


**MEMORANDUM**

**TO: District of Columbia Zoning Commission**

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

**DATE:** June 20, 2014

**SUBJECT: ZC 14-07 – Setdown Report for a Consolidated Planned Unit Development and Related Zoning Map Amendment**

**I. RECOMMENDATION**

OP recommends the proposed consolidated PUD and Zoning Map Amendment be set down for public hearing, as it conforms to the Comprehensive Plan’s objectives for the area and to the Generalized Land Use and Policy Maps, and would contribute to the redevelopment of the Florida Avenue Market Area. OP will continue to work with the applicant to ensure that the following are submitted prior to a public hearing: more refined and detailed elevations, roof plan, and other renderings as may be identified by the Zoning Commission; a signed CBE and First Source Employment Agreement; the contracting goals for small, local businesses; parking management plan; details concerning the curbless street and streetscape improvements; the number of affordable units along with locations and floor plans; and an updated benefits and amenities package.

**II. PROPOSAL**

1250 4<sup>th</sup> St. Edens LLC (the “Applicant”) has submitted a Consolidated Planned Unit Development (PUD) and zoning map amendment to construct a new mixed-use building (the “Project”) at the intersection of Morse Street and 4<sup>th</sup> Street, N.E. The site is Square 3587, Parcels 1290095 and 1290096.

The development proposes to reuse the existing warehouse building on the site, and expand the footprint upward through four distinct “volumes,” where residential units would be located.

Specifically, the proposal consists of:

- A new eleven story mixed use building with ground floor retail and 10 stories of residential;
- A proposed height of 110 feet and proposed FAR of 8.0;
- 420 to 520 residential units with 29,472 square feet devoted to affordable housing;
- Reuse of the existing warehouse on the site, which will provide 39,600 square feet of retail; and
- Approximately 400-550 parking spaces on four or five below grade levels and a loading area accessible from the service alley located along the west property line.

In addition to the PUD-related map amendment from C-M-1 to C-3-C, the Applicant seeks flexibility in the following areas:

1. Rooftop Structures (§ 411.11);
2. Rear Yard (§ 774.1);
3. Open and Closed Courts (§ 776); and
4. Loading (§ 2201.1).

The applicant proposes to provide below grade parking that would be accessed from the 48 foot wide service alley located along the west property line. Given that the parking would be excess of what is required for the use, OP and DDOT have requested a parking management plan that demonstrates the long term parking scenario for properties owned by the applicant in the Florida Avenue Area. At-grade loading would also be accessed by the service alley, which is a separate parcel owned by the District, and is not considered a public alley. The proposed curbsless street as well as the streetscape improvements are also currently under discussion, and OP and DDOT will continue to work with the applicant to refine the proposed street improvements and public space design.

This would be the second PUD in the Florida Avenue Market Area, and would continue to set the tone for development within the area. The proposed density and height would be consistent with those identified in the Florida Avenue Market Small Area Plan, and with the approved Gateway Market and Residences PUD located at 340 Florida Avenue, N.E.

### **SITE and AREA DESCRIPTION**

The project is located near the northwest corner of 4<sup>th</sup> Street and Morse Street in the Florida Avenue Market Area. Developed in 1929, the Florida Avenue Market consisted of warehouse buildings used for wholesale operations and retail functions, and played an important role in the area until the mid-1960s,



**Aerial Photograph**

when the market was dismantled and sold to various owners. The market is considered a historically and architecturally significant place and continues to thrive under current tenants, including Union Market, located less than two blocks from the project site at 5<sup>th</sup> Street and Neal Place. The warehouses on the site, constructed in the 1950s, would be adaptively reused to provide ground floor retail, and are intended to pay tribute to the historic warehouse character of Florida Avenue Market. The subject site is currently zoned C-M-1, as are all surrounding properties. Most of the warehouses continue to operate as production, distribution and warehouse uses. The property located south of the project is developed with two story structures, and the



property located north of the project is a paved surface parking lot. To the east and west are additional warehouses that are actively used. Gallaudet University is located further east of the site. The project is located approximately 1/3 mile from the NoMa-Gallaudet Metro Station and is in close proximity to several bus lines along Florida Avenue.

The area has been the focus of many long range planning efforts, including the Ward 5 Industrial Land Transformation Study, the NoMA Vision Plan and Development Strategy, and the Florida Avenue Market Small Area Plan. Each of these is discussed in more detail below.

### III. COMPREHENSIVE PLAN AND PUBLIC POLICIES

The proposed PUD must be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies (§ 2403.4). The proposal would particularly further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1
- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6
- (10) The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively. 218.3
- (13) Enhanced public safety is one of the District's highest priorities and is vital to the health of our neighborhoods.... 218.6
- (27) Residents are connected by places of "common ground," such as Union Station and Eastern Market. Such public gathering places should be protected, and should be created in all parts of the city as development and change occurs. 220.6

The development proposal would particularly further the Land Use, Housing, Economic Development, Transportation, Historic Preservation, and Urban Design Citywide Elements, as well as the Upper Northeast Area Elements and policies:

#### Land Use Element

- *The city's aging building stock still requires refurbishment and replacement. The renewed popularity of city living generates the need for more housing and new amenities. 300.4*



- *Land use changes have the potential to make the city more vibrant, economically healthy, exciting, and even more environmentally sustainable than it is today. 300.5*
- *Infill and redevelopment will take place within the established business districts west of 5<sup>th</sup> Street NW, but a majority of the central city's future growth will be achieved through redevelopment of areas on its east side. 304.3*
- *Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors. 306.2*
- *Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include:*
  - *A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;*
  - *A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;*
  - *A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; 306.4*

***Policy LU-1.3.2: Development Around Metrorail Stations*** *Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas.*

The proposed mixed use development would provide housing in an area that where there are currently no housing options. It would capitalize on the site's proximity to several transit options, and would help to address the District's housing demand. Housing would help to enliven and transform this section of Florida Avenue. The Land Use Element recognizes the area around the NOMA-Gallaudet Metro Station as an area of future growth outside of the traditional downtown.

## **Housing Element**

***Policy H-1.1: Expanding Housing Supply*** *Expanding the housing supply is a key part of the District's vision to create successful neighborhoods.*

***Policy H-1.1.1: Private Sector Support*** *Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.*

***Policy H-1.1.4: Mixed Use Development*** *Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.*



**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.*

The development proposes to add 420 to 520 residential units along a mixed use corridor consistent with the policies of the Housing Element. This development will comply with Inclusionary Zoning requirements.

### **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.*

**Policy ED-2.2.5: Business Mix** *Reinforce existing and encourage new retail districts by attracting a mix of nationally-recognized chains as well as locally-based chains and smaller specialty stores to the city's shopping districts.*

The proposed infill development is located on a vacant and underutilized site. The proposal would include ground-floor retail which could help the Florida Avenue Market area to better meet the demand for basic goods and services and reinforce the emerging retail district.

### **Transportation Element**

**Policy T-2.4.B: Sidewalks** *Install sidewalks on streets throughout the District to improve pedestrian safety, access and connectivity. Continue to monitor the sidewalk network for needed improvements. Consult with ANCs and community organizations as plans for sidewalk construction are developed. All sidewalks shall be constructed in conformance with the American with Disabilities Act Accessibility Guidelines.*

**Policy T-2.4.C: Innovative Technologies for Pedestrian Movement** *Explore the use of innovative technology to improve pedestrian movement, such as personal transportation systems and enhanced sidewalk materials.*

The proposed project would be providing a significantly enhanced streetscape that includes landscape planters and pedestrian amenities. The curbless street feature is a deaf space design principle in that it creates a wide visual field that promotes visual forms of communication and safety.

### **Urban Design**

**Policy UD-2.2.5: Creating Attractive Facades** *Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street ...*



**Policy UD-3.1.1: Improving Streetscape Design** *Improve the appearance and identity of the District's streets through the design of street lights, paved surfaces, landscaped areas, bus shelters, street furniture", and adjacent building facades.*

**Policy UD-3.1.7: Improving the Street Environment** *Create attractive and interesting commercial streetscapes by promoting ground level retail and desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoiding windowless facades and gaps in the street wall.*

The project would reuse an existing warehouse building, adding visual interest through the incorporation of windows and 14-22 foot high storefronts. The streetscape would be improved to accommodate multimodal activities, while providing amenities for pedestrians that include street furniture. The streetscape would be improved significantly from its current state, although the final design requires additional DDOT review.

### **Upper Northeast Area Element**

**Policy UNE-2.1.2: Capital City Market** *Redevelop the Capital City Market into a regional destination that may include residential, dining, entertainment, office, hotel, and wholesale food uses. The Wholesale market and the adjacent DC Farmers Market are important but undervalued amenities that should be preserved, upgraded, and more effectively marketed.*

**Action UNE-2.1.B Capital City Market** *Develop and implement plans for the revitalization and development of the Capital City Market into a mixed use residential and commercial destination. Redevelopment plans for the site shall be achieved through a collaborative process that involves the landowners and tenants, the project developers, the District government, and the community.*

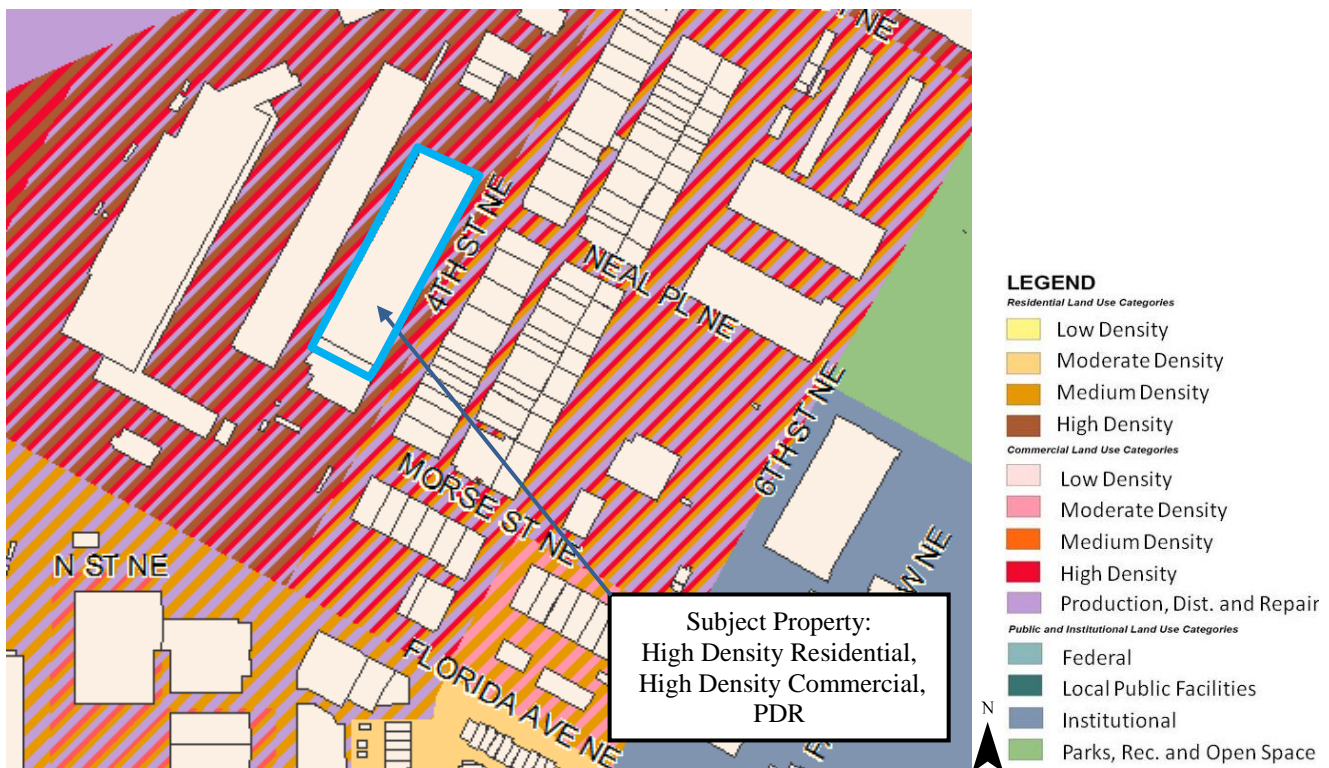
The proposed development will further those policies and contribute to the area's transformation into a regional destination that would include housing and retail uses.

#### **A. Future Land Use Map**

The Future Land Use Map shows this site as suitable for a mix of Production, Distribution and Repair (PDR), High Density Commercial and High Density Residential uses. PDR areas are those characterized by manufacturing, warehousing, wholesale and distribution centers, transportation services and food services, among other uses. High Density Commercial areas are characterized by office and mixed office/retail buildings greater than eight stories in height. High Density Residential areas are appropriate for apartment buildings of eight stories or more.

The proposal is not inconsistent with the land use map designation.





### Future Land Use Map

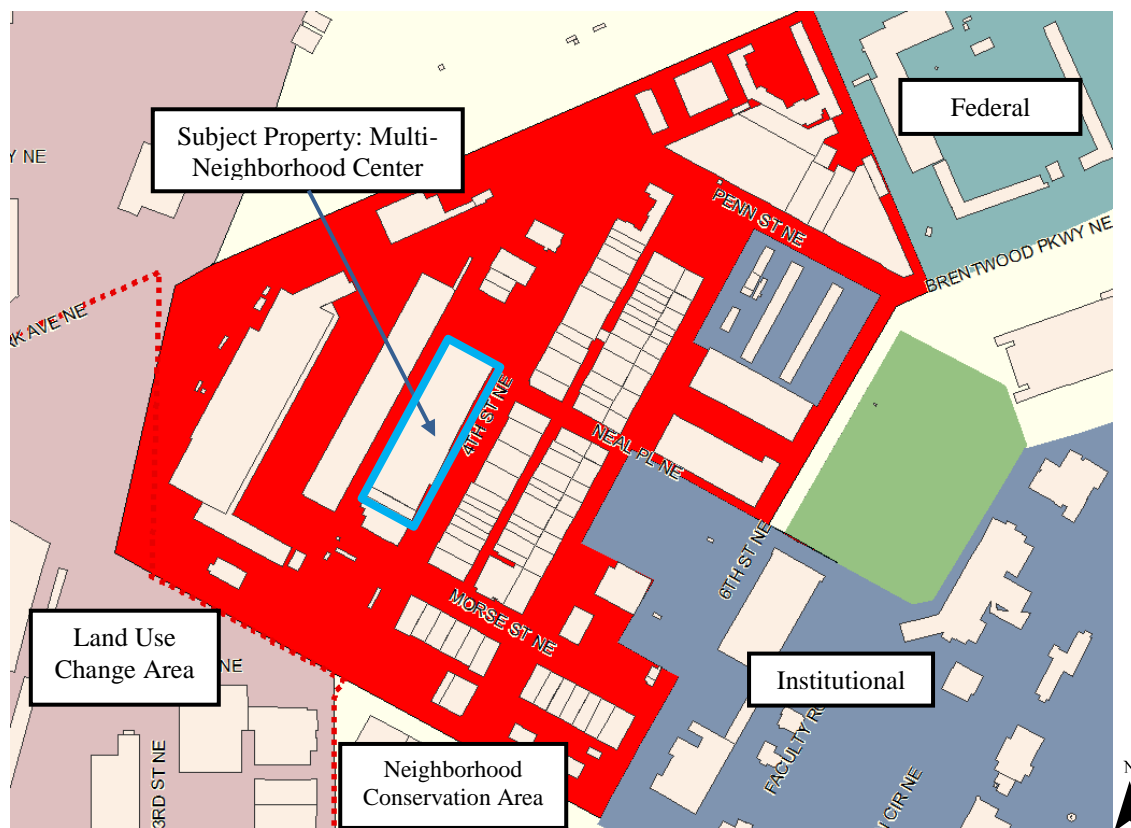
### B. Comprehensive Plan Generalized Policy Map

The Comprehensive Plan's Generalized Policy Map describes the entire Florida Avenue Market area, including the subject site, as a Multi-Neighborhood Center. Multi-Neighborhood Centers serve the day-to-day needs of residents and workers, but with a greater depth and variety than Neighborhood Centers. They have a service area of up to three miles and are generally found at major intersections or along transit routes. While their primary function is retail trade, Multi-Neighborhood Centers can include some office and mixed-use infill is encouraged.

### C. Ward 5 Industrial Land Transformation Study

In addition to the Comprehensive Plan, this site is identified in the Draft Ward 5 Industrial Land Transformation Study as one of the major centers for retention and reinforcement of the existing industrial fabric. This study encourages: the preservation of production uses; environmental stewardship and performance; workforce development; nuisance uses and buffering; long-term affordability of industrial space; development of new multi-tenant space; providing space for arts uses and makers; and the development of additional community amenities.





### Comprehensive Plan Generalized Policy Map

#### D. NOMA Vision Plan and Development Strategy

The Florida Avenue Market, while technically outside the boundaries of the NOMA Vision Plan, was nevertheless addressed in that document. It recognizes the Market as a place whose function and character should be preserved. The NOMA Plan, however, goes on to state that the Market can be enhanced over time through the addition of complementary new uses. The NOMA Plan is not a Council-adopted policy document, but rather a guide for potential development in that vicinity.

#### E. Florida Avenue Market Small Area Plan

The Project is in accordance with the Small Area Plan, adopted by Council on October 6, 2009. The Small Area Plan envisions Fourth Street as the commercial lifeline of the Market, with wide streets to accommodate high volumes of traffic and wide sidewalks for ample pedestrian circulation. The Small Area Plan calls for the area to include a variety of building heights. The proposed project would provide a transition from the lower scale structures and uses of the Florida Avenue Market area to the higher density uses of NOMA.

The applicant should provide, prior to a hearing, further documentation regarding how the proposal furthers Plan objectives and goals.



#### IV. ZONING

The site is currently zoned C-M-1. The purpose of the C-M-1 zone is “to provide sites for heavy commercial and light manufacturing activities employing large numbers of people and requiring some heavy machinery...” (§800.1). Furthermore, C-M zones characteristically have “heavy truck traffic and loading and unloading operations...” (§800.2). The existing C-M zone does not allow for residential development and limits height to 40 feet as a matter-of-right and 60 feet through a PUD, so is considered not consistent with current Comprehensive Plan direction.

The Applicant is requesting a PUD-related map amendment to change the zoning to C-3-C. C-3-C is considered a high-density mixed-use zone, and is not inconsistent with the Comprehensive Plan. Project parameters as provided with the application, are listed below.

Item	C-M-1 MOR	C-3-C MOR	C-3-C PUD Required	C-3-C PUD Proposed	Relief
Minimum lot area	N/A	N/A	15,000 sf	51,000 sf	Conforming
FAR	3.0	6.5	8.0	8.0 residential-7.22 commercial-0.78	Conforming
Height	40'	90'	110' maximum	110'	Conforming
Number of Units			N/A	420-520	Conforming
Square Footage	153,000 sf	331,500 sf	408,000 sf	408,000 sf residential-368,400 sf commercial-39,600 sf	Conforming
Affordable Housing			N/A	29,472 sf	Conforming
Parking		retail: 1/750 sf residential: 1/4 units	49 retail 105-130 residential 154-179 total	250 retail 200 residential 400-550 total	Conforming
Bike Parking			N/A	142-175 spaces	Conforming
Rooftop Structures		1 per core 18'-6" height 1:1 setback	1 per core 18'-6" height 1:1 setback	1 per core (2 total) 18'-6" max (variable height) 1:1 setback (variable)	<b>Requested</b> (for variable heights)
Lot Occupancy		100%	100%	100%	Conforming
Rear Yard	2.5"/ft. 12 ft. min.	2.5"/ft. 12 ft. min.	23 ft.	0 ft.	<b>Requested</b>
Closed Court		residential: 2(width <sup>2</sup> ) (350 sf min.)	CC-1: 1729 sf CC-2: 1394 sf CC-3: 1394 sf	CC-1: 1040 sf CC-2: 400 sf CC-3: 400 sf	<b>Requested</b>
Open Court		residential: 4"/ft. (15 ft. min.)	OC-1: 26.4 ft. OC-2: 29.4 ft. OC-3: 26.4 ft. OC-4: 26.4 ft. OC-5: 26.4 ft.	OC-1: 40 ft. OC-2: 40 ft. OC-3: 40 ft. OC-4: 13 ft. OC-5: 17 ft.	<b>Requested</b>
Loading	Residential: 1-55 ft berth 1-20 ft space 1-200 sf platform  Retail: 1-30 ft berth 1-100 sf platform		Residential: 1-55 ft berth 1-20 ft space 1-200 sf platform  Retail: 1-30 ft berth 1-100 sf platform	Residential: 2-30 ft berths 1-200 sf platform  Retail: 2-30 ft berths 1-100 sf platform	<b>Requested</b>



Should the project be setdown, the applicant should provide additional detail and clarification concerning the rooftop recreation space that has been provided in the penthouse.

## V. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES

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 or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience.

The application would allow 70' of additional building height above C-M-1 limits. The project proposes an FAR of 8.0, which is permitted under a C-3-C PUD, but more than the 3.0 FAR permitted under the C-M-1 zoning, a gain of 255,000 square feet. The PUD would also allow residential uses whereas the C-M-1 Zone does not.

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.”

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 amenities and benefits as an offset to the additional development gained through the application process:

(a) *Urban design, architecture, landscaping, or creation or preservation of open space;*

The proposed design would incorporate an existing warehouse structure that would become ground floor retail, having storefront heights ranging from 14-22 feet in height. Residential “volumes” would be added on top of the retail, providing a varied and visually interesting experience along 4<sup>th</sup> Street, further enhancing the proposed streetscape. Additional contributions toward open space would provide a stronger benefits and amenities package while adhering to the recommendations of the Florida Avenue Market Study.

(b) *Site planning, and efficient and economical land utilization;*

The proposal would enhance a currently underused site located within close proximity to a Metro station and several Metrobus lines. The project would accommodate residential and retail uses on a relatively small plot of land while providing a significant amount of below-grade parking, which



would be intended to also accommodate future developments. OP has requested a parking management plan that would clarify the location and quantity of parking, as well as its availability to other businesses in Florida Market. The surrounding street network would be activated with a combination of retail uses, additional residents, and streetscape improvements.

*(c) Housing and affordable housing ;*

The applicant has committed to approximately 420-520 new residential units (368,400 sf.) of housing, of which up to 29,472 sf. would be designated as affordable housing, in accordance with IZ. The application indicates that the units would range in size, from studios to three bedrooms. The applicant should provide, prior to a hearing, a break-down of units by type/number of bedrooms, and floor plans that identify the location of affordable units.

*(d) Social services/facilities;*

The applicant has not identified a contribution to a social service or facility; however, the developer continues to work with Advisory Neighborhood Commission (ANC) 5D and the surrounding community to identify these needs. An updated benefits and amenities package would be provided prior to a public hearing.

*(e) Environmental benefits;*

The proposed development would incorporate Low Impact Design principles, including storage and infiltration basins below the sidewalk. The developer is also exploring the introduction of pervious paving on the service alley located west of the project site. The project will achieve 40 LEED points, earning a Certified rating; however, a higher designation would further enhance the benefits and amenities package. OP will continue to work with the Applicant to refine and augment the environmental benefits.

*(f) Uses of special value to the neighborhood or the District of Columbia as a whole;*

The Applicant is continuing to work with the ANC to develop additional benefits and amenities identified as needs within the community; details and analysis would be provided prior to a public hearing.

*(g) Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;*

The proposed development would include the installation of a curbless street, a deaf design feature that would contribute to the vision of the Florida Avenue Market Study. While the street would facilitate multi-modal opportunities and include significantly improved streetscape, the applicant has not yet discussed this design with DDOT. In addition, the excess parking provided with this project should be addressed in a parking management plan. Complete DDOT review is anticipated prior to a hearing; the Applicant will need to further address any concerns expressed by DDOT. OP will continue to work with the applicant to address needs beyond the site boundaries that would improve multimodal access to Florida Market, improve pedestrian access to the New York/Gallaudet Metro station, or improve bicycle connections to the Metropolitan Branch Trail.



*(h) Employment and training opportunities.*

The proposed development would generate job opportunities, ranging from construction to retail use. The applicant should provide additional information that specifies the contracting goals for small, local businesses.

Should the project be setdown, OP would continue to work with the Applicant to refine the amenity package and obtain additional information as noted prior to a public hearing.

## **VI. AGENCY REFERRALS AND COMMENTS**

Prior to a public hearing, the application will be referred to the following District agencies for review and comment:

- Department of Transportation (DDOT);
- Department of the Environment (DDOE);
- Fire and Emergency Medical Services Department (FEMS);
- DC Water;
- DC Public Schools (DCPS);
- Department of Housing and Community Development (DHCD);
- Department of Public Works (DPW);
- Department of Employment Services (DOES); and
- Department of Health (DOH).

## **VII. CONCLUSION**

The proposed PUD is not inconsistent with the elements of the Comprehensive Plan and OP recommends the application be set down for public hearing. OP will work with the Applicant to supplement the proposal as noted in this report, and to respond to any requests for additional information by the Commission.

JS/be  
Case Manager, Brandice Elliott

