

GOVERNMENT OF THE DISTRICT OF COLUMBIA RECEIVED
OFFICE OF PLANNING



D.C. OFFICE OF ZONING

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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JS*
Jennifer Steingasser, Deputy Director, Office of Planning
DATE: January 15, 2007
SUBJECT: **Public Hearing Report for ZC 06-24**
2400 14th Street
Consolidated Planned Unit Development

I. SUMMARY AND RECOMMENDATION

On June 30, 2006, the Zoning Commission set down application #06-24 for a public hearing. The Office of Planning concludes that the proposed 90 foot tall mixed use building conforms to the major themes and policies of the Comprehensive Plan, will enhance an underutilized site and contribute to the revitalization of the 14th Street corridor. OP considers the amenity package adequate in magnitude and appropriate to the neighborhood, and the design of the building has been improved since the setdown meeting. The Office of Planning is very supportive of the project, although additional information regarding the enclosed spaces at the penthouse level has been requested. The applicant should also submit an executed First Source Agreement prior to final action. OP recommends approval of the application subject to resolution of the above issues.

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 Required: Pursuant to 11 DCMR Chapter 24, relief to roof structure requirements (§411), lot occupancy (§772), loading requirements (§2201) and Commission in the location of below-market retail space

CASE NO. 06-24

EXHIBIT NO. 34

ZONING COMMISSION
District of Columbia
CASE NO. 06-24
EXHIBIT NO. 34

III. SITE AND AREA DESCRIPTION

The property is Lot 219 in Square 2661, and 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 one story "strip-mall" shopping center that houses a pizza take-out restaurant, salons, a grocery, bank and other neighborhood-serving 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 has 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 in 2006 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 have several smaller apartment buildings mixed with a few rowhouses. 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 would be permitted by zoning. 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 220 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 or terraces, and some ninth floor units will have terraces on the penthouse level. Four street level units facing Chapin Street will have direct access to the street, similar to a townhouse. 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 rooftop 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.

OP has worked with the applicant since the setdown meeting to refine the design and is generally supportive of the massing and architecture of the proposal. Since the setdown meeting, the height of the penthouse has been reduced and the penthouse wall has been set back two feet from the western wall of the building. Also, the skin material now changes between the penthouse and the main wall of the building. All of these revisions help reduce the impact of the height of the building and penthouse. The applicant has revised the direction of the garage entrance so it is now perpendicular with the alley. This will make it easier for vehicles to turn north toward Chapin Street, instead of being directed toward Belmont. In another refinement to the design, the applicant has narrowed the range in the number of units to between 220 and 250. OP felt that the previous range of 50 units was too great.

OP has requested additional detail regarding the size of the spaces at the penthouse level – where stairs from the units below access the roof – to ensure that they are the minimum size necessary and



AERIAL VIEW LOOKING NORTH



AERIAL VIEW LOOKING EAST

These images, produced by the applicant, show that the proposed building is of an appropriate scale for the 14th Street corridor and is of a similar size to other nearby existing, approved or proposed buildings.

practical. If these spaces were to act as habitable space, it would be a violation of the Height Act. The applicant has stated that they will submit architectural plans showing that the spaces are to be used primarily as mechanical areas for the units below, and will not function as extra rooms for the units.

To better relate to the Belmont Streetscape, the Office of Planning suggested adding a four or five story addition to the top of the wing extending west from the main building. From an architectural standpoint, the applicant felt that this option would create too many distinct masses at the south end of the building. They also stated that the interior arrangement of units would not be functional and could cast shadow on the west wall of the building. The design has changed from that originally submitted, however, to better relate to the buildings along Chapin Street. The height of the wing along Chapin has been reduced by one floor, and at the western end of the building, the roof is only six stories above grade. This lower height is more comparable to the other existing apartment buildings on Chapin Street.

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% (residential) 100% (comm.)	n/a	(no change)	93% (ground floor only)	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 along the street 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* – 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.

As described in the OP report dated June 30, 2006, the proposal would also be consistent with a number of specific Elements of the Comprehensive Plan including the Housing, Environmental Protection, Urban Design and Land Use elements. The proposal would also address a number of goals and objectives specific to the Ward 1 Plan, including ones specific to Economic Development, Housing, Transportation, Urban Design and Land Use.

The pending 2006 Comprehensive Plan calls for mixed use development in the Mid-City Area Element, with increased density near metro stations and along major corridors such as 14th Street. New residential developments should also include affordable housing. The proposed development would meet those objectives.

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.

The pending 2006 Comprehensive Plan has two associated maps, the Generalized Policy Map and the Future Land Use Map. The Generalized Policy map shows this site as a Main Street Mixed Use Corridor, and the Future Land Use Map indicates that the site is suitable for Medium Density Residential and Medium Density Commercial uses. The proposed development is consistent with these designations.

VII. 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 within two feet of 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 and has worked with the applicant to reduce the visual impact of the penthouse.

Lot Occupancy

Section 772 limits residential lot occupancy to 80%. However, on the ground floor, which has 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.

Loading Space

The applicant has asked for relief from the requirement to provide one 55 foot loading space. The loading area provided accommodates two trucks, including the required 30 foot and 20 foot trucks for the retail and residential uses, respectively. The longer, outer bay can accommodate larger trucks as well, though not as long as 55 feet. This request is similar to other recent applications and the Office of Planning does not object to granting the relief.

Residential Recreation Space

The applicant requested relief from the C-2-B requirement for 15% residential recreation space. The Zoning Commission recently eliminate this requirement. Internal recreation space is largely shown central to the building at the ground level. OP would have no concern with permitting flexibility to convert this space to another use such as tenant or retail space storage area. The location of the space would not seem to be conducive to the provision of an additional residential or retail unit.

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.

VIII. PURPOSE OF A PLANNED UNIT DEVELOPMENT & PUD EVALUATION STANDARDS

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.

IX. 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 (over 40% of the total proposed) and 25 feet of building height. The applicant has listed a number of areas which they feel contribute towards their amenity package:

1. *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 makes better use of an underutilized site and the applicant is also proposing streetscape improvements such as new street trees.
2. *Transportation features* – The applicant is providing one flex car space at the rear of the site near the loading dock. OP values the provision of a flex car so that residents of the building and the neighborhood will feel less of a need to own their own automobile. The applicant has also reoriented the entrance to the parking garage to allow vehicles to enter and exit more easily from the direction of Chapin Street. The truck movements to and from the loading docks may require the removal of one or more parking spaces from Belmont and Chapin Streets. This loss will be mitigated, however, since the closure of the Nehemiah Shopping Center entrances will create additional parking.

3. *Below market rent for employment training non-profit* – The applicant has estimated the value of charging below market rent at \$100,000 over five years, with a net present value of \$78,813. The applicant's pre-hearing statement indicates that "the tenant(s) will be required to enter an agreement with DOES, Columbia Heights Development Corporation or a similar organization with an employment program for District residents" (Pre-hearing Statement, pg. 7).
4. *Affordable housing* – The applicant is providing approximately 15,000 square feet of affordable housing, or roughly 15% of the bonus density. Affordable residential units will be reserved for households earning less than 80% of the area median income. In their January 5th written submission, the applicant committed to distributing affordable units throughout the building and that they would be no less than 95% of the size of a comparable market rate unit.
5. *Environmental benefits* – The applicant is not committing that this building will be LEED certified, but the pre-hearing statement included a list of LEED criteria that will be met on this project. Of those criteria, a few, such as a green roof or the commissioning of building energy systems, could be considered above normal requirements and be verified by a building inspector prior to occupancy. The plans show two optional locations for a 2,000 square foot green roof. OP suggests that both areas be used for a total of 4,000 square feet of green roof. Among the criteria are three related to stormwater management, including sediment containment during construction, stormwater infiltration and stormwater quality control.
6. *Boys and Girls Club* – The applicant has pledged to contribute \$17,500 to the Boys and Girls Club to be used toward the development of a new teen center.
7. *Samaritan Inns* – A \$5,000 contribution will be made to the Samaritan Inns, which "offers long-term housing solutions for persons recovering from addiction and homelessness" (ibid.).
8. *Southern Columbia Heights Neighborhood Association (SCHNA)* – A \$2,500 contribution will be made to the SCHNA. \$2,400 will be used to send two children from the neighborhood to summer camp. \$100 will be used for "community enrollment and outreach" (ibid.).

OP further notes that, since residential recreation space is no longer required, the roof-top pool and deck could be considered amenity space for the residents of the building.

The applicant has refined the amenity package since the setdown meeting, providing significantly more detail for the contributions toward community organizations and for the environmental benefits. The Office of Planning feels that the amenity package is adequate in magnitude and appropriate for the neighborhood.

X. AGENCY REFERRALS

The Office of Planning received comments on this application from the Department of Parks and Recreation (DPR), the Department of Employment Services (DOES) and the Department of Housing and Community Development (DHCD). No agency raised objections to the project and DHCD found the density and the provision of retail to be appropriate for the site. DHCD also encouraged the provision of affordable housing at this location. DOES recommended that the "applicant execute a First Source Agreement prior to the proposed action by the Zoning Commission." Please see Attachment 3 for a copy of agency reports. In a phone conversation, the District of Columbia Water and Sewer Authority (WASA) indicated that it had no objection to the project.

OP received no comments from other District agencies. Although OP did not receive comments from the District Department of Transportation (DDOT), the applicant notes in the submitted traffic study that the surrounding road network can accommodate the additional traffic. A modification of signal timing at the intersection of 14th Street and Florida Avenue would help to remedy an existing poor level of service.

XI. COMMUNITY COMMENTS

At their regularly scheduled December 7th meeting, ANC 1B voted to recommend approval of the proposal. Since the setdown meeting, the Office of Planning has not received any phone calls or emails in support of or against the application.

XII. CONCLUSION AND RECOMMENDATION

The Office of Planning is very supportive of this project, which will enhance an underutilized site and contribute to the revitalization of the 14th Street corridor. The Generalized Land Use Map calls for medium density residential uses on part of the site and the Major Themes of the Plan promote stabilizing neighborhoods and increasing public safety and diversity. This proposal will achieve those objectives. Developing this site as proposed is also consistent with the pending 2006 Comprehensive Plan which designates this part of 14th Street as a Main Street Mixed Use Corridor.

The development should not overburden city services and the proposal is not inconsistent with the policies of the Comprehensive Plan. OP is supportive of the mix of unit sizes and the provision of ground-floor retail. OP is also very supportive of the overall massing, and the design and architecture of the building. OP considers the amenity package adequate, and appropriate to the neighborhood. OP has some concerns with the size of the enclosed spaces at the penthouse level, and the applicant should also submit an executed First Source Agreement prior to final action.

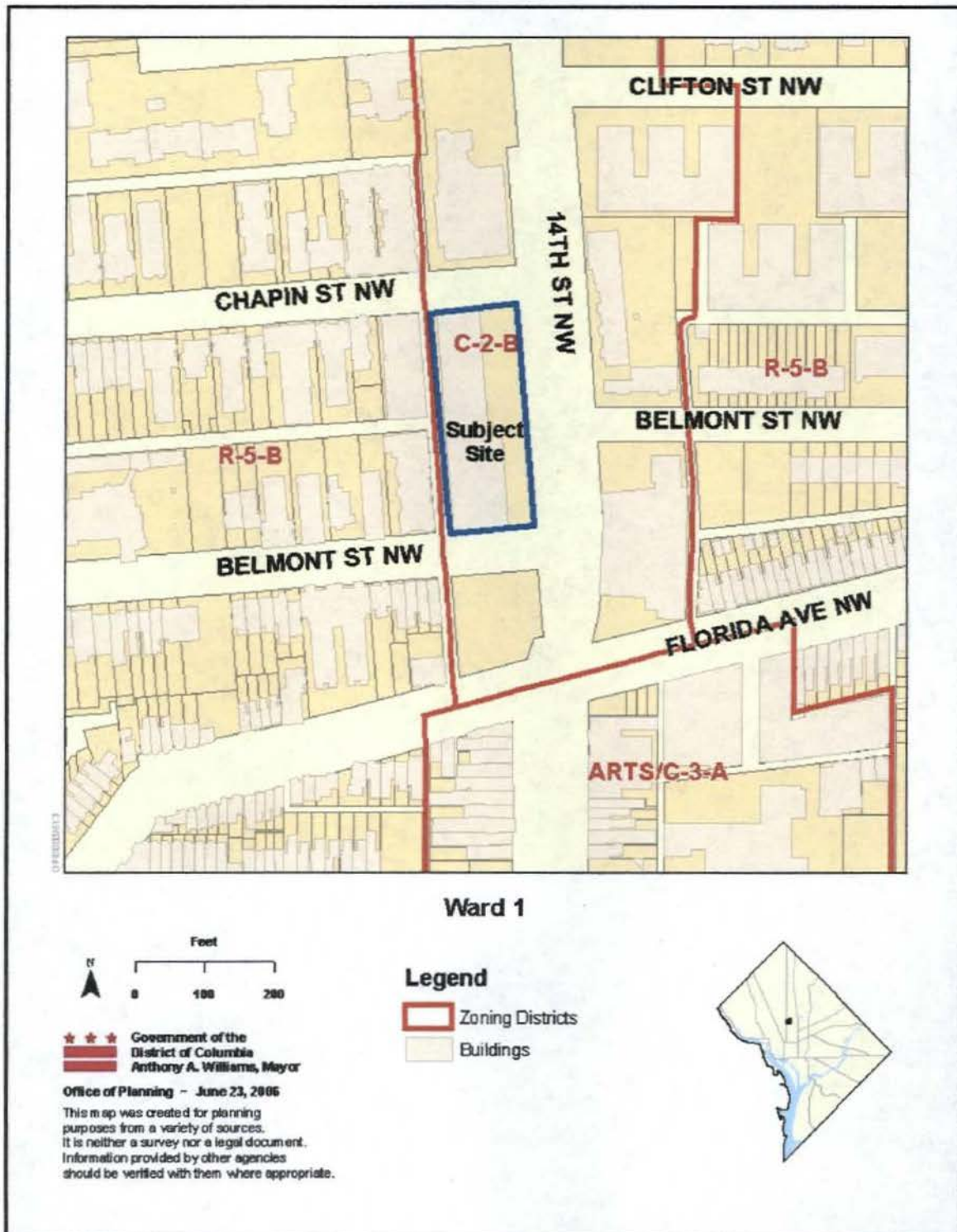
OP recommends approval of the application subject to resolution of the above issues.

XIII. ATTACHMENTS

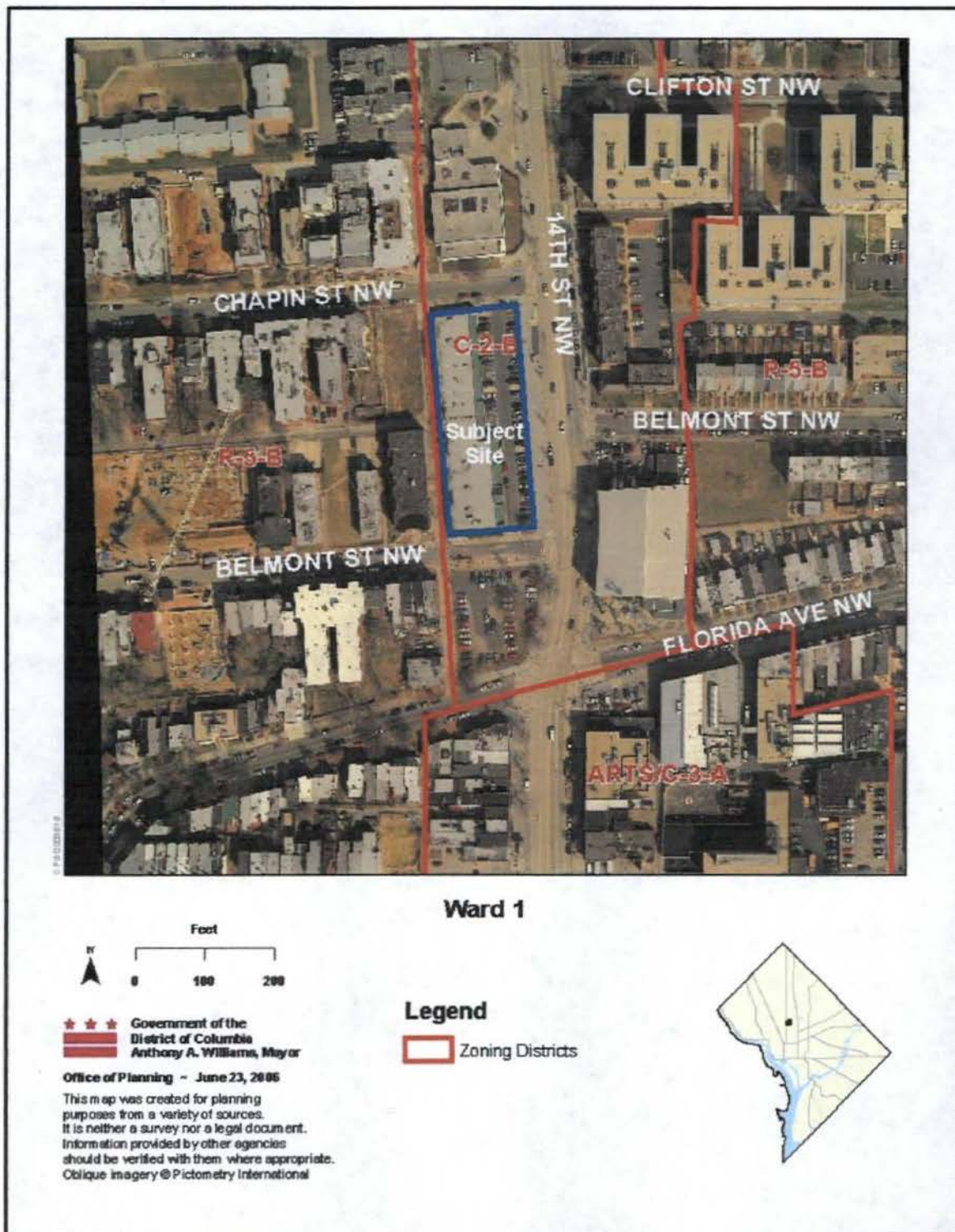
1. Vicinity Map
2. Aerial Photo
3. Agency Reports

JS/mrj

ATTACHMENT 1
VICINITY MAP



ATTACHMENT 2 AERIAL PHOTO




GOVERNMENT OF THE DISTRICT OF C JMBIA
Department of Employment Services



MEMORANDUM

TO: Matthew R. Jesick
Development Review Planner
Office of Planning

FROM: Susan O. Gilbert 
Associate Director
Office of Employer Services

DATE: NOV 16 2006

SUBJECT: Review of Zoning Commission Case 06-24-2400 14th Street NW

As requested, the Department of Employment Services (DOES) has reviewed Zoning Commission Case Number: 06-24-2400 14th Street, NW. The application is for a nine story mixed use building with retail on the ground floor and residential on the upper floors. The property is located on the site of the Nehemiah Shopping Center at 14th Street, NW between Belmont and Chapin Streets.

Please be advised that the applicant must submit a First Source Employment Agreement to DOES before the zoning application can be considered. DOES is recommending that the applicant execute a First Source Agreement prior to the proposed action by the Zoning Commission.

The applicant should contact Vernell Jordan at (202) 698-5774 or vernell.jordan@dc.gov for assistance in acquiring and completing the First Source Employment Agreement.

MEMORANDUM

TO: Matthew Jessick
Development Review Specialist
Office of Planning

FROM: James Thackaberry
Interim Development Finance Manager
Department of Housing and Community Development

DATE: December 16, 2006

SUBJECT: Zoning Commission Case No. 06-24 – 2400 14th Street NW

My informal comments on behalf of the Department of Housing and Community Development (DHCD) on the above referenced zoning case are shown below. Please be aware that DHCD assisted the Development Corporation of Columbia Heights (DCCH) many years ago in the development of the Nehemiah Shopping Center. DCCH has now sold the Nehemiah Center to the developer who is now the Applicant in this case.

With this background, my comments are:

1. This seems to be a by-right use for the C-2-B mixed-use zoning on the site.
2. DHCD supports the intensive use of the mixed-use proposal to maintain extensive first floor retail on the site of the community serving Nehemiah shopping center. Community serving retail should be a focus of the developer in leasing up the six proposed first floor retail spaces. One or possibly two of these retail spaces should be designated by the developer for lease by small locally owned (community serving) businesses.
3. DHCD also supports the extensive number (225) of residential units proposed for the upper eight floors. We encourage the Zoning Commission to require affordable apartment units (at least 10% or 23 units) be designated in the total of 225 apartment units. We also encourage the unit mix to have as many two bedroom units as possible to better accommodate family sized households and would encourage that 10% of the two bedroom units be designated among the affordable units.

4. The proposed building massing appears to be an appropriately dense use for 14th Street – a major urban boulevard. The mixed use will continue to keep retail activity and lively street pedestrian activity as a result of the retail uses.