

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

D.C. OFFICE OF ZONING

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MEMORANDUM

TO: D. C. Zoning Commission

FROM: *ALS for*
Ellen McCarthy
Director

DATE: September 1, 2006

SUBJECT: Preliminary Report on Zoning Commission Case No. 04-24, a Second Stage Application to Establish a Mixed-Use Planned Unit Development on Property Located Immediately East of the Rhode Island Metro Rail Station (Parcel 131, Lot 233 and portions of Lots 234 and 235)

APPLICATION

On September 24, 2004, the Office of Zoning received an application submitted on behalf of Mid-City Urban LLC and A&R Development Corporation, the applicants, requesting Zoning Commission review and approval of a First-Stage Planned Unit Development (PUD). The applicant entered into a long-term ground lease and development agreement with the Washington Metropolitan Area Transit Authority (WMATA), owner of the property. This application included a related Zoning Map Amendment to rezone properties then identified as Parcel 131, lot 233 and portions of lots 234 and 235 from Industrial (M) to a Community Business Center (C-2-B) zone district.

The applicants proposed to redevelop the existing commuter parking area immediately east of the WMATA Metro rail station with two 4-5-story buildings with 272 apartments, ground- floor commercial uses, and a total of approximately 531,000 square feet of construction.

The Zoning Commission approved scheduling this application for a public hearing during its public meeting on November 8, 2004. The Commission subsequently held the public hearing on May 26th, took proposed action on August 1, 2005 and adopted the PUD First-Stage Final Order with conditions on September 15, 2005. Thereafter, the zoning of the project site changed from M to the requested C-2-B zone district.

On July 20, 2006, the Office of Zoning received the applicant's application for Zoning Commission approval of the PUD Second Stage.

ZONING COMMISSION
District of Columbia

CASE NO. 04-24A

EXHIBIT NO. 10

ZONING COMMISSION

District of Columbia
CASE NO. 04-24A
EXHIBIT NO.10

RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set the application down for a public hearing.

AREA DESCRIPTION

According to the survey submitted by the applicants, the PUD site now consisting of A & T lots 1 and 2 that encompass a land area of approximately 301,800 square feet (or 6.9 acres). A & T lot 3 to the immediately south is not part of the PUD site however the applicant will develop it separately as a matter of right with a 220-space WMATA parking garage. All three lots will continue to be under WMATA ownership.

The existing parking area consists of paved pedestrian walkways, vehicular access and service lanes between Rhode Island Avenue and the rail station. This property abuts Rhode Island Avenue to the north, the Brentwood Shopping Center and Brentwood Post Office facility to the southeast and southwest, respectively, a branch bank building to the east, and Rhode Island Metro Rail Station and CSX Railroad right-of-way to the west. The rail station property and properties to the south and southwest are in a Industrial (M) zone district; properties to the north across Rhode Island Avenue are in a Commercial-Light Manufacturing (C-M-2) zone district; and properties to the northeast are in a Residence (R-5-A) zone district (refer to Exhibit 1).

Other surrounding development consists of industrial and converted-industrial buildings to the north across Rhode Island Avenue, and small single-family bungalows further to the east. Non-residential development in the general area is predominantly of masonry construction.

The PUD First Stage was approved subject to the conditions of the final Zoning Commission Order listed in Exhibit 3.

COMPREHENSIVE PLAN

As noted in the earlier OP Final Report on the First-Stage application, the Generalized Land Use Map designates the subject property for a mix of land uses: Moderate Density Commercial, characterized by shopping and services that generally offer a large concentration and variety of good and services outside of the Central Employment Area; and Local Public Facilities, characterized by land and facilities occupied by District government (excluding parks, recreation centers and open space). There are no District of Columbia facilities currently on this property (refer to Exhibit 2).

The Generalized Land Use Policies Map also designates the rail station area as the Rhode Island Metrorail Development Opportunity Area. Section 1134 of the Comprehensive Plan states, "The objectives for metrorail station area development are to concentrate planning and development attention on metrorail station areas which offer opportunities for redevelopment and new growth, particularly in *those station areas that have large amounts of vacant or poorly utilized land*, and to maximize development where possible, *thus promoting increased ridership for the transit system*, assisting the District to perform its critical role as the urban center of the region,

providing a substantially increased amount of housing and jobs, and generally enhancing the District's economic development efforts (emphasis added)."

Furthermore, maps in the most recent draft of OP's "Land Use in a Post-Industrial City" report designate surrounding area north and south of Rhode Island Avenue as appropriate for a land use change from the current designation. More significantly, the draft 2006 Comprehensive Plan Generalized Land Use Map designates the same general area for a mixture of Medium Density residential and commercial land uses.

ZONING REVIEW

Zoning Commission review of the second-stage application should be conducted in accordance with § 2408 of the Zoning Regulations. After reviewing this application, OP finds that the applicant's submission:

- Includes information required under § 2406.12;
- Provides the principal information required in Order No. 04-24 for Zoning Commission consideration of this second stage application; and
- was filed within one year after Zoning Commission adoption of Order No. 04-24 as required under §§ 2407.10 and 2407.11.

Therefore, the Office of Planning also finds that this submission complies with requirements for Zoning Commission consideration listed in the Zoning Regulations and referenced Order.

OP notified the applicant that the following information must still be provided prior to the public hearing:

- A plan showing the location of critical slopes on the site;
- The proposed grading plan including the location of retaining walls; and
- Plans showing the dimensions of open space and common areas.

Staff and the Zoning Commission would also benefit from an explanation about how parking resources would be allocated and shared between WMATA commuters, retail clientele and residents on a daily basis, and how this information would be communicated to the public. OP encourages the applicant to complete ongoing negotiations so a signed Local and Small Disadvantages Business Enterprise (LSDBE) Memorandum of Understanding for this project can be added to public record.

OP also reiterated a previous request for documentation from the applicant indicating that both the WMATA real estate and operations divisions consider the current proposal to be sufficient to meet their differing requirements.

COMMUNITY COMMENT

Advisory Neighborhood Commission (ANC) 5B approved a resolution supporting this project in concept on December 1, 2005. The applicant's Statement dated July 19, 2006 also indicates the Brentwood Civic Association has "... taken formal action in support of this PUD ..." however no supporting documentation is provided. The applicant is encouraged to keep the ANC and other community groups abreast of suggested changes to the proposal as this Stage Two PUD application moves forward.

Attachments: Exhibit 1 Aerial Map with Zoning
 Exhibit 2 Comprehensive Plan Land Use Designations
 Exhibit 3 Zoning Commission Order No. 04-24 Conditions adopted September 15, 2005

EMc/afj



Z.C. Application No. 04-24
Rhode Island Metro Station
Planned Unit Development

Aerial & Zoning

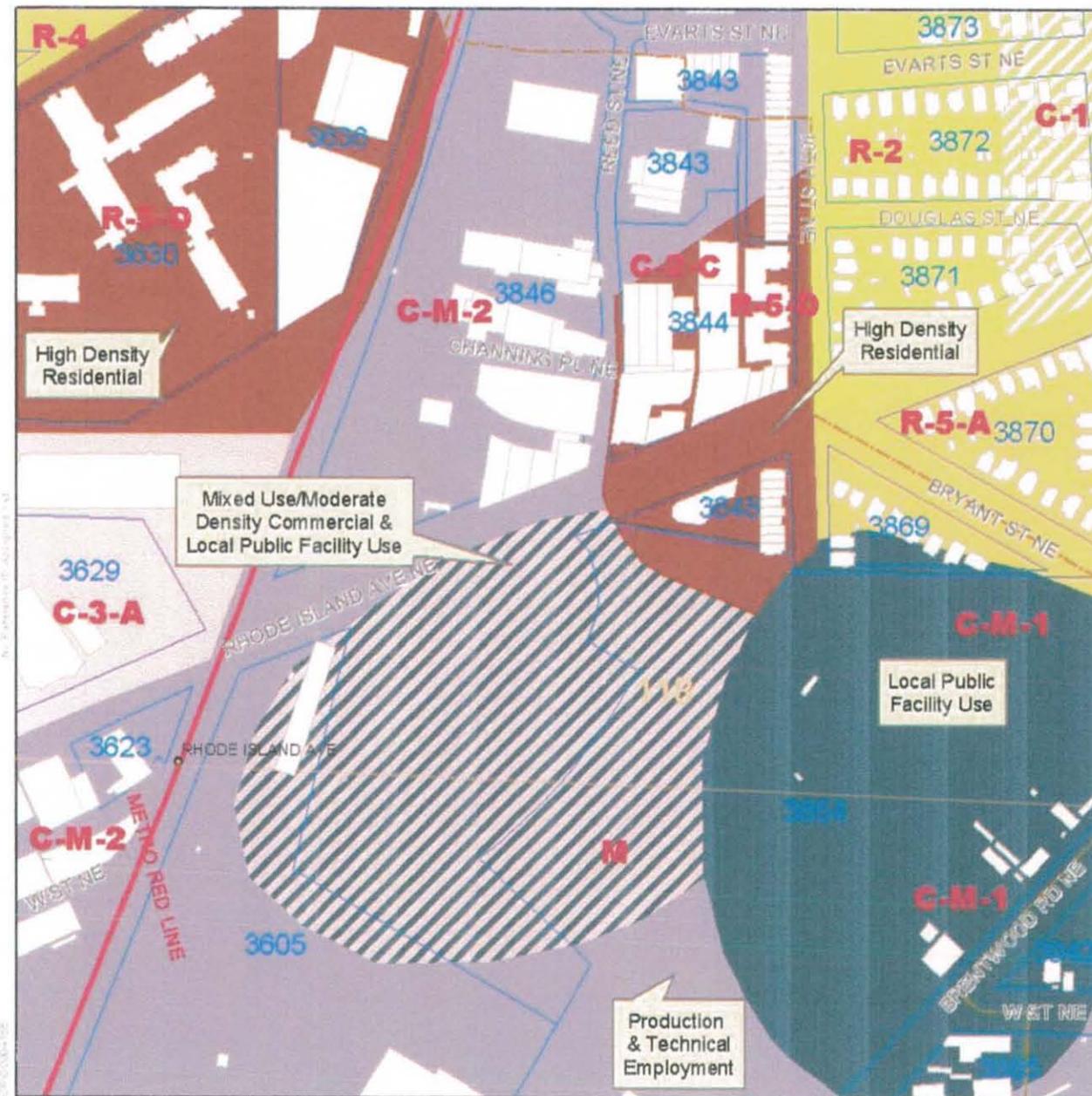
Legend



★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ August 30, 2006

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.



Zoning Commission Order No. 04-24
(conditions adopted September 15, 2005)

1. The final design of the PUD sheet 1 be developed in accordance with the site plan and preliminary architectural and landscape plans submitted as Exhibit 14 in the record of this case, and as modified by the guidelines, conditions and standards of this order.
2. The maximum building height in the project shall be ninety (90) feet, and the maximum aggregate gross floor area will be 1.90 FAR.
3. The project shall be a mixed use center development generally as depicted in the preliminary plans submitted in this first-stage application. The project consists of approximately 271 rental apartments totaling approximately 354,860 square feet of gross floor area; 70,000 gross square feet of retail uses; additional ground floor uses on the Rhode Island Avenue frontage consisting of incubator space, community uses, artist studios, and similar uses; and 451 parking spaces.
4. Twenty percent (20%) of the apartments (54 units) shall be made available and restricted for a period of twenty (20) years as affordable housing for qualifying households having incomes not exceeding fifty percent (50%) of area median income ("AMI").
5. The ground floor of commercial space along Main Street and Rhode Island Avenue shall provide a ceiling height of no less than fourteen (14) feet.
6. The Applicant shall submit with the second-stage application detailed plans and elevations indicating the design treatment of the proposed PUD project, including but not limited to architectural and landscape details, building and landscape materials, color, and zoning data required for a second-stage PUD application.
7. The Applicant shall submit the following additional plans with the second-stage application:
 - a. A preliminary subdivision showing dimensions of the proposed lot or lots, centerlines and widths of proposed streets and access ways;
 - b. A rough grading plan showing the proposed grading of the site, location of retaining walls, and areas of critical slope;
 - c. A utility plan showing the general location of utilities, including stormwater management and BMP devices;
 - d. Plans showing dimensions and treatment of open space and other common areas.
8. Traffic and parking analysis for the second-stage application shall include and address the following matters:
 - a. A reevaluation of the allocation of parking spaces between uses;
 - b. The need and feasibility of increasing the number of kiss-and-ride parking spaces shall be evaluated;

- c. The number of parking spaces adjacent to the median on Main Street shall be reduced in a manner that increases pedestrian safety and amenity;
- d. The internal intersection formed by the Metrorail perimeter road, Main Street and the adjacent Brentwood Shopping Center shall be evaluated for operational, capacity and safety issues and for a signal warrant analysis;
- e. In relationship to 8d. above, the Applicant shall propose the most functional and attractive pedestrian connection feasible to the Brentwood Shopping Center to the east of the PUD Site and shall consult with the owners of the retail center regarding the connection;
- f. The feasibility of utilizing the second parking garage to provide overflow parking for the Metro Station; and
- g. A traffic circulation plan that addresses the repeated requests of the Commission for greater detail, ignored by the Applicant during this proceeding.

9. The Applicant shall execute the following agreements prior to the adoption of the second-stage PUD in this case:

- a. A First-Source Employment Agreement with the Department Employment Services;
- b. A Memorandum of Understanding with the District of Columbia Office of Local Business Development ("LSDBE") to ensure minority vendor participation.

10. This first-stage PUD approval by the Zoning Commission shall be valid for a period of one (1) year from the effective date of this order. Within this time, the applicant shall file a second-stage PUD application in order for this first-stage application to remain in effect.