



## Memorandum

**TO:** District of Columbia Zoning Commission

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

**DATE:** November 30, 2012

**SUBJECT:** **ZC 12-20 – Setdown Report** for Consolidated Planned Unit Developments and Zoning Map Amendments for 13<sup>th</sup> and U Streets NW

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### I. RECOMMENDATION

OP recommends this PUD application and Zoning Map Amendment be set down for public hearing as it conforms to the 2010 Comprehensive Plan's objectives for the area and to the Generalized Land Use and Policy Maps, and would contribute to the redevelopment of the U Street Corridor.

### II. PROPOSAL

The applicant, 13<sup>th</sup> and U Lessee, LLC, has petitioned the Zoning Commission for a PUD and related map amendment from ARTS/C-2-A to ARTS/CR to permit construction of a mixed-use residential with ground floor retail development at Square 237, Lots 198-202. The proposal consists of:

- A mixed use building with an FAR of 6.84 and combined gross floor area of 172,564 square feet, of which 157,294 square feet would be dedicated to residential uses and 15,270 square feet to ground floor retail use fronting U Street;
- A maximum height of 86 feet at the U Street frontage, stepping down in height towards the lower scale rowhomes across the alley to the south;
- 134-138 residential units with 12 units assigned to residents earning up to 80% of the area's median income in accordance with the District IZ program; and
- Approximately 48 parking spaces below grade, and loading accessed from 13<sup>th</sup> Street and the alley.

Pursuant to the District's PUD guidelines, the Applicant seeks flexibility in the following areas:

1. Rooftop Structures (§ 411.11);
2. Required Public Space at Ground Level (§ 633);
3. Lot Occupancy (§ 634);
4. Rear yard (§ 636);
5. Loading (§ 2201.1); and
6. ARTS Overlay Setback (§ 1902).

The Applicant worked with OP and the community to address the height, massing, and design of the building prior to filing this application. The proposed building's exterior design utilizes setbacks and bay projections to articulate the massing and create a strong, symmetrical arrangement that would highlight the residential lobby entrance along U Street, and create a pedestrian scaled building facade along U Street.

Among other features, the building's detailing would include cast stone lintels and sills, band courses and cornice elements that reference the scale, character, and materials of the historic district.

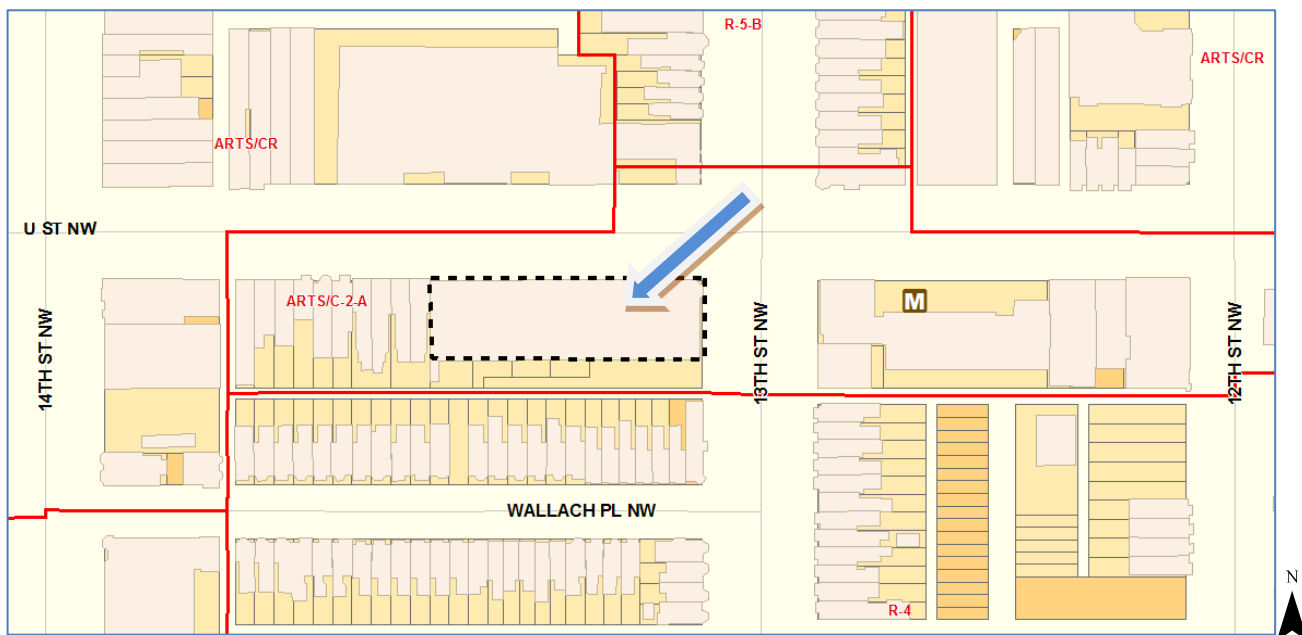
The project would include one level of below grade parking accessed from the southeast corner of the site. Loading would be accessed from the public alley, portions of which would be widened by the setback to a width of approximately 20 feet.

**III. SITE and AREA DESCRIPTION**

The combined lots of 198-202 create a 25,230 square foot parcel located in Square 237. To the rear of the Property is a 10 ft. wide public alley. The Property currently includes an 18,804 sf. retail structure and approximately two dozen surface parking spaces. Generally, the square is comprised of low-scale retail and rowhouses.

Surrounding squares have some mixed-use, medium density structures. The site is directly across 13th Street from the entrance to the U Street Metrorail Station. To the east of the Property, across 13<sup>th</sup> Street and above the Metro entrance, is a four-story commercial development. To the north of the Property, across U Street, is an eight story mixed use residential and retail structure. To the west of the Property are three and four story commercial properties. One block west is the eight-story Reeves Center, a District of Columbia administrative office building, and a nine-story mixed-use residential and retail development. To the south of the Property, across the public alley, are townhouses that front on Wallach Place, NW.

The U Street right-of-way is 90' wide and the 13th Street right-of-way is 110' wide. U Street accommodates four lanes of vehicular traffic and two parking lanes. The subject site is approximately one block from the U Street Metro Station and also is served by several bus lines and Capital Bikeshare.



**Location and Zoning**

#### IV. COMPREHENSIVE PLAN AND PUBLIC POLICIES

The proposed PUD must be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies (§ 2403.4). The development proposal would particularly further the Land Use, Housing, Economic Development, Historic Preservation, and Urban Design Citywide Elements, as well as the Mid-City Area Elements and policies:

##### Land Use Element

- *The city's aging building stock still requires refurbishment and replacement. The renewed popularity of city living generates the need for more housing and new amenities. 300.4*
- *Land use changes have the potential to make the city more vibrant, economically healthy, exciting, and even more environmentally sustainable than it is today. 300.5*
- *Fully capitalizing on the investment made in Metrorail requires better use of the land around transit stations and along transit corridors. 306.2*
- *Looking forward, certain principles should be applied in the management of land around all of the District's neighborhood stations. These include:*
  - *A preference for mixed residential and commercial uses rather than single purpose uses, particularly a preference for housing above ground floor retail uses;*
  - *A preference for diverse housing types, including both market-rate and affordable units and housing for seniors and others with mobility impairments;*
  - *A priority on attractive, pedestrian-friendly design and a de-emphasis on auto-oriented uses and surface parking; 306.4*

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

The proposed mixed use development would capitalize on the site's proximity to several transit options, and would help to address the District's housing demand. It would help to enliven and transform this section of U Street between 13<sup>th</sup> and 14<sup>th</sup> Streets. OP worked with the Applicant to refine the project's height and density so that the Project's scale would be appropriate given its context.

##### 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 development proposes to add 134-138 residential units along a mixed use corridor consistent with the policies of the Housing Element.

## **Economic Development Element**

**Policy ED-2.2.3: Neighborhood Shopping** *Create additional shopping opportunities in Washington’s neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences.*

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

The proposed Project would include ground-floor retail which could help the U Street corridor better meet the demand for basic goods and services.

## **Historic Preservation Element**

**Policy HP-2.2.2: Neighborhood Preservation Planning** *Give full consideration to preservation concerns in neighborhood plans, small area plans, major revitalization projects, and where appropriate, applications for planned unit developments and special exceptions. Promote internal coordination among District agencies and the HPO at the earliest possible stage of planning efforts and continue coordination throughout. Involve Advisory Neighborhood Commissions and community preservation groups in planning matters affecting preservation.*

**Policy HP-2.4.3: Compatible Development** *Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail.*

The Project would enhance the form and identity of the U Street Historic District and would be respectful of its historic context. Buildings of similar height and scale currently exist on the U Street corridor. In addition, the treatment of the façade would not be out of character with the surrounding historic neighborhood.

## **Urban Design**

**Policy UD-2.2.4: Transitions in Building Intensity** *Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the surrounding neighborhood.*

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

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

**Policy UD-3.1.11: Private Sector Streetscape Improvements** *As appropriate and necessary, require streetscape improvements by the private sector in conjunction with development or renovation of adjacent properties.*

The Project is consistent with the Comprehensive Plan's policy to establish gradual transitions between large-scale and small-scale developments. Except for the end bays, the entire south elevation would be set back approximately 9 feet 9 inches from the property line to widen the existing alley and increase the amount of open space between the Project and the property to the south. Setbacks at the seventh and eighth floors would reduce the height and massing of the building and transition to the lower density areas to the south. The façade would be articulated through setbacks, projections, and other design elements consistent with the character of the neighborhood.

The Project would enhance the vibrancy of the U Street corridor through infill development, while protecting the surrounding lower density uses from light, noise, and disturbances.

The Applicant is also committed to streetscape improvements consistent with current District standards.

### **Mid-City Area Element**

The property is located in the U Street/Uptown policy focus area of the Mid-City Area Element:

***Policy MC-1.1.2:** Stimulate high-quality transit-oriented development around the....U St./African American Civil War Memorial/Cardozo Metrorail station areas....Opportunities for new mixed income housing, neighborhood retail, local-serving offices, and community services should be supported in these areas, as shown on the Comprehensive Plan Policy Map and Future Land Use Map.*

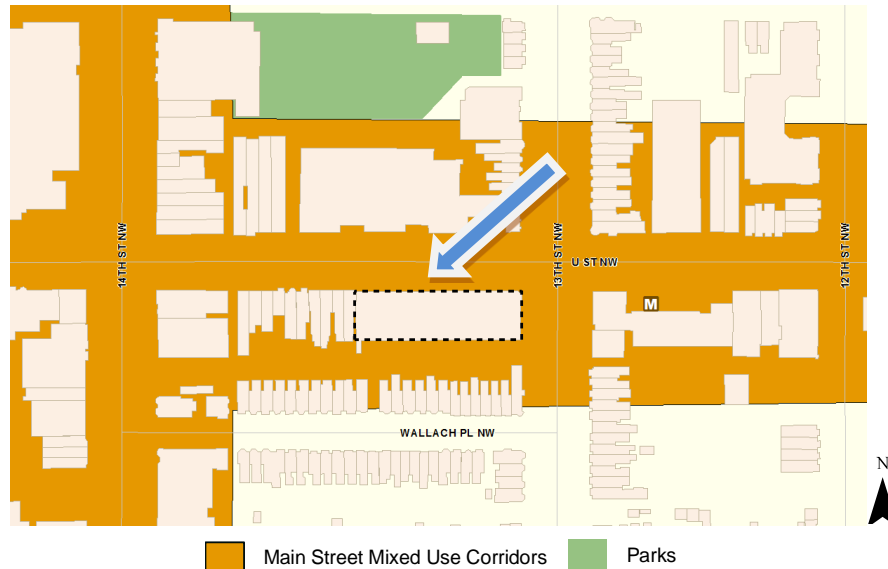
***Policy MC-2.3:** As development takes place, continued efforts to improve the streetscape and public space, provide affordable housing, preserve historic buildings, and mitigate development impacts (particularly those associated with the increased concentration of restaurants, night clubs and entertainment uses) should be included.*

***Policy MC-2.3.3: Uptown Design Considerations** Ensure that development in the Uptown Area is designed to make the most of its proximity to the Metro Stations at Shaw and 13th Street, to respect the integrity of historic resources, and to transition as seamlessly as possible to the residential neighborhoods nearby.*

The Proposal would provide a mixed-use, transit-oriented development near the U Street Metro. In addition, the project would include affordable units, which is consistent with District policies pertaining to the addition of affordable housing.

### B. Comprehensive Plan Generalized Policy Map

The Generalized Policy Map locates the subject site within a main street mixed use corridor, a traditional commercial business corridor with a concentration of older storefronts along the street. Conservation and enhancement of these corridors is desired to foster economic and housing opportunities and serve neighborhood needs. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.



**Comprehensive Plan Generalized Policy Map**

### C. Future Land Use Map

The Future Land Use Map designates the subject site for medium density commercial and residential mixed use. The proposed development is not inconsistent with the land use designation.



**Future Land Use Map**

**V. ZONING**

The site is currently zoned ARTS/C-2-A. To the west (across 14<sup>th</sup> Street) and northwest (across U Street) is an ARTS/CR zone. Directly to the north (across U Street), is an R-5-B zone, to the east (across 13<sup>th</sup> Street) is a continuation of the C-2-A zone, and to the south (across the alley) is an R-4 zone. While the C-2-A zone is characterized by moderate density residential use, the proposed CR (Mixed Use Commercial Residential District) encourages a diversity of compatible land uses that may include a mix of residential, office, retail, recreational, light industrial, and other miscellaneous uses at a medium density.

The following table compares the matter of right standards of the underlying ARTS/C-2-A, with the ARTS/CR, the ARTS/CR/PUD, and the design proposed for the project.

<b>Standard</b>	<b>ARTS/C-2-A</b>	<b>ARTS/CR</b>	<b>ARTS/CR/PUD</b>	<b>Proposed</b>
Height (ft.)	50 ft.	100 ft.	110 ft.	86 ft.
Lot Occupancy %	75%	80%	80%	86% <b>Flexibility Requested</b>
FAR residential/non res.	3.0 max/ 1.5 max	7.2 max/ 3.0 max	8.0 max/ 4.0 max	6.84 max/ 0.6 max
GFA (sf) residential/non-residential	76,590/37,845	181,656/75,690	201,840/100,920	172,564/15,270
Number of units	-	-	-	134-138
IZ	10 % of gfa of res. Use (7,659 sf)	8% of gfa of res. uses (14,532 sf)	8% of gfa of res. uses (16,147 sf)	12 units
Rear Yard (ft.):12 ft. min. or 2.5"/ft. ht	15'	17.61'	17.61'	1-9.75' <b>Flexibility Requested</b>
Parking (spaces) residential	1 per 2	1 per 3 units (46 spaces)	1 per 3 units (46 spaces)	48 spaces <b>Flexibility Requested</b>
Parking (spaces) retail in excess of 3,000 sf , 1 per each of 300 sf	1 per 300 sf gfa	1 per 750 sf gfa (17 spaces)	1 per 750 sf gfa (17 spaces)	-
Loading berth residential (ft. deep)	1 berth @ 50	1 berth @ 50	1 berth @ 50	2@30
Loading berth retail	1 berth @ 30	1 berth @ 30	1 berth @ 30	<b>Flexibility Requested</b>
Loading berth drugstore	1 berth @ 30	1 berth @ 30	1 berth @ 30	

**VI. FLEXIBILITY**

In addition to the PUD-related map amendment from ARTS/C-2-A to ARTS/CR, the following zoning flexibility is requested<sup>1</sup>:

- Roof Structures of Unequal Height and Substandard Setback (§ 411.11)  
The Applicant requests flexibility for multiple roof structure enclosures of unequal height and deficient setbacks from bounding walls. The roof structures vary in height between 11 feet and 15 feet 4 inches. The application indicates that flexibility is necessary to accommodate the Project’s interior layout, reduce the size and impact of the building’s roof structure needs, and accommodate historic preservation concerns.

<sup>1</sup> See § 2405.7.

- Required Public Space at Ground Level (§ 633)  
Pursuant to § 633, projects in the CR zone are required to designate 10% of the lot area adjacent to the primary entrance as publicly accessible and open to the sky as a transitional space between the sidewalk and the building. The Applicant states that this requirement conflicts with the ARTS Overlay, which requires that at least 75% of the streetwall along U Street be constructed to the property line in order to activate the public right-of-way with pedestrian-oriented uses.
- Lot Occupancy (§ 634)  
Pursuant to § 634, the Project is permitted to occupy up to 80% of the lot starting at the second floor. The Applicant requests flexibility to accommodate the design and uses within the Project given the narrow dimensions of the Property.
- Rear yard (§ 636)  
Pursuant to § 636, a rear yard is required of three inches per foot of building height (but not less than 12 feet). In this case, a rear yard of approximately 17.61 feet starting at the second floor would be required. The requested flexibility would allow a more workable building footprint, given the narrow width of the lot.
- Loading (§ 2201.1)  
§ 2201.1 requires that structures include loading facilities for each proposed use. The Project as proposed would provide two 30 foot deep loading births and one 20-foot deep delivery space as required under the regulations. The Applicant requests flexibility from the requirement for an additional 55-foot deep loading berth and associated 200-square foot loading platform because such a berth would not be required to accommodate the building's loading needs.
- ARTS Overlay Setback (§ 1902)  
For most of its length, the Project would be consistent with the setback requirement of the ARTS Overlay, which requires that the upper floors be stepped back at a 45-degree angle starting at the seventh floor. The Applicant requests flexibility from this requirement for the two end bays of the project, which project into the setback area.

Should the Project be set-down, OP would continue to work with the applicant to provide a more complete analysis of the flexibility requested prior to the public hearing, and to further define the parameters of the additional flexibility requested.

## **VII. PUD EVALUATION STANDARDS AND PUBLIC BENEFITS AND AMENITIES**

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

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



The application requests a PUD-related map amendment which would allow approximately 36' of additional building height above C-2-A limits. The project proposes an FAR of 6.85, less than the 8.0 FAR permitted under a CR PUD, but more than the 3.0 FAR permitted under the C-2-A zoning, a gain of close to 100,000 sf.

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

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

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

The design attempts to address the neighborhood’s character through the building’s materials and its articulation along U Street. The design makes extensive use of setbacks, projections, and other elements to articulate the massing. The Project’s design is typical of other mixed-use buildings recently completed on U Street. The Project’s height and form would balance that of the Ellington apartment building across U Street to the north. The high-quality materials selected for the façade and the massing articulation would augment the character of the U Street corridor and would be in context with the surrounding historic neighborhood. Shadow studies provided by the applicant indicate that the structure would have minimal light and shadow impacts on the surrounding residential properties, particularly the townhouses to the south.

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

The proposal would enhance a currently underused site located within close proximity to a Metro station and several Metrobus lines. The Project would activate the surrounding street network with a combination of active retail uses, additional residents, and streetscape improvements.

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

The Applicant’s statement indicates that a preliminary traffic analysis concluded that the proposal would not have any appreciable adverse traffic impacts on the local area. Complete DDOT review is anticipated prior to a hearing.

(d) *Historic preservation of private or public structures, places, or parks*

The Applicant states that the proposed design, street orientation, and materials palette is consistent with the historic character of the U Street Historic District, and has been discussing building design with HP staff for some time. The applicant has submitted plans for concept review by the Historic Preservation Review Board.

(e) *Housing and affordable housing*

The applicant has committed to approximately 134-138 new residential units, of which up to 12 units would be designated as affordable housing, in accordance with IZ. Under a by-right scenario, it is estimated that about 60 residential units (5 affordable) would be likely. The Applicant should provide, prior to a hearing, a break-down of units by type/number of bedrooms, and plans to locate the affordable units.

(f) *Social services/facilities*

No social services are to be provided by this proposal.

(g) *Environmental benefits:*

The proposed development provides a number of environmental benefits and includes street tree planting and maintenance, landscaping, energy efficiency and an emphasis on transit and pedestrian and bike access. The Applicant has not yet indicated a targeted LEED standard; should the Project be set-down, OP would continue to work with the Applicant to ensure that the Project incorporates progressive green building elements.

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

The Applicant is continuing to work with Advisory Neighborhood Commission ("ANC") 1B, to develop additional benefits and amenities identified as needs within the community. Potential amenities discussed thus far include the following:

- Community Education and Recreational Facilities and Programs – The Applicant proposes to provide new equipment and improvements to the nearby Harrison Recreation Center, after school programs, upgrades to the ball fields at Garrison Elementary, and funds for improvements at Meridian Public Charter School, St. Augustine School, and Shaw Middle School.
- Creation of a Business Improvement District (BID) - The Applicant proposes to participate in an exploratory committee dedicated to researching a BID and would make a capital contribution towards its creation. OP will work with the Applicant to clarify a more specific and quantifiable commitment.
- Funding for Capital Bikeshare - The Applicant proposes to fund improvements to the Capital Bikeshare network in the immediate vicinity of the Project.
- Public space improvements - As a public benefit, the Applicant has committed to streetscape improvements. OP encourages the Applicant to work with Department of Public Works (DPW) and Department of Transportation (DDOT) to finalize public space improvements in accordance with their standards.

Should the project be setdown, OP would continue to work with the Applicant to refine and quantify the amenity package prior to a public hearing.

## VIII. AGENCY REFERRALS AND COMMENTS

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

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

## IX. CONCLUSION

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