

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director Development Review & Historical Preservation

DATE: May 8, 2015

SUBJECT: Zoning Commission Case No. 14-01A–Final Report- **Modification**
Consolidated PUD, including a minor expansion of the PUD site area (1,785.7 square feet) and related Map Amendment from the C-M-3 to C-3-C zone district, at 1401-1535 New York Avenue, NE (Square 4037, Parts of Lots 0007 and 0804)

I. RECOMMENDATION

The Office of Planning (OP) recommends approval of the modification request to the previously approved consolidated PUD, which is intended to permit a new two-story, retail building. The new building would be mainly on a portion of the original PUD site previously devoted to the circular driveway. The modification would allow the small retail building within the circular drive, and would slightly extend the PUD boundary into adjacent lands currently zoned C-M-3.

The request is not inconsistent with the Future Land Use and Generalized Policy Maps, as explained within the report, and it would not change the material facts upon which the original PUD was decided.

II. BACKGROUND

The proposed revisions are compared with the approved PUD site, as follows in the table below:

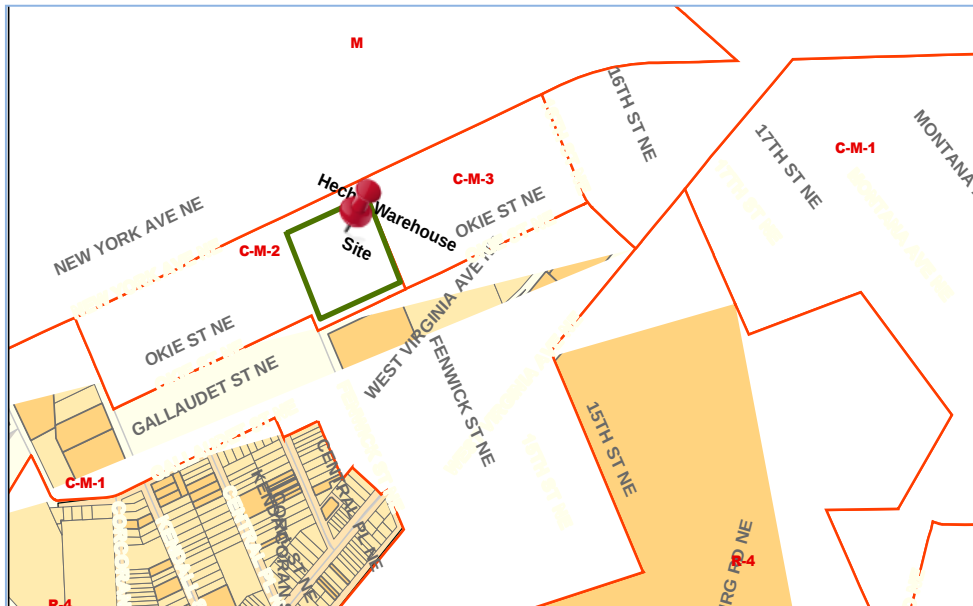
Approved PUD Site Order 14-01 (effective 8/8/2014)		Revised PUD Site Modification Request – 14-01A
AREA	119,037.97 sf	119,037.97 sf + 1,785.7 sf = 120,823.67 sf (1.2% increase)
ZONE	C-M-2 District to PUD/C-3-C District	C-M-3 to PUD/C-3-C District for 1,785.7 sf, east of the PUD site (16.45 ft. x 108.5 ft.)
USE	Warehouse to mixed-use	No change.
Retail	196,343.8 sf of GFA – 1 st and 2 nd Fl. 5,590 sf of GFA – cellar	Retail – 8,074 sf on two floors within a new structure.
Residential	338 units (326,901.3 sf of gfa) 3 rd - 7 th floors	No change.
GFA	559,245 sf	559,245 sf + 8,074 sf = 567,319 sf (1.4% increase)
FAR	4.7	No change.

The applicant responded to the Commission's concerns expressed at the February 9, 2015 public meeting with updated architectural drawings (*Exhibits 23 and 23A*).

III. SITE AND AREA DESCRIPTION

The overall subject site is located on the western portion of Square 4037, on a flat rectangular parcel bounded by New York Avenue to the north, Okie Street to the south, 16th Street NE to the east and Fenwick Street to the west. The 1937 historic landmark (Hecht Warehouse) has two contributing portions developed in 1948 and 1961. The former warehouse has been recently adapted for reuse per the approved PUD and now accommodates a grocery on the ground floor. Other uses would also be locating in the remaining spaces in the near future. A semi-circular drop off with a central ring of trees was approved for the residential component, off Hecht Avenue at the southeast portion of the original PUD site.

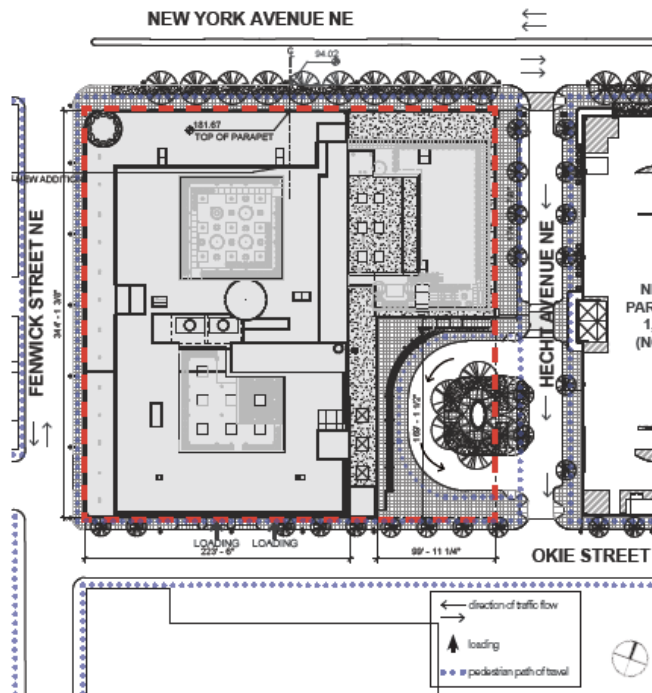
The site is surrounded by parcels typically developed with one and two-story buildings that are either vacant or currently underutilized and within the C-M-2 and C-M-3 zone districts. Residential row homes and small apartment buildings are located within walking distance, south of the square, in the R-4 district.



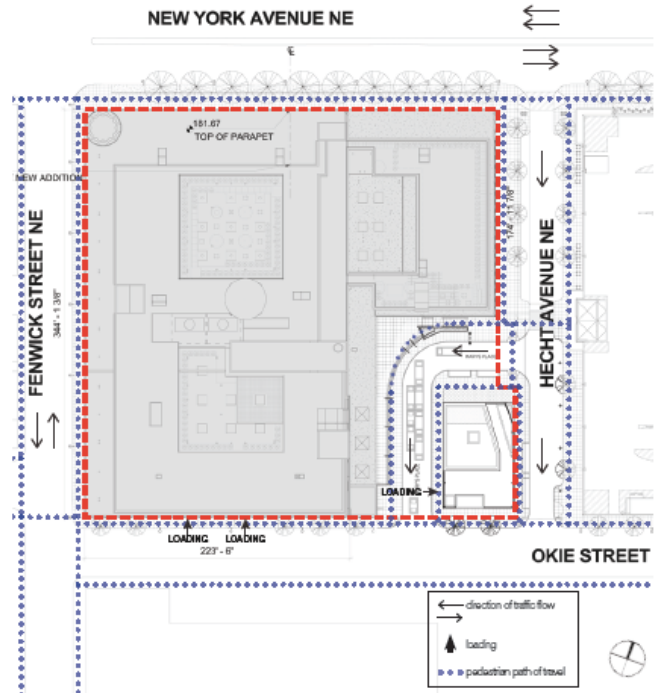
Location and Zoning Map of Approved PUD 14-01

IV. PROJECT DESCRIPTION

The revised PUD site shown on the recent April 27, 2015 Plan submission (Exhibit 23A) proposes a new two-story structure on a 7,703 square foot lot with up to 8,074 square feet of additional floor area. The lot would be created in the location of the approved driveway and court area off Hecht Avenue, at the southeast portion of the original PUD site. The related map amendment from the C-M-3 to the C-3-C District is intended for the proposed 1,785 square foot PUD area addition shown (*Exhibit 23A- Pgs. 5, 13*). The request also includes a request to allow two principal buildings on one lot pursuant to Section 2517.



Previously Approved



Proposed



Proposed View from Okie Street (Plan - Pg. 10)

Commission Comments

Design and Material Use

The Commission recommended some design changes to the large blank walls along the north, south and west facades of the proposed retail building, including a more festive appearance from all building sides. The applicant proposes to enhance these facades with glazed perforated metal panels, as shown in the plans. *A reflective surface would be placed behind the perforated panels to provide a “shimmering/glowing effect during the day.”* Bronze coated aluminum composite panels and portions clad in metal perforated panels would complete the building’s façade on both levels.

The drawings show the building set on a stone base, which would support glass panel storefronts along Hecht Avenue and Okie Street to enliven the street and provide visibility from within and outside of the building. The steel framed glass panel windows would allow for double glazing and operability, with the same profiles on both levels. On the ground level, the storefront may be opened up to sidewalk seating to animate the street. The applicant further explained that the use of cinder block at the building's base is an expression of the "industrial nature of the Hecht Warehouse district." (*Exhibit 23A– Building Elevations and Materials*, pgs. 16, 17, 19)

Loading

The approved vehicular traffic patterns would be altered, including a modified one-way private road with ingress from Hecht Avenue and egress onto Okie Street. Loading would take place through a south west entrance accessed from the one-way driveway (*Exhibit 23A-Site and Circulation Plan*, pg. 13). The applicant has committed that loading activities would be coordinated to occur at off-peak hours to mitigate potential conflict with other on-site users, including those at the larger building.

Parking is proposed to be located within an adjacent parking structure to the east of the site, which is currently owned by the applicant.

The requested PUD-related map amendment would not threaten the stability of adjacent PDR uses, nearby residential uses, or other mixed use commercial areas located in the general area and would be not inconsistent with the recently approved amendment for the majority of the site.

VI. ZONING

The table compares the approved and requested C-3-C PUD standards and the proposed modification.

Item	Approved PUD	C-3-C (M-O-R)	C-3-C PUD	Proposed
Site Area	119,037.9 sf	-	-	120,823.6 (1,785.7 sf added)
Building Height § 770	95.15 ft.	90 ft. max	130 ft.	95.15 ft. 38 ft. (new building)
Gross Floor Area	559,245 sf 196,343.8 sf retail (1 st & 2 nd) 5,590 sf retail (cellar) 362,901 sf (residential)	-	-	567,319.1 8,074 sf (new building)
Floor Area Ratio § 771	4.7	6.5	8.0 max	4.7 (no change) 1.05 new building
Lot Occupancy § 772	86%	100 % permitted	100 % permitted	89.1% 68.7% new building
Rear Yard § 774	27 ft.	Above 20 feet, 2.5 in. / ft. height, but not less than 12 ft.	Above 20 feet, 2.5 in. / ft. height, but not less than 12 ft.	27 ft. 12' (New building)
Side Yard § 775	N/A	None required	None required	-
Courts § 776	39' 6" (min)	4"/ft. ht.	4"/ft. ht.	None proposed
Penthouse heights § 777; § 411	23', 22', 19.5' and 15 ft.	18.5 ft.	18.5 ft.	6ft. screen wall (New building)
Uses § 740 Office, Retail, PDR, Service Residential Uses	Residential, office, retail/service uses	Allowed except PDR uses Allowed	Allowed except PDR uses Allowed	Retail use Not provided
Parking Minimum § 2101	1,067 spaces are provided in an adjacent parking structure.	1/3000 sf commercial (office); 1/1000 sf PDR 236 spaces required	No spaces required due to historic landmark, § 2120	Not required. Flexibility approved
Loading § 2200.5	2 berths @ 55 ft. deep 1 berth @ 30ft deep 3 platforms @ 200 sf	Historic landmark – No requirement	Historic landmark – No requirement	No requirement
*GAR § 3401	Not applied to landmarked structure.	0.2	0.2	0.2 for the new lot area of 7,703 sf)

*Section 3401.5 requires “Any approved change or modification to a permit, project or application in § 3401.3 and 3401.4 that results in an increase in impervious surface or lot occupancy of twenty percent (20%) or more shall cause the GAR to be applicable for that portion of a project that is effected by the modification”.

FLEXIBILITY

Flexibility is requested from the specific zoning regulations as follows:

PUD-related map amendment: C-M-3 to C-3-C District

The approved PUD originally included a PUD-related map amendment from C-M-2 to C-3-C. In this instance, a PUD related map amendment is requested for the small area adjacent to the original PUD boundaries located to the south east of the lot from C-M-3 District to PUD/C-3-C.

The Zoning Regulations anticipate that when a lot is divided, the division shall be effected in a manner that will not violate the bulk standards of the Regulations (Section 101.6). Since the abutting lots are in common ownership, the assignment of this area and its related map amendment to the approved PUD site would facilitate an efficient design for the new structure, and one which would satisfy the majority of the bulk requirements of the Regulations. Therefore, OP supports the requested flexibility to allow the proposed area's related map amendment in conformance with the approved PUD site.

Section 2517 -Exceptions to Building Lot Control (Other Than Residence Districts)

2517.1 This section shall permit two (2) or more principal buildings or structures to be erected as a matter of right on a single subdivided lot that is not located in, or within twenty-five feet (25 ft.) of, a Residence District.

The lot is not located within 25 feet of the residential R-4 District.

2517.2 The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, and open spaces around each building), as provided by §§ 3202.2 and 3202.3 are met.

The two-story building proposed on the Hecht site would satisfy all the bulk requirements for development within the C-3-C District.

2517.3 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building:

- (a) The front of the building shall be the side upon which the principal entrance is located;*
- (b) Open space in front of the entrance shall be provided that is equivalent to the required rear yard in the zone district in which the building is located; and*
- (c) A rear yard shall be required.*

The proposed new building would be a principal building, with the principal entrance fronting on Okie Street. While not required, a 12-foot rear yard would be provided as indicated on the plan (*Exhibit 23A - pg. 14,*).

2517.4 *Where not in conflict with An Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910..., the height of a building..., shall be measured from the finished grade at the middle of the front of the building.*

The height of the proposed building would be measured from Okie Street, as required. The building's height to the main roof measures 32 feet. The 6-foot tall screen panels create an effective height of 38 feet. (*Exhibit 23A- Building Elevations- pg. 16*)

The proposal to include an additional building on the large site would satisfy the provisions of Section 2517. It would not significantly create an adverse impact on the approved traffic patterns for the overall site and the new building would provide new retail area to enhance the retail and job offerings for the neighborhood south of this location.

VII. AGENCY COMMENTS

The District Department of Transportation was concerned about the proposed elimination of trees, which would have been planted within the central area of the former semi-circular driveway.

In response, trees would now be planted along the private road. In addition, within the new pad site, trees would be provided at the north and east ends, within bio-retention areas and along the west side within the permeable paver zone. Trees would also be included along the Hecht Warehouse hardscape within integrated planter boxes. These tree locations have been coordinated with retail and residential entries. (*Exhibit 23A – pg. 25*)

Comments from the District Department of Transportation (DDOT) would be submitted under separate cover.

VIII. COMMUNITY COMMENTS

The ANC 5D voted unanimously to approve the modified PUD site at its regularly scheduled meeting on April 14, 2015. The report is submitted to the record. (*Exhibit 23B*)

IX. SUMMARY

The revised PUD site would enhance the viability of the overall PUD by providing additional retail options in this area, while not increasing the overall density of the approved PUD. No further changes to other aspects of the approved PUD, including the amenity package are proposed. Thus, the modification would not change the material facts upon which the original PUD was decided.

Attachments:

1. Comprehensive Plan Written Elements

JS/kt

COMPREHENSIVE PLAN - WRITTEN ELEMENTS

The requested rezoning is supported by the written elements of the Comprehensive Plan – particularly policies for Industrial Land, the Upper Northeast Element, the New York Avenue corridor, and Historic Preservation.

a. Land Use

The efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. (10A DCMR §300.2)

Policy LU-2.2.3 Restoration or Removal of Vacant and Abandoned Buildings

*Reduce the number of vacant and abandoned buildings in the city through renovation, **rehabilitation**, and where necessary, demolition...*

Policy LU-3.1.1 Conservation of Industrial Land

Recognize the importance of industrial land to the economy of the District of Columbia, specifically its ability to support public works functions, and accommodate production, distribution, and repair (PDR) activities. Ensure that zoning regulations and land use decisions protect active and viable PDR land uses, while allowing compatible office and retail uses and development under standards established within CM- and M- zoning. Economic development programs should work to retain and permit such uses in the future.

Policy LU-3.1.2 Redevelopment of Obsolete Industrial Uses

Encourage the redevelopment of outmoded and non-productive industrial sites, such as vacant warehouses and open storage yards, with higher value production, distribution, and repair uses and other activities which support the core sectors of the District economy (federal government, hospitality, higher education, etc.).

The development as proposed would enhance the ongoing revitalization of this location which has been without a productive use for a decade, while preserving the majority of the square within the C-M-3 district.

b. Economic Development Element.

Policy ED-2.2.3 Neighborhood Shopping

Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences. 708.7

The proposal includes the provision of a significant amount of retail space to serve neighborhood residents, DC residents, and commuters.

c. Urban Design Element

Policy UD-1.4.1: Avenues/Boulevards and Urban Form

Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city. 906.6

The proposed addition on the site of this prominent historic building would help to improve the character of New York Avenue, a major corridor in the city.

d. Upper Northeast Area Element

Planning and Development Priorities

“The area’s major thoroughfares need to be improved. New York Avenue is the gateway to the Nation’s capital for over 100,000 vehicles a day and provides the first impression of Upper Northeast (and the District of Columbia) for many residents, commuters, and visitors. Its motels and fast food joints, used car lots, chop shops, strip clubs, salvage yards, and warehouses do not project a positive image. ... The community wishes to see these corridors upgraded, without diverting traffic to other thoroughfares and residential streets nearby.”

Policy UNE-1.1.8 Untapped Economic Development Potential

“Recognize the significant potential of the area’s commercially and industrially-zoned lands, particularly along the New York Avenue corridor ... to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing M and CM-1 zones are expected to remain for the foreseeable future.”

Policy UNE-1.1.9 Production, Distribution, and Repair Uses

Retain the existing concentration of production, distribution, and repair (PDR) uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas.

Policy UNE-2.3.3 Infill Development

Support infill development and redevelopment on underutilized commercial sites along New York Avenue. Particularly encourage large-format destination retail development that would provide better access to goods and services for residents, and sales tax dollars for the District.

Policy UNE-2.3.1 New York Avenue Corridor

Improve the appearance of New York Avenue as a gateway to the District of Columbia. Support road design changes, streetscape improvements, and new land uses that improve traffic flow and enhance the road’s operation as a multi-modal corridor that meets both regional and local needs.

The proposed development and requested map amendment would strike an appropriate balance between increasing the attractiveness of new development on a portion of the Square, and minimizing pressure on replacing potential PDR uses with mixed uses on the rest of the Square, or on other parts of the corridor. It would also accommodate an appropriate use consistent with the new uses along New York Avenue.

Much of the District’s industrially-zoned land is in the northeast quadrant, adjacent to rail tracks or New York Avenue, which is also a principal entrance to the city for visitors and commuters. Accordingly, improving both the viability of the industrially-zoned land, and the appearance of this gateway street, have been major objectives of the District for over three decades. The objectives reflected in these policies are more likely to be achieved with the proposed development and requested map amendment.