



TO: Roland Driest, Surveyor

FROM: Jennifer Steingasser, Deputy Director

DATE: April 3, 2009

SUBJECT: Large Tract Review Report 2008-08: 5927 Georgia Avenue, N.W.
Square 2986, Lots 36, 37, 813, 851, 856, 860 and 863

SUMMARY

On December 1, 2008, pursuant to 10 DCMR, § 2300, Pillsbury Winthrop Shaw Pittman LLP submitted an application for Large Tract Review (LTR) on behalf of Missouri Avenue Development Partners LLC (the “Applicant”). The applicant seeks to develop a mixed-use building consisting of 625,590 square feet of gross floor area within the C-3-A and R-5-A zone districts on a property consisting of 3.56 acres of land. LTR is required under 10 DCMR § 2300 because the zone district in which the subject property is located is not exempt from LTR review, the site consists of more than three acres and the project would produce 50,000 or more square feet of commercial or mixed use space. The entire building would be located within the C-3-A zone district. Only the driveway access to the loading would be located within the R-5-A.

SITE DESIGN

The property is located on the west side of Georgia Avenue, the north side of Missouri Avenue and the east side of 9th Street, N.W, and was formerly developed as the Curtis Chevrolet automobile dealership. The applicant proposes to demolish the existing improvements, including a portion of the non-historic car barn, and construct a five-story mixed-use building in its place. The façade of the car barn would be incorporated into the new building.

PROJECT DESCRIPTION

The new building would consist of 399 residential units, including eight percent that would be set aside for families earning no more than eighty percent of the area median income (AMI). It would include a mix of studio, one-bedroom, one-bedroom plus den and two-bedroom plus den dwelling units. Eighteen of the units would be designed as townhouses, with eight facing Missouri Avenue.

The building would also include 37,573 square feet of retail space and 439 off-street parking spaces within a two-level garage. Retail parking would be accessed from Georgia Avenue, and residential parking would be accessed from either Missouri Avenue or 9th Street. Loading access would be from 9th Street. No historic buildings are located on or adjacent to the subject property, and the site is not located within a historic district.

ZONING

The proposed building would be located within the C-3-A, a mixed use zone district. The following table details how the proposed building would conform to the provisions of that zone.



	C-3-A	Proposed Building
Building Height - Maximum	65 feet	65 feet
Floor Area Ratio		
- Maximum Residential	4.00	3.34
- Maximum Non-Residential	2.50	0.24
- Maximum Total	4.00	3.58
Lot Occupancy - Maximum		
- Residential	75 percent	60 percent
- Commercial	100 percent	
Parking – Minimum	249 spaces	439 spaces

COMPREHENSIVE PLAN

The Future Land Use Map recommends mixed use land use for the majority of the subject property, a combination of medium density residential and moderate density commercial. Mid-rise apartment buildings, four to seven stories in height, are the recommended predominant land use in medium density residential category. Retail, office and service uses are the recommended predominant land uses within moderate density commercial category. The proposed driveway from Ninth Street would be located within the moderate density residential land use category. The proposed building is consistent with these land use recommendations.

The Upper Georgia Avenue Great Streets Redevelopment Plan, adopted by the City Council on July 10, 2008, identifies the subject property as a “major development opportunity,” which “provides the most viable opportunity in the entire study area for a large-scale redevelopment in one location.” The plan states that the Curtis Chevrolet site could accommodate up to 848 residential units and up to 99,500 square feet of retail space.

COMMENTS

All comments on the application received by the Office of Planning from either other District agencies or the community were forwarded to the applicant. The Office of Planning met with the applicant concerning those comments on March 18, 2009, and continued the discussion in a conference call on March 20, 2009. The applicant responded to the comments in writing to the Office of Planning on March 27, 2009. The following is a summary of the comments received and the applicant’s responses.

A. Zoning

1. ANC 4B commented that the zoning laws are outdated and questioned whether the present zoning laws are relevant for this project considering the existing laws are over 60 years old.

Yes. These are the current zoning laws and are the same zoning laws that are in effect throughout the District. They control use and development of land throughout the city and will remain in effect until and unless the Zoning Commission amends them.

B. Water and Sewer

1. ANC 4B commented that during normal rains the current sewage system is not able to move the water and it creates minor flooding and deposits in the nearby neighborhoods, and asked what measures will be taken during and after construction to either reduce this current situation or to ensure that there will not be an increased impact to the flooding and debris deposits.

The proposed development would include the collection and filtration of storm water from the site into the storm drain system, reducing the amount of rain water and debris flowing from the site from the existing situation. Dwg. C07, "SWM Computations," includes calculations on storm water flows and the location of proposed storm water management vaults on the subject property.

2. ANC 4B asked how, with the increase in usage on the existing water and sewage infrastructure, will the already strained system be impacted in its current state of disrepair? The ANC also asked if there are plans to revitalize the water and sewerage infrastructure outside of this project.

The Water and Sewer Authority (WASA), in a memorandum dated December 31, 2008, stated that the water and sanitary sewer system is adequate to handle the proposed development. However, the site is a part of the combined sewer system. Therefore, it would be subject to a sewer surcharge and the installation of backflow prevention would be required. The applicant would be required to submit plans to WASA to verify storm water discharge. A water and sewer availability certificate would be issued after WASA's review if the project conforms to its requirements. The Office of Planning encourages the applicant to investigate additional Low Impact Development techniques, including the provision of a green roof, to further reduce runoff from the site.

3. WASA commented that the location of the street trees on Georgia Avenue would have adverse impacts on the existing water and sewer mains.

Dwg. LA2, dated November 17, 2008, proposes to provide shade trees within raised planters. Due to the location of the water and sewer lines beneath the sidewalk, it is not possible to plant the trees within the ground. The maintenance of these trees would be the responsibility of the building management. By providing trees within raised planter boxes the root systems would not adversely impact the water and sewer mains. The provision of the raised planters would be subject to DDOT review, including review by the Urban Forestry Administration regarding the viability of and care for trees in raised planters.

C. Public Safety

1. ANC 4B commented that many area fire hydrants are either out of service or in need of maintenance, and asked what is the impact to this critical life saving system and what is the plan to repair faulty fire hydrants?

The applicant informed the Office of Planning that it would report any faulty fire hydrants it discovers adjacent to its site to WASA for repair.

2. ANC 4B asked what is the plan to increase health and human services to meet the increased residential and retail population following construction? Specifically, police and fire coverage, additional lighting, and pedestrian safety.

The proposed building would include security lighting for the residential and retail components of the building. The width of the Georgia Avenue sidewalk would range from to approximately 18 feet to almost 30 feet at the front of the car barn façade, facilitating the flow of pedestrian traffic. However, the sidewalks would narrow around the proposed raised tree planters. The provision of retail spaces along the Georgia Avenue frontage would encourage interaction between the street and the building, with the residential lobbies designed to be located on each side of the forecourt and Georgia Avenue vehicular entrance.

MPD noted that it had concerns regarding its ability to respond to an increase of 400 dwelling units and 439 parking spaces. To facilitate emergency response to the building, the Metropolitan Police Department (MPD) and the Fire and Emergency Medical Services Department (FEMS) requested that the townhouse units facing Missouri be addressed to Missouri Avenue to facilitate emergency response to those units. The retail spaces and the residential units, which would be accessed from Georgia Avenue, would have Georgia Avenue addresses. The applicant agreed to this request.

The retail and the residential parking would be physically separated, with separate entrances. Access into the residential portion of the parking garage would be controlled by a key card entry system for the security of residents of the building. Retail parking would be accessed separately.

At the request of FEMS the applicant submitted an Ambulance Turning Exhibit, dated March 26, 2009, documenting that the ambulance trucks used by the District would be able to enter and exit the vehicular entrance on Georgia Avenue.

D. Environment

1. ANC 4B commented that there is an underground stream in the vicinity of 7th and Peabody Street, which is downhill from the project, and asked what environmental safety precautions will be put in place to protect this watershed from contamination?

The applicant has done test borings on the site and is not aware of any underground streams. The applicant would be required to document this during the building permit process. If a stream exists, the applicant would be required to provide a work plan to the District Department of the Environment (DDOE.)

2. ANC 4B asked how asbestos and other pollutants would be contained when construction begins?

Any permits issued for the property would be required to conform to all DDOE regulations concerning asbestos and hazardous materials.

3. ANC 4B how the project would be environmentally friendly (i.e. green roofs, managed run-off, and green materials) as a result of the increase in residential and retail traffic.

The building would have a reflective roof, which includes a white membrane to reflect the sun and counter the heat island effect. The applicant informed the Office of Planning that the building would also be designed to meet the requirements of LEED certification, but not to achieve certification. The Office of Planning encourages the applicant to include additional green amenities to its proposal, including the provision of a green roof.

4. ANC 4B questioned how would the rodent population be addressed during construction and if there would be assistance to residents affected by the relocation of the rodents due to the construction?

The applicant informed the Office of Planning that it is unaware of any rodent infestations within its buildings, but would work to control any that it may come across on its property to prevent the relocation of rodents off-site.

E. Traffic

1. ANC 4B commented that the current vehicle traffic study implies that traffic will decrease with the absence of the Curtis Chevrolet dealership, and does not allow for the increase in residential vehicle

traffic. The ANC requested a study that incorporates the increase of residential vehicle traffic of approximately 800 residents, retail traffic similar to Park Place in Silver Spring, MD and the current traffic flows.

The traffic study included as a part of the application, and dated November 26, 2008, considered the redevelopment of the site with approximately 400 mid-rise apartments and 20,900 gross square feet of locally serving retail. The study concludes that the amount of traffic generated by the site during the morning and evening rush hours would be "*considerably less than the previous use as an automobile dealership.*" DDOT found the traffic study to be acceptable.

2. ANC 4B asked how the increase in residential and retail traffic would impact traffic flows into the gas station located on the south side of Missouri Avenue at Georgia Avenue?

The proposed site plans do not propose any vehicular entrances opposite the gas station. The applicant proposes to extend the median in Missouri Avenue eastward for the length of its property, but would not block the existing median break near the intersection of Georgia Avenue across from the gas station.

3. DDOT noted that the proposed entrance is less than sixty feet from the intersection of Georgia Avenue and Rock Creek Ford Road. MPD commented that vehicular traffic entering the site from north and southbound Georgia Avenue will cause traffic issues.

The applicant informed the Office of Planning that it is unable to relocate the entrance to conform to the sixty foot requirement. Two separate entrances to the residential portion of the building are proposed, one on each side of the Georgia Avenue vehicular entrance. In response to the concern about the location of the entrance, the applicant proposes to design it to preclude illegal turns into and out of the site.

The Georgia Avenue entrance would be designed as a "right-in/right-out" driveway to the satisfaction of DDOT and MPD. As shown on the "Signage Exhibits/Site Signage" drawing dated March 25, 2009, flexi-poles, as recommended by DDOT, would be installed on Georgia Avenue to prevent illegal turning movements into and out of the site, and to prevent vehicles exiting onto Georgia Avenue from entering Rock Creek Ford Road. Arrows would be painted onto the pavement to alert drivers that the left southbound lane is a through lane only, with no left turns into the site. The specifics for lane painting and the installation of the flexi-poles are subject to DDOT approval.

4. ANC 4B commented that Peabody Street is narrow with vehicles parked on both sides, and that driving along this street would be extremely difficult.

The applicant agreed to create a truck routing plan and would request that DDOT consider installing a sign on Peabody indicating "No through Trucks" eastbound on Peabody between Georgia Avenue and 9th Street. Loading access would be from 9th Street, and all trucks would be required to access 9th Street from Missouri Avenue only. Missouri Avenue has a pavement width of 40 feet, as compared to the 30-foot width of Peabody Street. Trucks exiting the site would be required to go south on 9th Street to Missouri Avenue. The Traffic Study submitted as a part of the application indicates that a Site Transportation Coordinator would be provided.

5. DDOT commented that the traffic analysis did not consider the effects on surrounding facilities, including pedestrian level of service and alternative modes of travel.

A pedestrian level of service analysis was submitted to the Transportation Policy and Planning Administration of DDOT indicating that all pedestrians would experience acceptable levels of service. The

transportation analysis also took into account the rapid bus service on Georgia Avenue, and the applicant is working with ZipCar to provide a space for them within the garage. A Site Transportation Coordinator would promote non-vehicular usage, including disseminating information regarding ridesharing, Guaranteed Ride Home programs and assigning preferential parking spaces to residents that carpool or car-share. Bicycle parking would be provided as required by the Zoning Regulations. The applicant is also considering a SmartBenefits program for tenants, but has not worked out the details. The Office of Planning would support such a program.

F. Construction

1. ANC 4B noted that the surrounding area has a large senior citizen and school age population and that Paul Public Charter School would be located directly across from the construction site. The ANC asked what health and human safety measures would be implemented to ensure safety during confusing pedestrian detouring.

The applicant proposes to keep open the sidewalk on Georgia Avenue to the front of the property throughout construction. A crossing guard is provided for school children at the corner of Georgia and Missouri. The sidewalk on Missouri Avenue may have to be closed during construction, requiring pedestrians to use the sidewalk on the south side of the street. This closure would require approval of DDOT. The Office of Planning encourages the applicant to minimize the amount of time the sidewalk is closed to the extent possible.

2. ANC 4B asked how construction would impact parking for the residents living in the co-ops directly behind the site?

Parking for the co-ops is accessed directly from the public alley. The proposed development would not have an effect on that alley or the parking.

3. ANC 4B asked if construction would result in lane closures on Georgia Avenue during construction?

No lane closures are proposed.

4. ANC 4B requested the use of brick instead of synthetic stucco due to concerns regarding the use of synthetic stucco.

The applicant declined this request, but noted that the store fronts would consist of glass and masonry, with no synthetic stucco. The upper floors would incorporate synthetic stucco in combination with cementitious panels. The synthetic stucco system proposed to be used by the applicant allows for the drainage of water from behind the synthetic stucco, alleviating the problems that were encountered by older systems.

G. Development

1. ANC 4B asked if the number of apartments can be scaled back to 200 units, and if the height of the project can be more in keeping with the height of the current store fronts?

The applicant informed the Office of Planning that reducing the size of the building and/or the number of residential units would adversely impact the feasibility of the project. The size of the building as proposed is in conformance with the zoning on the property and the Upper Georgia Avenue Great Streets Redevelopment Plan. The Office of Planning notes that the Upper Georgia Avenue plan anticipated a five to six-story building and more than twice as many units as proposed for the entire Curtis Chevrolet site.

2. ANC 4B commented that it does not want to inundate the area with apartment buildings, and that it wants to maintain the nature of the community, which is homeowner based and family oriented.

The proposal is for the construction of one apartment building located on a major corridor. The surrounding area is primarily low to moderate density residential with commercial uses facing Georgia Avenue, including apartment buildings. Most of the remainder of the square is developed with apartment buildings. The proposed building is not inconsistent with either The Comprehensive Plan, dated December 2006, or the Upper Georgia Avenue Great Streets Redevelopment Plan, and would maintain the residential character of the area with apartments designed for young professionals and empty nesters, and add new storefronts along on Georgia Avenue.

3. ANC 4B asked when the impact studies and staging plan would be available for public viewing?

The traffic study is available. Others will be available from DCRA once approved by the relevant District agencies.

H. Housing

1. ANC 4B asked if instead of using the median income from the entire District of Columbia, why not use the same method as realtors when developing comparables to set prices to sell a home, as these are derived from a local radius surrounding the home for sale?

The applicant has informed the Office of Planning that the apartment rents would be market driven. The rents of the affordable units would be in conformance with the provisions of the pending Inclusionary Zoning regulations.

2. ANC 4B stated that it would like to see a higher percentage of affordable rent apartments available on the residential side of the project, somewhere around 12 to 15 percent.

The applicant is not required to provide any affordable housing units. If Inclusionary Housing is implemented, the applicant would be required to provide eight percent of the total number of units as affordable at eighty percent AMI, as proposed by the applicant.

I. Retail

1. ANC 4B asked what would be the framework for attracting desired retailers.

The applicant stated that it intends to listen to the desires of the community. Potential uses include a hardware store, a health food store and restaurant, an ice cream parlor, sit-down restaurants, and a coffee shop. The retail space is not large enough for a grocery store or a large restaurant. There would be no liquor stores, nail salons or fast food restaurants.

2. ANC 4B asked if an agreement could be put in place for retailers to agree to make and show the effort to hire and main five percent of their workforce from the affected SMDs, and an additional five percent from surrounding SMDs (i.e. 4B03, 4B05 and 4A).

The applicant informed the Office of Planning that it is unable to comply with this request. The Office of Planning would encourage the applicant to discuss employment issues with the Department of Employment Services (DOES.)

J. Other

1. ANC 4B asked what are the plans for the buildings located diagonally across from the site, just south of the Brightwood Bistro at the corner of Missouri and Georgia Avenue?

The Office of Planning is unaware of any development plans for those sites. However, the Comprehensive Plan's Future Land Use Map makes the same recommendations for the properties on the west side of Georgia Avenue south of Missouri Avenue as it does for the Curtis Chevrolet site. Those properties are also located within the C-3-A zone district, the same as the majority of the Curtis Chevrolet site. The Upper Georgia Avenue Great Streets Redevelopment Plan indicates that the west side of Georgia Avenue south of Missouri could support 252 residential units, and possibly 30,500 square feet of retail space.

AGENCY REFERRALS

In accordance with the Large Tract Review procedures, the Office of Planning provided copies of the submission to the following for review and comment.

- District Department of Transportation (DDOT);
- Fire and Emergency Medical Services Department (FEMS);
- Department of Consumer and Regulatory Affairs (DCRA);
- Metropolitan Police Department (MPD);
- Office of the Attorney General (OAG);
- Department of Public Works (DPW);
- District Department of Housing and Community Development (DCHA);
- DC Water and Sewer Authority (WASA);
- District Department of the Environment (DDOE)

OAG, in an email dated December 9, 2008, informed the Office of Planning that it had no comments.

DHCD, in a memorandum dated January 7, 2009, "*supports approval of the large tract development as proposed.*"

DPW, in an e-mail dated March 13, 2009, responded that "*[t]he proposed development will not affect services.*"

FEMS, in a memorandum dated March 10, 2009, stated that it "*has no objection to this request as long as construction is in compliance with the International Fire Code (2000 Edition) and all applicable D.C. Laws.*"

The Fourth Police District of **MPD** concluded in a memorandum dated December 19, 2008, that:

- *The construction would adversely affect on traffic on the extremely busy thoroughfare of Georgia Avenue, NW;*
- *Vehicular traffic entering the site from north and southbound Georgia Ave will cause traffic issues;*
- *There are apartment buildings located on 9th Street that utilize the open parking spaces on Peabody Street. Members of the Fourth district utilize these spaces as well. Driving along this narrow street with vehicles parked on both sides will be very difficult;*
- *Vehicular traffic entering the site will not be prevented from turning left on Georgia Ave to go southbound. This will cause traffic issues as well.*

- *The additional vehicular and pedestrian traffic, 400 residential units, 439 parking spaces in the structure and 257 off-street parking spaces will definitely impact our ability to respond to the needs of the citizens.*

WASA, in a memorandum dated December 31, 2008, made the following comments:

- Location of trees along Georgia Avenue would have adverse impacts on the existing water and sewer mains in Georgia Avenue.
- Capacity of storm sewers is inadequate to handle to expected storm flows. WASA will review the plans to ensure that storm water management is provided to handle the inadequacy of the existing combined sewers.
- The project would discharge into the combined sewer system. Therefore, the property would be subject to a sewer surcharge, and a backflow prevention device should be provided on private property on the sewer lateral connecting this property to the public sewer system.

Storm water management review is a part of the building permit process. Responses MPD and WASA are addressed earlier in this report.

DDOE, an email dated March 9, 2009, indicated that it will review the project when it goes through DCEPA process and as a part of the EISF review.

DDOT, in a memorandum dated January 27, 2009, made the following comments:

- Relocate the proposed retail driveway entrance on Georgia Avenue 31 feet to the north, or provide better signage and design, and install flexi-poles on Georgia Avenue.

The applicant made revisions to the proposal to the satisfaction of DDOT.

No responses were received from **DCRA** or **DPW**.

COMMUNITY REVIEW

The Office of Planning provided copies of the submission to the following for review and comment:

- Advisory Neighborhood Commission 4A;
- Advisory Neighborhood Commission 4B;
- Advisory Neighborhood Commission 4C; and
- Brightwood Civic Association.

The Office of Planning provided one copy of the application to the Juanita E. Thornton/ Shepherd Park Neighborhood Library to be made available for review by the public, and one copy to the office of Ward 4 Councilmember Muriel Bowser.

Comments dated March 3, 2009 were received from ANC 4B.

No comments were received from ANC 4A, ANC 4C or the Brightwood Civic Association.

Notification of the filing of the application was sent to all property owners within 200 feet of the subject property. Several residents from the co-op apartments on the east side of the square contacted the Office of Planning with questions about the proposed development. One business owner on the west side of Georgia Avenue had questions regarding safety within the neighborhood.

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No other comments were received.

FINDINGS

The project proposed by this Large Tract Review Application is consistent with the purposes and goals of the LTR regulations.

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Case Manager: Stephen J. Mordfin, AICP