



MEMORANDUM

TO: District of Columbia Zoning Commission

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

DATE:  March 29, 2013

SUBJECT: Setdown 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-A¹ 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. Subsequently, the applicant has worked with the Office of Planning (OP) and the District Department of Transportation to improve the proposed development plan. The applicant submitted a revised proposal on February 4, 2013 which proposes a four building, mixed use development consisting of a large format retail (Walmart), a mixed use building with retail and residences, a restaurant, and office uses. The proposed mixed use development would introduce various retail uses that are lacking in the predominantly residential Capitol Gateway community.

The Office of Planning (OP) is supportive of the development of the site and recommends the Zoning Commission **set down this application for a public hearing**. The proposal is not inconsistent with the 2011 Comprehensive Plan which predominantly designates the site for Low Density Commercial development.

OP has identified issues which the Applicant should fully address prior to the public hearing, including:

1. Provide information regarding the unit types, size and location of the affordable units.
2. Combine the entrance/exit of the retail parking and the combine the residential and retail loading areas in the mixed use building.
3. Provide a sight line diagram indicating the views of the Walmart roof from the senior building.
4. Provide the FAR calculation without the internal, private road right of ways.
5. Provide details and elevations of retaining walls along portions of the eastern and northern boundary, including heights and material.
6. Provide a checklist to demonstrate how the LEED or LEED Campus standards will be achieved.
7. Provide a full analysis of how the requirements of Section 2516 will be met.
8. Provide signed agreements to implement a First Source Agreement.

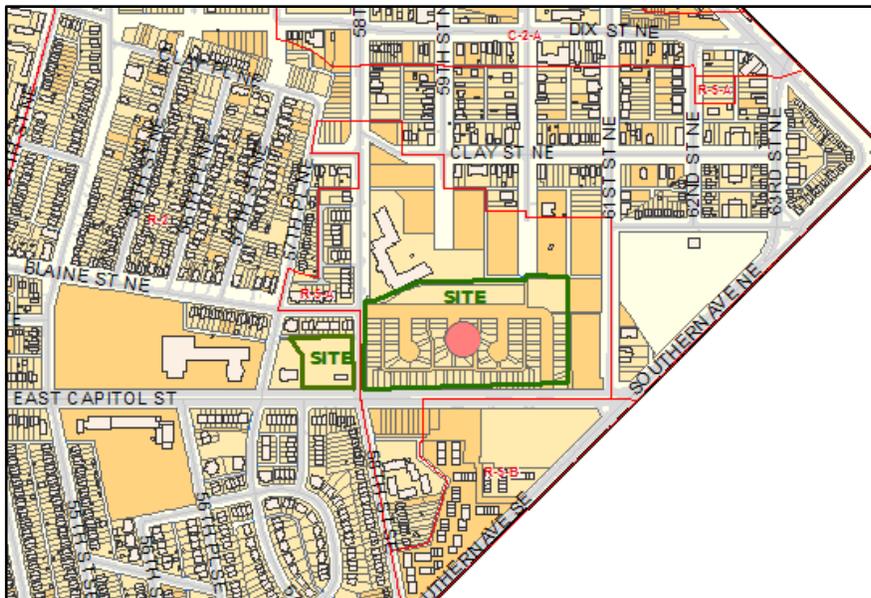
OP has been in discussions with the applicant regarding these items and they have indicated that if the proposal is setdown they will provide the information requested prior a hearing.

¹ The application indicates existing zoning as R-2, R-5-A, and unzoned. OP maps indicate the entire site as zoned R-2 and R-5-A, with no unzoned lands included in the boundaries of the PUD. OP will verify the zoning and update the Zoning Commission prior to setdown.



II. 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. Blaine 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.



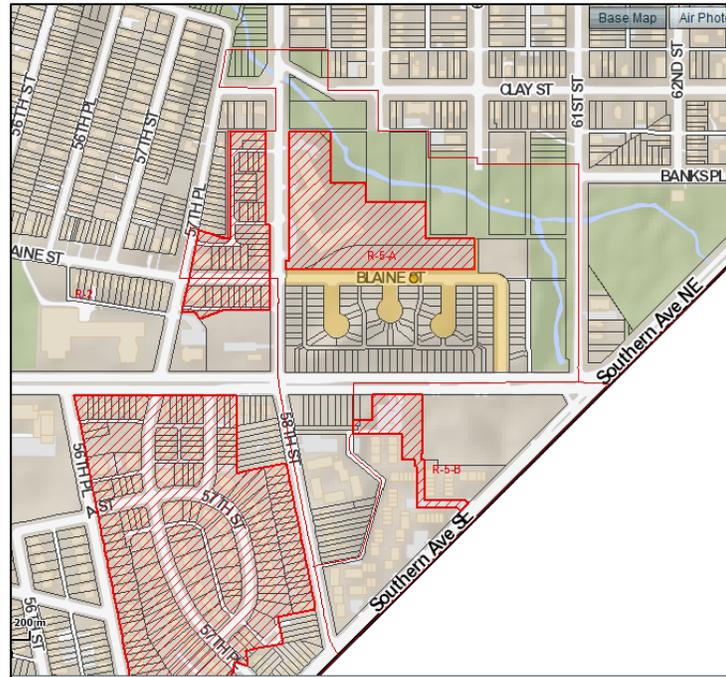
The property is within the East Capitol neighborhood which is predominantly developed with residential uses consisting of single family, duplexes and apartments and with institutional uses. To the north of the site is the 3-story, Capitol Gateway Senior apartments in the R-5-A zone and the Watts Branch 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)²;
- (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)³;
- (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. With the build out and occupancy of the majority of the residential component, the creation of a stable community, and with improvements in the retail market, the applicant was able to secure a large anchor for the development to enable the vision of the retail center to serve the residents of the Capitol Gateway.

IV. PROPOSAL

The development will consist of four (4) buildings identified in the Applicant's submission as (moving from west to east) the "Restaurant", "Walmart", "Office" and the "Mixed Use Building". Overall, the development would have 1,058,662 gross square feet of space at an FAR of 1.05 with a range of heights

² ZC 02-04

³ ZC 03-03/02-05, 03-03A, 03-03B

between 32.33 to 72.75 feet. OP has requested that the applicant provide the overall FAR with the private street right-of-ways, which provide access to the proposed buildings, excluded.



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 8,800 square feet for a family-style, “sit down” restaurant with outdoor seating areas along its East Capitol Street and 58th Street frontage. Behind the building and accessed for 58th Street would be 91 surface parking spaces. At both corners of the lot along East Capitol Street there would be small plazas to accommodate pedestrian movements as well as seating areas. Although there is an entrance along East Capitol Street, the signature piece to identify the building seems to be oriented towards the parking lot (Sheet A.05-31). The building is oriented to accommodate access from the rear as well as to provide a presence on East Capitol Street.

Walmart:

The Walmart store would have approximately 135,551 square feet of store space for general store, groceries and a full service pharmacy. There would be 337 parking spaces below the store and an additional 96 spaces in the mixed use building. The two-story building is sited to provide maximum visibility as one enters the District at Southern Avenue and proceeds along East Capitol Street. The building utilizes the topography of the site to accommodate a maximum height of 56 feet and allows for several 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 main store. The loading area is proposed to be to the rear, away from the main traffic areas and, although the facility would be open to the sky, it is visually screened by walls and landscaping. Extensive open space around the building would highlight the building’s entrances, accommodate pedestrian movements, and provide extensive landscaping which helps to soften the volume of the building.

The building façade includes various modern materials such as metal panels, clear glass, Quick Brik and steel columns which complement each other as well as the other buildings in the development. The use of clear glass on portions of the building allows for transparency into the building. Except along the East Capitol frontage there are not many openings into the building; however, the starkness of these facades are minimized through articulation and the use of different materials. 58th Street wall is proposed to be set back from the sidewalk and screened by a large landscaped area.

Mixed Use building

The mixed use, five-story building would have approximately 23,962 square feet of ground floor retail and approximately 283 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 72.75 feet⁴. The applicant anticipates that the retail area will include a mixture of national chains and local neighborhood retailers. Similar to the Walmart building, this 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; 183 retail spaces⁵ on the upper level and 191 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. Residences on the upper floors would have two extensively landscaped internal courtyards accessible only by the residents. Additional residential amenities within the building include a club room, a business center, and a residential bike storage room.

The mixed use building would front on a large plaza area and be the first building viewed on entering the District from Maryland and as such would be a landmark. Similar to the Walmart, a variety of building materials such as metal panels, cementitious or masonry walls in various colors, and green screen wall, are proposed to minimize the scale of the building.

Office

The office building site is located to the rear of the development. The proposed three-story building would have open parking below and 21,900 square feet of office space above. This building is intended to accommodate medical offices, or another a use that is needed in the community. The building would have 7,450 square feet of green roof.

Plazas:

To complement the buildings and create a signature piece into the District, open space areas are proposed at strategic places along East Capitol Street on the corners of the restaurant, the Walmart building and the mixed use building. The most significant of these plazas would be the 8,782 square foot⁶ urban plaza in front of the mixed use building to provide a “gateway feature” into the District (Sheet L03-10) and to frame the entrance to the building. It is proposed to 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 a significant piece of public art, and the applicant has provided pictures of types of feature that could be considered, and in the August 28, 2012 submission 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 of its spaces under the mixed use building. The restaurant pad would have 91 parking spaces where 73 spaces are required. The Walmart site would have 337 spaces beneath the store with an additional 96 spaces in the mixed use building. Based on its square footage, the store requires 442 spaces while 484 spaces are provided.

The mixed use building would have separated residential and retail parking. The residential level would have 191 spaces where 142 spaces are required. The residential parking would be accessed from the private street on the eastern end of the property. The retail level would have a total of 183 parking spaces, 96 of which would serve the patrons of Walmart. The application did not indicate if the Walmart spaces would be

⁴ The applicant has requested flexibility to exceed the maximum height of 65 feet. This is discussed further in Section V of this report.

⁵ 96 of the 183 retail spaces will be for the Walmart store.

⁶ Excludes dedicated sidewalk space and terraces.

specifically marked and identified apart from those to be used by the retailers in this mixed use building. Access to the retail spaces would be from the private street between the Walmart store and the mixed use building. The Retail Parking Plan on Sheet A.03-02 shows separate entrance and exit points with two curb cuts across from the parking entrance to the Walmart store. OP requested that the applicant redesign the entrance/exit to have only one curb cut to better facilitate pedestrian movements along this roadway. The applicant has indicated that they will redesign the entrance/exit in their prehearing statement if the application is set down for a hearing.

The office building would have 32 parking spaces beneath the building where 67 spaces are required and the applicant has requested flexibility for the reduction in spaces.

Overall, the development site would require a total of 774 paces and 885 spaces are proposed. The number of parking remains high for an area that is close to a Metro Station and OP will continue to work with the applicant and DDOT to address the issue prior to a hearing.

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-A⁷ 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 destiny zones that do not allow retail, and 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.	0.57 residential 0.47 commercial 1.05 total	Complies
Lot Occupancy	40% residential	60% residential 100% non-residential	48.5% residential 100% non-residential 46.1% overall	Complies
Height	40 ft.	65 ft.	Retail Mixed Use Office Restaurant	Relief requested

⁷ OP maps indicate that the entire site is zoned R-5-A and R-2; the application indicates that a portion of the site is unzoned. OP will confirm the zoning prior to the setdown meeting

	R-2/R-5-A	C-2-A PUD	PROPOSAL	COMPLIANCE
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
Parking § 2101.1	Residential: 1/du	<u>Restaurant</u> 1/100 sf. in excess of 1,000 sf = 73 <u>Retail</u> 1/300 sf. in excess of 3,000 sf = 442 <u>Office</u> 1/600 sf in excess of 2,000 sf x 2 = 67 <u>Mixed Use</u> <i>Residential</i> - 1/2du = 142 <i>Retail</i> - 1/300 sf. in excess of 3,000 sf = 70 <u>Total: 794</u>	<u>Restaurant</u> 91 <u>Retail</u> 484 <u>Office</u> 32 <u>Mixed Use</u> <i>Residential</i> - 191 <i>Retail</i> - 87 <u>Total: 885</u>	Complies Complies Relief required Complies
Bike Parking § 2119.1	5% required retail and service uses	5% for commercial uses = 8	108	Complies

	R-2/R-5-A	C-2-A PUD	PROPOSAL	COMPLIANCE
Loading § 2201.1	<u>Residential</u> 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>Walmart</u> Berth - 2 @ 55 ft. Berth - 1 @ 30 ft. Platform - 2 @ 200 ft. Platform - 1 @ 100 ft. Service/delivery - 1 @ 20 ft. <u>Office</u> Berth - 1 @ 30 ft. Platform - 1 @ 100 ft. Service/delivery - 1 @ 20 ft. <u>Mixed Use</u> <i>Residential:</i> Berth - 1 @ 55 ft. Platform - 1 @ 100 ft. Service/delivery - 1 @ 20 ft. <i>Retail:</i> Berth - 2 @ 30 ft. Platform - 2 @ 100 ft. Service/delivery - 1 @ 20 ft.	<u>Restaurant</u> Berth - 1 @ 30 ft. Platform - 1 @ 100 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. <u>Office</u> Berth - None Platform - None Service/delivery - None <u>Mixed Use</u> <i>Residential:</i> Berth - 1 @ 30 ft. Platform - 1 @ 200 ft. Service/delivery - 1 @ 20 ft. <i>Retail:</i> Berth - 1 @ 30 ft. Platform - 1 @ 100 ft. Service/delivery - 1 @ 20 ft.	Relief requested Relief requested Relief requested
Rooftop Enclosure height	Uniform height	Uniform height	Unequal heights	Relief requested
Roof Structure Setback	1:1 setback from exterior walls	1:1 setback from exterior walls	Setbacks less than required.	Relief requested
IZ requirements	8% of residential space	8% of residential space	10%	Complies

Zoning Flexibility

The applicant has requested flexibility from several zoning requirements, under the provisions of § 2405.7. In several instances, the applicant will need to supply additional information if the case is set down.

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 of 1.05 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 32.33 feet and 62.75 feet. However, a portion of the mixed use building, an “embellishment” rises to 72.75 feet which is 7.75 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 three theoretical lots for the individual buildings. 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 has requested that the Zoning Commission retain jurisdiction to hear the requested special exception concurrently with the proposed map amendment and PUD.

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 72.75 feet. The applicant states that the area with the increased height is the parapet on the southwest corner of the building and is being elevated to create a prominent and dramatic component to the building which is fitting at the gateway into the District. The additional height would not create additional floor area or habitable space.

Parking

Office Building: The 21,900 square feet office building would require 33 parking spaces if used as general office. However, if the building includes medical, dental and other similar uses, the parking requirement increases to 66 spaces. The applicant states that the intention is to market the space to both general office and medical tenants. The applicant requests flexibility to only provide 32 parking spaces due to the size and dimension of the parcel. The reduction in parking can be mitigated by the extensive amount of parking provided on other portions of the site, as well as the proximity to the metro station and the many bus routes which travel along East Capitol Street.

Loading

Office Building: The applicant requests relief to not provide the required loading facility for the office use and reduce the requirement for the mixed use building. The office use requires a 30-foot loading berth, a 100-foot platform and a 20-foot service/delivery area. However, the applicant proposes to only provide a loading area in front of the entrance to the building.

Mixed-Use Building: As with the parking, two separate loading area are proposed on the Mixed-Use Building. The residential use requires 1, 55 foot berth, 1, 200-foot platform and 1, 20-foot service/delivery area. The applicant proposes that instead of a 55-foot berth and a 200-foot platform a 30-foot berth and a 100 foot platform would be provided.

Retail use: The proposed retail uses requires two, 30-foot berths; two, 100-foot platforms; and one, 20-foot service delivery space and the applicant has requested flexibility to provide one, 30-foot berth and one, 100-foot platform. While additional detail and analysis of this relief is required, OP recommends that the applicant looks towards consolidating the loading facilities and provide details of the loading management if the application is set down.

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 two roof structures and structures that are not setback a distance equal to its height. The Roof Plan, A.03-05, shows four (4) enclosures for rooftop equipment, a 10-foot high stair enclosure and a 9-foot high elevator room. OP has requested that the applicant provide a more detailed roof plan, clearly indicating the heights of all the structures and elements on the roof as well as the areas which do not meet the setback requirements.

Office Building: The roof structure on the office building, Roof Plan A.04-04, does not meet the setback requirement of Section 770.6 (a).

Prepared Food Shop and Fast Food Establishment

Mixed Use Building: The applicant anticipates that the retail uses be a combination of food, goods and services provided by a combination of national and local retailers. As they market the retail areas, they are requesting 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)).

OP will continue to work with the applicant to provide a comprehensive analysis of the relief requested prior to a public hearing.

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 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 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 and the office building to the rear provides a transition to the residential uses to the north. As with many of the surrounding residential developments, the architecture and materials is of a modern era with the use of clear glass, metal and masonry materials. The four 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 along internal streets.

Landscaping and Streetscape Design

The public space around the buildings are to be improved with landscaped strips, street trees, benches, bike racks and trash receptacles and other elements (Sheets A02-11, A02-12, L02-01 to L03-15). Large open space spaces facilitate pedestrian movement to and past the site. The layout and design of tree boxes, sidewalk, and landscaping along East Capitol Street and 58th Street follow DC standards. Along these and the internal private streets, pedestrian clear zone of minimum 10-foot wide will be provided. The site design incorporates a significant urban plaza adjacent to the mixed use building. Other open space areas are provided on both sides of the Walmart store along East Capitol Street and along both street frontages of the restaurant pad. An urban court at the terminus of the private streets which runs between the Walmart and the mixed use buildings enhances the street as well as provides the setting of the office building.

Housing

Although originally planned for commercial uses only, housing has been introduced, and it would provide support for the retail uses as well as to help activate the area for longer hours. The proposed housing in the mixed use building will have approximately 283 units or 298,316 square feet. In accordance with Inclusionary Zoning, 10% of the gross square footage will be devoted to affordable housing, with 50% of the affordable units be set aside for families earning up to 50% of Area Medium Income (AMI) and the remaining 50% for families with incomes up to 80% of AMI. The applicant has agreed to provide a plan showing the distribution by unit type, size and location if the proposal is setdown.

Retail/Office

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 use. Subsequently the residents of the area have expressed the need for a “sit down” restaurant and the services of doctors, dentist and other medical services. To respond to this need, the applicant has proposed 159,513 square feet of retail space, 135,551 for Walmart and 23,962 for other neighborhood retail uses. In addition, there is a 8,880

square feet restaurant and a 21,900 square feet office space. All retail uses front on East Capitol Street while the office uses will be to the rear of the development.

Local Business Opportunities and First Source Agreements

The application states that the applicant will expand employment opportunities for local residents and will be entering into a First Source Agreement with the Department of Employment Services. However, no commitment has been made to have an agreement with the District of Columbia Department of Small and Local Business Development (DSLBD) and through a Certified Business Enterprise Utilization and Participation Agreement to provide equity and development opportunities. The applicant will provide signed agreements to implement these programs prior to a public hearing.

Green Elements

The August 12, 2012 submission stated that the project will be treated as a LEED Campus under the USGBC guidelines for multiple building LEED projects. The submission states that the LEED Campus will consist of two components: The Walmart building will be designed to LEED 2009 for new retail construction and LEED Core and Shell for the remainder of the building. Subsequently, the applicant has stated that they may change to do LEED certification for each building separately and will provide more details in their prehearing statement.

The applicant has outlined sustainable features which will be incorporated in the development such as extensive landscaping, bioretention and bioswale areas, rain gardens, green roof, and porous pavements. OP has advised the applicant to provide checklists to demonstrate how they will meet the LEED standards and to indicate commitments to specific green building initiatives.

Of the four buildings, only the office building will have a green roof. The Walmart which has an expansive roof will have a white roof. OP is concerned that the reflection and view of this roof could affect the nearby senior residences especially those on the upper floors. OP has requested that the applicant provide a sight-line diagram and assess the views from the residences. The applicant has agreed to provide the assessment in their prehearing statement, and will provide further justification why this cannot be a green roof.

The proposal shows retaining walls along portions of the eastern and northern boundary in the vicinity of the office building. OP has requested that the applicant provide details and elevations of this wall showing their heights and material.

The applicant states that they are working with various community groups who have suggested several sustainability measures which will be incorporated in the development details of which will be submitted in their prehearing statement.

Transportation Demand Management

As per the schedule outlined by the District Department of Transportation (DDOT), a Phase 1: Initial Evaluation was submitted to DDOT for review. The evaluation will review the Site and Travel Demand Analysis on which the Study Area Identification and Data collection Plan, the Traffic Impact Study, the Transportation Demand Management (TDM) plan and Loading Management Plan will be based if the application is set down.

The project will provide the required number of spaces for the retail and office uses and 112 spaces for the residential use which is 59 spaces above the requirement. The proposal is also providing 88 bicycle spaces throughout the development as well as an enclosed bicycle room for the residential use. The applicant states that they are committed to working with DDOT to identify a location on the site for the installation of a Bikeshare Station. The applicant has also committed to aid in pedestrian crossing of East Capitol Street from Southern Avenue to the intersection of 58th Street and East Capitol Street.

DDOT has requested that the applicant explore and consider providing a pedestrian walkway between the property and the Marvin Gaye Park to the north and east of the development. Regarding the Bikeshare Station DDOT has recommended that in addition to providing the location of the station, the applicant should be responsible for its installation and one year of maintenance.

Regarding parking, there would be a total of 885 parking spaces where 774 spaces are required. OP and DDOT will continue to work with the applicant on a Transportation Demand Management Plan which may lead to a reduction in the number of parking spaces since the development is in such close proximity to the Capitol Heights Metro Station and the two bus lines which travel along East Capitol Street and the other six lines that serve the metro Station.

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 preliminary 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 Bikeshare			X	X

The applicant has been working with community groups who have requested assistance with existing or desired programs to benefit the community as listed in the August 12, 2012 submission. The applicant states that they are evaluating the feasibility of each of these programs to ensure that they can be implemented and continues to work with the community towards a final agreement. The applicant will provide further information in their prehearing statement regarding an overall amenity package.

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.

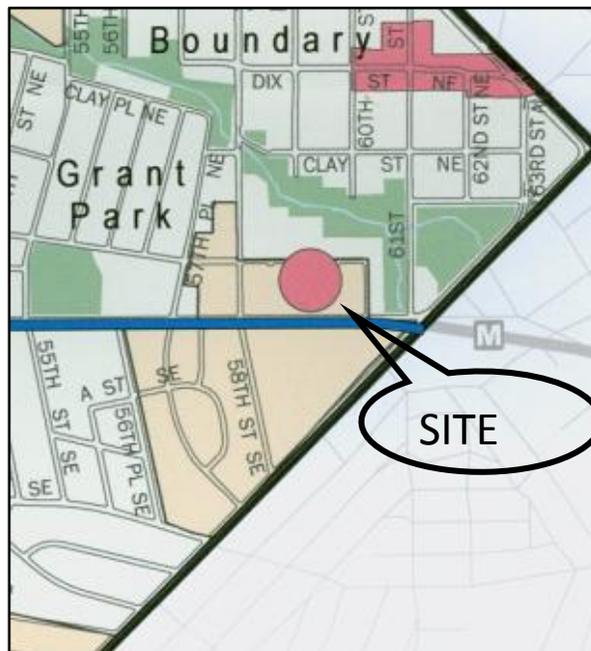


Future Land Use Map

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 also 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, service and office 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.

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.

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.

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.

Policy LU-2.2.4: Neighborhood Beautification

Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, façade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.

The proposed development includes new residential and retail uses in close proximity to a Metro station. In accordance with IZ, a portion of the residential units will be set aside as affordable. The proposal would greatly improve the East Capitol Street pedestrian way, and the applicant is working with DDOT on refining TDM measures to address potential loading, parking and traffic issues.

Transportation Element:

Policy T-1.1.2: Land Use Impact Assessment

Assess the transportation impacts of development projects using multimodal standards rather than traditional vehicle standards to more accurately measure and more effectively mitigate development impacts on the transportation network.

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 project will provide the parking for all uses above that required amount and is also providing 88 bicycle spaces throughout the development and an enclosed bicycle room for the residential use. The applicant has also committed to aid in pedestrian crossing. OP and DDOT will continue to work with the applicant on a Transportation Demand Management Plan which better recognizes the proximity to the Capitol Heights Metro Station and the two bus lines which travel along East Capitol Street and the other six lines that serve the metro Station.

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 proposed neighborhood commercial center would include 283 residential units and would also include affordable units.

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 to enhance the development as well as the streets. The applicant has outlined sustainable features such as bioretention and bioswale areas, rain gardens and porous pavements. The applicant has also submitted that that will incorporate LEED standards to provide a sustainable development.

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 is proposing a mixture of national chains and local retailers to create a unique and desired shopping experience.

Urban Design Element:

Policy UD-2.2.1: Neighborhood Character and Identity

Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

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-3.1.2: 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.

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.

Policy UD-3.1.6: Enhanced Streetwalls

Promote a higher standard of storefront design and architectural detail along the District's commercial streets. Along walkable shopping streets, create street walls with relatively continuous facades built to the front lot line in order to provide a sense of enclosure and improve pedestrian comfort.

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.

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.

Policy FNS-1.1.5: Prince George's County

Work closely with Prince George's County and the Maryland National Capital Park and Planning Commission to guide the development of land along the Maryland/District line, especially around the Capitol Heights and Southern Avenue Metro stations. Safe pedestrian access to these stations should be provided. Given the proximity of the Naylor Road station to the District line (about 1000 feet), collaborative transit-oriented development planning around this station is also encouraged.

The proposed neighborhood center will include market rate as well as affordable residential units. The development would include element to encourage transit use as well as improve pedestrian movements between the Metro station, the site and residences beyond.

IX. AGENCY REFERRALS AND COMMENTS

If this application is set down for a public hearing, it will be referred to the following District government agencies for review and comment:

- Department of Employment Services (DOES);
- Department of the Environment (DDOE);
- Department of Housing and Community Development (DHCD);
- Department of the parks and Recreation (DPR);
- Department of Public Works (DPW);
- District Department of Transportation (DDOT);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD); and
- DC Water

X. COMMUNITY COMMENTS

The property is within the area governed by ANC-7C. Along with ANC-7C, the applicant has made presentations to ANC-7E (across East Capitol Street), Capital View Civic Association and the Northeast Boundary Civic Association. All have indicated general support for the development. The applicant has committed to continue working with the ANCs and the civic associations to address any outstanding issues.