

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Crystal Myers, Project Manager
JLS
Jennifer Steingasser, Deputy Director, Development Review/Historic Preservation
DATE: September 17, 2018
SUBJECT: Public Hearing Report for 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 &2)

I. BACKGROUND AND PROPOSAL UPDATE

The proposal is located at 4611-4615 41st ST NW. The site is approximately 6,855 square feet in area, and currently developed with two commercial buildings; the vacant former Dancing Crab restaurant and the existing Tenleytown Bar and Grill. The site is located in an area characterized by a mix of commercial and residential transit-oriented development and is within a close walk to the Tenleytown Metro Station. A more complete description of the site is provided in the OP setdown report dated June 1, 2018 (Exhibit 10).

At its June 11, 2018 public meeting, the Zoning Commission set this case down for a public hearing as a consolidated Planned Unit Development (PUD) with a PUD-related zoning map amendment from MU-4 (moderate density mixed use) to MU-5B (medium density mixed use). The application would allow for the construction of 34, 535 sq. ft. of mixed use development with 41 residential units, of which three (3) would be inclusionary zoning (IZ) units, and approximately 4,971 sq. of commercial use.

The design of the project is consistent with the plans introduced at setdown but the amenities package is more enhanced. Since being setdown, the application's amenities package was amended, principally to include:

- An increase in the size of the amount of IZ space from 12% to 12.7% to provide larger 2-bedroom IZ units;
- The Applicant is offering to maintain the landscaping for Reservation 503 for a 5-year period after 4600 Wisconsin Ave. NW completes their 5-year maintenance requirement.

II. OP RECOMMENDATION

OP is supportive of the development and recommends **approval** of the proposed PUD with the following conditions:

- The hours of operation and use of the roof be limited to no later than midnight;

- There be no live or amplified music on the roof;
- All lighting be shielded so it is contained to the roof area and turned off by one 1 AM except for any code-required emergency lights; and
- The ground floor restaurant space and roof top restaurant/lounge not be considered a proffered benefit¹.

III. LOCATION



Figure 1: Site Location and Zoning map

IV. COMMENTS AND CONCERNS FROM SETDOWN AND AFTER

The following summarizes the OP and Zoning Commission comments from the time of setdown and their current status.

¹ The restaurant use is permitted as a matter of right and the use of the rooftop as a special exception

OP Comments at Setdown	Applicant Response	OP Comment
Improve the IZ proffer by either increasing the size of the 2 two-bedroom IZ units or by replacing the proposed 2 two-bedroom units at 60% MFI and 1 one-bedroom unit at 50% MFI with 1 three-bedroom unit at 60% MFI and 1- two bedroom at 50% MFI.	The Applicant will increase the size of their two 2-bedroom units, which are both at 60% MFI. The one 1-bedroom unit at 50% MFI will remain the same size.	Applicant has complied.
Provide updated details on the amenities package and continue to work with OP, other agencies, the ANC, and other community groups to develop a full benefits/amenities list that is commensurate with the flexibility requested.	The Applicant is in the process of finalizing the project’s public benefits.	The Applicant has provided more details and continues to work with the ANC on an appropriate amenities package.
Provide material samples.	The Applicant will provide samples of all proposed building materials at the public hearing	Applicant will comply at the time of the Hearing.

Commission Concerns at Setdown,	Applicant Response	OP Comment
Confirm whether the building is eligible for Residential Parking Permits (“RPP”), and if it is, confirm whether the building will restrict residents from obtaining RPPs.	The 4600 block of 41 st ST. on which the Site is located is not currently in the RPP database. It is unlikely that the block will be added to the RPP database in the future because of the block’s commercial nature.	Applicant has complied.
Provide available information regarding any proposed development plans for the other properties on the block within which the Site is located	The Applicant reviewed the public record and there appears to be no pending or recently filed BZA or Zoning Commission application on any other property on the block.	OP notes that there are two approved PUDs directly across Wisconsin Avenue from this site; case 10-23 (Jemal’s Babes) and case 16-26 (4622-4624 Wisc Ave). Both of these PUDs have the same Future Land Use Map designation as this site, moderate density commercial/medium density residential and heights of 71’ (10-23) and 88’ (16-26).
Provide more detailed views/renderings showing the building’s front entrance.	The Applicant’s pre-hearing submittal includes a more detailed rendering of the front of the building. (A-5.2).	Applicant has complied.
Provide more information on the rooftop space, including the type of lighting that will be used, hours	The penthouse will be operated as an extension of the building’s ground floor bar/restaurant. The hours of operation	Applicant has complied.

<p>of operation, and solar panels. Provide additional views/renderings showing different elements of the rooftop space.</p>	<p>have not been determined yet but they would be no earlier or later than the previous restaurant’s hours of operation, which were 11:00AM to 2:00AM every day.</p> <p>The rooftop will have downward facing lighting to minimize light spillage.</p> <p>A total of approximately 620 sq. ft. of solar panels would be provided on top of the penthouse. The solar panels would be less than 2 ft. in height above the roof of the penthouse.</p> <p>The Applicant submitted updated penthouse plans: A5.3 and A5.4 – Updated architectural drawings A1.8 and L1.2- Updated penthouse plan and penthouse landscape plan</p> <p>Additional updated building elevations and sections showing the penthouse with the solar panels on top will be submitted by the Applicant prior to the public hearing.</p>	<p>The use of the roof top for a restaurant requires a special exception. Per X-901.4 the Board/ZC may impose requirements it deems necessary to protect adjacent or nearby property. OP recommends:</p> <ul style="list-style-type: none"> • the hours of operation and use of the roof be limited to no later than midnight; • there be no live or amplified music on the roof, • all lighting be shielded so it is contained to the roof area and turned off by one 1 AM except for any code-required emergency exit lights.
<p>Ensure that the requested design flexibility language is consistent with the language of Z.C. 17-19.</p>	<p>The Applicant will update their design flexibility language to be consistent with the language of ZC 17-19.</p>	<p>Applicant has complied. (see Design Flexibility section below)</p>
<p>Clarify whether the proposed Inclusionary Zoning subsidiary levels go beyond the minimum required by the Zoning Regulations.</p>	<p>The Applicant is required to provide 8% of the residential gross floor area at 60% MFI. Thus where 2,300.96 sq. ft. of IZ is required at 60% MFI, the Applicant is proposing to provide 2,890 sq. ft. of IZ units at 60% MFI.</p> <p>Applicant is also required to do 8% penthouse habitable space at 50% MFI and is doing 12% habitable space at 50% MFI. Thus where 140.32 sq.ft. of IZ units are required at 50% MFI, the Applicant is proposing to provide 992 sq.ft. of IZ at 50% MFI.</p>	<p>Applicant is exceeding both their minimum penthouse habitable space IZ requirement and their residential IZ requirement.</p>
<p>Provide more information on the proposed mural on the southern building façade.</p>	<p>The proposed mural is being provided in response to the ANC’s request for one. The approximate dimensions and location of the mural are shown on the South Elevation drawing at A2.2</p>	<p>Applicant has complied.</p>

V. PLANNING CONTEXT

Title 11 Subtitle X § 304.4(a) requires that a PUD, inclusive of a map amendment, be not inconsistent with the Comprehensive Plan. A full description of the Comprehensive Plan, and analysis of the proposal against its maps and policies is provided in the OP preliminary report (Exhibit 10).

OP continues to determine that, on balance, the proposal is not inconsistent with the Comprehensive Plan as a whole, including the maps and the policy statements. In particular, the proposal would further policy statements contained in the Land use, Transportation, Housing, Environmental Protection, and Urban Design Citywide Elements, and the Rock Creek West Area Element.

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.

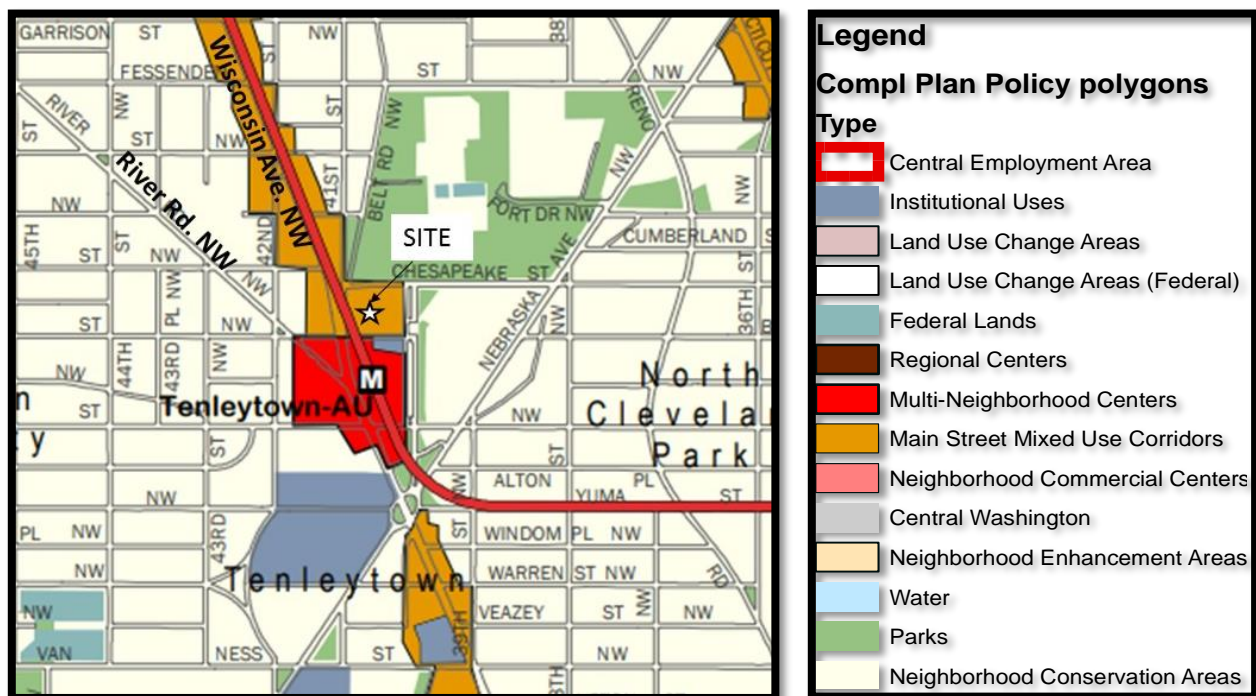


Figure 2. Generalized Policy Map

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.

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.

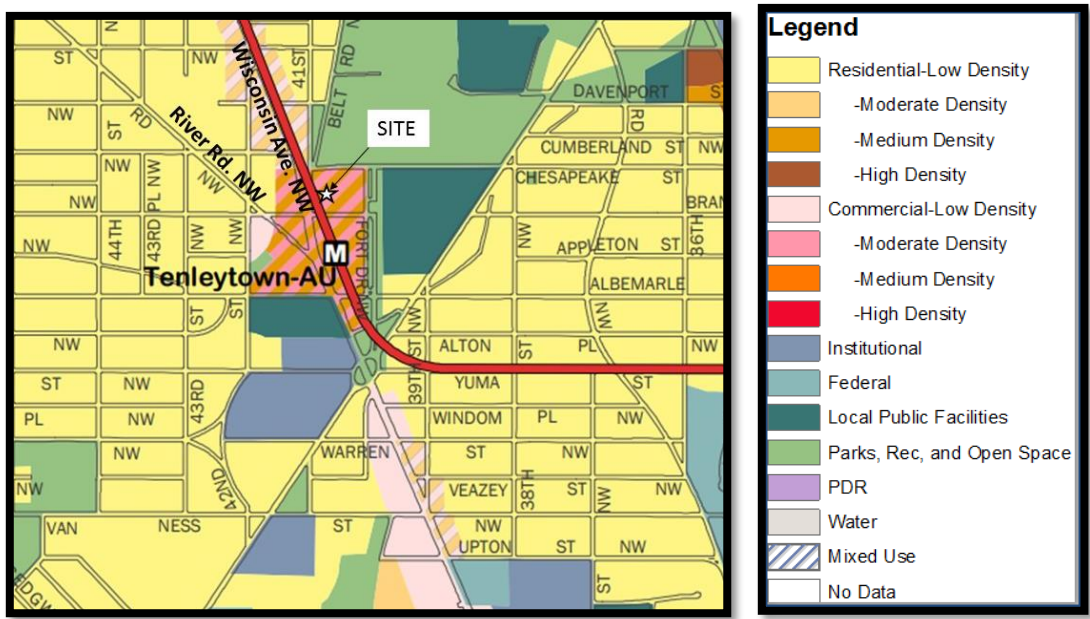


Figure 3. Generalized Future Land Use Map

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.*

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 would have 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.

VI. ZONING ANALYSIS

The site is currently zoned MU-4; the applicant is requesting a PUD-related zoning map amendment to the MU-5B zone, which is not inconsistent with the Comprehensive Plan. The only significant change in the table since setdown is that the Applicant increased their IZ square footage to improve their public benefits and amenities package.

Zoning Analysis Table

6,855 SF site	Existing Zone MU-4	Proposed Zone MU-5-B PUD:	Proposal	Difference from MOR	Flexibility	6,855 SF site
Lot Area	None	15,000 sq.ft	6,855 sq.ft.	N/A	Requested	Lot Area
Height (ft.)	50 ft.	90 ft.	79 ft. 4in.	29 ft. 4in.	None	Height (ft.)
Maximum FAR (IZ)	3.0	5.04	5.04	2.04	None	Maximum FAR (IZ)

6,855 SF site	Existing Zone MU-4	Proposed Zone MU-5-B PUD:	Proposal	Difference from MOR	Flexibility	6,855 SF site
Maximum Non-Resid.:	1.5	2.01	0.357	- 1.143	None	Maximum Non-Resid.:
IZ Units	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>	12.7% of res. sq.ft. (w/50% bonus density) 3,882 sq.ft. IZ	1,136 sq.ft.	None	10% residential sq.ft. (w/ 75% bonus density) = 2,746 sq.ft. IZ <i>C §1003.1</i> (all residential building scenario)
Lot Occupancy (IZ) <i>G §407</i>	75 %	80 % <i>G § 404</i>	78 %	3 %	None	Lot Occupancy (IZ) <i>G §407</i>
Rear Yard <i>G §405</i>	15'	15'	15'2"	n/a	None	Rear Yard <i>G §405</i>
Side Yard <i>G §406</i>	None required	None required	None provided	n/a	None	Side Yard <i>G §406</i>
Courtyards Width, Closed Area, Closed	None required	<i>Greater of:</i> 4"/ft.ht or 15'= 17'8"; 2(req.width ²) or 350SF= 624 SF <i>G § 202.1</i>	17'8" 9745 SF	n/a	None	Courtyards Width, Closed Area, Closed
Penthouse <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	Penthouse <i>C §1500</i> <i>G §403</i>

6,855 SF site	Existing Zone MU-4	Proposed Zone MU-5-B PUD:	Proposal	Difference from MOR	Flexibility	6,855 SF site
Parking <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 Total: 7	Res.: 1/3DU>4DU Retail: 1.33/1000SF> 3000SF and <i>Sub.C §702.1</i> Res.: 6 Eat/Drink:1 Total: 7	Res.: 6 Eat and Drink:3 Total: 9	+2	None	Parking <i>C § 701.5</i>
Bicycle Parking <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 Total: 17	<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 Total: 17	<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 Total: 22	+ 5	None	Bicycle Parking <i>C § 802</i>
Loading <i>C §901</i>	<u>Food & Alcohol</u> : 5,000-20,000 sq.ft.= 1 berth None Required	<u>Food & Alcohol</u> 5,000-20,000 sq.ft.= 1 berth None Required	1 berth	+1 berth	None	Loading <i>C §901</i>
Green Area Ratio <i>G § 407</i>	0.3	0.3	0.3	0	None	Green Area Ratio <i>G § 407</i>

In addition to the proposed PUD-related map amendment, the applicant requests the following flexibility, which is unchanged from the original application:

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 square feet but X § 301.3 allows the Zoning Commission to waive the minimum requirement to no less than 5,000 square feet if the

Commission finds 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.

The PUD meets the requirements for a waiver. At 6,855 sq. ft. it exceeds the 5,000 sq. ft. minimum allowed for a waiver. The PUD's new housing and its amenities including the 2-bedroom IZ units for families at up to 60% median income and the streetscape and public space improvements near the metro station should result in the project being of an exceptional merit in the best interest of the City.

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;

Subtitle X, Chapter 9:

X § 901.2 (a) Will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps

X § 901.2 (b) Will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps.

The applicant asserts that the proposed restaurant and lounge uses would not adversely affect the neighboring properties. However, no evidence has been provided to document the noise levels anticipated. Although zoned Mixed Use, there are many residential buildings in the immediate vicinity representing several hundred units.

Per X-901.4 the Commission may impose requirements it deems necessary to protect adjacent or nearby property. OP recommends:

- The hours of operation and use of the roof be limited to no later than midnight;
- There be no live or amplified music on the roof; and
- All lighting be shielded so it is contained to the roof area and turned off by one AM except for any code-required emergency exit lights.

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

- (1) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, atria and mechanical rooms, provided that the variations do not change the exterior configuration of the building.
- (2) To vary the final selection of the color of the exterior materials, within the color ranges reflected in the approved architectural drawings, without making changes to the exterior materials; and to make minor refinements to exterior details, locations and dimensions, including: window mullions, and spandrels, window frames, doorways, glass types, belt courses, sills, bases, cornices, railings, canopies and trim; and any other changes that do not substantially alter the exterior design necessary to comply with all applicable District of Columbia laws and regulations;
- (3) To provide a range in the number of residential dwelling units of plus or minus 10% from the number depicted on the approved Plans;
- (4) To make refinements to the parking configuration, including layout, number of parking spaces, and other elements so long as the number of parking spaces provided is at least the minimum number of spaces required by the Zoning Regulations;
- (5) To 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;
- (6) To locate retail entrances in accordance with the needs of the retail tenant(s) and to vary the facades as necessary within the general design parameters proposed for the Project and to vary the types of uses designated as “retail” use on the PUD Plans to include the following use categories: (i) Retail (11-B DCMR § 200.2 (cc)); (ii) Services, General (11-B DCMR § 200.2 (dd)); (iii) Services, Financial (11-B DCMR § 200.2 (ee)); and (iv) Eating and Drinking Establishment (11-B DCMR § 200.2(j));
- (7) To vary the font, message, logo, location, and color of the proposed signage, provided that the maximum overall dimensions and signage materials are consistent with the signage on the approved Plans and compliant with the DC signage regulations; and
- (8) To vary the sustainable features of the Project, provided the total number of LEED points achievable for the project does not decrease below LEED Gold v.4.

In general, the requested PUD flexibility is standard. Since setdown the Applicant has updated their flexibility conditions to be consistent with the conditions approved with ZC 17-19, as was requested by the Commission.

VII. COMPLIANCE WITH PUD REGULATIONS

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.*

Public Benefits and Amenities:

Subtitle X Section 305 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. *“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”* (§ 305.2). *“A project amenity is one (1) type of public benefit, specifically a functional or aesthetic feature of the proposed development that adds to the attractiveness, convenience, or comfort of the project for occupants and immediate neighbors”* (§ 305.10). Section 305.5 lists several potential categories of benefit proffers, and states that *“(a) project may qualify for approval by being particularly strong in only one (1) or a few of the categories in [that] section but must be acceptable in all proffered categories and superior in many”* (§ 305.12). The Commission *“shall deny a PUD application if the proffered benefits do not justify the degree of development incentives requested (including any requested map amendment)”* (§ 305.11).

The applicant’s most recent summary of project benefits and amenities (Exhibit 19) provides additional information requested at setdown.

Additional Entitlements Gained Through the Proposed PUD are summarized below:

Additional Entitlements Gained Through the Proposed PUD:

	MU-4 By-Right	Proposed PUD	DIFFERENCE
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

OP analysis of the proffer is summarized in the following table, and detailed below.

TABLE 8. BENEFITS ITEM	MITI- GATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	PROFFER	NOTES
Urban Design, Architecture <i>X § 305.5(a)</i>	No	Yes	No	No	No	
Landscaping Open Space, Streetscape <i>X §§ 305.5(b) and (l)</i>	No	Yes	Yes	Partially	Partially	Public space improvement; 5-year landscape maintenance for Reservation 503
Site Planning, Efficient Land Utilization <i>X § 305.5 (c)</i>	No	Yes	Yes	No	No	Infill and transit-oriented development
Public Art <i>X § 305.5 (d)</i>	No	Yes	Yes	No	Yes	\$35,000 toward public mural
Housing and Affordable Housing <i>X §§ 305.5 (f) and (g)</i>	No	Yes	Yes	8% IZ required	4.7% IZ proffered	12.7% IZ provided
Environmental Benefits –Sustainable Design Features <i>X § 305.5 (k)</i>	Yes	Yes	Yes	No	Yes	LEED gold v.4; solar panels
Transportation Infrastructure <i>X § 305.5 (o)</i>	No	Yes	Yes	No	Yes	2 car share spaces (under discussion with DDOT), 2 EV charging stations
Uses of Special Value to the Neighborhood <i>X § 305.5 (q)</i>	No	Yes	No	No	Yes	\$35,000 contribution to Friendship Place for structure improvements

The Supplemental submittal (Exhibit 19) also lists the ground floor restaurant space and roof top lounge as a proffered benefit. While OP has no objection to the uses, OP does not recommend including them as public benefits or amenities. Subtitle X-303 describes public benefits as follows:

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.

The restaurant use is permitted as a matter of right under the existing and the PUD-related zone districts and the lounge as a special exception. Both are standard commercial operations. There is nothing superior about the particular uses such that they qualify as benefits.

(a) Superior urban design and architecture

The design and architecture of the building have not significantly changed since setdown. The plans show that the building would have materials and features compatible with neighboring buildings in the surrounding area. The building's limestone and brick detailing is also a feature that can be found on other neighboring buildings. The angled bay windows and storefront windows and glass entry doors would be an attractive addition to the 41st Street NW environment.

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

Since setdown, the Applicant has added to their proposal by offering to maintain the landscaping for Reservation 503, which is the landscaped triangular space northwest of the site, between 41st NW and Wisconsin Ave NW. The landscaping of the space is currently being done by 4600 Wisconsin Ave., as part of their amenity package approved in ZC Case No. 10-23. The Applicant is proposing to take over the landscaping of this space after 4600 Wisconsin Ave. NW five-year landscaping maintenance period ends.

Otherwise, the proposed open space and landscaping plan features remain largely the same as shown at setdown. These improvements include replacing the existing red brick paved area between the sidewalk with plantings and installing plantings in the public space area. The sidewalk width on 41st Street would also be widened to 8 ft. The courtyard would include a bioretention garden, moveable planters, and seasonal plantings would be included in the courtyard. The penthouse would also have a green roof, which would increase the green space on the site.

The project's landscaping and site planning would significantly improve the pedestrian environment around the site.

(c) Site planning and efficient and economical land utilization

As the proposal is for an infill site in a transit-oriented area it is efficiently and economically utilizing land in the District.

(d) Commemorative works or public art

The proposal includes a mural for the building's south wall façade, closest to 41st Street. As the wall is along a property line, it is an "at risk" wall. According to the Applicant, the ANC understands this but still prefers that the mural be in this location. The Applicant plans to work with the ANC to determine the appropriate artist and subject matter for the mural. The ANC's support of the mural indicates that it would be a benefit to the community.

(f) Housing

The project would have 41 new housing units, including 3 IZ affordable units.

(g) Affordable housing

Since setdown the Applicant has worked with OP to increase their IZ proffer from 12% to 12.7% of their residential space. The addition space allows them to increase the size of the 2-bedroom units from 880 sq. ft (net) to 1004 sq. ft (net). At 12.7% the project is providing more than the 8% that would have been required for a MU-5B required PUD and more than the 10% required by the existing MU-4 zoning. The number of units and their level of affordability are the same as shown at the time of setdown. The proposal would provide two 2-bedroom units for households not exceeding 60 % MFI and one 1-bedroom unit for a household not exceeding 50% MFI.

Affordable Housing

Residential Unit Type	Floor Area (sf)	Percentage of Total	Units	Affordable Control Period	Affordable Unit Type
Total Res. Floor Area (Net SF)	19,922 ²	100%	41		
Market Rate (Net SF)	17,225	86%	38		
IZ – 60% MFI (Net SF)	2,008	10%	2	Life of the Project	Two 2-bedrooms
IZ – 50% MFI (Net SF)	689	4%	1	Life of the Project	One 1-bedroom

(k) Environmental and Sustainable Benefits

The proposal includes environmental and sustainable features that exceed requirements. The building intends to be LEED Gold v.4 certified and include solar installation. DOEE worked with the Applicant and is in support of the proposal.

LEED Gold v.4 certification and solar installation improvements would be significant benefits in line with the District’s environmental goals.

(l) Streetscape plans

Since setdown, the Applicant has been working on addressing ANC 3E’s request for improvements to the 41st Street NW pedestrian crosswalk. The proposal now includes designing the crosswalk with pattered and stamped concrete or asphalt. It would be subject to DDOT approval.

The proposed streetscape plan includes pedestrian and public space improvements on 41st Street NW. The improvements include widening the sidewalk, installing new concrete and bicycle parking spaces, new lighting fixtures, sidewalk facing bar-height seating and café seating, and benches near the building entrance. The streetscape would also be improved with bioretention and planting areas.

² Total residential net floor area includes enclosed public space projections

All improvements shown in the public space area would be subject to Public Space Committee approval.

These streetscape improvements would be attractive additions to the pedestrian environment and would help to further activate the area.

(o) Transportation infrastructure

Along with the design improvements to the 41st Street NW pedestrian crosswalk, the proposal also includes creating bulb-outs on 41st NW to shorten the pedestrian travel distance at the crosswalk and to slow down vehicular traffic.

The proposal includes transportation management and pedestrian access improvements. Two car share spaces would also be provided. DDOT is working with the Applicant on an appropriate alternative benefit if the car share spaces are not leased by a car share company within a certain period.

The proposal also includes providing two electronic charging stations, which are not required. DDOT is in support of these benefits.

These improvements would be enhancements to the area's multimodal infrastructure and support the transit-oriented environment around Tenleytown Metro station.

(q) Uses of special value to the neighborhood or the District of Columbia as a whole; and
The proposal includes other amenities for the ANC and the neighborhood. Since setdown the Applicant increased their \$25,000 payment offer to Friendship place to \$35,000 for improvements to their facility. As discussed earlier, the Applicant is also providing a mural along the south side of the building and making improvements to the existing crosswalk on 41st in response to the ANC's requests.

VIII. AGENCY COMMENTS

At the time OP completed this report no District agency reports had been submitted to the record. However, both DOEE and DDOT have expressed support for the proposal and have been working closely with the Applicant.

IX. COMMUNITY COMMENTS

The Applicant informed OP that the ANC's meeting on this case is on September 17, 2018 so an ANC report would not be available in time to note in this report.