

## MEMORANDUM

**TO:** District of Columbia Zoning Commission  
*JLS*

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

**DATE:** January 30, 2015

**SUBJECT:** Zoning Commission Case No. 14-01A–Setdown Report- **Modification**  
Consolidated PUD and related Map Amendment from the C-M-3 to C-3-C zone  
district, 1401-1535 New York Avenue, NE (Square 4037, Parts of Lots 0007 and 0804)

---

### I. SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends **setdown** of Zoning Commission Case No. 14-01A, for a public hearing on the modification request to the previously approved consolidated PUD and related map amendment for the referenced property by Jemal’s Hecht’s, LLC (the Applicant). The requested modification is intended to permit a new two-story, principal structure on a portion of the PUD site, previously devoted to the circular driveway on the lot, pursuant to Section 2517 of the Regulations.

An area of 1,464 square feet, currently zoned C-M-3 is also requested to be rezoned to the C-3-C zone district, consistent with the approved PUD site and would not be inconsistent with the Future Land Use and Generalized Policy Maps, as explained within the report.

### II. BACKGROUND

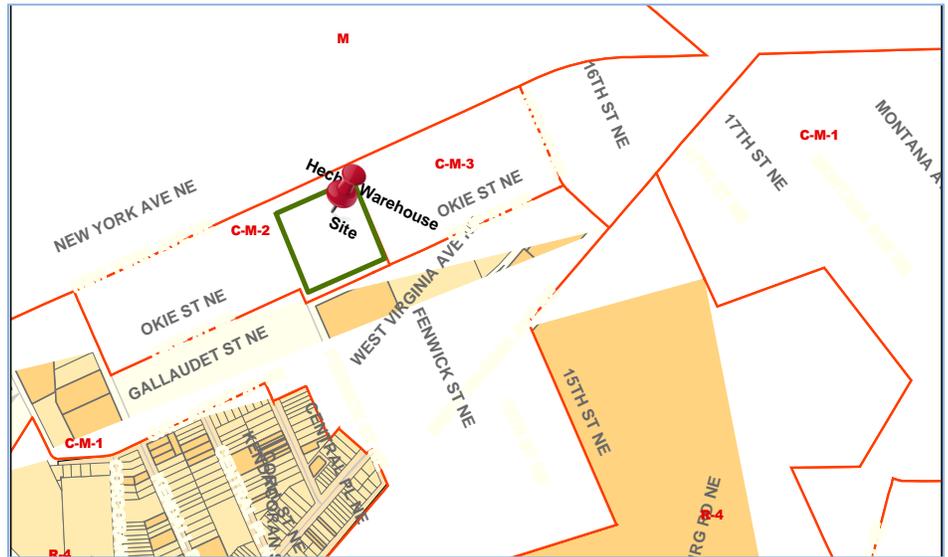
The existing PUD was approved by the Zoning Commission pursuant to Order 14-01, which became effective on August 8, 2014. The approved project involves the adaptive reuse of the historic landmark, the former Hecht Company warehouse building, as a mixed-use structure with 338 residential units above ground floor retail. The original application also involved the construction of a two-story addition atop the four-story east wing of the building and a one-story addition on the main portion of the warehouse. The approved PUD has a maximum density of 4.7 FAR.

### III. CURRENT MODIFICATION REQUEST

The applicant requests a theoretical lot subdivision of the approved PUD site to permit two principal structures on one lot pursuant to Section 2517. The theoretical lot and building proposed on the southeast corner of the PUD site would be located in the approved driveway of the original PUD. Approximately 1,464 square feet would be added to the PUD site and the changes would result in a one-way drive aisle with ingress from Hecht Avenue and egress onto Okie Street. The proposed location would be developed with a new two-story building of approximately 8,000 square feet to be devoted to retail use. The modification request also includes a PUD-related map amendment to C-3-C for the small area proposed to be added to the PUD site, as it is currently zoned C-M-3. The overall 4.7 FAR of the approved PUD would not be increased.

#### IV. SITE AND AREA DESCRIPTION

The subject site is located on the western portion of Square 4037, on a flat rectangular parcel bounded by New York Avenue to the north, Okie Street to the south, 16<sup>th</sup> Street NE to the east and Fenwick Street to the west. The 1937 historic landmark (Hecht Warehouse) has two contributing portions developed in 1948 and 1961. The former warehouse has been recently adapted for reuse per the approved PUD and now accommodates a grocery on the ground floor. Other uses would also be locating in the remaining spaces in the near future.



The site is surrounded by parcels typically developed with one and two-story buildings that are either vacant or currently underutilized and within the C-M-2 and C-M-3 zone districts. Residential row homes and small apartment buildings are located within walking distance, south of the square, in the R-4 district.

#### V. PROJECT DESCRIPTION

The initial request to modify the PUD approved plan included an amended plan dated December 17, 2014, which proposed up to 8,074 square feet of additional floor area on two levels that would be available for retail use. The related map amendment from the C-M-3 to the C-3-C zone district is intended for the proposed 1,464 sf area addition located on the lower eastern portion of the site, which is currently designated as the driveway and court area off Hecht Avenue. This submission shows the building as an addition to the main Hecht building connected by a trellis structure. However, the applicant subsequently informed OP that the trellis structure would be removed and the request would now include two principal buildings on one lot pursuant to Section 2517.

The new structure's design shows the building set on a stone base, which would support vertical glass panes. Steel framed glass panel windows would be fabricated to allow for double glazing and operability, with the same profiles on both levels. On the ground level, the storefront may be opened up to sidewalk seating to animate the street. Bronze coated aluminum composite panels and portions clad in metal perforated panels would complete the building's façade above the vertical panes on both levels (*Submitted plans- pgs. 15-17, December 17, 2014*).

On-site vehicular traffic patterns would be altered, including a modified one-way driveway with ingress from Hecht Avenue and egress onto Okie Street. Parking is proposed to be located within an adjacent parking structure to the east of the site, which is currently owned by the applicant. Loading would take place through a south west entrance accessed from the one-way driveway (*Site and Circulation Plan, pg. 11, December 17, 2014*).

## VI. COMPREHENSIVE PLAN

### Future Land Use Map (FLUM)

The property is designated for PDR (Production, Distribution and Repair) [purple on map], which includes a broad range of manufacturing, warehousing, technical, infrastructure, transportation, retail and commercial uses. Unlike most other land use categories, PDR Future Land Use Map designations are not graded by intensity of use.

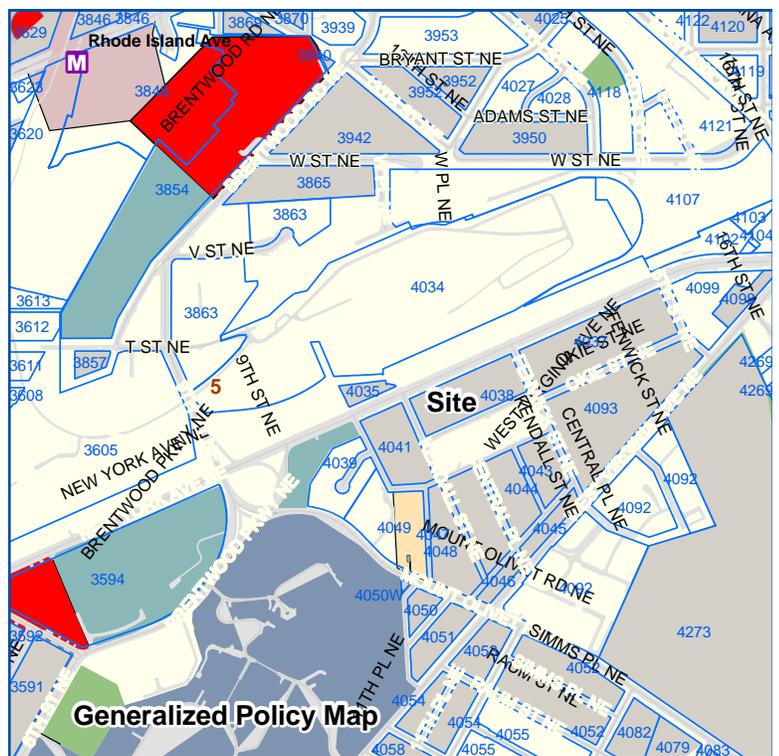
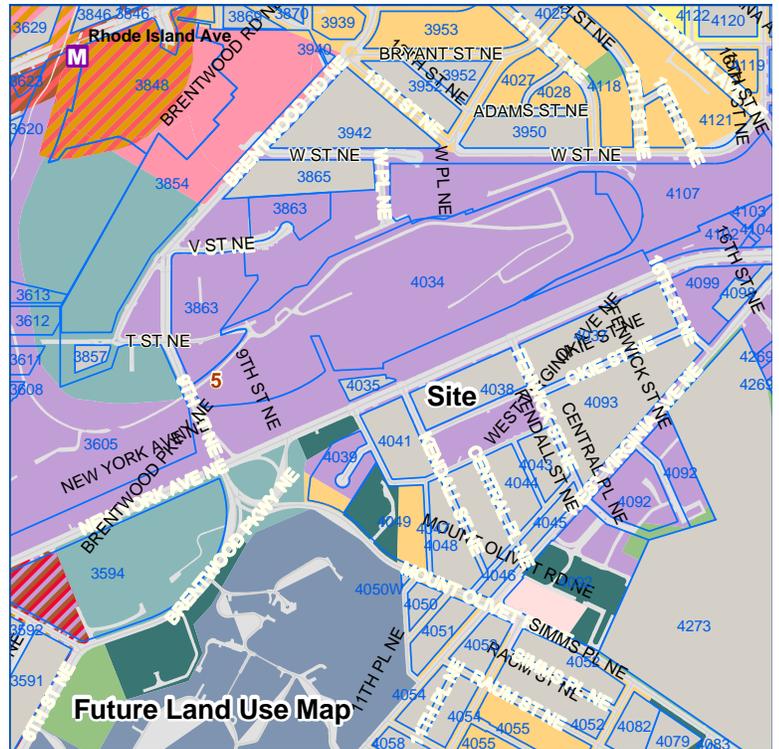
### Generalized Policy Map

The property is in the Neighborhood Conservation Area (NCA) category [white on map]. Policies for an NCA are intended to maintain or enhance existing land use and neighborhood characteristics, rather than guiding these areas toward significant changes of uses and characteristics.

### Comprehensive Plan Elements

The requested rezoning is supported by the previously approved PUD and the written elements of the Comprehensive Plan – particularly policies within the Land Use, Economic Development, Urban Design, and the Upper Northeast Area Element related to the New York Avenue corridor.

The requested PUD-related map amendment would not threaten the stability of adjacent PDR uses, nearby residential uses, or other mixed use commercial areas located in the general area and would be not inconsistent with the recently approved amendment for the majority of the site.



**VII. ZONING**

The table compares the approved and requested C-3-C PUD standards and the proposed modification.

Item	Approved PUD	C-3-C (M-O-R)	C-3-C PUD	Proposed
Site Area	119,037.9 sf	-	-	120,502.3 (1,462.4 sf added)
Building Height § 770	95.15 ft.	90 ft. max	130 ft.	32 ft. 11 ins.
Gross Floor Area	559,245 sf 196,343.8 sf retail (1 <sup>st</sup> & 2 <sup>nd</sup> ) 5,590 sf retail (cellar) 362,901 sf (residential)	-	-	567,319.1 8,074 sf (added)
Floor Area Ratio § 771	4.7	6.0	8.0 max	4.7 (no change)
Lot Occupancy § 772	86%	100 % permitted	100 % permitted	89.1%
Rear Yard § 774	27 ft.	Above 20 feet, 2.5 in. / ft. height, but not less than 12 ft.	Above 20 feet, 2.5 in. / ft. height, but not less than 12 ft.	28 ft.
Side Yard § 775	N/A	None required	None required	-
Courts § 776	39' 6" (min)	4"/ft. ht.	4"/ft. ht.	None proposed
Penthouse heights § 777; § 411	23', 22', 19.5' and 15 ft.	18.5 ft.	18.5 ft.	6ft. screen wall
Parking Minimum § 2101	<b>1,067 spaces are provided in an adjacent parking structure.</b>	1/3000 sf commercial (office); 1/1000 sf PDR 236 spaces required	No spaces required due to historic landmark, §2120	<b>Not required. Flexibility approved</b>
Uses § 740 Office, Retail, PDR, Service Residential Uses	<b>Residential, office, retail/service uses</b>	Allowed except PDR uses  Allowed	Allowed except PDR uses  Allowed	<b>Retail use</b>
Loading § 2200.5	2 berths @ 55 ft. deep 1 berth @ 30ft deep 3 platforms @ 200 sf	Historic landmark – No requirement	Historic landmark – No requirement	No requirement
*GAR § 3401	Not applied to landmarked structure.	0.2	0.2	To be provided

\*Section 3401 requires:

3401.5 Any approved change or modification to a permit, project or application in § 3401.3 and 3401.4 that results in an increase in impervious surface or lot occupancy of twenty percent (20%) or more shall cause the GAR to be applicable for that portion of a project that is effected by the modification.

## VIII. FLEXIBILITY

Flexibility is requested from the specific zoning regulations as follows:

### **PUD-related map amendment: C-M-3 to C-3-C zone district**

The approved PUD originally included a map amendment from the C-M-2 to the C-3-C zone district. In this instance, the related map amendment is intended to rezone the small area to be added located to the south east of the lot, which is part of the C-M-3 District, east of the PUD Site.

### **Section 2517 -Exceptions to Building Lot Control (Other Than Residence Districts)**

2517.1 *This section shall permit two (2) or more principal buildings or structures to be erected as a matter of right on a single subdivided lot that is not located in, or within twenty-five feet (25 ft.) of, a Residence District.*

The lot is not located within 25 feet of the residential R-4 District.

2517.2 *The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, and open spaces around each building), as provided by §§ 3202.2 and 3202.3 are met.*

The two-story building proposed on the Hecht site would satisfy all the bulk requirements for development within the C-3-C zone district. The measurement of the required open space to the front of the building would be provided prior to the hearing.

2517.3 *If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building:*

(a) *The front of the building shall be the side upon which the principal entrance is located;*

The front of the building would face Okie Street.

(b) *Open space in front of the entrance shall be provided that is equivalent to the required rear yard in the zone district in which the building is located; and*

The required rear yard in the C-3-C zone district should not be less than 12 feet. The applicant would provide the information on the dimensions of this space prior to the public hearing and request flexibility from this provision, if necessary.

(c) *A rear yard shall be required.*

A rear yard would be provided as indicated on the plan (*Site Plan, pg. 19, December 17, 2014*).

2517.4 *Where not in conflict with An Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910..., the height of a building..., shall be measured from the finished grade at the middle of the front of the building.*

The height of the proposed building would be measured from Okie Street, as required (*Floor Plans pg. 12, December 17, 2014*).

**On-site parking (§2101)**

Parking for the future retail and residential uses were approved by the Commission to be located in a 1,000 space parking structure recently constructed to the east of the site. Therefore, *no relief or flexibility from the parking requirements for a retail use would be required.*

*No changes to other aspects of the approved PUD, including the amenity package are proposed.*

**IX. AGENCY REFERRALS**

Comments from the District Department of Transportation (DDOT) will be requested.

**X. COMMUNITY COMMENTS**

The ANC 5D submitted a report recommending approval of the modification request (*Exhibit G, December 22, 2014 submission*). OP is not aware of community opposition to the proposal.

Attachments:

1. Comprehensive Plan Written Elements

## **COMPREHENSIVE PLAN - WRITTEN ELEMENTS**

The requested rezoning is supported by the written elements of the Comprehensive Plan – particularly policies for Industrial Land, the Upper Northeast Element, the New York Avenue corridor, and Historic Preservation.

### **a. Land Use**

*The efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. (10A DCMR §300.2)*

#### **Policy LU-2.2.3 Restoration or Removal of Vacant and Abandoned Buildings**

*Reduce the number of vacant and abandoned buildings in the city through renovation, **rehabilitation**, and where necessary, demolition...*

#### **Policy LU-3.1.1 Conservation of Industrial Land**

*Recognize the importance of industrial land to the economy of the District of Columbia, specifically its ability to support public works functions, and accommodate production, distribution, and repair (PDR) activities. Ensure that zoning regulations and land use decisions protect active and viable PDR land uses, while allowing compatible office and retail uses and development under standards established within CM- and M- zoning. Economic development programs should work to retain and permit such uses in the future.*

#### **Policy LU-3.1.2 Redevelopment of Obsolete Industrial Uses**

*Encourage the redevelopment of outmoded and non-productive industrial sites, such as vacant warehouses and open storage yards, with higher value production, distribution, and repair uses and other activities which support the core sectors of the District economy (federal government, hospitality, higher education, etc.).*

The development as proposed would enhance the ongoing revitalization of this location which has been without a productive use for a decade, while preserving the majority of the square within the C-M-3 district.

### **b. 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. 708.7*

The proposal includes the provision of a significant amount of retail space to serve neighborhood residents, DC residents, and commuters.

### **c. Urban Design Element**

#### **Policy UD-1.4.1: Avenues/Boulevards and Urban Form**

*Use Washington’s major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city. 906.6*

The proposed addition on the site of this prominent historic building would help to improve the character of New York Avenue, a major corridor in the city.

**d. Upper Northeast Area Element**

***Planning and Development Priorities***

*“The area’s major thoroughfares need to be improved. New York Avenue is the gateway to the Nation’s capital for over 100,000 vehicles a day and provides the first impression of Upper Northeast (and the District of Columbia) for many residents, commuters, and visitors. Its motels and fast food joints, used car lots, chop shops, strip clubs, salvage yards, and warehouses do not project a positive image. ... The community wishes to see these corridors upgraded, without diverting traffic to other thoroughfares and residential streets nearby.”*

***Policy UNE-1.1.8 Untapped Economic Development Potential***

*“Recognize the significant potential of the area’s commercially and industrially-zoned lands, particularly along the New York Avenue corridor ... to generate jobs, provide new shopping opportunities, enhance existing businesses, create new business ownership opportunities, and promote the vitality and economic well-being of the Upper Northeast community. The uses, height, and bulk permitted under the existing M and CM-1 zones are expected to remain for the foreseeable future.”*

***Policy UNE-1.1.9 Production, Distribution, and Repair Uses***

*Retain the existing concentration of production, distribution, and repair (PDR) uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas.*

***Policy UNE-2.3.3 Infill Development***

*Support infill development and redevelopment on underutilized commercial sites along New York Avenue. Particularly encourage large-format destination retail development that would provide better access to goods and services for residents, and sales tax dollars for the District.*

***Policy UNE-2.3.1 New York Avenue Corridor***

*Improve the appearance of New York Avenue as a gateway to the District of Columbia. Support road design changes, streetscape improvements, and new land uses that improve traffic flow and enhance the road’s operation as a multi-modal corridor that meets both regional and local needs.*

The proposed development and requested map amendment would strike an appropriate balance between increasing the attractiveness of new development on a portion of the Square, and minimizing pressure on replacing potential PDR uses with mixed uses on the rest of the Square, or on other parts of the corridor. It would also accommodate an appropriate use consistent with the new uses along New York Avenue.

Much of the District’s industrially-zoned land is in the northeast quadrant, adjacent to rail tracks or New York Avenue, which is also a principal entrance to the city for visitors and commuters. Accordingly, improving both the viability of the industrially-zoned land, and the appearance of this gateway street, have been major objectives of the District for over three decades. The objectives reflected in these policies are more likely to be achieved with the proposed development and requested map amendment.