GOV_NMENT OF THE DISTRICT OF COL MBIA
OFFICE OF PLANNING

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Office of the Director

ZONING COMMISSION
District of Columbia
CASE NO. 03-30
EXHIBIT NO. 33

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MEMORANDUM

DATE: February 14, 2005

TO: District of Columbia Zoning Commission

FROM: Ellen McCarthy, Interim Director OP

SUBJECT: **Zoning Commission Case No. 03-30, amended - 734 1st Street SW**

I. APPLICATION-IN-BRIEF

Applicant: Square 643 Associates LLC

Location: Square 643, Lot 830; Ward 6; Advisory Neighborhood Commission 6D.

Proposal: A revised consolidated Planned Unit Development and Zoning Map amendment for the construction of a 21-unit condominium apartment building, with retention of an existing former church structure for use as non-profit space.

II. RECOMMENDED ACTION

The Office of Planning recommends that the Zoning Commission set down for public hearing the revised consolidated Planned Unit Development and Zoning Map amendment for Square 643 (734 1st Street SW) from R-4 (row dwellings and flats) to R-5-C (medium density residential).

III. EXECUTIVE SUMMARY

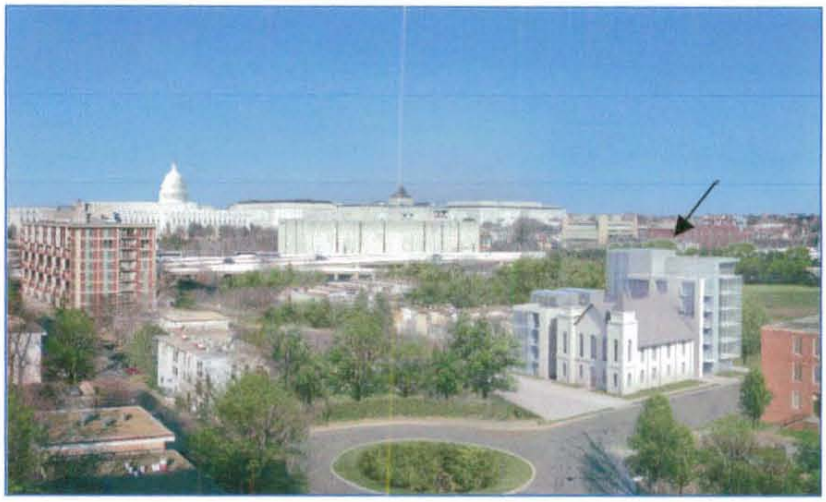
This rezoning (from R-4 to R-5-C) and consolidated PUD application would permit the construction of a new 5 - 7 story development with 21 new condominium units, as well as rehabilitation of an existing land marked church structure as office space, intended for use by a non-profit organization with pubic access. This application significantly amends the original application, which the Zoning Commission at its March 8, 2004 meeting voted to not set down for a Public Hearing, pending the resolution of a number of then outstanding issues, mainly related to the historic status of the church, the height of the proposed development, and the amenity package.

Since that time, the applicant has addressed issues related to the historic status of the existing church structure by undertaking and receiving historic land marking of the structure, and altering the design of new construction to include its retention. The issue of height was addressed by lowering and staggering the height of new construction to ensure conformity to the Height Act and to the character of the church structure and adjacent development. The amenity package has also been amended; OP will continue to work with the applicant to refine and further define the package prior to the public hearing. OP has no concerns with most of the minor relief required from zoning regulations related to setback and courtyards, but cannot, at this time, provide the required analysis of the potential impact on the neighborhood of the applicant's special exception request for the use of the existing church volume by a non-profit organization, because the applicant has not yet identified an eventual user.

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IV. CONTEXT – refer also to Context Map Attachment I and Photos Attachment II

The subject property is located in Square 643 in the Southwest Waterfront neighborhood. It fronts onto H Street SW which dead ends directly to the east of the site. Delaware Avenue SW terminates in a circle directly to the southwest of the site. Early maps show Delaware Avenue SW open to the US Capitol Building. H Street SW and 1st Street SW were also open. The Southeast-Southwest Freeway is a few blocks to the north of the site, and South Capitol Street is a block to the east. The Waterfront metro station is located a few blocks to the southwest.



The area has a diverse housing stock, including townhouses and low and high-rise apartments constructed as part of the Southwest Urban Renewal Plan of the 1950's – 1970's. The Capital Park apartments and townhouses complex is to the north and west. To the south is the former Randall Junior High School site. To the east of the site are play fields associated with the recreation center.

V. HISTORIC STATUS

The site is developed with a church constructed in 1886-87. 1904 maps show the church with adjacent town houses to the north and east. These townhouses have long since been demolished, and additions to the church were constructed on its north (1952) and east sides (1930). The Friendship Baptist Congregation sold the structure to another congregation many years ago, and currently holds services in a church building two blocks away. The Redeemed Temple of Jesus Christ Congregation was the last user of the site in question. According to the applicant, they attempted to sell the building to another congregation, but did not receive offers so sold it to the applicant. The structure is now vacant.

The applicant sought and received historic landmark status for the church structure from the Historic Preservation Review Board (HPRB) at its March 15, 2004 meeting. The HPRB subsequently reviewed revised design drawings for the site, and at its meeting of October 28, 2004, granted conceptual design approval for the proposal now before the Zoning Commission.

VI. PROPOSAL

The applicant originally submitted a proposal including a map amendment from R-4 to R-5-D and a consolidated PUD, to facilitate the development of a 9-story, 90' high condominium building with 60 apartments. The existing church structure was to be demolished. Underground parking would be accessed from the west (front) side of the building.

The current proposal involves a considerably different program and design, including:

- rezoning to R-5-C rather than R-5-D;

- rehabilitation and retention of the now landmarked church structure as office space intended for a non-profit organization;
- a 21 unit condominium building with a height of 50 feet / 5 stories on the north side of the church and 70 feet / 7 stories on the east side;
- access to 25 underground parking stalls from H Street to permit the creation of a paved and landscaped courtyard in front of the structure along the former Delaware Avenue right-of-way.

VII. GENERALIZED LAND USE MAP

The area is designated on the Generalized Land Use Map as "*medium density residential – multiple-unit housing and mid-rise apartment buildings are the predominant uses; may also include low and moderate density housing...*". All of the land adjacent to the site, and most of the land in close proximity, has the same designation. The proposed zoning and the proposed development are not inconsistent with this designation.

VIII. COMPREHENSIVE PLAN

The proposal would appear to further the following major themes of the Comprehensive Plan, as listed in Section 101.1:

(a) Stabilizing and improving the District's neighborhoods

(e) Respecting and improving the physical character of the District

(g) Preserving the historic character of the District

(i) Promoting enhanced public safety

The proposed retention of the historic church structure and addition of residential development supports a number of specific Comprehensive Plan objectives and policy statements, including:

CHAPTER 3 HOUSING ELEMENT

302 Housing: General

302.2 (a) 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 ...;

(f) Encourage the private sector to meet housing needs through the development of infill housing ...

CHAPTER 7 URBAN DESIGN ELEMENT

707 Built Environment

707.1 The built environment objective is to strengthen and enhance the distinguishable physical qualities of the District.

708 Buildings

708.2 (a) Design ... buildings to complement or enhance the physical character of the District;

(b) Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.

712 Areas In Need Of New And Improved Character

712.2 (a) Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;

CHAPTER 8 PRESERVATION AND HISTORIC FEATURES ELEMENT

801 Goals And Objectives

801.1 The new preservation and historic features goal for the District is to preserve the important historic features of the District while permitting new development that is compatible with those features.

805 Specific Policies For Protection And Enhancement Of Historic Properties

805.1 Every effort should be made to provide for the continued, appropriate use of all historic properties. If the original use or a reasonable intensification of the original use is no longer feasible, appropriate adaptive uses consistent with applicable land use regulations should be encouraged.

805.4 Within historic districts and particularly within the L'Enfant City, original street patterns should be preserved by maintaining public rights-of-way. ....

805.16 New construction on historic landmarks or in historic districts should be compatible with the historical architectural character and cultural heritage of the landmark or district. In design, height, proportion, mass, configuration, building materials, texture, color, and location, new construction should complement these valuable features of the landmark or district, particularly features in the immediate vicinity to which the new construction will be visually related.

CHAPTER 13 WARD 2 PLAN

Although the site is currently in Ward 6, it was in Ward 2 at the time of drafting and adoption of the Comprehensive Plan.

1367 Ward 2 The Neighborhood Ring: Southwest

1367.3 To protect and enhance the character of the Southwest community, the Southwest Neighborhood Assembly commissioned the Urban Land Institute to study concepts that would improve the neighborhood, including the potential for redeveloping Waterside Mall and the Southwest waterfront. The Urban Land Institute met with residents and other stakeholders in 1998 and recommended the following improvements:

(e) Between ninety-five and one hundred seventy-five (95 and 175) units of new, market-rate housing targeted to younger adults;

(l) A standard of architectural excellence for the one-half million square feet of new construction that will be built in the next few years;

CHAPTER 17 WARD 6 PLAN

1705 Ward 6 Objectives For Housing

1705.1 (b) To stimulate production in Ward 6 of new and rehabilitated housing ... to provide housing opportunities to accommodate and allow for residential growth and stability according to area needs ...

1706 Ward 6 Policies In Support Of Housing Objectives

1706.1 (c) Stimulate private investment in housing in Ward 6 and expand home ownership opportunities;

1721 Ward 6 Objectives For Urban Design

1721.1 (c) To encourage a high quality of architecture consistent with the styles and characteristics of buildings in Ward 6.

1725 Ward 6 Objectives For Preservation And Historic Features

1725.1 (c) To encourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6;

(d) To monitor the use, modifications, and proposed demolitions of buildings to ensure preservation and compatibility with historic districts in the Ward 6 area.

IX. SNAP – CLUSTER 9

The SNAP planning process identified near-term goals for individual neighborhood clusters, and documented the tracking of issues to ensure that they are addressed through to completion. The subject property is within Cluster 9. Cluster workshop participants were asked to identify priorities for additional action planning. Residents of this cluster agreed to the following priorities:

- **Affordable and Diverse Housing** –retaining low- and moderate-income residents that live in the community, and increase the number of homeowners by providing a mix of housing options;
- **Public Safety** – strategies to reduce drug activity and other types of crime; and
- **Public Schools and Community Development** - expanding and improving academic programs, providing additional extra-curricular activities, and updating public school buildings.

The proposal would further these goals in that it would add to the variety of housing in the neighborhood; and would likely add to perceived safety by providing residents and "eyes on the street" in a section of the neighborhood which is perceived by residents to be troublesome. The retention of the church for a non-profit use could, depending on the eventual user, also further public safety and community development objectives.

X. PURPOSE OF A PLANNED UNIT DEVELOPMENT

The purpose and standards for Planned Unit Developments are outlined in 11 DCMR, Chapter 24. The PUD process is "*designed to encourage high quality developments that provide public benefits.*" Pursuant to Section 2402.3, the applicant has elected to file a consolidated PUD. Through the flexibility of the PUD process, a development that provides amenity to the surrounding neighborhood can be achieved.

XI. STANDARDS FOR PLANNED UNIT DEVELOPMENT

The application meets the minimum 15,000 square foot area requirements of Section 2401.1 (c) to request a PUD, for a property zoned R-5-C. The PUD standards state that the "*impact of the project on the surrounding area and upon the operations of city services and facilities shall not be unacceptable, but shall instead be found to be either favorable, capable of being mitigated, or acceptable given the quality of public benefits in the project.*" Based on the information provided, OP believes that the project is generally favorable, although additional refinement of the amenity package is required.

XII. PUBLIC BENEFITS AND AMENITIES

Section 2403.5 through 2403.13 discusses the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 of the Zoning Regulations states that "*the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case*". To assist in the evaluation, the applicant is required to describe amenities and benefits, and to "*show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...*" (§2403.12).

Amenity package evaluation is based on an assessment of the additional development gained through the application process. Additional development, in this case, is difficult to determine because the existing R-4 zone does not establish a maximum FAR. To estimate the R-4 development potential, the site (including the footprint of the church) would yield 9 rowhouse lots fronting H Street SW, with a maximum square footage of about 3,300 sq.ft. each, for a total of approximately 30,000 sq.ft. of development[1]. The additional FAR to be gained through this process, therefore, is 15,332 sq.ft., including the area of the church.

	R-4	R-5-C PUD
Proposed Sq. Ft.:	45,322 sq.ft. total	45,322 sq.ft. total
Max. Sq. Ft.:	approx. 30,000 sq.ft.	66,527 sq.ft. max
Difference:	+15,322 sq.ft.	-21,205 sq.ft.

In its November 5, 2004 revised submission, the applicant proposed the following amenity items:

1. Historic preservation of the landmarked church structure – OP agrees that this can be considered an amenity item. Although the applicant has indicated that the space will be rented at market rate, the preservation of the structure and the restoration work proposed are of benefit to the physical character and cultural heritage of the area.

2. Stabilizing and Improving the District's Neighborhoods – The proposal furthers this Comprehensive Plan objective, and this is of benefit to the surrounding neighborhood.

3. Urban Design and Architecture – The design of the new construction compliments the form and character of the neighborhood and the existing structure, and is of superior quality, provided the high quality details and materials as proposed are carried through to construction;

[1] Based on maximum size of rowhouse development on the entire site, with an average lot size of 1,840 sq.ft., 3 story buildings, and 60% lot occupancy.

4. Housing Supply and Population – While this meets Comprehensive Plan objectives and is of benefit to the District, the provision of housing in a residential zone is not considered an amenity item; and

5. Employment and Training Opportunities – The applicant has agreed to enter into a First Source Hiring Agreement and a Memorandum of Understanding with the Local and Small Business Opportunity Commission, both of which are considered amenity items.

Subsequent to the applicant's submission of November 5, 2004, OP and the applicant had a number of discussions at which OP indicated that it was our opinion that the package as had been presented was somewhat weak. As a result of these discussions, the applicant has added the provision of affordable housing to the package. The provision of affordable or subsidized housing is now a common and anticipate amenity item for PUD applications, in the amount of approximately 15% of the density gained through the PUD / rezoning process. In this case, this would be 15% of 15,322 square feet, or about 2,300 sq.ft., or 2 or 3 units. The applicant, however, has assessed density gained based on the amount of residential FAR above what would be permitted as of right, which would discount the church space that is intended to be leased to a non-profit. In this formula, the density gained for residential use is closer to 4,300 square feet, 15% of which would be 650 sq.ft. or one small unit within the building.

The applicant has further noted that many area residents prefer the provision of market rate housing to balance the local neighborhood supply of subsidized housing; that the development is only proposing 21 new housing units; and that the preservation of the church structure and the high quality of new construction are substantial amenity items which support a smaller than normal affordable housing proffer. As is the case with all PUD applications that include a residential component, OP feels that the provision of affordable housing is an appropriate and important amenity, but also recognizes the unique circumstances associated with this project. OP will continue to work with the applicant to refine this issue prior to a public hearing.

Another common amenity item in recent PUD applications is the provision of "green building" or environmentally conscious design. The applicant has offered to provide or consider a number of such initiatives in this building, which may lead to LEED (Leadership in Energy and Environmental Design) certification, and will provide additional detail prior to the Public Hearing.

Two amenity items proposed as part of the original application – the landscaping of the traffic circle at Delaware Avenue and improvements to area playground equipment – are no longer being proffered due to the increased value of the on-site amenities.

OP feels that, with the inclusion of affordable housing and green building principles, the amenity package is sufficient to warrant setting down the project, and will ensure that refinement and details are available to the Commission prior to the Public Hearing.

XIII. ZONING REGULATIONS – refer to Revised Project Profile, Attachment III

The property and directly adjacent land are zoned R-4, which permits a moderate density residential row dwelling or flat development. The zone also permits the conversion of an existing building to an apartment building. Land in the general vicinity has a mixture of zone designations, including R-5-C. The project would be within the R-5-C permitted FAR and the R-5-C PUD height maximum. Relief would be required for the following zoning regulations:

Standard	Existing Zoning R-4	Proposed Zoning R-5-C	Proposed Development
Use:	row dwelling, flat	Medium density apartment	21 unit condo; **non-profit office / community space**
Rear Yard Setback: (§404.1)	20' min.	4" / ft. of height; 15' min. if provided = 16.7 to 23.3' min.	**8.1 ft.**
Side Yard Setback: (§405.6)	3" / ft. of height; 8' min. if provided	3" / ft. of height; 8' min. if provided = 10' west, 17.6' east	40' west side **10.1' east side;**
Open Court Width: (§406.1)	4" / ft. of height	3" / ft. of height = #1 = 10'; #2 = 15'	**#1 = 8'; #2 = 6'**
Roof Structure: Setback §400.7b.):	equal to height = 8 feet	= to height = 8 ft. min.	**approx 4 ft.**

OP has no major concerns at this time with any of the setback or court width relief requests, and notes that the project provides a significant amount of open space at the front of the building, which highlights the historic importance of the church and maintains a streetscape-like presence for the front façade on an open courtyard where Delaware Avenue once ran. This, combined with development patterns on adjacent lots, ensures minimal light, air, or privacy impacts.

Non-profit office or community space within the former church structure is also requested, in accordance with DCMR11 Section 2405.7. This use of the space is intended to provide for preservation of the interior volume of the church (rather than having this space broken up into private housing units), and to ensure public access to the interior of the landmarked building. Although the Commission is not required to apply the special exception standards of §217, OP has referred to these standards as a way of assessing the request. The proposal appears to generally meet the requirements of §217, since the office space would be within a historic landmarked building (§217.1 a) that has received conceptual approval from the HPRB (§217.5), and is 10,000 sq.ft. in area (§217.1 b). The applicant is proposing as many as 9 parking spaces for this use (5 on grade and 4 underground, not including 2 optional additional spaces located in "vault" space below the H Street right-of-way), and is proposing a series of conditions on the operation of any use within the space, including restricted hours of operation and number of employees and certification that §217.4 restrictions on the manufacture or sale of non- intrinsic merchandise by the nonprofit organization will be complied with. However, at this point, the applicant has not proposed a specific user, and has requested flexibility to possibly offer the space for other permitted non-residential uses such as a clinic, private club, or museum.

Although OP is supportive of the concept of retaining this space for a publicly accessible use and the general conditions on the use of the space proposed by the applicant, it is not at this time possible to comment on the potential impact of the proposed use on the surrounding neighborhood. The eventual use for this space will dictate potential impact, including neighborhood fit, amount of public access to the interior of the church space, parking needs, traffic impacts, noise generation, and security needs. On the advice of the Office of the Attorney General, OP recommends that unless the applicant confirms a user for this space prior to the Public Hearing and provides the necessary information required to assess neighborhood impact, the Zoning Commission not rule on this special exception relief request and that the applicant instead submit this request to the Board of Zoning Adjustment in a separate application, following review of this PUD application by the Commission.

XIV. ANC 6D

The applicant has made presentations to the ANC on a number of occupations. At its November 8, 2004 meeting, the ANC adopted a motion in favor of the revised proposal.

XV. PUBLIC COMMENTS

The applicant notes that the Capital Park IV Condominium Association (located directly to the north of the subject site) and the Southwest Neighborhood Assembly have indicated support for the proposal. A number of letters from area residents and members of the Friendship Baptist Church (former occupants of the existing church on the site) were also received prior to landmarking of the church structure and design revisions, indicating opposition due to the height and scale of the then proposed building, and the demolition of the church structure. The applicant has since reduced the height and scale of new construction, and amended the proposal to include retention of the church structure.

XVI. AGENCY REFERRALS

This application will be referred to the following District government agencies for review and comment:

1. Department of Consumer and Regulatory Affairs (DCRA);
2. Department of Parks and Recreation (DPR);
3. Department of Housing and Community Development (DCHD);
4. DC Public Schools (DCPS);
5. Department of Public Works (DPW);
6. District Department of Transportation (DDOT);
7. Fire and Emergency Medical Services Department (FEMS);
8. Historic Preservation (HP) Office;
9. Metropolitan Police Department (MPD); and
10. Water and Sewer Agency (WASA).

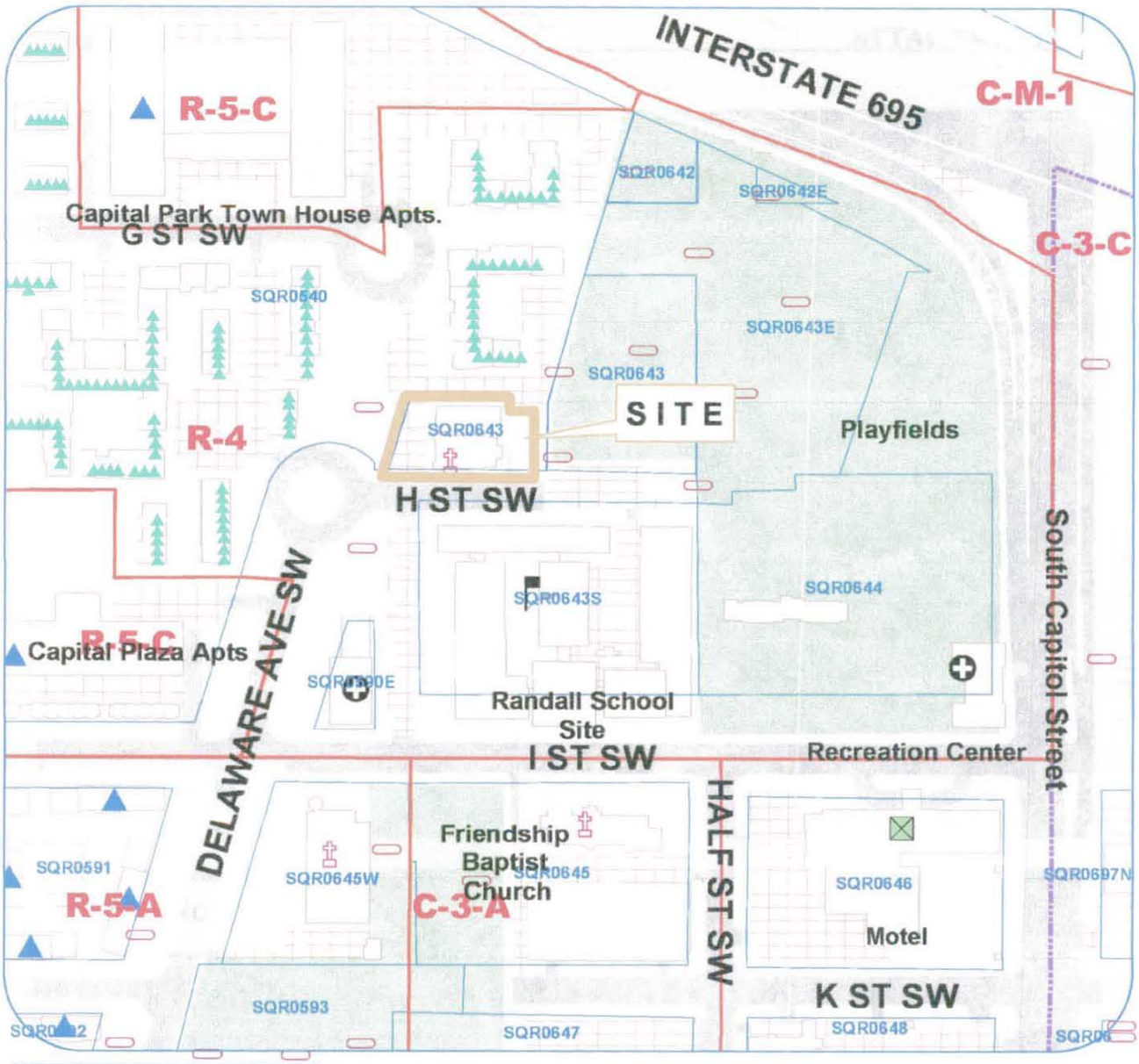
XVII. OP RECOMMENDATION

OP recommends that this application for a consolidated PUD and map amendment from R-4 to R-5-C be set down for public hearing. The revised proposal would be of high quality and in character with other development in the Southwest area, is generally consistent with the Comprehensive Plan and the Generalized Land Use Map, provides for retention of and public access to the landmarked church structure, and should add stability and security to this area. As such, the application warrants discussion at a public hearing. Additional information related to the amenity package will be provided prior to the Public Hearing.

ATTACHMENTS:

I. Context Plan
II. Photos
III. Project Profile

EM/jl



Legend

- Zoning Districts
- Res. Condo
- Multi-family Dwelling
- Hotel/Motel/Inn
- Religious
- Educational
- Public Service
- Special Purpose
- Vacant; 197

ZONING COMMISSION CASE # 03-30
734 1st STREET SW
CONTEXT PLAN

Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning ~ February, 2005

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

N

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ATTACHMENT I

Standard	Existing Zoning	Original Proposal [1]	Current Proposal	
			Zoning	Development [2]
Zoning:	**R-4**	**R-5-D**	**R-5-C**	
Use:	row dwelling, flat	60 unit condo building	Medium density apartment	21 unit condo; **non-profit office requires approval**
Height: (§§400.1, 2405.1)	40' max. 60' with PUD	88.6'	60' max. 75' with PUD [3]	50 - 70 ft. [4] conforming
Stories:	3 max.	9	not prescribed	5 – 7 [4]
Lot Area: (§401.3)	1,800 sq.ft.	16,643 sq.ft.	15,000 sq.ft. min. for a PUD	16,643 sq.ft. conforming
Floor Area Ratio: (§§402.4, 2405.2)	not prescribed	4.015	3.0 max. 4.0 PUD max.	2.72 conforming
Square Footage:	approx. 30,000 sq.ft. max. [5]	66,816 sq.ft. total	49,929 sq.ft 66,527 sq.ft. PUD	45,322 sq.ft. [6] conforming
Lot Occupancy: (§403.2)	60% max.	56%	75%	61% conforming
Rear Yard Setback: (§404.1)	20' min.	13 to 28 ft. [7]	4" / ft. of height; 15' min. if provided = 16.7 to 23.3' min.	**8.1 ft. – relief required**
Side Yard Setback: (§405.6)	3" / ft. of height; 8' min. if provided	10' west side 24' east side[7]	3" / ft. of height; 8' min. if provided = 10' west, 17.6' east	40' west side **10.1' east side; relief required**
Open Court Width: (§406.1)		n/a	3" / ft. of height = #1 = 10'; #2 = 15'	**#1 = 8'; #2 = 6' relief required**
Roof Structure:				
No. enclosures (§411.3):	1 max.	2 [7]	1 max	1 [4] - conforming
Height (§400.7c.):	18.5 ft. max.	13.6'	18.5 ft. max	8 ft. conforming
Setback (§400.7b.):	= to height	0 ft. [7]	= to height = 8 ft. min.	**approx 4 ft. relief required**
Area (§411.7)	.37 FAR max.	conforming	.37 FAR max.	.06 FAR conforming
Parking: (§2101.1)	1/3 d.u.	45	0 required [8]	30 [9]
Loading: (§2201.1)		0	0 required [8]	0

1 Original proposal, for which the Commission decided to not set down for a public hearing, is provided for comparison.

2 Information provided by applicant.

3 Limited to 70 feet maximum by the Height Act of 1910.

4 The applicant has described the two rooms on top of the lower block as rooftop mechanical penthouse areas. As per discussions with the Zoning Administrator, OP considers these large rooms as constituting an additional story counting in building FAR, rather than rooftop penthouses. The building remains within permitted height and FAR; and relief for number of penthouse structures (§411.3) and is eliminated.

5 Based on maximizing rowhouse development on 9 lots with average lot size of 1,840 sq.ft., with 3 story buildings at 60% lot occupancy.

6 35,322 sq.ft. residential (2.06 FAR) and 10,000 sq.ft. non-profit office space (0.60 FAR).

7 Relief from regulation required.

8 Designated historic structure and site, so additional parking and loading spaces may not be required as per §§ 2105 and 2205. However, the proposed development provides parking in excess of §2101.1 requirements (24 spaces required; 30 provided on site) and meets loading otherwise required by §2201 (0 required; 0 provided).

9 25 conforming underground spaces, plus at least 5 surface parking spaces. Two non-conforming "vault" spaces below road rights-of-way are also indicated on the plans.