

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: ^{JLS}
Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation
Anne Fothergill, Development Review Specialist

DATE: January 18, 2020

SUBJECT: Setdown Report for ZC #20-27, Consolidated PUD and related Zoning Map Amendment from MU-4 to MU-6

I. RECOMMENDATION

The Applicant, High Street District Development, Inc., submitted a request for a consolidated Planned Unit Development (“PUD”) and related zoning map amendment for the properties located at 631 P Street, N.W.; 1501-1503 7th Street, N.W.; 1525 7th Street, N.W.; 1507 7th Street, N.W.; 1509 7th Street, N.W.; 1511 7th Street, N.W.; and 1513 7th Street, N.W. (Square 445, Lots 191-194, 800, 821 and 822) to construct a mixed-use building with 230 units.

As described in Section V of this report, the proposed PUD with related zoning would generally not be inconsistent with the maps and written elements of the Comprehensive Plan. As such, the Office of Planning **recommends the application be set down for a public hearing.**

The Applicant should provide additional information on the following prior to a public hearing:

- the building’s proposed energy performance, solar installation, and storm water retention, and
- the proffered benefits and amenities including the public art installation.

The Applicant will provide a color and materials board for review at the public hearing.

II. APPLICATION IN BRIEF

Location: The subject property is located on the east side of 7th Street at the corner of P Street, N.W. and extending east to Marion Street, N.W. Commercial buildings are located to the north along 7th Street and to the east are residential row dwellings on Marion Street, N.W. A park at Kennedy Recreation Center is located across P Street to the south. To the west across 7th Street is a mixed-use building, which is a PUD development (ZC 08-14).

Ward/ANC: Ward 6, ANC 6E

Current Zoning:

MU-4 - 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.

Existing Use of the Property:

There is one commercial building, a barber shop, and a surface parking lot on the largely vacant property.

Comprehensive Plan Future Land Use Map Designation:

Striped Medium Density Commercial/Medium Density Residential and Moderate Density Residential at the corner of P and Marion Streets, N.W.

Property Size:

22,824 square feet

Proposal:

Together with a related map amendment to the MU-6 zone, the Applicant proposes to develop a mixed-use building with 230 units. There would be 7,442 SF of ground floor retail and 56 underground parking spaces accessed off the alley to the north off Marion Street. The height for the building would be 90 feet tall and would be setback above the 5th floor along Marion Street. There would be 9 stories and habitable and mechanical penthouses. The total proposed gross floor area (GFA) is 164,000 SF with a floor-area-ratio (FAR) of 7.17.

Relief:

Pursuant to Subtitle Z, Chapter 3 of the DCMR 2016 Zoning Regulations, the Applicant seeks:

1. Consolidated PUD and related map amendment to the MU-6 District;
2. Lot occupancy (75% max./80% max. with IZ; 83.9% proposed for floors 2-5 only);
3. Penthouse structures of different height (15 feet and 12 feet);
4. Court width (12'10" required; 11' provided floors 6-9);

Flexibility:

1. Vary the proposed residential unit range by 5-10%;
2. Vary the number of proposed parking spaces by 5-10%;
3. Vary the amount of retail square footage by 25%;
4. Vary the design of the retail space per the specifications of the retailer;
5. Vary the selection of public art;
6. Vary the final selection of exterior materials within the color ranges and general material types proposed, based on availability at time of construction; and
7. Vary floor to floor heights as design is refined.

III. SITE AND AREA DESCRIPTION

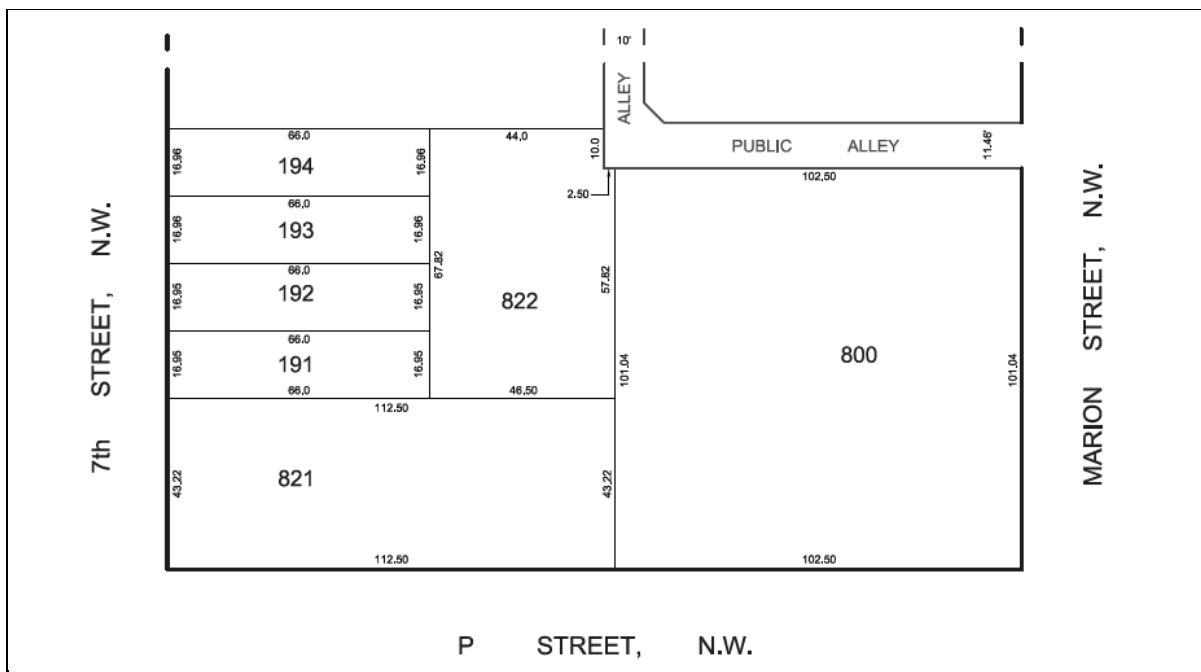
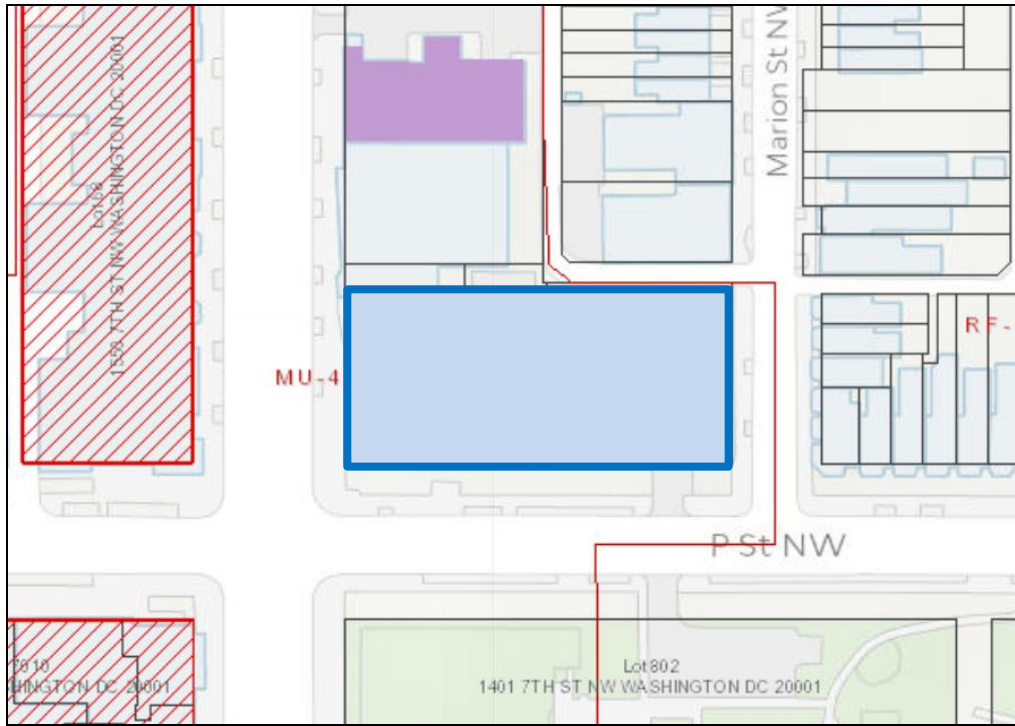
The subject property is located on the east side of 7th Street at P Street NW and extends to Marion Street on the east side. The development site consists of seven lots in Square 445 and has a total land area of 22,824 square feet.

The property has a surface parking lot along P Street and a small commercial building with a barber shop on 7th Street and the remainder is vacant property. There is a National Register eligible archeological site on the property, the former Thyson House (51NW096).

Bread for the City is the adjacent property to the north and commercial and residential buildings are located along 7th Street to the north. Abutting the property to the east are residential row dwellings on

Marion Street, N.W. A park at Kennedy Recreation Center is located across P Street to the south, Across 7th Street to the west is a mixed-use building, which was a PUD development (ZC 08-14) that was rezoned to C-2-C (now MU-6).

The property is located two blocks south of the Shaw Metro station and there are Metrobus lines along 7th Street, N.W.



IV. PROJECT DESCRIPTION

The Applicant proposes to develop a mixed-use building with 230 units. The residential units would be approximately 38 studios, 159 one-bedroom units, 8 one-bedroom plus den units, and 25 two-bedroom units.

There would be 7,442 square feet (SF) of ground floor retail with double height windows at the street level. The total proposed GFA is approximately 164,000 SF with a total FAR of 7.17 (residential FAR of 6.84 and retail FAR of .33).

The height of the building would be 90 feet with 9 stories and habitable and mechanical penthouses, and the building would be set back above the 5th floor along Marion Street. There would be exterior balconies, interior balconies, recesses, and bay projections on all façades of the building.

Loading for the building and 56 underground parking spaces would be accessed from the alley to the north parallel to P Street off Marion Street. The 11.46' alley would be widened by an easement on the subject property between Marion Street and the building for easier vehicular access. There would be 65 long-term bicycle spaces and 14 short term bicycle spaces.

The proposed building materials include brick, metal panels, architectural panels, metal balconies, metal windows, glass railings, and metal and wood trellises. A number of existing street trees would remain and new trees and planters are proposed. The roof has a pool and landscaping and more than 8,000 SF of vegetated roof with solar panels. The Applicant intends for the project to achieve LEED Silver certification.

Affordable Housing

The project would provide affordable housing units in the building. There are existing affordable housing covenants on Lots 191 and 821 (see plat above). These covenants require:

- the greater of 30% of the units built on Lot 191 or 3 units be set aside as affordable; and
- the greater of 20% of the units built on Lot 821 or 7 units be set aside as affordable.

For rental projects, 25% of these affordable units must be reserved for households with an annual income no greater than 30% MFI, and the remaining affordable units must be set aside for households with an annual income at or above 30% MFI and no more than 50% MFI.

In addition to the above affordable units required by covenants, the applicant proposes to provide 13,000 SF, or approximately 18 units, of affordable housing units at 60% AMI and one unit at 50% AMI; that would be 12% of the building's residential square footage that is not subject to the covenant restrictions. 25% of the affordable units would be two-bedroom units. The Applicant provided a diagram showing the proposed locations of the IZ and affordable units in Sheet A08 (Exhibit 30).

The Applicant proposes a public art installation along P Street.

V. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The following table compares the existing matter-of-right development capacity of the MU-4, the MU-6 PUD requirements, and the proposal:

	MU-4 Matter-of-Right	MU-6 (PUD)	Proposed
Height	50 feet	110 feet	90 feet
FAR	2.5 or 3.0 (IZ)	8.64	7.17
Lot Occupancy	60% or 75% (IZ)	75% or 80% (IZ)	83.9% (80% required, flexibility requested)
Open Court	4 inches/ foot of height; 10 feet minimum	4 inches/ foot of height; 10 feet minimum	11 feet (15 feet required, flexibility requested)
Rear Yard	15 feet	15 feet	25 feet
Side Yard	Not required, but if provided 2 inches/foot of height, but no less than 5 feet	Not required, but if provided 2 inches/foot of height, but no less than 5 feet	9’/18’6” (eastern side)
GAR	0.3	0.3	0.3
Penthouse Height	12 feet except 15 feet for penthouse mechanical space	20 feet	20 feet
Inclusionary Zoning (assumes Type I construction)	8% of residential gross floor area (excluding penthouse habitable space) reserved at 60% MFI 8% of penthouse habitable space reserved at 50% MFI	8% of residential gross floor area (excluding penthouse habitable space) reserved at 60% MFI 8% of penthouse habitable space reserved at 50% MFI	12% of residential gross floor area (excluding penthouse habitable space and residential gross floor area on Lots 191 and 821) reserved at 60% MFI 12% of penthouse habitable space reserved at 50% AMI

VI. COMPREHENSIVE PLAN

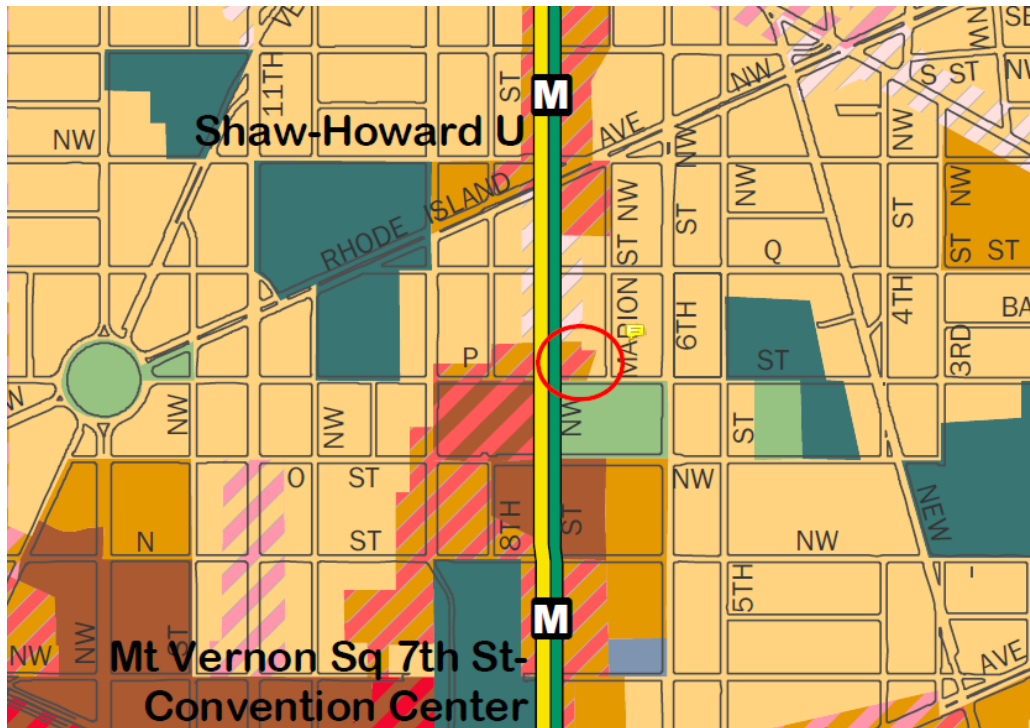
A. COMPREHENSIVE PLAN MAPS

The Guidelines for Using the Generalized Policy Map and the Future Land Use Map in the Framework Element state that the “*Generalized Policy Map and Future Land Use Map are intended to provide generalized guidance for development and conservation decisions, and are considered in concert with other Comprehensive Plan policies.*” Additionally, “. . . the zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the Citywide Elements and the Area Elements.”

As described below, the proposed zoning map amendment would be not inconsistent with the map designations or the Citywide and Area Elements.

Future Land Use Map (FLUM)

The Future Land Use Map designation for the Property is striped for mixed use with Medium Density Commercial/Medium Density Residential and a small designation for Moderate Density Residential at the corner of P and Marion Streets. The MU-6 zone is not inconsistent with these designations.



Mixed Use Categories: The Future Land Use Map indicates areas where the mixing of two or more land uses is especially 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. A Mixed Use Future Land Use Map designation should not be confused with the Mixed Use (MU) zoning districts, although they frequently apply to the same area or parcel of land. The Mixed Use Category generally applies in the following circumstances:

- a. *Established, pedestrian-oriented commercial areas that 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;*
- c. *Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and*
- d. *Development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses.*

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 (in this case, Moderate Density Residential/Low Density Commercial). The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned.

It should also be acknowledged that because of the scale of the Future Land Use Map and the fine-grained pattern of land use in older parts of the city, many of the areas shown purely as “Commercial” may also contain other uses, including housing. Likewise, some of the areas shown as purely

“Residential” contain existing incidental commercial uses such as corner stores or gas stations, or established institutional uses, such as places of worship. The “Mixed Use” designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future.

A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. All zone districts formerly identified as commercial, SP, CR and Waterfront were renamed as MU zone districts in 2016, and are considered to be mixed use. Residential uses are permitted in all of the MU zones, however, so many Mixed Use areas may have MU zoning.

Medium Density Commercial:

*This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. **Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply.***

Medium Density Residential:

*This designation is used to define neighborhoods or areas generally, but not exclusively, suited for mid-rise apartment buildings. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. Pockets of low and moderate density housing may exist within these areas, Density typically ranges from 1.8 to 4.0 FAR, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-3 Zone District is consistent with the Medium Density Residential category, **and other zones may also apply.***

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.

The MU-6 zone is intended to:

- (a) Permit medium- to high-density mixed-use development with a focus on residential use; and*
- (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.*

The MU-6 zone was formerly the C-2-C zone under the 1958 regulations and the abutting property directly across 7th Street is zoned C-2-C. As intended by the MU-6 zone, the proposal is for mixed use development with a focus on residential use. In this case, greater density would be possible since it would be reviewed as a PUD and would be providing additional affordable housing. The proposed building would abut a large area of permanent open space across P Street to the south and would provide a building height and design transition to buffer impacts to the residential row dwellings in the adjoining RF-1 zone along Marion Street.

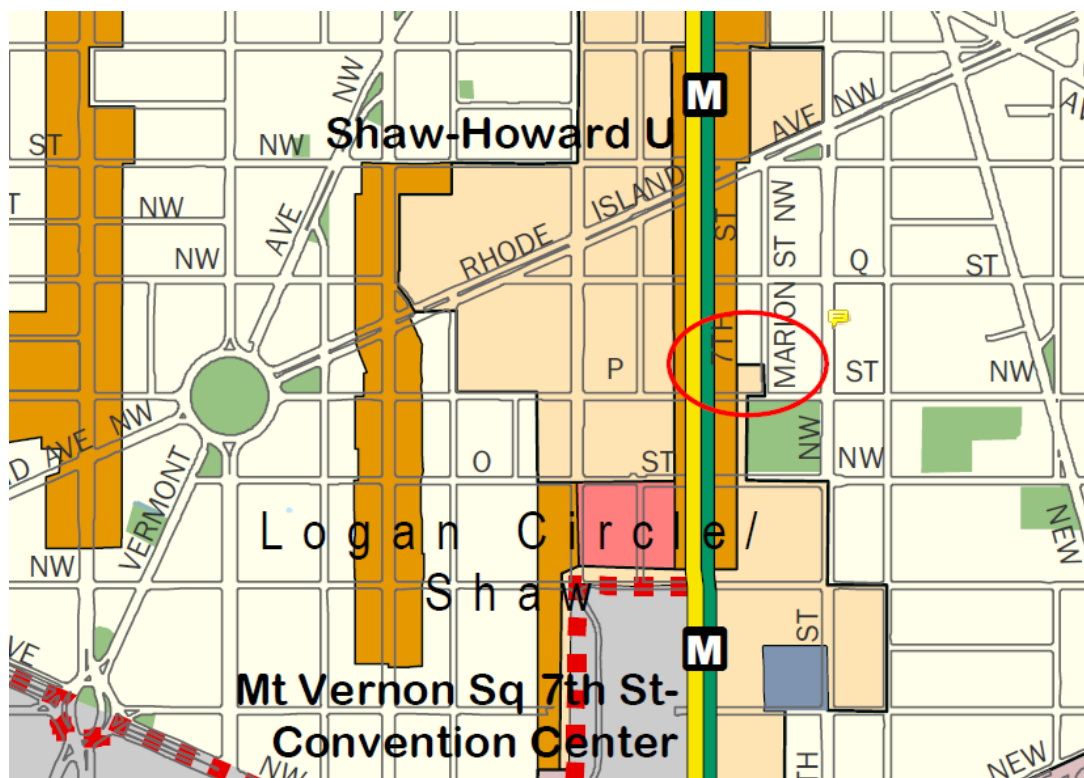
While the examples of medium density commercial zones are MU-8 and MU-10, the MU-6 zone is also consistent with the description for *FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development.*

The table below shows the development standards for the MU-6, MU-8 and MU-10 zones.

Zone	Maximum FAR		Height	Lot Occupancy
	Total Permitted	Maximum Non-Residential Use		
MU-6	6.0 7.2 (IZ)	2.0	90 100 (IZ)	75 80 (IZ)
MU-8	5.0 6.0 (IZ)	4.0	70	N/A
MU-10	6.0 7.2 (IZ)	3.0	90 100 (IZ)	75 80 (IZ)

Generalized Policy Map

The Generalized Policy Map indicates that the area of the proposed rezoning is within the policy area designated as a Main Street Mixed Use Corridor and the east side of the property is designated as a Neighborhood Enhancement Area.



Main Street Mixed Use Corridors

These are traditional commercial business corridors with a concentration of older storefronts along the street. The area served can vary from one neighborhood (e.g., 14th Street Heights or Barracks Row) to multiple neighborhoods (e.g., Dupont Circle, H Street, or Adams Morgan). Their common feature is that they have a pedestrian- oriented environment with traditional storefronts. Many have upper-story residential or office uses. Some corridors are underutilized,

with capacity for redevelopment. 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.

Neighborhood Enhancement Areas

Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant and underutilized land. They include areas that are primarily residential in character, as well as mixed-use and industrial areas. Many of these areas are characterized by a patchwork of existing homes and individual vacant lots, some privately owned and others owned by the public sector or non-profit developers. These areas present opportunities for compatible infill development, including new single-family homes, townhomes, other density housing types, mixed-use buildings, and, where appropriate, light industrial facilities. Land uses that reflect the historical mixture and diversity of each community and promote inclusivity should be encouraged.

The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development responds to the existing character, natural features, and existing/planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land-use designation on the Future Land Use Map and with Comprehensive Plan policies. The unique and special qualities of each area should be maintained and conserved, and overall neighborhood character should be protected or enhanced as development takes place. Publicly owned open space within these areas should be preserved and enhanced to make these communities more attractive and desirable.

The main difference between Neighborhood Enhancement Areas and Neighborhood Conservation Areas is the large amount of vacant and underutilized land that exists in the Enhancement Areas. Neighborhood Enhancement Areas often contain many acres of undeveloped lots, whereas Neighborhood Conservation Areas appear to be mostly “built out.” Existing housing should be enhanced through rehabilitation assistance. New development in these areas should support neighborhood and city-wide housing needs, reduce crime and blight, and attract complementary new uses and services that better serve the needs of existing and future residents.

The proposal is not inconsistent with both of these policy map designations. The Main Street Mixed Use Corridor envisions a pedestrian-oriented street with ground floor retail and upper-story residential, like the proposed mixed-use development. Additionally, this block of 7th Street is underutilized and has capacity for redevelopment that would benefit from proximity to transit and would improve the overall streetscape and pedestrian experience. For the eastern part of the site, the Neighborhood Enhancement Area, the proposal is also in keeping with the guidance. The eastern part of the site, currently a surface parking lot, presents an opportunity for infill development, including residential use and mixed-use buildings as proposed. Providing housing in this area would be in keeping with the goal that new development should support citywide housing needs.

B. Comprehensive Plan Policies

Framework Element

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

(4) Diversity also means maintaining and enhancing the District's mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples, and for all income levels.

(5) The District needs both residential and non-residential growth to survive. Nonresidential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income.

(7) 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 be designed to respect the integrity of stable neighborhoods and the broader community context, and encourage housing and amenities for low-income households, who rely more on transit. Adequate infrastructure capacity should be ensured as growth occurs.

(13) The recent population 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, especially for low-income and workforce households, are essential to avoid a deepening of racial and economic divides in the city, and must occur city-wide to achieve fair housing objectives. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively, as is the utilization of tools such as public housing, community land trusts, and limited equity cooperatives that help keep the costs of land affordable, particularly in areas with low homeownership rates and those at risk of cost increases due to housing speculation.

The Framework Element also states:

The second way is through a Planned Unit Development (PUD), often for sites that have more than one parcel or building. The goal of a PUD is to permit development flexibility greater than specified by matter-of-right zoning, such as increased building height or density, provided that the project offers a commendable number or quality of public benefits, and protects and advances the public health, safety, welfare, and convenience. These public benefits should be lasting and are developed through discussions between developers, District representatives, Advisory Neighborhood Commissions, civic organizations, and the community. As part of the PUD process, the Zoning Commission may include a zoning map amendment for the purpose of the PUD, which is applicable only for the duration of the PUD, and subject to PUD conditions. The PUD process is not to be used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. In considering whether a PUD is “not inconsistent” with the Comprehensive Plan, it is appropriate to consider the context of the entire site, such as aggregating density on one portion so as to increase open space on another portion — achieving an overall density that is consistent with the Plan.

In its decision-making, the Zoning Commission must make a finding of “not inconsistent with the Comprehensive Plan.” To do so, the Zoning Commission must consider the many competing, and sometimes conflicting, policies of the Comprehensive Plan, along with the various uses, development standards and requirements of the zone districts. It is the responsibility of the Zoning Commission to consider and balance those policies relevant and material to the individual case before it in its decision-making, and clearly explain its decision-making rationale.

Specific public benefits are determined through each PUD application and should respond to critical issues facing the District as identified in the Comprehensive Plan and through the PUD

process itself. In light of the acute need to preserve and build affordable housing, described in Section 206, and to prevent displacement of on-site residents, the following should be considered as high-priority public benefits in the evaluation of residential PUDs:

- *The production of new affordable housing units above and beyond existing legal requirements or a net increase in the number of affordable units that exist on-site;*
- *The preservation of housing units made affordable through subsidy, covenant, or rent control, or replacement of such units at the same affordability level and similar household size;*
- *The minimizing of unnecessary off-site relocation through the construction of new units before the demolition of existing occupied units; and*
- *The right of existing residents of a redevelopment site to return to new on-site units at affordability levels similar to or greater than existing units.*

Land Use Element

The Land Use Goal is: Ensure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents, institutions, and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. (§ 302.1)

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-2.1.10: Multi-Family Neighborhoods

Maintain the multi-family residential character of the District’s Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.

The proposed PUD is for a mixed use development in close proximity to the Shaw Metro station, which would bring both new residents and new businesses to an underutilized site where there is one small business currently. The development would bring new retail uses and housing, including affordable housing, to this block of 7th Street. The Applicant would provide limited car parking for residents in the underground garage and more bicycle parking than required by zoning. The Applicant proposes improved sidewalks around the buildings.

Transportation Element

The overarching goal for transportation in the District is: Create a safe, sustainable, efficient multi-modal transportation system that meets the access and mobility needs of District residents, the regional workforce, and visitors; supports local and regional economic prosperity; and enhances the quality of life for District residents. (§ 401.1)

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-2.3.3: 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 be located near a Metro stop and on Metrobus lines for transit-oriented development. The building's garage would have a bicycle parking room for 72 bicycles and there would be spaces for 14 bicycles outside. The Applicant would improve sidewalks and remove a curb cut which would assist pedestrians' mobility and safety. If set down, the Applicant will provide details of a TDM program prior to the Public Hearing.

Housing Element

The overarching goal for housing is: Develop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia. (§ 501.1)

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-1.1.4: Mixed Use Development

Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.

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 230 new residential units on a site with no housing which is consistent with citywide planning goals to expand the housing supply. The current proposal is for studios, one and two bedroom units and the Applicant should consider providing larger family-sized units within the building. The new housing would include approximately 29 units of affordable housing with units offered at 30%, 50% and 60% MFI, which is more units and at a significantly deeper affordability level than IZ regulations would require. This new housing would provide mixed-income housing in a desirable and accessible location.

Environmental Protection Element

The overarching goal for environmental protection is: Protect, restore, and enhance the natural and man-made environment in the District of Columbia, taking steps to improve environmental quality, prevent and reduce pollution, and conserve the values and functions of the District's natural resources and ecosystems. (§ 601.1)

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 plans show landscaping, street trees, a vegetative roof, and some solar panels. The Applicant states their commitment to achieve LEED Silver certification, but should consider LEED Gold. DOEE has encouraged the Applicant to improve the overall energy performance of the project, increase the size of the planned solar system, and exceed the minimum stormwater retention requirements in order to meet more of these important policies. The Applicant should provide more information on the project's sustainability and energy efficiency goals prior to the public hearing.

Economic Development Element

The overarching goal for economic development in the District is: Strengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy.(§ 701.1)

Policy ED-3.1.1: Neighborhood Commercial Vitality

Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents.

The proposed mixed-use development will provide new retail options to the neighborhood as well as new jobs in the new retail uses.

Urban Design Element

The overarching goal for urban design in the District is: Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces. (§ 901.1)

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-3.1.4: 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 proposed development has a number of features that support these policies including a building height transition between 7th Street and Marion Street, streetscape improvements such as bike racks, lighting and trees, and curb cut removal and alley widening. OP's Design Division provided comments to the Applicant regarding requirements for window and building projections, and a recommendation for reduced glass at the corner of 7th and P so it can read more residential, sunshade elements, tree protection and replanting.

Area Element

The Property is located in the Near Northwest Area Element of the Comprehensive Plan. There are policies within the Near Northwest Area Element noted below, as well as policies in the Citywide Elements above, that 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 as stated in the Area Element.

Policy NNW-1.1.1: Residential Neighborhoods

Maintain and enhance the historic, architecturally distinctive mixed density character of Near Northwest residential neighborhoods, including Burleith, Georgetown, Foggy Bottom, Dupont Circle, Sheridan-Kalorama, Logan Circle, Mount Vernon Square, and Shaw. Ensure that infill development within these areas is architecturally compatible with its surroundings and positively contributes to the identity and quality of each neighborhood.

Policy NNW-1.1.2: Directing Growth

Generally direct growth within the Near Northwest Planning Area to the eastern side of the Planning Area (Logan Circle and Shaw), given the strong market demand and limited land available on the west side, and the need for reinvestment and renovation on the east side.

Policy NNW-1.1.4: Neighborhood Commercial Revitalization

Improve the neighborhood shopping areas along 7th, 9th, and 11th Streets NW. The success of the established businesses on these streets should be strongly encouraged, and new businesses that provide needed goods and services to area residents should be attracted.

Policy NNW-1.1.9: Affordable Housing

Protect the existing stock of affordable housing in the Near Northwest Planning Area, particularly in the Shaw and Logan Circle neighborhoods. Sustain measures to avoid displacement, such as tax relief and rent control, and to encourage the production of new affordable housing throughout the community.

Policy NNW-1.2.10: Sustainable Development

Encourage the use of green building practices within Near Northwest, with a particular emphasis on green roofs. Rooftop gardens should be encouraged in new construction and major rehabilitation projects as a way to create additional green space, reduce stormwater runoff, and provide an amenity for residents.

Policy NNW-2.1.1: Affordable Housing

Protect existing affordable housing within the Shaw/Convention Center area, and produce new affordable housing and market rate housing on underutilized sites. Use a range of tools to retain and develop affordable housing in the study area, including tenant organization and public education, inclusionary zoning, renewing project-based Section 8 contracts, tax abatements, public-private partnerships, and

including affordable housing when development on publicly owned land includes a residential component.

Policy NNW-2.1.2: Reinforce Existing Development Patterns

Stabilize and maintain existing moderate-density row house areas within the Shaw/Convention Center Area. Locate multi-unit buildings in areas already zoned for greater density, including areas near the Mount Vernon Square and Shaw/Howard University Metrorail stations, and on publicly owned land with the potential for housing. Ensure that development on infill sites scattered throughout the row house portions of the Shaw/Convention Center area is consistent with the neighborhood's character.

Policy NNW-2.1.3: Shaw/Howard University and Mount Vernon Square Metro Stations

Encourage mixed-income residential development with underground parking adjacent to the Shaw/Howard and Mount Vernon Square Metro stations, particularly on existing surface parking lots.

Policy NNW-2.1.5: 7th and 9th Street Corridors

Locate retail development within the Shaw/Convention Center Area in a manner that best serves residents, creates the best environment for businesses to succeed, and uses land already zoned for commercial uses. Continuous ground floor retail uses should be encouraged along sections of 7th and 9th Streets as designated in the 2005 Strategic Development Plan to create a traditional pedestrian-oriented Main Street pattern and establish a unified identity for the community. These corridors should attract convention-goers, residents, and visitors, and should include both new and existing businesses.

VII. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES

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 discussed in Section VI.

The purpose and standards for Planned Unit Developments are outlined in Subtitle X, Chapter 3 of the zoning regulations. 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).

Section 305.5 lists several potential categories of benefit proffers, and

“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 has offered the following amenities and benefits as an offset to the additional development gained through the PUD application process. The applicable regulations of Subtitle G 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;

305.5 (d) Commemorative works or public art;

The Applicant proposes to take an underutilized site and provide much more efficient land utilization and effective site planning for this prominent corner site located near a Metro station. The proposed building has double height windows at the ground level and balconies and bays to articulate the facades. The building steps down in height as it approaches the lower height buildings in the RF-1 zone along Marion Street. The curb cut on P Street would be removed and the alley to the north of the building would be widened to allow vehicular access to the building. The Applicant proposes a public art installation along P Street and more detail will need to be provided so that can be evaluated as part of the PUD.

B. 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;

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 230 new residential units on a site with no housing is consistent with citywide planning goals to expand the housing supply. The Applicant proposes that the largest units would have two bedrooms.

Additionally, the project would offer more affordable units than required through Inclusionary Zoning and at significantly deeper levels of affordability due to requirements from covenants on two lots and additional IZ proffers.

The existing covenants on two of the lots require:

- the greater of 30% of the units built on Lot 191 or 3 units be set aside as affordable; and
- the greater of 20% of the units built on Lot 821 or 7 units be set aside as affordable.

For rental projects, 25% of these affordable units must be reserved for households with an annual income no greater than 30% MFI, and the remaining affordable units must be set aside for households with an annual income at or above 30% MFI and no more than 50% MFI.

In addition to the above affordable units, the project would provide 13,000 SF or approximately 18 units of affordable housing units at 60% AMI and one unit at 50% AMI, which would be 12% of the building's residential square footage that is not subject to the covenant restrictions (see chart below).

INCLUSIONARY ZONING on non-covenant lots 192, 193, 194, 800, 822:

Total GSF	Residential NSF	IZ Requirement (% resid GFA)	IZ Requirement (sq. ft.)	IZ Provided (% resid GFA)	IZ Provided (sq. ft.)	60% MFI Allocation (appx # of Units)
130,141	105,785	8%	8,463	12%	12,694	18

INCLUSIONARY ZONING (Penthouse) on non-covenant lots 192, 193, 194, 800, 822::

Total GSF	Residential NSF	IZ Requirement (% resid GFA)	IZ Requirement (sq. ft.)	IZ Provided (% resid GFA)	IZ Provided (sq. ft.)	50% MFI Allocation (appx # of Units)
7,070	2,969	8%	238	12%	356	1

C. 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 proposal includes ground floor retail and streetscape improvements which would be of value to the neighborhood. The Applicant has a plan to relocate the existing barber shop into the new development while providing relocation assistance during the project construction and subsequently offering reduced rent for 10 years and lease renewal options. The Applicant indicated a possible partnership with City Blossoms to support urban gardens as well as other possible community partnerships but more details would be needed for evaluation.

VIII. AGENCY REFERRALS

If this application is set down for a public hearing, the Office of Planning will refer it to the following District agencies for review and comment:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- DC Public Schools (DCPS)
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water