

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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Office of the Director

MEMORANDUM

TO: D.C. Zoning Commission

FROM: JLS By
Ellen McCarthy, Director

SUBJECT: Preliminary Report – Zoning Commission Case No. 05- 23, Square 3576, Lot 815
A Proposed Consolidated Planned Unit Development (PUD) With Related Map
Amendment at Eckington Place and Harry Thomas Way, N.E.

DATE: December 30, 2005

I. OFFICE OF PLANNING SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission (the Commission) set the case down for a public hearing. Development of housing and retail on this site, where it is not currently permitted, appears to be a sound planning objective.

Overall, the project's layout would enable it to become an extension of the Eckington neighborhood, while its scale would enable it to act as a transition buffer between that neighborhood and the light-industrial and commercial uses to the south. The project would provide retail space to an underserved neighborhood. The amenities package offers 8% of the total residential gsf as affordable housing for 20 years – one of the largest and longest-lasting offers of any PUD. It also includes a contribution to the construction of a connection to the Metropolitan Branch Trail.

OP also believes it would be appropriate to set down the case before the completion of the Industrial Land Use Study in February. OP believes that a combination of factors indicate that an industrial land use designation may no longer be appropriate for this site, including many the existing Comprehensive Plan policies, the District's Transit Oriented Development Objectives, and the completion of the New York Avenue Metro Station.

APPLICATION SUMMARY

The applicant – CSX Realty Development Corporation and FF Realty, LLC – is requesting approval of a consolidated Planned Unit Development (PUD) and related zoning map amendment for a 4.3 acre site at Eckington Place and Harry Thomas Way, N.E. The applicant is proposing a medium-high density primarily residential project with some retail use. The site is a vacant parcel near the intersection of Florida and New York Avenues, N.E., in the Eckington

neighborhood of northeast Washington. It is approximately 0.23 miles from the New York Avenue Metro.

The site plan and architectural design of this project have changed since the application initially was filed in July 2005. The updated plans are included with the applicant's Supplemental Filing dated December 20, 2005. These changes were made by the applicant as a result of conversations with the Office of Planning (OP). The new designs extend the adjacent grid of streets into the site, to more fully integrate it with the Eckington neighborhood. The architecture has also been refined so that it more clearly reflects the neighborhood's industrial and rowhouse precedents. The project program's overall square footage, mix of uses, and public benefits and amenities remains essentially the same as those noted in the July 2005 application.

The applicant proposes 738,702 gsf of residential space and 15,084 gsf of retail space. The 753,786 gsf development would contain 625-675 residential units and 750-796 parking spaces, 46 of which would be for the retail space.

Table 2: Development Summary

RESIDENTIAL GROSS SF.	738,702 sf
RETAIL GROSS SF.	15,084 sf
TOTAL RESIDENTIAL UNIT	625-675 UNITS
TOTAL RETAIL PARKING	46 CARS
TOTAL RESIDENTIAL PARKING	782 CARS (approximately)
LOT COVERAGE	89,147 sf
% LOT OCCUPANCY	47.4%
SITE AREA	187,958 sf
FAR	4.01

The units will include studios, one and two bedrooms, and one and two bedrooms with dens. Eight percent (8%) of the residential GSF – approximately 59,096 gsf or 60 units – would be reserved for 20 years as workforce housing aimed at households making 80% of the Area Median Income.

The application requests the Commission approve the following:

- A consolidated PUD (11 DCMR, Section 2406.11);
- A Related zoning map amendment from M to C-3-C for all of Square 3576, Lot 815;
- Relief from the multiple roof structure limitations of Section 411.3;
- Relief from the retail loading requirements of Section 2201.1;
- Relief from the residential recreation space requirements of Section 773.3.

This application requests a related map amendment from the M industrial zone to the C-3-C commercial zone that also permits residential uses. The Commission has expressed concern that the many pending requests for similar map changes to industrially-zoned areas may have an unknown impact on the District's ability to satisfy both private and public future needs for industrially zoned land. It has also expressed reservations about considering such zoning

changes before OP completes its current Industrial Land Use Study. That study's report will be completed and made public by February 2006, well before any public hearing could be scheduled for this case if the Commission decides to set it down.

III. SITE AND AREA DESCRIPTION (*Attachment 1 and 2*)

The site is located between the Eckington residential neighborhood of northeast Washington and the northern reach of the central business district. It is approximately 4.3 acres of cleared and vacant formerly industrially used land. The site is part of a 33 acre tract that was given Large Tract Review approval fifteen years ago as a planned warehouse/distribution and flex/tech office space business park. The tract is known as the Capital Commerce Center (CCC). The CCC land that has not been developed remains under the ownership of CSX Realty Development Corporation. Approximately 1/3 of the land has been developed. FF Realty, LLC has a contract of purchase for the site.

The CCC contains the main FedEx distribution center for the Washington area, and a regional office building for State Farm Insurance. Also within the CCC, Pepco is beginning construction of a substation on the south and east side of Harry Thomas Way, adjacent to the FedEx building. The substation will occupy approximately two acres, and Pepco will lease or sell approximately 4 acres north of the substation and south of a line extending R Street. Outside the CCC boundaries, the Washington (Wholesale) Flower Center is adjacent to the applicant's site, to the north. The CCC is directly north and across New York Avenue from the redeveloping mixed use area between K Street and New York Avenue, east of North Capitol Streets and west of about 3rd Street, N.E. The site is approximately 0.23 mile northwest of the New York Avenue Metro. It is a ten minute walk (0.25 mile) from the Metro entrance via the Metropolitan Branch Trail, and a fifteen minute walk (0.31 mile) via regular sidewalks.

The Eckington area to the north and west is a stable residential neighborhood of rowhouses and small apartment buildings. There has been substantial investment in renovating these residences since the opening of the Metro station. There has also been some new residential construction. The Eckington area to the northeast, between 4th Street and the rail tracks, is a mix of residential, storage, and light-industrial uses.

All of the area near the New York Avenue metro station is undergoing transition. The following table lists recent and planned development in the sub-area nearest the applicant's site.

Table 1: Larger existing and planned developments within ¼ mile of the New York Avenue Metro

DEVELOPMENT OR PROJECT	COMPLETED (C), UNDER CONST. (UC), PLANNED (P),	RESIDENTIAL SQUARE FEET &/OR (APPROX. NUMBER OF UNITS)	COMMERCIAL SQUARE FOOTAGE	TYPE
175 R Street	C	—	131,905	Warehouse renovation
XM Satellite Radio	C		N/a	Office @ Florida Avenue & Eckington Place
Enron / XM	C		62,000	Office, under contract for XM expansion
Pepco Substation	UC		n/a	Industrial
Capitol Overlook	C	12,000 (6)		New duplex townhouses on R Street
Washington Gateway	P	Over 200,000 gsf	Over 300,000 sf	Office, residential in triangle formed by NY/FL Aves. & rail tracks
GSA Federal Offices	UC		438,000	ATFE HQ
The Eckington	P		165,000 (incl. 17,00 retail)	Hotel to east of ATF

IV. ZONING AND HISTORIC PRESERVATION CONTEXT (*Attachment 1*)

The site, the entire Capital Commerce Center, and immediately surrounding properties north of New York Avenue are zoned M₁ industrial. North of these industrially zoned areas, the Eckington neighborhood is zoned R-4. South of New York Avenue, the land is zoned C-3-C. All of the C-3-C Squares except that bounded by New York Avenue, Florida Avenue and the railroad tracks, are also in Transferable Development Rights receiving zones.

There are no nearby historic districts.

V. PROJECT DESCRIPTION

The following table summarizes the quantitative aspects, and zoning flexibility requests of the application. These aspects are compared with what would be permitted under the existing zoning as a matter of right, and with what would be permitted under C-3-C zoning as a matter of right.

Table 3: TABULATION OF DEVELOPMENT DATA (Lot Area:187,958 square feet)

	M Zoning	C-3-C Zoning	C-3-C PUD	<u>Project Design</u>
Gross Square Feet (GSF) By Use Type and Total And Number of Dwelling Units	1,127,748 Industrial or Commercial only ¹	1,221,727 Residential or Commercial	1,503,664 Residential or Commercial	Approximately - - -738,702 gsf residential (625-675 units); - 15,084 sf. of retail; - TOTAL - 753,786 sf.
Floor Area Ratio (FAR)	6.0 (commercial only)	6.5 residential or non-residential	8.0 residential or non-residential	4.01
Building Height	90 feet	90 feet	130 feet	Varies - maximum of 110'
Lot Occupancy (for res. uses)	N/A	100%	100%	47.43% (includes proposed streets)
Roof Structures	Single per level	Single per level	Single per level	More than one roof structure on a level - <u>Applicant requests flexibility</u>
Parking (Residential Use)	N/A	1 for each 4 dwelling units <u>160 spaces</u>	1 for each 4 dwelling units <u>160 spaces</u>	700 - 750 spaces for Residents and Guests
Parking (Retail Use)	In excess of 3,000 square feet, 1 space for each additional 300 square feet of GFA	In excess of 3,000 square feet, 1 space for each additional 750 square feet of GFA	In excess of 3,000 square feet, 1 space for each additional 750 square feet of GFA <u>16 spaces</u>	Approx. 46 spaces for retail uses.
Loading Berths (Retail Use)	1 loading berth at 30 feet deep, and 1 loading platform at 100 square feet	1 loading berth at 30 feet deep, 1 loading platform at 100 square feet, and 1 delivery /service space at 20 feet deep	1 loading berth at 30 feet deep, 1 loading platform at 100 square feet, and 1 delivery/service space at 20 feet deep	Loading from Street - <u>Applicant Requests Flexibility</u>

¹ Entire 33 acre Capital Commerce Center, of which site is part, limited to approximately 835,000 gsf of development under Large Tract Review

	M Zoning	C-3-C Zoning	C-3-C PUD s	<u>Project Design</u>
Loading Berths (Residential Use)	N/A	1 loading berth at 55 feet deep, 1 loading platform at 200 square feet, and 1 delivery/service space at 20 feet deep	1 loading berth at 55 feet deep, 1 loading platform at 200 square feet, and 1 delivery/service space at 20 feet deep	Each non-townhouse building satisfies the C-3-C loading requirements. The townhouse building provides a private alley for loading.
Residential Recreation Space	N/A	10% of residential GFA (72,430 SF)	10% of residential GFA (72,430 SF)	8%, or 61,483 gsf (112,446 indoors; 49,037 outdoors) - <u>Applicant Requests Flexibility</u>

Site Plan and Uses (See *Applicant's Supplemental Filing dated December 20, 2005*).

The site plan includes the construction and public dedication of a new two-block extension of Q Street as a 60-foot wide street, as well as a ½ block long private north-south lane and an L-shaped service road on the north side of the new Q Street.

Q Street will be constructed on-grade, rather than on a platform, so it will be able to be constructed to public standards, capable of supporting substantial street trees, and capable of being accepted into the public street system. The applicant intends to contribute funds to help Q Street continue as a pedestrian and bicycle way connecting to the New York Avenue Metro station via the Metropolitan Branch Trail. The applicant proposes to contribute to the construction of a path between Harry Thomas Way and the planned Metropolitan Branch Trail (MBT) that will continue adjacent to the rail tracks between New York Avenue and R Street. This connection has been required as part of a separate Large Tract Review Agreement for the land on the east side of Harry Thomas Way.

The site plan would create essentially four development parcels on the 4.3 acres. The project would have a FAR of 4.0 and a lot occupancy of 47.4%, inclusive of all land presently under contract, including that to be dedicated to public streets.

- The northwest parcel, closest to most of the existing Eckington residential neighborhood, would contain approximately 20 townhouses and duplexes (39 residential units) facing Q Street and Eckington Place.

- The northeast area would contain a high-rise residential building of essentially 11 stories fronting on Harry Thomas Way, with two 9 story wings and a large lawn on the north side of Q Street. There would be a small public seating area between the lawn area and the Q Street sidewalk.
- There would be two generally U-shaped residential buildings on the south side of Q Street. The western building would have a nine story east-west block closer to Harry Thomas Way, with seven story wings projecting to Q Street on the eastern and western ends. The step-down from 9 stories to 7 stories would continue along all of Eckington Place, Q Street and the private lane. There would be a U-shaped driveway/drop-off entry from Q Street. There would be 15,000 square feet of retail space on the ground floor, fronting primarily on Eckington Place.
- The eastern buildings would have a similar lay-out, but the principal block would be 11 stories, and the 9 story wing would be at Harry Thomas Way and the private lane.

The buildings on the south side of Q Street will have front lawns, framed by the building wings, with a U-shaped drop-off. The high-rise building on the north side of Q Street will also have a generous lawn, devoted primarily to private recreation space. There will also be a small public sitting area with benches adjacent to the Q Street sidewalk. This will be privately maintained.

The tallest portions of the buildings, ranging from 9 to 11 stories, are placed as far away from Q Street as possible, in order to establish a lower-scale pedestrian environment on Q Street, and to allow the street to be as light-filled as possible. The townhouse duplexes on the north side of Q Street, near Eckington Place, and the two-story bases of the high-rise on the south side of Q Street will establish a transitional scale to the rowhouses west of Eckington Place. Most of the facades will be designed with townhouse-type bases with entries from the street and, for the high-rise buildings, from the main lobby.

Parking for the duplexes would be within private garages, with guest parking stacked behind the garages.

Parking for all mid and high-rise buildings would be underground. For buildings on the south side of Q Street, parking would be entered from the north-south lane. Parking for the third high-rise building would be entered from Harry Thomas Way, at the northernmost extent of the site.

Loading areas would be at-grade, adjacent to the parking garage entrances.

The roofs of the high-rise buildings would have swimming pools and would be "green", although not LEED-certified.

Architecture *(See applicant's December 20, 2005 filing)*

The architecture is, first and foremost, urban. It strives to create the impression that the project consists of several separate buildings that were designed and constructed over time. The seven and nine story facades reflect the solid/void relationships of nearby industrial and commercial buildings, as well as some of the existing structures' design details. The townhouses echo the rhythms of nearby 19th and early 20th century townhouses on Q and R Streets, while their scale and some design details also reflect recently constructed duplex units in the 300 block of R Street. The extensive use of red brick ties the project in with both the residential neighborhood and with the Capital Commerce Center.

Public Benefits and Project Amenities

Public benefits are defined in Section 2403.5 as "superior features...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...matter or right..." Amenities are defined in Section 2403.7 as including "one 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".

The applicant states the project will provide several public benefits and amenities. These are listed below.

Public Benefits, As Described by Applicant

- Construction of a critical mass of new housing to help stabilize the Eckington neighborhood and to generate new demand for retail services in the neighborhood;
- Construction of one of the most substantial amounts of workforce housing yet approved through the PUD process;
- Provision of 15,000 gsf of retail space supporting both the residential neighborhood and nearby commercial development;
- Provision of space that can be reserved for use as a community meeting center;
- Construction of a new public street;
- Provision of space and street furnishings on and adjacent to Q Street that will help activate street life;
- Provision of easier access for Eckington to the New York Avenue Metro station;
- Establishment of a higher density residential buffer zone between the light industrial and commercial uses to the south and east, and the residential uses to the north and west;
- Environmental remediation through the removal of soils contaminated during the site's former industrial uses;
- Reservation of space for flex-car/zip-car type uses;
- Provision of residential parking at a greater than 1 space:1 unit ratio

OP agrees that these would be significant public benefits, with the possible exception of the last item. Although the amount of parking has been provided both in response to the market and to neighborhood input, OP has reservations about whether providing this much private parking near a Metro constitutes a public benefit.

The applicant describes the following as elements of its amenities package:

- The provision of housing, generally;
- The provision of 8% of the total residential GSF as workforce housing;
- Exemplary site planning, architecture and landscape design;
- Superior residential amenities such as private courtyards, lawns, and swimming pools;
- Establishment of an effective and safe vehicular and pedestrian environment, through the elimination of parking and loading off-of Q Street and Eckington Place, and all but one part of Harry Thomas Way;
- First Source Employment Program;
- L/SDBE Agreement.

The provision of 8% of the total residential GSF is also well-above what has been recently provided in most PUDs.

VI. CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF SECTION 2400

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 result in an action inconsistent with the Comprehensive Plan. The proposal appears to be generally consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR Section 2400. It will, however, require additional consideration in some areas before a public hearing.

1. Quantitative Standards

- In the existing M zone, and in the proposed C-3-C zone, a PUD has a 15,000 square foot minimum lot area. This 4 acre project meets that standard [Section 2401.1(c)].
- The maximum Floor Area Ratio may not exceed 6.0 for a PUD under the existing M zoning and 8.0 for a PUD in the proposed C-3-C zone. At an FAR of 4.01, the proposal would comply with these standards.
- The maximum height may not exceed 90 feet for a PUD in the M zone, and may not exceed 130 feet for a PUD in the proposed C-3-C zone, provided this complies with the Height Act. At a maximum of 110 feet on rights of way of 90 feet, the PUD would comply with these standards.

2. Relief

The application includes the following relief:

- Relief from the prohibition on multiple roof structures (Section 411.3). The applicant is requesting relief from this standard.
 - OP believes that with structures as long and as narrow as the proposed buildings, the otherwise-required roof structure configuration would be overly large, and would undercut the desired breakdown of the scale of the buildings into smaller parts.
- Relief from requirements for off-street parking and loading berth facilities, “depending on the uses and the location of the project”. The applicant is requesting relief from the loading berth, loading platform and deliver/service space requirements of Section 2201.1 for the approximately 15,000 square feet of retail space on Eckington Place and Harry Thomas Way. The applicant has requested relief to load from the street.
 - OP will rely on DDOT analysis for its final recommendation, but notes that the street on which loading is proposed is 90 feet wide, only three blocks long and serves no through traffic.
- Relief from requirements for residential recreation space of §773.3.
 - The application requests relief from approximately 11,000 square feet of required recreational space.

In OP’s opinion, the benefits and amenities are exceptionally high in relation to the degree of flexibility requested.

VI. PUD EVALUATION STANDARD § 2403.4 RELATIONSHIP TO THE COMPREHENSIVE PLAN (10 DCMR) *(See Attachments 3 and 4)*

There are several elements of the Comprehensive Plan that must be considered in evaluating the proposed project. These include policies that encourage the attraction of new residents; the promotion of development leading to a return that leverages investment in the Metrorail system; Transit-Oriented-Development (TOD)-type policies emphasizing concentration of mixed-use development around Metro stations; the protection of stable neighborhoods and the minimization of development impact on the physical character of a community; and the retention of an adequate amount of viable industrially-zoned land within the District.

It has been over 20 years since the Comprehensive Plan addressed policies and land uses affecting this site. At that time the site was part of a railroad freight yard. It now lies within a ¼ mile walking distance of the New York Avenue Metro, which was not planned at the time.

There are policies in the Comprehensive Plan that support the industrial or commercial uses on this site. There are even more policies that seem to support the development of relatively dense housing at a site so close to a Metro

A. Elements and Policies of the Comprehensive Plan With Which the Project Appears to Be Not Inconsistent

The Transportation Element includes the following objective in support of denser housing development near appropriate Metro stations:

- § 502.1 (a): *Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations.*

The Land Use Element encourages a substantial amount of new housing primarily near Metrorail Stations. The site was not near a metro station either when the current Comprehensive Plan was developed, or when it was last amended, but it is now. The following objective would seem to apply:

- § 1134. *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 for the region, providing substantially increased amount of housing and jobs, and generally enhancing the District's economic development efforts.*

The Land Use Element also includes the following objectives to support residential neighborhoods:

- § 1102.1: (a) *To conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods including those qualities that make them unique; (b) To enhance other neighborhoods and achieve stability; (c) To redirect public and private initiatives to neighborhoods most in need of improvement and stability; (d) To encourage development of adequate neighborhood shopping and support services in all sections of the District; (e) To protect residential neighborhoods from disruptive uses....*

In OP's opinion, the proposed project would meet these objectives both by: 1) creating a high-density residential buffer between the industrial and high-density commercial uses to the south, and the lower density residential areas to the north and west, and; 2)

providing approximately 15,000 square feet of neighborhood serving retail where there is now little to none.

- § 1104.1 (b): *Encourage the retention and expansion of residential uses in mixed used neighborhoods to help maintain the residential character of these areas, through modification of land use and related regulations when necessary.*

The Housing Element policies also seem to support the construction of housing on this site, which is near Metro and provides 8% of its residential development to moderate income residents.

- § 302.2 (d) states: *Designate, as residential development opportunity areas, sites where significant housing development can appropriately occur and encourage multi-unit housing development near selected Metrorail stations, at locations adjacent to Downtown, and adjacent to proposed employment centers and office areas;*
- § 302.2 (e) states: *Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized or unused... with particular emphasis upon the needs of low-and moderate-income residents;*
- § 303.3 (d) states: *Provide zoning incentives, as appropriate, to developers prepared to build low and moderate income housing, such as permitting additional densities in exchange for incorporating low and moderate-income housing in development projects; tie provision of housing into large-scale commercial developments where zoning benefits are sought; and give zoning preferences to mixed-use sites that include housing near appropriate Metrorail .*

In OP's opinion, the application is not inconsistent with at least seven of the ten major themes of the Comprehensive Plan, as stated in Section 101.1

Table 4: Consistency With Comprehensive Plan Themes

Theme	Not Inconsistent W/ Comp Plan?	Discussion
Stabilize/improve neighborhoods	Yes	Increases number of Eckington residents and establishes a buffer between low-density residential uses to north, and industrial uses and high-density commercial uses to south
Increase quantity/quality of employment opportunities	No	
Develop Living downtown	Yes	Creates significant housing on edge of Northeast One commercial area
Preserve/promote cultural/natural	N/A	

amenities		
Respect/improve physical character	Yes	Site is now vacant
Preserve/ensure community input	Yes	Project reviewed by ANC and civic association several times over 1 ½ years and is supported by ANC
Preserve historic character	Yes	Architecture is keyed to older warehouse and rowhouse architecture of area
Strengthen DC as economic hub	Uncertain	While offices would create more jobs, housing generates more tax revenue to contribute to fiscal health of District
Enhance public safety	Yes	Site vacant. Development and path connection will also enhance safety of Metropolitan Branch Trail and walk to Metro
Provide for diversity and overall social responsibilities	Yes	8% of residential GSF will be devoted to moderate income housing.

B. Elements and Policies of the Comprehensive Plan With Which the Project May Be Not Consistent:

The Comprehensive Plan's Generalized Land Use Map designates the site as being appropriate for industrial usage – essentially reflecting the site's industrial past. It further designates the site and the entire Capital Commerce Center as a Special Treatment Area to encourage high-tech and light industrial uses.

The Land Use Element includes general guidance for industrially zoned areas (which are referred to as production and technical employment areas in the Comprehensive Plan) and particular policies for this site (referred to as the Eckington Yards):

- § 1111.1: *The policies established in support of the production and technical employment objectives...: (a) Recognize that current viable industrial land uses which provide services, jobs, and fiscal benefits are essential and ensure that these uses are maintained and that sufficient land is reserved for production and technical employment uses through appropriate zoning and related means;*
- § 1121.2 *The policies established for the Northeast Number 1 and Eckington Yards special treatment area are as follows: (a) Create a physical and regulatory atmosphere to encourage nascent high-technology and light industries in the area north of Florida Avenue, N.E.*

The Ward 5 Element also recognized this as an industrial area. The Recommended Ward 5 Actions in Support of Economic Development include:

- § 1606.1 (a) (2) (E): *Coordinate efforts of the public and private sectors to spur economic development in the Eckington Yards and Ivy City commercial and industrial areas.*

C. Discussion

The site is ¼ mile from a new Metro station, a station not under consideration when the Comprehensive Plan was adopted. Approximately \$100 million has been contributed to the New York Avenue metro station's construction by a combination of District, Federal and private resources. A special taxing district was established at the behest of the local business community in order collect the private \$ 25 million share of the station's costs. The owner of this site and all sites within the Capital Commerce Center are part of this taxing district.

Generally, OP believes that at least until the Industrial Land Use Study is completed and appropriately reviewed and adopted as policy, requests for rezoning of industrial land should be discouraged unless applications meet the following criteria, in addition to all other applicable criteria in the Zoning Regulations.

The site shall:

- Be part of a PUD application;
- Be consistent with the District's objectives for Transit Oriented Development;
- Be within ¼ mile of a Metro entrance.

Further, the proposed development that would be enabled by the request shall not:

- Result in displacement of vital or healthy industrial, production, distribution or repair businesses;
- Result in significant job losses;
- Meet with written objections from more than 30% of the industrial properties within 200 feet of the proposed rezoning (based on the proposed rezoning's and/or use's interference with the functioning of the potentially objecting industrial properties).

This application is part of a PUD application. The high density development is consistent with the District's TOD objectives. The site is 0.23 miles from the New York Avenue Metro station "as the crow flies", ¼ mile if walking via the Metropolitan Branch Trail and its proposed extension/connection, and 0.31 mile via sidewalks on New York Avenue and Florida Avenue.

The land is vacant, so no businesses of any type would be displaced, no would there be any job losses. All of the owners within the Capital Commerce Center have voted to amend the Capital Commerce Center plan to accommodate the proposed development.

OP is aware of no objection – written or otherwise – from any industrial property owner within 200 feet.

OP has cited above several of the Comprehensive Plan themes, objectives and policies with which the application is not inconsistent. It is OP's opinion that, despite the fact that the application is not consistent with all aspects of the the Comprehensive Plan, the New York Avenue Metro station's construction has so dramatically changed the facts on the ground for the Eckington area since the Comprehensive Plan was adopted, that this application should be granted a public hearing as being "not inconsistent" with the Comprehensive Plan.

VIII. AGENCY REFERRALS

This application will be referred to the following District government agencies for review and comment, should the Commission decide to set it down for consideration:

1. Department of Public Works;
2. Department of Transportation;
3. Metropolitan Police Department;
4. Fire and Emergency Medical Services Department;
5. Department of Consumer and Regulatory Affairs (DCRA);
6. Department of Housing and Community Development;
7. District of Columbia Public Schools.

IX. COMMUNITY COMMENTS

The applicant has met with ANC 5C and the Eckington Civic Association several times over the last 1½ years. The ANC voted to support the project as filed in July 2005.

Although the most recent design revisions have not yet been reviewed by the ANC neighborhood, the current proposal does contain the same number of housing units, affordable housing units, parking spaces and heights as had the design that the ANC has voted to support. The newest design contains no fewer public benefits or amenities than the designs previously reviewed by the community.

X. PRELIMINARY OP RECOMMENDATION

The Office of Planning (OP) recommends the Commission schedule this application for a public hearing. Development of housing and retail on this site, where it is not currently permitted, appears to be a sound planning objective. The applicant has given the proposed site plan, design,

and program considerable attention, has engaged in an extensive consultation process with the Office of Planning (OP) and with the community.

Overall, the project's layout would enable it to become an extension of the Eckington neighborhood, while its scale would enable it to act as a transition buffer between that neighborhood and the light-industrial and commercial uses to the south. It would extend existing city streets, provide public space that will be useful to the existing neighborhood and to new residents, and contributes money towards connections with the Metropolitan Branch Bicycle Trail that leads to the New York Avenue Metro station. The architecture is contemporary, but is very respectful of nearby residential and warehouse structures. It offers a mix of duplex, mid-rise and high-rise housing types ranging from studios to two bedrooms plus dens. There are multiple entrances onto existing and new streets, not just from the duplex townhouses, but also from the bases of the high-rise buildings. These will be developed as two-story residential units with individual street entrances. It offers retail space to an underserved neighborhood. The amenities package offers 8% of the total residential gsf as affordable housing for 20 years – one of the largest and longest-lasting offers of any PUD.

OP will continue to work with the applicant on remaining issues and details that will need to be addressed prior to and at any public hearing. These matters include:

- Traffic generation and mitigation, both specific to the site, and cumulative for projected development in the vicinity of the New York Avenue Metro station;
- The future ownership status of the proposed extension of Q Street;
- A need for greater specificity about architectural and landscaping materials and details. E.G.,
 - Type and color of brick and mortar
 - Additional study of the impact of lightening the central portion of the western building above the 2nd story.
 - Type, color and finish of metal throughout fenestration, cornices, etc.
 - Prohibition on use of EIFS or through-wall HVAC systems.
 - Paving materials
 - Fencing and wall design
 - Design of public area on north side of Q Street
 - Design of arched parking access beneath second story of Q Street duplex townhouses
 - Entrance details on duplex townhouses and on street entrances of townhouse-like bases of mid-rise and high-rise portions of buildings
 - Entrance details for mid and high-rise elements
 - Street trees
 - Shrubbery
 - Retail Signage
 - Retail Awnings.

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- A need for greater specificity about the contribution to the Metropolitan Branch Trail connection. If the applicant proposes to consult with the community to develop the final package, this needs to be in place before the public hearing;
- Details of the affordable housing covenant;
- Provision of site circulation plan.

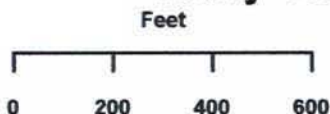
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Attachments and enclosures



Z. C. 05-23 Proposed PUD/ Map Amendment Harry Thomas Way & Eckington Pl. N.E. Square 3576 Lot 815

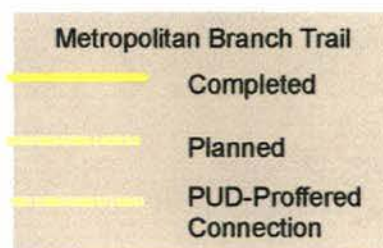
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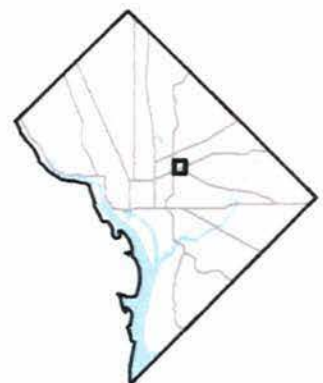
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District of Columbia
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Street Centerlines



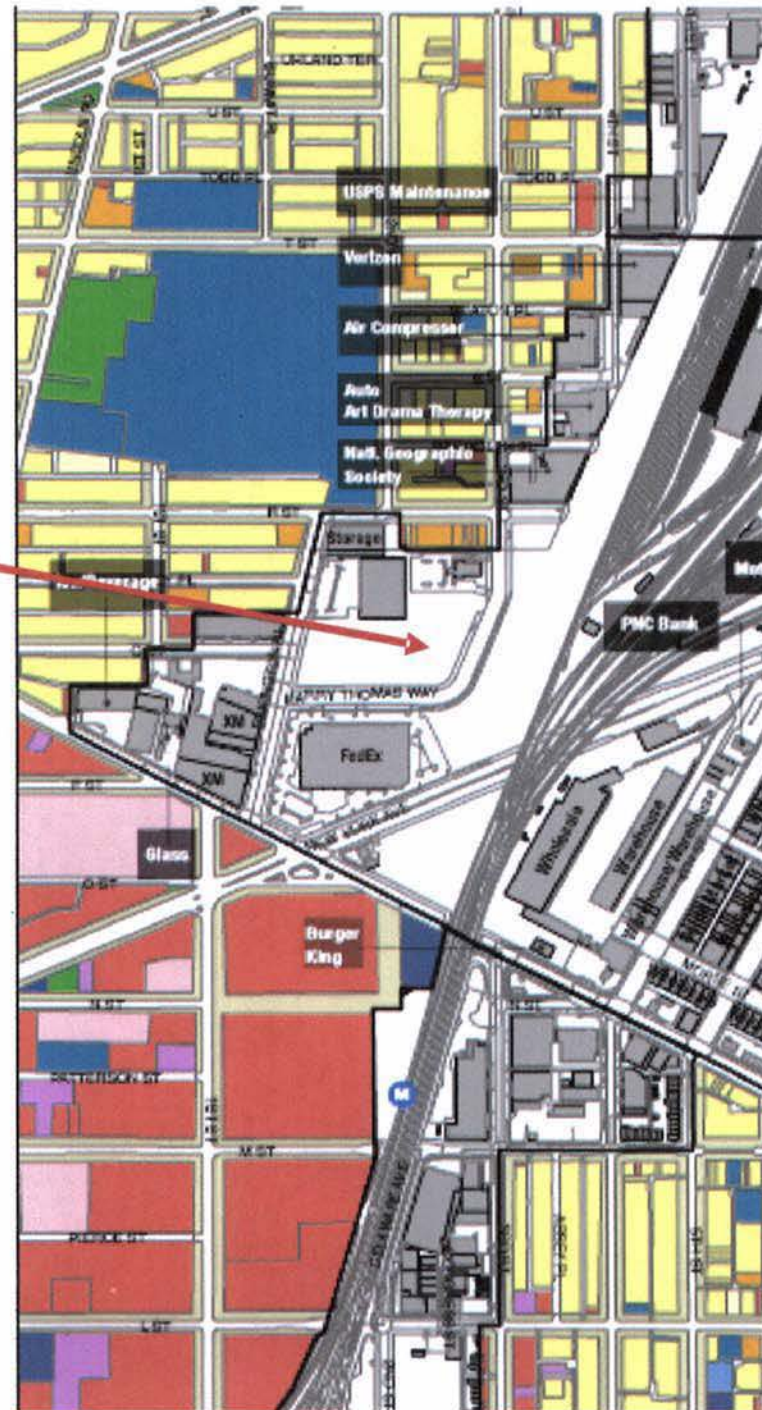
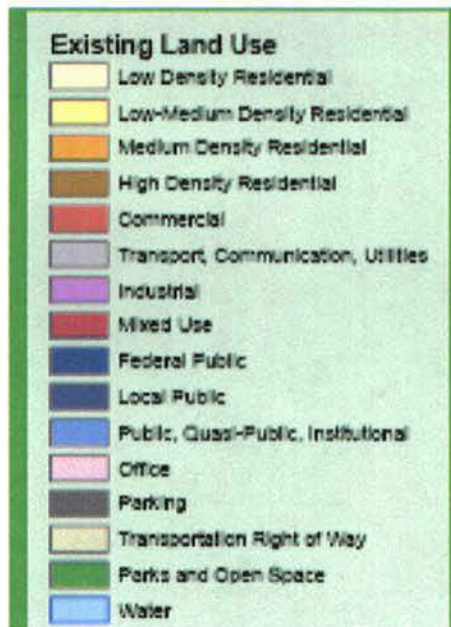
**Attachment 1
Site Location**

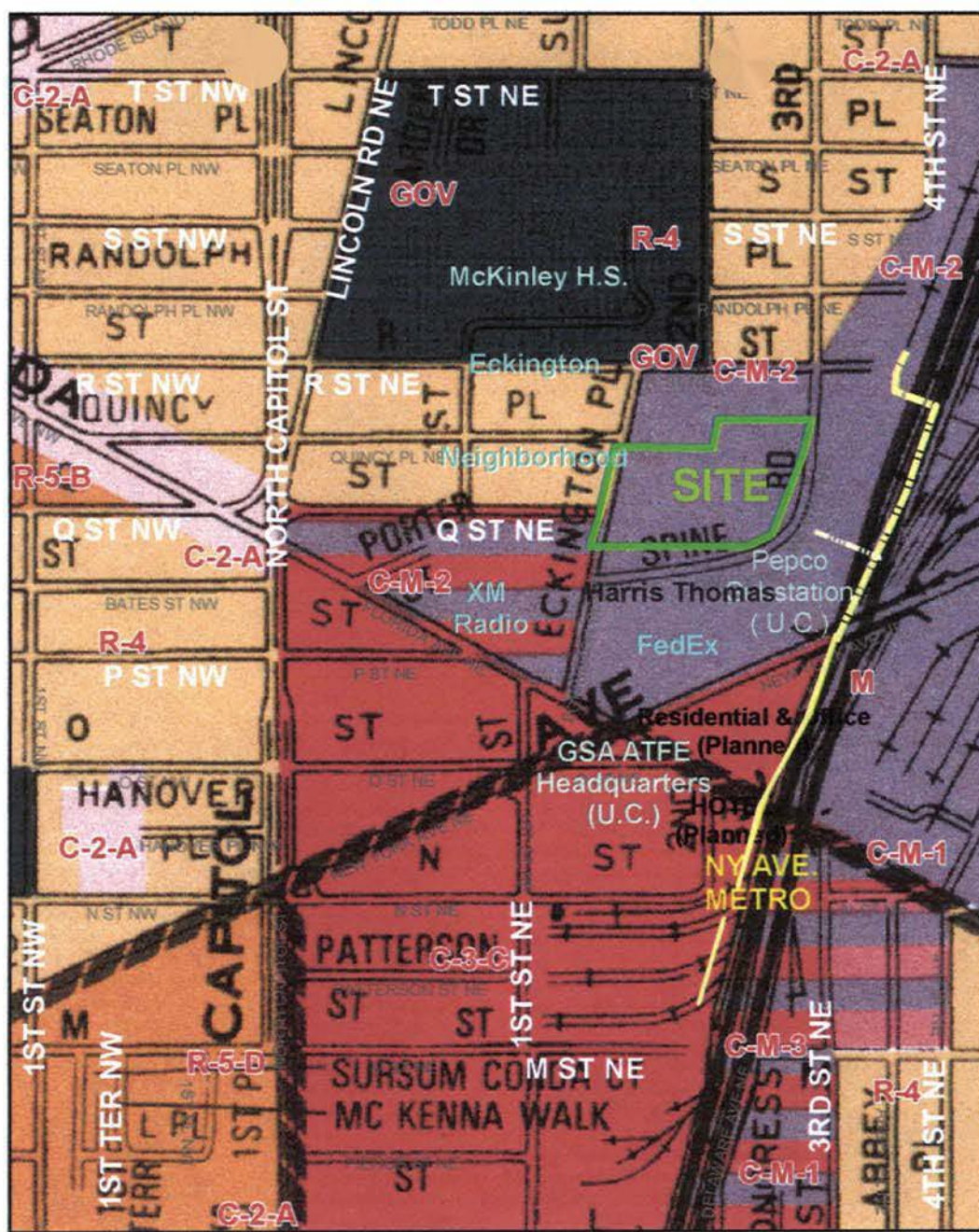
Zoning Commission Case 05-23

Proposed PUD/ Map Amendment

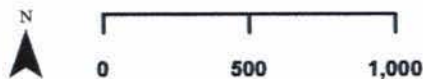
Square 3576 LOT 815

Existing Businesses & Proposed
PUD Site





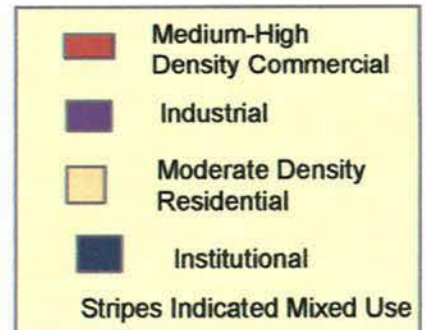
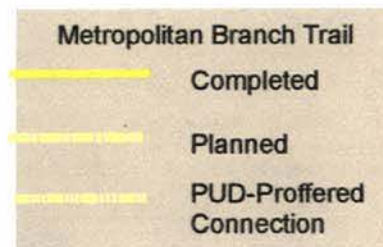
Z. C. 05-23 Proposed PUD/ Map Amendment Harry Thomas Way & Eckington PL. N.E. Square 3576 Lot 815



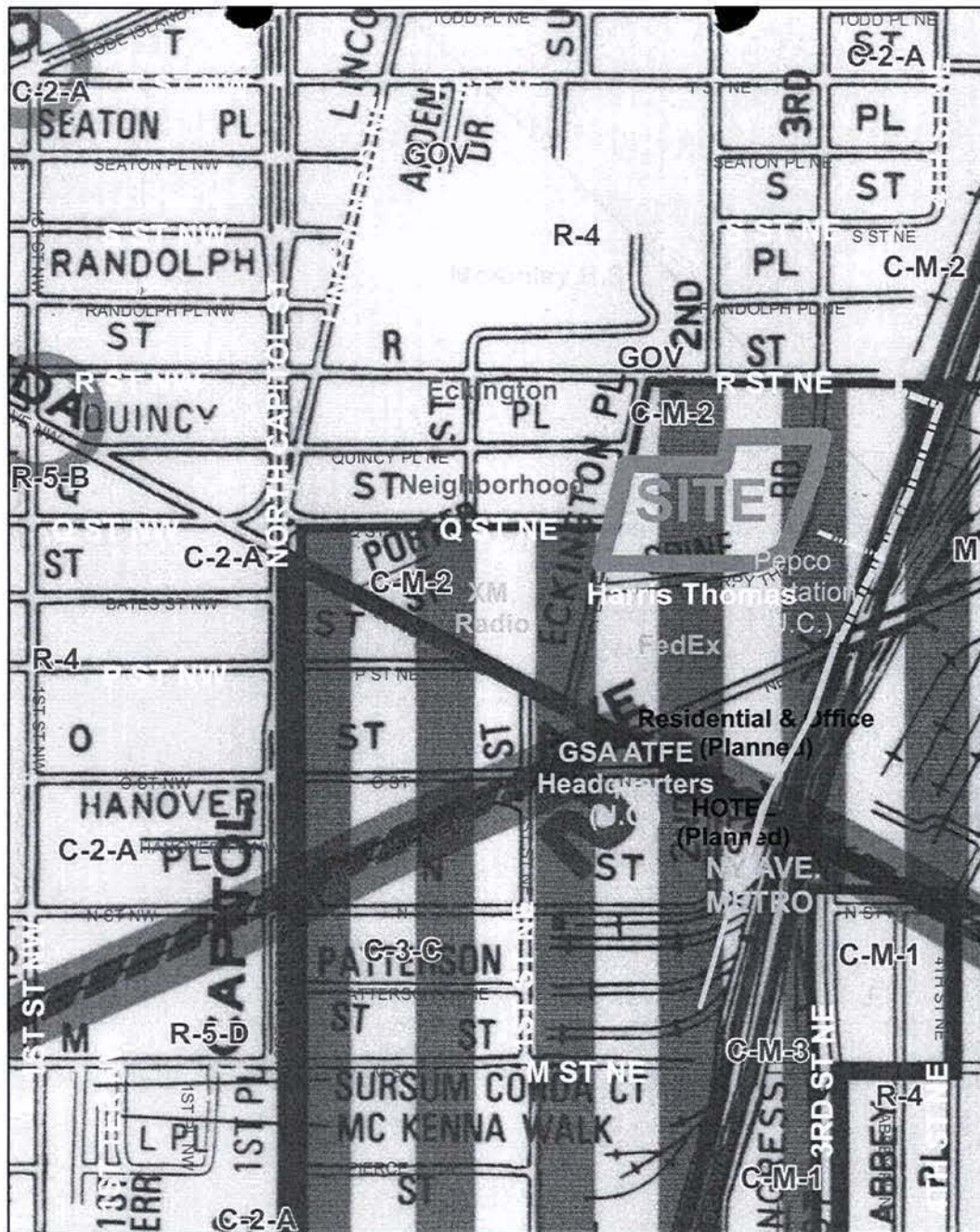
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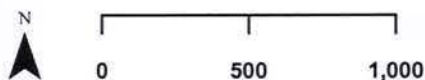
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Attachment 3 Comprehensive Plan Generalized Land Use



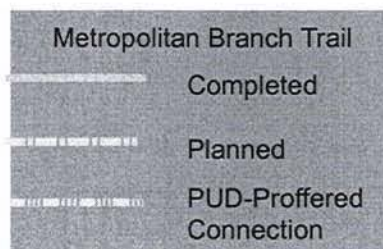
Z. C. 05-23 Proposed PUD/ Map Amendment Harry Thomas Way & Eckington PL. N.E. Square 3576 Lot 815



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**Attachment 4
Comprehensive Plan
Generalized Land Use
Policies Map**

**(Stripes Indicate Northeast
Eckington Yards
Special Treatment Area)**