

GOVERNMENT OF THE DISTRICT OF COLUMBIA

OFFICE OF PLANNING



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MEMORANDUM

TO: District of Columbia Zoning Commission

ZONING COMMISSION
District of Columbia

FROM: Jennifer Steingasser, Deputy Director *JS*

CASE NO. 08-14

DATE: July 3, 2008

EXHIBIT NO. 15

SUBJECT: Setdown Report for Kelsey Gardens - ZC #08-14
Consolidated Planned Unit Development and Map Amendment

I. SUMMARY RECOMMENDATION

Kelsey Gardens Property Company, LLC has petitioned the Zoning Commission to setdown its request for a Consolidated Planned Unit Development (PUD) and related map amendment to construct a new mixed-use building in the 1500 block of 7th Street, NW, between P and Q Streets. In addition to the PUD and map amendment, the application requires several areas of zoning relief. The proposal, consisting of a 90 foot tall mixed use building and seven rowhouses totaling 6.0 FAR, is not inconsistent with the Comprehensive Plan, including the Convention Center Area Strategic Development Plan. The Office of Planning, therefore, recommends that the application be set down for public hearing.

II. APPLICATION-IN-BRIEF

Location: 1500 Block of 7th Street, NW, between P and Q Streets
Square 421, Lots 67 and 68; Ward 2, ANC 2C

Applicant: Metropolitan Development and Deliverance Church of God in Christ

Current Zoning: C-2-A

Property Size: 47,025 square feet (1.08 acres)

Proposal: Redevelop the Kelsey Gardens site, constructing a 90' tall, 6.0 FAR mixed use building with about 14,500 square feet of retail and 261 residential units. Also seven residential or office townhouse units separate from the main building; Related map amendment to C-2-C.

Relief and Zoning: Pursuant to 11 DCMR Chapter 24, the applicant is seeking:

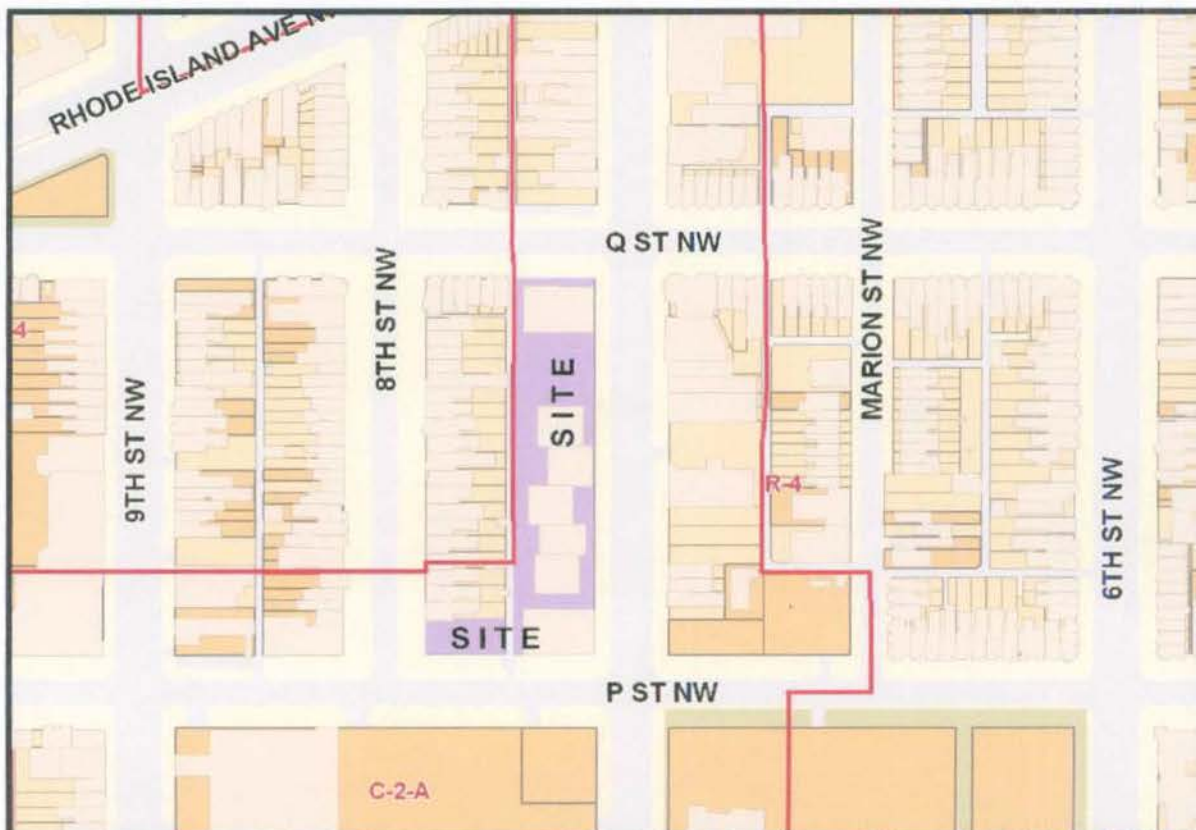
1. PUD-related map amendment from C-2-A to C-2-C
2. Variance relief from rear yard requirements (§774)
3. Variance relief from court requirements (§776)

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4. Special Exception for number of rooftop structures (§777)
5. Variance relief from loading requirements (§2201)
6. Flexibility to provide either office or residential in rowhouses

III. SITE AND AREA DESCRIPTION

The subject site encompasses the entire west side of 7th Street, NW between P and Q Streets, as well as a lot along P Street at the corner of 8th Street. A ten foot wide public alley separates the two parts of the property and forms the western boundary of the larger record lot. The lot slopes very gradually from south down to north and loses about five feet in elevation. The Kelsey Gardens apartments currently occupy the C-2-A-zoned property. Several retail establishments front the eastern side of 7th Street, as well as Bread for the City, a non-profit providing medical care and other services for low-income residents. Most structures on the east side of the street are two to three stories tall. Rowhouses are located west of the property and front on 8th Street. Some of the rowhouses have rear garages accessed from the alley. Commercial uses are also found to the north of this site on 7th Street. To the south the Commission recently approved the O Street Market project, a mixed use PUD with a related map amendment to C-3-C and a 95 foot height. The property is about one block south of the Shaw Metro Station and about four blocks north of the Mt. Vernon Square Metro Station. The portion of the site west of the alley is part of the Shaw Historic District.



IV. PROJECT DESCRIPTION AND OP ANALYSIS

The proposal consists of two parts – a 90 foot tall mixed use building and seven rowhouses that are proposed for either residential or office use. The overall project has an FAR of 6.0. The main building would have 261 residential units and about 14,500 square feet of retail space. The seven rowhouse units total 10,122 square feet and would be three stories tall. The applicant has asked for flexibility to determine the rowhouses' use at a later date. Of the 261 units in the main building, 54 units, or 21%, will be affordable. This is the result of a one for one replacement of the affordable units currently on the site.

Building Design

The main building fronts on 7th Street and has five “fingers” that extend back toward the alley. The building is 90 feet tall at the southern end of the property and tapers down to about 42 feet at the northern end of the site. Similarly, the fingers step down in height toward the adjacent rowhouses. In addition to the residential lobby, the ground floor of the building has five retail bays. Please see Sheet A.02 of the plan set for the ground floor layout. The area near the lobby includes leasing offices, a business center, lounge and fitness center. In the current design, space does not seem to be set aside for resident mailboxes. The loading area will be discussed in more detail below. Five affordable dwelling units are also located on the first floor, though the remainder of the affordable units are distributed on all levels, including the top floors.

On the roof the design takes advantage of the step down in height to provide roof terraces at the northern end of the building. Sheet A.10 of the plan set also shows that the applicant will be providing some green roof and reflective roof areas. OP has already asked the applicant to calculate the LEED score for the building and provide a checklist of items. The applicant should also quantify how much green roof is to be provided. OP has also asked the applicant to provide a more detailed roof plan showing the number of rooftop structures and their setbacks. In addition to these issues, OP notes that the applicant's shadow study, shown on pages A.23 through A.26, is flawed. It seems to indicate that the sun rises in the north and sets in the south. OP recommends that the applicant revise the shadow study.

Architecturally, the proposal shows a varied design language along the 7th Street frontage. Please refer to Sheet A.12. The different styles attempt to replicate the finer-grained pattern across the street and to the north. The rowhouses on P Street also show a variety of styles. All of the townhouses would be three stories tall and OP estimates their height at around 40 feet to the peak of the roof.

Alley, Loading and Parking

After discussions with OP and DDOT, the applicant redesigned the building so that both loading and parking are accessed from the alley. As part of the redesign the applicant now proposes to widen the alley to 20 feet on the southern half of the square and to 16 feet on the northern half.

Widening will allow easier movements for trucks and automobiles. The two southern retail spaces have access to the loading bay, while the three northern retail spaces would load from the street. The applicant has already met with DDOT to discuss transportation issues, and if the project is set down, OP will refer the case to DDOT to formally review transportation impacts. The applicant should also address how residential units on the first floor will have access to the loading dock.

The design would provide a total of 184 parking spaces. Sheet 02 of the plan set shows that there will be 14 spaces for residential townhouses, 154 spaces for the multifamily units and 16 spaces for the retail parking. It is unclear how the retail parking will be separated from the residential parking and how retail patrons would exit to the street. The applicant should also address whether office visitors would have access to the parking garage, should the townhouses be used for office. If all parking spaces were to be used for residential parking it would result in a ratio of 0.69 parking spaces per unit. Sheet A.11 also shows numerous bicycle racks throughout the garage.

V. COMPREHENSIVE PLAN

The proposal would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1
- (3) Diversity also means maintaining and enhancing the District's mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples. 217.3
- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6
- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7
- (10) The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city.

Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively. 218.3

- (13) Enhanced public safety is one of the District's highest priorities and is vital to the health of our neighborhoods.... 218.6

The application is also consistent with major policies from various elements of the Comprehensive Plan. The Land Use Element encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2). That element also promotes building designs that step down from taller portions of the structure to lower heights in nearby neighborhoods (LU-1.3.5). The design of the building steps down to the north and to the west and provides additional density near two metro stations. The Transportation Element supports transit-oriented development and discourages auto-oriented uses (T-1.1.4 and T-1.2.3). The proposed development would concentrate housing within walking distance of Metro, provide significant bicycle parking, and improve the streetscape to encourage walking. The Housing Element speaks to the increasing cost of housing in the District and the need for new developments to provide affordable housing. This development maintains the amount of affordable housing on site by providing a one to one replacement of the 54 existing Kelsey Gardens units. The Economic Development Element talks about the need to revitalize walkable shopping areas and neighborhood retail corridors. The proposed design would provide five retail bays along 7th Street and help fill a gap in that corridor's commercial fabric. The building and retail facing the street would also encourage an active pedestrian environment.

The Near Northwest Area Element also notes that 7th Street needs additional retail services (§2107.2.i and Policy NNW-1.1.4). Additional population and an improved pedestrian environment on the corridor will help retail survive. This element also seeks to preserve affordable housing (NNW-2.1.1). The portion of the element dealing specifically with Shaw draws heavily from the Convention Center Area Strategic Development Plan.

Convention Center Area Strategic Development Plan

The Convention Center Area Strategic Development Plan (CCAP) was completed by the Office of Planning in 2005. It includes recommendations for maintaining a mixed-income community and guiding residential and retail development around the Convention Center and in the Shaw neighborhood. The proposed development is consistent with policies of that plan and addresses some of the issues raised during the planning process. For example, the CCAP states that "Retail is scattered throughout the neighborhood and there are no continuous corridors in the neighborhood with a strong retail presence" (p. 20). This proposal would fill a gap in the 7th Street retail fabric and would reinforce that street's role as the primary retail and service corridor for the neighborhood. The CCAP also emphasizes the need to maximize mass transit use and the increased development potential for sites near metro (p. 20). Development guidelines in the plan also call for the maintenance of the neighborhood's affordable housing and the differentiation of a hierarchy of streets between residential and commercial (p. 23). The development proposal would be consistent with both of those goals.

Specifically for this site, the CCAP calls for “Primary Commercial” land uses on the southern part of the block and “Secondary Commercial” on the northern part, with a mixed-income medium-density residential use underlying the entire property (p. 24). Primary Commercial is “Identified for the highest-intensity development in the Study Area” with ground floor retail and mixed-income residential or office on upper floors (ibid.). The plan states that Secondary Commercial areas are those suitable for “medium-intensity development, ground floor retail, and mixed-income residential on upper floors” (ibid.). The CCAP goes on to say that areas along 7th Street, including the subject site, are suitable for “high and medium” residential densities (p. 35). OP concludes that the proposed development is not inconsistent with the policies and land use designations of the CCAP.

VI. COMPREHENSIVE PLAN LAND USE MAPS

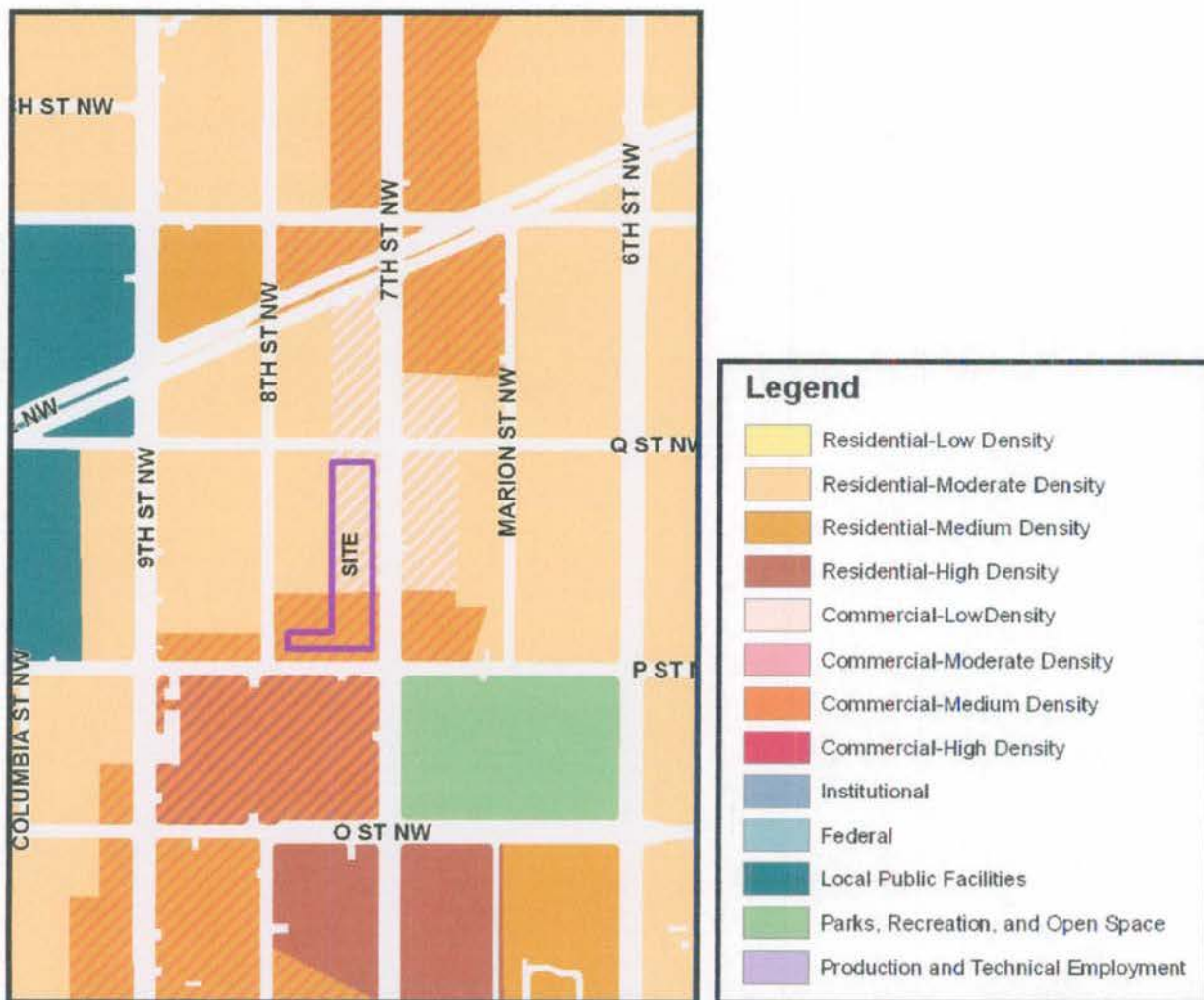
The Comprehensive Plan’s Generalized Policy Map describes this part of the 7th Street as a Main Street Mixed Use Corridor, a designation that encourages a pedestrian-oriented environment with traditional storefronts (§223.14) and residential units on upper floors. Any development that occurs in a Main Street corridor should support transit, and because of this project’s proximity to Metro it will encourage mass transit use. The portion of the site that fronts on P Street is designated as a Neighborhood Enhancement Area. “Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant residentially zoned land...These areas present opportunities for compatible small-scale infill development, including new single family homes, townhomes, and other density housing types. Land uses that reflect the historical mixture and diversity of each community should be encouraged” (§223.6).

The Future Land Use Map shows the southern third of the property as appropriate for a mix of medium density residential and medium density commercial uses. Please refer to the map below. The Comprehensive Plan describes Medium Density Residential neighborhoods as “neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space” (§225.5). Medium Density Commercial is “used to define shopping and service areas that are somewhat more intense in scale and character than the moderate-density commercial areas. ... Areas with this designation generally draw from a citywide market area. Buildings are generally larger and/or taller than those in moderate density commercial areas but generally do not exceed eight stories in height. The corresponding Zone districts are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply” (§225.10).

The northern two thirds of the site are designated for moderate density residential and low density commercial uses. The Plan says that Moderate Density Residential areas are “the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city

neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all)" (§225.4). Low Density Commercial is defined as "shopping and service areas that are generally low in scale and character. ... Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply" (§225.8).

An FAR of 6.0 would be at the top of the range that OP would consider medium density as a PUD. In this case, much of the site is clearly designated for densities lower than medium. But given the other support in the Comprehensive and the Convention Center Area Plans, the proximity to Metro, and the evolving context of 7th Street, OP feels that the proposed development is not inconsistent with the Comprehensive Plan.



VII. ZONING

The site is currently zoned C-2-A. The applicant is requesting a PUD-related map amendment to change the zoning to C-2-C. C-2-C is a Community Business Center District similar to C-2-A but with higher density residential and mixed uses (DCMR 11 §720.9). The C-2-C district was originally created for those areas formerly zoned C-2-B where the Commission had permitted an FAR of 6.0 (§720.10). Project parameters are listed in the table below.

Item	Section	C-2-A MOR	Section	C-2-C PUD	Proposed	Relief
Site Area	n/a	n/a	2401.1	15,000 sf	47,025	Conforming
Height	770	50'	2405.1	90'	90'	Conforming
FAR	771	2.5 max res. (117,563 sf) 1.5 max other (70,538 sf) 2.5 max (117,563 sf)	2405.2	6.0 max res. (282,150 sf) 2.5 max other (117,563 sf) 6.0 max (282,150 sf)	5.69 res. (267,423 sf) 0.31 other (14,534 sf) 6.00 tot. (281,957 sf)	Conforming
Lot Occ.	772	60% (for res. floors)	772	80% (for res. floors)	74%	Conforming
Rear Yard	774	15'	774	15'	0'	Requested
Side Yard	775	none required	775	none required	0'	Conforming
Courts	776	4" per ft. of height 15' min.	776	4" per ft. of height 15' min.	Many Courts of Various Size	Requested
Parking	2101	Multiple Dwelling 1 per 2 d.u. 134 spaces Retail >3,000 sf, 1 per 300 sf 39 spaces	2101	Multiple Dwelling 1 per 4 d.u. 67 spaces Retail >3,000 sf, 1 per 750 sf 16 spaces	56 standard 124 compact 4 handicap 184 total (0.69 per unit)	Conforming
Loading	2201	Residential: 1 55' Berth 1 20' Space 1 200 sf platform Retail: 1 30' Berth 1 100 sf platform	2201	Residential: 1 55' Berth 1 20' Space 1 200 sf platform Retail: 1 30' Berth 1 100 sf platform	Provided: 1 55' Berth 1 30' Space 1 200 sf platform 1 100 sf platform Not Provided: 1 20' Space	Required

The applicant's proposal requires a map amendment and relief from the specific zoning regulations listed below. OP will provide a complete analysis of the requested relief at the time of the public hearing.

1. PUD-related map amendment from C-2-A to C-2-C
2. Variance relief from rear yard requirements (§774)
3. Variance relief from court requirements (§776)
4. Special Exception for number of rooftop structures (§777)
5. Variance relief from loading requirements (§2201)
6. Flexibility to provide either office or residential in rowhouses

1. PUD-Related Map Amendment from C-2-A to C-2-C

The height and density permitted by the C-2-C PUD district is necessary if the building is to be constructed as proposed. A PUD in the C-2-C zone can have a maximum height of 90 feet and a maximum FAR of 6.0. The proposal meets those parameters exactly.

2. Variance relief from rear yard requirements (§774)

In the C-2-C district, a rear yard of 15 feet is required. For the first 20 feet of height, that distance can be measured from the centerline of the alley. The ground floor of the building will be set back from the rear property line due to the widening of the alley. However, the middle floors of the building's "fingers" would have setbacks varying from 0' to 5'5". At higher floors the four northern "fingers" would step back away from the alley.

3. Variance relief from court requirements (§776)

The proposed design of the building would result in the formation of many courts. Rather than calculate the required and provided dimensions of every court, the applicant has instead asked for a blanket relief from court requirements.

4. Special Exception for number of rooftop structures (§777)

Judging from the roof plan shown on Sheet A.10 of the applicant's plan set, it appears that there are several different rooftop structures. This would require relief from the requirement that all rooftop equipment be enclosed in one penthouse structure. OP has asked the applicant to provide a more detailed roof plan that not only clearly delineates the number of rooftop structures but also denotes their height and distance from exterior walls.

5. Variance relief from loading requirements (§2201)

In addition to the required platforms, the design includes the required 55' and 30' loading berths. A required 20' delivery space is not provided.

6. Flexibility to provide either office or residential in rowhouses

The applicant has asked for flexibility to determine the use of the rowhouses at a later date. The townhouse units could either be residential or small professional office space.

VIII. PURPOSE AND EVALUATION STANDARDS OF A PUD

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. The applicant is requesting a consolidated PUD and a related map amendment. 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 comments to be supplied by referral agencies, OP will provide at the time of the public hearing an analysis of the project’s impact on city services

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.” Sections 2403.9 and 2403.10 state that a project must be acceptable in all the listed proffer categories, and must be superior in many. 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 partially based on an assessment of the additional development gained through the application process. In this case, the applicant proposes a total height and density of 90 feet and 6.0 FAR. These attributes exceed the C-2-A matter-of-right limits by 40 feet and 3.5 FAR (164,394 square feet). In order to achieve those levels of development, the applicant is requesting a PUD-related map amendment to C-2-C.

The application lists several benefits, some of which can be considered amenity items:

1. *Affordable Housing* – The applicants would provide over 20% of the residential units as affordable housing. The 54 affordable units would all be made available to households earning less than 60% of the AMI. The applicant should confirm the duration that the affordable units will be available at below market rents. The written statement also indicates that the applicant has already contributed \$543,00 to assist in tenant relocation costs. OP has asked for more detail on this item.
2. *Environmental Design* – The written statement indicates that the building will be LEED Certified. The applicant should provide a LEED checklist indicating what items will be completed and what the LEED score will be.
3. *Transportation* – The applicant will be widening and improving the alley between P and Q Streets. The application also states that there would be preferred parking for shared car services and alternative fuel vehicles, though it is unclear from the plans how that would be accomplished.

4. *Community Organizations* – The applicant has proffered that they will contribute \$250,000 to address needs of the local neighborhood. Organizations to receive funds include the Shaw Junior High music program, the Watha T. Daniel Library, the Emmaus Services for the Aging and the Gibson Plaza affordable housing community. Other recipients have yet to be identified. OP has communicated to the applicant that all amenity contributions must be finalized and confirmed by the time of the public hearing.
5. *First Source Employment Agreement* – The applicant has proffered that they will execute a First Source Employment Agreement with the Department of Employment Services.
6. *CBE* - The applicant has proffered that they will use Certified Business Enterprises to achieve a minimum percentage of contracted costs associated with the project. The applicant also states that they will encourage all contractors to implement apprenticeship programs. Details of this proffer must be submitted prior to the public hearing.

The Office of Planning feels that the proposed amenities are sufficient for setdown. Additional information on a definitive amenity package will be provided prior to the public hearing and OP will provide an analysis of the amenities package at that time.

X. 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 Consumer and Regulatory Affairs (DCRA);
- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);
- Department of Employment Services (DOES);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- DC Public Schools (DCPS);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD); and
- DC Water and Sewer Authority (WASA).

XI. COMMUNITY COMMENTS

The site is located in ANC 2C. As of the date of this report, OP has not received a report from the ANC and is not aware of any comments in favor or in opposition to the project. The applicant has included as part of their submission letters of support from community

organizations such as the Kelsey Gardens Tenants Association and the East Central Civic Association of Shaw.

XII. RECOMMENDATION

The Office of Planning recommends that the application be set down for public hearing. The Comprehensive Plan calls for a mix of uses on the site at a density between moderate and high. The proposal, consisting of a 90 foot tall mixed use building and seven row/houses totaling 6.0 FAR subject to a PUD, is not inconsistent with the Comprehensive Plan, including the Convention Center Area Strategic Development Plan.

JS/mrj