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Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director

SUBJECT: Final Report – Zoning Commission Case No. 09-06 (“Arbor Place”) Consolidated Planned Unit Development and Map Amendment Land in Square 4268 @ New York and Montana Avenues

DATE: July 20, 2009

I. SUMMARY RECOMMENDATION

The Office of Planning recommends **APPROVAL** of Application 09-06 for a consolidated PUD with associated CR zoning, with conditions. The project has the potential for beginning the transformation of the New York Avenue corridor – a District priority for many years.

This application is consistent with the future land use map and goals of the Comprehensive Plan and would contribute significantly to the District’s housing stock and to the re-positioning of the New York Avenue corridor.

The applicant has addressed almost all of the issues raised by the Zoning Commission and by the Office of Planning (OP) during the setdown process. Of those that remain, the most important are:

- Describing the affordable housing financing mechanisms that would involve public sector involvement, and those mechanisms’ income and duration of affordability requirements;
- Clarifying the proposed affordability restrictions for the 80% the project’s Phase II that is not proposed to be limited to households earning no more than 50% of the Area Median Income (AMI).

Section II.A explains more about why these and other matters need further clarification.

OP recommends the Commission attach the following conditions to the application approval:

ZONING COMMISSION
District of Columbia

CASE NO. 09-06
EXHIBIT NO. 24

- 32 % of the overall project shall be reserved for housing affordable to households earning no more than 60% of the Area Median Income (AMI) for at least 20 years;
- 20% of the units in Phase II shall be reserved for households earning no more than 60% of the Area Median Income for at least 20 years. The units shall be distributed evenly throughout each building of Phase II;
- The applicant shall not install gates at entrances to the three principal access points from New York Avenue, Bladensburg Road and Montana Avenue, but may, on an individual event basis, erect temporary gates or fencing to close-off the principal streets for limited-duration festivals, concerts, etc.

Section III. B explains why OP recommends these conditions.

II. OVERVIEW

This application by Abdo New York LLC, contract purchaser, requests:

- Consolidated review and approval of a PUD application to construct a 2.46 gross / 2.61 net FAR mixed use project that occupies 52-53% or a 16 acre site adjacent to the “gateway” intersection of New York Avenue and Bladensburg Road in Northeast Washington. (See Figures 1-3). It would contain approximately 1,714,182 gross square feet, consisting of 1,350 to 1,420 residential units and approximately 69,883 square feet of commercial space. (See Table 1.) Approximately 32% of the units would be devoted to affordable housing reserved for households earning up to 60% of the Area Median Income (AMI), or, for some units, up to 50% of the AMI. (See Table 1).
- A PUD- associated map amendment of the site’s zoning, from C-M-1 to CR. The applicant had originally requested associated C-3-A zoning, but revised its request, and the Commission voted on June 8, 2009 to advertise the PUD with associated CR zoning. (See Table 1)
- Relief to: provide multiple roof structures; provide less than a 1:1 setback for certain roof structures; provide shared loading; and to gain flexibility for certain yard and court features. (See Table 3).

This is a new PUD application for the site where Zoning Commission Order No. 06-15 gave the same applicant the right to construct a mixed use residential-retail PUD with associated CR zoning. The new application reflects changes to market conditions since that Order. It proposes construction of a scaled-back, but still very substantial mixed-use/mixed-income project that can be achieved through stick-built residential construction atop a steel and concrete base. The previous PUD would have been taller and its frame would have been entirely steel and concrete.

The applicant proposes to demolish all of the existing buildings on the site and develop ten 5 and 6 story residential buildings; include retail space on the ground floor of the three buildings facing New York Avenue; construct three new streets and three new alleys internal to the project, build an access road parallel to New York Avenue; build three above-ground garages; and extensively landscape the site, including providing several publicly accessible plazas. A separate application to the City Council would request the partial closure of an alley on the site.

The development would be targeted to a wide range of income groups, ranging from housing affordable to households earning $\leq 50\%$ of the Area Median Income (AMI) to market rate housing.

The applicant's timetable indicates that the first units would break ground approximately two years after PUD approval. Based on the information provided by the applicant, the last building would be ready approximately 15 years from an issuance of a Zoning Commission Order.

III. DISCUSSION OF ISSUES RAISED AT SETDOWN, AND APPLICANT RESPONSES

The Zoning Commissioned and/or the Office of Planning asked the applicant to address several matters for the public hearing. This section of the report notes those issues, the applicant's response to them, and OP's evaluation of those responses.

A. Substantially Resolved Issues

1. *Revise Zoning Analysis to Reflect the Change of PUD-Associated Zoning from C-3-A to CR. [ZC]*

The applicant had originally requested associated C-3-A zoning for the currently C-M-1 zoned site. However, the applicant requested a change to CR and the Commission voted on June 8, 2009 to advertise the PUD with associated CR zoning.

There have been no significant changes to the size, height, etc. of the proposed project since it was set down for a public hearing. OP's report reflects figures accurate to July 9, 2009.

The proposed development would meet the minimum site size and parking requirements for a CR PUD; would not exceed the maximum FAR, lot occupancy or height for a PUD in that zone.

See Table 1 for details.

TABLE 1: ZONING SUMMARY

Lot Area = 697,874 sf (plus alley closing)

	<u>C-M-1 Zone – Existing</u>	<u>CR Zone - Requested</u>	<u>Proposed Project</u>			
Uses	Commercial and Light Industrial Uses	Residential and Commercial Uses	Residential and Retail Uses - -			
Min. Lot Area	n/a	15,000 s.f. (PUD only)	697,874 s.f (plus alley closing)			
Gross Floor Area			1,714,182s.f. (total)			
<i>Residential</i>	0 s.f.	4,187,244 sf (by right) / 5,582,992 sf (PUD)	1,602,025 s.f. (incl garage/util for residential)			
<i>Commercial</i>	2,093,622 s.f.	2,093,622 sf (by right) / 2,791,496 sf (PUD)	112,157 s.f. (incl. garage/util for retail)			
FAR			2.46 FAR (total)			
<i>Residential</i>	0.0 FAR	6.0 (by right) / 8.0 (PUD)	2.30 FAR (residential + res. garage)			
<i>Commercial</i>	3.0 FAR	3.0 (by right) / 4.0 PUD	0.16 FAR (retail + ret. garage)			
Stories	3 stories	No limit	No limit			
Max. Height	40 feet	90 ft. (by right) 100 ft. (IZ) 110 ft. (PUD)		<u>To Roof</u>	<u>Embellish- ment</u>	<u>Total</u>
			A1	69 ft.	12 ft.	81 ft.
			A2	73 ft.	13 ft.	86 ft.
			A3	61 ft.	15 ft.	76 ft.
			A4	57 ft.	5 ft.	62 ft.
			B1	77 ft.	13 ft.	90 ft.
			B2	61 ft.	4 ft.	65 ft.
			B3	57 ft.	5 ft.	62 ft.
			C1	56 ft.	14 ft.	70 ft.
			C2	59 ft.	19 ft.	78 ft.
			C3	56 ft.	5 ft.	61 ft.
Lot Occupancy	n/a	75%	52-53%			
Public Space @ Ground Level	n/a	10%	Approx 16% (including private space adjacent to public and private streets)			
Dwelling Units	n/a	n/a	1350-1420			
Parking				<u>GFA</u>	<u>Required</u>	<u>Provided</u>
<i>Retail</i>	1sp/300 SF	1 sp./750 s.f. over 3,000 s.f. 85 spaces	A block	47,623	59	146
			B block	22,260	26	73
			Total		85	219
				<u>Units</u>	<u>Required</u>	<u>Provided</u>
<i>Residential</i>	N/A	1 sp./3 dwelling units 469 Spaces	A block	568	189	412
			B block	410	137	296
			C block	429	143	327
			Total		469	1035

2. Does the FAR include or exclude new road rights of way? [ZC]

With the private roads included the FAR would be 2.46. With the private roads excluded the FAR would be 2.61.

3. Revise building designs to give greater variety to facades and rooflines. [ZC, OP]

The applicant has worked with OP to refine the overall design. In particular, the applicant has reduced the monumentality and symmetry of the Buildings A2 and B1 on New York Avenue; and strengthened the cornice, top floor and horizontal banding on Building C3 facing Bladensburg Road. There is also more detail for the landscape plan, particularly the central plaza and the private road entries from Bladensburg Road and Montana Avenue. Sheets L18 and L19 of the May 19, 2002 plans make clearer the distinction between the project's principal roads and its alleys.

4. Soften / Better Screen the View of Parking Garages from Residential Units. [ZC]

The July 10, 2009 drawings show significant increases in the green roof, grassy and planted areas and ornamental elements such as pergolas on the open residential decks that face garages.

5. Give more details on the pedestrian bridges and the movement sequence from the garage to the interior spaces. [ZC]

On the May 19 drawings, the applicant has made clear that the bridges cross internal alleys, not the project's principal roads and do not intrude on areas that would be considered more public, or on pedestrian routes. The applicant transition is from the garages, through the bridges, to the interior spaces.

6. Provide larger scale renderings of more portions of building facades, and materials boards. [ZC]

May 19th's Sheets A046 – A 049 begin to do this. The applicant intends to show more, larger and more detailed drawings at the public hearing, and to provide materials' boards.

7. Provide photographs of similar projects the architect has designed. [ZC]

These are on Sheets L.18 and L.19

8. Estimate the project's impact on nearby schools. [OP]

The applicant notes that as of 2006, all in-boundary schools contained sufficient capacity to accommodate the number of children likely to live in the number and type of units proposed.

9. Explore the feasibility of providing green roofs and using permeable paving. [OP]

The applicant's May 19, 2009 filing makes a reasonable case that it has designed green roofs for areas where steel and concrete structure enable them, but that, with most of the project being stick-built, and with an emphasis on varying the pitch and overall shape of the rooflines, it would be impractical to heavy-up building structure to support such roofs. Rather, the applicant states that it is using other Best Management Practices to reduce runoff, focusing on using open space, cisterns and filtration systems to reduce the quantity and improve the quality of runoff.

The May 19 filing also argues strongly that permeable paving would be inappropriate for the site, due to traffic volume, climate, area devoted to parking and loading, and overall size.

OP has engaged in further research on this subject and found that surrounding jurisdictions have similar reservations about using pervious paving in such situations.

10. Transportation Management Plan (TMP) and Access to Transit.[ZC, OP]

The TMP for the previous PUD proposal for this site was favorably reviewed by DDOT. The analysis for the new PUD projects the generation of peak hour trips to be 40% less than for the previously approved PUD. DDOT will more fully comment on the TMP.

11. Standards, future ownership and maintenance of the internal road system; and the adequacy of the street and service road design for trash, delivery and emergency vehicles. [OP]

All of the roadways and alleys would be private, including a portion of the now-public alley in the northeast section for which the applicant would be requesting Council closing. They would be constructed to DDOT standards and with DDOT supervision.

DDOT reports it has no objection to the streets' remaining private, provided the applicant accepts full responsibility for maintaining the streets, including cleaning, resurfacing, clearing snow, filling potholes, etc.

The principal streets' rights of way would be 70' and the cartways would be 40', with parking on both sides in some locations. The Department of Fire and Emergency Services (FEMS) has met with the applicant and may submit a report before the public hearing. In similar situations FEMS has found a cart-way of 18' to 20' to be sufficient for emergency vehicle circulation when no backing and turning movements are required. DDOT has met with the applicant several times and has not indicated any objection to the proposed layout of roads, alleys and service lanes.

12. A water and sewer impact-assessment from WASA. [OP]

The applicant's research indicates no major lines that would be impacted by the development. WASA has not yet responded to inquiries.

B. Issues Requiring Additional Clarification

1. Strongly consider green walls and other enhancements to make the design of the parking garages less flat and boxy. [ZC]

The applicant has chosen to improve outdoor spaces serving tenants in order to screen the garages from the view of the apartments, rather than re-designing the parking garages. The applicant believes this to be more cost-effective.

2. Describe the phasing of the project's building and public spaces. [ZC]

The project would be completed in eight phases over an approximately 15-year period. This is illustrated in detail on Sheet A056 and A 057.

- Phase I A & B (start 3 yrs from PUD Order): Buildings A1, A2, A parking garage; portions of NY Avenue service road and Street A; plaza at New York Avenue and Montana Avenue; 2/3 of New York Avenue plaza.
- Phase II A, B and C (file for building permit 2yrs. after C of O for Phase I): Buildings A3, A4 and B1, B2, B3 and B garage; remainder of NY Avenue service road and Street A; all of Streets B and C; completion of New York Avenue plaza and bulk of central plaza.
- Phase III A, B and C: (file for building permit 2 yrs. after C of O for Phase II: Buildings C1, C2, C3, and C garage; public plaza and Bladensburg Road and Montana Avenue.

3. Provide details about whom the project amenities are intended to serve [ZC], and which retailers have expressed interest. [OP].

The general public would be served by drug stores, eating establishments and other neighborhood-serving retailers. The applicant's May 19 filing states that multiple unsolicited inquiries have been received. There are not yet letters of commitment

The day care and health club are intended to serve, primarily and possibly exclusively, the PUD's residents.

4. Give more details on the affordable housing: numbers and percentages, target income, duration of affordability, and distribution/location of affordable units throughout the project. [ZC & OP]

The project would reserve approximately 32% of its units (426,672 GSF) for affordable housing. 100% of Buildings A1 and A2 would be reserved for households earning $\leq 60\%$ Area Median Income (AMI); 20% of Phase II would be reserved for households earning $\leq 50\%$ AMI. These affordability levels would be determined by the public program that is involved in financing or constructing the units. The Zoning Commission had asked the applicant to specify how long the

applicant intends to maintain the affordable units as affordable. The applicant has stated the affordability periods would also be determined by the requirements of the public programs involved in the financing and/or construction, but has not listed these potential mechanisms and their required affordability periods.

Although the applicant has given an approximate breakdown of the percentage of studio, 1 bedroom, 2 bedroom and 3 bedroom apartments for the overall project, such a breakdown for the affordable units has yet been provided.

None of Buildings C1, C2 or C3 would be reserved for affordable housing.

Table 2: Affordable Housing Summary									
Building	Market-Rate & Affordable Housing Proposed (SF GFA)	Hypothetical IZ Affordable Housing Requirement for Stick-built Structures in CR Zone (SF of GFA)				Affordable Housing Proposed (GFA in SF)			
		GFA	% Affor- dable	AMI Split		GFA	% Affor- dable	AMII Split	
				50% @≤ 50% AMI	50% @≤ 80% AMI			50%	60%
A1	154,247								
A2	148,502								
Subtotal	302,749	30,275	10%	15,138	15,138	302,749	100%		302,434
A3	114,536								
A4	122,402								
B-block	382,675								
Subtotal	619,116	61,234	10%	30,602	30,602	123,923	20%	123,923	
C-block	404,600	39,916	10%	19,958	19,958	0	0%		
Total	1,326,905	Approx 132,153	10%	Approx. 62,077	Approx. 62,078	Approx 426,357	32%		426,357
NOTE: The proposed construction type would be stick-built residential over a concrete and steel commercial plinth. For comparison of IZ upcoming IZ standards and what the applicant proposes to provide, OP has calculated hypothetical IZ affordability requirements based on stick-built's 10% requirement; the applicant's July 9, 2009 submission bases its calculations on the concrete and steel's 8% requirement. Either way, the amount of housing and the depth of affordability reached far exceed pending IZ requirements.									

The applicant is seeking to develop the two Phase I buildings (A1 and A1) exclusively for covenanted affordable housing. OP realizes that this concentration of affordable units may be

necessary to meet financing requirements and the construction timing associated with these requirements.

OP has requested additional information on the affordability restrictions for Phase II of the project -- Buildings A3, A4, B1, B2 and B3. The legend on July 9, 2009's Sheet A013 indicates the entire phase would reserve 20% of its units for households earning no more than 50% of the Area Median Income (AMI) and the remaining 80% of the units reserved for households earning no more than 80% of the AMI. However the second bullet on page 11 of the applicant's May 19, 2009 filing indicates the latter units will simply be open market units that are likely to be attractive to households earning no more than 80% of the AMI.

The applicant may wish to clarify the distribution of the affordable units in Phase II. The May 19 and July 9, 2009 filings indicate that 20% of Phase II shall be reserved for households earning no more than 60% AMI. OP interprets this to mean that in each of Buildings A2, A3, B1, B2 and B3, 20% of the individual building's units would be reserved as affordable housing, and the units would be equitably distributed throughout each of the buildings, and has requested confirmation on this.

The applicant has stated that the C Buildings, Phase III, would be entirely market rate units.

Because the high percentage of affordable housing would be the principal public benefit proffer of this PUD, OP recommends that the Commission require that each of the affordable units remain affordable for no less than 20 years from the date the unit received its certificate of occupancy.

5. *A commitment not to install gates blocking access to the three principal internal streets.* [OP]

The applicant states that there is no desire to be able to block the streets, other than for street festivals and other special events occurring in the street/central plaza area. It wishes to have the option to be able to block off sections of those streets at those times, possibly with gates.

OP understands the applicant's desire to make the streets and plazas more flexible, but is concerned that the installation of formal gates -- even if open almost all of the time -- would lead to a perception of the development's being separated from the rest of the city. The same temporary closing objective could be met with temporary fences, or permanent security barriers that can be raised to block traffic when the occasion warrants.

OP recommends that no permanent fences and gates be installed that would block-off access to the project's three principal streets or central plaza.

6. *Loading Relief Request* [OP]

The applicant has submitted drawings illustrating how the proposed loading would be shared. [Sheets A053 -- A055], and will discuss the reasons for this request at the hearing.

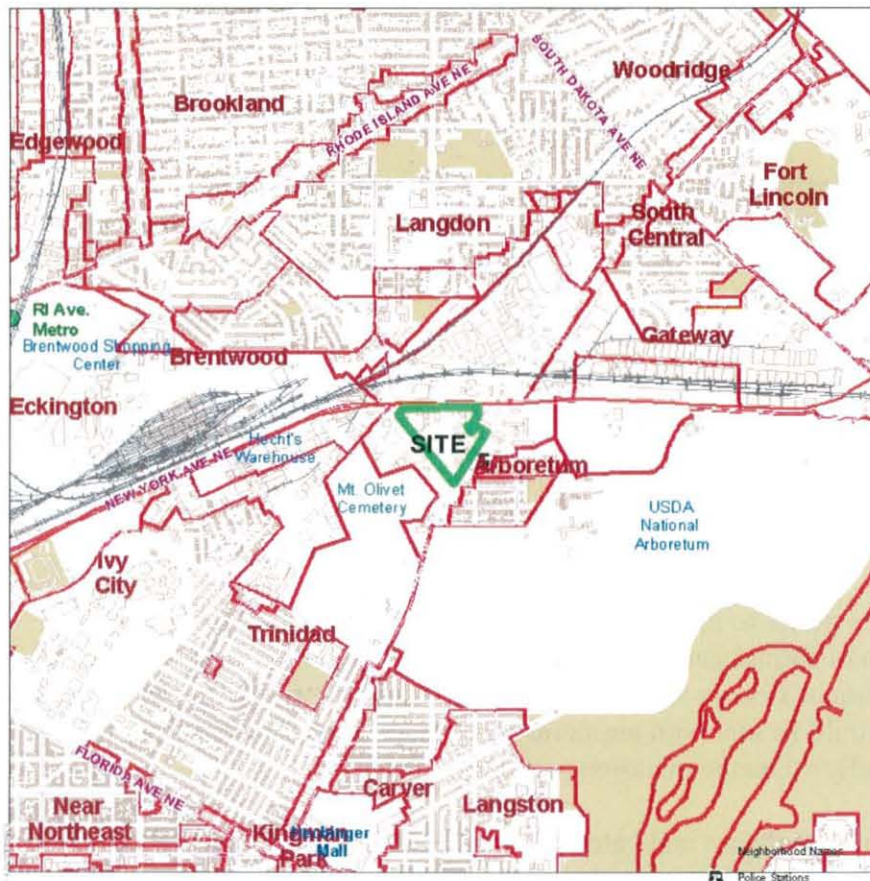
7. *Roof Structure Setback Relief [OP]*

The applicant has made general statements of why such relief would be appropriate. [See page 11 of May 19, 2009 filing]. OP has requested additional details be provided at the public hearing. The applicant will also need to present dimensioned roof drawings and augmented dimensioned elevation drawings to illustrate why such relief is needed and appropriate. .

IV. SITE, ZONING, AREA AND HISTORIC PRESERVATION CONTEXT

A. *Site*

The 697,873 square foot site is in Ward 5 in Northeast Washington, and is generally bounded by New York Avenue, Bladensburg Road and Montana Avenue. Its 16 acres include all of Square



4286 except Lot 816 and Parcel 153/111¹. It is occupied by low-density automobile-related uses, a pub and an adult entertainment venue.

B. *Zoning*

The entire project area is zoned C-M-1 (industrial), which permits a matter-of-right FAR of 3.0 and a height of 40 feet/3 stories, and a PUD FAR of 6.0 and a height of 60 feet/3 stories.

The surrounding zoning is primarily industrial. The C-M-1 site is bordered by C-M-1 zoning to the immediate southwest, east, and to the

Figure 1. Site Location

south to R Street. C-M-2 zoning prevails north of New York Avenue and east of West Virginia Avenue on the south side of New York Avenue.

¹ I.E., the following are included: Lots 2, 5, 6, 8, 10-12, 14, 800, 801, 804, 811, 815; Parcels 153/26, 153/83, 153/105, 153/113, 153/123, 153/150, 153/152, and 153/153.

Immediately across New York Avenue from the site is the Salvation Army PUD (ZC Order No. 44), which has C-3-A zoning associated with it (4.5 FAR, 90 feet). The remainder of the zoning bordering New York Avenue is M (industrial). There is some residential zoning in the vicinity. An area east of the industrially-zoned strip bordering Bladensburg Road is zoned R-4 (rowhouse) and R-5-A (residential). A cemetery south of the industrially-zoned strip along Montana Avenue is zoned R-4.

C. Ownership

Many of the individual lots or parcels are separately owned. However, the applicant is under contract to purchase all of the sites within the parcel and has demonstrated authorization to represent the current owners for this PUD application [Exhibit A of Application].

D. Surrounding Area and Development Context

The site is at the first intersection encountered when entering the District on New York Avenue. The quality of the development at New York Avenue and Bladensburg Road gives a first impression for those arriving from the Northeast on the heavily traveled U.S. Route 50. The Ft. Lincoln New Town is one mile to the east, and the New York Avenue Red Line Metro, and the edge of the central employment area are 1 ½ miles to the west. Bladensburg Road connects the site with the Ivy City neighborhood and the H Street Corridor.

The surrounding area is characterized by Production, Distribution and Repair (PDR) uses to the west, north and east, and residential neighborhoods or open space to the southeast and south.

The nearby neighborhoods are Ivy City, Trinidad and Arboretum. . Ivy City has approximately 300 households living, and has started receiving another 150 households under the District's "Home Again" initiative. Trinidad has approximately 1000 households. Arboretum has approximately 175 households. Arboretum contains the most single family houses.

Woodridge is to the north and west of New York Avenue; the Langdon school is located there. Gateway is to the north and east of New York Avenue.

The principal retail centers are Hechinger Mall, about 1 ¼ mile to the south at H Street, and the Brentwood Shopping Center, about 1 mile across New York Avenue and to the northwest. Hechinger Mall contains a Safeway grocery store, a Modell's sporting goods store that also carries some general merchandise, and a CVS drug store. The Brentwood Shopping Center has a Home Depot, a Giant grocery, and several in-line retailers.

The area also contains significant open space. The 400+ acre National Arboretum is to the south and east and faces onto both New York Avenue and Bladensburg Road. To the south is the Mt. Olivet Cemetery which faces onto Bladensburg Road

Major uses to the southwest, along West Virginia Avenue, include a Metropolitan Police Department storage facility and the historically-landmarked former Hecht Company warehouse.

The Amtrak and CSX rail lines are across NY Avenue to the north. Between the tracks and the Avenue there is a narrow strip of land used for storage, hotels and the Salvation Army PUD. To the immediate east, Bladensburg Road has a mixture of gas station, fast-food, motels and two new hotels and used-car establishments. Farther east is the entrance to the National Arboretum and, beyond that, the headquarters for the *Washington Times*.

The Comprehensive Plan's Generalized Policy Map has identified the proposed project's site as a "Land Use Change Area".

E. Transportation

The Rhode Island Avenue Metro Station is approximately 1 mile to the north, and the New York Avenue Metro station is approximately 1.5 miles to the west. Both stations are on the Red Line.

The area has somewhat limited bus service. There is a stop on New York Avenue 3/8 mile west of the site. This provides service to Union Station. There is a stop 1/2 mile northeast of the site on Bladensburg Road that provides service to the Stadium-Armory Metro Station, and on to the Potomac Avenue and Anacostia Metro stations. There is also a bus stop at the intersection of Bladensburg Road and New York Avenue that provides limited off-peak hour service.

New York Avenue and Bladensburg Road are the principal arterial streets. Montana Avenue is a collector street serving the site on the south. It intersects with West Virginia and New York Avenues in a partial circle on the western edge of the site.

F. Historic Properties

There are no designated historic structures or districts within 1/4 mile of the project area. The former Hecht's warehouse is a designated property that lies approximately 1/2 mile to the west of the project area.

V. PROJECT DESCRIPTION

- Site Plan and Roadways: The generally triangular site would be subdivided into three sections by three roads labeled A, B and C on the applicant's plans. The applicant would construct them to provide access from New York and Montana Avenues, and from Bladensburg Road. The applicant would also construct an access road along New York Avenue, and three internal service drives.

The application labels the development sections A, B and C, with individual buildings labeled as A1, A2, etc. Buildings A1, A2, A4, B1, B3, C2 and C3 would be oriented to the external roadways. Buildings A3, B2, and C1 would be oriented toward the internal streets and central plaza. Each A, B or C cluster would be generally triangular in shape and would have a parking structure and courtyards in its center [Applicant Sheets, A012-016].

Figure 2: Garage Level Plan

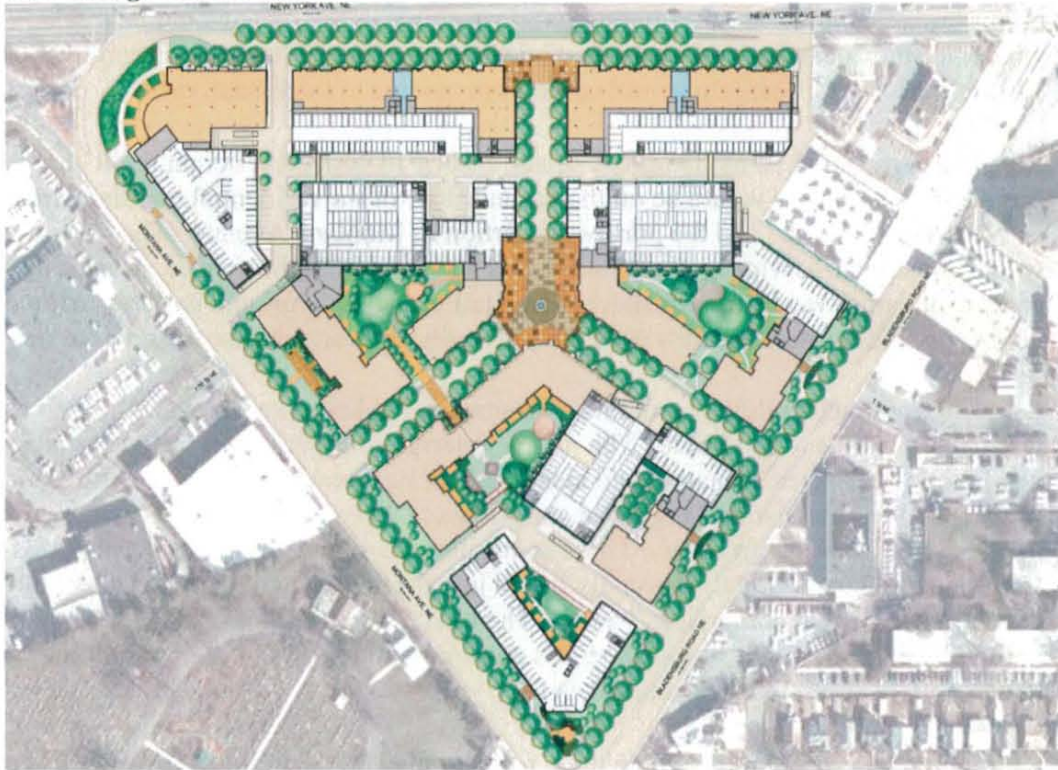


Figure 3: Upper Level Plan



- Residential Uses: There would be approximately 1, 326,965 gross square feet of residential space comprising 1350 - 1420 residential units in ten buildings that, for zoning purposes, are counted as seven buildings. Two-thirds of the units would be market-rate, which, for this locale, would likely be workforce housing for households earning 80% to 120% of the AMI. Unit size would range from studios to three bedrooms.
- Retail: There would be 69,883 gross square feet of 14-foot clear height retail space. The unspecified retail uses would be on the ground floor of the residential buildings fronting on New York Avenue, and the northwest portion of Montana Avenue. The applicant would construct a service road parallel to and accessed from the avenue, permitting parking and one-way traffic for short-term retail users, underground parking, and a wide, landscaped sidewalk to create a pedestrian-friendly environment for the retail users.
- Open Space: Each building would have frontage on at least one street and at least one landscaped courtyard or terrace. The private internal courtyards and walkways areas would total 2.92 acres. There would also be publicly accessible plazas at New York and Montana Avenues, Bladensburg Road and Montana Avenue, and at the central portion of the New York Avenue frontage. These areas, plus the sidewalks, hardscaped plazas, landscaped setbacks, and the specially paved intersection and circle in the center of the development, would comprise 2.7 acres. The total 5.42 acres would be 16% of the site's ground level area. This exceeds the CR's requirement for 10% of the ground floor area to be publicly accessible. [Sheet A10, A11]
- Recreation Space: There would be three residential courtyards, but their usage has not been specified. The applicant-constructed roadways could be closed at the center of the site to create public gathering space while still permitting site and parking ingress and egress. There would also be a 4,0000 GSF health club on site.
- Day Care: The applicant has allocated 3,936 GSF for day care in Building A1.
- Access, Parking & Loading: The applicant would construct a service drive parallel to New York Avenue, three internal streets, several driveways and alleys, and a circle with a possible fountain at the intersection of the internal streets. The site would be accessed at three points from the service drive, from three curb cuts on Bladensburg Road, and three on Montana Avenue.

There would be at least 1,254 parking spaces, with an average of 0.74 parking space for each residential unit and 3.15 spaces per 1,000 gross square feet of non-residential space. The residential parking would be in three above-grade structures -- one for each of the A, B and C clusters. 215, 224 GSF of the above-grade parking is FAR-countable. This would be supplemented by one level of below grade parking in buildings A1, A3, B2, C2 and C3. Retail and guest parking would be provided behind the buildings facing New York Avenue, on-private access roads and streets and surface parking behind the A2 and B1 buildings fronting on New York Avenue.

Retail trash storage and residential trash storage would be in separate areas in each building.

The applicant has requested relief to provide shared loading and delivery areas for more than one building. [Sheet A53 – A55]

The applicant has worked with DDOT to refine the loading berths, docks or service delivery spaces that would not meet the requirements of 11DCMR Chapter 21, and the areas to be served by the proposed sharing of loading functions.

- Building Design: Excluding unoccupied towers or spires, three buildings would rise to between 69 and 77 feet along New York Avenue; five would rise to between 56 and 59 feet along Bladensburg Road and Montana Avenue; and the two buildings fronting exclusively on the internal streets would rise between 56 and 59 feet high. Aside from the towers and spires, which would add between 5 and 15 feet depending on location, the project would be 5 to 6 stories high. From New York Avenue all buildings would appear to be the approximately same height, as there is an almost forty-foot grade change between New York Avenue and the intersection of Bladensburg Road and Montana Avenue.

The elevations facing the heavily trafficked New York and Montana Avenues and Bladensburg Road [Sheets A32, A43] are, while no more than 6 stories, relatively large-scaled and would be faced with two tones of panelized brick and cast stone trim. Except for the beige tones of Buildings A1 and C3, the brick would be red, red-brown or red-black [Sheets A58–A68]. The architectural styles are drawn from the 1930 – 1970 period with the New York-Avenue buildings having strong horizontal brick banding, reminiscent of the former Hecht Company warehouse. The depth of the wall plane would vary to create “pavilions” giving vertical rhythm to the facades. On Bladensburg Road, the open courtyard set-backs would soften the relationship of the buildings to the road, and the thick banding and prominent cornices would give prominence to the building tops. [Sheets A 34, A35]

The elevations facing the more pedestrian-oriented interior streets would be the same heights as the exterior-facing buildings, but would be broken down into smaller scale parts by changes in color, materials or ornament, and by the use of stoops, porches and multiple ground-level doors [Sheets A034-A37]. Buildings would be faced with a mixture of brick, cementitious panel and cast stone [A58, A65]. The architectural styles are generally drawn from the 1890 to 1925 period. The interior courtyards would be cementitious panels in a variety of colors.

- Landscape Architecture: The landscape plans on Sheets L01-L019 show that the applicant would provide hardscape amenities at the triangular points of the projects, between two buildings on New York Avenue, and at the central intersection of the three internal roadways. There would also be extensive landscaping on the building’s exterior edges and lawns and possible rain gardens on the exterior and interior courtyards, and the

intersection of Montana Avenue and Bladensburg Road. The courtyards would also provide passive sitting areas and “tot lots”.

- Sustainable Design: The applicant’s May 19 Exhibit F shows the Green Communities criteria the project is designed to meet. The project’s principal environmental benefits would be a reduction in impervious surfaces from the existing conditions, and a “best practices” storm water storage and treatment system [Sheet C1.07].

VI. CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF § 2400

The objectives of a PUD are:

- To permit flexibility of development in return for
- The provision of superior public benefits in proportion to the flexibility requested,
 - Provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations,
 - Or results in an action inconsistent with the Comprehensive Plan.

The PUD must also advance and protect the public health, safety, welfare and convenience. If there is an adverse impact, it must be mitigated.

The proposal is generally consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR Section 2400, with the principal exception of potential traffic impact.

A. Relationship to the Comprehensive Plan (10 DCMR)

1. Consistency with Framework Elements and with Future Land Use Map and Generalized Policy Maps

The site is designated as an area for land use change that is suitable for medium density residential and moderate density commercial uses. It is the type of large development opportunity site 1 (§223.10) where opportunities for multiple uses exist (§225.18). The project’s mid-rise apartment buildings would be consistent with the residential designation, and the approximately 69,000 square feet of proposed non-residential space would be a shopping and service area that is somewhat more intense in scale and character than low density commercial areas. The applicant has requested a PUD-associated rezoning from C-M-1 to C-3-A, with a 2.43 FAR. The C-3-A zone is identified as consistent with the moderate density land use category in §225.9 of the Comprehensive Plan.

2. Consistency with Housing Element

The development of affordable and mixed income housing throughout the District is a major objective of many of the Comprehensive Plan sections. Among those sections, 10 DCMR § 503.9 encourages consideration of the rezoning to residential zones of marginal commercially-used land that is located on “Great Streets” and major commercial corridors. The project site is

on major arterials and one Great Street-eligible road where the existing zoning does not permit residential development. The requested PUD-associated rezoning would permit development of affordable housing, consistent with 10DCMR § 504.6's emphasis on supporting the construction of such housing. It would also foster the production of "workforce housing" consistent with 10 DCMR § 504.12's objective of creating housing affordable to teachers, firemen and other public service employees.

3. Consistency with Upper Northeast Element

10 DCMR § 2413.6 identifies the site as one where conversion of existing industrial land to other uses may be considered. The proposed PUD would help achieve 10 DCMR § 2413.5's objective of improving the appearance of New York Avenue as a gateway to the District. The proposed access road along New York Avenue, and the reduction of curb cuts on that road, Brentwood Road and Montana Avenue is consistent with the endorsement that 10DCMR § 2413.9 gives the New York Avenue Corridor Study's proposed redesign of the intersections of New York Avenue with Montana Avenue and Bladensburg Road.

B. Relationship to Other Policies and Plans

1. Northeast Gateway Revitalization Strategy (OP)

This economic development-oriented plan identifies the applicant's site as a major development opportunity. The Market Economics section of the report projects that there will be a gap of 148,077 square feet of net new space for retail, eating and drinking, entertainment and personal services within the northeast gateway area. The study found that there is a current over-supply of 40,000 square feet of auto-related uses and identified the plethora of used car and other auto-related uses on the Triangle and along Bladensburg Road as a major source of community complaints. It also identified a lack of decent, affordable housing as a serious problem. The Gateway Strategy's Redevelopment Opportunity Areas section indicates that there is an opportunity for the comprehensive redevelopment of the triangle generally bound by New York Avenue, Bladensburg Road, and Montana Avenue as a site for a 100,000 + sf destination retail center, plus other uses. The retail square footage proposed for the applicant's site could fill 70% of the identified gap, without competing with the nearest potential area for future retail development, which is Fort Lincoln, 1.5 miles to the east.

2. District Industrial Land Use Policy (OP)

The Policy states on page 104: "The triangular site is targeted for a change of use now, and a private developer has already assembled much of the land. It should be noted, however, that should this development not come to fruition, this site could be re-used for certain strategic public uses, as there are other public uses to the east and west. Analysis of the underlying ownership patterns of this site suggest that it would be unlikely that District government – much less private sector users – would be able to acquire it [presumably for strategic public uses] and its current tenancy patterns suggest that it is significantly under-performing and in fact contributed to the blighted image of the New York Avenue gateway".

As the Zoning Commission implicitly recognized in Case No. 06-15, the applicant's proposed use of the site for residential and retail uses balances the needs of the District with the economic realities of the site. The property is not now used for the types of PDR uses envisioned in the study. The proposed use represents a marked visual, environmental and economic improvement over the existing uses and takes very positive advantage of this strategic location.

3. New York Avenue Corridor Study (District Department of Transportation)

This study proposes major reconfiguration of the New York and Bladensburg intersection, but does not address land use. Illustrations, however, show destination retail uses in the southwest quadrant of New York and Florida Avenues, which is the site of the proposed project.

The application is generally consistent with the draft DDOT recommendations for intersection changes. Both the applicant and DDOT are working to bring the applicant's design into complete alignment with the study's recommendations

C. Evaluation of Quantitative Standards

The site's existing C-M-1 zoning would permit 2 million+ square feet of development, 100% lot occupancy, 3.0 FAR, and 60 foot heights. However, the zone prohibits residential use.

To enable residential development, and to permit greater than 60 feet in height, the applicant has requested PUD-related CR zoning. The proposed development would have approximately 1.9 million square feet of space, 75% lot occupancy, a 2.46 FAR, 52-53% lot occupancy, and 77 feet of height, as measured for zoning purposes.

For all aspects other than parking, the zoning analysis for the aspects of the project is summarized in Table 1.

In providing 1035 residential parking spaces rather than the required 469, the applicant would be providing 220% more spaces than are required; i.e., a residential parking ratio of 0.73 to 0.77 space per unit, rather the required than 1:3 units. There would be 219 retail spaces; i.e., 134 more than required.

D. Requested Zoning Relief

The application requests that a PUD-related CR zoning thereby permitting residential development where none is permitted as a matter of right, and taller structures than would be permitted in the existing zone.

The applicant is also seeking relief from:

- §2517.2, to construct multiple buildings on a single record lot;
- §§777.1 & 411.3, to have more than one roof structure per building
- § 411.5, to vary the heights of the roof structures on a building.

Such relief is often requested to relieve the scale of proposed developments that would have relatively long or large buildings with uniform heights.

	C-M-1 Zone - Existing	CR Zone - Proposed	Proposed Project			
			Total		702	1052
Rear Yard	2.5 in./ft. of height at rear; not less than 12 feet.	3 in./ft. of height at rear; not less than 12 feet.	<i>N/A; related relief requested from Section 2517</i>			
Court Width	2.5 in./ft. of height; ≥ 6 ft.	Varies (§ 638).	<i>N/A; related relief requested from Section 2517</i>			
Court Area	2 x square of court width; not less than 250 s.f.	Varies (§ 638)	<i>N/A; related relief requested from Section 2517</i>			
Roof Structures	Per Section 845	One structure per building	<i>Relief requested for setbacks and multiple structures of varying heights</i>			
		1:1 Setback				
		18'6" height limit				
Loading			Relief Requested to Provide Shared Loading			
				Uses	Required	Provided
Drug Store (5k-20k)		1 berth @ 30 ft. + 100 s.f. platform	A1	Drug Store	1 @ 55 ft. 2 @ 30 ft. 2 @ 20 ft.	2 @ 55 ft. 1 @ 30 ft. 1 @ 20 ft.
		1 space @ 20 ft.		Retail (6,500 sf)		
Retail (5k-20k)		1 berth @ 30 ft. + 100 s.f. platform		Residential		
			A2	Retail (~22,500 s.f.)	1 @ 55 ft. 2 @ 30 ft. 2 @ 20 ft.	1 @ 55 ft. 1 @ 20 ft.
Retail (20k-30k)		2 berth @ 30 ft. + 2 100 s.f. platforms		Residential		
		1 space @ 20 ft.				
			A3	Residential	1 @ 55 ft. 1 @ 20 ft.	Shared 1 @ 20 ft.
Residential (> 50 du)		1 berth @ 55 ft. + 1 200 s.f. platforms	A4	Residential	1 @ 55 ft. 1 @ 20 ft.	1 @ 55 ft. 1 @ 20 ft.
		1 space @ 20 ft.	B1	Retail (22,300 sf)	1 @ 55 ft. 2 @ 30 ft. 2 @ 20 ft.	2 @ 55 ft. 1 @ 20 ft.
				Residential		
			B2	Residential	1 @ 55 ft. 1 @ 20 ft.	Shared
			B3	Residential	1 @ 55 ft. 1 @ 20 ft.	1 @ 55 ft. 1 @ 20 ft.
			C1	Residential	1 @ 55 ft. 1 @ 20 ft.	1 @ 30 ft.
			C2	Residential	1 @ 55 ft. 1 @ 20 ft.	1 @ 55 ft. 1 @ 20 ft.
TABLE 3: ZONING RELIEF REQUEST SUMMARY			C3	Residential	1 @ 55 ft. 1 @ 20 ft.	1 @ 55 ft. 2 @ 20 ft.

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The applicant has also requested relief from:

- § 770.6, to set back some of the roof structures in less than a 1:1 ratio.
- §2101.1, to, as indicated in the preceding chart, reduce the number and/or size of loading berths and service/delivery spaces and to share those provided among different buildings. [See July 9, 2009 Sheets A053 – A055; Page 8 of May 19 statement].

At the public hearing, the applicant will present dimensioned roof plans, building plans and an explanation of why the roof structure relief is being requested, as well as explanations for the request to share loading.

E. Amenities and Benefits in Relation to the Degree of Flexibility Requested

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 has stated that the project would include the following benefits and amenities:

- It would produce four times as much affordable housing at up to 80% of the AMI as would be required by the inclusionary zoning regulations for a matter of right project of this size;
- It would provide workforce housing up to 120% of the AMI;
- The privately constructed roadways would integrate the project into the community fabric;
- The elimination of most of the existing curb cuts would improve traffic flow, and pedestrian and vehicular safety;
- The eastern gateway to the District would be visually enhanced;
- As part of the approved PUD 05-16, a contribution of \$25,000 and a pickup truck for the Friends of the Arboretum and its Washington Youth Garden;
- There would be space for a day care center;

- There would be space for a health club;
- The approximately 68,900 gsf of retail space would serve the new development and a significantly underserved area of the District;
- The project would be built to low impact development standards;
- There would be three publicly accessible plazas on the project periphery;
- The extensive landscaping for the public and for residents would provide a superior setting for the new and existing neighborhoods;
- The hardscaped central plaza, with a possible fountain, would provide a neighborhood civic space at the intersection of the three interior streets.

Degree of Flexibility Requested

The project would provide these benefits and amenities while containing approximately 50% less FAR, and occupying approximately 22 to 23% less of its lot than is permitted by the current C-M-1 zoning.

For five of the ten proposed buildings the project would be between one and seventeen feet taller than permitted by the current zoning.

Additional relief is requested for the numbers, varying heights and the setbacks of some of the roof structures, to be able to develop more than one structure on a record lot and to share some loading facilities.

OP Evaluation

The project would provide significant amenities and public benefits – particularly affordable and workforce housing --in relation to the flexibility requested.

VII. AGENCY COMMENTS

The District Department of Transportation will be filing comments and will attend the hearing.

VIII. COMMUNITY COMMENTS

The previous PUD received support from ANC 5B, the Arboretum Civic Association, the Friends of the Arboretum and the National Bonsai Foundation. The applicant had not filed letters of community support for the current application as of July 13, 2009.

IX. PROJECT EVALUATION SUMMARY AND RECOMMENDATION

The project is not inconsistent with the Comprehensive Plan or smaller area plans and complies with the requirements of 11DCMR Chapter 24. The applicant has provided all of the

information and drawings required for setdown consideration, and much of the information needed in advance of a public hearing.

The Office of Planning (OP) views this as a forward-looking project that would be of considerable benefit to the residents of the District.

- It would construct an attractive mixed-use project at the principal northeastern entrance to Washington;
- If proffers a large amount of affordable housing and workforce housing, and would involve no displacement of any existing residential uses;
- It would provide almost 69,000 gsf of retail space serving the proposed development, and the nearby underserved Ivy City, Trinidad, Gateway and Arboretum neighborhoods;
- The retail space, which would be located on a service drive the applicant would construct parallel to New York Avenue, would be able to capture outbound commuters;
- It would reduce the amount of existing pervious surfaces on the site, significantly increase the number of acres of landscaped and pervious surfaces, and install an environmentally progressive storm water management system, thus decreasing the site's existing storm water runoff;
- It would be consistent with the Comprehensive Plan's written elements and Future Land Use Map, the Revitalization Strategy for Washington's Northeast Gateway (Gateway Strategy), and OP's Industrial Land Use Study (ILU).

The Office of Planning recommends that the Zoning Commission approve this project, with the conditions noted in Section I of this report.

JLS / stephen cochran, project manager