

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission

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

**DATE:** June 1, 2018

**SUBJECT:** Preliminary Report on Zoning Commission Case No. 18-03, Consolidated Planned Unit Development and Related Map Amendment for Dancing Crab Properties (a.k.a. Tenley Town Apartments) Square 1769, Lot 1 and 2

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## **RECOMMENDATION**

The Office of Planning (OP) recommends that the Commission set down the application by Dancing Crab Properties LLC (the applicant) for a consolidated PUD with a PUD-related map amendment from MU-4 to MU-5-B, to construct a seven-story, 79' 4" 5.04 FAR, apartment building. This building, which would have 41 units and 34,535 sq. ft. of commercial space for restaurant use would replace the Tenley Bar and Grill restaurant and the now closed Dancing Crab restaurant.

## **AREA DESCRIPTION**

**Address:** 4611-4615 41<sup>st</sup> Street, NW; Square 1769, Lot 1&2

**Ward, ANC** Ward 3; ANC 3E

**Comprehensive Plan Area:** Rock Creek West Area Element

## **General Context:**

The site is along the Wisconsin Avenue NW and 41<sup>st</sup> Street NW intersection and within a close walk of Tenleytown Metro Station. The site is also near bikeshare station and multiple carshare spaces. The site is within the mixed-use retail district surrounding the metro station and is surrounded by a variety of restaurants and stores and as well as schools. Woodrow Wilson High School is to the west of the site and Deal Middle School is further to the east of the site. Fort Reno Park and Tenley Friendship Neighborhood Library are also within a short walk of the site.

Across from the site on Wisconsin Avenue NW are two other approved PUD's similar in height to the proposal. PUD case 10-23, is a built seven-story mixed use building and PUD 16-26 is an approved but currently unbuilt eight story mixed-use building.

## I. SITE DESCRIPTION

**Property Size:** 6,855 sq. ft.

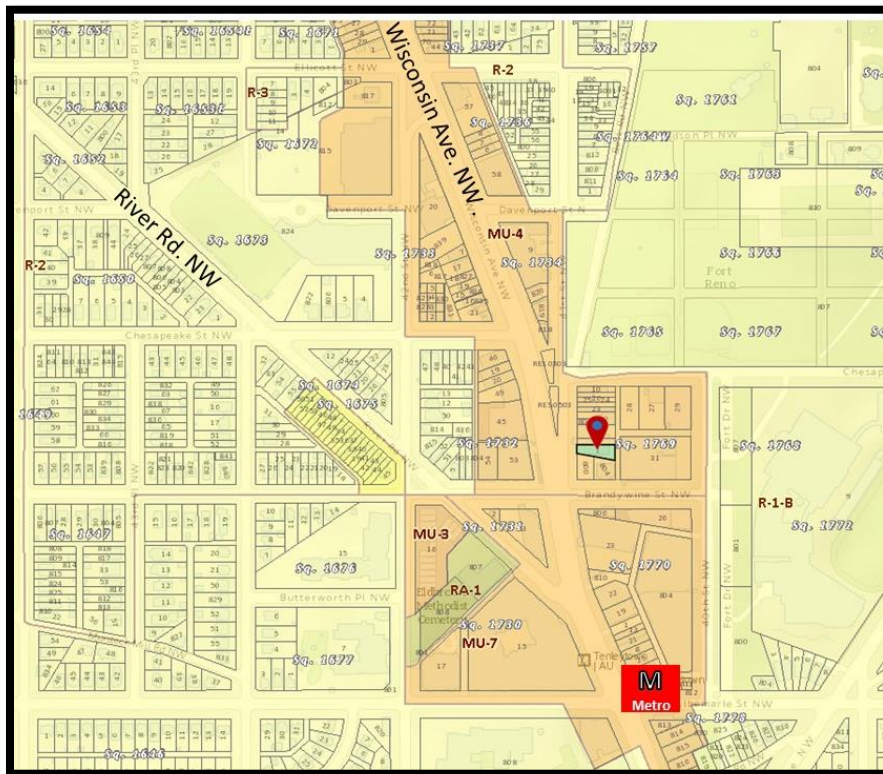
**Current Zoning:** MU-4

### Site Characteristics:

The site is bounded by 41 Street to the west, a four-story commercial building to the north, a public alley to the east, and a parking lot to the south.

### Existing Use of Property:

Two commercial buildings: The existing Tenleytown Bar and Grill and the closed Dancing Crab Restaurant.



*Figure 1. Site Location and Nearby Development*

## II. PROJECT DESCRIPTION

**Applicant:** Dancing Crab Properties, LLC

**Proposed Zoning:** MU-5-B

### Proposed Use of Property:

Mixed use residential with ground floor retail and rooftop penthouse restaurant and lounge.

	<b>Proposal</b>
<b>Building Height (ft.)</b>	79'4 inches to top of parapet
<b>FAR:</b>	Residential 3.04 Non-Residential: 2.0 Total: 5.04
<b>Residential Units</b>	41
<b>Retail and Service Uses</b>	+/- 4,971 sq.ft.

The proposed development would replace two two-story commercial buildings with a seven-story mixed use building. The building would primarily be residential with retail and service uses on the ground floor and in the penthouse. It would contain three IZ units; two of the units would be 2-bedroom at 60% median family income level and one 1-bedroom unit at 50% median family level.

The site would be easily accessible on foot, bicycle, or vehicle. The site is a four minute walk away from Tenleytown metro station and the primary residential and retail entrance would be on 41<sup>st</sup> Street NW. The building’s cellar would house long term bicycle parking spaces as well as five vehicle spaces. Four exterior vehicle spaces would be outside in the rear of the building. Two vehicle spaces would be dedicated for car share use and available to the public and two other spaces would be contain EV charging stations. Though not required loading would be provided at the rear of the site<sup>1</sup>.

The building’s design would blend in with the surrounding architecture along 41<sup>st</sup> Street NW and Wisconsin Avenue NW. The building would contain limestone, which is also found on other nearby buildings. The building’s expansive storefront windows and glass door would contribute to the streetscape environment. The penthouse would also have floor to ceiling glazing along much of the south and west walls to provide panoramic views of the city from the inside. The building would have two penthouse level rooftop lounges. A small roofdeck would be located besides a smaller room on the south east corner and a larger main roof deck by the courtyard.

### III. PLANNING CONTEXT

As described in its Introduction, 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) including:

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

The Generalized Future Land Use and Generalized Policy Maps are integral with the written elements.

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<sup>1</sup> There is no loading requirement for residential uses with less than 50 units and retail/service uses less than 20,000 square feet.

## 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), 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 medium density residential use and moderate density commercial uses.

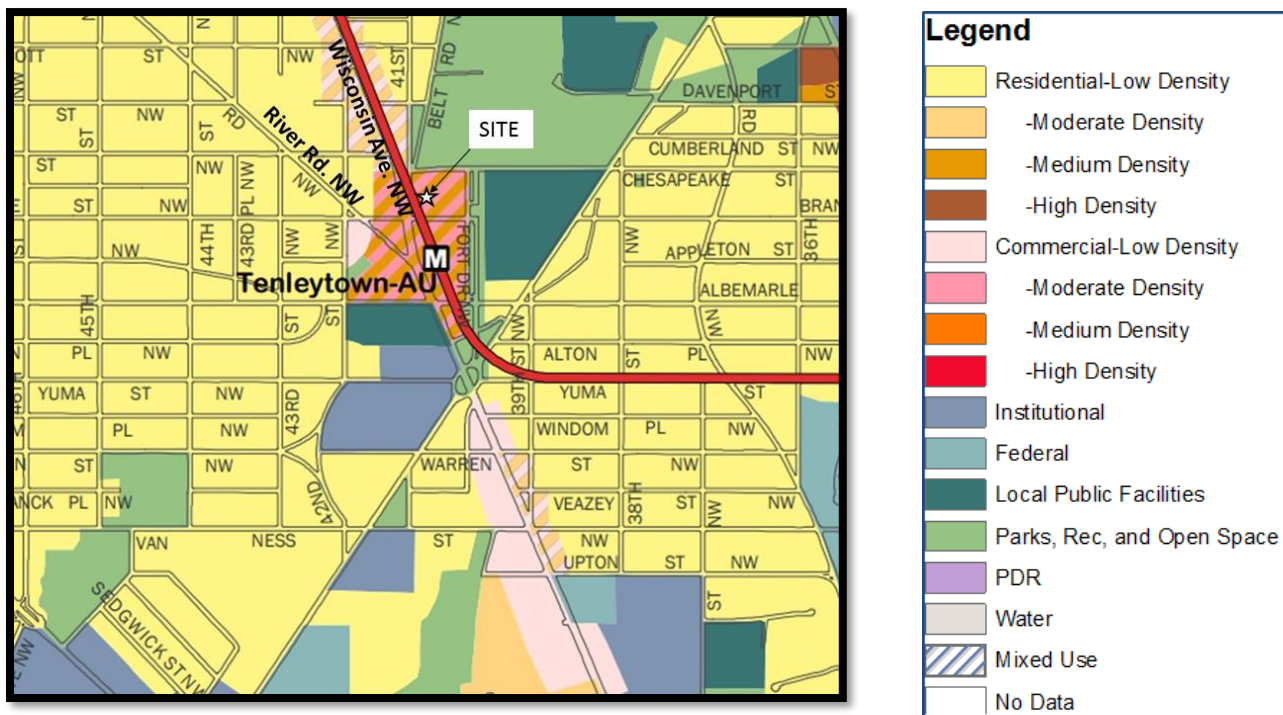


Figure 2. Comprehensive Plan Generalized Future Land Use Map

**Medium Density Residential Category:** This category defines neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. This designation also may apply to taller residential buildings surrounded by large areas of permanent open space.

**Moderate Density Commercial:** This category is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. Retail, office and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that

*draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height.*

***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 seven-story, 79'4 mixed use building has a 5.04 FAR, 0.36 of which is commercial FAR, and is not inconsistent with what is considered medium density residential and well within the limits of what is considered moderate density commercial development.

### **Generalized Policy Map**

The Generalized Policy Map designates the site as a Main Street Mixed Use Corridor area where conservation and enhancement of traditional commercial areas is encouraged. The proposed development of the site is not inconsistent with that designation.

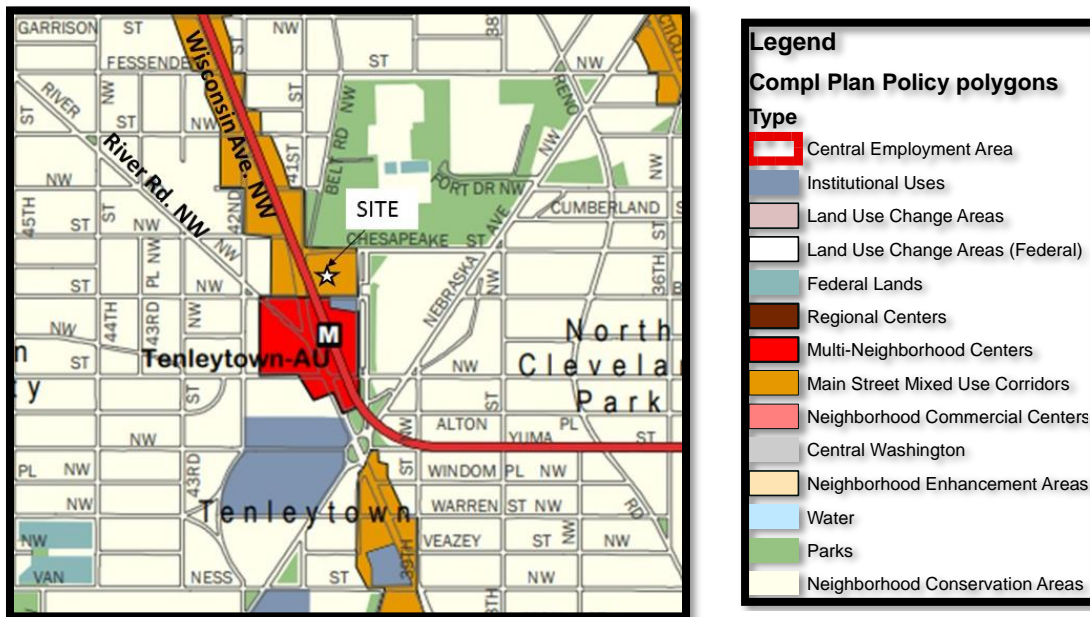


Figure 3. Comprehensive Plan Generalized Policy Map

**Main Street Mixed Use Corridors Category:**

*These are traditional commercial business corridors with a concentration of older storefronts along the street. The service area for Main Streets can vary from one neighborhood... to multiple neighborhoods. Their common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.*

The proposed development would enhance the area by replacing a vacant commercial building with a residential building with ground floor commercial with a storefront along Wisconsin Avenue NW. The project would enhance the pedestrian and transit-oriented environment by widening the sidewalk, adding bicycle and carshare spaces near the metro station, and by improving the streetscape.

**B. COMPREHENSIVE PLAN AREA ELEMENTS**

**Rock Creek West Area Elements of the Comprehensive Plan**

The proposed development is in the northwest quadrant of the city and in the Rock Creek West Area Element of the Comprehensive Plan. This element establishes policies for the 13 square miles between Rock Creek on the east, Maryland on the north/west, and the Potomac River and Whitehaven Parkway on the south. The proposed development would particularly further the following policy objectives of the Rock Creek West Area Element:

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

*Support and sustain local retail uses and small businesses in the area's neighborhood commercial*

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

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

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

***Policy RCW-1.1.6: Metro Station Areas***

*Recognize the importance of the area's five Metrorail stations to the land use pattern and transportation network of Northwest Washington and the entire District of Columbia. Each station should be treated as a unique place and an integral part of the neighborhood around it. The development of large office buildings at the area's metro stations should be discouraged. The preference is to use available and underutilized sites for housing and retail uses in a manner consistent with the Future Land Use Map, the Generalized [Policy] Map, and the policies of the Comprehensive Plan. Careful transitions from development along the avenues to nearby low-scale neighborhoods must be provided. 2308.7*

***Policy RCW-2.2.1: Housing Opportunities***

*Recognize the opportunity for additional housing with some retail and limited office space on the east side of Wisconsin Avenue between Albemarle and Brandywine Streets, on the Lord and Taylor parking lot, on the Metro (WMATA) bus garage site west of the Friendship Heights metro station and on underutilized commercially zoned sites on Wisconsin Avenue. Any development in these areas should be compatible with the existing residential neighborhoods. 2312.8*

***Policy RCW-2.2.2: Tenleytown Metrorail Station Area***

*Stimulate a well-planned economic activity center at the Tenleytown Metrorail station area, generally defined as the area bounded by Albemarle, Brandwyne, Fort Drive, and 42<sup>nd</sup> Street. This center should:*

- a. Utilize the public transit infrastructure and maximize Metrorail access;*
- b. Enable merchants to upgrade existing businesses, attract new customers and new business establishments, and give residents needed services;*
- c. Provide for the development of new housing;*
- d. Protect and preserve existing low-density residences in the vicinity, and the surrounding institutions and local public facilities from the adverse effects of development; and*
- e. Maintain heights and densities at appropriate levels, with architectural design that is sensitive to the area's topography relative to the District. 2312.9*

The proposed development would be in keeping with these policies. It would help conserve the existing neighborhood's commercial center by adding multifamily housing and commercial uses along Wisconsin Avenue. It would improve the Tenleytown metro area by utilizing an underutilized site within walking distance of the metro. Reusing the existing site for housing and commercial development would also fulfill the Area Element's guidance for appropriate land uses for infill

development in this area. The project would also include streetscaping improvements and bike and carshare spaces, which would further support and encourage the use of public transportation infrastructure in the area. The proposed development's mixed residential and commercial uses and its streetscape improvements would help to conserve the transit-oriented character of the neighborhood, as intended by this Area Element.

### **Citywide Elements of the Comprehensive Plan**

The proposed development would not be 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.*

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

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

##### ***Policy LU-2.1.1: Variety of Neighborhood Types***

*Maintain a variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future.*

##### ***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-2.2.4: 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*

The proposed development would improve the surrounding neighborhood by redeveloping an underutilized site near the metro station. The proposal would help maintain this medium density mixed use residential neighborhood by adding more multifamily residential units along the corridor. It would also improve the area by making streetscaping improvements and building an attractive building near the Tenleytown metro station.



## 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.*

***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

***Policy T-2.3.1: Better Integration of Bicycle and Pedestrian Planning:*** Integrate bicycle and pedestrian planning and safety considerations more fully into the planning and design of District roads, transit facilities, public buildings, and parks. 409.8

***Policy T-2.4.1: Pedestrian Network:*** Develop, maintain, and improve pedestrian facilities. Improve the city's sidewalk system to form a network that links residents across the city. 410.5

The proposed PUD would be transit-oriented and include improvements to support the transit, bicycle, and pedestrian environment. As noted earlier in the report, the site is within a five-minute walk of the Tenleytown-American University Metro Station. It is also located along various Metrobus routes. The project contributes to the transit environment by providing EV and car shar spaces, bicycle spaces, and making sidewalk and streetscape improvements near metro.

## 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.*

***Policy H-1.1.1: Private Sector Support:*** Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2

***Policy H-1.1.3: Balanced Growth:*** Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing. 503.4

***Policy H-1.1.4: Mixed Use Development:*** Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5

***Policy H-1.1.5: 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

***Policy H-1.2.3: Mixed Income 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-1.3.1: 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

The proposed development would produce approximately 41 new residential units. Of these, 12% would meet IZ requirements. Two of the IZ units would be two-bedroom units and be reserved for up to 60% MFI, and one would be a one-bedroom unit for up to 50% MFI. The proposal would also promote mixed use development by also providing restaurant space on the ground floor and penthouse level.

## **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.*

***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-1.1.3: 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-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-2.2.4: 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

***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.

***Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff:*** Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 613.3

***Policy E-3.2.1: Support for Green Building:*** Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities. 614.2

The proposed development is designed to achieve LEED gold certification standards through new landscaping, stormwater management methods, and energy and water efficient systems. The project would comply with the Green Building Act, the District's stormwater management regulations, and with the Sustainable DC Plan. DOEE has indicated preliminary support of the proposal.

## **Chapter 9 Urban Design**

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

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

***Policy UD-2.2.1: Neighborhood Character and Identity:***

*Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6*

***Policy UD-2.2.7: Infill Development*** *Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.15*

***Policy UD-3.2.5: Reducing Crime Through Design*** *Ensure that the design of the built environment minimizes the potential for criminal activity. Examples of preventive measures include adequate lighting, maintaining clear lines of sight and visual access, and avoiding dead-end streets. 914.10*

The proposed development, a seven-story building, would be visually interesting architecture that would contribute to the Tenleytown neighborhood and the 41<sup>st</sup> Street NW streetscape. The façade is proposed to have metal clad bay windows, a steel and glass canopy over the main entry, and storefront glazing at the ground floor. The building's proposed limestone detailing and red brick would help it relate to the neighboring buildings across the street. The building would be designed to be in scale within the existing neighborhood context. The proposal's building and streetscape design should contribute to making the environment safer by including lighting improvements, clear lines of sight, and visual access

to the public spaces. Its residential and restaurant uses would also attract more people to the area throughout the day so it would add more “eyes and ears” on the street.

#### IV. ZONING ANALYSIS

The site is currently zoned MU-4; the applicant is requesting a PUD-related zoning map amendment to the MU-5-B zone, which is not inconsistent with the Comprehensive Plan. Below is a table comparing the existing and proposed zone to the proposal:

6,855 SF site	Existing Zone MU-4	Proposed Zone MU-5-B PUD:	Proposal	Difference from MOR	Flexibility
<b>Lot Area</b>	None	15,000 sq.ft	6,855 sq.ft.	N/A	<b>Requested</b>
<b>Height (ft.)</b>	50 ft.	90 ft.	79 ft. 4in.	29 ft. 4in.	None
<b>Maximum FAR (IZ)</b>	3.0	5.04	5.04	2.04	None
<b>Maximum Non-Resid.:</b>	1.5	2.01	0.357	- 1.143	None
<b>IZ Units</b>	10% residential sq.ft. (w/ 75% bonus density) = 2,746 sq.ft. IZ  <i>C §1003.1</i> (all residential building scenario)	8% of residential sq.ft. (w/50% bonus density) 2,441sq.ft. IZ  <i>C §1003.2</i>	8% of residential sq.ft. (w/50% bonus density) 3,661 sq.ft. IZ	915 net SF	None
<b>Lot Occupancy (IZ)</b> <i>G §407</i>	75 %	80 % <i>G § 404</i>	78 %	3 %	None
<b>Rear Yard</b> <i>G §405</i>	15’	15’	15’2”	n/a	None
<b>Side Yard</b> <i>G §406</i>	None required	None required	None provided	n/a	None
<b>Courtyards</b>  Width, Closed  Area, Closed	None required	<i>Greater of:</i> 4”/ft.ht or 15’= 17’8”;  2(req.width <sup>2</sup> ) or 350SF= 624 SF  <i>G § 202.1</i>	17’8”  9745 SF	n/a	None

6,855 SF site	Existing Zone MU-4	Proposed Zone MU-5-B PUD:	Proposal	Difference from MOR	Flexibility
<b>Penthouse</b> <i>C §1500</i> <i>G §403</i>	Height 12ft 15 ft. mechanical  Setback:1:1	Height 20 ft.  Setback:1:1	Height 11ft 15 ft. elevator overrun Setback:1:1	-1 ft	None
<b>Parking</b> <i>C § 701.5</i>	Res.: 1/3DU>4DU Retail: 1.33/1000SF> 3000SF and <i>Sub.C §702.1</i>  Res.: 6 Eat/ Drink:1  <b>Total: 7</b>	Res.: 1/3DU>4DU Retail: 1.33/1000SF> 3000SF and <i>Sub.C §702.1</i>  Res.: 6 Eat/Drink:1  <b>Total: 7</b>	Res.: 6 Eat and Drink:3  <b>Total: 9</b>	+2	None
<b>Bicycle Parking</b> <i>C § 802</i>	<u>Res.</u> 1 long /3DU = 14 1 short/20 DU = 2 <u>Eating/Drinking</u> 1 long/10,000 SF = 0 1 short/3,500 SF = 1 <u>Sub-Total</u> Long-term= 14 Short-term:3  <b>Total: 17</b>	<u>Res.</u> 1 long /3DU = 14 1 short/20 DU = 2 <u>Eating/Drinking</u> 1 long/10,000 SF = 0 1 short/3,500 SF = 1 <u>Sub-Total</u> Long-term= 14 Short-term:3  <b>Total: 17</b>	<u>Res.</u> long= 14 short = 4 <u>Eating/Drinking</u> long = 0 short = 4 <u>Sub-Total</u> Long-term= 14 Short-term:8  <b>Total: 22</b>	+ 5	None
<b>Loading</b> <i>C §901</i>	<u>Food &amp; Alcohol</u> : 5,000- 20,000 sq.ft.= 1 berth  None Required	<u>Food &amp; Alcohol</u> 5,000-20,000 sq.ft.= 1 berth  None Required	1 berth	+1 berth	None
<b>Green Area Ratio</b> <i>G § 407</i>	0.3	0.3	0.3	0	None

Under the requested PUD related-zoning the applicant has requested permission to construct a building at a higher height and density than is permitted as matter-of-right under MU-4 zoning. As the future land use map designates this area for medium density residential and moderate density commercial land use the proposal having MU-5-B level of development would be appropriate.

Subtitle G, § 400.3 states:

*The MU-4 zone is intended to permit moderate-density mixed-use development; 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 be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops.*

Subtitle G, § 400.4 states:

*The MU-5 zone is intended to permit medium-density, compact mixed-use development with an emphasis on residential use; and 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 be located on arterial streets, in uptown and regional centers, and at rapid transit stops.*

The proposal would be consistent with the intent of the MU-5 (MU-5-B) zone and not inconsistent with the medium density residential and moderate density commercial land use designation of the striped Future Land Use.

### **Requested Flexibility:**

The proposed PUD requests the following flexibility:

#### **1. Flexibility from the Minimum PUD Land Area Requirement**

The minimum land area for a PUD in the MU-5-B zone is 15,000 sq.ft but X § 301.3 allows the Zoning Commission to waive the minimum requirement to no less than 5,000 sq. ft. if the Commission finds after the public hearing that the project is of exceptional merit and is in the best interest of the District of Columbia or the country.

The PUD must also meet one of the criteria under X § 301.3. X § 301.3 (c) is applicable in this case:

*If the development is to be located outside the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.*

At 6,855 sq.ft. the proposed PUD exceeds the 5,000 sq.ft. minimum allowed for a waiver. The proposed site is outside of a Central Employment Area and 82% of the proposed gross floor area would be exclusively for dwelling units and accessory uses.

#### **2. Flexibility to Provide a Restaurant/Bar Use in the Penthouse**

According to C§ 1500.3(c) special exception is required for a restaurant and lounge use in the penthouse level of the building:

*A nightclub, bar, cocktail lounge, or restaurant use shall only be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9;*

**3. Additional Flexibility: The applicant also requests flexibility to:**

- Provide a range in the number of residential unit (+/- 10%);
- Vary the sustainable features of the Project, provided that the number of points achieved does not decrease under LEED Gold v. 4;
- Vary the location of the design of interior components...;
- Vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of constructions
- Vary the parking layout, and the number, location, and arrangement of vehicular parking spaces...
- Vary the location, attributes and general design of the streetscape incorporated in the Project to comply with the requirements of and the approval by the DDOT Public Space Division;
- The refine the exterior materials, details, and dimensions to comply with DC Building Code or as necessary for building permit approval.
- Signage – changes to font, message logo and color without changes to the maximum overall dimensions;

In general, the requested PUD flexibility is standard and not immediately concerning. The applicant should confirm that the number of IZ units would remain consistent, as proposed at setdown.

**V. 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.	79 ft. 4in.	29 ft.
Gross Floor Area w/IZ	20,565.sq.ft.	34,535.sq.ft.	13,970 sq.ft.
Residential Lot Occupancy w/IZ:	60%	78%	18%
Use:	MU-Use Group E	MU-Use Group E	None

**Public Benefits and Amenities:**

Subtitle 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.”*

Subtitle X Section 305.5 provides a summary of categories for PUD benefits and amenities. The applicant has proffered the following (refer to Exhibit 2 Pages 19-22) for the proposed PUD:

*(a) Superior urban design and architecture*

The proposed building would have steel and canopy above the entryways. The façade would also include metal clad bays and large glass openings. Angled bay windows above the ground floor would face 41<sup>st</sup> Street NW and storefront windows would be on the ground floor. Limestone and brick detailing used in the front façade would help the building fit in with the surrounding area as they are also found on other buildings nearby.

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

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

The proposal contains landscaping improvements including replacing the existing red brick paved area between the sidewalk with plantings and installing plantings in the public space area. The sidewalk width on 41<sup>st</sup> Street would also be widened to 8 ft. The courtyard would have a bioretention garden, moveable planters, and seasonal plantings. The penthouse would also have a green roof.

*(d) Commemorative works or public art*

The proposal includes a mural for the building’s south façade closest to 41<sup>st</sup> Street. The Applicant would work with the ANC to determine the appropriate artist and subject matter for the mural. Though the wall is along the property line so it is “at risk” the Applicant reports that the ANC has indicated support for the mural at this location.



*(e) Housing*

*(f) Affordable housing*

The proposal includes 41 new housing units with 3 IZ affordable units. The 3 IZ units are 12% of the residential development on the site or 3,661 sq.ft. This would be more than the required 8% of the residential development or 2,441 sq.ft for this project under the MU-5-B PUD option and is more than the 2,746 sq.ft. that would be provided if a residential project were developed on the site as a matter of right under the existing MU-4 zoning. Two of the IZ units would be reserved for households not exceeding 60 % MFI and one one-bedroom unit would be reserved for households not exceeding 50% MFI.

*(g) Streetscape plans*

The proposed streetscape plan includes pedestrian and public space improvements on 41<sup>st</sup> Street NW. The improvements include widening the sidewalk, installing new concrete and bicycle parking spaces, and new lighting fixtures, café seating, and benches near the building entrance. The streetscape would also be improved with bioretention and planting areas. OP notes that any work in public space would be subject to approval by the Public Space Committee.

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

The proposal includes amenities for the ANC and the neighborhood. The Applicant plans to provide a \$25,000 payment to Friendship Place for improvements to the Welcome Center. The Applicant also plans to provide traffic calming measures on 41<sup>st</sup> Street as requested by the ANC. The mural and IZ units would also be amenities of special value to the neighborhood.

In general, OP finds that the PUD benefits and amenities are sufficient for setdown. The applicant is continuing to work with the ANC and DDOT to determine appropriate traffic calming measures that would benefit the neighborhood.

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 proffer prior to a public hearing.

## **VI. 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.

OP will continue to work with the applicant to ensure the submissions of the following additional information prior to the setting of a date for a public hearing in this case, as noted in this report and summarized below:

- Provide updated details on the amenities package

- Provide Materials samples; and
- Other information / materials as may be requested by the Zoning Commission at the setdown meeting.

## **VII. 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/cm