

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: Jennifer Steingasser *JS*
Deputy Director
DATE May 21, 2008
SUBJECT: Final Report - Modification to Zoning Commission Case No 05-24
Eastgate Family Housing – Single Family Detached Units
Square 5318, Lots 9-20, Square 5319, Lots 20-36, and Square 5320, Lots 29-36

ZONING COMMISSION
District of Columbia
CASE NO. 05-24B
EXHIBIT NO. 13

PROPOSAL

The District of Columbia Housing Authority (DCHA) and A&R/THC II, LLC (applicant) requests approval to modify its consolidated Planned Unit Development (PUD) (Zoning Commission Case #05-24) for the development known as Eastgate Family Housing. The applicant proposes to eliminate the twenty (20) single-family detached units along Kimi Grey Court and Ivory Walters Lane and replace them with forty-five (45) rowhouse units.

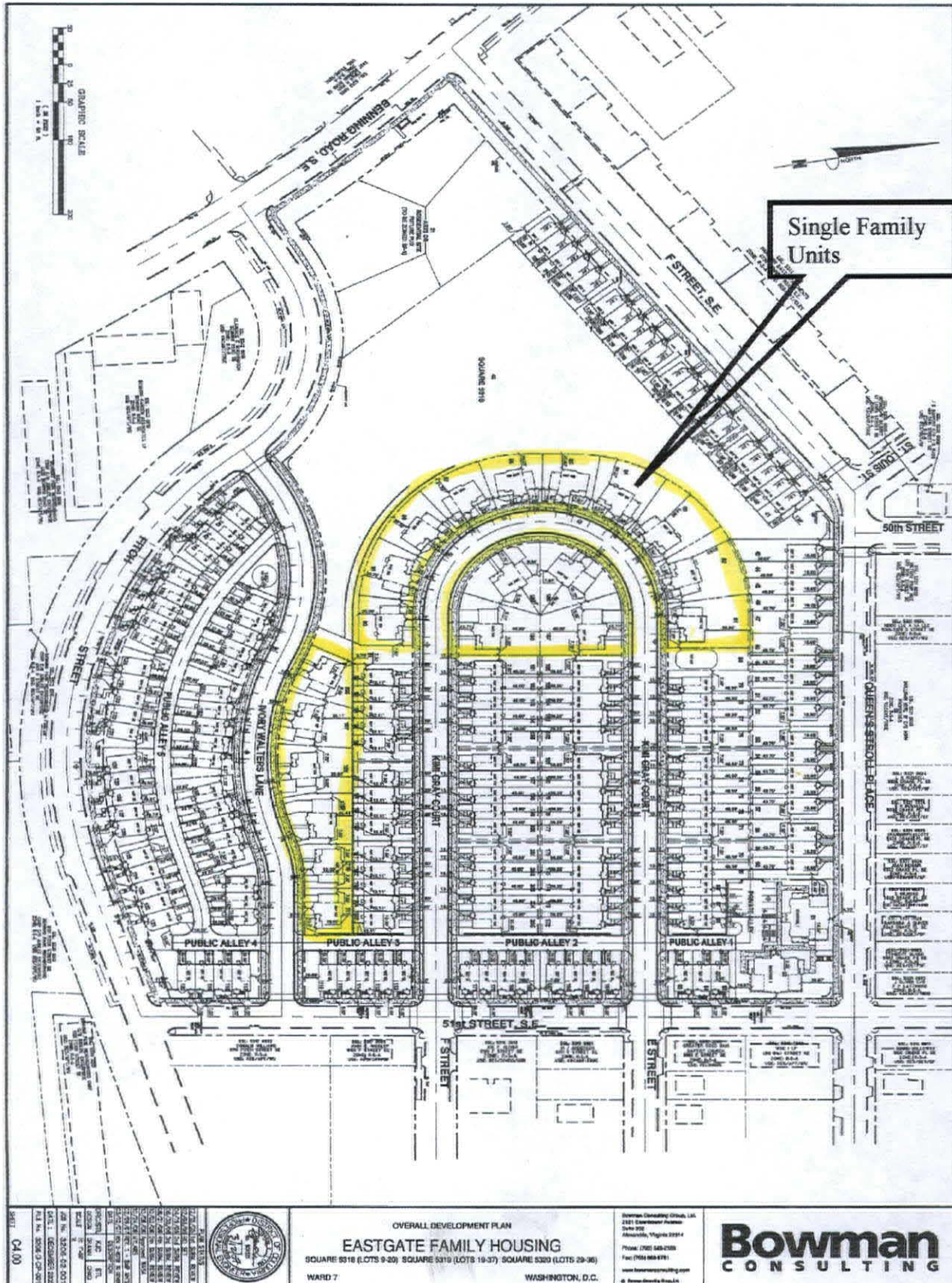
RECOMMENDATION

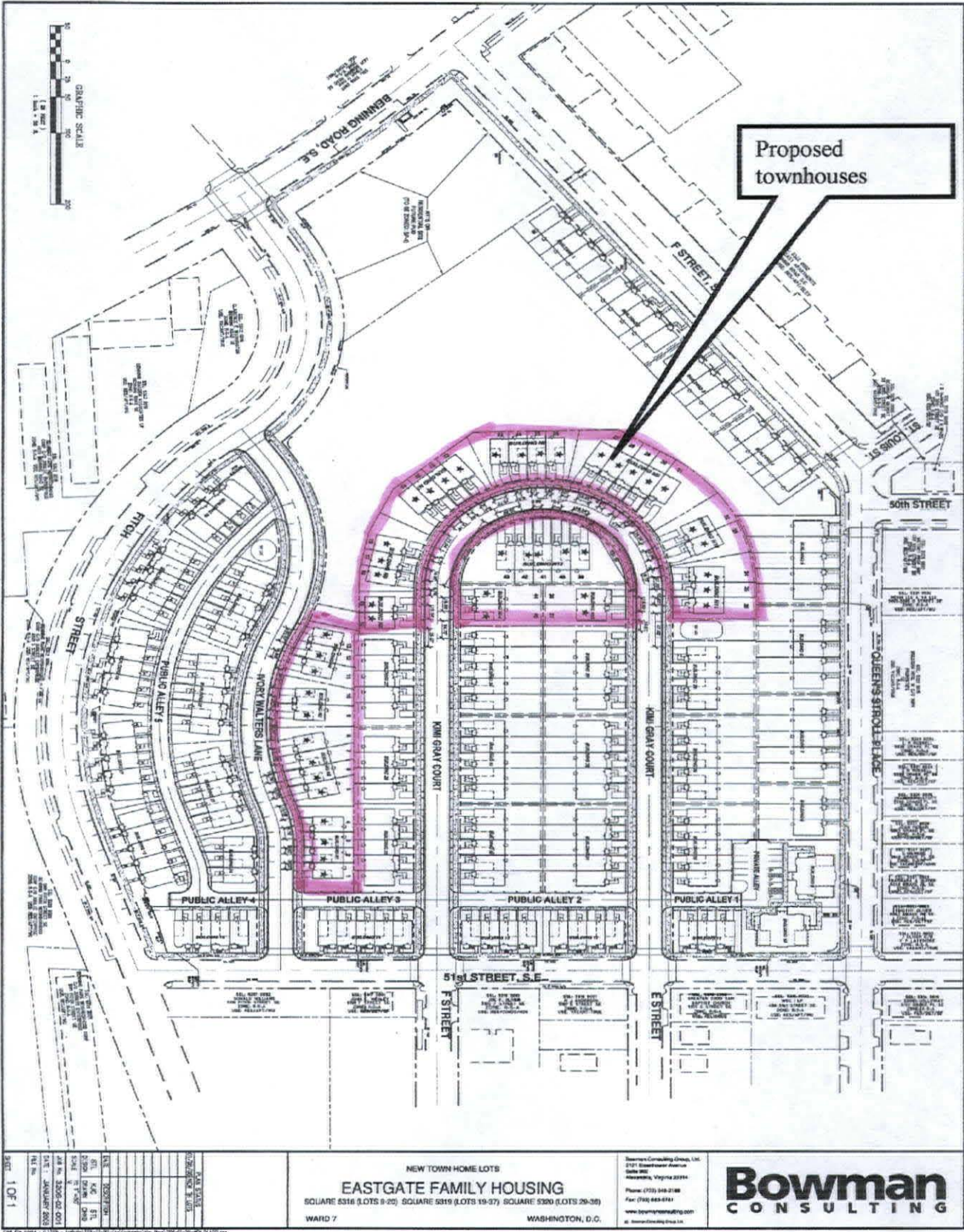
The proposed modifications would allow the applicant to proceed into the final stages of the overall development. The proposed townhouse units would be compatible with the overall development of the Eastgate development, provide additional affordable units and retain all the public amenities proposed. The modifications would continue to meet the intent of the Comprehensive Plan and the approved elements of the approved PUD.

The Office of Planning (OP) recommends the approval of the request to replace the twenty single family detached units with forty-five (45) townhouses contingent on a resolution of the driveway placement with the Department of Transportation (DDOT).

APPROVED PROJECT

The approved development consists of a mix of housing types including single-family detached, row houses and multi-family dwellings complemented by new streets and alleys, open space and recreational space. The approved plan included 186 dwelling units consisting of twenty (20) single





family detached units, one hundred and fifty eight (158) townhouse units and two (2) grand houses with four (4) units each. The development would include assisted rental units, affordable and market rate rental units, and assisted and market rate homeownership units. The units would provide a mixture of household incomes throughout the community.

Subsequent to the adoption of Zoning Commission Order 05-24, July 21, 2006, the applicant requested a minor modification to the order to remove the driveways and garages of units fronting on F Street and Queen's Stroll Place. This resulted in a reduction in the number of garage and driveway parking spaces. The deletion of the onsite parking was a result of DDOT's not approving the requested number of curb cuts along both streets. ZC Order 05-24A, October 22, 2007 approved the reduction of on-site parking spaces.

PROPOSED MODIFICATION

This application has requests a modification to Zoning Commission Order 05-24 to replace the approved 20 single-family detached residences with 45 rowhouses. Zoning Commission Order 05-24 (page 11, DECISION, 7 (b)) granted the flexibility to vary the mix of uses within the unit type by up to 10 percent (10%) and the applicant is requesting a 100% change from the single-family use. The applicant states that the requested change is because the single-family detached units are no longer marketable in the mid to high \$400,000 range as there has been a softening housing market and they are unable to sell the units in time that would facilitate the completion of the entire development. The development is currently under various stages of construction.

The applicant is proposing to completely eliminate the single-family detached units and create a very large rowhouse development. A significant feature of the approved Eastgate Family Housing development was that it would have a mix of incomes and unit types. OP requested the applicant analyze the use of smaller single-family units or duplexes but their response was that it did not make the economics of the project much better in addition to necessitating new designs and engineering which could increase cost as well as further delay the project. The replacement townhouses would be similar to those that are currently built or under construction. The proposed townhouses would provide more housing opportunities, more affordable units and be responsive to the market demand in the area.

Zoning Flexibility

The applicant has stated that the proposed rowhouses would be similar in size and design to those already approved. OP had suggested that another architectural type be considered in order to retain some semblance of variety within the development. However, the applicant stated a preference to keep the design and layout as the redesign may involve additional expenses for design and engineering for the new townhouses. A large percentage of the proposed lots do not meet the lot occupancy, rear yard, and FAR requirements and would therefore need flexibility similar to those in the original approval. The following table summarizes the number of lots that do not meet all the requirements.

	Required	Number of Units not Meeting Requirement	Variation
FAR	0.9 maximum	29 or 64%	Maximum 1.83
Lot Occupancy	40%	13 or 39%	Maximum 59.4%
Side Yard (27 units require a side yard)	8 feet	13 or 47%	Minimum 7.5 feet
Rear Yard	20 feet	26 or 58%	Minimum 6.36 feet

The flexibility requested for the proposed lots are consistent with those requested and granted in the adopted Plan. OP believes that these variations are mainly due to the undulating nature of the site and the desire to preserve as much of the existing topography as is possible. The overall FAR of the development is at 0.7 which is below the maximum 0.9 allowed in the R-5-A district. OP does not believe that the flexibility requested would not adversely affect the privacy, light, and air to each unit.

Affordability

In the original application was approved to be a mixture of affordable and market rate units as follows:

- 60% or 80 units at 60% or less of AMI
- 20% or 82 units at 60%-80% of AMI
- 20% or 42 units at above 80% of AMI (market rate)

From the information provided by the applicant, the number of total units on the site has been reduced to 150 and all the units will be for persons qualifying at below 80% of AMI. Therefore the entire development can be classified as “affordable”. The new affordability is as follows:

- 18% or 27 units at below 30% of AMI (Persons with Housing Choice Voucher (HVC))
- 14% or 20 units at 45%-65% of AMI
- 44% or 66 units at 65.01%-75% of AMI
- 24% or 37 units at 75.01% - 80% of AMI

Parking

The applicant is requesting flexibility from the requirements of Section 2117.8(d) to reduce the requirement that driveways be located at least twenty-eight (28) feet apart. DDOT continues to strongly express concerns regarding the number of curb cuts as well as the fact that the driveways did not meet the separation distance. This was conveyed to the applicant when modifications were requested from these requirements in ZC 05-25A. DDOT’s recommendation will be submitted under separate cover.

CONDITIONS OF APPROVAL

The following are the ways in which the applicant meets the conditions of approval of the ZC Orders 05-24 and ZC 05-24A:

1. **The PUD shall be developed in accordance with the site plan and architectural and landscape plans submitted as Exhibits 14, 17, 32, and 38 in the record of this case, and as modified by the guidelines, conditions, and standards of this Order.**

The proposed modification to the Site Plan will replace the would replace the 14 single family houses along Kimi Grey Court and 6 along Ivory Walters Lane with 32 townhouses units along Kimi Grey Court and 13 along Ivory Walters Lane

- 2. The project shall be developed with residential buildings, accessory parking, and open space as depicted on the approved plans**

The revision to the Site Plan would meet the requirement of being developed with residential buildings, accessory parking, and open space as depicted on the approved plans. However, with the modification the single family units would be replaced with single family attached units similar to the other attached units on the site. The parking on the site would also be revised to accommodate the new houses.

- 3. The maximum building height in the project shall be 35 feet and the maximum aggregate gross floor area shall result in density of 0.80 FAR.**

The proposed development with the modifications would result in an overall FAR of 0.70 and therefore the development remains consistent with this condition.

- 4. In accordance with the plans cited above, the approved PUD shall consist of 186 dwelling units, distributed as follows by building type:**

(a) Single-family detached dwellings	20
(b) Single-family townhouses	158
(c) Grandhome units (four units per building)	8
Total dwelling units	186

The new building type distribution would be as follows

(a) Single-family townhouses	142
(b) Grandhome units (four units per building)	8
Total dwelling units	150

- 5. Approximately forty percent (40%) of the dwelling units will be affordable to households having sixty percent (60%) or less of Area Median Income, and approximately twenty percent (20%) will be moderate-income units serving households having incomes between sixty percent (60%) and eighty percent (80%) of AMI, in accordance with the requirements of the public agencies providing financial subsidies for this purpose.**

The applicant has revised the affordability of the units and now all units will be below 80% of AMI.

- 6. There shall be a minimum of 147 on-site parking spaces that conform to zoning standards, plus approximately 158 spaces in driveways and 40 curbside spaces as depicted on the plans, for a total of 345 parking spaces.**

With the revisions proposed and the reduction in parking granted under ZC Order 05-24A, the development will now have 96 garage spaces, 165 driveway spaces, and 40 curb side spaces for a total of 301 spaces

7. **The Applicant shall have the flexibility to:**
- (a) Vary the location and design of all interior components of the buildings, provided that the variations do not change the exterior configuration or appearance of the buildings;**
 - (b) Make minor refinements to exterior details and dimensions needed to comply with the D.C. Building Code and the Americans with Disabilities Act ("ADA") or otherwise necessary to obtain a building permit;**
 - (c) Erect an entry sign that is consistent with the design character of the development and all applicable laws regarding signs; and**
 - (d) Vary the mix of dwelling unit types by up to ten percent (10%),**

The applicant proposes to delete item (d)

8. **The Applicant may erect six-foot wood privacy fences, of the type shown in the Applicant's submission, in the rear yards of the dwelling units, provided that a fence shall not be erected within 10 feet of a rear easement, as described in Finding of Fact No. 18.**

No change requested

9. **The Urban Tree Park shall be located and designed generally as depicted in the landscape and Urban Tree Park plans in Exhibits 14, 17, 32, and 38 of the record and shall be developed concurrently with the completion of the balance of the PUD. The approved plan is generalized in places in that specific plantings of trees and other plants, selective removal of trees, and other horticultural actions will be decided by the Applicant's Landscape Architect in concert with other public and private entities assisting in the project, as documented in the record. In addition to the pedestrian path depicted on the concept plan for the Urban Tree Park, the Applicant shall have the option, but not the requirement, of designing and creating a meandering path through the park, following a route that takes into account existing and proposed plantings, slope, and other factors determined by the Applicant's design team.**

No change requested

10. **The Applicant shall execute the following agreements prior to the issuance of a final order:**
- (a) A First-Source Employment Agreement with the Department of Employment Services and**
 - (b) A Memorandum of Understanding with the District of Columbia Department of Small and Local Business Development to ensure local, small, disadvantaged vendor participation.**

The status of the applicants Minority Contracting is provided in Exhibit D of the applicants May 15, 2008 submission

- 11. No building permit shall be issued for the PUD until the Applicant has recorded a covenant in the land records of the District of Columbia, between the Applicant and the District of Columbia that is satisfactory to the Office of the Attorney General for the District of Columbia and the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in title to construct and use the subject property in accordance with this Order, or amendment thereof by the Zoning Commission.**

No change requested

- 12. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the Applicant has filed a certified copy of the covenant with the Office of Zoning.**

No change requested

- 13. This final PUD approved by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time, the Applicant shall file for a building permit as specified in 11 DCMR §4 2408.8 and 2409.1. Construction shall start within three years of the effective date of this Order.**

This condition has been met

COMPREHENSIVE PLAN

The development continues to not be inconsistent with the Future Land Use Map and many elements of the Comprehensive Plan, in particular the Far Northeast & Southeast Area Element which recommends that the development be a mixed income community containing senior, public, and homeownership opportunities

RECOMMENDATION

OP recommends the approval of the request to replace the twenty single family detached units with 45 townhouses contingent on a resolution of the driveway placement with DDOT The proposed changes would allow the project to proceed in a timely manner towards completion. The proposed modifications would continue to meet the intent of the Comprehensive Plan and the approved elements of the approved PUD

JLS/mbr AICP