recommendation that the site’s future land use be considered in the Comprehensive Plan Amendment process, the Applicant has submitted a recommendation that the FLUM be changed to Moderate-Density Residential/Low-Density Commercial. No other map or text amendments relating to this site have been submitted. Council consideration of proposed FLUM amendments is not anticipated to be completed before mid-2019. However, as discussed in Section V.B. above, consideration of a PUD-related map amendment for the site at this time would not be inconsistent with the guidance the Comprehensive Plan gives for the future use of institutionally-designated areas where the institutional uses no longer exist.

## VI. ZONING ANALYSIS

The site is currently zoned R-3; the Applicant is requesting a PUD-related zoning map amendment to the MU-4 zone. Below is a table comparing the existing and proposed zone to the proposal.

**Table 2. Zoning Analysis** (based in information supplied by the Applicant)

38,476-38,485 SF site	Existing Zone R-3	Proposed Zone MU-4- PUD w/IZ:	Proposal	Difference from R-3 By-Right	Flexibility w/in Requested MU-4 Zone
<b>Height (ft.)</b> <i>G§ 403</i>	40 ft. 3 stories	65 ft. No story limits	<u>Main</u> : 47’ to roof, 48’ to parapet, plus one 11’ occupied penthouse, one 15’ elevator overrun and one 9’ overrun and stair tower.  <u>Annex</u> : 47’2” to roof, 48’2” to parapet plus 8’4” mech. penthouse	+27 ft. and 27’ 2”, plus penthouses	None
<b>FAR</b> <i>G § 402</i>	n/a 1.8 FAR-equivalent, res.	3.0 total w/IZ (1.5 non-res.)	2.87 total (0.38 non-res.)	+1.07 total (+0.38 non-res)	None

38,476-38,485 SF site	Existing Zone R-3	Proposed Zone MU-4- PUD w/IZ:	Proposal	Difference from R-3 By-Right	Flexibility w/in Requested MU-4 Zone
<b>IZ Units</b> (Greater of 8% of max. net residential sf or 75% of bonus density  <i>C, Chap.10</i>	No requirement	The greater of 8% of residential GFA or 50% of achievable bonus density	5,304 Net SF	Equivalent of 6 IZ units	None
<b>Lot Occupancy</b>  <i>G § 404</i>	60%	75% (res. w/ IZ)	79% at ground level 71% at levels 2 & 3 66% at level 4	+ 1p %	<b>4% relief requested</b>
<b>Rear Yard</b>  <i>G § 405.2</i>	20 ft.	15 ft.	(Exhibit 21/1, Sheet 1.2) Main Bldg. 25'5"  <b>Annex: 8'4"</b>	Main building + 8'  <b>Annex: - 13'8"</b>	Main bldg.: None; <b>Annex: 6'8"</b> <b>flexibility requested</b>
<b>Side Yard</b>  <i>G § 406.1</i>	None required for attached house. 5' required for detached bldg.	None required. If provided >2"/ft. of ht. or 5 ft. i.e., Main: 8'2" Annex: 8'4"	(Exhibit 21/1Sheet 1.2)  Main Bldg. none Annex: none	same	none
<b>Closed Courtyards</b> Dimensions and area  <i>G § 202.1</i>	If provided, greater of 4" per ft. of ht. or 6 ft. for single-family dwellings; 20 ft. for all other structures.	If provided, greater of 4"/ft. of height or 15 and 350 SF or 2x min. width squared; i.e. Ct. 1: 16' wide and 512 SF; Ct. 2: 15' and 350 SF	<b>Ct. 1: 52' x 5'1" &amp; 264 SF</b>  Ct. 2: 47'11" x 54'11" & 2631 SF	- 16' 11" ft. from R-3  + 27'11" from R-3.	<b>10' 11" of width and 248 SF of relief requested</b>  None

38,476-38,485 SF site	Existing Zone R-3	Proposed Zone MU-4- PUD w/IZ:	Proposal	Difference from R-3 By-Right	Flexibility w/in Requested MU-4 Zone
<b>Penthouse</b> <i>C §1500</i>	10', 1 story for structures other than single family house; 1:1 setback	FAR: ≤ 0.4 Ht.: 12'/1 story 18'6", inclusive of 2 <sup>nd</sup> story mechanical Setback: 1:1	<u>Main</u> : 11' for habitable; 15' for south elevator overrides and solar panels; 9' for north elevator override and stairs.  <u>Annex</u> : 8'4" mech.  All Setback: 1:1	+ 1' to +5' plus habitable space"	<i>Relief requested from C § 1500.6 for additional roof structure that contains an elevator overrun as well as a stairwell and from C § 1500.9 for more than 2 heights for penthouse</i>
<b>Parking</b> <i>C § 701.5</i>	None if 10' alley not dedicated .C §702.3	<b>Total: 31</b> Office: 0.5/1K sf > 3K sf =6; Arts: 1/1K sf > 3K sf =16 spaces: Res.: 1/3DU > 4DU = 32 Total = 54 BUT w/ .C §702.1 (Metro reduction) = 27	Total: 55 spaces 40 compliant on-site 15 off-site at unspecified location	Greater than required	None
<b>Bicycle Parking</b> <i>C § 802</i>	None	<u>Total</u> : 56 8 short-term 48 long term	16 short term (not all locations specified) 67 long-term	+ 67	None
<b>Loading</b> <i>C §901</i>	<u>n/a</u> ;	1@ 30' (1) 20'serv. Space 100 sf platform;	1@ 30' (1) 20'serv. space 100 sf platform; shared per C § 901.8	n/a	None
<b>Green Area Ratio</b> <i>G § 407.1</i>	None (permeability requirement)	0.3 <i>G § 407</i>	0.31	n/a	None

**Requested Zoning Flexibility**

This is discussed below in Section VII. B.2.



## VII. PUD EVALUATION STANDARDS

### A. Balance Required Between Increased Zoning Entitlements and Project Amenities and Public Benefits

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.” (Subtitle 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.*

### B. Main Project Differences from By-Right Development

#### 1. PUD-Related Amendment

The principal entitlement and relief is the requested PUD-related map amendment, which would permit the project to be other than rowhouses and would permit non-residential uses.

Standard	R-3	MU-4 PUD Proposal	Increases Over M-O-R
Uses	Residential and certain institutional uses.  Approximately 12 to 15 rowhouses	Total of 100 Residential units, of which 64 would be condominiums and 36 would be reserved for STC actors or fellows.  Cultural offices and support space	~ 49 to 52 more residential units, including 6 more IZ units than required for rowhouse development.  18 residential units for STC actors and 18 SRO units for STC fellows.

			Permits uses that are neither residential nor institutional.
<b>Height &amp; stories</b>	40 ft./3 stories	47 ft. 4 stories, main; 47'2", 5 stories, annex	7 feet; 1-2 stories
<b>FAR</b>	1.8 equivalent 62,057 sq.ft.	2.87 104.660 sq.ft.	1.07 FAR 42,603 sq.ft.
<b>Affordable Housing</b>	1 presumably 3 - 4 bedroom rowhouse at 80% MFI	(7) 1 and 2-bedroom units @ 40% MFI	6 IZ units, but of smaller size than by-right
<b>Parking</b>	Approx. 12	54	42

The project would not exceed the height or density of a by-right MU-4 development.

## 2. Zoning Relief / Flexibility Under PUD Guidelines

In addition to the PUD-related map amendment, the Applicant requests the following flexibility:

- Lot Occupancy: [(G § 404): 75% permitted; 79% requested];
- Rear Yard: [(G § 405): 15 feet required; 8'4" requested]
- Courtyard Dimensions and Area: [(G § 202.1) 15' and 350 SF required; 5'1" and 264 SF requested]
- Penthouse: [(C § 1500.6): 2<sup>nd</sup> roof structure limited to stairwell enclosure; stairwell enclosure and elevator overrun requested]
- Penthouse: [(C § 1500.9) no more than 2 penthouse heights permitted; 3 heights requested between two penthouses]

Lot Occupancy: To respond to neighborhood concerns by reducing building height, setting back the fourth floor of the main building, eliminating the majority of the formerly-proposed occupied penthouse space and decreasing the length of the Annex building, the applicant has increased the building's footprint, increasing the lot occupancy by 4% over what was formerly proposed and what would be permitted by-right in the MU-4 zone. OP has no objection to the requested relief, given the reduction in impact the relief would enable.

Rear Yard: The Applicant requests flexibility from the rear yard requirements of G § 405 for the Annex building. A 15-foot yard is required. An 8-foot, 4-inch rear yard would be provided.

In response to OP's request at setdown, the Applicant has reduced the length of the annex to decrease the potential impact on the living rooms and balconies of 3 units in the apartment building to the north. The applicant has also pulled the annex 8'4" back from the property line separating the annex and the apartment building. There would now be approximately 15 feet between the two buildings, which, given the placement of windows and balconies in the apartment building and the reduction of the Annex's length should be adequate to provide adequate light, air and privacy for the apartment building's units.

Closed Court Dimensions and Area: The revised application omits the previous relief request for a side yard that did not meet dimensional standards and includes a new request for dimensional and area relief for the closed court that occupies the central part of the building's eastern side, above the first floor. OP has no objection to the requested relief. The inclusion of the court would reduce any shadowing on the school grounds to the east.

Penthouse Number and Height: To minimize the size and visibility of the penthouse, the applicant requests permission to construct two penthouses with, between them, three different heights. The penthouse on the south side would include a fifteen-foot height for the elevator override and would reduce the height of the occupied space to 11 feet to accommodate solar panels without exceeding 15 feet to the top of the panels. Having two penthouses is permitted, provided the second penthouse contains only a stairway. The applicant has requested relief from C § 1500.6 to accommodate the second elevator bank needed to keep the STC and the residential elevators separated. The applicant has also requested relief from C § 1500.9 to provide for a 15' high elevator overrun but has reduced the height of the occupied communal space to 11 feet in order to install solar panels atop it while keeping the total height with the panels to 15 feet. OP has no objection to either request.

### **C. Transportation, Parking and Loading**

The Applicant provided the District Department of Transportation (DDOT) with a Comprehensive Transportation Review on December 8, 2018. Since then the applicant has continued to work with DDOT, the ANC and community members to:

- Refine the loading arrangements to reduce backing and turning movements for the most frequent delivery vehicles, thereby also reducing the warning noises from backing-up vehicles;
- Commit to having waste pickup only twice a week
- Construct 8 bulb-outs on 6<sup>th</sup> Street to improve pedestrian safety and help reduce the speed of vehicles;
- Prohibit the issuance of residential parking permits to unit owners or renters;
- Provide for restrictions on I Street that would permit loading during the day. Proposed restrictions on nighttime and weekend use are still being refined.

### **D. Environmental Stewardship**

The project would be LEED-Gold certifiable and would include 830 square feet of solar panels and 13,500 square feet of green roof.

### **E. Architecture and Urban Design**

Since setdown the applicant has responded to concerns expressed by OP and the neighborhood by modifying the design significantly. While it remains modernist, it now includes contextual elements traditional to the nearby rowhouses. The 6<sup>th</sup> Street façade is masonry with punched window openings and decorative wood accents. The materials, pattern of the fenestration, rhythm of projecting bays and entrances to individual units, with what appear to be front yards, reflects but updates the rowhouse traditions of the rest of the street. The south face, on I Street, overlooking the duck pond contains

horizontal bands of glass that curve outward from east to west. The two facades are joined by a tower element at the corner, which is predominately masonry to the north and glass on the corner and I Street. On the annex, there is less glazing than on the main building and it is concentrated on the south side. On the north side, where the Annex faces an apartment building, most of the façade is solid pre-cast panels with a limited number of narrow vertical window openings.

The principal open space would be private. There would be a residential terrace atop the first floor of the main building and a communal roof terrace adjacent to I Street. There would also be relatively formal perimeter landscaping in the public space on I Street punctuated by Shakespeare-related artwork glass panels. If permitted by the Public Space Committee, the landscaping on the 6<sup>th</sup> Street side would replicate the public space treatment of the rest of 6<sup>th</sup> Street between G and I, where street trees are located inboard from the public sidewalk, rather than between the sidewalk and the curb. Compared to typical developments in the near Southwest there would be relatively little green space within the property line, other than the green roofs.

### F. Affordable Housing

The project would reserve 5,405 square feet<sup>3</sup> for 7 IZ condominium units reserved for households earning no more than 80% of the MFI. Given that the construction would be steel and concrete frame and that the units would be for-sale, the greater of 8% of the GFA of the residential units or 50% of the bonus density would be required for the IZ set-aside. That would be the equivalent of 6 IZ units. The 7<sup>th</sup> proposed IZ unit would be one more unit of affordable housing than the minimum IZ-required set-aside. Three of the units would have two-bedrooms. There would be no studio apartments. The figures in the following table are based on information supplied to OP on March 13, 2019.

**Table 2. Inclusionary Zoning**

Residential Unit Type	Res. GFA	Units	Income Type	Affordable Control Period	Affordable Unit Type
<b>Residential Total</b>	<b>90,800 GSF</b>	<b>100</b>			
Unrestricted Market Rate	84,685 GSF	57			
<b>IZ Required at 8% of Residential GFA</b>	<b>5,405 net SF</b>	<b>7</b>			Rental
IZ Required and Provided @ 50% of Bonus Res. Density	5,339 GSF	7	Moderate @ 60% MFI	Project duration	
Habitable Penthouse-Related IZ	N/A	0	Low @ 50% MFI	Project duration	
<b>IZ Total Provided</b>	<b>6,115 GSF</b>	<b>7</b>	Moderate	Project duration	

<sup>3</sup> In the revised Sheet 1.3 supplied to OP on March 13, 2019 the applicant has based this on the following: 90,800 SF residential inclusive of STC units, plus public space projections, minus the STC SRO units = 85,837 SF. 8% of that = 6,831 SF, to which it has applied a 20.88% core factor. The result is 5,405 met square feet.

The Applicant has included the 18 units of STC actor housing within the base on which the IZ square footage requirement is calculated, but has excluded the 18 SRO STC Fellows units, for which there is not an IZ requirement. The applicant is not counting any of the actor housing as an IZ unit, or proffering it as other affordable housing.

OP strongly encouraged the Applicant to enhance its commitment to the total number of IZ units, beyond its currently-proposed fulfilment of the minimum IZ requirement.

**G. PUD Benefits, Amenities and Proffers**

The PUD process is “designed to encourage high quality developments that provide public benefits” and provides for a flexible process to help achieve this. The public benefits and project amenities the Applicant describes have been augmented since setdown and now, given the changes to project design since setdown based on discussions with ANC 6D and UNSW, the benefits of the project appear to be commensurate with the additional density the PUD is requesting through the related map amendment and with the requested zoning flexibility.

Subtitle X § 305.2 states:

*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.*

Many of the stated benefits are difficult, if not impossible for the city to administer and enforce; While they represent good neighbor activities, they may be more appropriately considered as part of an agreement with the ANC.

<b>TABLE 3: ITEM</b>	<b>MITIGATION</b>	<b>PUBLIC BENEFIT</b>	<b>PROJECT AMENITY</b>	<b>REQUIRED</b>	<b>PROFFER</b>	<b>DISCUSSION</b>
<b>Physical Features</b>						
<b>Urban Design, Architecture, Landscaping Open Space, Streetscape</b>	No	No	No	Yes	No	The design has been changed significantly since setdown. The project has been re-oriented to place the courtyard on the east side and to emphasize a townhouse-like façade along 6 <sup>th</sup> Street, with bays, individual doors on the street, a masonry façade with punched openings and a

<p><b>TABLE 3: ITEM</b></p>	<p><b>MITIGATION</b></p>	<p><b>PUBLIC BENEFIT</b></p>	<p><b>PROJECT AMENITY</b></p>	<p><b>REQUIRED</b></p>	<p><b>PROFFER</b></p>	<p><b>DISCUSSION</b></p>
						<p>stepping back of the 4<sup>th</sup> floor at a 1:1 ratio.                      The Annex has also been re-sized to provide more separation, from the apartments to the north.</p>
<p><b>More housing than achievable under matter of right</b></p>	<p>No</p>	<p>Yes,</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>Addresses District priority</p>
<p><b>Larger-than typical units</b></p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP does not recommend this be included in the list of public benefits; While housing is a benefit, the project would provide 1 and 2 bedrooms and an SRO facility for actors; larger units would likely be achieved in by-right rowhouse scenario.</p>
<p><b>Affordable Housing</b></p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>6 re-quired</p>	<p>Yes. 1 unit.</p>	<p>The post-setdown project would include 7 for-sale IZ units at 80% AMI (previously the building was anticipated to be rental thus the MFI was 60%).   <b>OP strongly encourages the applicant to consider proffering additional IZ, a lower MFI for one of the two-bedroom IZ units and/or increasing the number of bedrooms to 3 in at least one IZ unit.</b></p>
<p><b>Environmental Benefits: Sustainable Design Features including 830 SF Solar panels; 13,500 SF green roof; 2 electric car charging stations; and LEED Gold Certification</b></p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>Partial-ly</p>	<p>Mainly</p>	<p>Green Roof Likely Required to Meet GAR and Stormwater Requirement</p>

<p><b>TABLE 3: ITEM</b></p>	<p><b>MITIGATION</b></p>	<p><b>PUBLIC BENEFIT</b></p>	<p><b>PROJECT AMENITY</b></p>	<p><b>REQUIRED</b></p>	<p><b>PROFFER</b></p>	<p><b>DISCUSSION</b></p>
<p><b>Shakespeare-related art panels on building walls and in streetscape on I St. to strengthen I Street cultural corridor.</b></p>	<p>No</p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>	<p>Yes</p>	
<p><b>Special Arts-Related Uses in Building:</b> rehearsal, production and office space for STC; housing for STC actors and fellows, who will participate in publicly accessible cultural education programs</p>	<p>No</p>	<p>Partial ly</p>	<p>No</p>	<p>No</p>	<p>No</p>	<p>While inherent in building program, aspects are also of benefit to public</p>
<p><b>8 Pedestrian and Vehicular Safety “Bump-outs”</b></p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>8 bump-outs on 6<sup>th</sup> Street, noted as benefits because requested by neighborhood, not required as mitigation by DDOT.</p>
<p><b>Monetary or In-Kind Benefits of Special Value to the Neighborhood</b></p>						<p><i>Unless otherwise noted <u>all STC benefits begin</u> with the latest of the issuance of the final order, the expiration of appeals periods, or the final resolution of appeals.</i></p> <p><i>Annually repetitive <u>proffers will continue</u> for at least 20 years.</i></p> <p><i><b>If in bold, <u>additional information</u> required.</b></i></p>
<p>Annually, provide at least 30 tickets to each of two <u>STC productions</u>, plus transportation and post-show discussions for member of <u>SW Waterfront Village</u></p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP acknowledges that this is a good neighbor gesture but does not recommend it be included as a public benefit as contemplated by section X-305.2; there is difficulty in selection and enforcement.</p>
<p>Annually, provide 66% discounted-price tickets to one performance of each of at least 6 <u>STC productions</u> for “<u>Southwest Neighbors</u>”</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>Applicant has clarified that all residents of SW Quadrant would be eligible as a “southwest neighbor”  <b>Clarify whether there is a limit on number of tickets</b></p>

<p><b>TABLE 3: ITEM</b></p>	<p><b>MITIGATION</b></p>	<p><b>PUBLIC BENEFIT</b></p>	<p><b>PROJECT AMENITY</b></p>	<p><b>REQUIRED</b></p>	<p><b>PROFFER</b></p>	<p><b>DISCUSSION</b></p>
<p>Annually, provide an annual monetary contribution of \$2,500 to the SW ArtsFest for a minimum period of 5 years. If the SW ArtsFest is not held, the contribution shall be reallocated to the Southwest Business Improvement District (SW BID) for improvements to or programming at the Greater Duck Pond/Arts Walk.</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP acknowledges that this is a good neighbor gesture but does not recommend it be included as a public benefit; OP notes it directly contradicts X-305.3 (d): <i>Monetary contributions 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.</i></p>
<p>Annually, an STC representative will serve on the <u>Duck Pond Advisory Group</u> and, based on the direction of the Advisory Group, STC shall assist and participate in <u>programming of arts events at the Duck Pond.</u></p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP cannot conclude that this rises to the level of a public benefit as contemplated by section X-305.2</p>
<p>For at least 4 years, STC will <u>advertise in the Southwester newspaper</u> with at least 4 one-half page advertisements per year (or the equivalent thereof).</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP cannot conclude that this rises to the level of a public benefit as contemplated by section X-305.2</p>
<p><i>(Begins with PUD's certificate of occupancy).</i>                      When such spaces are not in use by STC, STC shall make available as <u>community meeting space</u>, certain assembly spaces and/or available conference rooms, education space, or rehearsal space in the Proposed Development to organizations of the Southwest community during reasonable weekday evening and weekend</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>-----</p>



<p><b>TABLE 3: ITEM</b></p>	<p><b>MITIGATION</b></p>	<p><b>PUBLIC BENEFIT</b></p>	<p><b>PROJECT AMENITY</b></p>	<p><b>REQUIRED</b></p>	<p><b>PROFFER</b></p>	<p><b>DISCUSSION</b></p>
<p>daytime hours for community meetings with no room rental charges, provided STC staff is available to open and close the space during the requested meeting time.</p>						
<p><i>(Begins with PUD’s certificate of occupancy)</i>                      Annually, provide an <u>Open House</u> at the Proposed Development for the Southwest community (including evening tours of the costume shop and rehearsal spaces, with activities for families).</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP acknowledges that this is a good neighbor gesture but does not recommend it be included as a public benefit as contemplated by section X-305.2; there is difficulty in selection and enforcement.</p>
<p>Annually, provide 2 free STC <u>youth-oriented touring company performances</u> for Amidon-Bowen School and for Jefferson Academy Middle School</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>-----</p>
<p>Annually, <u>free tour for students and faculty</u> at Amidon-Bowen and Jefferson Middle, of STC professional theaters and offices</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP acknowledges that this is a good neighbor gesture but does not recommend it be included as a public benefit as contemplated by section X-305.2; there is difficulty in selection and enforcement.</p>
<p>Provide Jefferson Academy Middle School with “<u>District Shakespeare</u>” events and activities, including up to 100 tickets for one performance annually, transportation, pre-show workshops, and professional development for teachers</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>This would be an extension to Jefferson Middle of an established program for public high schools. <b>Details of professional development proffer needed.</b></p>
<p>Annually, <u>4 gift certificates per year for PTAs</u> at Amidon Bowen and Jefferson Academy for tickets, Camp Shakespeare, or Master Acting Classes</p>	<p>No</p>	<p>Yes</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>OP acknowledges that this is a good neighbor gesture but does not recommend it be included as a public benefit as contemplated by section</p>

<b>TABLE 3: ITEM</b>	<b>MITIGATION</b>	<b>PUBLIC BENEFIT</b>	<b>PROJECT AMENITY</b>	<b>REQUIRED</b>	<b>PROFFER</b>	<b>DISCUSSION</b>
						X-305.2; there is difficulty in selection and enforcement.
Annually, priority tkts.to “Teacher Appreciation Night” for Amidon-Bower and Jefferson Academy teachers.	No	Yes	No	No	Yes	<b>Clarify “priority tickets”</b>
Annually, 200 total free tickets for Ward 6 residents to <u>Ward 6 night free for all</u>	No	Yes	No	No	Yes	OP acknowledges that this is a good neighbor gesture but does not recommend it be included as a public benefit as contemplated by section X-305.2; there is difficulty in selection and enforcement.
Annually, free tickets to one or two <u>“Academy of Classical Acting Night”</u> for ANC 6D residents	No	Yes	No	No	Yes	<b>Clarify whether for ANC6D or for all Southwest Ward</b>
Annually, 10 total <u>discounted Scholarships</u> for Shakespeare Camp and Discounts for Master Acting Classes for residents of SW Ward	No	Yes	No	No	Yes	OP acknowledges that this is a good neighbor gesture but does not recommend it be included as a public benefit as contemplated by section X-305.2; there is difficulty in selection and enforcement.

In addition to the above, OP has encouraged the Applicant to work with the District’s Department of Small and Local Business Development or Department of Employment Services on possible training and employment opportunities and, as noted, to increase its affordable housing proffer.

## VIII. MATTERS REQUIRING ADDITIONAL CLARIFICATION

It is typical that some issues require additional resolution or detail prior to a public hearing. The following information is needed:

- The proposed distance from the PUD site where the proffered 15 off-site parking spaces would be located;
- Presentation of a final plan for parking, loading and drop-off on the north side of the 400 block of I Street, SW, subject to DDOT approval;
- A response to the recommendation to provide training/employment opportunities for Southwest residents;
- A final version of any commitments that may be entered into with the ANC or other groups, if those proffers or mitigation measures are to be considered by the Commission;
- A revised public benefits and proffers list that would be included as Conditions of an Order of Approval.

## IX. OTHER DISTRICT AGENCY COMMENTS

OP convened an interagency review meeting on December 17, 2018. The agencies below were invited:

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);

DC Water

WMATA

Fire and Emergency Medical Services  
Department (FEMS)

Metropolitan Police Department (MPD)

DHCD, DPW, DPR and DOEE attended. DHCD expressed a desire for more or deeper affordability for the affordable housing proffer, especially given the lower affordability of for-sale units

In written comments, DOEE found the commitment to LEED Gold certification to be positive.

DDOT has had extensive meetings with the applicant and will be submitting its comments in a separate report.

## **X. ANC AND COMMUNITY COMMENTS**

At the time OP completed this report, the filed exhibits indicated that ANC 6D (Exhibit 11 remained opposed to the application. However, the ANC voted 5-1-1 on March 11, 2019 to support the application, with conditions. OP anticipates that report's being filed.

When this report was completed, United Neighbors of Southwest (Exhibits 16 – 16G and 21 – 21C) remained opposed to the application and has been granted Party status in opposition. It was then OP's understanding that the Applicant and UNSW had drafted an MOU concerning the project, on which the Applicant had based many of its recent additional proffers and its design of public space on 6<sup>th</sup> Street.

The file also included other statements of support or opposition that had been filed prior to setdown. (Exhibit 10, 12 and 13).

It was also OP's understanding that, as of March 13, 2019 discussions were ongoing between the ANC, UNSW and the Amidon-Bowen PTA to explore the resolution of outstanding issues concerning the use of public space on I Street.

JLS/slc

Stephen Cochran, project manager

## **ATTACHMENTS**

- I. Comprehensive Plan - The Family of Plans
- II. Comprehensive Plan - The Three "Tiers" of Planning
- III. Comprehensive Plan - Guidelines for Using the Maps

## **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*