

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation  
**DATE:** December 2, 2016  
**SUBJECT:** ZC Case 05-28P: Setdown Report for Modifications to the First-Stage approval and Second-Stage PUD for Block J, filed by Parkside Residential LLC

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### **I. SUMMARY RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission set down this Parkside application for a public hearing. The application requests modifications from the originally approved Zoning Commission Order No. 05-28, which gave approval for a first-stage PUD and a related zoning map amendment for the subject property from R-5-A to C-3-A, as well as requesting approval of a second-stage application for development of this site. OP will continue to work with the applicant to refine the proposal prior to a hearing and address the following, as well as any issues raised by the Commission at setdown:

1. Refine the colors of the façade materials to create a more interesting appearance to the building;
2. Submit additional drawings including perspectives and/or elevations in context with surrounding existing and proposed development, roof plans, site plans and a refinement of the material colors proposed for the façade;
3. Submission of a traffic study a minimum of 45 days in advance of the public hearing;
4. Add foundation plantings where appropriate to soften the base of the building;
5. Clarify any zoning regulation relief required; and
6. Provide a LEED-ND checklist.

### **II. APPLICATION**

Parkside Residential LLC, the applicant, has petitioned the Zoning Commission for a second-stage PUD for the development of Block J as an apartment building. The proposed second-stage application follows the first-stage approval of the PUD by the Commission under Order 05-28, which approved an overall first-stage PUD that included a mid-rise apartment building on Block J. As part of this application the developer is also requesting approval of modifications to the first-stage approval, including to:

- Reduce the lot area of this site, from the originally estimated 40,000 square feet to the current 34,464 square feet;
- Increase the number of dwelling units from 160 to 196;
- Increase lot occupancy from 63 to 81.7 percent;
- Increase FAR from 4.58 to 4.70;
- Increase height on the northwest side of the building from 54 feet to 64 feet, eight inches;

- Decrease height on the southeast side of the building from 90 feet to 81 feet, 4 inches; and
- Decrease off-street parking from 96 to 90 spaces.

The original first-stage application was approved prior to the adoption of ZR-16; therefore ZR-58 regulations remain in effect for this second-stage application. The applicant requests the following flexibility from the Zoning Regulations:

- § 775.5: Side Yard – 15 feet required; 9 feet, 4 inches provided (Cassell Place);
- § 2116.12: Parking spaces within the garage less than twenty feet from lot lines abutting a public street.
- § 2201.1: Loading – one 55-foot loading berth, 1 – 200 square foot platform and 1 – 20-foot delivery space required; none proposed.

The application includes a request for flexibility to reduce the rear yard. However, as the property is a through lot so no rear yard is required. The application also indicates that relief from bicycle parking is required, but under ZR58 no bicycle parking is required. The applicant will clarify relief needed and OP will provide additional analysis prior to a public hearing. For clarity, what appear to be habitable penthouses (upper story of loft units) on the roof are actually a seventh floor, so are not required to be set back, and are included in building height and FAR.

### III. AREA DESCRIPTION

Block J is located on the east side of the Parkside PUD. The PUD site is 15.5 acres in size and located in Ward 7 in the North East quadrant of the District. Block J is bound by Hayes Street to the northeast, Parkside Place to the northwest, Kenilworth Terrace to the southeast and Cassell Place to the southwest. It is proposed to be surrounded by a private charter school to the northwest, future mid-rise apartments to the southwest and a health care facility and future post-high school educational facility to the southeast.



Vicinity Map

#### **IV. PROPOSAL**

The applicant proposes to construct a six to seven-story, 196-unit multi-family building. It would be in the shape of a 'C', opening out toward Parkside Place to the northwest, and would be constructed above a one-level, ninety space parking garage that would occupy the entire lower level of the building. The parking garage would be partially below grade as the site slopes downward generally from east to west. Parking spaces within the garage would be located less than twenty feet from lot lines abutting a public street, requiring flexibility from § 2116.12 of the Zoning Regulations.

The height of the building would scale down from southeast to northwest. It would have a total of seven stories plus the partially exposed parking level. The top floor is the upper level of two-story loft units, allowing for larger and more varied interiors for some of the sixth floor units. No rooftop penthouses are proposed on top of this level. The building would be at a height of seventy-four on the east side, with lofts that would extend up to a height of 81 feet, 4 inches. The west side of the building, facing the charter school, would be at a height of 64 feet, 8 inches. All roofs would drain to the courtyard.

Thirty-eight percent of the units would be efficiencies, forty-three percent one-bedrooms, three percent one bedroom/dens, eleven percent two three bedroom units and five percent loft units. In accordance with the first stage PUD approval for Parkside, approved prior to the adoption of Inclusionary Zoning regulations, all units in this building would be market rate. A significant number of affordable units have been provided in other parts of the PUD.

The façade of the building would be a mixture of materials and colors, resulting in a contrast of colors of red and brown brick, composite metal panels and corrugated metal siding panels. Lofts, sloping downward toward the center of the building would be capped with composite metal cornices, with sides faced with corrugated metal panels. Juliet balconies with anodized metal railings would add visual interest. Dark brown brick would wrap around much of the base of the building, with a glass storefront system at the southern corner of building to mark the location of the lobby entrance. A metal and glass canopy would be placed over the entrance. If the application is set down by the Commission, OP will work with the applicant to ensure that additional refined and detailed drawings are submitted prior to the public hearing. These would include perspectives and/or elevations in context with surrounding existing and proposed development, roof plans, site plans and a refinement of the material colors proposed for the façade.

The lot has no alley access. Vehicular and bicycle access to the garage would be from Hayes Street and loading from Cassell Place. One-hundred bicycle parking would be provided within the garage. Loading access, including refuse removal, would be from Cassell Place. The building lobby would front on Kenilworth Terrace, with an adjacent lay-by for pick-up and drop-off. Access to the courtyard would be from either within the building or from a stair rising up from Parkside Place.

Street trees would be provided within planter boxes on all four sides of the building where missing and a rack for six bicycles would be provided within public space near the building entrance. A utility vault is proposed on the north side of the building, partially within public space but not within the public sidewalk. Opportunities for foundation plantings exist on the Hayes Street and Kenilworth Terrace sides of the building, either on the subject property or within public space. Should the application be set down by the Commission OP would work with the applicant to

augment the landscaping plan to soften the base of the building and provide a more residential feel to the building.

The courtyard, constructed above a portion of the garage, would be improved as private recreational space for residents. It would include an intensive green roof around the edges with small trees, outdoor seating above pre-cast pavers, a pergola and an outdoor television on a focal wall. A rooftop terrace at the corner of Cassell Place and Parkside Placed would provide a secondary outdoor area off the sixth floor for residents that would also include seating above pre-cast pavers, intensive green roof around the edges and an outdoor focal television. Although much of the roof above the sixth floor would be devoted to mechanical equipment, additional extensive green roof would be provided.

The application indicates that the building would be designed to achieve at a minimum to LEED-ND Silver, but a checklist has not been provided. A Green Communities checklist is provided, indicating a score of 82.

The lot area of Block J was listed as 40,000 square feet in the first-stage PUD, and FAR and gross floor area were calculated based on that number. In actuality the square footage of the block is less, at 34,464 square feet, because the public space was included. As a result, the defined FAR and lot occupancy have increased, even though the square footage of the building decreased. The first-stage PUD also provided building heights to relate to adjacent development, stepping down from 90 feet on the south to 54 feet on the north. Instead the proposed building would have a maximum height of 81 feet, 4 inches on the south, stepping down to 64 feet on the north, similar to the building approved by ZC 05-28J on Parcel E. The application similarly requests modification from the First Stage approval to permit an increase in FAR, building height and number of the dwelling units within the block, and a decrease in off-street parking provided.

Table 1

	First-Stage PUD	Proposed Building
Number of Dwelling Units	140-160	196
Gross Floor Area	183,000 SF	161,816 SF
Lot Size	40,000 SF	34,464 SF <sup>1</sup>
Lot Occupancy	63 percent	81.6 percent
Floor Area Ratio	4.58	4.7
Building Height	54 feet; 74 feet; 90 feet	64 feet, 8 inches; 74 feet; 81 feet, 4 inches
Off-Street Parking	96	90

## V. BACKGROUND

To date eight other Parkside applications have been filed, as described below.

- ZC 05-28A: Second-stage application and modification for blocks A, B and C was approved by the Commission to permit a 98-unit senior citizen apartment building on Block A at sixty percent of AMI, and 112 townhouses on blocks B and C, 42 of which would be made

<sup>1</sup> The first-stage approval based the lot size on the area of the entire block, not on the actual property size.

available at 80 to 120 percent of AMI. Modification was required to permit 66 townhouses on Block C in place of low-rise apartment buildings.

- ZC 05-28G: Major modification to blocks B and C to modify the number, sizes, facades and landscaping for the townhouses. The order became final on December 16, 2011.
- ZC 05-28D: Two-year PUD extension request to October 3, 2013 was determined to be premature and was denied without prejudice by the Commission at its public hearing on July 12, 2010.
- ZC 05-28E: Major modification application for blocks G, H and I. The Commission voted to approve the request for blocks I1 and I2 and deny the requests for blocks G and H without prejudice. The order became final on August 26, 2011.
- ZC 05-28B: Second-stage and PUD-related map amendment application for Block I2 was requested to permit a three-story health clinic. The order became final on August 26, 2011.
- ZC 05-28C: Second-stage and PUD-related map amendment application for Block I1 was requested to permit an eight-story community college building. The order became final on August 26, 2011 and has expired.
- ZC 05-28I: Second-stage and PUD-related map amendment application for Block D was requested to permit the development of a private park. The order became final on August 26, 2011.
- ZC 05-28H: Two-year time extension for the PUD and the PUD-related map amendment until October 3, 2013. The order became final on February 3, 2012.
- ZC 05-28O: Two-year time extension for the PUD and the PUD-related map amendment until October 3, 2017. The order became final on February 12, 2016.
- ZC 05-28J: Second-stage approval application for Block I was approved for a mid-rise apartment building on Block E. The order became final on February 7, 2014. Construction is nearing completion.

## VI. SECOND-STAGE REVIEW CONDITIONS

The Zoning Commission approved a PUD-related map amendment for the subject application, from R-5-A to C-3-A, subject to fifteen conditions, only some of which are relevant to this site. Listed below are the relevant conditions and a review of how the subject application conforms to them.

1. *The Applicant shall submit, with the application for second-stage approval of the PUD, an application for rezoning the PUD site from R-5-A and C-2-B to C-3-A and CR that specifies the proposed rezoning by square and lot.*

The subject application includes a request to amend the zoning of Square 5056, Lot 881 from R-5-A to C-3-A, as approved under the first-stage PUD.

2. *The first-stage PUD is approved in accordance with the plans and materials submitted by the Applicant marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order.*

The first-stage PUD approved a multi-family building for Block J. The applicant is now requesting second-stage approval for that building, but with modifications, including changes to permitted building height, and increases in the number of dwelling units, defined floor area ratio and gross floor area, and a decrease in parking.

3. *The second-stage design of the PUD shall be based on further development and refinement of the plans marked as Exhibits 2, 21, and 52 of the record, as modified by the guidelines, conditions, and standards of this Order and shall include all public benefits described in Findings of Fact 32 through 34.*

The proposed multi-family building is a further development and refinement of the design, providing additional detail necessary for second-stage review. The application also includes a listing and description of the public benefits and amenities proposed as a part of this application for the subject property and the PUD as a whole.

4. *In accordance with the plans and materials noted above, the approved PUD shall consist of approximately 1,500–2,000 dwelling units, 500,000–750,000 square feet of office space, 30,000–50,000 square feet of retail, with approximately 2,400 total parking spaces. The entire project will include approximately 3,003,000 square feet of gross floor area resulting in an overall density of approximately 4.44 FAR. The total lot occupancy of the PUD will be approximately 62.4 percent. The maximum height of the PUD will be 110 feet, which will be reserved solely for the buildings located in the center portion of Parcel 12 fronting Kenilworth Avenue. The heights for the remaining buildings shall not exceed 90 feet and must scale down to lesser heights around the existing townhomes, as depicted in the Applicant's plans.*

The subject application is consistent with the use and general layout proposed for the site. However, the applicant proposes to modify the height, increase the number of dwelling units and reduce the parking for Block J only.

6. *The PUD will reserve 20 percent of the total residential component as units affordable to households having an income not exceeding 80 percent of Area Median Income for the Washington, DC Metropolitan Statistical Area (adjusted for family size). Those reserved as affordable rental units will remain affordable for at least 30 years; the affordability restriction for the affordable for-sale housing shall be consistent with the terms required by the public subsidy the homebuyer uses to provide gap financing.<sup>2</sup>*

The current application proposes no affordable housing, as most of the affordable housing required for the overall PUD has been incorporated into the parts of the developments already constructed.

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<sup>2</sup> The first-stage PUD predates the Inclusionary Zoning Regulations.

8. *The Applicant shall submit, as part of the second-stage application, landscape plans, detailed architectural plans, and elevations indicating the design treatment of each building.*

The subject second-stage application includes detailed architectural plans, elevations and landscape plans indicating the design of the proposed building.

10. *The Applicant shall submit, as part of a Second Stage application, a detailed traffic study that will (a) address the adequacy of pedestrian and vehicular access to the PUD Site, including an analysis of the DDOT recommendation with respect to access; (b) address traffic conditions pertaining Kenilworth Avenue, particularly in light of the transportation initiatives identified by DDOT as planned or underway in the vicinity, such as the Kenilworth Avenue Corridor study; and (c) analyze the traffic impacts of the PUD in light of other new developments and uses in the vicinity, such as the Cesar Chavez Public Charter School.*

The application indicates that these would be addressed prior to the public hearing. OP will continue to work with the applicant to ensure that this information is submitted at least forty-five days prior to the public hearing to allow for a detailed DDOT review.

13. *The first-stage approval is valid for a period of one year, within which time a second-stage application shall be filed. If the second-stage application is for less than the entire development described in this Order, no subsequent second-stage application may be filed after three (3) years from date of approval of the partial second-stage. It is within the Zoning Commission's discretion to extend these periods.*

ZC Order 05-28O extended the first-stage PUD until October 3, 2017, within which time any outstanding second-stage PUD applications must be filed. The subject application was filed on September 30, 2016, prior to the expiration of the first-stage PUD.

14. *Given the size of the PUD, the Applicant may file the second-stage application in phases for one or more of the buildings.*

The applicant has opted to file the second-stage applications in phases. The subject application is for a multi-family building on Block J.

## **VII. PUD EVALUATION STANDARDS**

The objectives of a PUD are to permit flexibility of development in return for the provision of superior public benefits, provided the PUD process is not used to circumvent the intent and purposes of the Zoning Regulations or result in an action inconsistent with the Comprehensive Plan. The overall PUD has been determined to be consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR § 2400.

Second-stage PUD applications are reviewed for consistency with the first-stage PUD approval, the PUD process and the intent and purpose of the Zoning Regulations. The Commission, in approving the application, may attach conditions, guidelines and standards in support of its decision, as described in § 2408.6 of the Zoning Regulations.

## VIII. PUBLIC BENEFITS AND AMENITIES

Public benefits are defined in § 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 of right...*” Amenities are defined under § 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 proposes the following benefits and amenities for this second-stage PUD:

- Special Value for the Neighborhood: The application proposes the provision of housing that would transition from the mixed uses across Kenilworth Terrace to the row houses west of Parkside Place, on a long vacant site.
- First Source Employment Program: The applicant proposes to enter into an agreement to participate in the Department of Employment Services First Source Employment Program to promote and encourage the hiring of District residents. Details should be provided prior to the public hearing, along with the details of the employment for the other portions of the PUD either constructed or under construction.
- Pedestrian Bridge: As part of the first-stage approval, the applicant committed to providing twenty-five percent of the cost, not to exceed three million dollars, toward the construction of the pedestrian bridge to provide improved access to the Minnesota Avenue Metrorail station and neighborhoods located to the east of Kenilworth Avenue. Groundbreaking is expected in 2017.

## IX. COMPREHENSIVE PLAN

The Zoning Commission found the overall first-stage PUD to be not inconsistent with the Comprehensive Plan in effect at the time. Since approval of the PUD, the City Council has adopted the 2006 Comprehensive Plan and the 2010 amendments.



**Future Land Use Map**



**Generalized Policy Map**

The Future Land Use Map designates the site for Medium Density Residential land use, defined as “neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use.”

The Generalized Policy Map depicts the site as within the “Neighborhood Enhancement Areas” designation. “The guiding philosophy in Neighborhood Enhancement Areas is to ensure that new development “fits in” and responds to the existing character, natural features, and existing /planned infrastructure capacity. New housing should be encouraged to improve the neighborhood and must be consistent with the land use designation on the Future Land Use Map.”

The proposal is not inconsistent with the Future Land Use Map or the Generalized Policy Map. It would provide for a six and seven story apartment building consistent with the existing character of the surrounding area and the land use designation on the Future Land Use Map.

The proposal to provide a market-rate multi-family building on the site would further the following Land Use, Housing, Environmental Protection, Urban Design elements and the Far Northeast and southeast Area Element policies of the Comprehensive Plan, as described below.

### Chapter 3: Land Use Element

**Policy LU-1.2.2: Mix of Uses on Large Sites** Ensure that the mix of new uses on large redeveloped sites is compatible with adjacent uses and provides benefits to surrounding neighborhoods and to the city as a whole. The particular mix of uses on any given site should be generally indicated on the Comprehensive Plan Future Land Use Map and more fully described in the Comprehensive Plan Area Elements. Zoning on such sites should be compatible with adjacent uses. 305.7

**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. 306.11

**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. 307.5*

#### Chapter 5: Housing Element

***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. 503.2

***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. 503.4

***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. 503.6

#### Chapter 6: Environmental Protection Element

***Policy E-1.1.1: Street Tree Planting and Maintenance*** Plant and maintain street trees in all parts of the city, particularly in areas where existing tree cover has been reduced over the last 30 years. Recognize the importance of trees in providing shade, reducing energy costs, improving air and water quality, providing urban habitat, absorbing noise, and creating economic and aesthetic value in the District's neighborhoods. 603.4

***Policy E-1.1.3: Landscaping*** Encourage the use of landscaping to beautify the city, enhance streets and public spaces, reduce stormwater runoff, and create a stronger sense of character and identity. 603.6

***Policy E-3.1.2: Using Landscaping and Green Roofs to Reduce Runoff*** Promote an increase in tree planting and landscaping to reduce stormwater runoff, including the expanded use of green roofs in new construction and adaptive reuse, and the application of tree and landscaping standards for parking lots and other large paved surfaces. 613.3

***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. 614.2

#### Chapter 9: Urban Design Element

***Policy UD-2.2.1: Neighborhood Character and Identity*** Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6

***Policy UD-2.2.4: Transitions in Building Intensity*** Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further

*improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood. 910.11*

***Policy UD-2.2.7: Infill Development*** *Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.15*

#### Chapter 17: Far Northeast & Southeast Area Element

***Policy FNS-2.8.2: Kenilworth-Parkside Transit Oriented Development*** *Support mixed-use residential, retail, and office development on the remaining vacant properties in the Kenilworth-Parkside neighborhood. Take advantage of this area's proximity to the Minnesota Avenue Metrorail station and its relative isolation from the low-density single family neighborhoods to the east to accommodate medium to high density housing that is well connected to transit and the adjacent waterfront open space. 1718.6*

***Policy FNS-2.8.3: Density Transitions at Parkside*** *Provide appropriate height and scale transitions between new higher density development in the Kenilworth-Parkside neighborhood and the established moderate density townhomes and apartments in the vicinity. Buildings with greater heights should generally be sited along Kenilworth Avenue and Foote Street, and should step down in intensity moving west toward the river. 1718.7*

The subject application would provide new multi-family housing within the Parkside neighborhood. Currently a vacant lot, the site would be developed with an apartment building that is intended to provide some step-down in height from the planned high-rise apartment buildings on Kenilworth Terrace to the row houses to be constructed across from the site on Parkside Place. The façade of the building would be a mixture of materials and colors, resulting in a unique contrast of colors. The development would add market-rate units to the development that already incorporates many affordable units.

The green roof and permeable pavers above the below-grade garage would lessen stormwater runoff impacts and street trees around the site would be preserved or replaced as necessary. The addition of missing street trees around the perimeter of the site would and the provision of a green roof would reduce the heat island effect of the building.

## **X. AGENCY COMMENTS AND REFERRALS**

If the subject application is set down by the Commission, it will be referred by the Office of Planning to the following District agencies for review and comment:

- District Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);
- Department of Energy and Environment (DOEE);
- DCWater; and
- Metropolitan Police Department (MPD).