




## MEMORANDUM

**TO:** District of Columbia Zoning Commission

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

**DATE:** February 26, 2014

**SUBJECT:** Zoning Commission Case No. 13-18: **Setdown Report** for a Consolidated Planned Unit Development and Zoning Map Amendments for Square 5925 at 4129-4131 Wheeler Rd. SE

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### **I. SUMMARY RECOMMENDATION**

OP recommends setdown for a public hearing before the Zoning Commission of the proposed redevelopment of Square 5925, Lots 820 and 821, as a consolidated planned unit development (PUD) and related map amendment from the C-1 district to the C-2-B district.

If set down, OP has requested the applicant:

- Clarify elements of the amenities package agreed to with the community; and
- Provide additional architectural drawings or details including:
  - A site and landscape plan
  - Rendered elevations and ground-level perspectives;
  - A detailed roof plan, including the proposed programming of the penthouse;
  - A more detailed description of exterior materials and how they are superior; and
  - Other information as requested by the Commission at setdown.

### **II. BACKGROUND**

WBJ Wheeler Road, LLC (Applicant) submitted an original application for redevelopment of Square 5925, Lots 820 and 821 as a mixed-use development through a consolidated Planned Unit Development (PUD) and related map amendment to rezone the property from the C-1 to the C-3-A district.

Subsequent to filing, OP met with the applicant to discuss the proposed FAR and C-3-A District, which was inconsistent with the site's designation of low density commercial in the Comprehensive Plan's Future Land Use Map. The applicant's revised plans (02/21/2014) reduced the FAR from 3.8 to 3.46. The proposed new FAR would be minimally beyond the C-2-A designation but less than the C-2-B matter-of-right FAR at 3.5. The non-residential FAR would also be well within that anticipated for low density commercial in the C-2-A zone ( $\leq 1.5$ ), and residential lot occupancy below that permitted in the C-2-B matter-of-right ( $\leq 60\%$ ).

The proposed map amendment to the C-2-B district is generally not inconsistent with the Comprehensive Plan Land Use Map's category of low density commercial, the Policy Map's neighborhood commercial center and the policies and goals outlined in this report. The PUD allow a minimal increase within a more appropriate development range anticipated for the site and the inclusion of more affordable family-sized housing units for residents at or below 80% AMI.



### III. SITE and AREA DESCRIPTION

The subject property, Square 5925, Lots 820 and 821, has a total land area of 32,092 square feet and is located at the intersection of Wheeler Road and Barnaby Street SE, in the Washington Highlands neighborhood. Current improvements on the property include a single-story commercial strip shopping center, with front-loaded surface parking. The property is zoned C-1.

South of the site is a church (True Gospel Tabernacle) and to the north and east across Wheeler Road, are residential homes in the R-3 District. From the site, Wheeler Road provides easy bike and bus access north to Oxon Run Park and Congress Heights Metro Station on Alabama Avenue and south to the Southern Avenue Metro Station, east of the intersection at Wheeler Road and Southern Avenue.

### IV. PROJECT DESCRIPTION

The property currently consists of a single-story commercial building on Lot 821 and a vacant lot (Lot 820). Both lots would be combined to develop a 6-story mixed-use building, with 85 affordable residential units above a ground floor retail level, which would front on Wheeler Road. The project would have 112,219 square feet at 3.46 FAR with an overall height of 68 feet.

The project is designed in two phases in order to retain and support current retailers of the existing one-story commercial structure. The applicant has explained that Lot 820 is currently in the process of being developed as a one-story commercial building, which is projected to be completed by the end of 2014. Phase II would involve the demolition of the existing building and construction of the residential building and the remainder of the commercial ground floor space.

The 6-story building would have 90,642 square feet of residential space and 14,279 square feet of ground floor retail. Twenty-five surface parking spaces would be provided with access from the alley. No loading would be provided for the retail component. The required platform, service delivery space and 55-foot loading berth for the residential component would be provided on the southeastern side of the building with curbside loading from Barnaby Street to eliminate the need for a curb cut, as recommended by DDOT.

The residential portion is setback at the rear from the lower level retail floor. A landscaped roof garden on this portion of the lower level roof is one of two green roofs included in the design. This would provide a visual amenity for apartments with rear views and the setback would reduce the massing of the building as would be viewed from the existing apartments across the alley. The unit mix is proposed as follows:

- 30, 1-bedroom units;
- 35, 2-bedroom units; and
- 20, 3-bedroom units.

Recreation space would be located on the roof and an enclosed penthouse would also be programmed to provide some passive recreation uses for residents. (Clarification regarding the programming of this penthouse space would be provided by the applicant at the public hearing).



Site Location and Zoning Map

The ground floor would have retail uses with extended ceiling heights that front directly on Wheeler Road to activate those spaces. Entrances to the retail would be separated from the residential entrance, which would be located closer to the corner of Barnaby Street and Wheeler Road. A business center and conference center located off the main lobby would be available for residents' use.

**V. ZONING AND PUD-RELATED MAP AMENDMENT**

The site is currently zoned C-1. Generally, the C-1 commercial residential district allows flexibility of design and permits, in a single district, all types of urban residential development. Specifically, the C-1 district permits low height and low density uses. The Comprehensive Plan Future Land Use Map (FLUM) designates the site within a low density commercial area.

On OP's advice the applicant revised the plans to reduce the development to an appropriate FAR, in keeping with the FLUM's designation. The following is a comparison of the C-1, and the requested C-2-B/PUD standards and the proposed development.

Requirement	C-1 (M-O-R)	C-2-B (M-O-R)	C-2-B/PUD Alternative	Proposal	Deviation
Lot Area	As prescribed by the Board pursuant to § 3104	15,000 sf.	15,000 sf	32,104 sf.	Conforms
Height (max.)	40 ft.	65 ft. <sup>1</sup>	90 ft	68 ft	Conforms
FAR (max.)	0.9	3.5 (total) 2.0 (residential) 1.5 (commercial)	6.0 (total) 6.0 (residential) 2.0 (commercial)	3.46 (total) 2.8 (residential) 0.44 (non-residential)	Conforms
Lot Occupancy (max)	40%	100% 80% residential	100% 80% residential	59.8 %	Conforms
Rear Yard (min)	20 ft.	15 ft.	15 ft.	20 ft.	Conforms
Side Yard	2 in./ft. of height; not less than 6 ft.	2 in./ft. of height; not less than 6 ft.	2 in./ft. of height; not less than 6 ft.	15 ft.	Conforms
Roof Structure	One structure 1:1 setbacks 18.5 ft. high	One structure 1:1 setbacks 18.5 ft. high	One structure	1 structure 1:1 not met in all locations	Conforms <b>Flexibility Requested</b>
Parking (min.)	1 per du  Retail: 1/300 sf. in excess of 3,000 sf.	Residential. 1/3 dwelling units = 28  Retail: 1/750 sf. in excess of 3,000 sf. = 15	Residential 1/3 dwelling units = 28  Retail: 1/750 sf. in excess of 3,000 sf. = 15	Residential 25  Retail: 0	<b>Flexibility Requested</b>
Loading	Residential (+ 50 units): 1 berth @ 55 ft., deep 1 platform @ 200 sf. 1 s/ delivery @ 20 ft.  Retail: > 20,000 sf. 1 berth @ 30 ft, 1 platform @ 100 sf. 1 s/ delivery @ 20'	Residential 1 berth @ 55 ft, deep 1 platform @ 200 sf. 1 service delivery @ 20 ft.  Retail: > 20,000 sf. 1 berth @ 30 ft, 1 platform @ 100 sf. 1 s/ delivery @ 20'	Residential 1 berth @ 55 ft, deep 1 platform @ 200 sf. 1 service delivery @ 20 ft.  Retail: > 20,000 sf. 1 berth @ 30 ft, 1 platform @ 100 sf. 1 s/ delivery @ 20'	Residential 1 berth @ 55 ft, deep 1 platform @ 200 sf. 1 service delivery @ 20 ft. deep  None provided	Residential 1 berth @ 55 ft, deep 1 platform @ 200 sf. 1 s/ delivery @ 20'  <b>Flexibility Requested</b>
Bicycle Spaces	5% of the number of required automobile spaces = 2	2	2	30	Conforms
GAR	0.30	0.30	0.30	0.42	Conforms

<sup>1</sup> The Zoning Commission may grant an additional 5% increase in height provided the increase in height is essential to the successful functioning of the project and consistent with the evaluation standards of Chapter 24 (§ 2405.3).

## **VI. FLEXIBILITY**

The following flexibility has been requested from the Zoning Regulations:

### Off-Street Parking

The parking requirement for the property is 43 spaces. The applicant would provide 25 surface spaces at the rear for residential use due to space constraints of providing all the required spaces above grade, and to cost constraints of providing underground spaces which would directly impact the affordability of the proposed rental units. The property is located within a mile of the Congress Heights Metro Station and 30 bike spaces would be provided within the building to encourage an alternate transportation mode.

### Loading

The Applicant requests relief pursuant to § 2405.6 to reduce the required loading facility for the residential portion of the building. Section 2201.1 requires a 55-foot loading berth, a 200-square foot platform and a 20-foot service/delivery area. The loading facilities will be shared between the residential and retail uses, as the applicant proposes to provide the 55-foot berth, and the required platform and service delivery area for the residential portion of the project. The loading facilities would be easily accessed by the largest of the 5 retail spaces (4,419 gsf) shown (Ground Level Floor Plan, pg. 7). The applicant indicates that the smaller spaces would be occupied by the existing tenants of the site who would be retained in the new development. These uses include a sub shop, salon, liquor store, convenience store and a cell phone retailer, which do not currently require large trucks for delivery. The applicant intends that these retailers will move into the new facility (Phase I) perhaps as soon as late 2014.

The applicant met with DDOT to discuss the access to the loading dock as shown from Barnaby Street. At DDOT's request, the original plan was modified to incorporate curbside loading to eliminate the need for a curb cut. Flexibility would now be needed from the access provisions of Section 2204. The Applicant indicates that a large truck would have difficulty accessing a 55-foot loading berth from the alley off Barnaby Street.

### Non-conforming Setback

The Applicant requests relief for a portion of the penthouse structure which houses the elevator located on the eastern side of the building as it is not in conformity with the 1:1 ratio from bounding walls. Page 11 of the submitted plan shows the penthouse roof plan but there is no single plan that shows measurements that do not meet the required setback. The Applicant should provide drawings more clearly illustrating the areas of non-conformity.

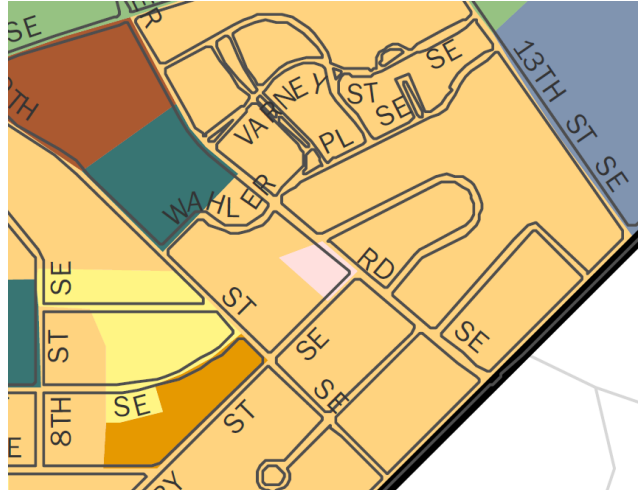
## **VII. COMPREHENSIVE PLAN**

The proposed development's use mix and massing would not be inconsistent with the Comprehensive Plan maps and text, as described below. The development would be located at a key intersection in the neighborhood, and the proposed mix of residential and commercial use would enhance offerings to potential residents and business owners in a new structure which would add value to the streetscape and represent a revival of retail and residential opportunities for the neighborhood. The proposal buildings would be set back from the property line to provide additional space for pedestrian ways and landscaping, creating a safer and more inviting pedestrian way for neighborhood residents. The proposal includes streetscape improvements, including would tree planting along the public right-of-way and new stormwater management treatment on the site. More than two-thirds of the roof area would be devoted to green roof and pervious pavement to reduce runoff from the site. The Applicant will apply the Green Communities criteria to determine how the project would satisfy current environmental standards.

The proposal also includes the retention of the current viable businesses within the new commercial space. The affordable housing, which includes family-sized units, would be targeted for persons earning no more than 80% of AMI. The proposed map amendment would support a commercial project with new housing on an underutilized commercial property within a mile of the Southern Avenue Metro Station and along Wheeler Road, which is a well-utilized bus corridor.

### **Future Land Use Map**

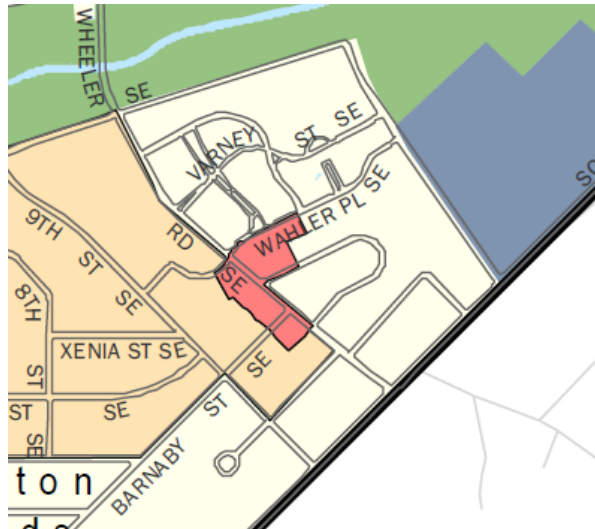
The Future Land Use Map designates the subject site for low density commercial uses. This map provides generalized guidance, and is to be read in combination with the Policy Map and Comprehensive Plan policies.



### **Generalized Policy Map**

The Generalized Policy Map designates the site as a Neighborhood Commercial Center. Their service area is usually less than a mile and uses typically include convenience stores, small supermarkets, and spaces for other small businesses.

Mixed-use infill development at these centers should be encouraged to provide new retail and service uses, and additional housing and job opportunities. 223.18



The Comprehensive Plan’s elements provides the following policy guidance:

### **Land Use Element**

***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.

***Policy LU-2.2.4: Neighborhood Beautification*** Encourage projects which improve the visual quality of the District’s neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

### ***LU-2.4 Neighborhood Commercial Districts and Centers***

*Many District neighborhoods, particularly those on the east side of the city, lack well-defined centers or have centers that struggle with high vacancies and a limited range of neighborhood-serving businesses...The location of new public facilities in such locations, and the development of mixed use projects that include upper story housing, can encourage their revival.*

***Policy LU-2.4.5: Encouraging Nodal Development*** *Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.*

## **Economic Development**

### ***ED-3.1 Strengthening Neighborhood Commercial Centers***

*...Ultimately, the success of each neighborhood commercial district will depend on private investment and cooperation among merchants and property owners...*

***Policy ED-3.2.6: Commercial Displacement*** *Avoid the displacement of small and local businesses due to rising real estate costs...*

## **Housing Element**

### ***Housing Goal***

*The overarching goal for housing is: Develop and maintain a safe, decent, and affordable supply of housing for all current and future residents of the District of Columbia.501.1*

### ***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-1.1.2: Production Incentives***

*Provide suitable regulatory, tax, and financing incentives to meet housing production goals. These incentives should continue **to include zoning regulations that permit greater building area for commercial projects that include housing than for commercial projects that do not include housing.***

### ***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.*

### ***Policy H-1.1.4: Mixed Use Development***

*Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations.*

### ***Policy H-1.2.2: Production Targets***

*Consistent with the Comprehensive Housing Strategy, work toward a goal that one-third of the new housing built in the city over the next 20 years should be affordable to persons earning 80 percent or less of the area-wide median income (AMI). Newly produced affordable units should be targeted towards low-income household.*

## **Environment**

### ***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.*

### ***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 paved surfaces.*

## **Urban Design**

### ***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.*

### ***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.*

## **Far Southeast/Southwest Area Element**

### ***Policy FSS-1.1.4 Infill Housing Development***

*Support infill housing development on vacant sites, especially in...Congress Heights and Washington Highlands neighborhoods.*

The development would include residential units on a currently underutilized and a vacant parcel, which would fill in a gap along Wheeler Road and Barnaby Street, with the potential to activate an important corner in this neighborhood. The small apartment building would be typical for this neighborhood, which includes a mix of low to moderate density housing types.

## **VIII. PUD EVALUATION STANDARDS**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. Section 2400.1 states that a PUD is “designed to encourage high quality developments that provide public benefits.” In order to maximize the use of the site consistent with the Zoning Regulations, and be compatible with the surrounding community, the application requests that the proposal be reviewed as a consolidated PUD. This will allow the use of the flexibility stated in § 2400.2:

*The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience.*

The application requests a change in zoning of the property which would allow approximately 28 feet of additional building height and 2.56 FAR above the existing C-1 zone limits. The increase in FAR and height would be consistent with increased density in support of neighborhood commercial centers and the viability of neighborhood serving retail.

Section 2403 further outlines the standards under which the application is evaluated:

*2305.3 The PUD standards further provide that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.”*

The project’s main amenity as an affordable housing development, with a substantial number of family-sized units is beneficial to the city as a whole. OP will refer the proposal to other relevant agencies to provide comments on its impacts on city services.

Sections 2403.5 – 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, § 2403.8 states that “the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “show how the public benefits offered are superior in quality and quantity to the typical development of the type proposed...” (§ 2403.12)

The application has offered the following amenities and benefits as an offset to the additional development gained through the application process:

***Urban Design and Site Planning***

The building’s front facade would be mainly a tan colored brick with sienna colored brick accents, precast trim and painted aluminum windows. The ground floor retail areas show up to 18-foot ceiling heights and a residential entrance lobby at a height of 15 feet. A significant portion of the residential upper floors are setback from the alley to reduce the massing confronting the residential buildings across the alley. Streetscape improvements around the building’s frontage on Wheeler Road and Barnaby Street would take advantage of the 15-foot wide building restriction line which requires the building to be set back from the property line to accommodate the additional space. Additional information on the materials, particularly for the side and rear elevations, and how they are exemplary is needed.

The subject property is currently underutilized, along a route that is served by several bus lines and in close proximity to a major arterial roadway (Southern Avenue). The property would be developed with a mix of residential retail uses that are considered neighborhood-serving for the community. The retained retail uses would benefit from its relocation to new contemporary spaces and the additional retail area would accommodate new businesses where none previously existed to create a more vibrant and updated streetscape along Wheeler Road.

***Parking and Transportation Demand Management***

The proposal would remove the front facing degraded parking area that currently exists at the building’s frontage along Wheeler Road. Vehicles would access the parking through the alley system which has access both from Wheeler Road and Barnaby Street.

The project proposes 25 residential spaces, with none dedicated to retail patrons, who are not expected to drive to this location. A bike storage area for up to 30 bikes would be located on the ground floor and the applicant would discuss with DDOT the possibility of a bike share station in public space outside the building. OP recommends that the Applicant submit a transportation demand management plan for the project prior to a public hearing.



### ***Housing and Affordable Housing***

The application indicates that the project would provide all of its 85 units as affordable to households making up to 80% of AMI (Information regarding the % AMI would be refined prior to the hearing). This number of affordable residential units is well beyond the Inclusionary Zoning requirement for workforce housing. The site plan indicates the location and unit mix of the units. It is commendable that the units would be designed to meet the needs of disabled persons, including Type "A" units, which are fully accessible and Type B units which would be capable of being easily converted to Type "A" units to support persons with disabilities.

### ***Green Elements, Landscaping and Streetscape Design***

The building would include 2 levels of green roof which would function both as an amenity and a storm water feature, which currently does not exist on the property. The plan indicates that pervious pavement would be used in the rear parking area off the alley and this would minimize the runoff from the property into the alley. In addition, landscaping and streetscape improvements would be provided around the Wheeler and Barnaby Road perimeter. However, the applicant should provide additional details of these improvements and landscape features as part of the hearing submission.

### ***Uses of Special Value***

The Applicant is proposing to provide updated space for neighborhood retailers. The inclusion of a substantial number of family units in the project is also supported. The applicant has indicated a willingness to partner with a social service provider to provide training and employment opportunities to residents. Should the project be set down, the Applicant should provide additional details of any other amenities agreed to through community engagement.

## **IX. AGENCY REFERRALS**

If set down for a public hearing, the application would be referred to District agencies for review and comment, including:

- Department of Transportation (DDOT);
- Department of the Environment (DDOE);
- DC Water;
- DC Public Schools (DCPS); and
- Department of Housing and Community Development (DHCD);

## **X. SUMMARY**

OP recommends setdown of the application to redevelop this underutilized parcel to accommodate a project design with both a mix of commercial space and all affordable residential units in a contemporary building. This is supportive of the progressive revitalization anticipated for the Congress Heights and Washington Highlands neighborhoods. The proposal is consistent with the identified Comprehensive Plan's written elements and their related policies and the proposed map amendment would not be inconsistent with the Future Land Use and Policy Maps.