

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *US for*
Ellen McCarthy, Director
SUBJECT: Final Report – Zoning Commission Case No.06- 15
Consolidated Planned Unit Development and Map Amendment
Land in Square 4268, New York Avenue / Arboretum
DATE: October 30, 2006

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I. APPLICATION AND OP RECOMMENDATIONS

The Zoning Commission set down this case for a public hearing at its Special Public Meeting of June 12, 2006. The November 9, 2006 public hearing will be on the application filed March 22, 2006 by Abdo New York LLC, contract purchaser, as that application has been revised through August 1, 2006. The revised application requests:

- Consolidated review and approval of a 3,473,907 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 CR.

The Office of Planning (OP) strongly supports this project and recommends that the Zoning Commission approve the application, subject to the provision of the additional information noted in the final section of this report.

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 to CR, 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:

- Residential: Approximately 3,266,569 gross square feet of residential space, comprising approximately 3,400 to 3,600 residential units in eight buildings that, for zoning purposes, are counted as five buildings.
- Affordable Housing: The reservation of approximately 261,326 gross square feet (gsf) for housing affordable to households earning up to 80% of the Area Median Income (AMI).
- Retail: 148,000 net square feet of retail space, of which 65,000 net square feet is designed to accommodate a grocery store. 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, plus an additional 3.4 acres of landscaped space on the project’s exterior.
- Recreation Space: There would be a 42,660 square foot recreation center/health club and child care center for the project’s residents and, on a first-come-first served basis, for the general public. The above-ground portion of health club would open directly onto the central park.
- Parking & Loading: Underground parking will be provided at a 1:1 ratio for residential units and at 4 spaces per 1,000 square feet of retail space. There would be at least 3,900 spaces, but the exact number of parking spaces would be determined by the applicant’s decision on how many residential units to build. The number of spaces provided for retail use has increased since setdown, and the ratio of residential spaces has decreased from 1.1 per unit to 1.0 per unit.
- Exemplary Design:
 - Architecture: Three buildings would rise 110 feet along New York Avenue; five would rise 110 feet along Bladensburg Road and Montana Avenue. The project appear to have a varied roof line, as there is a twenty-foot grade change between New York 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 large areas of

glass and references to the nearby Art Deco former Hecht's Company 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 2.25 acres – approximately 16% of the site. In addition, portions of each building's roof are "green", totaling 0.31 acre of green roof.

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 space 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 3,400 housing units, it would be large enough to constitute its own neighborhood, with services and recreation provided on-site.
- It would add approximately 261,326 square feet of housing units affordable to households earning up to 80% of the Area Median Income (AMI). It would equal 8% of the project's total residential square footage, which is consistent with the recently approved Inclusionary Zoning regulations.
- 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 the current use or would a future "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.

- 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)¹.

OP believes this to be forward-looking project that would offer many potential benefits to the District and is crucial to the revitalization of the New York Avenue Corridor and to the reinforcement of the residential character of Ivy City.

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 153/111², 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 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. 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.

¹ The draft Gateway Strategy and draft ILU are OP documents described on pages 13 and 14 of this document.

² 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.

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.

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 New York 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 ½ 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 ¼ mile of the project area. The former Hecht's warehouse is a designated property that lies approximately ½ mile to the west of the project area.

V. PUD APPLICATION

The requested change from C-M-1 to associated CR zoning would permit the proposed residential uses, as well as the requested additional 1,381,791 square feet of development and additional 1.98 Floor Area Ratio (FAR) that would not be permitted as a matter of right with the current zoning.

In response to Zoning Commission concerns, the proposal dated August 1, 2006 reduces the requested zoning category intensity, the FAR and the height. The requested zoning is now the mixed-use CR zone rather than the C-3-C zone more typically associated with areas on the periphery of downtown. The applicant's proposed 4.98 Floor Area Ratio (FAR) complies with the PUD standards for the requested CR zone; this is a reduction from the 5.23 FAR in the original application. The 110 foot height would not exceed the maximum permitted a CR PUD; the height of the buildings along New York Avenue are 20 feet lower than had been originally proposed in conjunction with the then-requested C-3-C zoning.

The 1 to 1 ratio of parking spaces to residential units provides three times as many parking spaces as is required by zoning; the ratio is a slight reduction from the 1.1 to 1 ratio in the original application.

The applicant has proposed several transportation improvements and demand management measures. These include the construction of a service lane along New York Avenue and the provision of shuttle service to the Rhode Island Avenue Metrorail station. The District Department of Transportation (DDOT) has reviewed these measures and told OP that all DDOT concerns have been sufficiently addressed.

The following table summarizes what is permitted by the existing zoning; what would be permitted a PUD under CR zoning, and what the applicant proposes.

TABLE 1

	Existing Zoning	Applicant Proposed Zoning	Proposed Development
Zoning:	C-M-1	CR	
Area: sq.ft acres	697,873 16.02	697,873 16.02	697,873 16.02
Use:	low bulk commercial, lt. industrial	Medium-high density mixed use including residential, office, retail and industrial	Mixed medium-high-density residential and moderate density retail
Height:	60	110	20' - 110'
Stories:	3	Not regulated	2,10,12
Floor Area Ratio:	3.00	8.00	4.98
Square Footage: Res Office/Other Retail TOTAL	not permitted 2,093,619	8.0= 4187280 4.0 = 2291492 4.0= 2291492 4,187,280	3,266,589 31937 (not all FAR) 148,120 3,477,408
Unit Count:	Not regulated	Not regulated	3,200 - 3,400
Lot Occupancy: Res. Non-res	100%	75% 100%	55%
Parking: Res. / unit Retail/sf Office/sf TOTAL	not permitted 1/300sf over 3K sf n/a n/a	1 sp/ 3 du 1/750 sf over 3K sf n/a n/a	34923, residential (11) 602 retail (4/1000) 25 recreation 5,019
Loading Berths:	Grocery: 1 @ 30' & 1@ 55'. Other: 1@ 30' & 1 @ 55'.	Grocery: 1 @ 30' & 1@ 55'. Other: 1@ 30' & 1 @ 55'. Res: 1@ 55'	Grocery: 1 @ 30' & 1@ 55'. Other: 1@ 30' & 1 @ 55'. Res: 1@ 55'
Loading Platforms	Grocery: 1 @ 100sf & 1 @ 200sf. Other ret.: 1@100sf & 1@ 200sf Res:1 @ 200sf	Grocery: 1 @ 100sf & 1 @ 200sf. Other ret.: 1@100sf & 1@ 200sf Res:1 @ 200sf	Grocery: 1 @ 100sf & 1 @ 200sf. Other ret.: 1@100sf & 1@ 200sf Res:1 @ 200sf

VI. PROJECT CLARIFICATIONS AND CHANGES SINCE OP'S PRELIMINARY REPORT AND/OR SETDOWN

The table on the next page lists items for which OP or the Zoning Commission had requested additional information or action, and the applicant's response by the Pre-Hearing Statement.

TABLE 2

ITEM	CHANGE OR RESOLUTION
1. Reduce FAR	Reduced from 5.23 to 4.989 prior to setdown
2. Reduce Height	Buildings on New York Avenue reduced from 130 feet and 12 stories to 110 feet and 10 stories prior to setdown.
3. Address concern about C-3-C zoning so far from the CBD	Requested zoning changed from C-3-C to CR prior to setdown
4. A recalculation of the retail and recreation facility parking spaces and ratios, based on gross square footage rather than net square footage;	Done prior to setdown.
5. A commitment to the affordable housing's comprising no less than 8% of the total residential gsf;	Done prior to setdown.
6. The duration of the commitment to providing affordable housing units;	Applicant proffers 20 years.
7. A commitment to the provision of additional amenities/public benefits; 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.	Done. See Section VII.E, below. Some issues remain in need of resolution with respect to specifics of proposed financial contributions.
8. Commitment to a LSDBE Agreement and First Source Employment Program;	Proposed Memorandum submitted. Requires signature.
9. 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) ;	Done. DDOT's analysis and report will be submitted directly to the Commission.
10. A Transportation Management Plan and mitigation measures;	DDOT report will analyze
11. Clarification of the commitment to operation of a shuttle-bus to the Rhode Island Avenue Metro;	Commitment made. Duration of commitment unclear. Seems to end if WMATA provides Metrobus stop at Montana and West Virginia Avenues.
12. Clarification of the application's gross and net square footages for the residential, retail, and recreational uses	Done prior to setdown.

ITEM	CHANGE OR RESOLUTION
in the project;	
13. Provision of a significantly narrower range of the number of residential units proposed;	Done
14. A list of potential retailers with which the applicant is having ongoing discussion and the status of those discussions;	Not yet provided
15. The calculation of the affordable housing as a percentage of the residential gsf;	Done. 8% affordable housing commitment met. Draft MOU submitted.
16. The location/distribution of the affordable housing units;	Applicant will provide before public hearing.
17. 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;	Done prior to setdown
18. An estimation of the project's impact on nearby schools;	Done prior to setdown.
19. A water and sewer impact-assessment from WASA;	Done prior to setdown.
20. An estimation of the number of jobs that would be created on the site versus the number of existing jobs on the site;	Estimate of new jobs provided. Enumeration of existing jobs on site not yet provided.
21. 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;	Done. Provided.
22. 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;	Done.
23. 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	Done. Height reduced by 20 feet on New York Avenue prior to setdown. August 1, 2006 filing shows greater variety of materials and color, more step-backs, roofline variety and permeability.

ITEM	CHANGE OR RESOLUTION
materials, massing, rooflines and overall design to create the impression of a more “organic” project developed over time;	

The other principal changes bring the actual application drawings into line with the reductions in density, height and zoning to which the applicant had committed prior to setdown.

VII. 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. DDOT is reviewing the potential traffic impact, particularly the traffic study including mitigation and transportation demand management measures.

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**:

- 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.
- 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 148,000 net sf of retail space is estimated to generate 349 direct and 34 indirect jobs. 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 261,326 square feet of affordable housing at 80% of the AMI. The provision of 261 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 3,400 to 3,600 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 148,000 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 148,000 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 3,200 to 3,400 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 2.25 acres of permeable surfaces, 0.32 acres of green roofs, 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. 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.

2. 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.

3. 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 Avenue and Bladensburg Road, which is the site of the proposed project.

The application is consistent with the draft DDOT recommendations for intersection changes.

C. Evaluation of Quantitative Standards

- In the existing C-M-1 zone, and in the proposed CR zone, a PUD has a 15,000 square foot minimum lot area. This 16-acre project meets that standard [Section 2401.1(c)].
- The maximum Floor Area Ratio may not exceed 3.0 for a PUD under the existing C-M-1 zoning and 8.0 for a PUD in the proposed CR zone. At an FAR of 4.98, the proposal would comply with the standards for a CR PUD.
- The maximum height may not exceed 60 feet for a PUD in the C-M-1 zone, and may not exceed 110 feet for a PUD in the proposed CR 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 CR PUD.
- With respect to traffic impact, the development will add approximately 1285 new vehicles to the morning peak hour and 1637 new vehicles to the evening peak. The applicant’s traffic studies indicate that the turning movements at the New York Avenue

and Bladensburg Road intersection will average E during the morning peak hour and F during the evening peak hour, even with the traffic improvements being proposed by the applicant. However, the applicant has proposed a number of transportation improvements and Transportation Demand Management measures that have been reviewed and approved by the District Department of Transportation (DDOT). DDOT staff has told OP that, with the measures the applicant has agreed to, all DDOT concerns have been sufficiently addressed. DDOT has indicated that it intends to file a letter with the Zoning Commission stating that it has no objections to the applicant's proposal.

As was noted in Table 1 on page 7 of this report, the project sufficiently provides for residential and commercial parking and loading.

D. Requested Zoning Relief

The application requests that CR zoning be associated with the PUD, thereby permitting residential development where none is permitted as a matter of right. With the CR-zoning, the applicant is also requesting a 1.98 FAR increase in density from matter of right zoning. The zoning change and the applicant's design translate into a 1,381,791 square foot increase over that permitted as a matter-of-right. The CR zone is intended to encourage a diverse mix of land uses including residential, retail, office and light industrial (§600.1). 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 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 261,000 square feet of residential GSF as workforce housing;
- The provision of approximately 148,000 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 (2.24 pervious acres, 0.31 acres of green roof) and the installation of a Filterra Storm Water Bioretention Filtration System ;
- 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.
- The construction of a service road along New York Avenue, with appropriate landscaping;
- The construction of a pocket park and plaza along New York Avenue, and a public fountain and park at Montana Avenue and Bladensburg Road. The total amount of public open space has increased from 2.04 acres to 2.42 acres since setdown. ;
- The operation of a shuttle to the Rhode Island Avenue Metro;
- The availability of a limited number of Arbor Club memberships to non-residents, on a first-come, first-served basis.

The applicant has also proposed the following cash contributions for specific projects:

TABLE 3

Amenity	Description	Est. Value	Issues
Arboretum Rec. Center	Expansion and or playground improvements	\$100,000	Department of Parks and Recreation has not yet formally agreed to this.
Friends of Arboretum	Unspecified	\$30,000	Intended product of contribution needs specification
Langdon School	Specific Physical Improvements	\$200,000	Applicant should file letter from DCPS accepting contribution
Washington Humane Society	Renovation and equipment for clinic	\$25,000	None
Washington Youth Garden at National Arboretum	Kitchen facilities and pick-up truck	\$150,000	Must be agreed to by USDA
Salvation Army Harbor Light Center.	5 th floor expansion and catering promotion	\$350,000	Still under discussion. Needs letter of agreement from Salvation Army

Amenity	Description	Est. Value	Issues
DDOT	Contribution to NY Ave Corridor Study improvements	TBD	No specifics from applicant or DDOT

Finally, the applicant has estimated that its provision of 261,000 square feet of affordable housing is the equivalent of a \$33.7 million dollar subsidy. This would be approximately \$129,118 for each of approximately 261 units. OP notes that the amount seems to be based on lost opportunity cost, not the difference between the cost of constructing and selling the units. OP has asked the applicant to provide additional information on how the 33.7 million dollars was calculated.

As stated above, OP believes the project has numerous amenities and would bring substantial public benefits. OP also believes that the \$750,000 in cash contributions listed in the table above would be valuable public benefits. However, it is necessary for the applicant to secure a letter of project commitment from for the intended recipient of a contribution before that contribution can be considered as a final proffer.

VII. AGENCY REFERRALS AND COMMENTS

This application has been 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. District Department of Transportation (DDOT);
6. District of Columbia Public Schools;
7. WASA;
8. Department of the Environment, and;
9. Department of Community and Regulatory Affairs (DCRA).

No comments had been received as of October 27, 2006. However, DDOT has told OP it intends to file a letter with the Commission prior to the public hearing, stating that DDOT has no objection to the project.

VIII. COMMUNITY COMMENTS

The proposal has received support from ANC 5B, the Arboretum Civic Association, the Friends of the Arboretum, the National Bonsai Foundation, the Salvation Army Harbor Light Center and the Washington Humane Society.

As of October 27, 2006 there was no written opposition to the project in the case's file.

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 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 space 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 3,400 housing units, it would be large enough to constitute its own neighborhood, with services and recreation provided on-site;
- It would add approximately 261,326 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. It would equal 8% of the project's total residential square footage, which is consistent with the recently approved Inclusionary Zoning regulations;
- 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 83,000 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);

The applicant has responded to all concerns raised by the Zoning Commission, particularly in the reduction of the requested FAR from 5.23 to 4.98 and of the requested PUD-associated zoning from C-3-C to CR.

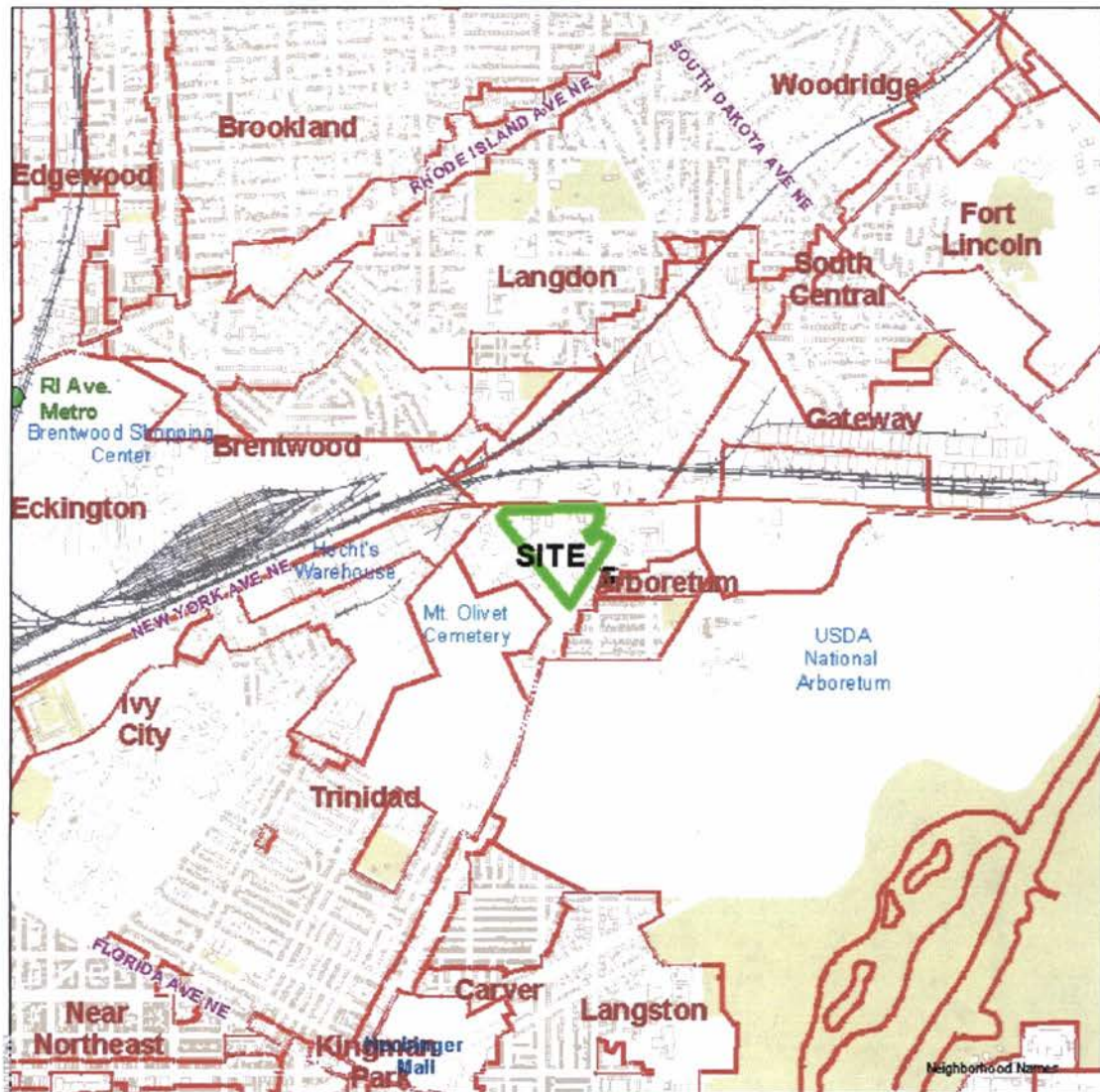
OP strongly recommends the Zoning Commission approve this application, subject to the provision of the following information and/or clarifications:

1. The receipt of a DDOT report noting no objection to the project.
2. Clarification of the length of affordable unit commitment, particularly for rental units.
3. Clarification of how the affordable housing subsidy-equivalent of \$33.t million was calculated.
4. Clarification of proffered public benefits commitments by both the applicant and the intended recipients of contributions noted as having outstanding issues in Table 3, above.

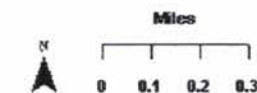
EMcC/slc

Attachments (3)

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



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



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

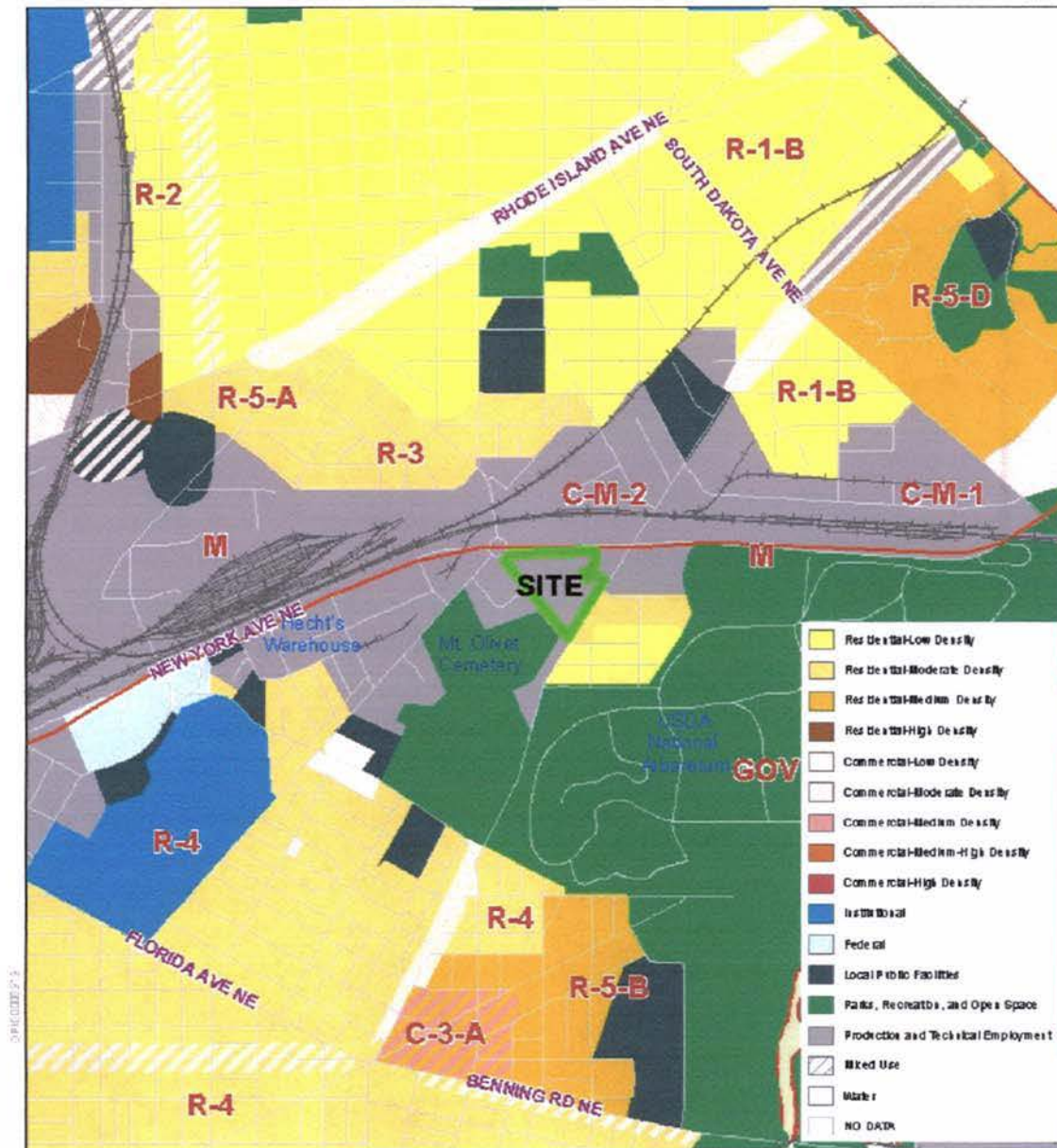
Office of Planning ~ April 28, 2006

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.

**Site Context
 Zoning
 Neighborhoods
 Landmarks**

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

Attachment 1



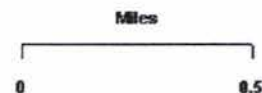
**District of Columbia
 Zoning Commission Case No. 06-15
 New York - Arboretum PUD
 and Map Amendment**

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

Office of Planning ~ April 20, 2006

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Generalized Land Use Map



Attachment 2

