



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director Development Review & Historic Preservation

DATE: June 10, 2013

SUBJECT: Hearing Report: ZC 12-16, Consolidated PUD and related Map Amendment from the R-2 and R-5-A to C-2-A zone at various lots in Squares 5246, 5272, 5273, 5276, and 5277 - Capitol Gateway Marketplace

I. APPLICATION AND OP RECOMMENDATION

DC Housing Authority (Applicant) on behalf of the District of Columbia submitted an application for a Consolidated Planned Unit Development (PUD) and related map amendment from the R-2 and R-5-A zones to the C-2-A zone for Square 5246, Lot 110; Square 5272, Lot 51; Square 5273, Lot 67; Square 5276, Lots 812, 813, 23-121; Square 5277, Lots 22-23 and 805 on August 21, 2012.

The Office of Planning (OP) is supportive of the development that will go towards fulfilling the vision for the Capitol Gateway Estates development. The proposal is not inconsistent with the Comprehensive Plan which recommends the site for Low Density Commercial mixed use and specifically for a Neighborhood Commercial Center. OP recommends the Zoning Commission approve the proposal, subject to the resolution of issues noted in this report, and receipt of a more detailed justification of the various forms of zoning relief requested.

The original proposal proposed a four-building, mixed use development consisting of a large format retail use (Walmart), a mixed use building with retail and residences, a restaurant, and office uses. This was set down for public hearing on April 8, 2013. The Zoning Commission requested that the Applicant further address the blandness of the west and east walls of the Walmart building, the details of the architecture of the mixed use building, the retailing wall, and more details of the affordable units. These issues are discussed in the report.

In response to Zoning Commission, OP and DDOT comments, on May 31, 2013, the Applicant submitted revised plans with various changes and improvements, including the deletion of the office use building. The development is now a three building, mixed use development.

The Applicant has made various additional improvements to the proposal, which include: a more defined architecture for the restaurant and mixed use building; reduction in the height and number of retaining walls; addition of more open/green space; increase in pervious surfaces, integration of the stormwater management system into the landscaping, and making the buildings better complement each other to read as a unified development. The Applicant has tried to lessen the suburban feel of the development by moving the buildings closer to East Capitol Street but still provide adequate space for pedestrian activity and movements.

While the applicant has addresses some of the comments made by OP in our setdown report, the Applicant has not yet provided a comprehensive analysis of the requested special exceptions requirements of Section 2516, Section 733, and Section 721.3(t).

The applicant has requested flexibility to make changes to the design of the restaurant as at this time a specific operator has not been identified, but the flexibility requested leaves room for a wide interpretation of

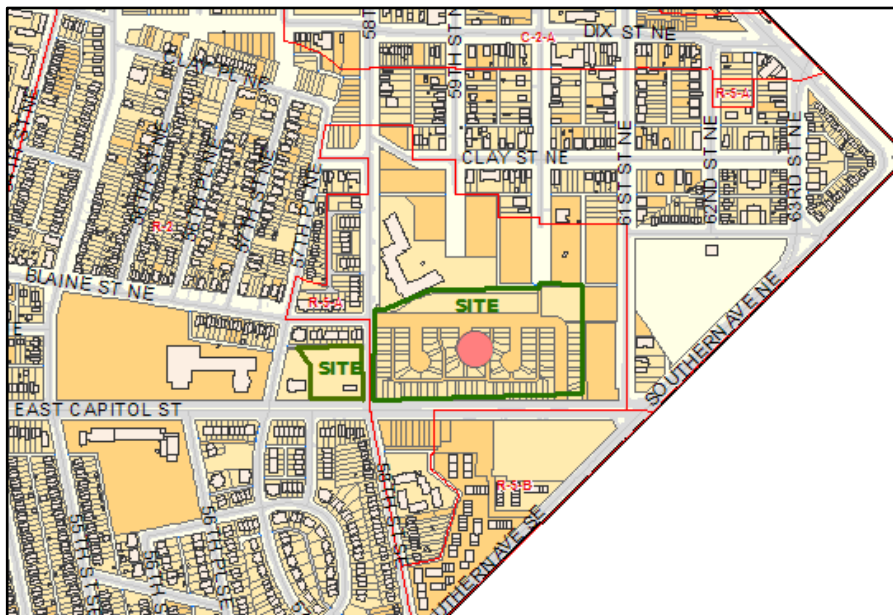


what is a minor modification. OP therefore recommends that if changes are proposed, a modification request be submitted at such time.

The Applicant should also provide a signed agreement to implement a First Source Agreement prior to the Zoning Commission Final Action.

I. SITE and AREA DESCRIPTION

The site consists of two land areas on the northeastern and northwestern quadrants of the intersection of East Capitol Street and 58th Street, SE composed of a number of squares and lots. The property is 521,734 square feet (11.9 acres) in land area and is currently undeveloped. The topography is undulating across the site and rises upwards from the eastern boundary towards 58th Street where it levels out. Blain Street, which ran in a west to east direction and 60th Street which ran in a north to south direction on the property, has been vacated. The eastern portion of the property (in Squares 5272, 5273, 5276 and 5277) is bounded by 58th Street to the west; East Capitol Senior Housing complex and the Watts Branch Park to the north and northwest; Marvin Gaye Park and Recreational Center to the northeast and east; and East Capitol Street to the south. The western portion of the property (Square 5246) is bounded by 58th Street to the east; East Capitol rowhouses to the north; the Supreme Council of the House of Jacob church to the west; and East Capitol Street to the south. Property within the site that is east of 58th Street is zoned R-5-A while Square 5246, west of 58th Street, is zoned R-2.

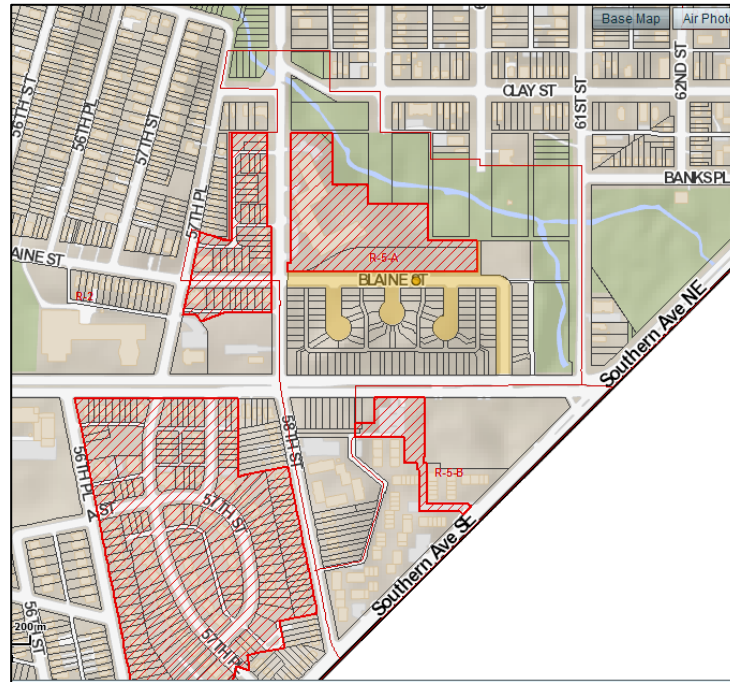


The property is within the East Capitol neighborhood which is predominantly developed with residential uses consisting of single family, duplexes and apartments and with institutional uses. To the north of the site is the 3-story, Capitol Gateway Senior apartments in the R-5-A zone and the Watts Branch Park. To the immediate south of the property includes undeveloped land (part of ZC Case 02-04 discussed below), as well a land development with a mixture of single family detached, duplexes and low rise multifamily apartments in the R-2, R-5-A and R-5-B districts beyond. To the east of the site along East Capitol Street is a church, the Evans Middle School, the Maya Angelou Charter School and the Evans Recreational Center in the R-2 district.



III. BACKGROUND

Capitol Gateway Estates was envisioned as a mixed-use development by DC Housing Authority and A&R Development Corporation to replace a large area of public housing with a mix of uses, a mix of housing types and a mix of families with various income levels under the HOPE VI program. A series of related PUDs, 02-04, 02-05, and 03-03 were approved for the forty (40) acre Capitol Gateway Estates included the following components:



- (1) A 151 unit senior apartment building (north of the subject property) - constructed¹;
- (2) A mixed-income residential community with 228 dwelling units, composed of 14 single-family houses, 136 semi-detached houses, 64 rowhouses and 28 units in 7 four-unit apartment buildings (to the south of the subject property) - constructed²;
- (3) The replacement of the former high-rise public housing site located on the south side of East Capitol Street adjacent to the Maryland-D.C. line and the Capitol Heights Metro Station; and
- (4) The redevelopment of the current PUD site with a grocery store and other retail uses.

To date, the senior housing and the residential development with single family detached, duplexes, rowhouses, great houses and a community center are completed and occupied. However, due to funding difficulties, the plans for the retail and apartment development were curtailed. The Applicant has now been able to secure a large anchor for the development to enable the vision of the retail center to serve the residents of the area.

IV. PROPOSAL

The revised development would consist of three (3) buildings identified in the Applicant's submission as (moving from west to east) the "Restaurant", "Walmart", and the "Mixed Use Building". Overall, the development would have 507,618 gross square feet of space at a FAR of 0.97 which includes the private

¹ ZC 02-04

² ZC 03-03/02-05, 03-03A, 03-03B

street and a FAR of 1.08, not including the private streets. The building heights would range between 23.33 feet on the restaurant and up to 67.25 feet on the Mixed Use Building.



Restaurant:

The Restaurant would be located at the intersection of East Capitol Street and 58th Street. The single story building would have an area of 8,400 square feet for a family-style, “sit down” restaurant with covered and uncovered outdoor seating areas wrapping its East Capitol Street and 58th Street corner while providing ample space for pedestrian movements. The main entrance lobby is along 58th Street with secondary entrances from the parking lot and East Capitol Street. The 90-100 space surface parking lot is accessed from 58th Street and would be broken up by landscaped islands and screened from view along East Capitol Street by a garden wall.

The architecture of the restaurant is articulated through its shape and use of a range of materials such as clay tiles, Quick Brik, ground face architectural block, architectural precast and metal and a palate of three colors from which the eventual restaurateur may choose (Page 62 of 89). While not mimicking the style of the Walmart building, these materials and colors are similar to those on the other two buildings and would result in a unified development with buildings which complement each. The Applicant has requested some flexibility on this building which is addressed in Section V of this report.

Walmart:

The Walmart store, which is the centerpiece of the development, would have approximately 135,551 square feet of store space for general store, groceries, a full service pharmacy and storage. To support the store, 443 parking spaces would be provided, 337 parking spaces below the store and an additional 106 spaces in the Mixed Use Building. The building is sited to provide maximum visibility as one enters the District at Southern Avenue and proceeds along East Capitol Street. The building would utilize the topography of the site to accommodate a maximum height of 40.83 feet and allows for access points into the building at both the high and low ends of the building. The topography also allows parking to be placed below the store, obscured from view along East Capitol Street. The loading area would be at the rear, away from the main traffic areas in a facility that would be open to the sky but visually screened by walls and landscaping. Plaza

spaces around the building would highlight the building's entrances and accommodate pedestrian movements.

As with the overall development, the architectural style of this and the other buildings would be of a modern genre using various materials such as metal panels, clear glass, Quick Brik and steel columns forming a series of horizontal and vertical lines which highlight the different functions in the building. The use of expansive clear glass on the East Capitol frontage would define the entrances into the building as well as allow for some transparency into the building. Although there are not many openings into the building, except for along the East Capitol frontage, the starkness of these facades is reduced through articulation and the use of different materials. OP and the Zoning Commission had concern about the 58th Street façade across from the Restaurant which the Applicant has now articulated through the use of different materials and colors, and introduced clear glass windows and grey louvered screening (Page 23 of 89). This façade treatment would be complemented by extensive landscaping and would allow the streaming of light through the windows to help make pedestrian movements more secure and comfortable.

The northern façade (rear of the building) is less articulated with monochromatic metal screening provided on the northeastern corner to screen the parking lot. This façade would also accommodate the loading docks which are screened by walls. This façade would be extensively landscaped to help minimize the volume of the building as well as provide screening when viewed from the street or from the senior housing further north.

The eastern elevation which is across from the Mixed Use Building would provide the entrance into the parking lot with ample space for pedestrian movements, 10-foot wide sidewalk, as one move between the parking areas and the plaza at the intersection of Private Street 2 and the East Capitol Street.

Mixed Use Building

The five-story, Mixed Use Building would have approximately 23,500 square feet of ground floor retail and ± 288 (259-317) residential units in the upper four stories. The building would have a height of 62.75 feet to the top of the roof but two parapet areas extend to 67.25 feet. The Applicant has requested flexibility to exceed the maximum height of 65 feet, discussed further in Section V of this report. The Applicant anticipates that the retail area will include a mixture of national chains and local neighborhood retailers. The residential use would be a mixture of studios, one- and two-bedroom units ranging in size between 492 to 1,102 square feet in size. Each floor would have a mixture of unit sizes. The apartments would be complemented by two extensively landscaped, internal courtyards on the first residential floor that would be accessible only to the residents. Additional residential amenities within the building would include a club room, a fitness room, a business center, a storage room and a residential bike storage room.

Similar to the Walmart building, the Mixed Use Building utilizes the topography to separate the uses and their entrances. The retail uses front on East Capitol Street with separated parking levels behind and below; 185 retail spaces (including 106 for Walmart) on the upper level and 183 residential parking spaces on the lower level. The building site is surrounded by streets on all sides and the retail parking would be accessed from the west side of the building while the residential parking will be accessed for the east side.

The Mixed Use Building would front on a large plaza area and be the first building viewed on entering the District from Maryland. The building façade has been revised and is now more streamlined and softened with a consistent pattern, articulated corners, the addition of balconies, and the extension of parapets. The Mixed Use Building would be of a contemporary design and materials but of lighter colors and would include the use of metal panels, cementitious or masonry walls in various colors, and green screen wall, are proposed to minimize the scale of the building.

The base of the building on the north, northeast and northwest would have green screens to obscure the parking area. The screened areas are overshadowed by the upper residential portions of the building. The Applicant states that the vegetation to be used would be a species that tolerates minimal direct sunlight.

Plazas:

Open space areas are proposed at strategic places along East Capitol Street; on the southeast corner of the restaurant, on both ends of the Walmart building and on the southeast corner of the Mixed Use Building. The most significant of these plazas would be the approximately 8,782 square foot³ urban plaza in front of the Mixed Use Building which would be endowed with a “gateway feature” into the District (Page 66 of 89) and to frame the entrance to the building. The plaza would have a combination of decorative, concrete pavers broken up with decorative paver bands and an area of granite cobbles, and pre-cast decorative seating around bio-filtration planters with shade trees. Due to the slope of the site, steps and terraced planters are provided up to the retail entrances. The sidewalk has been integrated into the open space area and would accommodate a relocated bus stop closer to the building. The design has reserved space for public art, again to highlight the sense of entry into the District and the Applicant has provided pictures of examples of features that could be considered. In the August 28, 2012 submission, the Applicant states that they will work with the DC Commission of Fine Arts and Humanities on potential grants and subsidies to further enhance the plaza.

Parking and Loading:

Each building would accommodate its parking on its parcel except that the Walmart store would have some spaces on the retail level of the Mixed Use Building. The restaurant pad would have between 90 and 100 spaces where 69 spaces are required. The Walmart site would have 337 spaces beneath the store with an additional 106 spaces in the Mixed Use Building. Based on its square footage, the store requires 442 spaces while 443 spaces are provided.

The Mixed Use Building would have separated residential and retail parking. The residential level would have 183 spaces where 159 spaces are required and would be accessed from the private street on the eastern end of the property. The retail level would have a total of 185 parking spaces, 106 of which would serve the patrons of Walmart.

The Applicant still has not indicated if the Walmart spaces on the Mixed Use Building would be specifically marked and identified apart from those to be used by the retailers in this Mixed Use Building. Overall, the development site would require a total of 738 spaces and 805 spaces are proposed. The parking remains high for an area that is close to a metro station; this issue is expected to be further addressed in the DDOT report.

Retaining Walls

The elimination of the office building resulted in the need for fewer large retaining walls along the northern property line. The Applicant has utilized the topography in the siting of the buildings; where necessary, their heights are minimize and their visual impact lessened through the use of vegetative screening and plants.

The Restaurant lot would have retaining walls along the southern and western boundaries. Along East Capitol Street and between the rain garden and the parking lot is a 4.5-foot high wall while along the western property line the wall transitions from 0 to 4.5-feet (Page 87 of 89). A retaining wall would also be provided along the easternmost boundary, adjacent to the Mixed Use Building and would range from 0- to 11-feet and topped off with a guard rail of unspecified height (Pages 86, 88 of 89).

³ Excludes dedicated sidewalk space and terraces.

V. ZONING AND PUD RELATED MAP AMENDMENT

The PUD application includes a request for a zoning map amendment from the R-2 and R-5-A to C-2-A. OP recommends that the more appropriate process is for a PUD related map amendment to C-2-A. The existing R-2 and R-5-A zones are low to moderate density zones that do not allow retail, as anticipated by the Comprehensive Plan.

The C-2-A District is an appropriate designation for this PUD site, as it is intended to provide for facilities for shopping and business needs, housing, and mixed uses for areas outside of the central core. C-2-A districts are to be in low and medium density residential areas with access to main highways or rapid transit stops, and shall include office employment centers, shopping centers, and medium-bulk mixed use centers.

The following table shows the zoning requirements for the existing matter-of-right and proposed PUD zones and the Applicant's specific proposal.

Table 1

| | R-2/R-5-A | C-2-A PUD | PROPOSAL | COMPLIANCE |
|---------------|--|--|--|-----------------------------------|
| Min. Lot Area | 2 acres for a PUD | 15,000 sf. for a PUD | 521,734 sf. | Complies |
| FAR | n/a | 3.0 residential 1.5 commercial max. | 0.53 residential 0.44 commercial 0.97 total (1.08 excluding the private street area) | Complies |
| Lot Occupancy | 40% residential | 60% residential 100% non-residential | 48.5% residential 100% non-residential 43.9% overall | Complies |
| Height | 40 ft. | 65 ft. | <u>Restaurant</u> 23.33 ft. <u>Retail</u> 40.10 ft. <u>Mixed Use</u> 62.75 ft (top of roof) 67.45 (top of parapet) | Relief requested for the parapets |
| Side Yard | None required but if provided, 8 ft. minimum | None required but if provided, 6 ft. minimum | Varies but none less than 6 ft. | Complies |
| Rear Yard | 20 ft. | 15 ft. | Varies but none less than 15 ft. | Complies |

| | R-2/R-5-A | C-2-A PUD | PROPOSAL | COMPLIANCE |
|--------------------------------|---|---|--|-------------------------|
| Parking § 2101.1 | Residential: 1/ du | <u>Restaurant</u> 1/100 sf. in excess of 1,000 sf = 69 | <u>Restaurant</u> 90-100 | Complies |
| | | <u>Retail</u> 1/300 sf. in excess of 3,000 sf = 442 | <u>Retail</u> 443 | Complies |
| | | <u>Mixed Use</u> <i>Residential</i> -1/2du = 159 <i>Retail</i> - 1/300 sf. in excess of 3,000 sf = 68 | <u>Mixed Use</u> <i>Residential</i> - 183 <i>Retail</i> - 79 | Complies |
| | | <u>Total</u> : 738 | <u>Total</u> : 805 | Complies |
| Bike Parking § 2119.1 | 5% required retail and service uses | 5% for commercial uses = 30 | 84 | Complies |
| Loading § 2201.1 | Residential 1 @ 55 ft. deep 1 platform @ 200 sf. 1 service space @ 20 ft. | <u>Restaurant</u> Berth - 1 @ 30 ft. Platform - 1 @ 100 ft. | <u>Restaurant</u> Berth - 1 @ 30 ft. Platform - 1 @ 100 ft. | Complies |
| | | <u>Walmart</u> Berth - 2 @ 55 ft. Berth - 1 @ 30 ft. Platform - 2 @ 200 ft. Platform - 1 @ 100 ft. Service/delivery - 1 @ 20 ft. | <u>Walmart</u> Berth - 2 @ 55 ft. Berth - 1 @ 30 ft. Platform - 2 @ 200 ft. Platform - 1 @ 100 ft. Service/delivery - 1 @ 20 ft. | Complies |
| | | <u>Mixed Use</u> <i>Residential</i> : Berth - 1 @ 55 ft. Platform - 1 @ 200 ft. Service/delivery - 1 @ 20 ft. <i>Retail</i> : Berth - 2 @ 30 ft. Platform - 2 @ 100 ft. Service/delivery - 1 @ 20 ft. | <u>Mixed Use</u> Berth - 2 @ 30 ft. Platform - 1 @ 100 ft. Platform - 1 @ 200 ft. Service/delivery - 1 @ 20 ft. | Relief requested |
| Rooftop Enclosure height | Uniform height | Uniform height | <u>Mixed Use</u> Unequal heights | Relief requested |
| Rooftop Enclosure | Single Enclosure | Single Enclosure | <u>Mixed Use</u> Multiple enclosures (2) | Relief requested |
| Roof Structure Setback | 1:1 setback from exterior walls | 1:1 setback from exterior walls | Setbacks less than required. | Relief requested |

Zoning Flexibility

The Applicant has requested flexibility from several zoning requirements, under the provisions of § 2405.7.

Associated Map Amendment from R-2 and R-5-A to C-2-A

The proposed C-2-A zone is not inconsistent with the Comprehensive Plan, which recommends low density commercial for the majority of the site. The R-2 and R-5-A zones do not allow the commercial development envisioned by the Comprehensive Plan. The proposed C-2-A zone is consistent with the low density commercial designation and will accommodate residential use. The C-2-A district allows for up to 2.5 FAR and up to 3.0 under the C-2-A PUD or through conformance with the Inclusionary Zoning regulations. However, the Applicant is proposing an overall density at 0.97 which is significantly below that allowed under the C-2-A PUD. Regarding the height, the maximum height allowed by the C-2-A is 50 feet while in the C-2-A PUD allows up to 65 feet. The proposal proposes a range of heights between 23.33 feet and 62.75 feet. However, portions of the Mixed Use Building extend to 67.25 feet which is 2.25 feet above the maximum 65 feet; the Applicant has requested relief as noted below.

Multiple Buildings on a Single Lot

Currently, the buildings are located over a number of lots. The Applicant states that they will combine the lots into one single lot of record with four theoretical lots. Having three buildings on the record lot requires special exception review under §§ 3104, 2516. § 2516.1 states: “*If approved by the Board of Zoning Adjustment as a special exception under § 3104, two (2) or more principal buildings or structures may be erected on a single subdivided lot, subject to the provisions of this section.*” The Applicant requested that the Zoning Commission retain jurisdiction to hear the requested special exception concurrently with the proposed map amendment and PUD, but has not provided an analysis of how the Special Exception requirements are met.

Height

Mixed-Use Building: The requested C-2-A zone allows a height of up to 50 feet and up to 65 feet in a PUD. The general height of the building is 62.75 feet but the Applicant has requested the flexibility to increase portions of the building to a height of 67.25 feet. The areas with the increased heights would be the extended parapets on all four sides of the building. This would give the roof line some variety and prominence and add dramatic components to the building. The additional height would not create additional floor area or habitable space and therefor OP supports the small increase in heights on these portions of the building.

Loading

Mixed Use Building: As requested by OP, the Applicant has consolidated the loading facilities for the retail and residential uses at one location and is providing two, 30-foot berths; one, 100-foot platform; one, 200-foot platform, and one, 20-foot service delivery space on the lower eastern portion of the Mixed Use Building (Page 30 of 89). The combination of the facilities would result in the elimination of a curb cut on the northern portion of the building. The combined facility would be monitored by a TDM Leader and it is projected that the residential use would have approximately one moving in/moving out truck per day while the retail use would have 1 to 2 have trucks visiting the site per day. Therefore, the reduction in the loading berths should not have a negative impact on traffic movements around the site.

Multiple Roof Structures with less than the 1:1 setback ratio

Mixed Use Building: The Applicant has requested flexibility from the requirements of Section 770.6 (a) and (b) to provide multiple (4) roof structures, one of which does not meet the setback requirement a distance equal to its height. The Roof Plan, (Page 34 of 89) shows four (4) enclosures for rooftop equipment, a 10-foot high stair enclosure and a 9-foot high elevator room and one, 5-foot high trash chute vent and a combined 5-foot high trash chute vent and elevator overrun. The equipment would be fairly small and cannot be combined in a single enclosure due to the design of the residential portion of the building into two

portions. The stair enclosure which would not be setback the required 10-feet would not be obstructive as it would be only 10-feet high and located on a northeastern portion of the building which would face the park and open space.

Prepared Food Shop and Fast Food Establishment

Mixed Use Building: The Applicant anticipates that the retail uses would be a combination of food, goods and services provided by a combination of national and local retailers. The Applicant would like to market the site for a variety of uses and have therefore requested the flexibility to have the option of providing prepared food shops and/or fast food establishments. Special Exception review is required for fast food establishments in the C-2-A zone (Section 733) and prepared food shops with over eighteen seats (Section 721.3(t)). The Applicant has not provided any information as to how the proposal would meet these requirements as requested at setdown.

Restaurant

The applicant has requested flexibility to make changes to the design of the restaurant. At this time, the applicant does not have a specific restaurateur for the space and it is anticipated that when such is identified, the restaurateur may want to make changes in order to accommodate their own brand. The Applicant at Page 62 of 89, has requested flexibility for “minor modifications” to be made which includes:

- A range in the size of the building, between 4,000 square feet and 9,000 square feet;
- An established a material pallet from which to choose the materials to be used on the façade of the building; and
- The location of signage within specified areas.

OP does not support this wide range of flexibility for the restaurant site, and recommends that if changes are needed to the approved plans that a modification request be submitted at such time.

VI. PUD EVALUATION STANDARDS

Section 2403 outlines the standards under which the application is evaluated.

“The impact of the project on the surrounding area and the operation of city services and facilities shall not be found to 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.”

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 development that provide public benefits.” In order to maximize the use of the site consistent with the zoning regulations and to utilize opportunities for additional FAR, the Applicant is requesting that the proposal be reviewed as a consolidated PUD to allow the utilization of the flexibility stated in Section 2400.2. 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 results in an action inconsistent with the Comprehensive Plan.

Public amenities are defined in Section 2407.3 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.” Section 2403.9 outlines “Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following categories:

- (a) *Urban design, architecture, landscaping, or creation or preservation of open spaces;*
- (b) *Site planning, and efficient and economical land utilization;*

- (c) *Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;*
- (d) *Historic preservation of private or public structures, places, or parks;*
- (e) *Employment and training opportunities;*
- (f) *Housing and affordable housing;*
- (g) *Social services/facilities;*
- (h) *Environmental benefits, such as:*
 - (1) *Storm water runoff controls in excess of those required by Stormwater Management Regulations.*
 - (2) *Use of natural design techniques that store, infiltrate, evaporate, treat, and detain runoff in close proximity to where the runoff is generated, and*
 - (3) *Preservation of open space or trees;*
- (i) *Uses of special value to the neighborhood or the District of Columbia as a whole; and*
- (j) *Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.*

Urban Design and Site Planning

OP has worked with the Applicant to encourage a development that is more urban in character, which enhances the streetscape, which responds better to the topography, and which incorporates elements and features that are fitting for a prominent entrance into the District. The site planning with its signature, artistic element and an open plaza area will make the site more attractive and accessible to pedestrian, particularly as they access the site from the adjacent Metro station, as well as vehicles passing along East Capitol Street. The large format retail building utilizes the existing topography and offers multiple entrances to pedestrians, while the lower scale restaurant building provides a transition to the existing residential uses. As with many of the surrounding residential developments, the architecture and materials is of a contemporary era with the use of clear glass, metal and masonry materials. The three buildings all have different architectural styles but the materials complement each other and the neighborhood. The building design places all parking, loading and trash functions internal to buildings or screened, and accessed from internal streets.

Landscaping and Streetscape Design

The public space around the buildings would be improved with landscaped strips, street trees, benches, bike racks and trash receptacles and other elements. Large open spaces would facilitate pedestrian movement to and through the site. The layout and design of tree boxes, sidewalk, and landscaping along East Capitol Street and 58th Street would follow DC standards. Along these streets and the internal private streets, pedestrian clear zone with maximum 10-foot wide would be provided. The site design would incorporate a significant urban plaza adjacent to the Mixed Use Building. Other open space areas would be provided on both sides of the Walmart store along East Capitol Street and along both street frontages of the Restaurant pad.

Housing

Although originally planned for commercial uses only, housing has been introduced into the development. The proposed housing in the Mixed Use Building would include 259-317 residential units in 278,086 square feet. The building would be financed through the Low Income Housing Tax Credit (LIHTC) and therefore the project is initially exempted from the Inclusionary Zoning (IZ) program. The Applicant submits that all the units would be for households with a family income of up to 60% of the Area Median Income (AMI) for 15 years. With the expiration of the 15-years, the Applicant would have to retain at least 8% of the residential area for affordable units under the IZ program (Section 2603). The units would include a mixture of for rent studio/efficiency units, one bedroom units and two bedroom units.

Retail

As part of the original Capitol Gateway Estates development, it was envisioned that the subject property would be developed as a commercial center with a grocery store and other retail uses. Subsequently, the residents of the area have expressed the need for a “sit down” restaurant. To respond to this need, the Applicant has proposed an 8,400 square foot restaurant, 23,500 square feet of neighborhood retail space, and a 135,551 Walmart store.

Local Business Opportunities and First Source Agreements

The Applicant will expand employment opportunities for local residents and will be entering into a First Source Agreement with the Department of Employment Services. The Applicant should provide signed agreements to implement the program prior to the Zoning Commission Final Action.

Green Elements

On Page 8 of 89, the applicant has highlighted sustainable features that would be incorporated into the development. Bioretention and bioswale areas and rain gardens would be incorporated into the open space and landscaped areas. Porous grass pavers would be incorporated into a portion of the parking lot of the Restaurant building (Page 61 of 89) next to the rain garden along East Capitol Street and in other area along sidewalks and between tree boxes adjacent to the sidewalks.

None of the buildings would have a green roof. The Walmart would have a white roof and the Applicant has provided a sightline diagram (Page 18 of 89) that shows the views of the building and roof from the senior housing to the north. The diagram shows that due to the difference in topography, the Walmart building would be at a higher elevation and sightlines to the roof would be partially screened by vegetation or walls surrounding the roof. The Applicant did not provide and further justification why this cannot be a green roof as requested. The Applicant has provided a LEED checklist (Page 9 of 89) showing that the Mixed Use Building could achieve a minimum 52 points or LEED Silver rating but has not committed to LEED certification.

Transportation Demand Management

The project would provide 67 spaces in excess of the required 738 spaces. The proposal would also provide 84 bicycle spaces in enclosed areas with additional spaces along the sidewalks. The Applicant has committed to purchasing, installing and maintaining a Bike share Station on the site in addition to providing bike share membership for all new residents.

The Applicant has committed to a number of TDM measures, including:

- Unbundling of parking cost for lease or purchase by the residents;
- Providing separate TDM leaders for Mixed Use and Walmart buildings;
- Providing a Transportation kiosk with printed materials for local transportation alternatives;
- Providing two car sharing spaces; and
- Hosting of a transportation mobility fair for residents and retail workers.

The DDOT Report, submitted under separate cover, will discuss further these and other TDM measures that would be a part of the proposal.

Public Benefits and Amenities

Benefits and amenities evaluation is based on an assessment of the additional development gained through the application process. In this instance, the map amendment from R-2 and R-5-A to PUD/C-2-A would allow the site to be developed at a greater density and height, and would allow the anticipated retail uses.

The proposed development is the further implementation of the previously approved Capitol Gateway Estates PUD. This development of the site with a full service grocery store, the sit-down restaurants and other retail

uses are highly desired and anticipated by the community. Additionally, the Applicant has included affordable housing, extensive landscaping, plazas and open spaces to enhance the development at this gateway location. The table below is OP's categorization of the proposed items.

| Applicant's Amenities/Benefits | Required | Mitigation | Public Benefit | Project Amenity |
|--|----------|------------|----------------|-----------------|
| New Housing | | | X | X |
| Affordable housing | X | | X | X |
| Extensive Landscaping | | X | X | X |
| Public Spaces: urban plaza and urban court | | | X | X |
| Grocery store | | | X | X |
| Public art | | | X | X |
| Capital Bike share Station | | | X | X |
| Capital Bike share Membership | | | X | X |
| Bicycle Spaces | X | | X | X |
| Transportation Kiosk | | | X | X |
| TDM Leaders | | X | | X |
| Employment and Training Opportunities | X | | | X |

VII. COMPREHENSIVE PLAN

Comprehensive Plan's Future Land Use Map

The Comprehensive Plan's Future Land Use Map designates the majority of the property as Low Density Commercial with a very small portion at the rear portion of the property adjacent to the Marvin Gaye Park and the senior housing to the north as Low Density Residential.



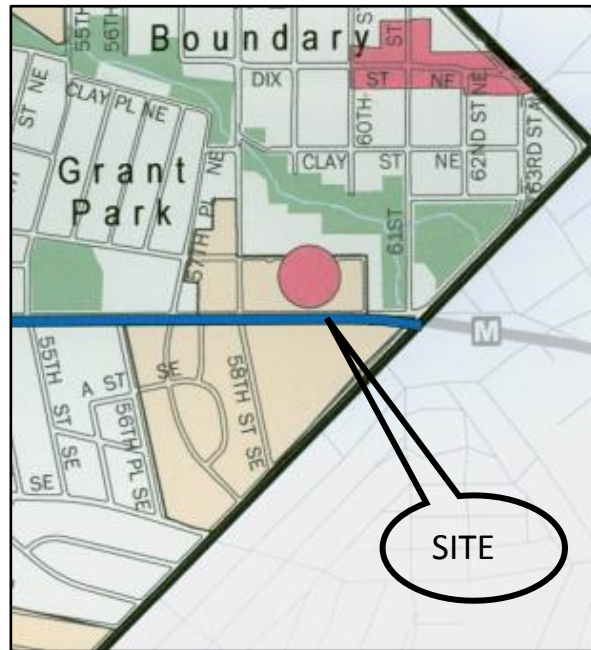
Future Land Use Map

Low Density Commercial areas allows shopping and service areas that are generally low in scale and character and retail, office, and service businesses are the predominant uses. These areas include small

business districts that draw primarily from the surrounding neighborhoods and are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts included C-2-A. A PUD related C-2-A zoning for the site would not be inconsistent with the Future Land Use Map and allows for a distribution of the uses across the site.

Comprehensive Plan's Generalized Policy Plan Map

The site is located within an area designated as a Neighborhood Enhancement Area and Enhancement/New Neighborhood Center.



Policy Plan Map

The guidance and guiding philosophy toward development in Neighborhood Enhancement Areas are:

Neighborhood Enhancement Areas are neighborhoods with substantial amounts of vacant residentially zoned land. They are primarily residential in character. Many of these areas are characterized by a patchwork of existing homes and individual vacant lots, some privately owned and others owned by the public sector or non-profit developers. These areas present opportunities for compatible small-scale infill development, including new single family homes, townhomes, and other density housing types. Land uses that reflect the historical mixture and diversity of each community should be encouraged. 223.6

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 unique and special qualities of each area should be maintained and conserved, and overall neighborhood character should be protected as development takes place. Publicly-owned open space within these areas should be preserved and enhanced to make these communities more attractive and desirable. 223.7

The Plan identifies the subject property for a New Neighborhood Center to compliment and serve the surrounding residential development. Therefore, development of the site with a mixture of retail, housing, and service uses is not inconsistent with the designation as a Neighborhood Enhancement Area and a New Neighborhood Center.

Comprehensive Plan City-Wide Elements

The Comprehensive Plan text provides policy guidance which is applicable to the proposal.

Land Use Element:

Policy LU-1.3.1: Station Areas as Neighborhood Centers

Encourage the development of Metro stations as anchors for economic and civic development in locations that currently lack adequate neighborhood shopping opportunities and employment. The establishment and growth of mixed use centers at Metrorail stations should be supported as a way to reduce automobile congestion, improve air quality, increase jobs, provide a range of retail goods and services, reduce reliance on the automobile, enhance neighborhood stability, create a stronger sense of place, provide civic gathering places, and capitalize on the development and public transportation opportunities which the stations provide. This policy should not be interpreted to outweigh other land use policies which call for neighborhood conservation. Each Metro station area is unique and must be treated as such in planning and development decisions. The Future Land Use Map expresses the desired intensity and mix of uses around each station, and the Area Elements (and in some cases Small Area Plans) provide more detailed direction for each station area.

The development is consistent with the recommendation for a neighborhood center at this location which is in close proximity to the Capitol Heights Metro Station. The proposal will lead to the development of a large vacant property which is at a gateway into the City and will provide services that the neighborhood have been requesting over a period of years as well as provide jobs to help stabilize the neighborhood. In addition, with its proximity to the Metro Station and bus lines and with the institution of TDM measures, it is anticipated that the reliance on automobiles would be reduced.

Policy LU-1.3.3: Housing Around Metrorail Stations

Recognize the opportunity to build senior housing and more affordable “starter” housing for first-time homebuyers adjacent to Metrorail stations, given the reduced necessity of auto ownership (and related reduction in household expenses) in such locations.

The proposed development includes new residential and retail uses in close proximity to the Capitol Heights Metro station. The Applicant proposes to institute various TDM measures such as bike share facilities and memberships, and information regarding transportation alternatives.

Policy LU-1.3.5: Edge Conditions Around Transit Stations

Ensure that development adjacent to Metrorail stations is planned and designed to respect the character, scale, and integrity of adjacent neighborhoods. For stations that are located within or close to low density areas, building heights should “step down” as needed to avoid dramatic contrasts in height and scale between the station area and nearby residential streets and yards.

The proposed PUD is in the vicinity of a mixture of housing types. The closest residences are 2- and 3-story rowhouses and a 4-story senior building. The proposed development has buildings of various heights which are set well back from these residences. The Mixed Use Building is not in close proximity to the existing residences.

Policy LU-2.1.11: Residential Parking Requirements

Ensure that parking requirements for residential buildings are responsive to the varying levels of demand associated with different unit types, unit sizes, and unit locations (including proximity to transit). Parking should be accommodated in a manner that maintains an attractive environment at the street level and minimizes interference with traffic flow. Reductions in parking may be

considered where transportation demand management measures are implemented and a reduction in demand can be clearly demonstrated.

The proposal would provide the required parking for the residences and are provided below the building and are not readily viewed from East Capitol Street. The parking levels on the Mixed Use Building would be screened by a green wall. The Applicant has proposed TDM measures which could help in the demand for parking.

Transportation Element:

Policy T-2.3.3: Bicycle Safety

Increase bicycle safety through traffic calming measures, provision of public bicycle parking, enforcement of regulations requiring private bicycle parking, and improving bicycle access where barriers to bicycle travel now exist.

Action T-2.3.A: Bicycle Facilities

Wherever feasible, require large new commercial and residential buildings to be designed with features such as secure bicycle parking and lockers, bike racks, shower facilities, and other amenities that accommodate bicycle users.

The proposal has incorporated 84 secure bicycle spaces for both residents and the retail workers. Additionally, there are open bicycle facilities for visitors to the site. The proposed addition of crosswalk along East Capitol Street should also facilitate bicycle users.

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.

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.

The Applicant is working with a private developer for the proposed neighborhood commercial center which would include approximately 288 affordable, residential units for families making up to 60% of AMI.

Environmental Protection Element:

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.

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.

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.

The proposal includes extensive landscaping and public open spaces along East Capitol Street and 58th Street as well as around the buildings. The development would include many sustainable features such as bioretention and bioswale areas, rain gardens and porous pavements. The Applicant has also submitted that they will incorporate standards to provide a sustainable development and that the Mixed Use Building would achieve a minimum of 52 LEED points.

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.

The proposed neighborhood commercial center was envisioned for the site as part of the Capitol Gateway Estates development to meet the demands of the residents. The Applicant has proposed a mixture of national chains and local retailers to create a unique and desired shopping experience.

Urban Design Element:

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.

The proposed development would be of a contemporary architecture style which is similar to residential developments in the area. The buildings use similar and/or complementary materials and are articulated to help reduce the volume. The buildings are of low to moderate heights and the entrances to all the buildings are highlighted and easily identified.

Policy UD-3.1.2: Management of Sidewalk Space

Preserve the characteristically wide sidewalks of Washington's commercial districts. Sidewalk space should be managed in a way that promotes pedestrian safety, efficiency, comfort, and provides adequate space for tree boxes. Sidewalks should enhance the visual character of streets, with landscaping and buffer planting used to reduce the impacts of vehicle traffic.

Sidewalks would be provided along all the streets which surround the buildings and the pedestrian way would generally be between 6- and 10-feet. The pedestrian ways at the plaza areas would be much larger and would include landscaping. In some areas, such as along Private Street 2, planting areas are used to buffer the pedestrian ways from the street. The sidewalks would be further enhanced by tree boxes and areas with green pavers. All public space improvements will be subject to Public Space Committee review.

Policy UD-3.1.5: Streetscape and Mobility

Ensure that the design of public space facilitates connections between different modes of travel, including walking, public transit, bicycling, and driving. Bus shelters, benches, bicycle parking, safe

pedestrian connections, and clear way finding signage should be provided to facilitate multi-modal travel.

The plaza areas would be in the vicinity of the bus stops along East Capitol Street and would have benches or other sitting areas as well as bicycle parking. The Applicant has proposed a Transportation kiosk which would provide information on different modes of transportation.

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 proposed neighborhood center would have a single story Restaurant, a Walmart and a Mixed Use Building with ground floor retail. The buildings would provide ample space for plaza areas to accommodate pedestrian way and gathering spaces in front of the buildings. Curb cuts along East Capitol Street are accommodating to the streets only thereby leaving the open plaza areas for pedestrian movements and gatherings.

Policy UD-3.1.8: Neighborhood Public Space

Provide urban squares, public plazas, and similar areas that stimulate vibrant pedestrian street life and provide a focus for community activities. Encourage the “activation” of such spaces through the design of adjacent structures; for example, through the location of shop entrances, window displays, awnings, and outdoor dining areas.

The scale, height and density of the development would be consistent with that of the surrounding community. The building would have different but complementary architectural styles and would add interest to the streetscape. The buildings would be located to have generous open space areas to stimulate pedestrian movements and interaction. A signature feature of the development would be an artistic element and an open plaza area on the eastern portion of the site leading into the District.

Far Northeast & Southeast Area Element

Policy FNS-1.1.2: Development of New Housing

Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area’s major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents.

The proposed neighborhood center will include all affordable residential units for families making up to 60% of AMI. The development would encourage transit use as well as improve pedestrian movements between the Metro station, the site and residences beyond.

IX. AGENCY REFERRALS AND COMMENTS

The proposal was submitted to various District government agencies for review and comment. DDOT’s Report will be submitted under separate cover and DC Water has submitted comments which are attached.

X. COMMUNITY COMMENTS

The property is within ANC-7C. ANC-7C has requested that the record be left open following the public hearing to accommodate further consultation with the Applicant. The Applicant's submission includes several letters of support including the Ward 7 Councilmember, the Capitol Gateway Community Resident Association and the Northeast Boundary Civic Association.

JLS/mbr

Attachment:

1. DC Water Comments