

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



ZONING COMMISSION
District of Columbia

CASE NO. 06-24

EXHIBIT NO. 12

Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *LSM*
Ellen McCarthy, Director, Office of Planning
DATE: June 30, 2006
SUBJECT: **Setdown Report for ZC 06-24**
2400 14th Street
Consolidated Planned Unit Development

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I. SUMMARY RECOMMENDATION

The Office of Planning recommends that the Zoning Commission set down for a Public Hearing Zoning Commission Case #06-24, 2400 14th Street, N.W. as a consolidated PUD application.

II. APPLICATION-IN-BRIEF

Location: Square 2661, Lot 219
Ward 1, ANC 1B

Applicant: Level 2 Development, LLC

Zoning: C-2-B

Proposal: Develop a 90 foot, 9 story residential building with ground floor retail

Relief Sought: Pursuant to 11 DCMR Chapter 24, relief to roof structure requirements (§411), residential recreation space (§773), lot occupancy (§772) and flexibility in the location of below-market retail space.

III. SITE AND AREA DESCRIPTION

The property is Lot 219 in Square 2661. The property is located on 14th Street between Belmont Street and Chapin Street, just north of the intersection of 14th and Florida Avenue. Please refer to the vicinity map in Attachment 1. The property is currently developed with a shopping center that houses a pizza take-out restaurant, salons, a grocery, bank and other neighborhood-serving

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retail. The shopping center is set back from 14th Street with a parking lot in front of the building. The sidewalk in front of the development is 30 feet wide.

The 14th Street right-of-way is 110 feet wide. 14th Street is a mix of retail and residential development and there is considerable new construction underway or approved. The site across 14th Street and south of Belmont, to be developed by the same applicant, was approved earlier this year for residential and retail at a height of 90' (ZC #05-22). Another large mixed-use building, The Flats at Union Row, is under construction at 14th and V (ZC #03-26). To the northeast across 14th Street are four-story residential buildings. The Boys and Girls Club is located directly north of the subject site, and a parking lot to the south across Belmont Street is owned by the National Capitol Revitalization Corporation and is to be developed with a mix of residential and retail.

The rights-of-way for Belmont and Chapin Streets are 65 feet wide. Both streets are characterized by a mix of townhouses and smaller-scale apartment buildings. Two new apartment buildings on Belmont Street are near completion. On the north side of the street, the five-story, 55' tall Fedora at Meridian Hill condominium building will have 103 units (ZC #03-04). A matter-of-right building on the south side of the street across from the Fedora will have approximately the same height. The building immediately to the west of the subject property appears to be under renovation. Chapin Street has also seen new development, including an apartment building on the north side of the street with approximately 30 units. The property to the west of the subject site on Chapin is currently vacant but new apartment development is anticipated. Chapin Street is about 17 feet higher in elevation than Belmont, and west of 14th Street both streets rise 40 feet in elevation by the time they reach 15th Street.

North of Florida Avenue, the properties on both sides of 14th Street are zoned C-2-B. To the east and west the neighborhoods are zoned R-5-B. The subject site is approximately 4 blocks from the U Street Metro station at 13th and U, and 14th Street is served by Metrobus.

IV. PROJECT DESCRIPTION AND OP ANALYSIS

The applicant is proposing to construct a 90 foot tall, nine story mixed-use building. The building will contain 16,000 square feet of ground floor retail and 200 to 250 residential units. Most residential units will be on the upper eight floors with a few units on the first floor. Residential units, including affordable units, would have a range of sizes between studios and two bedrooms. Most units will have balconies, and most ninth floor units will have terraces on that level or on the penthouse level. Five street level units facing Chapin Street will be "walk-ups", meant to imitate townhomes. An underground garage will have 158 residential parking spaces, and 18 retail parking spaces will be provided at the rear of the building. Access to all parking and the loading bay is via the alley to the west of the property. Building amenities include a gym, a pool and an outdoor patio and garden on the west side of the building. Building façade materials will be glass, metal, masonry and pre-cast. The applicant is proposing street trees along 14th, Belmont and Chapin Streets. Additional development parameters can be found in the table below.

OP is generally supportive of the massing and design of the proposal, but is working with the applicant to refine the design of the building so that it has the least possible impact on the adjacent community. An analysis of the revised design will be given at the public hearing. OP has suggested a greater reduction in height at the western corners of the building and more articulation of the Belmont and Chapin façades to imitate the smaller scale neighborhood buildings. Other suggestions include breaking up the mass of the mechanical penthouse and setting is back somewhat from the western wall.

Item	Section	C-2-B (MOR)	Section	C-2-B (PUD)	Proposed	Relief
Lot Area	n/a	n/a	2401	15,000 sq. ft.	39,991 sq. ft.	Conforming
Building Height	770	65'	2405.1	90'	90'	Conforming
FAR	771	3.5 (max) 3.5 (res. max) 1.5 (comm. max)	2405.2	6.0 (max) 6.0 (res. max) 2.0 (comm. max)	6.0 (239,946 total sq. ft.) 5.6 (223,946 res. sq. ft.) 0.4 (16,000 retail sq. ft.)	Conforming
Lot Occupancy	772	80%	n/a	(no change)	93% (ground floor only)	Requested
Res. Rec. Space	773	15%	n/a	(no change)	4% (8,956 sf)	Requested
Rear Yard	774	15'	n/a	(no change)	32.5' from CL of Belmont (\$774.11)	Conforming
Side Yard	775	none required	n/a	(no change)	none	Conforming

V. COMPREHENSIVE PLAN

The proposal would further the following Major Themes of the Comprehensive Plan, as outlined and detailed in **Chapter 1 – General Provisions Element**:

- (a) *Stabilizing and improving the District's neighborhoods* – The proposed development will transform a small shopping center with a surface parking lot into a prominent mixed-use building fronting on 14th Street. The building will not only visually fill in a gap in the streetscape, it will add residents and new retail space to the neighborhood.
- (e) *Respecting and improving the physical character of the District* – By enhancing the streetscape of 14th Street and eliminating a surface parking lot, the building will improve the physical character of the District.
- (h) *Reaffirming and strengthening the District's role as the economic hub of the National Capital Region* – By contributing to the vitality of the neighborhood, the development will reinforce the 14th and U Street corridors, a unique arts, entertainment and retail location for the region.
- (i) *Promoting enhanced public safety* – Drug activity has been cited as a problem in the neighborhood. By increasing pedestrian activity and “eyes on the street”, public safety will be increased.

- (j) *Providing for diversity and overall social responsibilities* – By providing affordable dwelling units the project will support a range of income groups in the neighborhood.

The Comprehensive Plan also includes a number of specific sections of relevance to the application, including ones related to Housing, Environment, Urban Design and Land Use. The proposal to develop this site also addresses a number of goals and objectives specific to Ward 1. Relevant goals, objectives and policies can be found Attachment 3. OP believes that the proposal is generally consistent with or furthers those Comprehensive Plan objectives.

Chapter 3 Housing Element

The application meets the Housing policy guidance of the Comprehensive Plan by creating housing for a variety of income levels in an area that is underdeveloped and yet very accessible to Metro, Metrobus, retail and employment.

Chapter 4 Environmental Protection Element

The application addresses Environmental policy guidance for minimizing impacts to water quality. The building would have a green roof and landscaping to reduce stormwater runoff and pollution, and reduce the heat effect of the building. The applicant will also be increasing the number of street trees along all three streets.

Chapter 7 Urban Design

The proposed development supports the Urban Design objective to assist areas in need of new or improved character. Redevelopment of the underutilized shopping center site is encouraged, and the building will have a strong identity and will fill in a gap in the street fabric.

Chapter 11 Land Use Element

The proposal is not inconsistent with the major policies and objectives of the Comprehensive Plan's Land Use Element. The proposal would help to achieve a more stable residential neighborhood and would assist in creating a mixed-use, urban environment.

Chapter 12 Ward 1 Plan

The proposed development helps achieve the vision for Ward 1, as established in the Ward 1 Plan. The development will help to stabilize the neighborhood and help revitalize the 14th Street corridor. The Ward 1 Plan includes a number of objectives and policies that are relevant to this application, including ones related to Economic Development, Housing, Transportation, Urban Design and Land Use.

VI. COMPREHENSIVE PLAN GENERALIZED LAND USE MAP AND LAND USE POLICIES MAP

The Generalized Land Use Map recommends the subject site for medium density residential which includes multiple-unit housing and mid-rise apartment buildings as the predominant uses. Section 1100.11 of the Comprehensive Plan notes that “The Land Use Element does not identify or fix every use, height, and density on every block in the District. The text and the maps construct a guiding framework within which public and private land use and zoning decisions are to be made.” The Office of Planning is generally supportive of the redevelopment of the site for a mix of uses and the retail will be a continuation of the retail development on both sides of 14th Street to the south. The form of development is not inconsistent with the zoning or with the intent of the Land Use Map Designation.

VII. STRATEGIC NEIGHBORHOOD ACTION PLAN

Strategic Neighborhood Action Plan (SNAP) #2 established a vision, priorities and actions to address the near-term challenges facing Columbia Heights and surrounding neighborhoods. This application addresses some of the priorities of Cluster #2 such as affordable housing, economic development and beautification. The SNAP proposes some specific near-term actions to improve the quality of life in the community, including:

- *Promote mixed-use development, especially around commercial corridors and Metro stations. Mixed-use development should include a reasonable percentage of affordable housing units.* The development proposal is for a mixed use building that will include residential units at below market-rate prices.
- *Ensure that economic development taking place in the community is linked to improving the quality of life for current residents.* The proposed development will improve the appearance of 14th, Belmont and Chapin Streets by eliminating the surface parking lot and the associated curb cuts and through improved landscaping. The addition of residents will mean a more active neighborhood and more eyes on the street.
- *Strengthen community groups and individual residents through formalized training and funding.* The applicant has committed to leasing retail space, at below market rents, to a non-profit organization specializing in job skills training.

VIII. ZONING

The subject site is zoned C-2-B, which permits “high density residential and mixed uses” (§720.6). As a matter of right, the maximum height is 65 feet and the maximum FAR is 3.5. Through the PUD process, those limits increase to 90 feet and 6.0 FAR. In order to develop as proposed, the applicant must get relief from the following zoning regulations:

Roof Structure

Section 770.6(b) requires that mechanical penthouses be “set back from all exterior walls a distance at least equal to its height above the roof upon which it is located”. Because the shape of the building narrows near its north-south midpoint, the penthouse is superjacent to the western wall at that location. The applicant is therefore seeking relief from 770.6(b). The Office of Planning has no objection to granting the relief, but notes that the penthouse design is being reconsidered by the applicant in response to OP suggestions for alternate designs that would break up the massing of the penthouse, set it back from the western wall, reduce the size of penthouse access to rooftop terraces and perhaps also change materials from the principal western façade.

Residential Recreation Space

The applicant is requesting relief from the C-2-B requirement for 15% residential recreation space. The current proposal shows 4% recreation space (8,956 sf), divided between the ground floor interior amenity space (1,700 sf), the ground floor exterior space (1,900 sf) and the rooftop space (5,400 sf). Much of the interior amenity space appears to consist of the ground floor lobby, but about 800 square feet is located in a gym on first floor. The proposed amount of recreation space is similar to that of other recently approved projects. The Office of Planning does not object to granting relief for residential recreation space.

Lot Occupancy

Section 772 limits residential lot occupancy to 80%. However, on the ground floor, which retail and a small amount of residential, the proposal shows a lot occupancy of 93%. If that floor were entirely commercial, 100% lot occupancy would be permitted. The upper floors, which are entirely residential, have a lot occupancy well below the 80% cap, but because the ground floor does not meet the Zoning requirements, the applicant is seeking relief. Because the ground floor is primarily retail and not residential, the Office of Planning has no objection to granting relief to §772.

Location of Below Market Retail Space

The applicant has asked for flexibility regarding the exact location of the below-market-rate retail space. There is no Zoning requirement regarding the location of retail, and the Office of Planning, therefore, has no objection to retaining locational flexibility. The total retail envelope, however, should remain as shown in the submitted plans and no residential space converted to retail.

IX. PURPOSE OF A PLANNED UNIT DEVELOPMENT

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public

benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

The application exceeds the minimum site area requirements of Section 2401.1(c) to request a PUD, and the applicant is requesting a consolidated PUD review. The PUD standards state that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project” (§2403.3). Based on the information provided, OP believes that the project will have an overall positive impact on the neighborhood and the District. A more comprehensive analysis of the proposal against specific PUD standards and requirements will be provided prior to a Public Hearing.

X. PUBLIC BENEFITS AND AMENITIES

Sections 2403.5 - 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12).

Amenity package evaluation is based on an assessment of the additional development gained through the application process. In this case, the development gained through this PUD is considerable – 99,978 sf and 25 feet of building height. The applicant has listed a number of areas which they feel contribute towards their amenity package:

1. *Urban design, architecture, landscaping and open space* – OP feels that the overall form is appropriate to the area but through additional refinements to the design will seek to improve the building’s relationship to the adjacent community. The already proposed “rowhouse” articulation on Chapin Street is one way to address that relationship. Streetscape improvements such as tree plantings will improve the appearance of the area.
2. *Site planning and efficient and economical land utilization* – The applicant is improving pedestrian and vehicle flow around the site by closing two curb cuts. The building also makes better use of an underutilized site.
3. *Transportation features (proximity to transit, flex car space)* – While the applicant is claiming “transportation features” as an amenity, OP has concerns that the orientation of the entrance to the parking garage may place a greater-than-necessary burden on Belmont Street. OP is also concerned that tractor-trailers will not be able negotiate the turns into and out of the alley without the elimination of a number of on-street parking spaces. Please refer to pages 29 and 30 of the traffic study. The applicant will provide further analysis of these issues.

4. *Employment training opportunities (below market rent for job-skills non-profit)* – The applicant has estimated the value of charging below market rent at \$100,000 over five years. OP feels that this amenity could be a valuable asset for the community but needs more information such as which organization will occupy the space and what services they will provide.
5. *Housing and affordable housing* – The applicant is providing approximately 15,000 square feet of affordable housing, or roughly 15% of the bonus density. OP finds this an acceptable contribution.
6. *Environmental benefits* – OP supports inclusion of a green roof for the building but needs more detail on this and other environmental benefits claimed, especially “building re-use”.
7. *Other public benefits and project amenities (donations to neighborhood organizations)* – The applicant has pledged \$25,000 for local community groups. OP has asked the applicant to provide more detail such as what groups will receive the donations and what programs will be funded with the contributions.

The applicant has continued discussions with surrounding neighborhoods and ANC 1B has expressed its approval of the overall direction of the amenity package. The Office of Planning feels that the most valuable of the listed amenities are the affordable housing, the reduced rent for the job-skills non-profit, the green roof and the donations to various neighborhood organizations. Additional information will be provided prior to the public hearing and OP will provide an analysis of the complete amenities package at that time.

XI. AGENCY REFERRALS

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

- Department of Employment Services (DOES);
- Department of Housing and Community Development (DHCD);
- Department of Public Works (DPW);
- Department of Transportation (DDOT);
- DC Public Schools (DCPS);
- DC Water and Sewer Authority (WASA);
- Fire and Emergency Medical Services Department (FEMS); and
- Metropolitan Police Department (MPD).

XII. RECOMMENDATION

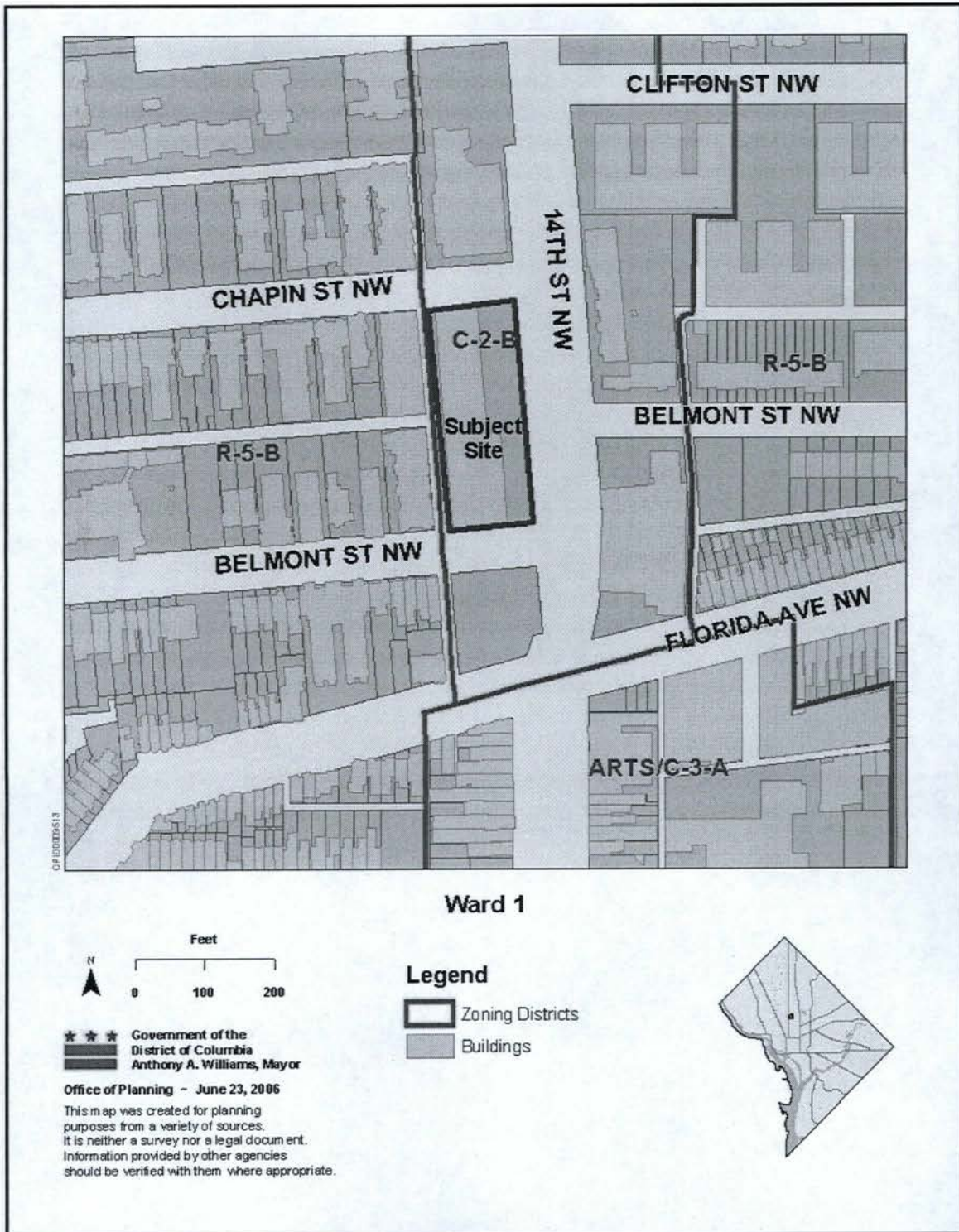
The Office of Planning recommends that this application be set down for public hearing. The proposal is consistent with goals and objectives of the Comprehensive Plan by stabilizing the neighborhood, providing new residential units, improving the streetscape and aiding the development of 14th Street as an active, mixed-use corridor. The development will provide housing options for a range of incomes and residents will have access to mass transit and neighborhood-serving retail. In addition to the increased FAR and height gained through the PUD process, the applicant is also seeking relief from other zoning standards; The Office of Planning has no objection to granting that relief. OP is continuing to work with the applicant to ensure that the public benefit package is commensurate with the density being gained through the PUD. OP is generally supportive of the overall application but will work with the applicant to refine the proposal prior to the public hearing.

XIII. ATTACHMENTS

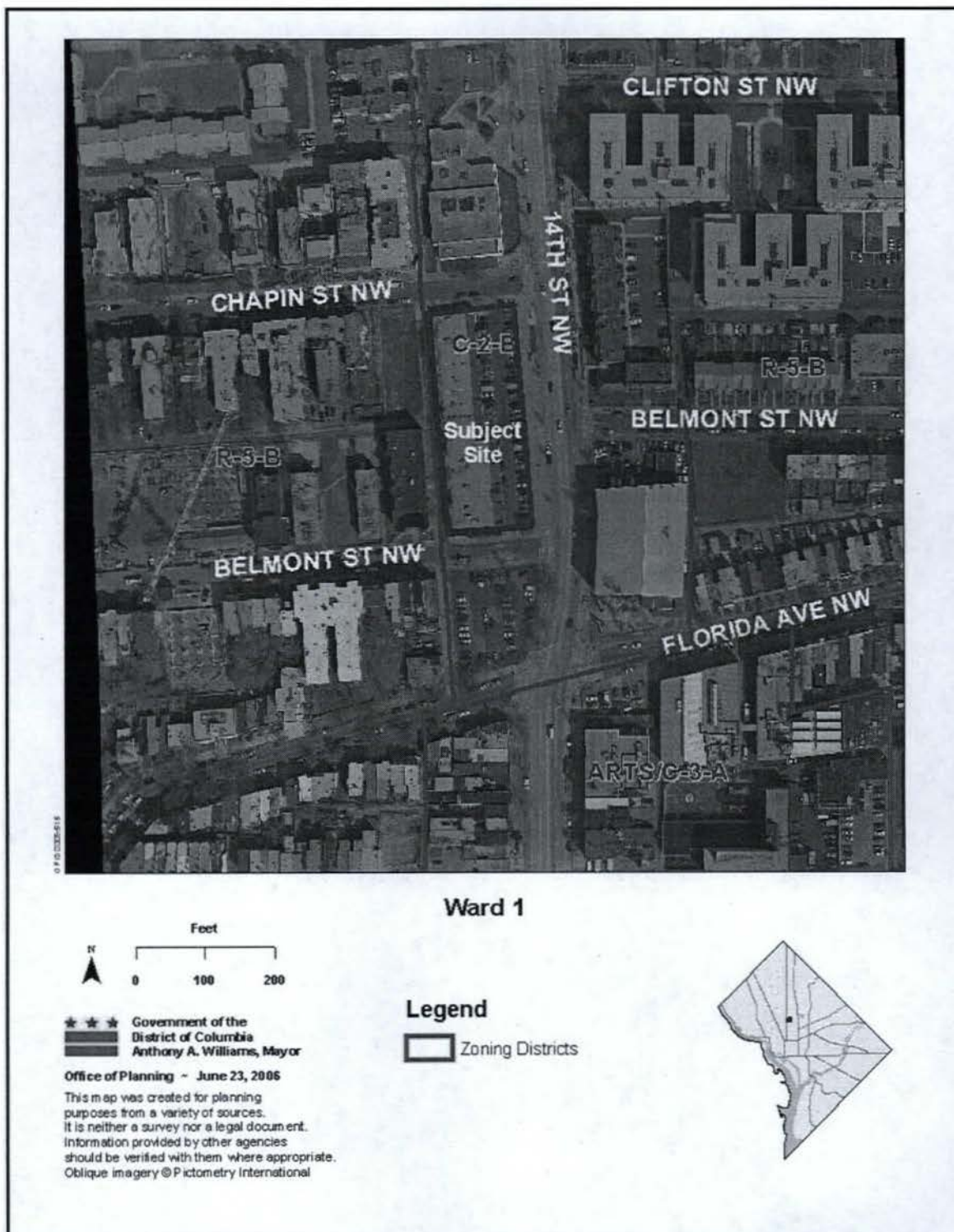
1. Vicinity Map
2. Aerial Photo
3. Applicable Comprehensive Plan Policy

EM/mrj

ATTACHMENT 1
VICINITY MAP



ATTACHMENT 2 AERIAL PHOTO



ATTACHMENT 3
RELEVANT COMPREHENSIVE PLAN POLICY

Chapter 3 Housing Element

§300 Declaration of Major Policies

§300.2 ...the District must stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units for a wide variety of household types...

§302 Housing: General

§302.1 The general objectives for housing are to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations.

§302.2 The policies established in support of the general objectives for housing are as follows:

- (a) 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....;
- (e) Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized, or unused....;

Chapter 4 Environmental Protection Element

§402 Improving Water Quality

§402.1 The objectives of improving water quality are to improve the quality of water in the rivers and streams of the District to meet public health and water quality standards, and to maintain physical, chemical, and biological integrity of these watercourses for multiple uses, including recreation.

Chapter 7 Urban Design

§712 Areas in Need of New and Improved Character

§712.1 The areas in need of new and improved character objective is to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.

§712.2 The policies established in support of the areas in need of new and improved character objective are as follows:

- (a) Encourage well designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;
- (b) Encourage infill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment;

Chapter 11 Land Use Element

§1100 Declaration of Major Policies

§1100.2 District neighborhoods are the cornerstones of the District's social and physical environments:

- (a) Land use policies must ensure that all neighborhoods have adequate access to commercial services within the District and sufficient housing opportunities to accommodate a range of needs.

§1102 Objectives for Residential Neighborhoods

§1102.1 The residential neighborhood objectives are as follows:

- (b) To enhance other neighborhoods and achieve stability;
- (c) To redirect public and private initiatives to neighborhoods most in need of improvement and stability;

§1104 Policies in Support of the Residential Neighborhood Objectives

§1104.1 The policies established in support of the residential neighborhoods objectives are as follows:

- (c) Ensure a broad range of residential neighborhood options ranging from quiet, low density, park like neighborhoods to active, high density, mixed use urban neighborhoods;

Chapter 12 Ward 1 Plan

§1201 Ward 1 Objectives for Economic Development

§1201.1 The objectives for economic development are as follows:

- (d) To expand the occupational skills and job opportunities for Ward 1 residents, particularly the unemployed, underemployed, and economically disadvantaged.

§1203 Ward 1 Actions to Implement Economic Development Objectives

§1203.1 The incomes of residents in Ward 1, as a whole, are among the lowest in the District. The actions to implement economic development objectives are as follows:

- (a) To increase access to industry related training schools and programs for Ward 1 residents and improve basic skills development in the local public schools;
- (g) To expand training in occupational skills for Ward 1 residents;
- (m) To revitalize and improve the functioning and appearance of the following areas, with emphasis on retaining small business:
 - (6) 14th and U Streets;

§1204 Ward 1 Housing

§1204.1 The housing policy in the ward addresses both the need for housing and the need for it to be located where residents have access to the other basic necessities of urban living.

§1205 Ward 1 Objectives for Housing

§1205.1 The objectives for housing are as follows:

- (a) To stimulate the production of new and rehabilitated housing to meet all levels of need and demand in Ward 1...;
- (b) To provide for the housing needs of low and moderate income households...;

§1206 Ward 1 Policies in Support of Housing Objectives

§1206.1 The policies in support of housing objectives are as follows:

- (a) To encourage the private sector to provide new housing to meet the needs of present and future Ward 1 residents at locations consistent with the ward's land-use policies and objectives...;
- (d) ...encourage multi unit housing development, including market rate and low density housing, where appropriate, near the U Street and Shaw metrorail stations and at locations adjacent to proposed employment centers, including the 14th and U Street corridors;

§1214 Ward 1 Policies in Support of Transportation Objectives

§1214.1 The policies in support of transportation objectives are as follows:

- (a) To support land use arrangements that simplify and economize transportation services in Ward 1, including mixed use zones that permit the co development of residential and nonresidential uses, and encourage additional development at strategic locations, particularly near the U Street Cardozo and Shaw Howard University metrorail stations;
- (d) To promote the increased use of mass transit in Ward 1 and the District;

§1222 Ward 1 Policies in Support of Urban Design Objectives

§1222.1 The policies in support of urban design objectives are as follows:

- (a) To strengthen and enhance the physical image and symbolic qualities of Ward 1 that establish its character as an urban center in the nation's capital;
- (b) To design new residential, commercial, and other buildings to complement or enhance Ward 1's physical character;
- (c) To design Ward 1's buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate areas;

§1223 Ward 1 Actions to Implement Urban Design Objectives

§1223.1 The actions to implement urban design objectives are as follows:

- (e) To increase and retain street trees in residential and commercial areas in Ward 1 by doing the following:
 - (1) Encouraging developers to plant and maintain trees in the public spaces adjoining developments, including such places as the 14th and U Street corridors...;

§1228 Ward 1 Land Use

§1228.6 A major goal of the ward continues to be the revitalization of the 14th and U Street corridors and neighboring communities.

§1229 Ward 1 Objectives for Land Use

§1229.1 The objectives for land use are as follows:

- (b) To promote the vitality of Ward 1's commercial areas and to provide for the continued growth and vitality of the ward's economy and employment base;

§1230 Ward 1 Policies in Support of Land Use Objectives

§1230.1 The policies in support of land use objectives are as follows:

- (f) To promote the establishment and growth of residential and mixed use commercial centers at appropriate locations to reduce automobile congestion, improve air quality, increase jobs, reduce reliance on the automobile, and ensure neighborhood stability...;