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MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, ^{JS} Deputy Director

DATE: October 30, 2009

SUBJECT: Zoning Commission Case No. 09-15: **Setdown Report** for a Consolidated Planned Unit Development and Zoning Map Amendment for 1412 Chapin Street N.W.

I. SUMMARY RECOMMENDATION

G.K.D. 1412 Chapin Street, LLC and Dantes Partners, LLC have applied for a consolidated Planned Unit Development (PUD) and a related map amendment to rezone the site from R-5-B to C-2-B to accommodate a residential building with 44 affordable units. The proposal is not inconsistent with the Comprehensive Plan. As such, the Office of Planning (OP) recommends that the PUD and related map amendment be setdown for public hearing.

II. APPLICATION IN BRIEF

Location: 1412 Chapin Street N.W. between 14th and 15th Streets N.W.; Square 2661, Lot 152; Ward 1, ANC 1B.

Applicant(s): G.K.D. 1412 Chapin Street, LLC and Dantes Partners, LLC

Current Zoning: R-5-B

Property Size: 9,000 square feet

Proposal: The Applicant proposes a PUD and related map amendment to construct a 5 story building containing 44 residential units. The building would be 57' high and have a density of 5.36 FAR. In addition to IZ requirements, all units would be affordable for households earning no more than 60% of the Area Median Income (AMI).

Relief and Zoning: Pursuant to 11 DCMR Chapter 24, the Applicant requested the following relief:

1. PUD-related map amendment to C-2-B
2. Waiver of minimum area requirements for a PUD (§ 2401.2(b))
3. Variance to the percentage of lot occupancy (§ 772)
4. Variance from the rear yard requirement (§ 774)
5. Variance from the parking requirement (§ 2101)
6. Variance from the loading requirement (§ 2201)

Although originally requested by the Applicant, OP does not believe that parking (§ 2101) or loading (§ 2201) relief would be necessary. Conversely, the Applicant may need special exception relief for the number of rooftop structures (§ 411).

III. SITE DESCRIPTION

The subject property is Lot 152 in Square 2661, also known as 1412 Chapin Street N.W. (hereinafter, the "Property"). It is located on the south side of Chapin Street, between 14th and 15th Streets NW. The Property is rectangular in shape, with 60' of frontage along Chapin Street and a depth of 150', and measures 9,000

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square feet. The Property slopes downward to the east and south. It is currently unimproved and is zoned R-5-B. A previous building on the site, the "Berkshire," occupied more than 90% of the lot and was 6 stories high (before it was destroyed by fire in late 1996). Immediately to the Property's east is the western boundary of a C-2-B zone. The Property also borders 20' wide public alleys to the east and south.

IV. AREA DESCRIPTION

Square 2661, where the Property is located, is split zoned R-5-B and C-2-B. The majority of the Square is developed with apartment buildings ranging from 3 to 6 stories. Several residential flats face Chapin Street as the block approaches 15th Street. To the east of the Property, a C-2-B zone borders 14th Street and stretches from Florida Avenue NW to Columbia Road NW. Several mixed use building projects are approved for or in the process of being developed along the 14th Street Corridor in close proximity to the subject Property.

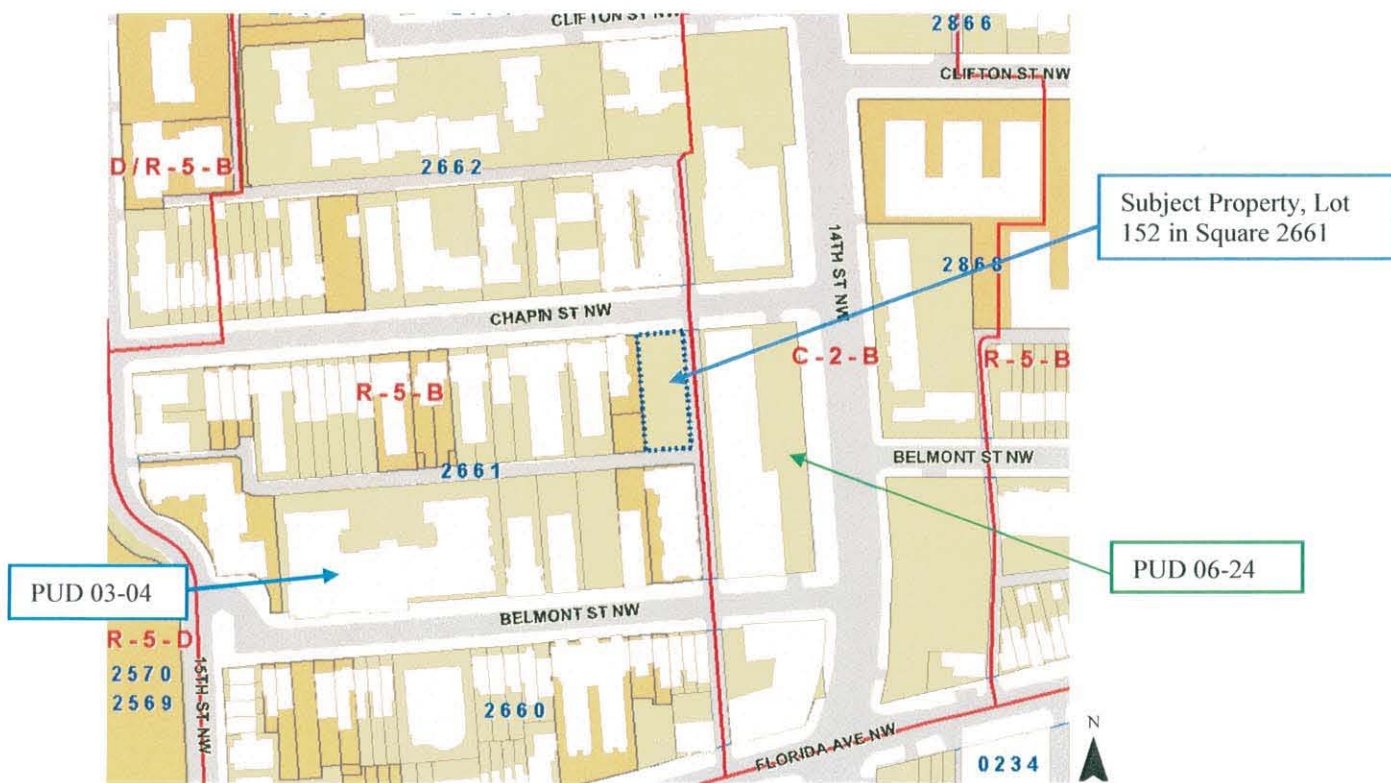


Exhibit 1: Zoning Vicinity Map

More specifically, to the north of the Property across Chapin Street are five story apartment buildings containing 46 units (1415 Chapin Street) and 29 units (1417 Chapin Street). To the immediate west of the Property is a vacant 4 story apartment building containing 16 units (1416 Chapin Street), and residential uses continue west along Chapin Street and become lower in scale. To the south of the Property, across the alley, is a now vacant lot (1417 Belmont Street). A PUD was approved in 2004 for 1451 Belmont Street to accommodate 103 residential units (ZC Case No. 03-04). To the east of the Property is a vacant lot zoned C-2-B which received PUD zoning approval in 2006 (ZC Case No. 06-24).¹ Plans call for the construction of a mixed use building that would measure 90' in height, 6.0 FAR, and approximately 240,000 square feet. The building will include 225 dwelling units of market rate and affordable housing and ground floor retail.

¹ The project was recently granted a two-year time extension. See ZC Order No. 06-24B (June 8, 2009). This site formerly was occupied by the Nehemiah Shopping Center.

The Chapin Street right-of-way is 65' wide, and vehicle traffic moves eastbound only. There is parking on both the north and south sides of Chapin Street. The subject site is approximately 6 blocks from both the U Street and the Columbia Heights Metro stations and is served by several Metrobus lines along 14th Street.

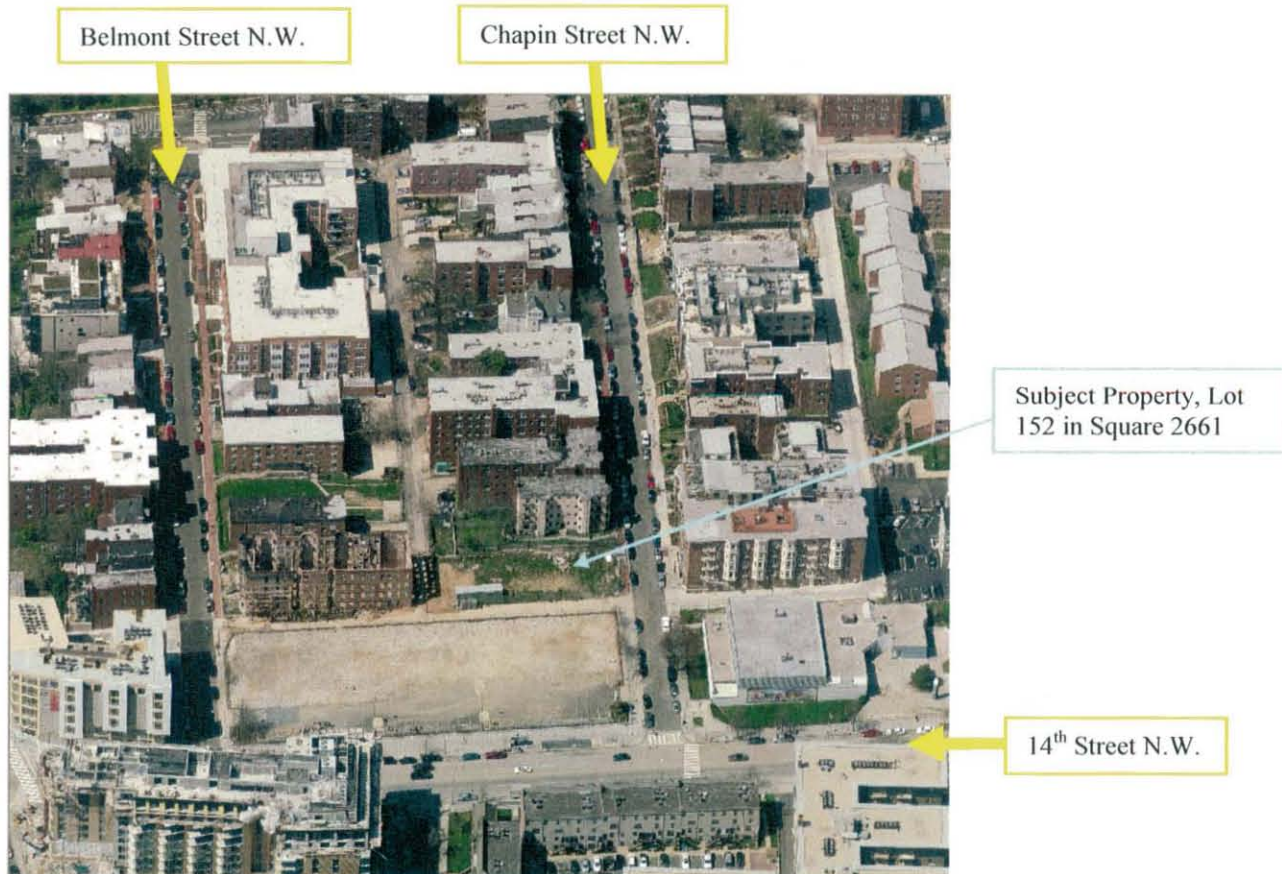


Exhibit 2: View of the Property Looking West Across 14th Street N.W.

IV. PROJECT DESCRIPTION AND OFFICE OF PLANNING ANALYSIS

The application proposes to construct a five story residential building containing 44 units. The unit composition would be 9 studios, 26 one-bedroom, and 9 two-bedroom units. The building would rise 57' high and contain 48,258 square feet of gross floor area. All of the units would be set aside for affordable housing. The Inclusionary Zoning (IZ) regulations require that 10% of the Property's matter of right R-5-B density be set aside for eligible low and moderate-income households (§ 2603.1). The Applicant is proposing that the rest of the units would be dedicated to affordable housing at 60% AMI for a duration of 30 years.

The building form would generally resemble a 'U' shape, with floors two through five arranged around an interior courtyard. The ground floor of the building would occupy 100% of the lot with a community room for residents located on the building's west side. The roof of the community room would function as an open-aired terrace and form the base of the courtyard. On the roof above the fifth floor, which would be accessible by an elevator and two stairways, there would be a terrace containing a trellis and plantings. Rooftop enclosures for the elevator and stairways would measure 14' in height. Mechanical equipment less than 4' in height would be located at the south end of the roof. On the north end of the roof, a glass vaulted ceiling for one of the apartment units would rise less than 4' high. In general, floors two through five would

project into public space on the north, east, and south side of the building to provide additional living space. Some units would also have balconies.

Primary access to the building would be from Chapin Street into a lobby on the north side of the building. Partly below grade vehicle parking would be accessed from the rear of the building via the 20' wide alleys. The garage would have 15 standard vehicle parking spaces, one handicap parking space, and one space dedicated to loading located adjacent to an elevator bank. There would be 41 indoor bicycle parking spaces.

The materials used for the building façade would include metal paneling, CMU, brick and stone veneer, fiber siding, and precast stone band. The west side of the building would include no windows, with the exception of those located within the courtyard, to prevent the introduction of at-risk windows. The Applicant has indicated a willingness to provide greater façade articulation on the west wall to enliven its appearance.

V. ZONING

The site, as well as the majority of the Square, is zoned R-5-B. Directly to the east of the lot, across a 20' wide alley, is a C-2-B zone. The Applicant is requesting a map amendment to C-2-B. The following table is a comparison of the R-5-B, C-2-B, and C-2-B/PUD standards, and the proposed development:

Requirement	R-5-B (Matter of right)	C-2-B (Matter of right)	C-2-B/PUD	Proposal	Deviation
Height (max.)	50'	65'	90'	57'	No relief needed
FAR (max.)	1.8 (MOR) 2.16 (IZ)	3.5 residential 1.5 non-residential	6.0 (total) 2.0 (non-residential)	5.36 (all residential)	No relief needed
Side yard (min.)	N/A	N/A	N/A	0'	No relief needed
Loading (min.)	None	None (for 44 units)	None (for 44 units)	1 delivery space @ 19' deep	No relief needed
Parking (min.)	1 for each 2 dwelling units	1 for each 3 dwelling units	1 for each 3 dwelling units	16	No relief needed
Lot Area (min.)	N/A	N/A	15,000 sq. ft.	9,000 sq. ft.	Relief requested: 6,000 sq. ft., or 40%, deficient
Lot Occupancy (max. residential)	60%	80%	80%	100% at ground floor; 86.6% floors 2-5	Relief requested
Rear yard (min.)	15'	15'	15'	0'	Relief requested: 15' deficient

VI. FLEXIBILITY

The following relief is required from the Zoning Regulations:

PUD and Related Map Amendment

The application requests a PUD related map amendment from R-5-B to C-2-B principally to accommodate an FAR of 5.36, which represents approximately 28,800 square feet more than what is now permitted by right (including the IZ bonus) on the site.

Lot Area Requirement

The Property has a total square footage of 9,000 square feet. Section 2401.1 states that the minimum area required for PUDs in the C-2-B District, which is the requested zone pursuant to the map amendment, is 15,000 square feet. Section 2401.2 allows the Commission to waive up to fifty percent (50%) of the requirement provided that:

- (a) *The Commission shall find after the public hearing that the development is of exceptional merit and in the best interest of the city or country; and*
- (b)(1) *If the development is to be located outside of the Central Employment Area, at least eighty percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto...*

The lot area of the Property is 60% of the required amount, meaning it is 6,000 square feet below the minimum threshold. The Property is outside of the Central Employment Area and the proposed development would be exclusively residential dwelling units. The application states that the proposed development is of exceptional merit.

Lot Occupancy Requirement

Section 772 limits residential lot occupancy to 80%. On the ground floor, the proposal indicates a lot occupancy of 100%, which would be entirely dedicated to residential uses including apartments, lobby, and community room space for residents. The building slims to approximately 87% lot occupancy on floors 2 through 5 as it forms a "U" shape around an interior courtyard space. The Applicant contends that, due to the limited size of the Property, conforming to the 80% lot occupancy cap would lead to a reduction in the number of affordable units proposed.

Rear Yard Requirement

While a 15' rear yard is required under § 774.1, the proposed design includes no rear yard space. The Property abuts a 20' wide alley to the south. Section 2405.5 permits the Zoning Commission the "option to approve yards or courts greater or lesser than the normal requirements, depending upon the exact circumstances of the particular project." The application states that complying with the rear yard setback would result in a loss of ten units and at least 4 parking spaces in the building.

Roof Structure

Relief may be required from the number of rooftop structures, as the regulations generally limit rooftop structures to one enclosure per building. The roof plan (A2.5) shows a connected elevator and stair enclosure to the north of the courtyard, as well as a stair enclosure to the south of the courtyard. The Applicant indicated that the mechanical equipment at the building's south end and a vaulted ceiling on the building's north end are under 4' high, meaning that they would not need relief from § 411. The Applicant should confirm the proper roof relief prior to a public hearing.

VII. PUD EVALUATION STANDARDS

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is "designed to encourage high quality developments that provide public benefits." In order to maximize the use of the site consistent with the zoning regulations, and be compatible with the surrounding community, the application requests that the proposal be reviewed as a consolidated PUD. This will allow the use of the flexibility stated in § 2400.2:

The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number of quality public benefits and that it protects and advances the public health, safety, welfare, and convenience.

The application requests a change in zoning of the Property, with the primary consequence being the approximately 3.2 FAR gained above the permitted amount by right in an R-5-B zone (including the IZ bonus). Public benefits proposed in the application are discussed below.

The PUD standards further provide that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project” (§ 2403.3). Based on the information provided, OP believes that the project would have an overall positive impact on the neighborhood and the District. A more comprehensive analysis of the proposal against specific PUD standards and requirements will be provided prior to a public hearing.

VIII. PUBLIC BENEFITS AND AMENITIES

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, § 2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” To assist in the evaluation, the Applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to the typical development of the type proposed...” (§ 2403.12).

The application has offered the following benefits and amenities as an offset to the additional development gained through the application process. In this case, the development obtained through this PUD amounts to 28,800 square feet more than what is now permitted by right on the site (including the IZ bonus). The application listed the following benefits and amenities:

1. *Urban design, architecture, landscaping or creation or preservation of open space* – The overall form is appropriate to the area. OP has asked for additional details regarding façade materials and projections into public space, particularly in relation to any impact on the functioning of the alley.
2. *Site planning, and efficient and economical land utilization* – The proposal would make better use of a currently unimproved site that is within close proximity to two Metro stations and several Metrobus lines.
3. *Transportation features (proximity to transit, flex car space)* – The application has proposed several transportation management measures. The Applicant would provide each resident with a one-time, complimentary \$50.00 SmartTrip fare card for Metro use, a one-time membership fee subsidy in D.C. SmartBike for each unit, and a one-time membership fee subsidy for participation in Zipcar for each residential unit upon initial move-in. The project would also provide 41 indoor bicycle parking spaces.
4. *Employment and training opportunities* – The Applicant would partner with Mentoring Works2, Inc. “MW2”, a community based non-profit organization that operates mentoring programs with at-risk, inner-city youth. The application indicates that the partnership would allow youth participating in MW2’s programs to observe the PUD process from the design through the construction phase. Additionally, the Applicant will execute a First Source Employment Agreement with the Department of Employment Services (DOES) and enter into an agreement with the D.C. Department of Small and Local Business Development office to promote and encourage the hiring of District of Columbia residents.
5. *Housing and affordable housing* – The application proposes an entirely affordable residential building. Aside from the IZ regulations, which require that 10% of its matter-of-right R-5-B density to be devoted

to low and moderate income affordable housing, all remaining units would be affordable at 60% of AMI for a duration of 30 years. The application does not include a mix or location of the units proposed for the IZ units as opposed to the term affordable units. Should the Commission setdown this case, OP will work with the Applicant to provide more information and detail on the affordable housing component.

6. *Environmental Benefits* – The application proposes to construct the building in accordance with the 2008 Enterprise Green Criteria.² The application indicates that project features would include “a lushly landscaped roof garden, high emissive roofing (reducing height island effect), privately metered electrical services, individually-controlled heating and air conditioning units, non-vinyl and non-carpet floor coverings for improved indoor air quality” Should the Commission setdown this case, OP will work with the Applicant to provide more information and detail on the sustainable building features.

IX. COMPREHENSIVE PLAN LAND USE MAPS

The Future Land Use Map recommends the subject site, as well as the majority of the Square, for medium density residential (see Exhibit 3 below). The medium density residential designation describes areas “where mid-rise (4-7 stories) apartment buildings are the predominant use.” The R-5-B and R-5-C zones are generally consistent with the Medium Density designation, although other districts may apply. To the immediate east of the subject property, adjacent to the 14th Street Corridor, the Future Land Use Map designates the area as mixed Medium Density Commercial/Medium Density Residential. Medium Density Commercial Zones are generally C-2-B, C-2-C, C-3-A, and C-3-B, although other districts may apply.

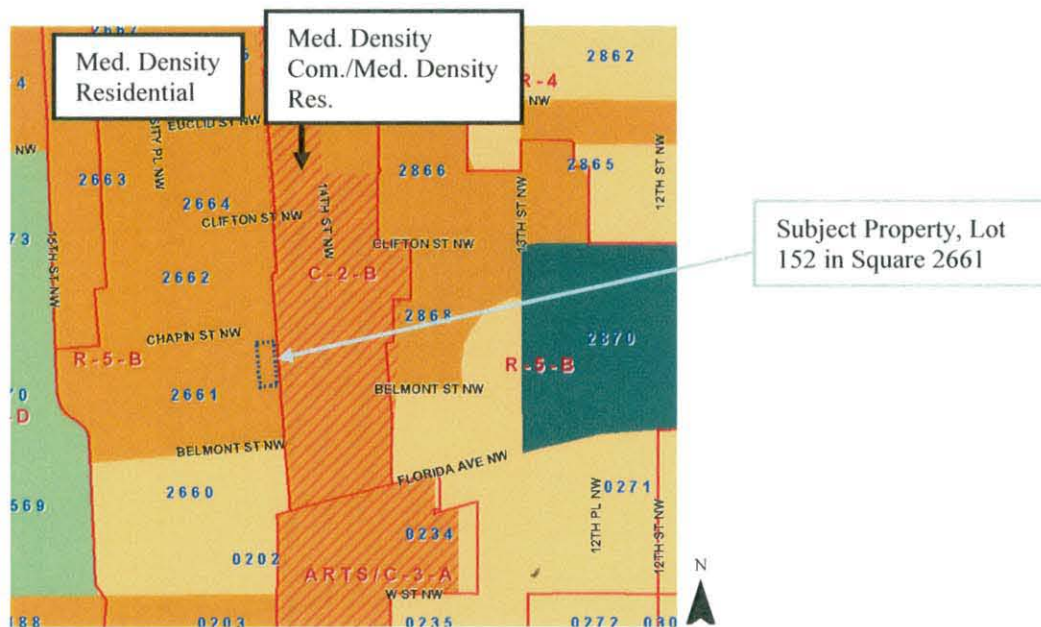


Exhibit 3: Comprehensive Plan Future Land Use Map

The Generalized Policy Map recommends the site as a neighborhood conservation area, where the guiding philosophy is to “conserve and enhance established neighborhoods.” Further, the “diversity of land uses and

² According to its website, the “Green Communities criteria was developed collaboratively by Enterprise and a number of leading national organizations and experts for the purpose of providing a clear, cost-effective framework for all kinds of affordable housing: new construction and rehabilitation in multifamily as well as single family buildings. The Green Communities criteria are aligned with the LEED (Leadership in Energy and Environmental Design) Green Building Rating System®. The US Green Building Council, through LEED, strongly supports the Green Communities initiative. In addition, the Green Communities criteria reflect and are compatible with leading state and local green building programs.” See <http://www.greencommunitiesonline.org/tools/criteria/>.

building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area.”

In general, the Comprehensive Plan Land Use Maps are intended to provide generalized guides for development and conservation decisions. The Future Land Use Map, for instance, should “be interpreted broadly.” The proposed PUD and related map amendment would not be inconsistent with the Comprehensive Plan Maps.

The Comprehensive Plan also provides the following land use policy guidance:

Policy LU-1.4.1: Infill Development

Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

Policy 1.4.3: Zoning of Infill Sites

Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single family and row house neighborhoods that are currently zoned for multi-family development.

Policy H-1.1.3: Balanced Growth

Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher density housing.

Policy H-1.1.5: Housing Quality

Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood.

Policy H-1.2.1: Affordable Housing Production as a Civic Priority

Establish the production of housing for low and moderate income households as a major civic priority, to be supported through public programs that stimulate affordable housing production and rehabilitation throughout the city.

Policy H-1.2.2: Production Targets

Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years should be affordable to persons earning 80 percent or less of the areawide median income (AMI). Newly produced affordable units should be targeted towards low-income households...

Policy H-1.2.5: Workforce Housing

In addition to programs targeting persons of very low and extremely low incomes, develop and implement programs that meet the housing needs of teachers, fire fighters, police officers, nurses, city workers, and others in the public service professions with wages insufficient to afford market-rate housing in the city.

Policy H-1.2.7: Density Bonuses for Affordable Housing

Provide zoning incentives to developers proposing to build low- and moderate-income housing. Affordable housing shall be considered a public benefit for the purpose of granting density bonuses when new development is proposed ...

Policy E-3.2.1: Support for Green Building

Encourage the use of green building methods in new construction and rehabilitation projects, and develop green building methods for operation and maintenance activities.

Policy MC-1.1.3: Infill and Rehabilitation

Encourage redevelopment of vacant lots and the rehabilitation of abandoned structures within the community, particularly along Georgia Avenue, Florida Avenue, 11th Street, and North Capitol Street, and in the Shaw, Bloomingdale, and Eckington communities. Infill development should be compatible in scale and character with adjacent uses.

Policy MC-1.1.7: Protection of Affordable Housing

Strive to retain the character of Mid-City as a mixed income community by protecting the area's existing stock of affordable housing units and promoting the construction of new affordable units.

MC-2.2 14th Street Corridor/Columbia Heights

... South of Columbia Heights, medium-density mixed use development is proposed on many blocks extending south from Irving Street to U Street. Redevelopment over the next ten years will reshape the corridor from auto-oriented commercial uses, including several "strip" shopping centers and warehouses, to an attractive urban residential street. Special efforts should be made to refurbish and preserve subsidized housing along the corridor, and to establish appropriate transitions in scale and density between the corridor and the less dense residential areas on the west and east....

X. AGENCY REFERRALS

Subsequent to setdown for a public hearing, the application would be referred to District government agencies for review and comment, including:

- Department of Transportation (DDOT);
- Department of the Environment (DDOE);
- Fire and Emergency Medical Services Department (FEMS); and
- DC Water and Sewer Agency (WASA).

XI. RECOMMENDATION

OP supports the proposal for affordable housing. The proposed PUD and related map amendment are not inconsistent with the elements of the Comprehensive Plan. Therefore, OP recommends that the application be setdown for public hearing. OP will continue to work with the Applicant towards a more detailed review prior a public hearing.

JS/pg
Case Manager, Paul Goldstein