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RECEIVED
D.C. OFFICE OF ZONING**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation *JS*

DATE: July 16, 2010

SUBJECT: ZC Case 05-28C: Setdown Report for a Second Stage PUD for part of Block H and part of Block I, a PUD-related map amendment and a Modification to an Approved First Stage PUD for Blocks G, H and Part of Block I of "Parkside," filed by Lano Parcel 12 LLC.

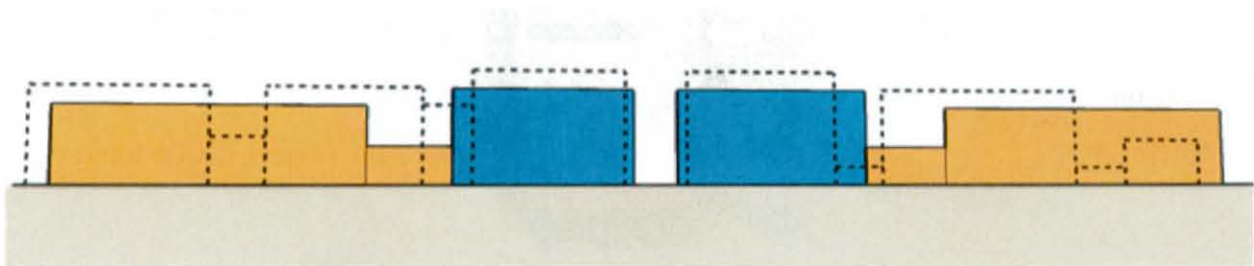
SUMMARY RECOMMENDATION

The Office of Planning recommends that the application be **set down** for public hearing.

APPLICATION

Lano Parcel 12 LLC, the applicant, has petitioned the Zoning Commission for a Second Stage PUD, a PUD related map amendment and a modification to the Parkside PUD. The application requests modifications and map amendments from that which was approved under the first stage PUD by Zoning Commission Order No. 05-28, as shown below. The second stage PUD request is for the development of part of Block H and part of Block I as the flagship campus of the Community College of the District of Columbia.

The following are graphics depicting the approved and proposed buildings and uses for comparison purposes.

ELEVATION AS VIEWED FROM KENILWORTH AVENUE

Proposed buildings outlined by dashed line; approved buildings outlined by solid line.

ZONING COMMISSION
District of Columbia

CASE NO.

0528C

EXHIBIT NO.

12



DETAIL OF PROPOSED MODIFICATIONS OVER PROPOSED SITE PLAN

54'5-stories to 21'1-story
 Residential to retail
 C-2-B to CR

44'4-stories to 90'8-stories
 CR- to C-3-C

Add retail

Add retail
 54'5-stories to 90 feet
 C-2-B to CR



90'9-stories to 53'3-stories
 Residential to health clinic
 C-2-B to CR
 ZC 05-28B

90'9-stories to 110'8-stories
 Residential to community college
 C-2-B to CR

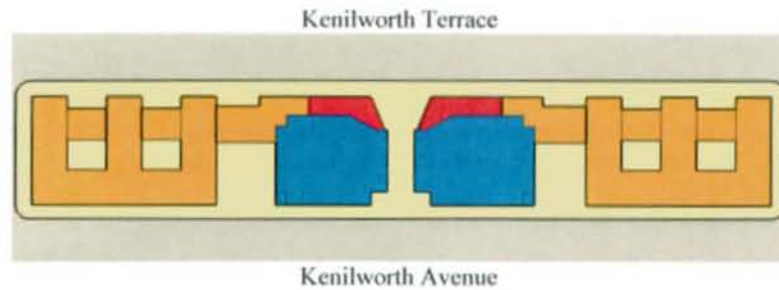
110'11-stories to 130'12-stories
 CR to C-3-C

110'11-stories to 130'12-stories
 CR to C-3-C

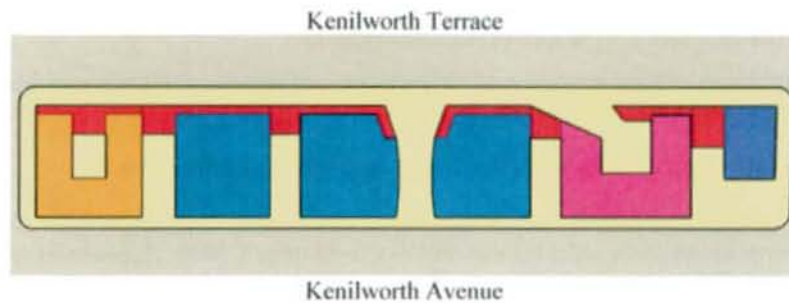
90'9-stories to 110'11-stories
 Residential to office

90-feet/9-stories to 110'11-stories
 C-2-B to CR

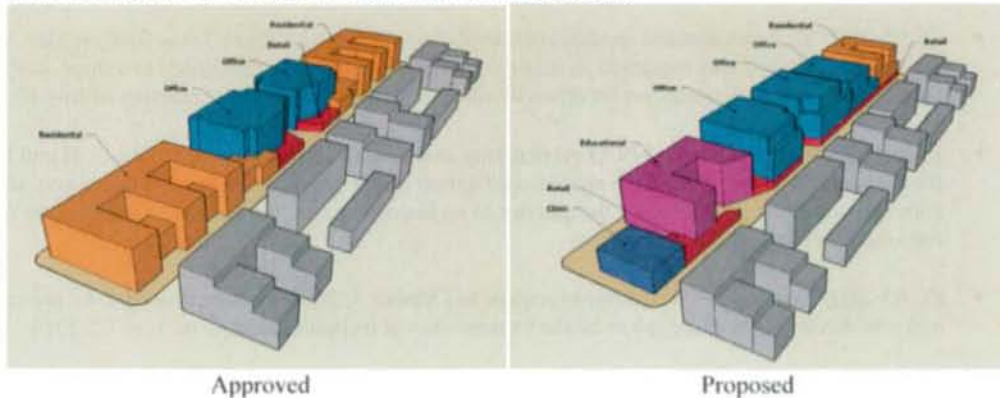
APPROVED FOOTPRINT



PROPOSED FOOTPRINT



PERSPECTIVES OF SUBJECT AREA FROM THE NORTH



Gray represents additional un-built blocks within Parkside.

AREA DESCRIPTION

The PUD site is 15.5 acres in size and located in Ward 7 and the North East quadrant of the District. It is bound generally by Kenilworth Avenue to the southeast; Foote Street and a Pepco power plant to the southwest; Anacostia Avenue, Neval Thomas Elementary, public and assisted housing, and Anacostia

Parkland to the northeast; and Hayes Street, Caesar Chavez Charter High School, and Mayfair Mansions to the northeast. The Minnesota Avenue Metrorail station is located on the east side of Kenilworth Avenue, accessible by an existing pedestrian bridge.

BACKGROUND

The proposed second stage application follows the first stage approval of the PUD by the Commission under Order 05-28. That order approved an overall PUD that includes the following:

- PUD-related map amendment from R-5-A and C-2-B to C-3-A and CR.
- Development of the site with approximately 2.3 to 2.6 million square feet of residential space (1,500 to 2,000 units); up to 500,000 to 750,000 square feet of office space; and 30,000 to 50,000 square feet of retail development, along with parks, roads and underground, surface and structured parking.
- Commercial and residential buildings between 90 and 110 feet in height along Kenilworth Avenue; mixed use buildings up to 90 feet in height along the central spine; and residential buildings 54 to 84 feet in height along the east and west boundaries of the site, stepping down to row houses and flats.
- A one-acre park is to be located the core of the site.
- The closure of some existing road rights-of-way and opening of other new rights-of way to provide access onto and through the site.

To date four additional Parkside applications have been filed, as described below.

- ZC 05-28A: Second-stage application and modification for blocks A, B and C was approved by the Commission and the order became effective on October 3, 2008. Application approved a 98-unit senior citizen apartment building on Block A at 60 percent of AMI, and 112 townhouses on blocks B and C, 42 of which would be made available at 80 to 120 percent of AMI. Modification was required to permit 66 townhouses on Block C in place of low-rise apartments. Construction has not yet begun on any of these units.
- ZC 05-28B: Second-stage and modification application for part of Block I was filed on May 10, 2010. Modification was requested to change the use from high-rise residential to a three-story health clinic. This application was not set down by the Commission at its public meeting of July 12, 2010.
- ZC 05-28C: Modification and PUD-related map amendment application for blocks G, H and I was filed on June 3, 2010. This is the subject application and proposes to increase office space, add a community college and decrease the amount of residential space. Second-stage is requested for the community college building.
- ZC 05-28D: Two-year PUD extension request to October 3, 2013 was determined to be premature and was denied without prejudice by the Commission at its public hearing on July 12, 2010.

PROPOSAL – MODIFICATION TO FIRST-STAGE APPROVAL

The application proposes to alter the mix of uses between Kenilworth Avenue and Kenilworth Terrace on blocks G, H and I. Block G would become approximately one-half office and one-half residential, instead of all residential as originally approved. Most of Block H would remain office, with a small portion adjacent to Block I to be used instead as a community college. The remainder of Block I would be used as a community college and a health clinic. Total FAR for the subject area would be unchanged at 7.05 (1,709,809 sq. ft.) and off-street parking would remain at 1,400 spaces. Critical amendments from the original PUD include:

- Increase permitted office space to 1.1 million square feet at the center of the subject area. The property is now within the Central Employment Area (CEA) as defined by the General Services Administration (GSA). This makes the site eligible for GSA solicitations for the leasing of office space to the federal government, including a request from the Department of Homeland Security for 1.1 million square feet of office space.
- Increase the permitted height of the office buildings to 130 feet to accommodate the additional square footage, and add one additional office building at a height of 110 feet.
- Addition of a site for a community college that was previously residential.
- Increase height of remaining residential building by up to 30 feet to “recapture” some of the square footage lost to other uses.
- Amend the PUD-related map amendment from CR to C-3-C for the office buildings and from C-2-B to CR for the residential building and community college to accommodate the requested changes.

Table 1

	<i>First-Stage Approval</i>	<i>Proposal</i>
Gross Floor Area (square feet)	1,709,800	1,709,800
Floor Area Ratio	7.05	7.05
Number of Dwelling Units	785-875	325-375
Building Height (feet)	44 – 110	21 – 130
Lot Occupancy (percent)	80.6	69.6
Off-street Parking (spaces)	1,400	1,400

PROPOSAL – SECOND-STAGE FOR COMMUNITY COLLEGE

The area that is the subject of this second-stage PUD application is located near the eastern corner of the overall PUD site, between Kenilworth Avenue and Kenilworth Terrace.

Block I was approved by the Commission for development as a residential apartment building, ranging in height between 5 and 9 stories, and 54 to 90 feet. The northeastern part of Block I is proposed for use as a health clinic (ZC Case 05-28B). The remainder of Block I, and a portion of Block H, originally approved for office use, is proposed as the flagship campus for the Community College of the District of Columbia (CCDC), with accessory ground floor retail space facing Kenilworth Terrace that may include a coffee shop and a bookstore.

The following table compares the first-stage PUD-related map amendment to C-3-A approved under Z.C. Order 05-28, to the requested building and a PUD-related in map amendment to CR. It also includes the proposed health clinic building (ZC 05-28B), as this building would also be located within Block I.

Table 2

	<i>First-Stage Approval (C-3-A)</i>	<i>Proposal(CR)</i>
Gross Floor Area (square feet)	504,500	303,784
Floor Area Ratio	8.2	4.05
Number of Dwelling Units	390 – 440	0
Maximum Building Height	90 feet & 9 stories	110 feet & 8 stories

The proposed CCDC building would be 110 feet and 8 stories in height along Kenilworth Avenue and 21 feet and one-story along Kenilworth Terrace. It would contain 250 garage parking spaces plus bicycle spaces. Between 70 and 90 of those parking spaces would be made available to the health clinic next door, depending upon the needs of the clinic. The building would have 270,000 gross square feet, a lot occupancy

of 84 percent and an FAR of 7.4. The building would be C-shaped, with an open courtyard facing Kenilworth Terrace. CCDC hopes to begin construction on their building during the summer of 2011.

As currently proposed, pedestrian access would be from Kenilworth Terrace, with vehicular access from both Kenilworth Avenue and Kenilworth Terrace. Several of the facades of the building would not be at right angles to either the ground or the other facades of the building, but rather would be angled. An outdoor plaza would be located on the ground level, with retail spaces on the Kenilworth Terrace side of the building. The ground level would also include a student center, job center, an auditorium and retail space.

If the subject application is set down by the Commission, the Office of Planning will work with the applicant to provide more detailed information concerning the façade, the use of materials, and will work with the applicant and DDOT regarding the proposed pedestrian and vehicular access and circulation patterns.

SECOND-STAGE REVIEW CONDITIONS

The Zoning Commission approved a PUD-related map amendment for the subject application, rezoning the site from C-2-B to C-3-A, subject to fifteen conditions, only some of which are relevant to this site. Listed below are the conditions which are relevant and a review of how the subject application conforms to them.

1. *The Applicant shall submit, with the application for second-stage approval of the PUD, an application for rezoning the PUD site from R-5-A and C-2-B to C-3-A and CR that specifies the proposed rezoning by square and lot.*

The subject application includes a request to amend the zoning from C-2-B to CR for Square 5055, Lots 20 through 23, part of 24, and 802 through 805, and not to C-3-A, as approved under the first stage PUD.

2. *The first-stage PUD is approved in accordance with the plans and materials submitted by the Applicant marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order.*

The first stage PUD approved a residential apartment building and the applicant now requests approval of a community college with ground floor accessory retail, a nonresidential use. The application also requests a change in the approved building heights, from 90 feet and 9 stories along Kenilworth Avenue to 110 feet and 8 stories, and from 54 feet and 5 stories to 21 feet and 1 story along Kenilworth Terrace.

3. *The second-stage design of the PUD shall be based on further development and refinement of the plans marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order and shall include all public benefits described in Findings of Fact 32 through 34.*

The subject application proposes a change in use and building heights from that approved under the first stage PUD. The public benefits as proposed are consistent with those that were approved under the first stage approval.

4. *In accordance with the plans and materials noted above, the approved PUD shall consist of approximately 1,500–2,000 dwelling units, 500,000–750,000 square feet of office space, 30,000–50,000 square feet of retail, with approximately 2,400 total parking spaces. The entire project will include approximately 3,003,000 square feet of gross floor area resulting in an overall density of approximately 4.44 FAR. The total lot occupancy of the PUD will be approximately 62.4 percent. The maximum height of the PUD will be 110 feet, which will be*

reserved solely for the buildings located in the center portion of Parcel 12 fronting Kenilworth Avenue. The heights for the remaining buildings shall not exceed 90 feet and must scale down to lesser heights around the existing townhomes, as depicted in the Applicant's plans.

The subject application requests a modification to permit the construction of a community college building, and therefore deviates from the plans approved as a part of the first stage PUD. At a building height of 110 feet on Block I, the proposed building deviates from that which was approved under the first-stage approval, and would provide no dwelling units. The height of the building would scale down to 21 feet facing the residential buildings on the opposite side of Kenilworth Terrace.

8. *The Applicant shall submit, as part of the second-stage application, landscape plans, detailed architectural plans, and elevations indicating the design treatment of each building.*

The subject second stage application includes landscape plans, detailed architectural plans and elevation drawings.

9. *The Applicant shall submit, as part of a second-stage application, an analysis of the potential for providing access to the PUD Site from Benning Road.*

An analysis on the potential for providing access to the PUD site from Benning Road was submitted as a part of the first second stage application, ZC 05-28A.

10. *The Applicant shall submit, as part of a second-stage application, a detailed traffic study that will (a) address the adequacy of pedestrian and vehicular access to the PUD Site, including an analysis of the DDOT recommendation with respect to pedestrian access; (b) address traffic conditions pertaining to Kenilworth Avenue, particularly in light of the transportation initiatives identified by DDOT as planned or underway in the vicinity, such as the Kenilworth Avenue Corridor study; and (c) analyze the traffic impacts of the PUD in light of other new developments and uses in the vicinity, such as the Cesar Chavez Public Charter School.*

The application indicates that a traffic study would be submitted if the subject application is set down by the Commission. Prior to public hearing the Office of Planning would request comments from DDOT on the traffic study.

13. *The first-stage approval is valid for a period of one year, within which time a second-stage application shall be filed. If the second-stage application is for less than the entire development described in this Order, no subsequent second-stage application may be filed after three (3) years from date of approval of the partial second-stage. It is within the Zoning Commission's discretion to extend these periods.*

ZC Order 05-28 became effective on April 13, 2007, and on November 16, 2007 a second stage application was filed. That second stage application, ZC 05-28A, became effective on October 3, 2008. The subject application was filed less than three years from the effective date of the order for ZC 05-28A.

14. *Given the size of the PUD, the Applicant may file the second-stage application in phases for one or more of the buildings.*

The applicant has opted to file the second stage applications in phases. The subject application is for one building on part of Block H and part of Block I.

15. *In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code §§ 2-1401.01 et seq. (the "Act"), the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination that is prohibited by the Act. In addition, harassment based on any of the above protected categories is prohibited by the Act. Discrimination in violation of the act will not be tolerated. Violators will be subject to disciplinary action.*

The applicant has indicated that that he would comply with this requirement.

CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF SECTION 2400

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. The overall PUD has been determined to be consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR § 2400. This second stage PUD requests modification from that approval to permit an eight-story community college building in place of a 5 to 9 story residential building.

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 benefits to the surrounding neighborhood can be achieved. At 54,800 square feet, the second stage application meets the minimum site area requirements of § 2401.1(c) required for a PUD within a commercial zone district.

PUBLIC BENEFITS AND AMENITIES

Public benefits are defined in § 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 of right...*" Amenities are defined under § 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 proposes the following benefits and amenities for the Second Stage PUD:

- Urban Design, Architecture and Landscaping: The applicant proposes the development of vacant land within close proximity to a Metrorail station with commercial, residential and office uses in support of existing mass transit facilities.
- Site Planning: The application proposes that the development of Blocks G, H and I would provide a connection between the existing townhouses adjacent to the PUD with higher density uses and uses that would provide needed services to the community, such as the health clinic and the community college.
- Effective and Safe Vehicular and Pedestrian Access, Transportation Management Measures, Connections to Public Transit Services, and other measures to mitigate adverse traffic impacts: The application indicates that pedestrian access and vehicular access to the building are appropriately

separated for pedestrian safety. Two vehicular access points would be provided, one from Kenilworth Avenue and the other from Kenilworth Terrace. The access point from Kenilworth Terrace would be shared with the health clinic, minimizing the number of necessary curb cuts and vehicular access points required across the public sidewalk. Comprehensive review of this provision will be provided by DDOT an OP prior to the public hearing.

- First Source Employment Program: The applicant proposes to enter into an agreement to participate in the Department of Employment Services First Source Employment Program to promote and encourage the hiring of District of Columbia residents.
- Affordable and Workforce Housing: The overall PUD would continue to provide 20 percent of the total residential component as affordable to households with an income not in excess of 80 percent of AMI, and another 20 percent to households with incomes between 80 and 120 percent o AMI. The shift in uses will decrease the number of affordable units accordingly.
- Pedestrian Bridge: The applicant has committed 25 percent of the cost of the bridge, not to exceed three million dollars, to be constructed to improve access to the site from the Minnesota Avenue Metrorail station. OP will request an update from DDOT of this project prior to the public hearing.
- Special Value for the Neighborhood: The development would provide the neighborhood and surrounding community with a community college that would offer classes in a variety of subjects that would be made available to residents, including health care, which would complement the proposed health clinic next door.
- Revenue for the District: The development of the subject property would result in income generated through property, income, sales and employment taxes.

If the application is set down by the Commission, the Office of Planning will continue to work with the applicant to refine the design, materials and circulation patterns proposed for the building.

2006 COMPREHENSIVE PLAN

The Zoning Commission found the overall PUD to be not inconsistent with the Comprehensive Plan in effect at the time. Since approval of the PUD the City Council has adopted the 2006 Comprehensive Plan. The overall PUD has been found to be not inconsistent with the 2006 Plan, and to also further numerous policies and objectives of the Land Use, Transportation, Environmental Protection and Far Northeast & Southeast Area elements.

The proposal to provide a community college on the site would further the following additional Education Facility Element policies of the 2006 Comprehensive Plan, as described below.

Chapter 12: Educational Facilities Element

Policy EDU-3.1.2: Strengthen Training and Career Programs

Strengthen the community college function of UDC to continue training students for the baccalaureate program, and to build practical career skills that prepare students for current and future employment in the District. (§ 1212.3)

Action EDU-3.1.A: Develop a Satellite UDC Campus East of the Anacostia River

Pursue the development of a satellite campus of the University of the District of Columbia east of the Anacostia River. (§ 1212.4)

Policy EDU-3.3.2: Balancing University Growth and Neighborhood Needs

Encourage the growth and development of local colleges and universities in a manner that recognizes the role these institutions play in contributing to the District's character, culture, economy, and is also consistent with and supports community improvement and neighborhood conservation objectives. Discourage university actions that would adversely affect the character or quality of life in surrounding residential areas. (§ 1214.6)

The subject application would make available educational opportunities to an underserved part of the City. The proposed building would be located on a currently vacant tract of land with easy access to the Minnesota Avenue Metrorail station.

AGENCY COMMENTS AND REFERRALS

If the subject application is set down by the Commission, it will be referred by the Office of Planning to the following District agencies for review and comment:

- Department of Health (DOH);
- Department of Housing and Community Development (DHCD);
- Department of Public Works (DPW);
- DC Water and Sewer Agency (WASA);
- District Department of Transportation (DDOT);
- Fire and Emergency Medical Services Department (FEMS); and
- Metropolitan Police Department (MPD).

COMMUNITY COMMENTS

The Office of Planning requested comments from ANC 7D. None were received.

RECOMMENDATION

The Office of Planning is generally supportive of this project, and will continue to work with the applicant to address remaining concerns, including the design and materials proposed for the community college building and to address any concerns that may arise out of the transportation study that the applicant has yet to submit. The Office of Planning will also work with applicant on the relationship of the proposed building heights, especially as the proposed residential building on Block G relates to the residential buildings proposed across Kenilworth Terrace from that site.

The proposed CCDC building would provide a valuable opportunity to the residents of Ward 7 to further their education and expand their knowledge bases. The project is not inconsistent with the policies of the Comprehensive Plan. Therefore, the Office of Planning recommends that this application be set down for public hearing.

JS/sjm^{AICP}

Case Manager: Stephen J. Mordfin, AICP