

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** <sup>JLS</sup>  
Jennifer Steingasser, Deputy Director  
Development Review and Historic Preservation

**DATE:** April 15, 2019

**SUBJECT:** Hearing Report for ZC #18-21, Consolidated PUD and related Zoning Map Amendment from PDR-1 to MU-4 for the properties located at 3201 and 3135 8<sup>th</sup> Street NE (Square 3832, Lot 15 and Square 3835, Lot 804)

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**I. SUMMARY RECOMMENDATION**

The Office of Planning (OP) recommends **approval** of the application of Hanover R.S. Limited Partnership for a consolidated Planned Unit Development (“PUD”) and related zoning map amendment for the properties located at 3201 and 3135 8<sup>th</sup> Street NE (the “Property”) to construct two residential buildings.

**II. APPLICATION IN BRIEF**

The Applicant proposes a consolidated Planned Unit Development (“PUD”) and related zoning map amendment to construct two residential buildings with 377 units. The height for both buildings would be 65 feet with 6 stories and a habitable penthouse on each building. The proposed GFA is 325,050 SF with a total FAR of 3.6.

**Ward/ANC:** Ward 5, ANC 5E

**Current Zoning:** PDR-1 - intended to permit Moderate-Density Commercial and Production, Distribution, and Repair activities

**Existing Use of the Property:**

The northern lot of the Property is improved with two warehouse buildings used for storage of construction equipment and supplies and a laydown yard used for construction vehicle storage. The southern lot of the Property is improved with a vacant industrial building.

**Comprehensive Plan Future Land Use Map Designation:**

Striped Low-Density Commercial and Moderate-Density Residential

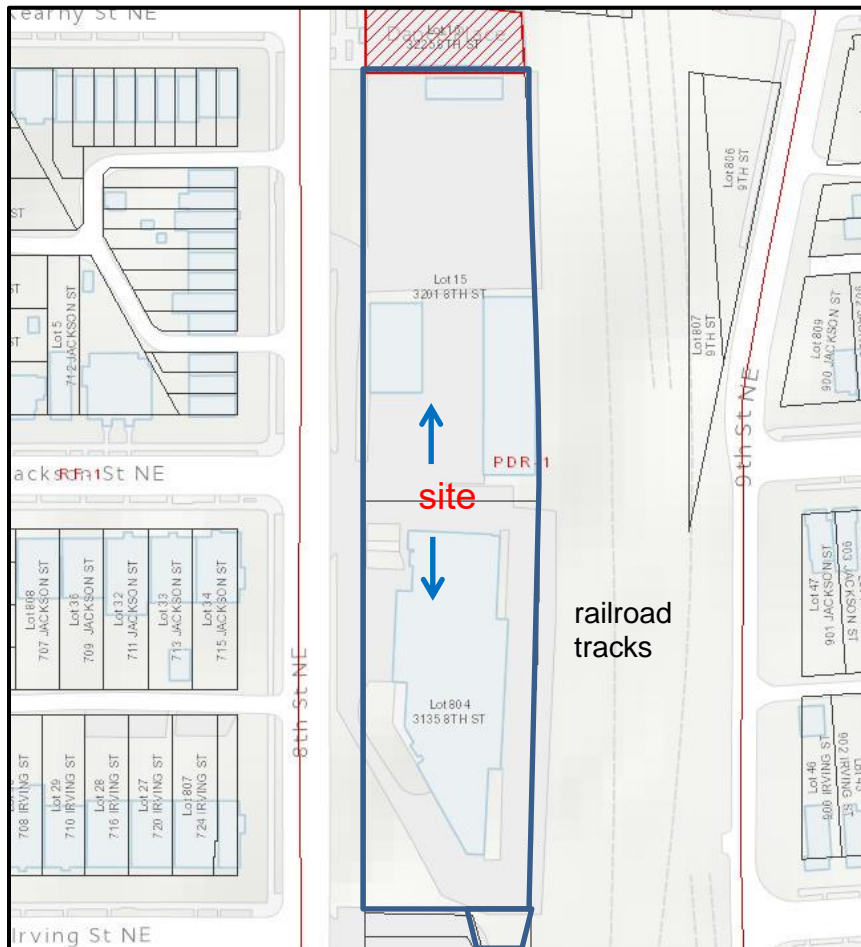
**Property Size:** 90,293 square feet

**Relief and Zoning:** Pursuant to Subtitle Z, Chapter 3 of the DCMR 2016 Zoning Regulations, the Applicant seeks a Consolidated PUD and related map amendment to the MU-4 District with flexibility outlined in Section VIII.

### III. SITE AND AREA DESCRIPTION

The subject site is located on the east side of 8<sup>th</sup> Street between Kearny and Irving Streets

Directly to the north of the application site is the site of PUD ZC #09-08 which includes the residential District Artspace Lofts and the Dance Place facility. Case 09-08 included a PUD-related map amendment from PDR-1 to MU-5A (current zone equivalents). The WMATA tracks abut the application site directly to the east of the property. Across 8<sup>th</sup> Street to the west is a residential neighborhood zoned RF-1(Residential Flat). The adjacent property to the south is an equipment warehouse zoned PDR-1. The Brookland Metro Station is north of the subject property across Monroe Street NE. Further south along 8<sup>th</sup> Street are industrial warehouse buildings, a charter school and a bar.



#### **IV. PROJECT DESCRIPTION**

The proposal consists of two residential buildings with 377 units. Both buildings would be 65 feet tall with 6 stories and habitable and mechanical penthouses. The total proposed GFA is 325,050 SF with a total FAR of 3.6. The Applicant's final plans can be found in Exhibits 25A1-A6.

The residential development would have two buildings - a "north" and "south" building. The proposed breakdown of the 377 units is:

- Studio: 184 units - 162 market rate and 22 IZ (48.8%)
- 1 bedroom: 103 units - 91 market rate and 12 IZ (27.3%)
- 2 bedroom: 76 units - 66 market rate and 10 IZ (20.2%)
- 3 bedroom: 14 units - 12 market rate and 2 IZ (3.7%)

Both buildings' lobbies would be accessed off a 5,150 SF landscaped entry plaza which would be located between the buildings and open to the public. Seven units in the north building and six units in the south building would be accessed directly from 8<sup>th</sup> Street.

There would be balconies on every side of both buildings, residents' courtyards on the 3<sup>rd</sup> floor of the south building and a rooftop pool on the 3<sup>rd</sup> floor of the north building. There would be a synthetic turf dog run located behind the south building.

The proposed building materials are dark and light brick, stucco, metal panels, metal storefront system, and metal screening on the roof. There would be green roofs and solar panels on the roofs of both buildings. Vinyl windows continue to be proposed despite concerns raised at set down about the quality of the material as part of PUD.

At the north side of the north building there would be a new curb cut and driveway to access underground parking and loading. There would be 186 below grade parking spaces and loading for each building. There would be 125 long term bicycle spaces and a bike repair station in a bicycle room in the parking garage. The Applicant provided a detailed Transportation Demand Management Plan in Exhibit 22A which includes SmartTrip cards for new residents, a Transportation Information Center display screen in both lobbies, and shopping carts for residents to use.

In front of the building there would be a 10' wide scored concrete sidewalk which would match and connect to the neighboring sidewalk to the north, landscaping including ornamental street trees, and racks for 20 bicycles.

The Applicant proposes to locate 2'6" building identification signage along the top of the north side of the north building and the south side of the south building. There would be a 12" sign at the entrance lobby of the north building and signage above the parking garage entrance.

Twelve percent (12%) of the building's residential square footage would be designated as affordable housing with the following income breakdown in 46 units:

- 13% (4,592 SF) at 80% MFI
- 67% (23,666 SF) at 60% MFI
- 14% (4,945 SF) at 50% MFI
- 6% (2,119 SF) at 30% MFI

The Applicant provided an IZ unit plan showing unit size breakdown and location within the building (Exhibit 15B).

**V. APPLICANT’S RESPONSE TO CONCERNS OF THE ZONING COMMISSION AND OP**

In response to the comments of the Office of Planning and the Zoning Commission at the public meeting on December 17, 2018, the Applicant filed revised plans and a Prehearing Statement on February 25, 2019 (Exhibits 15-15J) and a Supplemental Submission on April 4, 2019 (Exhibits 25-26).

The following chart includes a summary of the setdown meeting comments and the Applicant’s response:

<b>Zoning Commission/ OP Comment</b>	<b>Applicant Response</b>	<b>OP Comment</b>
Provide confirmation that the project will achieve LEED Gold certification.	The Applicant intends to seek LEED Gold certification under the LEED v4 Multifamily Midrise standard. The Applicant will provide evidence to the to the Zoning Administrator that it was designed to meet that standard and LEED certification will come after the C of O is issued.	In Section IX, DOEE commends the project’s LEED Gold certification and makes additional suggestions for increased sustainability and energy efficiency.
Provide an IZ unit location plan for the 46 Inclusionary Zoning units	The Applicant provided an IZ unit layout plan in Exhibit 15B.	DHCD provided comments about the IZ unit location in Section IX.
Provide additional 3-bedroom units in the building.	The Applicant stated that the project will have fourteen (14) 3-bedroom units of which two (2) will be affordable units.	At the time of setdown, the Applicant proposed 1% -5% of the units would have three bedrooms and the final submission proposes 3.7% of the units will be 3-bedroom and 2 of those units will be affordable. In Section IX, OP continues to push for fewer studios and additional family-size units (2 or bedrooms) and suggests these units be located near outdoor space. <i>[the application seems to use the terms IZ and affordable interchangeably]</i>  <b>Clarification is needed regarding the MFI to be assigned to each unit type.</b>

<b>Zoning Commission/ OP Comment</b>	<b>Applicant Response</b>	<b>OP Comment</b>
Concern about quality of materials, specifically <u>vinyl windows</u> and cementitious panels.	<p>The Applicant has replaced the cementitious panels on the building with metal panels and stucco and provided information about both materials. The Applicant provided additional information and precedent images of the proposed low profile, dark color bronze vinyl windows in Sheet A35 (Exhibit 25A3).</p> <p>The Applicant will bring a sample of the proposed vinyl window to the public hearing for Commission consideration.</p>	<p>The replacement of cementitious panels addresses the Commission’s concern about that material but not the concern about vinyl windows.</p> <p>OP shares the Commission’s concern about vinyl windows and recommends the Applicant consider a different material for the windows for these buildings.</p>
Provide lighting and signage plans	The Applicant provided a Lighting Plan in Sheet L17 and a Signage Plan in Sheet A36.	The response addresses the request made by OP. The Applicant should indicate on the plan the material proposed for the signage.
Provide detailed plans for the “urban plaza” between the north and south buildings.	The Applicant provided additional plans for the plaza between buildings as well as additional landscape plans for the site.	Comments from OP and the Department of Parks and Recreation about the urban plaza can be found in Section IX.
Provide additional information on the proffered benefits and amenities and compliance with Subtitle X §305.3(d)	The Applicant provided additional information on the proffered benefits and amenities in Exhibits 15 and 25.	The response partially addresses OP’s concern. In Section IX, OP raises a question about the two financial contributions that would be put into escrow accounts in terms of proffers and compliance with the PUD regulations.

## VI. COMPREHENSIVE PLAN

OP’s setdown report determined that the proposed PUD would not be inconsistent with the Comprehensive Plan’s Generalized Future Land Use Map designation of moderate-density residential and low-density commercial uses, the Generalized Policy Map designation of a Neighborhood Conservation Area, and the Guiding Principles of the Framework Element (Exhibit 11 and attached to this report in Appendix A).

The PUD is also consistent with various policies in the Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Arts and Culture Elements as well as the policies of the Upper Northeast Area Element. The Comprehensive Plan discusses the “family of plans” and the “three tiers of planning” and a Small Area Plan supplements the Comprehensive Plan. The project site is located within the boundaries of the Brookland / CUA Metro Station Small Area Plan (SAP), and the proposal is consistent with the SAP guidance for this specific area.

While the Comprehensive Plan encourages the conservation of industrial land in the District, it also discusses examples where rezoning might be considered including land in the immediate vicinity of Metro stations and small sites in the midst of stable residential neighborhoods. (LU-3.1.1 and 3.1.4) The District's 2006 industrial land use study recommended areas along the red line tracks be redeveloped and the District's 2014 study of industrial lands discussed this stretch of Eighth Street NW in terms of the Brookland Small Area Plan vision.

The SAP recommends residential development along 8<sup>th</sup> Street south of Kearney Street and supported "long-term land use changes on industrially zoned land in the station vicinity...in the area to the southwest along 8<sup>th</sup> Street." The Small Area Plan states that the "commercial area south of the Metro Station is envisioned as additional residential development, compatible with the neighboring residential area."

This proposed development is located just south of the Brookland Metro station, and the Upper Northeast Element says that transit-oriented housing development around the Brookland station is strongly supported. (UNE 2.6.1 and 1.1.3) As noted in Section X, OP invited WMATA to the inter-agency meeting for coordination on the proposal since it is in such close proximity to the station. (UNE-1.1.3)

While the subject property is currently zoned for industrial use and the Comprehensive Plan has policies encouraging the retention of industrial lands, specifically for the Brookland Metro station area it states:

*"Support long-term land use changes on industrially zoned land in the station vicinity, particularly...in the area to the southwest along 8th Street. Consistent with the 2006 Industrial Land Use Study, the industrially zoned area within ¼ mile of the Metro station may be considered appropriate for long-term transition to more intense uses, including housing, live-work lofts, artists' studios, and similar uses."* (UNE-2.6.3)

The north end of this PUD is within ¼ mile from the Brookland Metro station and is located "in the area to the southwest along 8<sup>th</sup> Street." Subsequent to the Comprehensive Plan, the SAP also supported the land use change from industrial to residential for this part of Eighth Street south of the Brookland Metro.

Overall, weighing the multiple and sometimes conflicting policies and goals of the various District plans and studies, this proposal would on balance further the goals of the District and is not inconsistent with the Comprehensive Plan. The project is in keeping with the Comprehensive Plan's guiding principles for managing growth and change and policies in the Land Use, Transportation, Housing, Environmental Protection, Urban Design, and Arts and Culture Elements as well as specific policies for this area in the Upper Northeast Area Element as noted in the setdown report.

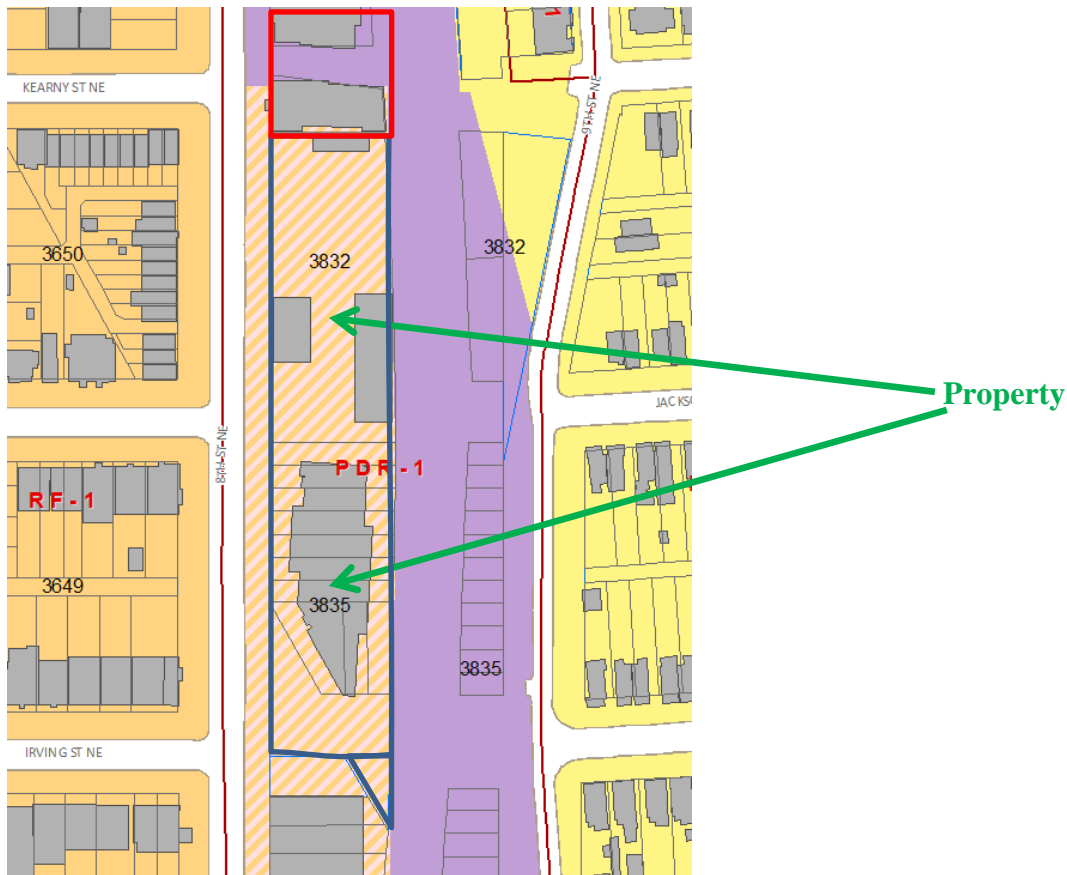
## **VII. ZONING**

The Property is currently zoned PDR-1, which the regulations state "*is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.*"

The Applicant proposes a PUD-related MU-4 rezoning. 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 MU-4 zone corresponds to the Moderate Density Residential and Low-Density Commercial designations noted on the Future Land Use Map for this Property.

### Zoning Map

Subject property currently zoned PDR-1; adjacent properties zoned PDR-1 and MU-5-A (C-2-B) (PUD map amendment outlined in red) and RF-1 across 8<sup>th</sup> Street



The following table compares the existing matter-of-right development capacity of the PDR-1 and MU-4 Districts as well as the MU-4 PUD requirements:

	<b><u>Proposed</u></b>	<b><u>Allowed/ Required by PDR-1 Matter-of-Right</u></b>	<b><u>Allowed/ Required MU-4 Matter-of-Right</u></b>	<b><u>Allowed/ Required by MU-4 PUD</u></b>
Use	Residential	Multifamily residential use prohibited	Residential	Residential
Height *	65' (both buildings)	50'	50'	65'
Penthouse Height	12' habitable; 18'6" mechanical	12' habitable; 15' mechanical	12' habitable; 15' mechanical	12' habitable; 18'6" mechanical
Number of Units	375	N/A	N/A	N/A
FAR*	3.6 for the entirety of the Site	2.0 restricted/ 3.5 permitted	3.0	3.6
Square Footage	325,050	180,586 restricted; 316,025.5 permitted	270,879	325,054.8
Lot Occupancy*	64.8%	No Maximum	75%	75%
Rear Yard	Varies, 15' Minimum	2.5' per 1' height; 12' minimum	15'	15'
Side Yard	17'; 50'; 11'; 13'	None required	None required; if provided 10.83'	None required; if provided 10.83'
GAR Technical flexibility required for location of GAR elements	0.3 for the entirety of the Site	0.3	0.3	0.3
Open Courts	Court A: 113' Court B: 40' Court C: 50' Court D: 50'	2.5" per 1' of height; 6' minimum	4" per 1' of height; 6' minimum Court A: 14.66' Court B: 21.66' Court C: 14.66' Court D: 14.66'	4" per 1' of height; 6' minimum Court A: 14.66' Court B: 21.66' Court C: 14.66' Court D: 14.66'
Vehicle Parking	186 spaces	62 spaces	62 spaces	62 spaces
Bicycle Parking	125 long term 20 short-term	88 long-term 19 short-term	88 long-term 19 short-term	88 long-term 19 short-term
Loading	2 berths @ 30' 1 s/d space @ 20' 2 platforms @ 100 SF	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf	1 berth @ 30' 1 s/d space @ 20' 1 platform @ 100 sf
IZ	2,232 sf @ 30% MFI 5,208 sf @ 50% MFI 24,924 sf @ 60% MFI 4,836 sf @ 80% MFI Total=37,200 SF	No multifamily residential use permitted	29,241 sf @ 60% MFI 2,846 sf @ 50% MFI Total: 32,105 SF	29,241 sf @ 60% MFI 2,846 sf @ 50% MFI Total: 32,105 sf

\*Includes IZ bonus where applicable



## VIII. FLEXIBILITY

The Applicant has requested technical flexibility to allow the GAR requirements to be satisfied based on the entire Site.

The Applicant has also requested the following flexibility to:

1. Provide a range in the number of units of 377 plus or minus 10%;
2. Vary the location and design of all interior components, including amenities, partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, elevators, escalators, and toilet rooms elevators, provided that the variations do not change the exterior configuration of the building;
3. Make refinements to the garage configuration, including layout, number of parking spaces, and/or other elements, so long as the number of parking spaces does not decrease below the minimum level required by the Zoning Regulations;
4. Vary the final selection of the colors of the exterior materials based on availability at the time of construction, provided such colors are within the color ranges proposed in the Plans;
5. Make minor refinements to the locations and dimensions of exterior details that do not substantially alter the exterior design shown on the Plans. Examples of exterior details would include, but are not limited to, doorways, canopies, railings, and skylights;
6. Vary the font, message, logo, and color of the proposed signage, provided that the maximum overall dimensions and signage materials do not change from those shown on the Plans; and
7. Vary the number and mix of inclusionary units if the total number of dwelling units changes within the range of flexibility requested, provided that the location and proportionate mix of the inclusionary units will substantially conform to the layout shown on the IZ Unit Location Plan, included as Exhibit 15B of the record;
8. Vary the location, attributes, and general design of the approved streetscape to comply with the requirements of, and the approval by, the DDOT Public Space Division; and
9. Vary the approved sustainable features of the Project, provided the total number of LEED points achievable for the Project does not decrease below the minimum required for the LEED standard specified by the order. (The applicant has stated on page 5 of Exhibit 25 that they will seek LEED Gold)

Items #8 and 9 are new requests for flexibility made by the Applicant since the case was set down. More details of the requested flexibility can be found on pages 11-12 of Exhibit 2 and pages 3-5 of Exhibit 25.

## IX. PUD EVALUATION STANDARDS

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations, or results in an action inconsistent with the Comprehensive Plan. The Applicant requests a PUD and related map amendment, which is not inconsistent with the Comprehensive Plan maps and policies as previously discussed in the OP setdown report and found in Appendix A.

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Subtitle X, Chapter 3. The PUD process is intended to:

*“provide for higher quality development through flexibility in building controls, including building height and density, provided that a 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”*  
*(§ 300.1).*

In order to approve the Consolidated PUD, the Commission must find that it would not be inconsistent with the Comprehensive Plan, would not result in unacceptable impacts on the area or on city services, and includes public benefits and project amenities that balance the flexibility requested and any potential adverse effects of the development (§§ 304.3 and 304.4).

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).

*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 amenity package evaluation is partially based on an assessment of the additional development gained through the application process. The property is currently zoned PDR-1 and the Applicant has requested development within the MU-4 PUD standards. If the Applicant proposed a PUD within the PDR-1 zone, the maximum FAR would be 4.2 (for permitted uses)

and 60 feet. However, the PDR-1 zone does not allow multi-family residential use, so the proposed use in this location would not be possible without a rezoning.

The Applicant has offered that the following amenities and benefits result from the proposed PUD. The applicable regulations of Subtitle X Section 305.3 for the “public benefits of the proposed PUD” are noted under each category heading.

**A. Building design, open space, and site planning**

- 305.5 (a) Superior urban design and architecture;*
- 305.5 (b) Superior landscaping, or creation or preservation of open spaces;*
- 305.5 (c) Site planning and efficient and economical land utilization;*

The Applicant proposes two buildings with a shared urban plaza courtyard that aligns with the Jackson Street right of way. The proposed buildings have been designed to provide a transition to the residential buildings of lower height and smaller scale and density across the street on the west side of 8<sup>th</sup> Street. The setback at the upper floor is consistent with guidance from the Small Area Plan (see Appendix A). The design of the proposed buildings shows recesses, projections, setbacks, balconies and varied materials which will provide visual interest and detail to the building. Since setdown, the Applicant added additional balconies on the building, which is a positive change.

The Commission expressed concern at setdown about the use of vinyl windows as an element of “superior architecture”. The Applicant continues to propose vinyl windows and OP recommends that the Applicant consider an alternative window material.

The proposal would improve the street environment by providing landscaping, lighting, and a wide sidewalk that would connect to the existing sidewalk located to the north. The “urban plaza” between the north and south building would provide the residents access to the lobbies of both buildings. At the Inter-Agency meeting, OP suggested that the Applicant could incorporate playable art into the plaza and perhaps something could be designed by local artists from the nearby Brookland arts community.

The DC Department of Parks and Recreation recommended that the plaza space provide more usable/playable greenspace with unique seating around it like the swing chairs that were shown in an early version of the plans. They also noted that the plaza could be a good place for a drinking fountain for runners and bikers on the trail. (see Appendix B):

**B. Transportation improvements**

- 305.5 (o) Transportation infrastructure beyond that needed to mitigate any potential adverse impacts of the application including, but not limited to, dedication and/or construction of a public street or alley; maintenance of a street median; or provision of a public easement for a pedestrian walkway that would not otherwise be required;*

The development proposal includes a new 10-foot wide stretch of sidewalk which would connect to an existing sidewalk to the north and improve connectivity along 8<sup>th</sup> Street NE. The Applicant is working with DDOT on coordination of plans for improvements to the Metropolitan Branch

Trail along 8<sup>th</sup> Street adjacent to the site. There would be a new curb cut at the north end of the site and parking and loading would be accessed from the new driveway. The site is located within walking distance to the Brookland Metro station and residents would have easy access to transit.

The Applicant provided a Comprehensive Transportation Review and Transportation Demand Management plan in Exhibit 22A. DDOT will file a separate report and recommendation of the project.

### **C. Housing and affordable housing**

305.5 (f) *Housing that:*

- (1) Exceeds the amount that would have been required through matter-of-right development under existing zoning;*
- (2) Includes senior housing; or*
- (3) Provides units with three (3) or more bedrooms;*

305.5 (g) *Affordable housing; except that affordable housing provided in compliance with the Inclusionary Zoning requirements of Subtitle C, Chapter 22, shall not be considered a public benefit except to the extent it exceeds what would have been required through matter-of-right development under existing zoning. In determining whether this standard has been met, the Zoning Commission shall balance any net gain in gross floor area against any loss of gross floor area that would have been set-aside for "low-income households" as defined in the Inclusionary Zoning requirements of Subtitle C, Chapter 10;*

The introduction of 377 new residential units is consistent with citywide planning goals to expand the housing supply. The property is currently zoned PDR-1, an industrial zone that does not allow residential use. The Applicant proposes that 14 of the units will have three bedrooms and OP encourages the Applicant to provide fewer studios and more two- and three-bedroom units as a public benefit per Subtitle X Section 305.5 (f) (3) above. Additionally, OP recommends that the family-size units be located where residents can access outdoor amenities and that some of the walk-out townhouse style units along Eighth Street be large units and not studios.

The Applicant's proposal complies with the Inclusionary Zoning requirements for the buildings and habitable penthouse, which would require 30,484 square feet for IZ units. The Applicant proposes 35,322 SF or 12% of the building's residential square footage designated as affordable housing for residents, which would be approximately 5,000 SF more than required and at a deeper level of affordability than required by zoning.

The Applicant proposes the following breakdown of the 46 affordable units:

- 13% (4,592 SF) at 80% MFI
- 67% (23,666 SF) at 60% MFI
- 14% (4,945 SF) at 50% MFI
- 6% (2,119 SF) at 30% MFI

The DC Department of Housing and Community Development (DHCD) provided comments on the proposed IZ unit breakdown and layout. DHCD supports the PUD proposal and appreciates that the Applicant is proposing more IZ units and at a deeper level of affordability than required. DHCD would prefer that all of the IZ units were at or below 60% MFI but noted they will accept some at 80% if it allows some to be offered at 30%. They also appreciate the Applicant's commitment to provide identical finishes and fixtures in the affordable units to those in the market rate units. They reviewed the IZ unit layout plan and noted that it appears that none of the townhouse units on the ground level facing 8<sup>th</sup> Street NE will be IZ units and DHCD would like to see at least one IZ unit there. (see Appendix B)

The DC Office on Aging requested that the Applicant provide units for senior housing in keeping with Subtitle X Section 305.5(f)(2). They don't oppose the PUD and request that the Applicant consider reserving one or more units for low- to moderate-income seniors who are age 60+ in addition to the IZ units (see Appendix B).

#### **D. Environmental benefits**

*305.5 (k) Environmental and sustainable benefits to the extent they exceed the standards required by zoning or other regulations including, but not limited to:*

*(1) . . .*

*(5) Meeting the minimum standards for Leadership in Energy and Environmental Design (LEED) Gold certification. The project does not have to achieve actual LEED certification; however, the developer must include the LEED checklist and documentation in the application, approved by a LEED Accredited Professional (LEED-AP) that shows that the project will comply with LEED requirements;*

The Applicant has confirmed that the Project would be certified LEED Gold v4 for Multifamily Midrise Homes. The building would have rooftop solar panels that would generate approximately 1% of the energy for the development and green roofs.

The DC Department of Energy & Environment (DOEE) commended the Applicant for the LEED Gold certification and provided the following comments (see Appendix B):

- If solar panel materials and installation costs become an issue during the final design process, a power purchase agreement may be executed for leased solar panels with zero up front cost.
- Given that the District is continuously updating building codes, additional gains in energy efficiency are possible and encouraged. The applicant is encouraged to maximize all opportunities for increased energy efficiency in the project. Some strategies could have minimal construction cost impacts, such as improvements to the building envelope, and will also decrease utility cost and could save valuable rooftop space. Many energy conservation measures including additional insulation, LED lighting and controls, high efficiency mechanical systems, and envelope commissioning and air sealing have a return on investment within five years and can be financed with no up-front cost through the DC PACE program.

- DOEE recommends that the applicant investigate opportunities to take advantage of financial tools that would allow an increased commitment to sustainability.
- The District has among the most stringent stormwater management, hazard remediation, air quality, energy conservation, and green building code requirements in the country. A more substantial, full regulatory compliance review by DOEE and other appropriate agencies, including the Environmental Impact Statement Form process, Stormwater Management Permit review, and Green Building Act and DC Green Construction Code compliance, will occur during the permit application process.

## **E. Community Contributions**

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

*305.5 (r) Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.*

The Applicant has worked with ANC 5E and the Edgewood Civic Association on the following proposed benefits and amenities package:

- 1.) \$75,000 to Dance Place's Energizers Program. The contribution will be \$25,000 per year for three years and will fund eight scholarships for camp, 20 weeks of job training for 14 teenagers, and five scholarships for the Energizers Afterschool Program. The Applicant will contribute the first two years prior to the issuance of the final C of O. The Applicant anticipates that the third year contribution may go into an escrow account and the Applicant would provide evidence of the account prior to the issuance of the C of O.
- 2.) \$10,000 to Beacon House to support the summer camp in the Edgewood community, which serves approximately 90 children over five weeks. The contribution will cover the full cost of attendance for at least eight campers.
- 3.) The Applicant will contribute \$24,000 to the Edgewood Civic Association for the creation of an Edgewood Street Festival. The contribution would be spread out over three years (\$8,000 per year) and the Applicant proposes to fund an escrow account prior to the issuance of the C of O.
- 4.) The Applicant will contribute \$20,000 to a non-profit that supports the McKinley Tech Track Club (Fast Lane) to fund participation in the National Capitol Invitational Meet and the Penn Relays Meet, uniforms, and other meet and administrative fees that are not currently covered by the Track Club's budget.
- 5.) The Applicant will contribute \$20,000 to 1way2rise, a 501(c)(3) non-profit, which will fund educational and sporting supplies and tutoring services that will occur during the construction of the Project.
- 6.) The Applicant will contribute \$50,000 to the Hope Community Charter School, which will fund a combination of: (i) the construction of a sensory playground on the south side of the school; (ii) resurfacing and painting the basketball courts; (iii) the addition of a new basketball hoop system and pull up bar; (iv) and green-scaping of the school's campus.

The Applicant provided additional information about these contributions in Exhibit 25 and 25B and 25C. For contributions # 1, 2, 4, 5, and 6, the Applicant has committed to providing proof to the Zoning Administrator that the items have been or will be provided prior to issuance of certificate of occupancy for the Project.

For # 1 and 3, which would involve financial contributions over three years that could extend beyond the construction timeline for the project, the Applicant has proposed to establish and fund an escrow account prior to the issuance of the certificate of occupancy for the project. OP has consulted with the Office of the Attorney General to ensure that the Applicant's benefits package complies with 305.3 (d):

*305.3 All public benefits shall meet the following criteria:*

- (a) Benefits shall be tangible and quantifiable items;*
- (b) Benefits shall be measurable and able to be completed or arranged prior to issuance of a certificate of occupancy;*
- (c) Benefits may primarily benefit a particular neighborhood or area of the city or service a critical city-wide need; and*
- (d) **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.***

In a previous Zoning Commission case, when an Applicant proposed putting funds into an escrow account for use after the project's C of O would be issued, the contribution was incorporated into the Order as an "MOA condition" which made it enforceable but it did not call it a public benefit since it was determined that the contribution did not comply with Subtitle X Section 305.3(d) above.

OP recognizes that #1 and 3 above would provide a benefit to the community and should be linked to the Order so as to be enforceable, but cannot be considered proffers because the services would be provided after the C of O would be issued and therefore OP recommends they be identified as MOA (or MOU) conditions.

## **X. AGENCY COMMENTS**

The Office of Planning referred this application for review to:

- Department of Energy & Environment (DOEE);
- Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- DC Public Schools (DCPS);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD);
- Washington Metropolitan Area Transit Authority (WMATA);
- DC Water;

- DC Public Library (DCPL);
- Office of the State Superintendent of Education (OSSE);
- DC Office on Aging (DCOA); and
- Department of Employment Services (DOES).

On February 6, 2019, the Office of Planning held an inter-agency meeting and all of the agencies listed above were invited. Staff from DOEE, DHCD, FEMS, and OSSE attended along with the Applicant. DCOA did not attend but provided written comments that were provided to the Applicant and DDOT met separately with the Applicant.

DHCD, DCOA, DCPL, DPR, and DOEE provided comments on the final application as noted above in Section X of the report and attached in Appendix B. DDOT indicated that they will file a separate report prior to the public hearing.

## **XI. COMMUNITY COMMENTS**

ANC 5E filed a resolution in support of the proposal (Exhibit 10). The Edgewood Civic Association voted to support the application (Exhibit 10). There is a letter in support from multiple neighbors in Exhibit 26.

## **XII. OP RECOMMENDATION**

After a full review and analysis of the Applicant's proposal, weighing and balancing multiple and sometimes conflicting policies and goals from the Comprehensive Plan and the Small Area Plan, and with input from other District agencies, OP recommends approval of the PUD application.



## APPENDIX A

Excerpted from the OP setdown report dated December 7, 2019 (Exhibit 11).

### COMPREHENSIVE PLAN MAPS, POLICIES AND SUPPLEMENTAL GUIDANCE

The proposed PUD must be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies. The map amendment also should not be inconsistent with the Comprehensive Plan and other adopted policies.

The Comprehensive Plan's Generalized Policy Map describes the subject site as a Neighborhood Conservation Area. The Future Land Use Map indicates that Low Density Commercial and Moderate Density Residential uses would be appropriate on this site. The Brookland / CUA Metro Station Small Area Plan refined the vision for this area.

#### **A. Future Land Use Map**

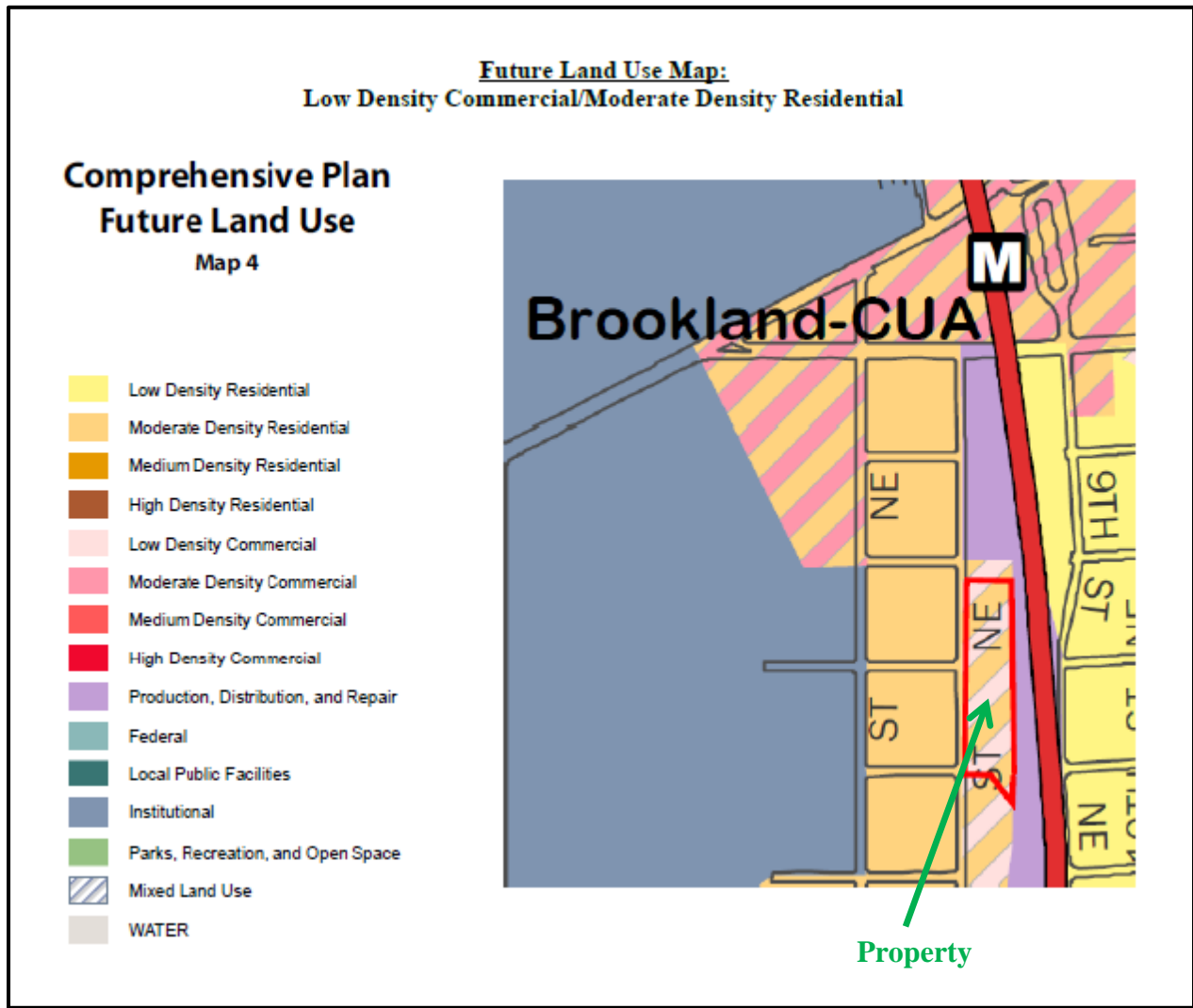
The Future Land Use Map designation for the Property is striped for Low-Density Commercial and Moderate-Density Residential. The MU-4 zone is not inconsistent with this designation. The FLUM does not show this property designated as PDR or with a PDR stripe.

*Moderate Density Residential: This designation is used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.*

*Low Density Commercial: This designation is used to define shopping and service areas that are generally low in scale and character. 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. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply.*

*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.*



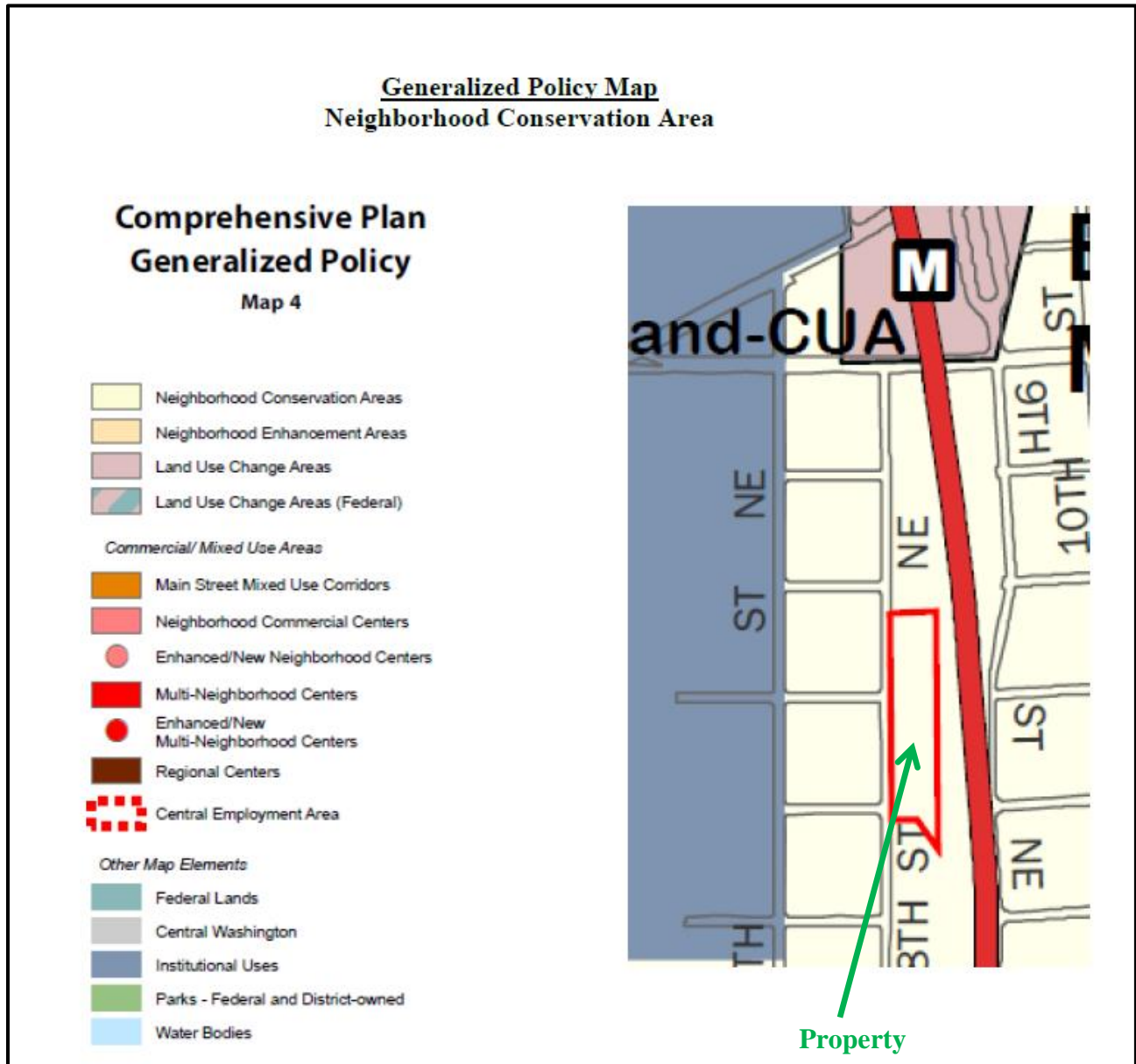
## **B. Generalized Policy Map**

The Generalized Policy Map designates the Property as a “Neighborhood Conservation Area” and the proposed residential development is not inconsistent with this designation.

*Neighborhood Conservation areas have 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 over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated. Neighborhood Conservation Areas that are designated “PDR” 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.*



### **C. Small Area Plan and Comprehensive Plan Policies and Guidance**

#### **i. Brookland/CUA Metro Station Small Area Plan**

On March 3, 2009 the City Council adopted the Brookland / CUA Metro Station Small Area Plan (SAP). One goal listed in the SAP under “Development and Land Use Changes” is to “support long-term land use changes on industrially zoned land in the station vicinity particularly in the are immediately north of Michigan Avenue and in the area to the southwest along 8<sup>th</sup>

Street.” The SAP gives specific direction to five different sub-areas and the subject site falls partially within the “Commercial Area South of Metro Station Sub-Area”, which extends south to Jackson Street. The vision for this sub-area is for “new residential and cultural uses woven into the neighborhood street fabric” (SAP, pg. 52). An image taken from the Plan and reproduced below shows a conceptual plan for the sub-area based on the Plan policies.



The SAP's Commercial Area - South sub-area and one illustrative potential build-out scenario.

The SAP listed six sub-area policy recommendations (SAP, pg. 52):

*1 – Develop new residential uses, extending and integrating with the existing street fabric.*

The development of 325 residential units along 8<sup>th</sup> Street NE is in keeping with the SAP recommendation to create new residential uses. The new buildings would be directly across from residential buildings along the west side of Eighth Street NE and south of the Brookland Artspace Studios, a residential building.

*2 – Development south of Kearny Street should consist of low to moderate density residential and limited commercial or cultural facilities.*

The proposal is for moderate density residential development south of Kearny Street, which is consistent with this SAP recommendation.

*3 – Provide adequate parking but at low transit oriented development parking ratios.*

The Applicant proposes 186 parking spaces located in a garage beneath the new buildings.

*4 – Development south of Monroe Street to Kearny Street may be allowed up to 5 stories or a maximum of 60 feet through a Planned Unit Development, a discretionary approval by the District's Zoning Commission. Building heights should taper down to transition to adjacent lower scale residential structures.*

The proposal would be located just south of Kearny Street. The proposed buildings have been designed to provide a transition to lower scale residential structures located across the street on the west side of the block.

*5 – Building facades facing a public street in the sub area should step back in height at a ratio of one half (1/2) to one above 50 feet. For example, for every 10 feet in height above 50 feet, the building façade should step back 5 feet from the building edge.*

The proposed buildings would adhere to this recommendation and are designed to provide a step back above 50 feet.

*6 – Integrate Metropolitan Branch Trail along 8<sup>th</sup> Street.*

The Applicant is working with DDOT to coordinate the plans for this development and plans for the Metropolitan Branch Trail and has proposed a 10 foot wide sidewalk along 8<sup>th</sup> Street at DDOT's recommendation.

**ii. Comprehensive Plan Policies**

The Property is located in the Upper Northeast Area Element of the Comprehensive Plan. There are policies within the Upper Northeast Area Element, as well as policies in the Citywide Framework which encourage optimal land use, transit-oriented development, housing, environmental protection, and urban design. The proposed PUD is not inconsistent with the general major policies for the Property and immediate area.

**Upper Northeast Area Element**

***Policy UNE-1.1.3: Metro Station Development***

*Capitalize on the presence of the Metro stations at Rhode Island Avenue, Brookland/CUA, and Fort Totten, to provide new transit-oriented housing, community services, and jobs. New development around each of these three stations is strongly supported. The District will coordinate with WMATA to ensure that the design, density, and type of housing or other proposed development at these stations is compatible with surrounding neighborhoods; respects community concerns and feedback; serves a variety of household incomes; and mitigates impacts on parking, traffic, and public services. Development shall comply with other provisions of the Comprehensive Plan regarding the compatibility of new land uses with established development, the provision of appropriate open space, and mitigation of impacts on traffic, parking, and public services*

***Policy UNE-2.6.1: Brookland/CUA Metro Station Area***

*Encourage moderate-density mixed use development on vacant and underutilized property in the vicinity of the Brookland/CUA Metro station, including the parking lot east of the station. Special care should be taken to protect the existing low-scale residential uses along and east of 10th Street NE, retain the number of bus bays at the station, and develop strategies to deal with overflow parking and cut-through traffic in the station vicinity.*

***Policy UNE-2.6.3: Long-Term Land Use Changes***

*Support long-term land use changes on industrially zoned land in the station vicinity, particularly in the area immediately north of Michigan Avenue and in the area to the southwest along 8th Street. Consistent with the 2006 Industrial Land Use Study, the industrially zoned area within ¼ mile of the Metro station may be considered appropriate for long-term transition to more intense uses, including housing, live-work lofts, artists' studios, and similar uses.*

The proposal is for residential development south of the Brookland Metro station. While the subject property is zoned for PDR use, it is currently identified on the Future Land Use Map for mixed use moderate density residential and low density commercial which is also the guidance provided in the SAP.

The property is not a WMATA station area property however it is transit-oriented and within approximately 2000 feet from the station entrance. WMATA was invited to the inter-agency review of the PUD but did not attend or provide any concerns about the project.

### **Framework Element**

The proposal would further the following guidance found within this element under “Managing Growth and Change: Guiding Principles”:

- (1) *Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness.*
- (6) *Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs.*
- (7) *Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality.*
- (10) *The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively.*

### **Land Use Element**

#### *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.*

#### *Policy LU-1.3.3: Housing Around Metrorail Stations*

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

#### *Policy LU-1.3.4: Design To Encourage Transit Use*

*Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of*

*passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping, and security measures. Discourage the development of station areas with conventional suburban building forms, such as shopping centers surrounded by surface parking lots.*

***Policy LU-2.1.11: Residential Parking Requirements***

*Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.*

The proposal is for residential development in close proximity to the Brookland Metro station. The Applicant proposes substantially more bike parking that required by zoning and the property is conveniently located on the Metropolitan Branch Trail. The Applicant would not provide RPP to residents and would provide limited parking beneath the building. The Applicant proposes new wide sidewalks in front of the buildings and plans for coordination with DDOT on future Metropolitan Branch Trail improvements.

**Transportation Element**

***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.*

***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.*

***Policy T-2.3.3: Bicycle Safety***

*Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist.*

***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*

***Policy T-3.1.1: Transportation Demand Management (TDM) Programs***

*Provide, support, and promote programs and strategies aimed at reducing the number of car trips and miles driven (for work and non-work purposes) to increase the efficiency of the transportation system.*

The proposed building would have a secure bicycle parking room for 125 bicycles in the underground garage. The Applicant would install and improve sidewalks which would assist pedestrian connections. The Applicant is coordinating with DDOT on the plans for future improvements to the Metropolitan Branch Trail.



## **Housing Element**

### ***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.*

### ***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.*

### ***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.*

### ***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.*

### ***Policy H-1.2.7: Density Bonuses for Affordable Housing***

*Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purposes of granting density bonuses when new development is proposed. Density bonuses should be granted in historic districts only when the effect of such increased density does not significantly undermine the character of the neighborhood.*

### ***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.*

The proposal is for 375 new residential units, including approximately 45 units of affordable housing with varying levels of affordability including some units offered at 30% and 50% MFI. This new housing would provide mixed-income housing in a desirable and accessible location. The Applicant should consider providing more larger family-sized units within the buildings.

## **Environmental Protection Element**

### ***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.*

***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.*

***Policy E-2.2.1: Energy Efficiency***

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

***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.*

***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.*

***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.*

***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.*

***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.*

The Applicant proposes a LEED Gold building with a green roof, solar panels, permeable pavement, and new street trees, all features which would benefit the residents of the building and community as a whole. The Applicant expects the solar panels to generate approximately 1% of the energy for the development.

## **Urban Design Element**

### ***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.*

### ***Policy UD-2.2.4: Transitions in Building Intensity***

*Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood.*

### ***Policy UD-2.2.5: Creating Attractive Facades***

*Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.*

### ***Policy UD-2.2.7: Infill Development***

*Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.*

### ***Policy UD-3.1.1: Improving Streetscape Design***

*Improve the appearance and identity of the District streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street 'furniture' and adjacent building facades.*

### ***Policy UD-3.1.2: Management of Sidewalk Space***

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

### ***Policy UD-3.1.3: Streetscape Design and Street Function***

*Use variations in lighting and landscaping to highlight and clarify the function of different streets. The design features of streets should make the city's circulation system easier to navigate and understand for residents and visitors.*

### ***Policy UD-3.1.4: Street Lighting***

*Provide street lighting that improves public safety while also contributing to neighborhood character and image.*

### ***Policy UD-3.1.5: Streetscape and Mobility***

*Ensure that the design of public space facilitates connections between different modes of travel, including walking, public transit, bicycling and driving. Bus shelters, benches, bicycle parking,*

*safe pedestrian connections, and clear way-finding signage should be provided to facilitate multi-modal travels.*

***Policy UD-3.1.7: Improving the Street Environment***

*Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall.*

***Policy UD-3.1.11: Private Sector Streetscape Improvements***

*As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties.*

The Applicant proposes two buildings that would improve the street environment by providing landscaping, lighting, and a wide sidewalk that would connect to the existing sidewalk located to the north. The “urban plaza” between the north and south building would provide the residents access to the lobbies of both buildings. OP would encourage the Applicant to refine the plans so it more open and green and more inviting to the public. Additionally, the Applicant should reconcile the plans for the plaza in Sheet L03 with the renderings in Sheets A07, A08, A10.

**Arts and Culture Element**

***Policy AC-1.1.1: Enhancement of Existing Facilities***

*Preserve and enhance existing District-owned neighborhood arts and cultural spaces. Assist in the improvement of arts organizations’ facilities in order to enhance the quality and quantity of arts offerings.*

***Policy AC-2.2.2: Neighborhood Fairs***

*Encourage neighborhood festivals of appropriate scale and location to showcase local culture. Such festivals should be planned and managed in a way that does not adversely affect neighborhood health, welfare, and safety*

The Applicant’s proposed contributions to assist in funding Dance Place and the Edgewood Street Festival are in keeping with the goals and policies of the Arts and Culture element and the SAP’s cultural goals.

## APPENDIX B

### District Agency Comments Provided by Email

#### DC Public Library Comments

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**From:** Greenberg, Judi (DCPL)  
**Sent:** Friday, March 29, 2019 5:28 PM  
**To:** Fothergill, Anne (OP) <anne.fothergill@dc.gov>  
**Cc:** Mecks, Joi (DCPL) <joi.mecks@dc.gov>; Zablud, Kim E. (DCPL) <kim.zablud@dc.gov>; Blumenfeld, Andrew (DCPL) <andrew.blumenfeld@dc.gov>  
**Subject:** RE: ZC 18-21 PUD inter-agency meeting

Anne –

DCPL has no comments at this time and we do not anticipate that the proposed project and development will produce an undue burden on the library's operations.

Thanks,

**Judi Greenberg**  
Director of Strategic Planning  
DC Public Library  
1990 K St, NW Suite 500  
Washington, DC 20006  
(202)727-4919  
[judi.greenberg@dc.gov](mailto:judi.greenberg@dc.gov)

DC Department of Housing and Community Development Comments

**From:** Bulmash, Gene (DHCD)  
**Sent:** Tuesday, March 26, 2019 10:48 AM  
**To:** Fothergill, Anne (OP)  
**Cc:** Pelletiere, Danilo (DHCD)  
**Subject:** RE: ZC 18-21, 3201 & 3135 8th Street NE

Anne,

DHCD supports the proposed PUD and appreciates that the applicant is proposing more than the minimum IZ set aside (12% of square footage) and deeper affordability (units at 30% MFI) than required. DHCD also appreciates the applicant's commitment to provide identical finishes and fixtures in the affordable units to those in the market rate units, as stated at the Feb. 6 interagency meeting.

DHCD would prefer if all of the IZ units were at or below 60% MFI, but will accept some at 80% if it allows some at 30%. It also doesn't appear from the latest IZ Location Plan that any of the townhouse units on the ground level facing 8<sup>th</sup> Street NE will be IZ and DHCD would like to see at least 1.

Let me know if you have any questions or need anything further. Thanks & cheers,

**Gene Bulmash**  
(p) 202-442-7168 | (c) 202-577-2297 | (f) 202-645-5884

DC Department of Energy & Environment Comments

**From:** Bautista, Julienne (DOEE)

**Sent:** Thursday, March 28, 2019 2:50 PM

**To:** Fothergill, Anne (OP) <[anne.fothergill@dc.gov](mailto:anne.fothergill@dc.gov)>

**Cc:** Wiley, Kendra (DOEE) <[Kendra.Wiley@dc.gov](mailto:Kendra.Wiley@dc.gov)>; Studhalter, Casey (DOEE) <[casey.studhalter@dc.gov](mailto:casey.studhalter@dc.gov)>

**Subject:** RE: Meeting Forward Notification: ZC 18-21 PUD inter-agency meeting

DOEE comments

- We commend the applicant for certifying the project as LEED Gold v4 for Multifamily Midrise Homes.
- If solar panel materials and installation costs becomes an issue during the final design process, a power purchase agreement may be executed for leased solar panels with zero up front cost. Also, for owner financed solar panels, which can be financed by DC PACE, the typical return on investment is between two and five years. Through the District's community solar program, the energy generated can be "virtually" net-metered and the residents or commercial tenants can "subscribe" into the system providing mutual benefit for both the property owner and residents.
- Given that the District is continuously updating building codes, additional gains in energy efficiency are possible and encouraged. We would encourage that the project maximize all opportunities for increased energy efficiency. While some strategies could have minimal construction cost impacts, such as improvements to the building envelope, they will also decrease utility cost and could save valuable rooftop space. Many energy conservation measures including additional insulation, LED lighting and controls, high efficiency mechanical systems, and envelope commissioning and air sealing have a return on investment within five years and can be financed with no up-front cost through the DC PACE program.
- Financial tools like the DC Property Assessed Clean Energy (DC PACE) program and incentives from the DC Sustainable Energy Utility (DC SEU) can pay for increases in construction cost for sustainable design strategies. These could include on-site generation, any strategies that increase efficiency above the baseline code requirements, or stormwater management strategies that garner return on investment through the District's Stormwater Retention Credit Trading program. This financing does not increase debt on the property and is repaid over time as a special assessment on the property tax. DOEE recommends that the applicant investigate opportunities to take advantage of financial tools that would allow increased commitment to sustainability.
- The District has among the most stringent stormwater management, hazard remediation, air quality, energy conservation, and green building code requirements in the country. A more substantial, full regulatory compliance review by DOEE and other appropriate agencies, including the Environmental Impact Statement Form process, Stormwater Management Permit review, and Green Building Act and DC Green Construction Code compliance, will occur during the permit application process.

DC Office on Aging Comments

**From:** Mingal, Adam (DACL)  
**Sent:** Monday, April 1, 2019 1:33 PM  
**To:** Fothergill, Anne (OP) <anne.fothergill@dc.gov>  
**Subject:** RE: ZC 18-21 PUD inter-agency meeting

Anne,

Thanks again for including us in this PUD review process.

A [recent study](#) conducted by Harvard's Joint Center for Housing Studies outlines some of the challenges that seniors face in paying for housing. Nearly one-third of senior-headed households are considered "housing cost-burdened", meaning they spend >30% of their income on housing. With the DMV region being among the most expensive in the country to buy a home, that percentage is likely greater in D.C.

DACL's Community Transition Team (CTT) helps interested nursing home residents transition to the community. Maybe the single greatest barrier to transition is a lack of affordable housing. CTT can help people identify and apply for services and supports, including applying for housing vouchers, but we don't control any housing stock ourselves and the waitlists for housing assistance can be very long. To the extent that private buildings like the PUD applicant's here are willing to explore and contribute solutions to the seniors we serve, it would be a great development, and if they're either interested in designating senior housing units or have other solutions to propose, we'd love to engage with them on the needs of the populations we serve.

Adam

**Adam Mingal**  
202.727.8371

**From:** Mingal, Adam (DCOA)  
**Sent:** Tuesday, February 5, 2019 3:38 PM  
**To:** Fothergill, Anne (OP)  
**Subject:** RE: ZC 18-21 PUD inter-agency meeting

Hi Anne,

Access to high-quality, affordable housing remains a challenge for many of the seniors DCOA serves. While we don't oppose this rezoning application, we'd request that the applicant

consider reserving one or more units for low-to-moderate income seniors ages 60+, in addition to the units already set aside for low-income housing.

Thanks,  
Adam

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DC Department of Parks and Recreation Comments

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**From:** Kushner, Nick (DPR)  
**Sent:** Monday, April 1, 2019 4:32 PM  
**To:** Fothergill, Anne (OP) <anne.fothergill@dc.gov>  
**Subject:** RE: ZC 18-21 PUD inter-agency meeting

Hi Anne,

So sorry not to get you comments sooner. It's great that the developers are incorporating a pocketpark/plaza into the design. We welcome this. My major comment would be to ensure that there is some greenspace available for active play, whether it be kids crawling around or a game of bags. From what I can see, it seems that the site plans and renderings differ somewhat in how the plaza will be oriented. The site plans seem to incorporate space for turf in the front and back of the plaza, however the renderings only show a small patch in the back. In general, I am more supportive of the curved site plan layout for greenspace than the more rigid depiction in the renderings. It also seems that the rendered design for the seating structure in the front is wasted green space. Why not make that space usable/playable and provide unique seating around it? Love the swing chairs in the back. Plaza could also be a good place to consider a drinking fountain for runners and bikers coming off the trail.

Hope this is helpful. Even if a little in the weeds 😊

Nick Kushner, AICP  
Community Planner  
Capital Projects, Planning and Design

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