

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *EM*
Ellen McCarthy, Director

SUBJECT: Preliminary Report – Zoning Commission Case No.06- 15
Consolidated Planned Unit Development and Map Amendment
Land in Square 4268, New York Avenue / Arboretum

DATE: April 28, 2006

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I. APPLICATION AND OP RECOMMENDATIONS

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

- Consolidated review and approval of a 3.5 to 3.7 million square foot residential/retail PUD for 13 lots and 8 parcels in Square 4268 in Northeast Washington;
- Associated amendment of the site's zoning district designation from C-M-1 to C-3-C.

The Office of Planning (OP) strongly supports this project and recommends that the Zoning Commission schedule a public hearing for Case No. 06-15.

II. PROJECT APPLICATION SUMMARY

The site comprises approximately 16 acres (697, 873 SF) in the triangle bounded by New York Avenue (U.S. Route 50), Bladensburg Road and Montana Avenue. It includes all but two properties within this triangle: Lot 816, the location of a Kentucky Fried Chicken restaurant, and Parcel 153/111, which is occupied by a charter school. The site is near the principal northeastern entrance to the District, approximately ¼ mile west of the National Arboretum. The site is currently occupied by a number of low-density auto-related uses including auto storage, pubs and an adult entertainment venue. The site's C-M-1 zoning precludes the development of residential structures.

The applicant proposes to demolish all of the existing buildings on the site, and is requesting a PUD-related rezoning C-3-C, to permit development of a new mixed-use neighborhood of five residential towers, three of which would be atop retail bases, and all of which would ring a 3.5-acre private park in the center. The development would have the following elements:

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EXHIBIT NO. 12

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CASE NO.06-15
EXHIBIT NO.12

York Avenue and east of West Virginia Avenue on the south side of New York Avenue. 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. There is some residential zoning in the vicinity. An area east of the industrially-zoned strip bordering Bladensburg Road is zoned R-4 and R-5-A. 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 (See Attachment 1)

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. On New York Avenue, 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 generally characterized by Production, Distribution and Repair (PDR) uses to the west, north and east, and residential or open space to the southeast and south.

There are several hotels and motels lining New York Avenue, a Salvation Army office building and service center, and a cluster of fast food restaurants at the intersection of New York Avenue and Bladensburg Road. The historically landmarked former Hecht Company warehouse is nearby and is up for sale. Brokers have indicated that there have been many early expressions of interest.

The nearby neighborhoods are Ivy City, Trinidad and Arboretum. Ivy City has approximately 300 households living, and will be 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.

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 and a Giant grocery.

- **Residential:** Approximately 3,278,00 gross square feet of residential space¹, comprising approximately 3,362 residential units² in eight buildings that, for zoning purposes, are counted as five buildings.
- **Affordable Housing:** The reservation of approximately 250,000 gross square feet (gsf) for housing affordable to households earning up to 80% of the Area Median Income (AMI).
- **Retail:** 143,510 net square feet of retail space, of which 65,000 net square feet is designed to accommodate a grocery store³. The retail space would be on the ground floor of the residential buildings fronting on New York Avenue. The applicant would provide a service road permitting parking and one-way traffic for short-term retail users, underground parking, and a wide, heavily landscaped sidewalk to create a pedestrian-friendly environment for the retail users. There will be underground parking for the retail separate from the residential parking;
- **Open Space:** A private approximately 3.5 acre “park” atop a below-grade parking structure.
- **Recreation Space:** There would be a 40,000 square foot recreation center/health club and child care center for the project’s residents and, possibly, for residents of nearby neighborhoods. The 18,000 square foot (FAR countable) above-ground portion would open directly onto the central park.
- **Parking & Loading:** Underground parking in a 1.1:1 ratio for residential units and at 4 spaces per 1,000 square feet of retail space⁴. There would be at least 3,898 spaces, but the exact number of parking spaces would be determined by the applicant’s decision on how many residential units to build.
- **Exemplary Design:**
 - **Architecture:** Three buildings would rise approximately 130 feet along New York Avenue; five would rise approximately 110 feet along Bladensburg Road and Montana Avenue. From New York Avenue all eight buildings would appear to be the same height, as there is a twenty-foot grade change between New York

¹ The application shows this amount as between 3,253,000 and 3,387,850 gsf. OP has used the figure employed by the applicant’s architectural consultant in calculating the PUD Zoning Analysis on sheet A05.

² The application states there will be between 3,000 and 4,000 units. OP has used the figure employed by the applicant’s traffic consultant in Exhibit G of the application.

³ The application is not clear about gross retail space, net retail space, FAR-countable retail space and whether the “Arbor Club” recreation center is counted as part of the retail space. Retail space is shown as 258,425 gsf on Sheet A09, yet shown as 143,510 on Sheet A06 for the PUD Zoning Analysis’ parking calculations (which should have used gross square feet).

⁴ The applicant has calculated retail spaces on net square footage, rather than gross square footage as is required by 11 DCMR § 2101.1.

Avenue and the intersection of Bladensburg Road and Montana Avenue. The buildings incorporate the first four floors on New York Avenue and the first two to three floors on the other streets into what, because of grade changes, appears to be a common base-height, above which would rise differently articulated residential towers. The applicant has been working with OP so that the architecture would vary among the eight buildings. The north-facing New York Avenue frontage would have a lighter, modern look incorporating plentiful glass and references to the nearby Art Deco Hecht's warehouse. The Bladensburg Road towers would be contemporary with a combination of masonry and glass. The south-facing Montana Avenue facades would be more traditional masonry Washington architecture.

- *Landscape Architecture and Sustainable Design:* The 3.5 acre park would be heavily landscaped and treed and would provide a central green space larger than Dupont Circle. This will provide a pervious surface atop the parking garage that will replace the large extent of impervious surfaces currently on this portion of the site. The applicant has chosen to set each façade back from the building line to permit additional landscape. Along Bladensburg road the applicant has designed "rain garden" storm water runoff catchments. The total pervious surfaces are 2.8 acres. In addition, portions of each building's roof are "green."

A more detailed description of the individual building's architecture, the landscape plan and the low-impact development amenities can be found on pages 9 – 14 of the applicant's filing. The project's amenities package includes landscaped set-backs and low-impact development

III. PROJECT EVALUATION SUMMARY

The Office of Planning (OP) believes this project could be of considerable benefit to the District.

- It would create an attractive mixed-use project at the principal northeastern entrance to Washington that takes advantage of views of the National Arboretum, Aquatic Gardens, and Mt. Olivet Cemetery.
- The project is designed so that there are full elevations on every side. There are no "backs" of buildings.
- It would provide for a 65,000 grocery in an area where the nearest groceries are 1 mile and 1 ¼ mile away.
- It would provide general retail and services to the underserved Ivy City, Trinidad, Gateway and Arboretum neighborhoods.
- Its substantial retail component would capture business from commuters as they exit the District.
- With at least 3,000 housing units, it would be large enough to constitute its own neighborhood, with services and recreation provided on-site.

- It would add at least 250,000 square feet of housing units affordable to households earning up to 80% of the Area Median Income (AMI). This would be the largest amount of affordable housing yet proffered by a private developer, and would involve no displacement of any existing residential uses. (OP has requested that the developer revisit the percentage of affordable units in relations to the overall project in light of the currently passed Inclusionary Zoning standards).
- Its location and design gives the project the potential of attracting residents from those now commuting into the suburban counties.
- It would generate considerably more revenue for the District from sales taxes, income taxes and transfer taxes than does either the current use of a project "industrial" use of the site. OP estimates that the direct fiscal impact of the proposed project would be \$15 million in real estate transfer taxes for 3,000 units and \$6.8 million annually generated, versus \$4.3 million annually for a project developed with industrial zoning.
- It would provide approximately 75,000 square feet of non-grocery retail space to an underserved part of the city.
- Its central park and peripheral low impact development landscaping would reduce existing pervious surfaces and decrease existing storm water runoff.
- It would be generally consistent with written elements of the Comprehensive Plan, the draft Revitalization Strategy for Washington's Northeast Gateway (Gateway Strategy), and the draft Industrial Land Use Study (ILU)⁵.

OP believes this to be forward-looking project that would offer many potential benefits to the District. Prior to a public hearing OP has requested the applicant address several issues in greater detail. These are listed in the last section of this report.

IV. SITE, ZONING, AREA AND HISTORIC PRESERVATION CONTEXT

A. Site (See Attachment 3)

The 697,873 square foot triangular site is in Ward 5 in Northeast Washington, and is generally bounded by New York Avenue, Bladensburg Road and Montana Avenue. Its 16 acres includes all of Square 4286 except Lot 816 and Parcel 153/111⁶, and it is occupied by low-density automobile related uses, a pub and a former adult entertainment venue.

B. Zoning (See Attachment 1)

The entire project area is zoned C-M-1, 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 south to R Street. C-M-2 zoning prevails north of New

⁵ The draft Gateway Strategy and draft ILU are OP documents described on pages 13 and 14 of this document.

⁶ 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.

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 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 hotels and used-car establishments. Farther east is the entrance to the National Arboretum and, beyond that, the headquarters for the *Washington Times*.

The recently completed study of the industrial lands has identified the proposed project's site as one appropriate for change.

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 approximately 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

This site is not within or adjacent to a historic district. There are no designated historic structures within the project area boundaries or 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. PUD APPLICATION

Section II of this report provides a description of the project. The following table summarizes what is permitted by the existing zoning; what would be permitted a PUD under C-3-C zoning, and what the applicant proposes. Because the application has not determined the exact square

footage or those that are relevant to FAR-count, the numbers below reflect OP's estimation of the FAR-countable square footage.

TABLE 1

		Existing Zoning	Applicant Proposed Zoning	Proposed Development
Zoning:		C-M-1	C-3-C PUD	C-3-C
Area:	sq.ft	697,873	697,873	697,873
	acres	16.02	16.02	16.02
Use:		low bulk commercial, lt. industrial	High bulk major business, employment, &/or residential.	High bulk major business, employment, &/or residential.
Height:		60	130	20' - 110' - 130'
Stories:		3	Not regulated	2,11,12
Floor Area Ratio:		3.0-	9.00	5.30
Square Footage	Res	not permitted	xx	3,452,575
	Retail	xx	xx	143,560
	Recreation	xx	xx	18,000
	TOTAL	2,093,619	5,582,984	3,452,575
Unit Count:		Not regulated	Not regulated	2,980
Lot Occupancy:	Res.	100%	100%	50%, but would be
	Non-res			
Roof Structure:		xx	xx	variance for multiple and varied height structures
Parking:	Res. / unit	not permitted	1 sp/ 4 du	3,378 residential (1.1:1) 620 retail (4/1000)
	Retail/sf	1/300sf over 3K sf	1/750 sf over 3K sf	
	Rec./ sf	1 per 2000 sf	1 per	
	TOTAL	n/a	n/a	
Loading Berths:		Grocery: 1@30' & 1@ 55'. Other Retail or Commercial: 1 @ 30' & 1 @ 55'. Residential: 1@ 55'	Grocery: 1@30' & 1@ 55'. Other Retail or Commercial: 1 @ 30' & 1 @ 55'. Residential: 1@ 55'	Grocery: 1@30' & 1@ 55'. Other Retail or Commercial: 1 @ 30' & 1 @ 55'. Residential: 1@ 55'
Loading Platforms		Grocery: 1 @ 100sf & 1 @ 200sf. Other retail : 1@100sf & 1@ 200sf. Residential :1 @ 200sf	Grocery: 1 @ 100sf & 1 @ 200sf. Other retail : 1@100sf & 1@ 200sf. Residential :1 @ 200sf	Grocery: 1 @ 100sf & 1 @ 200sf. Other retail : 1@100sf & 1@ 200sf. Residential :1 @ 200sf

The building-by-building details of the applicant's proposal are shown in the following table.
(See also Attachment 4).

Building	Location	Proposed Use	Number of Stories	Bldg. Height (Feet)	SF of residential	Approx. Number of units	SF of retail	SF Other	Building SF	Relief
A	Corner, NY & Montana	Retail & hi-rise residential	12	130	497,510	414	75,262	12,414 (mezz/stor)	609,667	roof structures
B	NY Ave (west)	Retail & hi-rise residential	12	130	502,373	481	32,538	27,680 (incl. lobby, mezz, 18,000 FAR of 40K sf health club)	640,758	Roof structures
C	NY Ave. (east)	Retail & hi-rise residential	12	130	538,910	511	31,170	30,376	630,018	Roof structures
D	Montana Ave. (northwest)	Hi-rise residential	11, plus 1 terrace level	110	385,723	357	0		385,723	none
E	Montana Ave. (southeast)	Hi-rise residential	11, plus 1 terrace level	110	347,978	315	0		347,978	Roof structures
F	Corner, Montana & Bladensburg	Hi-rise residential	11, plus 3 terrace levels	110	308,740	194	0		308,740	
G	Bladensburg, (south west)	Hi-rise residential	11	110	401,420	343	0		401,420	Roof structures
H	Bladensburg (northeast)	Hi-rise residential	11	30-45	404,696	365	0		404,696	Roof Structures
Total					3,387,350	2665	138,970	70,470	3,729,000	

Table 2: Note that numerical counts for the same item are not always consistent from table to table due to different ways of presenting the same information in the application text, tables and drawings.

VI. 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 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 appears to be 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. It will, however, require refinement and the provision of additional information before the public hearing – particularly a thorough traffic study including mitigation and transportation demand management measures.

Details about the information required are noted in the final section of this report.

A. Relationship to the Comprehensive Plan (10 DCMR)

1. Consistency with Major Themes

In OP's opinion, the proposal would further the following **Major Themes** of the Comprehensive Plan, as outlined and detailed in **Chapter 1 - General Provisions Element**:

- (a) *Stabilizing and improving the District's neighborhoods* – The proposed development would add over 3,000 residents to a part of the District that has seen little residential investment in the last 30 years. The retail aspect of the development would contribute to the revitalization of the New York Avenue Development Opportunity Area identified in the Comprehensive Plan. The project would add a grocery store and other retail for neighborhoods where the nearest major groceries and significant retail concentrations are approximately one mile away.
- (b) *Increasing the quantity and quality of employment opportunities in the District* – Although the proposed development would eliminate a number of jobs in the automotive servicing and entertainment sectors that are now on the site, the 185,000 gsf of retail and leisure-time space will likely generate significantly more jobs than would be eliminated. The over 3,000,000 gsf of residential space would also contribute spin-off jobs. The project would add temporary construction employment opportunities.
- (e) *Respect/improve physical character.* – The site is now unkempt and underutilized. The project would provide an attractive gateway to the city from the Northeast.
- (i) *Promoting enhanced public safety* – The application includes active retail and new residential units that will improve the streetscape and safety in this area. Some recent uses on the site have been of questionable legality and have required police intervention. The development would put approximately 4,000 residents, and additional retail users, into the area.
- (j) *Providing for diversity and overall social responsibilities* – Between 7% and 8% of residential GSF will be devoted to moderate income housing, the largest amount of square feet yet proffered by a private PUD. If conditioned by the Zoning Commission, these proffered units would be maintained in the affordable housing stock for a considerable time period.

2. Elements and Policies of the Comprehensive Plan with Which the Project Appears to Be Not Inconsistent

There are several elements of the Comprehensive Plan that must be considered in evaluating the proposed project.

The Comprehensive Plan includes a number of specific elements of relevance to this application, including ones related to Economic Development, Housing, Transportation, and Land Use. The relevant policies include those that encourage the attraction of new residents; the protection of stable neighborhoods, the minimization of development impact on the physical character of a community; and the retention of an adequate amount of viable industrially-zoned land within the District. With respect to industrially-zoned land, there are policies in the Comprehensive Plan that would support the retention of industrial or commercial uses on this site. There are, however, even more policies that support the development of dense housing at a site that would not disrupt existing neighborhoods.

Chapter 2, the Economic Development Element clearly supports job development at targeted areas outside of downtown.

§206.1 The economic development outside the Central Employment Area objective is to create and expand economic activity and employment centers in target areas outside the Central Employment Area.

Discussion: The approximately 145,000 net sf of retail space would likely bring more permanent employment to the area than would be eliminated by the project. The project is located within the New York Avenue Corridor Development Opportunity Area.

Chapter 3, the Housing Element contains policies that seem to support the construction of housing on this site, particularly if there is a substantial component of affordable housing.

§ 302.2 (e) states: Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized or unused... with particular emphasis upon the needs of low-and moderate-income residents;

§ 303.3 (d) states: Provide zoning incentives, as appropriate, to developers prepared to build low and moderate income housing, such as permitting additional densities in exchange for incorporating low and moderate-income housing in development projects; tie provision of housing into large-scale commercial developments where zoning benefits are sought; ...

Discussion: The applicant has proffered 250,000 square feet of affordable housing at 80% of the AMI. It will be important to ensure that the amount of affordable housing built is at least 8% of the total residential gsf. The provision of 250 or more units of affordable housing would not be possible without the rezoning associated with the PUD.

Chapter 4, the Environmental Protection Element includes the following policy in support of improving regional air quality through the clustering of development within the District.

§ 403.2 (c): Promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips. (Measures which reduce dependence on automobiles for a significant number of trips are essential to a reduction of regional air pollution. Clustering of residences, shopping and work places where they can be served efficiently by Metrorail or frequent bus service promotes this essential independence);

Discussion: Within a regional context, the location offers an unusual opportunity to develop within the District 3,000 to 4,000 residential units that would otherwise have been built in the suburbs. With shuttle bus being provided to Metro and an estimated 20% of peak hour trips being made by public transportation, and with all services needed for day-to-day living likely being located on-site, the development would promote land use patterns and lead to trip reductions that would decrease automobile dependence and assist with the protection of air quality.

Chapter 5, the Transportation Element includes the following objective in support of denser housing and mixed-use development:

§ 502.1 (a): Support land use arrangements that simplify and economize transportation services, including mixed-use zones that permit the co-development of residential and nonresidential uses to promote higher density residential development at strategic locations, particularly near appropriate Metrorail stations.

Discussion: This project promotes higher density residential and mixed use development at a strategic location near a major entrance to the District. While the above-quoted policy gives greater emphasis “particularly” near appropriate Metro stations, the policy applies to all strategic locations. Although it is one-mile from a Metro station, the size of the mixed-project and its strategic location on a major arterial at the District’s northeastern gateway will, in and of itself, help to economize transportation services by providing enough ridership to justify increased service on lines already connecting to Metrorail, to downtown and the to the H Street corridor. The applicant has proffered to provide regular shuttle service to and from the Rhode Island Avenue Metro station until WMATA adjusts bus routes to serve the new development.

Chapter 11, the Land Use Element includes the following policies and objectives to support residential neighborhoods:

§1100.2: District neighborhoods are the cornerstones of the District’s social and physical environment: Land use policies must ensure that all neighborhoods have adequate access to commercial services within the District and sufficient housing opportunities to accommodate a range of needs. These policies must also ensure that the historic, cultural,

and design qualities that make neighborhoods unique and desirable are maintained and enhanced. Adequate recreational opportunities and access to cultural and educational facilities are also necessary ingredients of neighborhood vitality.

§ 1102.1: (a) To conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods including those qualities that make them unique; (b) To enhance other neighborhoods and achieve stability; (c) To redirect public and private initiatives to neighborhoods most in need of improvement and stability; (d) To encourage development of adequate neighborhood shopping and support services in all sections of the District; (e) To protect residential neighborhoods from disruptive uses....

Discussion: In OP's opinion, the proposed project would meet these objectives both by contributing to the ensurance of a broad range of residential neighborhood options in this part of Ward 5, ranging from quiet, low density, park-like neighborhoods to active, high density, mixed-use urban neighborhoods. The proposed development would re-enforce the residential uses in the nearby Arboretum, Trinidad and Ivy City neighborhoods by providing approximately 145,000 square feet of neighborhood-serving or mid-box retail where there is now none.

Chapter 16, the Ward 5 Element contains many policies, objectives and action statements that support the proposed project.

§1605 (d) Ward 5 Objectives for Economic Development: Enhance commercial concentrations ...in order to provide a broad range of goods and services to the ward.

Discussion: The project would provide for approximately 145,000 square feet of retail and services.

§1608.1 Ward 5 Objectives for Housing: Stimulate the production of new housing, such as in Fort Lincoln, and rehabilitate and improve housing in areas such as Ivy City to meet the needs of all the ward's residents, including the elderly and persons with disabilities.

Discussion: The project's 3,000 to 4,000 units would lie midway between Ft. Lincoln and Ivy City. OP believes the project would help to stimulate new construction and/or rehabilitation in both of these neighborhoods.

§1610.3 Ward 5 Environmental Protection: A challenge facing the ward and city is to continue efforts to increase the development of the significant amount of industrial land in Ward 5, while controlling the side-effects that could cause

environmental hazards. Heavy truck traffic, noise, excessive air pollution and vibrations in residential neighborhoods are frequent by-products of industrial land use.

Discussion: With its 2.8 acres of permeable surfaces, and the elimination of many of the existing marginal auto-related uses, the proposed development would contribute to achieving this objective. On a regional basis the location of this high density residential development within the District would have a positive impact on commuting patterns and transit usage and, therefore, on future air quality.

§ 1619.2 The New York Avenue corridor, for example, serves as one of the major gateways into the city from the Baltimore/Washington Parkway. It provides an opportunity to enhance this important entrance way into the city. In close proximity to this gateway is one of the District's major visitor attractions, the National Arboretum, a beautiful park-like center of the U.S. Department of Agriculture, consisting of about four hundred forty-four acres of floral, arboreal and shrub arrangements.

§ 1619.3: The lack of basic amenities in certain areas of the Ward...along with rutted streets, and blighted housing constitute major visual as well as physical problems in a number of ward neighborhoods including Ivy City, Trinidad and Eckington.

§ 1620.1 (b): Give special design attention to those areas within the ward that have a poor physical image, where new development can improve the neighborhood's visual qualities while providing needed services;

§ 1620.1 (d): Strengthen the design and visual character of commercial nodes and corridors that serve ward neighborhoods

Discussion: The corridor has been assumed to be an industrial tract, perhaps with some office or retail use. However, its significant location as a prominent entrance to the city and its aesthetic impression on those entering or leaving the District was emphasized and the proposed project clearly strengthens the image of this important gateway. Although the Ward element does not articulate any vision or implementation actions particular to this site, the project's aesthetic impact along New York Avenue will certainly be improved over existing conditions,

Overall, the project generally addresses Ward 5 objectives through the provision of substantial new residential, business, and neighborhood serving retail development.

B. Relationship to Other Policies and Plans

1. Neighborhood Cluster 23 Strategic Neighborhood Action Plan (OP)

The District has a number of Strategic Neighborhood Action Plans (SNAPs) that were developed between 2001 and 2003. The proposed site is in Neighborhood Cluster 23. This cluster includes the Ivy City, Trinidad, Carver Terrace, Langston and Arboretum neighborhoods in Northeast

Washington. The SNAP identified existing conditions, community desires, and proposed actions that citizens and the government can take to make concrete improvements within communities.

2. Draft Northeast Gateway Revitalization Strategy (OP)

As a follow-up to the SNAP plans for Cluster 23, the District commissioned a development economics study leading to the Northeast Gateway Revitalization Strategy (Gateway Strategy). This is in draft form.

The Gateway Strategy identifies the Triangle as a major development opportunity. The Market Economics section of the report projects that as of 2009, even without the proposed New York – Arboretum development, 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 cluster. The study also 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. In addition, the study 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 square footage of the gap identified by the Strategy for retail, services, etc. is approximately the same as the amount of net retail square footage proposed by the applicant's development. The only new retail developments that would serve Cluster 23 are planned for the Ft. Lincoln New Town Center. These include big-box and mid-box retail such as Costco, Target and a discount grocery store such as Shoppers Food Warehouse. They would be approximately 1 ½ miles from the proposed project site.

Between the existing gap, and the addition of 3,000 to 4,000 new housing units at New York-Arboretum alone, the applicant's proposed development would well-serve both existing and proposed new residential development and would not compete with new development planned elsewhere.

3. Draft District Industrial Land Use Policy (OP)

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".

Discussion: 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. From an economic standpoint, the future use of this site for industrial purposes is highly unlikely. The proposed use represents a marked visual, environmental and economic improvement over the existing uses and takes very positive advantage of this strategic location.

4. Draft 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 *(See also Table 1 of this report)*

1. In the existing C-M-1 zone, and in the proposed C-3-C zone, a PUD has a 15,000 square foot minimum lot area. This 16-acre project meets that standard [Section 2401.1(c)].
2. The maximum Floor Area Ratio may not exceed 3.0 for a PUD under the existing C-M-1 zoning and 6.0 for a PUD in the proposed C-3-C zone. At an FAR of 5.30, the proposal would comply with the standards for a C-3-C PUD.
3. The maximum height may not exceed 60 feet for a PUD in the C-M-1 zone, and may not exceed 130 feet for a PUD in the proposed C-3-C zone, provided this complies with the Height Act. At a maximum of 130 feet high on rights of way of at least 110 feet, and 110 feet high on rights of way of approximately 90 feet, the PUD would comply with the standards for a C-3-C PUD.
4. Both OP and DDOT require more information to evaluate the traffic impact. It is clear that the addition of approximately 1700 cars to the morning peak hour and 2800 cars to the evening peak will have a significant impact on surrounding intersections, some of which currently operate at level of service F. The application does not include traffic mitigation or transportation demand management plans. The applicant has said it will be submitting a more complete traffic study for evaluation. OP has indicated that a traffic mitigation plan will be necessary.
5. At a 1.1: 1 ratio, the project's provision of residential parking appears to be more than adequate. However, the applicant will need to clarify its retail parking calculations, its recreational facility parking calculations and whether the application considers the recreation facility as accessory to the residential uses. The retail calculations appear to be based on net

rather than gross square footage, and it is not clear how parking for the recreation facility is calculated.

For more details, please see Table 1 of this report.

D. Requested Zoning Relief

The application requests that C-3-C zoning be associated with the C-3-C, thereby permitting residential development where none is permitted as a matter of right. With the C-3-C zoning, the applicant is also requesting a 2.3 FAR increase in density from matter of right zoning. The zoning change and the applicant's design translate into a 1,358,956 square foot increase over that permitted as a matter-of-right. The C-3 zones, generally are intended to provide substantial amounts of employment, housing and mixed uses (§740.2. The C-3-C zone permits "medium-high density development, including office, retail, housing, and mixed-use development". The proposed project would provide such mixed residential and retail development

The applicant also requests relief from the prohibition on multiple roof structures and roof structures of varying heights (Section 411.3). OP believes that with structures as long and extensive as the proposed buildings, the otherwise-required roof structure configuration would be overly large and monotonous, and would undercut the desired breakdown of the scale of the buildings into smaller parts.

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 describes the following as elements of its amenities package:

- Exemplary site planning, architecture and landscape design;
- Superior residential amenities such as a private park, health club with basketball court, and swimming pools;
- A parking to unit ratio of higher than 1 to 1.

The applicant considers the following to be some of the many public benefits of the project:

- The provision of housing, generally;
- The provision of 250,000 square feet of residential GSF as workforce housing;
- The provision of approximately 145,000 net square feet for a grocery store and other retail in an underserved part of the District;

- The use of low impact development practices, such as a high percentage of pervious surfaces;
- The generation of substantially more revenue for the District than either the current uses or redevelopment with other PDR uses on the site;
- The dramatic aesthetic improvement of the District's northeastern gateway.

As stated above, OP believes the project has numerous amenities and would bring substantial public benefits. While OP believes the project is worthy of the Commission's setting it down for a public hearing, OP believes the applicant should provide additional information on the project's amenities and public benefits.

OP further notes that, while the proposed 250,000 square feet of affordable housing is a large amount of affordable housing, this represents only 7.2% of the project's residential gsf. The 7.2% is also less than the proposed 8% minimum that the Zoning Commission has already advertised for the proposed Inclusionary Zoning regulations and OP has asked the applicant to revisit this very important issue.

Because no residential uses are currently permitted on the site, it is not possible to calculate the bonus density and to compare the amount of affordable housing being provided in relation to the 15% of bonus density standard that OP has used in several recent PUDs

VII. AGENCY REFERRALS AND COMMENTS

This application will be referred to the following District government agencies for review and comment:

1. Department of Public Works;
2. Metropolitan Police Department;
3. Fire and Emergency Medical Services Department;
4. Department of Housing and Community Development;
5. Department of Transportation;
6. District of Columbia Public Schools;
7. WASA;
8. Department of the Environment, and;
9. Department of Community and Regulatory Affairs (DCRA).

VIII. COMMUNITY COMMENTS

The proposal has received support from ANC 5B, the Arboretum Civic Association, the Friends of the Arboretum and the National Bonsai Foundation.

IX. SUMMARY RECOMMENDATION

The Office of Planning (OP) believes this project could be of considerable benefit to the District.

- It would create an attractive mixed-use project at the principal northeastern entrance to Washington that takes advantage of its strategic location and of views of the National Arboretum, Aquatic Gardens, and Mt. Olivet Cemetery.
- The project is designed so that there are full elevations on every side. There are no “backs” of buildings.
- It would provide for a 65,000 grocery in an area where the nearest groceries are 1 mile and 1 ¼ mile away.
- It would provide general retail and services to the underserved Ivy City, Trinidad, Gateway and Arboretum neighborhoods.
- Its substantial retail component would capture business from commuters as they exit the District.
- With at least 3,000 housing units, it would be large enough to constitute its own neighborhood, with services and recreation provided on-site.
- It would add at least 250,000 square feet of housing units affordable to households earning up to 80% of the Area Median Income (AMI). This would be the largest amount of affordable housing yet proffered by a private developer, and would involve no displacement of any existing residential uses. (OP has requested that the developer revisit the percentage of affordable units in relations to the overall project in light of the currently passed Inclusionary Zoning standards).
- Its location and design gives the project the potential of attracting residents from those now commuting into the suburban counties.
- It would generate considerably more revenue for the District from sales taxes, income taxes and transfer taxes than does either the current use of a project “industrial” use of the site. OP estimates that the direct fiscal impact of the proposed project would be \$15 million in real estate transfer taxes for 3,000 units and \$6.8 million annually generated, versus \$4.3 million annually for a project developed with industrial zoning.
- It would provide approximately 75,000 square feet of non-grocery retail space to an underserved part of the city.
- Its central park and peripheral low impact development landscaping would reduce existing pervious surfaces and decrease existing storm water runoff.
- It would be generally consistent with written elements of the Comprehensive Plan, the draft Revitalization Strategy for Washington’s Northeast Gateway (Gateway Strategy), and the draft Industrial Land Use Study (ILU).

OP has some concerns, however, that need to be addressed before the public hearing. In its ongoing dialogue with OP, it is clear that the applicant has been continuing to refine the proposal since the submission of the application. The applicant has already supplied OP with additional studies and information that it was not able to include in its application documents. The applicant has indicated a willingness to respond to the following requests.

1. A recalculation of the retail and recreation facility parking spaces and ratios, based on gross square footage rather than net square footage;
2. A commitment to the affordable housing's comprising no less than 8% of the total residential gsf;
3. The duration of the commitment to providing affordable housing units;
4. A commitment to the provision of additional amenities/public benefits;
5. Commitment to a LSDBE Agreement and First Source Employment Program;
6. A detailed traffic analysis including existing and projected Levels of Service for intersections at a radius from the site to be determined by the District Department of Transportation (DDOT) ;
7. A Transportation Management Plan and mitigation measures;
8. Clarification of the commitment to operation of a shuttle-bus to the Rhode Island Avenue Metro;
9. Clarification of the application's gross and net square footages for the residential, retail, and recreational uses in the project;
10. Provision of a significantly narrower range of the number of residential units proposed;
11. A list of potential retailers with which the applicant is having ongoing discussion and the status of those discussions;
12. The calculation of the affordable housing as a percentage of the residential gsf;
13. The location/distribution of the affordable housing units;
14. Perspective and view shed studies from the National Arboretum, New York Avenue and Bladensburg Road, both in-bound and out-bound, and from the Arboretum, Ivy City and Trinidad neighborhoods;
15. An estimation of the project's impact on nearby schools;
16. A water and sewer impact-assessment from WASA;
17. An estimation of the number of jobs that would be created on the site versus the number of existing jobs on the site;
18. Exploration of secure pedestrian ways through the site, giving "short-cut(s)" from neighborhoods to south and west to the retail uses on New York Avenue;
19. A comparison of the District tax revenues generated by the site, and an estimation of the revenues that would be generated by the site's redevelopment under matter of right zoning;
20. Exploration of secure pedestrian ways through the site, giving "short-cut(s)" from neighborhoods to the south and west to the retail uses proposed on New York Avenue;
21. Continued exploration of architectural refinements that would increase the visual permeability of the project, lighten the apparent mass of the New York Avenue residential façade and its retail base, provide variations in materials, massing, rooflines and overall design to create the impression of a more "organic" project developed over time;
22. Specification of what additional amenities would be, such as contributions to a neighborhood community center, a neighborhood park, and/or the nearby Humane Society facility.

Attachments (4)

- 1. Location and Context Map, Including Existing Zoning, Neighborhoods and Landmarks**
- 2. Comprehensive Plan Generalized Land Use Designations**
- 3. PUD Boundaries, with Land Use Contours**
- 4. Site Plan and Possible Future Expansion Site**



District of Columbia Zoning Commission Case No. 06-15 New York - Arboretum PUD and Map Amendment

Site Context Zoning Neighborhoods Landmarks

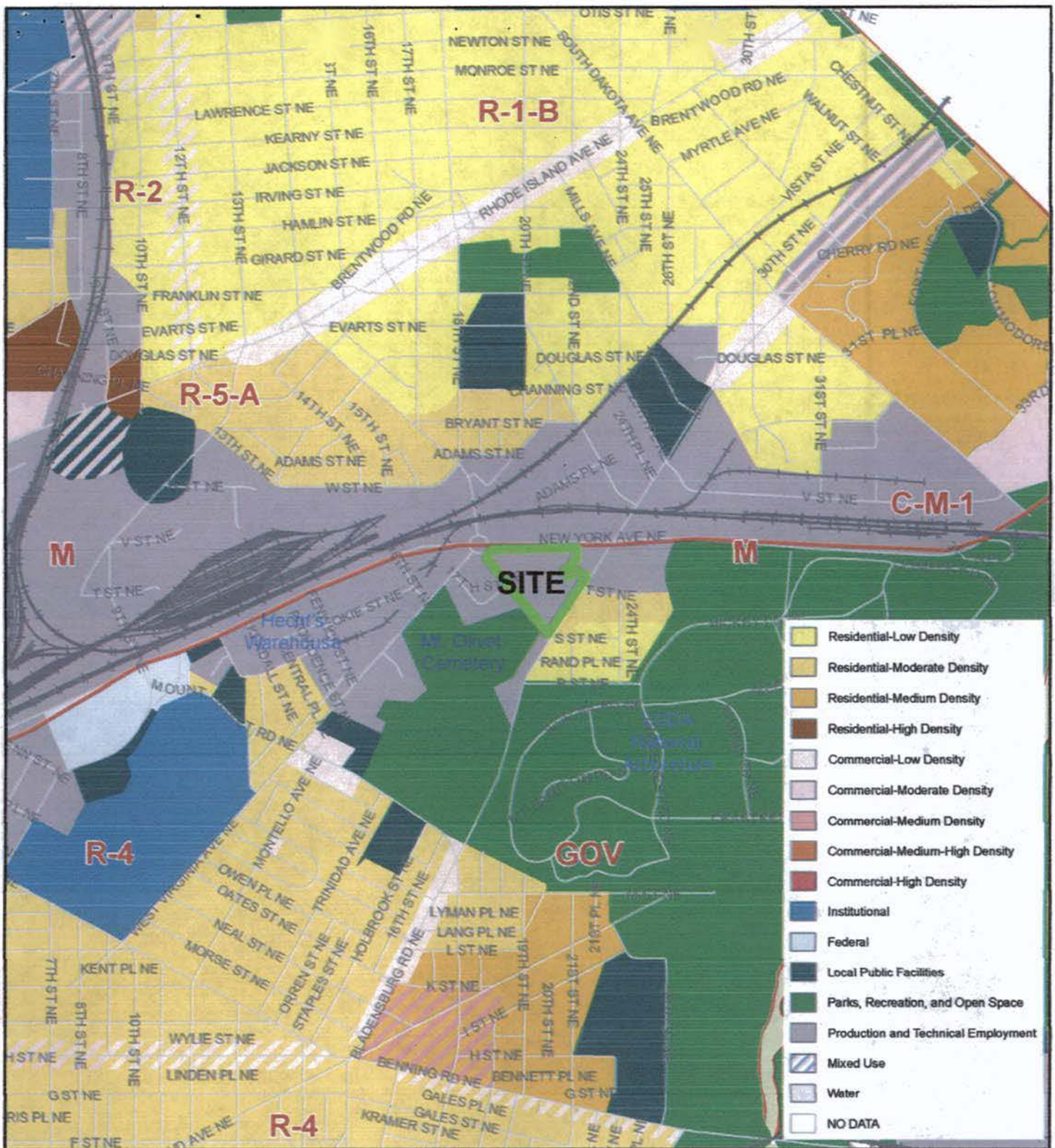
★ ★ ★ Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ April 20, 2006

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.

- Police Stations
- Buildings
- Metro Bus Routes
- Zoning Districts
- Curbs
- Major Roads
- Major Roads (Regional)
- Railroads
- Metro Stations
- Metro Lines

Attachment 1



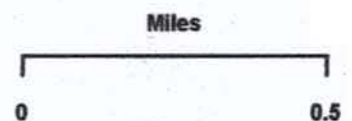
District of Columbia Zoning Commission Case No. 06-15 New York - Arboretum PUD and Map Amendment

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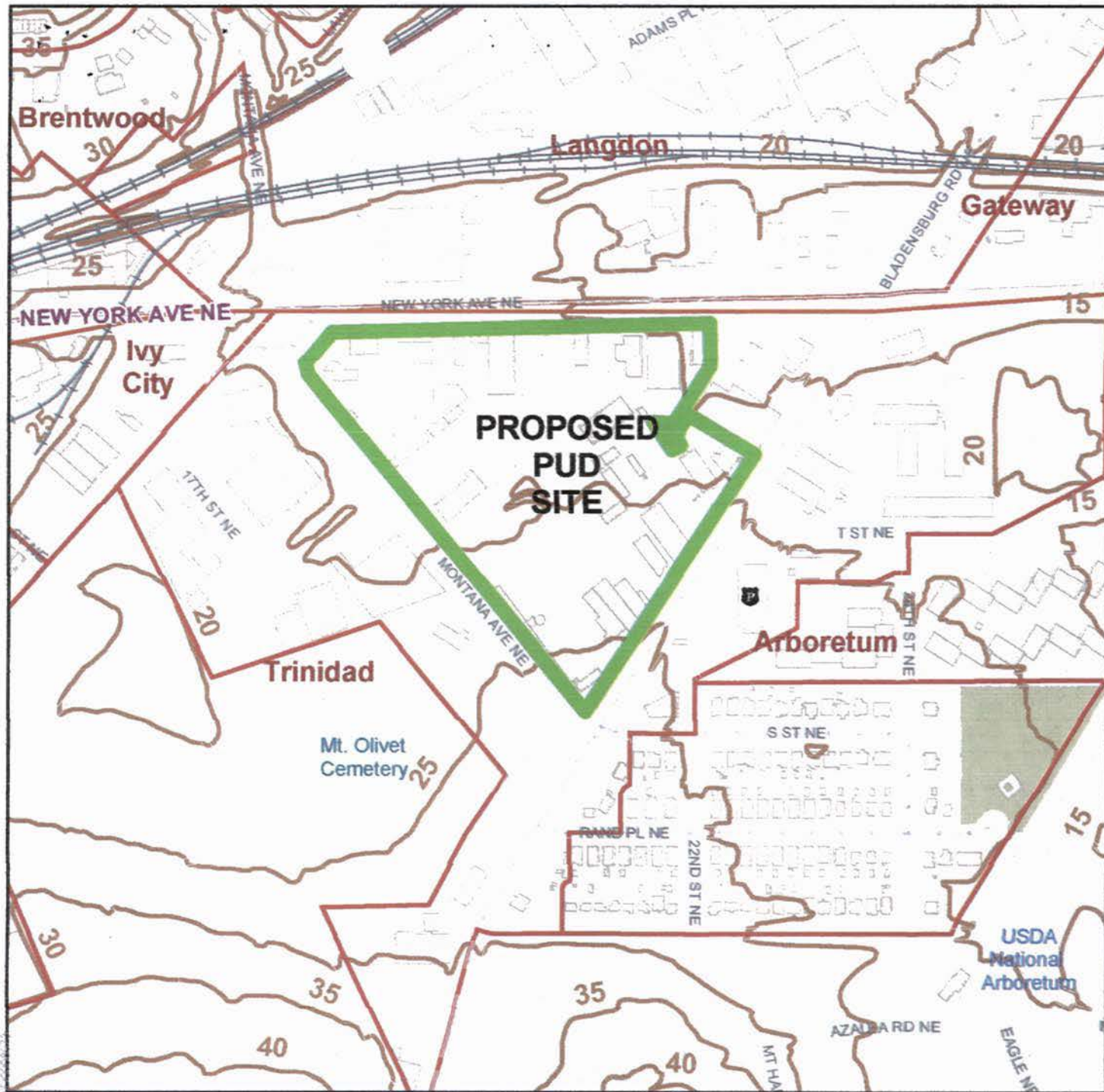
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Generalized Land Use Map

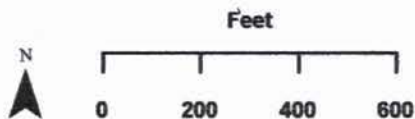


Attachment 2



**Z.C. Case No. 06-15
New York - Arboretum PUD**

**PUD Boundaries
Elevation Contours
Neighborhood Names**



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- Neighborhood Names
- Police Stations
- Buildings
- Elevation Contours - 5m
- Metro Bus Routes
- Zoning Districts
- Curbs
- Major Roads
- Major Roads (Regional)
- Railroads



**Z.C. Case No. 06-15
New York - Arboretum PUD**

**Proposed Site Plan
Possible Future Expansion Site**



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Office of Planning ~ April 28, 2006

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