



**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** Jennifer Steingasser, Deputy Director  
**DATE:** July 13, 2009  
**SUBJECT:** Public Hearing Report for Brookland Artspace Studios – ZC #09-08  
Consolidated and First Stage Planned Unit Development and  
Related Map Amendment

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**I. SUMMARY RECOMMENDATION**

Artspace Projects, Inc. has filed an application for a Consolidated Planned Unit Development (PUD), First Stage PUD and related map amendment to construct an artist live-work building and a new home for Dance Place on 8<sup>th</sup> Street south of the Brookland metro. As a part of the PUD, the application requires a few areas of zoning relief. The proposal is not inconsistent with the Comprehensive Plan, including the Brookland / CUA Metro Station Small Area Plan. The Office of Planning, therefore, recommends that the Commission approve the PUD and related map amendment.

**II. APPLICATION-IN-BRIEF**

**Location:** Between 8<sup>th</sup> Street, NE and the railroad tracks at the intersection of Kearny Street, NE; Square 3831, lot 47; Square 3832, Lot 803; Ward 5, ANC 5C.

**Applicant:** Artspace Projects, Inc.

**Current Zoning:** C-M-1

**Property Size:** 21,102 square feet

**Proposal:** Together with a related map amendment to C-2-B, construct two buildings – a 41 unit artist live-work building and a new dance studio on the site of the existing Brookland Studios and existing Dance Place. The maximum height would be 48 feet. The overall FAR would be 3.2, or 66,482 square feet. 48,898 square feet would be devoted to live-work units and 17,584 square feet would be devoted to non-residential uses in both buildings.

**Relief and Zoning:** Pursuant to 11 DCMR Chapter 24, the applicant is seeking:

1. PUD-related map amendment to C-2-B
2. Variance from rooftop structure setback requirements (§411)

3. Special Exception from rooftop structure requirements (§411)
4. Variance from lot occupancy requirement (§772)
5. Variance from rear yard requirement (§774)
6. Variance from parking quantity requirements (§2101)
7. Variance from parking size requirements (§2115.2)

### III. SITE AND AREA DESCRIPTION



The subject site is between 8<sup>th</sup> Street, NE and the Metro and CSX railroad right-of-way (ROW) at the intersection of Kearny Street, approximately three blocks south of the Brookland metro. The site under consideration consists of the existing Brookland Studios (studios leased to artists and arts organizations), the existing Dance Place facility, and an unimproved piece of Kearny Street ROW that the applicant proposes to close. The existing Dance Place building is located on a tax lot that was created in what was formerly the Kearny Street ROW. The small piece of ROW that remains is north of that lot. The site slopes down slightly away from 8<sup>th</sup> Street toward the railroad tracks, and also generally slopes slightly down from north to south.

A sewer main exists mostly under the Kearny Street remnant, but also under a corner of the Dance Place property. A sewer easement would underlie any property created from the ROW.

To the north and south of the site and east of 8<sup>th</sup> Street are industrial or semi-industrial uses such as auto repair and equipment storage. West of the site is a residential neighborhood that is a mix of detached houses, rowhouses and small apartment buildings. Across the tracks to the east is also a mix of housing types. A PUD application has been submitted for properties owned by Catholic University to the north and west of the subject site. That project proposes rowhouses and mixed use buildings, including arts uses on 8<sup>th</sup> Street north of the subject site.

#### **IV. PROJECT DESCRIPTION**

The proposal consists of a consolidated PUD on the northern end of the site and a first stage PUD on the southern end of the site. The overall FAR and lot occupancy would be 3.2 and 91%, respectively. In conformance with the Zoning Regulations, no loading would be provided for the project. The two segments of the project would exist on two separate record lots.

The northern building, called the Artspace Building, would be four stories tall with live-work units on all floors. Units would be deeper and more open in design than typical residential units. Hallways and other building spaces would also be larger to allow the movement of large artworks and materials. The southwest corner of the ground floor would also have a flexible performance space that could open up to the outdoors. The main residential entrance and the parking garage entrance would face 8<sup>th</sup> Street. A roof patio would be accessible to residents. The height of the building would be 48 feet, and the rear yard would have a minimum dimension of 6' 11½".

The new Dance Place building, while still in the early stages of design, would have a lobby, two story theater and two story storage space on the ground floor, and classrooms, dressing rooms and offices on the upper floors. The maximum height of the Dance Place building would be 48 feet, the same as the Artspace Building. OP has asked the applicant to provide additional massing for the building and the streetscape. The plans indicate that the elevator override would be adjacent to the front wall, but unlike most taller overrides, this one would top out at only four feet above roof level. The building would have no rear yard and no parking would be provided for this building.

#### **Affordability and Tenancy**

Approximately half of the live-work units would be available to households earning less than 60% of the Area Median Income (AMI). The other half would be available to households earning less than 50% of the AMI. Tenants of the building would be screened by the Artspace organization to ensure that they are practicing artists. The organization also seeks artists that practice a variety of art forms. According to the applicant, the development would be the first rental live-work building in DC geared entirely toward artists.

#### **Street Closing and Metropolitan Branch Trail**

The applicant has proposed closing the stub of Kearny Street between the two subject properties. The building that Dance Place now occupies is in the middle of the former right-of-way (ROW), but a small piece of ROW still exists north of that building and south of the existing Brookland Studios. The space would be used by the applicant for outdoor events as well as loading into the rear of the Dance Place building. In a meeting with the applicant, the District Department of Transportation (DDOT) indicated that the street cannot be closed at this time as the ROW may be required for a segment of the Metropolitan Branch Trail.

The Metropolitan Branch Trail will eventually run from Union Station to Maryland, generally following the WMATA and CSX railroad rights-of-way. In this area the trail has three possible alignments: adjacent to the railroad tracks; along 8<sup>th</sup> Street; or adjacent to the railroad tracks until Kearny Street, where the trail would cross over to 8<sup>th</sup> Street and continue north.

## **V. COMPREHENSIVE PLAN POLICIES**

The proposal would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1
- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6
- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7
- (10) The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively. 218.3
- (13) Enhanced public safety is one of the District's highest priorities and is vital to the health of our neighborhoods.... 218.6
- (29) The District continues to grow in reputation as an international cultural center. To sustain this growth, it must continue to support a healthy arts and cultural community through its land use, housing, and economic development policies. The power of the arts to express the identity of each community while connecting neighborhoods and residents must be recognized. 220.5

The application is also consistent with major policies from various elements of the Comprehensive Plan including the Land Use Element, Transportation Element, Housing Element, Arts and Culture Element and the Upper Northeast Area Element.

## VI. COMPREHENSIVE PLAN LAND USE MAPS

The Comprehensive Plan's Generalized Policy Map describes the subject site as a Neighborhood Conservation Area. The Future Land Use Map indicates that Production, Distribution and Repair uses would be appropriate on this site. The Brookland / CUA Metro Station Small Area Plan refined the vision for this area.

## VII. BROOKLAND / CUA METRO STATION SMALL AREA PLAN

On March 3, 2009 Council adopted the Brookland / CUA Metro Station Small Area Plan (Brookland Plan or Plan, with page numbers referencing the December 2008 version of the Plan). The plan states that "The Metro Station is envisioned to become a mixed-use, transit-



The Commercial Area – South sub-area of the Brookland Plan and one illustrative potential build-out scenario.

oriented and civic core for the community, with the arts as a key element," and mentions that Dance Place could be a key component of a Brookland arts district (pp. 38-39). In addition to this general guidance, the Plan gives more specific direction to five different sub-areas. The subject site falls entirely within the Commercial Area – South sub-area. Development in this sub-area should consist of residential and cultural uses that are compatible with the neighborhood fabric (Plan, pg. 51). An image taken from the Plan and reproduced below shows a conceptual plan for the sub-area based on the Plan policies. Several sub-area policy recommendations, summarized below, apply to development of the subject site. Listed numbers refer to the specific recommendations, which can be found on page 51 of the Plan. Analysis is provided after each recommendation.

- ***1 – Develop new residential uses, extending and integrating with the existing street fabric.***

The development of live-work units is in keeping with the above recommendation to create new residential uses. Although the street fabric of the neighborhood is not extended by the proposal, the 8<sup>th</sup> Street corridor is made safer and more walkable through increased eyes on the street and the removal of many linear feet of curb cuts. While not explicitly mentioned in the text of the Plan, Kearny Street is one of a few streets shown in the conceptual plans as having a future pedestrian connection over the tracks (please refer to the image at left). While this is a long term goal, the applicant should demonstrate that a pedestrian bridge in this location would not be precluded by their development.

- ***2 – Development south of Kearny Street should consist of low to moderate density residential and limited commercial or cultural facilities.***

The provision of a new home for Dance Place is not inconsistent with Recommendation 2.

- **3 – Provide adequate parking but at low transit oriented development parking ratios.**

The application would provide the required amount of parking for the live-work building, but proposes no parking for the Dance Place building.

- **4 – Development south of Monroe Street to Kearny Street may be allowed up to 5 stories or a maximum of 60 feet... Building heights should taper down to transition to adjacent lower scale residential structures.**

Both proposed buildings would have a maximum height of 48 feet and four stories.

- **5 – Building facades facing a public street in the sub area should step back in height at a ratio of one half (1/2) to one above 50 feet. For example, for every 10 feet in height above 50 feet, the building façade should step back 5 feet from the building edge.**

The proposed buildings would not exceed 50 feet in height.

### VIII. ZONING

The site is currently zoned C-M-1. The application proposes a PUD-related map amendment to C-2-B. The total site area is 21,102 square feet, large enough to request a PUD in the C-2-B zone. An analysis of the zoning parameters can be found in the table below.

Item	Section	C-M-1 MOR	Section	C-2-B PUD	Proposed	Relief
Site Area		n/a	2401.1	15,000 sf	21,102 sf	Conforming
Height	840	40', 3 stories	2405.1	90'	48'	Conforming
FAR	841	3.0	2405.2	6.0 max. res. 2.0 max. non-res 6.0 max. total	2.32 res. (48,898 sf) 0.83 non-res.(17,584 sf) 3.15 total* (64,482 sf)	Conforming
Lot Occ.		n/a	772	80% (for floors w/ res.)	<b>91%</b> (over entire PUD site)	<b>Required</b>
Rear Yard	842	2.5"/ft. of height; 12' min.	774	15'	<b>0' min.</b>	<b>Requested</b>
Side Yard	843	None required	775	None required	0' min.	Conforming
Parking	2101	res.: no requirement  educational: 2 per 3 teachers + as req'd in §2101 = [info req'd]  assembly: 1 per 10 seats = 18 spaces	2101	res: 1 per 3 d.u. = 14 [41 units / 3]  educational: 2 per 3 teachers + 1 per 10 students = [??]  assembly: 1 per 10 seats = 18 spaces	<b>23 spaces</b>	<b>Required*</b>
Loading	2201	res.: no requirement educational: no req. theater: no req.	2201	res.: no requirement educational: no req. theater: no req.	none provided	Conforming

\* The application states that six spaces would be required for the educational use (pg. 6 of the July 6, 2009 written statement) but does not indicate how many teachers and students were assumed to reach that conclusion.

The proposal requires a PUD-related map amendment and relief from the specific zoning regulations listed below. OP's analysis of each request follows.

**1. PUD-related map amendment**

The height and FAR permitted by the C-2-B PUD regulations is necessary if the project is to be constructed as proposed. A PUD in the C-2-B zone can have a maximum height of 90 feet and maximum FAR of 6.0. The proposed project would have a maximum height of 48 feet and four stories – eight feet and one story more than permitted by right in the C-M-1 zone. The proposed FAR would be 3.2, slightly more than the maximum permitted as a matter-of-right in the C-M-1 zone. The Office of Planning does not object to the proposed height and FAR of the project.

**2. Variance from rooftop structure setback requirements (§411)**

The revised design for the Dance Place building shows an upper roof and a lower roof. The mechanical penthouse on that building would not meet the 1-to-1 setback requirement from the north and east wall of the upper roof. OP does not object to relief from this regulation. The reduced setback would not result in increased visibility of the penthouse from any existing residential areas. The reduced setbacks face the railroad tracks and the proposed Artspace building, resulting in very little impact to the neighborhood.

**3. Special Exception from rooftop structure requirements (§411)**

The zoning regulations require that the walls of a rooftop structure all be of equal height. In this case the design proposes one structure with walls of varying height on the Artspace building. The round elevator enclosure rises to a height of about 16' above roof level, while the stair enclosure appears to be about 9' in height, though it is not labeled on the drawings. OP does not object to the varied height of this rooftop structure. If the stair enclosure were to be 16' tall to match the elevator wall it would make the structure more visible to views from the neighborhood.

Relief is also required from the number of rooftop structures. In addition to the elevator / stair structure, the Artspace building has two pieces of mechanical equipment that are over 4' in height. They can be seen on Sheet 9 of the plan set. OP does not object to the relief for the number of rooftop structures. If all rooftop structures were enclosed in one wall it would increase the visibility of the rooftop structure from the surrounding neighborhood.

**4. Variance from lot occupancy requirement (§772)**

OP has estimated that the overall lot occupancy for the project would be 91%. This is above the 80% limit placed on residential uses in the C-2-B zone. OP's estimate does not include the land area of the Kearny Street ROW. Since DDOT has indicated that the street is unlikely to be closed, it is not appropriate to include that area in lot occupancy calculations. Lot occupancy relief is therefore required.

The Office of Planning does not object to granting relief for lot occupancy. The applicant, a developer of live-work units for artists, has stated that these units must be deeper than traditional apartments in order to provide enough work space for the artists. This could lead to a higher lot occupancy. Furthermore, if the design were to be changed to comply with the regulation, the rear of the building would likely be brought away from the back property line. But the rear property line only abuts the railroad right-of-way, so there are no impacts to light or air from a larger building footprint.

**5. Variance from rear yard requirement (§774)**

The design proposes no rear yard for the Dance Place building and rear yard of just under seven feet for the Artspace building. A rear yard of 15 feet is required. The application states that live-work units are deeper than typical residential units so take up more depth on the lot. The application also states that dance studios and back-of-house spaces occupy significant floor area and that most of the Dance Place site, including the rear yard, must be used for those purposes (July 6, 2009 written statement, pg. 9). The Office of Planning does not object to the requested relief.

**6. Variance from parking quantity requirements (§2101)**

The application proposes 23 parking spaces on the Artspace site and zero parking spaces on the Dance Place site. According to the applicant the maximum capacity of the Dance Place performance space would be 180. This would result in a parking requirement of 18 spaces for the assembly use. The live-work use would generate a parking requirement of 14 spaces. The applicant also proposes an educational component to the project and states that it would require six parking spaces, but as of this writing has not provided the information necessary for OP to calculate the parking requirement. Nevertheless, the Office of Planning in general does not object to parking relief at this location. Dance Place already functions without a dedicated parking area, and the location near metro means that patrons, residents and students could travel easily by train. Further, the Metropolitan Branch Trail will provide easy bike and pedestrian access to the area. OP recommends approval of a variance to allow zero parking on the Dance Place site and 23 spaces on the Artspace site.

**7. Variance from parking size requirements (§2115.2)**

This section states that only those parking garages providing 25 or more spaces may provide compact parking spaces. Of the 23 proposed parking spaces, three would be compact. OP recommends approval of the requested variance to provide compact parking spaces. The three compact parking spaces increase the efficiency with which the limited garage space is used.

**IX. PURPOSE AND EVALUATION STANDARDS OF A PUD**

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is “designed to encourage high quality developments that provide public benefits.” Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

The application exceeds the minimum site area requirements of Section 2401.1(c) to request a PUD. The applicant is requesting a consolidated PUD and a first stage PUD, and both with a related map amendment. The PUD standards state 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” (§2403.3). Based on the referral received from the District of Columbia Water and Sewer Authority (WASA), the impact on city services appears to be acceptable or capable of being mitigated. The Department of Housing and Community Development seeks to provide affordable housing options in the city and is therefore helping to finance the project.

## **X. PUBLIC BENEFITS AND AMENITIES**

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.” Sections 2403.9 and 2403.10 state that a project must be acceptable in all the listed proffer categories, and must be superior in many. 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 typical development of the type proposed...” (§2403.12).

Amenity package evaluation is partially based on an assessment of the additional development gained through the application process. In this case, the application proposes a PUD-related map amendment to C-2-B with a maximum building height of 48 feet and an overall FAR of 3.2. The applicant would gain eight feet and one story in height, and the FAR is just above the 3.0 FAR that would be permitted as a matter-of-right on the site.

The application’s principal amenity item is the 41 affordable live-work units – the entire live-work building. Half of the units would be made affordable to households earning less than 60% of the AMI, and the other half would be made affordable to households earning less than 50% of the AMI. The provision of significant arts uses could also be considered an amenity, or at least a significant community benefit.

The proposed development would be acceptable in all public benefit and amenity categories and is particularly strong in the affordable housing; uses of special value to the neighborhood; and efficient land utilization categories. The Office of Planning finds that the amenities are sufficient for approval of the application, especially given the limited nature of the flexibility sought with the PUD.

## **XI. AGENCY COMMENTS**

As of this writing the Office of Planning has received written comments from the District of Columbia Water and Sewer Authority (WASA), and from the Department of Housing and

Community Development (DHCD). WASA indicated that the applicant will need to replace a portion of the aging 8" water main in front of their property in 8<sup>th</sup> Street. WASA also indicated that the sanitary sewer and storm sewer capacity is adequate to handle the proposed development on the site, but notes that all Department of the Environment (DDOE) regulations will need to be met. WASA will review the sewer plans in more detail at the time of building permit. Finally, the applicant should revise landscaping drawings so that new trees are not planted over the existing sewer easement. DHCD has no objections to the project and in fact is helping to finance the development.

The Office of Planning also sent unanswered requests for comments to the:

- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- Department of Employment Services (DOES);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- DC Public Schools (DCPS);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD);

## **XII. COMMUNITY COMMENTS**

The site is located in ANC 5C. As of the date of this report, OP has not received a report from the ANC and is not aware of any comments in favor of or in opposition to the project.

## **XIII. ATTACHMENTS**

1. WASA Referral
2. DHCD Referral

JS/mrj