



## MEMORANDUM

**TO:** DC Zoning Commission

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

**DATE:** February 3, 2012

**SUBJECT:** Preliminary Report on Zoning Commission Case No. 11-25, a Proposed Consolidated Planned Unit Development and Related Zoning Map Amendment for 501 New York Avenue NE – Square 3594 Lot 5

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission set down this application for a consolidated planned unit development (PUD), and related map amendment to rezone the subject property located at 501 New York Avenue NE from Commercial-Light Manufacturing (C-M-1) to Major Business and Employment Center (C-3-C) to redevelop the site with companion hotels with a total of 216 rooms, for a public hearing.

### II. BACKGROUND

In December 2009, the VASUDAY, Inc., DBA Baywood Hotels, the applicant and property owner, filed a petition with the Office of Zoning requesting that the Zoning Commission rezone this same property from C-M-1 to C-3-C, a district more consistent with the Florida Avenue Market Small Area (FAMA) Plan adopted by the District Council in October 2009.

OP supported setting Application No. 09-20 down for public hearing its preliminary report dated December 31, 2009. However, during its meeting on January 25, 2011, the Commission referred this proposal back to OP to work with the applicant to address the process issues. It also directed OP to find a way for the Commission to have plan review authority over this rezoning request.

### III. SITE AND AREA DESCRIPTION

Address:	501 New York Avenue NE
Legal Description:	Square 3594 Lot 0005
Ward:	5B
Lot Characteristics:	An irregularly shaped lot 39,616 square feet (0.9 acre) in size that abuts New York Avenue NE along the northern (front) boundary. A public alley 20 feet wide extends from the western (side) boundary southwest to Penn Street NE.
Existing Development:	The property was developed in the early 1970's with a 2-story motel of masonry construction with 78 rooms and 51 parking spaces on a paved surface lot. Two curb-cuts provide vehicular access into the site from New York Avenue, however the hotel building blocks access to the referenced 20-foot wide alley along the western property boundary.

Zoning:	C-M-1 – motels and hotels are allowed as a matter of right per § 801.6.
Historic District:	None.
Adjacent Properties:	Federal land borders the site to the east. Other properties in the vicinity are developed with one-to-three story buildings occupied by office, light manufacturing and warehouse uses.
Surrounding Neighborhood Character:	Low-moderate density light manufacturing and warehouse uses.

**IV. APPLICATION IN BRIEF**

**Proposal:** The applicant now requests Zoning Commission approval of a consolidated PUD with an associated map amendment from C-M-1 to C-3-C.

The proposal would replace the existing two-story motel with an eight-story building with a total of 216 rooms split between two hotel uses: one with 114 standard guestrooms in east wing and a 102-suite extended-stay hotel in the western wing of the building. Each would have separate ground floor lobby and dining areas, and share the roof terrace, fitness facility, loading and service area and onsite parking resources. The 90-foot tall building would have an approximate gross floor area of 163,600 square feet, equal to a floor area ratio (FAR) of 4.09.

Plans call for 149 onsite parking spaces; one loading berth 30 feet-deep and one 55-feet deep; one 100-square foot loading platform and a 200-square foot loading platform (both at grade); and a 20-foot deep service delivery space. Guest, delivery and service vehicles would enter the site via two relocated curb cuts along New York Avenue NE. The new placement would require shifting the existing curb cuts along the avenue frontage. Vehicles would exit the site by traveling southwest along the 20-foot wide alley to Penn Street, then continuing west to New York Avenue or south the Florida Avenue NE.

**V. ZONING**

	C-M-1 Requirement	C-3-C Requirement	C-3-C PUD Requirement	Proposal
<b>Height</b>	60 feet	90 feet	130 feet	90 feet
<b>Floor Area Ratio</b>	4.00	6.50	8.00	4.09
<b>Lot Occupancy</b>	100 % <sup>1</sup>	100 %	100 %	100 %
<b>Hotel Use</b>	Allowed	Allowed	Allowed	

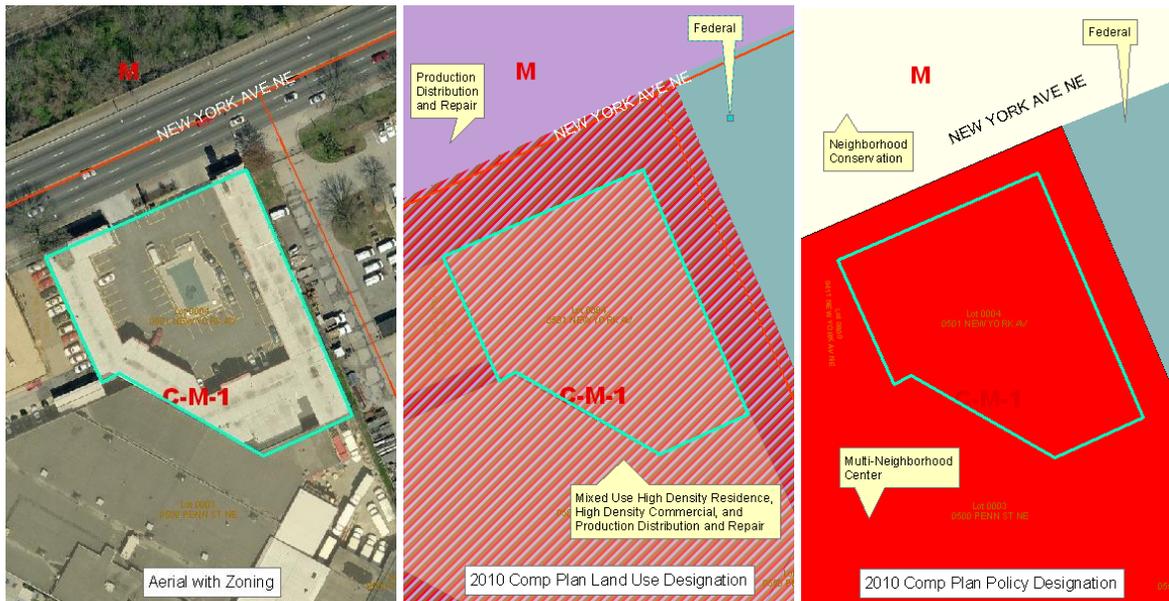
The subject 39,600 square-foot property and site exceeds the minimum land area of 15,000 square feet required for a PUD under § 2401.1 (c). As illustrated above, the requested change to C-3-C would increase the allowable maximum height to 90 feet per § 770.1 and the maximum FAR to 6.5 per § 771.1. Hotels would continue to be allowed as a matter of right per § 721.

Although the proposed development height and density would conform to the proposed zone district, flexibility was requested from the zone requirements for roof structures (§ 770.6 (c)) and rear yard (§ 774.1). The application also requested:

<sup>1</sup> the regulations do not provide any lot occupancy limitation for this district

- flexibility in the total number of hotel rooms between 200 and 230;
- flexibility in the location and design of interior components;
- flexibility in the number, location and arrangement of parking spaces, although the total number would not be less than the required minimum;
- flexibility in the final selection of exterior materials within the proposed color range and without a reduction in material quality; and
- the flexibility to make minor refinements of exterior building details and dimensions per the District of Columbia Building Code or as required obtaining a building permit.

## VI. COMPREHENSIVE PLAN



April 8, 2011 was the effective date of the new 2010 Comprehensive Plan. The updated Future Land Use Map designates the subject property and other Florida Market Area properties for a Mixture of High Density Residential, High Density Commercial and Production, Distribution and Repair uses. This is an expanded land use designation that reflects Council approval of the referenced Florida Market Area Small Area Plan (refer to subsection VII below). The current C-M-1 zone on the subject property allows commercial, warehouse, hotel and other nonresidential development to a moderate density and no new residential development.

The 2010 Comprehensive Plan Policy Map continues to show the subject property as the northeast corner of an area designated Multi-neighborhood Center. As in this case, these centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses such as hotels.

The Comprehensive Plan also provides the following additional policy guidance:

- The Land Use Element of the Plan lists the following among the critical land use issues facing the District of Columbia: ...
  - *Directing growth and new development to achieve economic vitality while minimizing adverse impacts on residential areas and open space ...*
  - Commercial/Mixed Use Areas: Multi-Neighborhood Centers, *“Multi-neighborhood centers contain many of the same activities as neighborhood centers but in greater depth and variety. ... These centers are generally found at major intersections and along key transit routes. These centers might include supermarkets, general merchandise stores, drug stores, restaurants, specialty shops, apparel stores, and a variety of service-oriented businesses [223.17].*  
*... Mixed-use infill development should be encouraged to provide new retail and service uses, and additional housing and job opportunities [223.18].”*
  - Policy LU-2.4.13: Commercial Uses Outside Designated Centers, *“Recognize that not all commercial uses can be appropriately sited within designated neighborhood, multi-neighborhood, and regional centers. ... hotels, and similar uses may require highway-oriented locations. The District should retain and support such uses and accommodate them on appropriately located sites [312.17].”*
- The Economic Development Element of the Plan includes:
  - ED-1.1: Stabilizing and Diversifying Our Economic Base, *“... 15 industries ... represent more than half of the job growth expected in the city during the 10-year period between 2002 and 2012. Some of the gains reflect continued growth of core industries like the federal government, universities, hotels, and non-profits. ... [703.6].”*
- The Upper Northeast Area Element provided additional insight:
  - 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 [2407.2 (g)].”*
  - 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 [2408.9].”*

## VII. FLORIDA MARKET AREA SMALL AREA PLAN

The subject property also falls within the area covered by the adopted FAMA Plan. The FAMA Plan evaluated the existing infrastructure, the economic vitality and potential, and the historic significance of the study area and provides a framework for the strategic

redevelopment of this area into a vibrant, mixed-use neighborhood that would protect the look and feel of the historic retail markets. Key issues identified in the FAMA Plan included:

- *“Economic Growth: There are many empty lots and undeveloped areas that sit unused and thus do not contribute to the economic growth of the area and the city as a whole. ... (page 47)*
- *Image: Currently, the site does not strengthen the public image of the city for the high volume of traffic arriving from the north via New York Avenue or the residents in the adjacent neighborhoods. ... (page 47)*
- *Zoning: The existing (C-M-1) zoning reflects the current warehouse uses on the site, but would not permit the broader range of uses that may be desirable on this site, and would not provide densities or heights that will encourage quality redevelopment appropriate to this location on major circulation routes and close to a metro station.” (page 48)*

The FAMA Plan notes that New York Avenue is one of the streets identified by the District Department of Transportation (DDOT) as a “Priority Corridor” in its 2008 Pedestrian Master Plan. This designation did not extend northeast beyond Penn Street NE to the subject property. The stated intent of the high density designation is to encourage development of larger scale projects adjacent to the rail line *and along New York Avenue*, considered one of the “gateways” to the District. Height and FAR limitations in the C-M-1 district do not allow development at this density.

The allowable height and FAR in a C-3-C district, as a matter of right and under a planned unit development, are equivalent to the adopted high density designation as it is defined in the Comprehensive Plan land use designation and the FAMA Plan. As this plan states:

*“... The width and traffic volumes of New York Avenue support this level of building height and density. It is also consistent with the density approved for the Washington Gateway Project PUD. High density development at these locations is in accordance with the goals of the Northeast Gateway Revitalization Strategy and the New York Avenue Corridor studies.”*

Regarding the implementation of the recommended zone changes:

*“As a result of this small area plan, the zoning for the study area could be changed through the zoning map amendment process, which requires public review and approval by the District’s Zoning Commission. The zoning recommendations in the plan are designed to accomplish three objectives including:*

1. *Provide opportunities for additional density and associated building height, especially in areas designated as “**High Density**” or “**Medium-High Density**”...*

## VIII. RECOMMENDATION

OP concluded that this project is a well-designed solution to a site in dire need of revitalization. The increase in allowable development density, as proposed, is minimal and would not be inconsistent with the current High Density Residential and High Density Commercial land use designation in 2010 DC Comprehensive Plan. It would also support a number of other policies in the Comprehensive Plan and the adopted FAMA Plan.

Staff recommends that the applicant provide the following prior to a public hearing:

- additional details about planned streetscape and other improvements that would be in the public right-of-way of New York Avenue;
- a completed project traffic impact analysis that also responds to DDOT concerns about utilizing two curb cuts for vehicular access into the site from New York Avenue instead of a single driveway;
- a signed First Source Employment Agreement;
- a status report on discussions with Advisory Neighborhood Commission (ANC) 5B; and
- further refinement of project benefits, amenities and architectural drawings.

JS/afj  
Arthur Jackson, Case Manager