

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser, Deputy Director *JLS*
DATE: May 1, 2009
SUBJECT: **Setdown Report** for Brookland Artspace Studios – ZC #09-08
Consolidated and First Stage Planned Unit Development and
Related Map Amendment

ZONING COMMISSION
District of Columbia
CASE NO. 09-08
EXHIBIT NO. 11

I. SUMMARY RECOMMENDATION

Artspace Projects, Inc. has filed an application for a Consolidated Planned Unit Development (PUD), First Stage PUD and related map amendment to construct an artist live-work building and a new home for Dance Place on 8th Street south of the Brookland metro. As a part of the PUD, the application requires a few areas of zoning relief. The proposal is not inconsistent with the Comprehensive Plan, including the Brookland / CUA Metro Station Small Area Plan. The Office of Planning, therefore, recommends that the PUD and related map amendment be set down for public hearing.

II. APPLICATION-IN-BRIEF

Location: Between 8th Street, NE and the railroad tracks at the intersection of Kearny Street, NE; Square 3831, lot 47; Square 3832, Lot 803; Ward 5, ANC 5C.

Applicant: Artspace Projects, Inc.

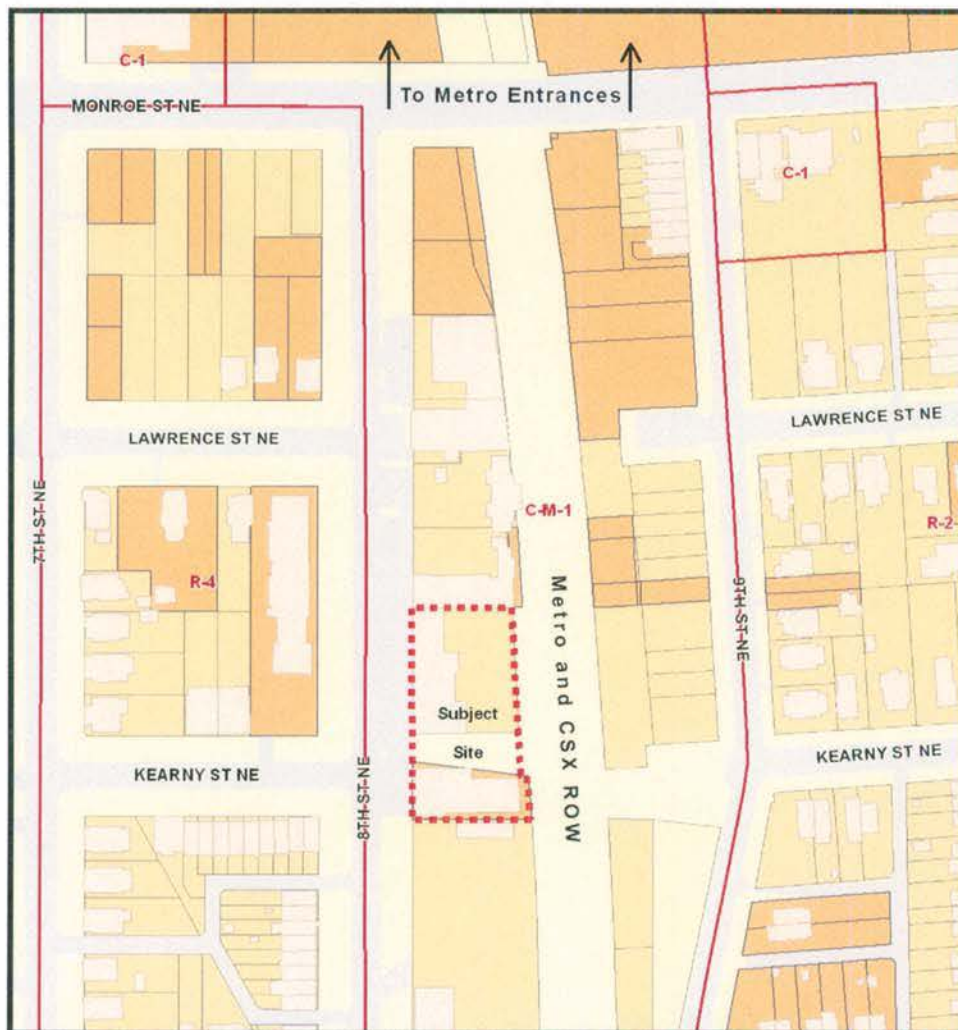
Current Zoning: C-M-1

Property Size: 25,017 square feet

Proposal: Together with a related map amendment to C-2-B, construct two buildings – a 41 unit artist live-work building and a new dance studio on the site of the existing Brookland Studios and existing Dance Place. The maximum height would be about 48 feet and the overall FAR would be 2.7. 48,023 square feet would be devoted to live-work units and 19,817 square feet would be devoted to non-residential uses in both buildings.

- Relief and Zoning:** Pursuant to 11 DCMR Chapter 24, the applicant is seeking:
1. PUD-related map amendment to C-2-B
 2. Variance for the setback of rooftop structures (§411)
 3. Special Exception for the number of rooftop structures (§411)
 4. Variance from rear yard requirements (§774)
 5. Variance from parking requirements (§2101)

III. SITE AND AREA DESCRIPTION



The subject site is between 8th Street, NE and the Metro and CSX railroad right-of-way (ROW) at the intersection of Kearny Street, approximately three blocks south of the Brookland metro. The site under consideration consists of the existing Brookland Studios (studios leased to artists and arts organizations), the existing Dance Place facility, and an unimproved piece of Kearny Street ROW that the applicant proposes to close. The existing Dance Place building is located on a tax lot that was created in what was formerly the Kearny Street ROW. The small piece of

ROW that remains is north of that lot. The site slopes down slightly away from 8th Street toward the railroad tracks, and also generally slopes slightly down from north to south. A sewer main exists mostly under the Kearny Street remnant, but also under a corner of the Dance Place property. A sewer easement would underlie any property created from the ROW.

To the north and south of the site and east of 8th Street are industrial or semi-industrial uses such as auto repair and equipment storage. West of the site is a residential neighborhood that is a mix of detached houses, rowhouses and small apartment buildings. Across the tracks to the east is also a mix of housing types. A PUD application has been submitted for properties owned by Catholic University to the north and west of the subject site. That project proposes rowhouses and mixed use buildings, including arts uses on 8th Street north of the subject site.

IV. PROJECT DESCRIPTION

The proposal consists of a consolidated PUD on the northern end of the site and a first stage PUD on the southern end of the site. The overall FAR and lot occupancy would be 2.7 and 74%, respectively. In conformance with the Zoning Regulations, no loading would be provided for the project. The two segments of the project would eventually exist on two separate record lots.

The northern building, called the Artspace Building, would be four stories tall with live-work units on all floors. Units would be deeper and more open in design than typical residential units. Hallways and other building spaces would also be larger to allow the movement of large artworks and materials. The southwest corner of the ground floor would also have a flexible performance space that opens up onto the plaza between the two buildings. The main residential entrance and the parking garage entrance would face 8th Street. A roof patio would be accessible to residents. The height of the building would be 48 feet, the rear yard would have a minimum dimension of 6'11½".

The new Dance Place building, while still in the early stages of design, would have a lobby, two story theater and two story storage space on the ground floor, and classrooms, dressing rooms and offices on the upper floors. It is unclear what the total height of the Dance Place building would be, and OP has asked the applicant to provide additional massing for the building. The plans indicate that the elevator override would be adjacent to the front wall, though it is unclear what the height of the override would be. The building would have no rear yard and no parking would be provided for this building.

Affordability and Tenancy

Fifty percent of the live-work units would be available to households earning less than 60% of the Area Median Income (AMI). The other fifty percent would be available to households earning less than 50% of the AMI. Tenants of the building would be screened by the Artspace organization to ensure that they are practicing artists. The organization also seeks artists that practice a variety of art forms. According to the applicant, the PUD would be the first rental live-work community in DC geared entirely toward artists.

Street Closing

In order to complete the project as proposed, the applicant would close the unimproved stub of Kearny Street that remains in the middle of the subject site. The building that Dance Place now occupies is in the middle of the former ROW, but a small piece of ROW still exists north of that building and south of the existing Brookland Studios.

V. COMPREHENSIVE PLAN POLICIES

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
- (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
- (29) The District continues to grow in reputation as an international cultural center. To sustain this growth, it must continue to support a healthy arts and cultural community through its land use, housing, and economic development policies. The power of the arts to express the identity of each community while connecting neighborhoods and residents must be recognized. 220.5

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). The project would provide increased residential and employment density near the Brookland metro station. 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 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. One hundred percent of the live-work units in this development would be affordable. The Arts and Culture Element of the Comprehensive Plan has policy guidance applicable to the project. Policy AC-2.2.1 states that art should be used to promote individual identities for different neighborhoods. That Element also talks about the need for more artist production space like the live-work spaces in the Artspace building (§1409.1).

The Upper Northeast Area Element encourages the redevelopment of underutilized areas near the Brookland metro (Policy UNE-2.6.1). This project proposes to develop vacant or underutilized lots in close proximity to the metro. The area element also seeks to improve pedestrian access to the metro (Policy UNE-2.6.2). The enhanced streetscape, including removal of an almost continuous curb cut, will enhance the pedestrian environment. The Upper Northeast Area Element also mentions the possibility of including live-work spaces and artist studios in new developments near the metro (Policy UNE-2.6.3).

VI. COMPREHENSIVE PLAN LAND USE MAPS

The Comprehensive Plan's Generalized Policy Map describes the subject site as a Neighborhood Conservation Area. The Future Land Use Map indicates that Production, Distribution and Repair uses would be appropriate on this site. The Brookland / CUA Metro Station Small Area Plan refined the vision for this area.

VII. BROOKLAND / CUA METRO STATION SMALL AREA PLAN

On March 3, 2009 Council adopted the Brookland / CUA Metro Station Small Area Plan (Brookland Plan or Plan, with page numbers referencing the December 2008 version of the Plan). The plan states that "The Metro Station is envisioned to become a mixed-use, transit-oriented and civic core for the community, with the arts as a key element," and mentions that Dance Place could be a key component of a Brookland arts district (pp. 38-39). In addition to this general guidance, the Plan gives more specific direction to five different sub-areas. The subject site falls entirely within the Commercial Area – South sub-area. Development in this sub-area should consist of residential and cultural uses that are compatible with the neighborhood fabric (Plan, pg. 51). An image taken from the Plan and reproduced below shows a conceptual plan for the sub-area based on the Plan policies.



The Commercial Area –
South sub-area of the
Brookland Plan and one
illustrative potential build-out
scenario.

Several sub-area policy recommendations, summarized below, apply to development of the subject site. Listed numbers refer to the specific recommendations, which can be found on page 51 of the Plan. Analysis is provided after each recommendation.

- *1 – Develop new residential uses, extending and integrating with the existing street fabric.*

The development of live-work units is in keeping with the above recommendation to create new residential uses. Although the street fabric of the neighborhood is not extended by the proposal, the 8th Street corridor is made safer and more walkable through increased eyes on the street and the removal of many linear feet of curb cuts. While not explicitly mentioned in the text of the Plan, Kearny Street is one of a few streets shown in the conceptual plans as having a future pedestrian connection over the tracks (please refer to the image at left). While this is a long term goal, the applicant should demonstrate that a pedestrian bridge in this location would not be precluded by their development.

- *2 – Development south of Kearny Street should consist of low to moderate density residential and limited commercial or cultural facilities.*

The provision of a new home for Dance Place is not inconsistent with Recommendation 2.

- *3 – Provide adequate parking but at low transit oriented development parking ratios.*

The application would provide the required amount of parking for the live-work building, but proposes no parking for the Dance Place building. More information should be provided about the proposed capacity of the new Dance Place, as well as information about the current parking provided for that use.

- *4 – Development south of Monroe Street to Kearny Street may be allowed up to 5 stories or a maximum of 60 feet... Building heights should taper down to transition to adjacent lower scale residential structures.*

The proposed live-work building would have a maximum height of 48 feet and four stories. The new Dance Place building would be four stories, but it is unclear how tall the building would be in feet. That information should be provided before a public hearing.

- 5 – Building facades facing a public street in the sub area should step back in height at a ratio of one half (1/2) to one above 50 feet. For example, for every 10 feet in height above 50 feet, the building façade should step back 5 feet from the building edge.

The proposed live-work building would not exceed 50 feet in height. If the proposed Dance Place building exceeds 50 feet its design should adhere to this recommendation.

VIII. ZONING

The site is currently zoned C-M-1. The application proposes a PUD-related map amendment to C-2-B. The total site area is 25,017 square feet, large enough to request a PUD in the C-2-B zone. An analysis of the zoning parameters can be found in the table below.

Item	Section	C-M-1 MOR	Section	C-2-B PUD	Proposed	Relief
Site Area		n/a	2401.1	15,000 sf	25,017 sf	Conforming
Height	840	40', 3 stories	2405.1	90'	48'*	Assumed Conf.
FAR	841	3.0	2405.2	6.0 max. res. 2.0 max. non-res 6.0 max. total	1.9 res. (48,023 sf) 0.8 non-res.(19,817 sf) 2.7 total (67,840 sf)	Conforming
Lot Occ.		n/a	772	80% (for floors w/ res.)	74% (over entire PUD site)	Conforming
Rear Yard	842	2.5"/ft. of height; 12' min.	774	15'	0' min.	Requested
Side Yard	843	3"/ft. of height; 8' min.	775	2"/ft. of height; 6' min.	0' external side yards 16' 10.125" min. internal	Conforming
Parking	2101	res.: no requirement educational: 2 per 3 teachers + as req'd in §2101 = [info req'd] assembly: 1 per 10 seats = 18 spaces	2101	res: 1 per 3 d.u. = 14 [41 units / 3] educational: 2 per 3 teachers + as req'd in §2101 = [info req'd] assembly: 1 per 10 seats = 18 spaces	22 spaces	Required**
Loading	2201	res.: no requirement educational: no req. theater: no req.	2201	res.: no requirement educational: no req. theater: no req.	none provided	Conforming

* Height not provided for Dance Place building

** Applicant must provide additional information about the number of students anticipated in order to accurately calculate the parking requirement.

The proposal requires a PUD-related map amendment and relief from the specific zoning regulations listed below. A summary of each area of relief is given and OP will provide a complete analysis of the requested relief at the time of the public hearing.

1. PUD-Related Map Amendment

The height permitted by the C-2-B PUD regulations is necessary if the project is to be constructed as proposed. A PUD in the C-2-B zone can have a maximum height of 90 feet. The Artspace portion of the PUD would have a maximum height of 48 feet and four stories – eight

feet and one story more than permitted by right in the C-M-1 zone. The height of the Dance Place portion of the PUD has not been specified. The overall FAR would be 2.7, less than the maximum permitted as a matter-of-right in the C-M-1 zone.

2. Variance for the setback of rooftop structures (§411)

Rooftop structure setback relief may be required. The elevator override on the Dance Place building would be at the front façade of the building. The plans show the override as being less than four feet tall and, if so, it would not need to be set back at a one-to-one ratio from the edge of the roof. The applicant should confirm the height of the elevator override prior to a public hearing.

3. Special Exception for number of rooftop structures (§411)

Relief may be required from the number of rooftop structures. The regulations generally limit rooftop structures to one per building. The plans show a mechanical penthouse and an elevator override on the Dance Place building. If the elevator override is over four feet it would require relief from §411. The applicant should confirm the height of the override prior to a public hearing.

4. Variance from rear yard requirements (§774)

The design proposes no rear yard for the Dance Place building and rear yard of just under seven feet for the Artspace building. A rear yard of 15 feet is required. The application states that live-work units are deeper than typical residential units so take up more depth on the lot. The application also states that dance studios and back-of-house spaces occupy significant floor area and that most of the Dance Place site, including the rear yard, must be used for those purposes (Written Statement, pg. 9).

5. Variance from parking requirements (§2101)

The application proposes 22 parking spaces. According to the applicant the maximum capacity of the Dance Place performance space would be 180. This would result in a parking requirement of 18 spaces for the assembly use. The live-work use would generate a parking requirement of 14 spaces. The applicant also proposes an educational component to the project. More information about the number of anticipated students should be provided.

IX. 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 first stage PUD, and both with 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.

X. PUBLIC BENEFITS AND AMENITIES

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” 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 application proposes a PUD-related map amendment to C-2-B with a maximum building height of about 48 feet and an overall FAR of 2.7. The applicant would gain eight feet and one story in height, but the FAR is below the 3.0 FAR that would be permitted as a matter-of-right on the site.

The application’s amenity item is the 41 affordable live-work units – the entire live-work building. Half of the units would be made affordable to households earning less than 60% of the AMI, and the other half would be made affordable to households earning less than 50% of the AMI.

The provision of significant arts uses could also be considered an amenity, or at least a significant community benefit. The Office of Planning feels that the proposed amenity is sufficient for setdown.

XI. AGENCY REFERRALS

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

- Department of 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);
- DC Water and Sewer Authority (WASA).

XII. COMMUNITY COMMENTS

The site is located in ANC 5C. 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.

JS/mrj