

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JLS*
Jennifer Steingasser, AICP Deputy Director, Development Review & Historic Preservation

Matt Jesick, Development Review Specialist

DATE: October 4, 2021

SUBJECT: Setdown Report for Zoning Commission Case #19-29, Consolidated Planned Unit Development and Related Map Amendment at 1348 4th Street, NE

I. BACKGROUND AND RECOMMENDATION

The Commission held a meeting on this case on June 10, 2021. At that time the Office of Planning (OP), in our report at Exhibit 14, did not make a recommendation regarding setdown, and noted that the public benefits of the PUD were not commensurate with the degree of development incentives requested, including the increase in density from the PUD-related rezoning. The use mix, including PDR uses, and the amount of affordable housing proposed were not consistent with the Comprehensive Plan or the Mayor's Order on Housing of May 10, 2019. At the meeting the Commission agreed that the magnitude of the benefits needed to be improved and did not set the application down for a public hearing.

Since that time OP and the applicant have continued conversations about the outstanding issues identified in the OP report, as well as issues raised by the Commission. In consultation with the Department of Housing and Community Development (DHCD), those conversations have had a particular focus on the level of Inclusionary Zoning (IZ) in the project. The applicant's original IZ proffer was that 10% of the residential floor area would be affordable. OP's report recommended 15%, and the applicant, prior to the ZC meeting, raised their commitment to 12%. The result of the present discussions is that the applicant has revised their IZ proffer to provide a total of 13% of the residential floor area as IZ, with 11% available at 60% MFI, and 2% at 50% MFI. OP and DHCD have concluded that the amount of affordable housing is sufficient for this PUD, given the deeper level of affordability for some of the IZ units. And based on that updated proffer, OP can now recommend that the application be **set down** for a public hearing.

The applicant has also made a minor change to their PDR proffer, by increasing the floor area committed to PDR / Maker uses from 5% of the commercial area to 10%, though the commitment

is still for only five years. OP remains concerned about how this use commitment would be deemed not-inconsistent with the Comprehensive Plan and continues to recommend a greater quantity of PDR uses and a longer time commitment.

As stated in OP’s initial report, “Resolution of these two issues (IZ and PDR) is necessary for the level of benefits to be commensurate with the degree of flexibility sought through the PUD” (Exhibit 14, p. 2). OP appreciates the applicant working with OP and DHCD to arrive at a resolution to the IZ question. Prior to the public hearing on this case, OP will continue to work with the applicant to address the PDR commitment and other issues raised in the initial OP report and raised by the Commission.

II. APPLICATION-IN-BRIEF

Applicant	Edens (UM 1348 4th Street NE, LLC and 1250 4th ST EDENS, LLC)	
Location	1348 4 th Street, NE Square 3587, Lots 3 and 7	Ward 5, ANC 5D
Current Zoning	PDR-1 – 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.	
Proposed PUD-Related Zoning	MU-9 – Permits high-density mixed-use development including office, retail, and housing, with a focus on employment.	
Additional Relief and Flexibility Requested	<ul style="list-style-type: none"> • Special Exception for penthouse eating and drinking establishment per C § 1500.3(c); • Flexibility for court dimensions; • 5% bonus density beyond typical 20% PUD bonus, per X § 303.10; and • Design flexibility. 	
Site Characteristics	The subject site is bound by 4 th Street on the east and northeast, a small portion of New York Avenue to the northwest, and an alley and railroad easement to the west. The property slopes up from south to north along 4 th Street, to a high point at New York Avenue. The existing grade also drops off at the western edge of the property down toward the alley and railroad easement.	
Existing Development	One story bank with parking lot and drive through on northern lot; One story commercial building on the southern lot.	
Comprehensive Plan Generalized Policy Map	Multi-Neighborhood Center	
Comprehensive Plan Future Land Use	Mixed-Use: <ul style="list-style-type: none"> • High Density Residential • High Density Commercial • Production, Distribution, and Repair 	

Relevant Small Area Plan and Studies	<ul style="list-style-type: none"> • Florida Avenue Market Study Small Area Plan; • Ward 5 Industrial Land Transformation Study (Ward 5 Works); and • Mayor’s Order on Housing.
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SUMMARY OF DEVELOPMENT PARAMETERS		
Height	130’, 13 Stories	
Site Area	43,782 sf	
Floor Area*		
Residential	375,387 sf (8.57 FAR)	
Comm., Retail, Back of House	54,902 sf (1.25 FAR)	
Total	430,289 sf (9.83 FAR)	
Penthouse floor area*	15,807 sf (0.36 FAR)	
Dedicated PDR / Maker Space – for 5 years**	3,000 – 4,000 sf (10% of non-res. space on ground floor)	
Dwelling Unit Breakdown	Studio	Not provided
	1 Bedroom	Not provided
	1 Bedroom + Den	Not provided
	2 Bedroom	Not provided
	2 Bedroom + Den	Not provided
	3 Bedroom	10 – 15 (3% – 4%)
	Total	379
IZ Proffer*** (does not include required penthouse IZ)	13%, 48,800 sf 11% at 60% AMI (41,293 sf) 2% at 50% AMI (7,508 sf) 3 affordable 3BR units†	
Onsite Energy Generation	Applicant examining solar; Quantity of energy output to be determined.	
Vehicle Parking	254 spaces	
Bicycle Parking	410 long term, 39 short term	

* Exhibit 12A, p. 7

** Description of PDR proffer at Exhibit 12A, p. 10 and at Exhibit 16 pp. 1-2.

*** Description of IZ proffer at Exhibit 12A and Exhibit 16. Calculations by OP.

† Exhibit 16, p. 2

III. INCLUSIONARY ZONING

OP, DHCD and the applicant met on a number of occasions to discuss the IZ component of the project. Those discussions resulted in the affordable housing commitment from the applicant

indicated in the table above. This commitment would go toward fulfilling the goal of the Comprehensive Plan, re-emphasized in the recently enacted Plan amendments, of providing more equitable housing opportunities in the city. Comprehensive Plan policies, from the amended Comp Plan, relevant to this goal and the IZ proffer include:

Land Use Element Policy LU-1.4.4: Affordable Rental and For-Sale Multi-family Housing
Near Metrorail Stations

Explore and implement as appropriate mechanisms, which could include community land trusts, public housing, and shared appreciation models, to encourage permanent affordable rental and for-sale multi-family housing, adjacent to Metrorail stations, given the need for accessible affordable housing and the opportunity for car-free and car-light living in such locations. 307.12

Land Use Element Action LU-1.4.C: Metro Station and Inclusionary Zoning

Encourage developments in and around Metro station areas to exceed the affordable units required by the Inclusionary Zoning Program, with appropriate bonus density and height allowances. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. 307.21

Housing Element Policy H-1.1.1: Private Sector Support

Encourage or require the private sector to provide both new market rate and affordable housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.3

Housing Element Policy H-1.2.2: Production Targets

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in Washington, DC from 2018 to 2030, or approximately 20,000 units, should be affordable to persons earning 80 percent or less of the area-wide MFI...

Housing Element Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives, such as through the PUD process, to developers proposing to build affordable housing substantially beyond any underlying requirement. Exceeding targets for affordable housing can refer to exceeding the quantity or depth of affordability otherwise required. The affordable housing proffered shall be considered a high priority public benefit for the purposes of granting density bonuses, especially when the proposal expands the inclusiveness of high-cost areas by adding affordable housing. When density bonuses are granted, flexibility in development standards should be considered to minimize impacts on contributing features and the design character of the neighborhood. 504.15

At the time of the public hearing, OP will provide an updated analysis of the project against the policies of the amended Comprehensive Plan.

IV. VICINITY MAP

