

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

Memorandum

ZONING COMMISSION
District of Columbia

TO: District of Columbia Zoning Commission

FROM: *ES for*
Ellen McCarthy, Director

CASE NO. 06-21

DATE: June 1, 2006

EXHIBIT NO. 11

SUBJECT: Case No. ZC-06-21: Setdown Report for Consolidated Planned Unit Development and Related Map Amendment for 1100 6th Street, N.W., filed by Holland & Knight LLP for Douglas Development Corporation

APPLICATION

Douglas Development Corporation has applied for a Consolidated Planned Unit Development (PUD) and related Map Amendment to rezone the site from the DD/R-5-B to DD/C-2-C Zone District to accommodate a 20-unit condominium apartment complex with 10 garage parking spaces.

OFFICE OF PLANNING RECOMMENDATION

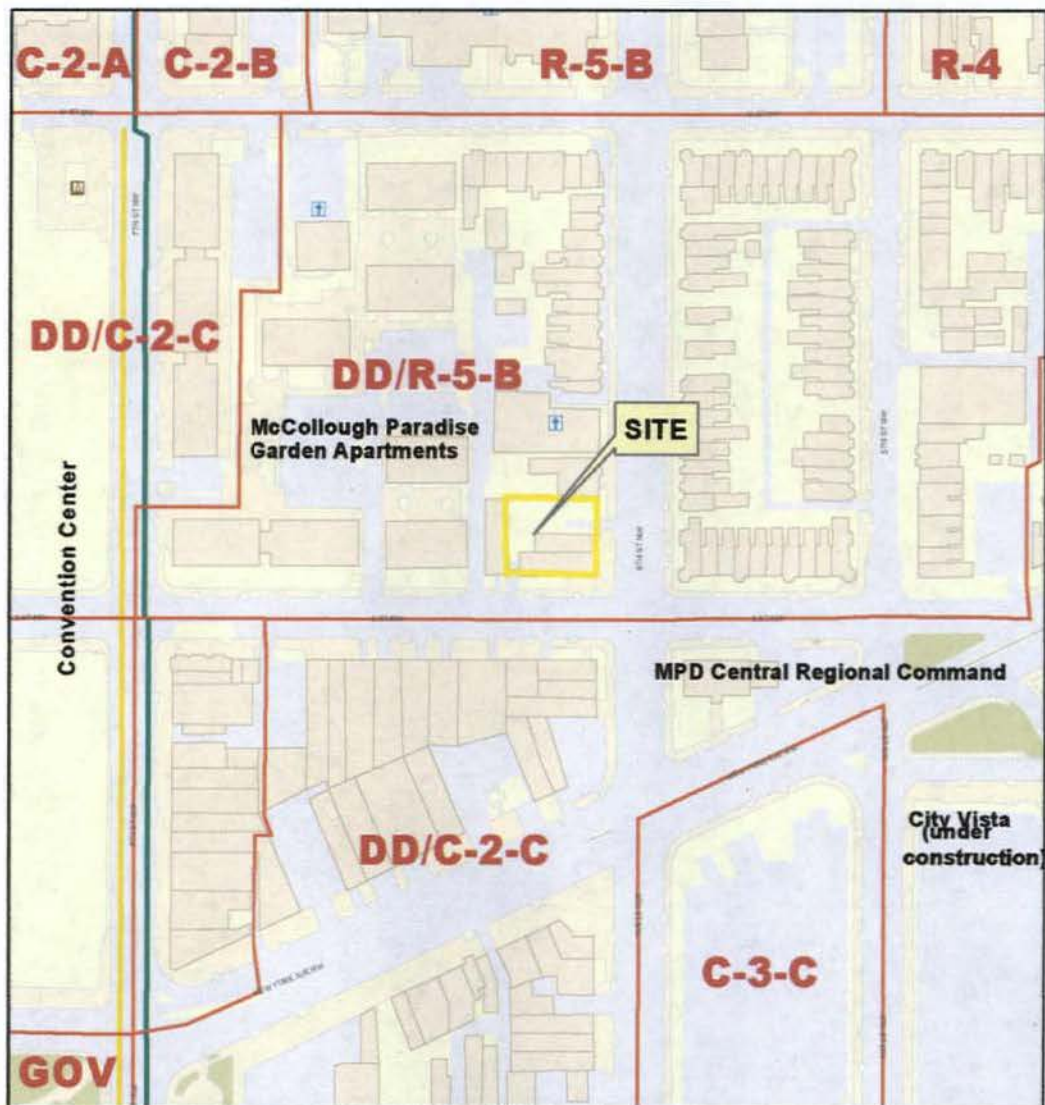
Section 1706.4(b) of the Zoning Regulations requires a minimum residential FAR of 4.5 within the DD/C-2-C Zone District, something that the proposal does not achieve. Section 1700.7(b) states that "[t]he PUD process shall not be used to reduce requirements in this chapter for housing or preferred uses, specifically retail, service, entertainment, arts, and residential uses." As a result the DD/C-2-C is not an appropriate zone designation for the subject application, which proposes a FAR of only 2.56. Maintaining the existing DD/R-5-B Zone District for this PUD is not possible due to the minimum 1 acre size requirement and the 8,612 square foot area of the property. The closest zone district match for this application is the R-5-C Zone District.

R-5-C is a medium density residential zone district, in conformance with the Generalized Land Use Map. The subject property is of sufficient size to qualify for a PUD under DD/R-5-C, which contains the same minimum area provision as the C-2-C, and therefore is eligible for a 50 percent waiver of the required land area. An equal amount of relief will be needed for closed court provisions and rear yard, with only a slightly higher amount of relief needed for lot occupancy under R-5-C. The proposed development is not inconsistent with the Generalized Land Use Map and Comprehensive Plan objectives for the area. Therefore, the Office of Planning believes that these can be granted. However, due to the minimum FAR requirements of the DD/C-2-C, the Office of Planning recommends the application be set down in the R-5-C in the alternative.

The Office of Planning has discussed the issue with the applicant, who has no objection to the DD/R-5-C Zone District.

AREA DESCRIPTION

Square: 449	Lots: 50, 51, 800 & 859	Quadrant: North West
Area: 8,856 square feet	Existing Zone District: DD/R-5-B	
Building Restriction Line: None	Existing Improvements: Abandoned 1- and 3-story structure	
Historic District: Mount Vernon Square		



Zoning Vicinity Map

Surrounding Properties:

North: Three-story row houses and flats, some of which have been converted to apartments, and a church within the DD/R-5-B Zone District.

- South:** Across L Street, a one-story building housing the Eritrean Cultural and Civic Center and one- to three-story commercial and industrial buildings within the DD/C-2-C Zone District.
- East:** Across 6th Street, 3-story row houses and flats, some of which have been converted to apartments, within the DD/R-5-B Zone District.
- West:** A two-story commercial building, beyond which is the 3-story McCollough Paradise Garden Apartment complex within the DD/R-5-B Zone District.

The subject site is currently vacant.

The subject property is located one block southeast of the Mount Vernon Square/7th Street- Convention Center Metrorail Station on the Green and Yellow Lines.

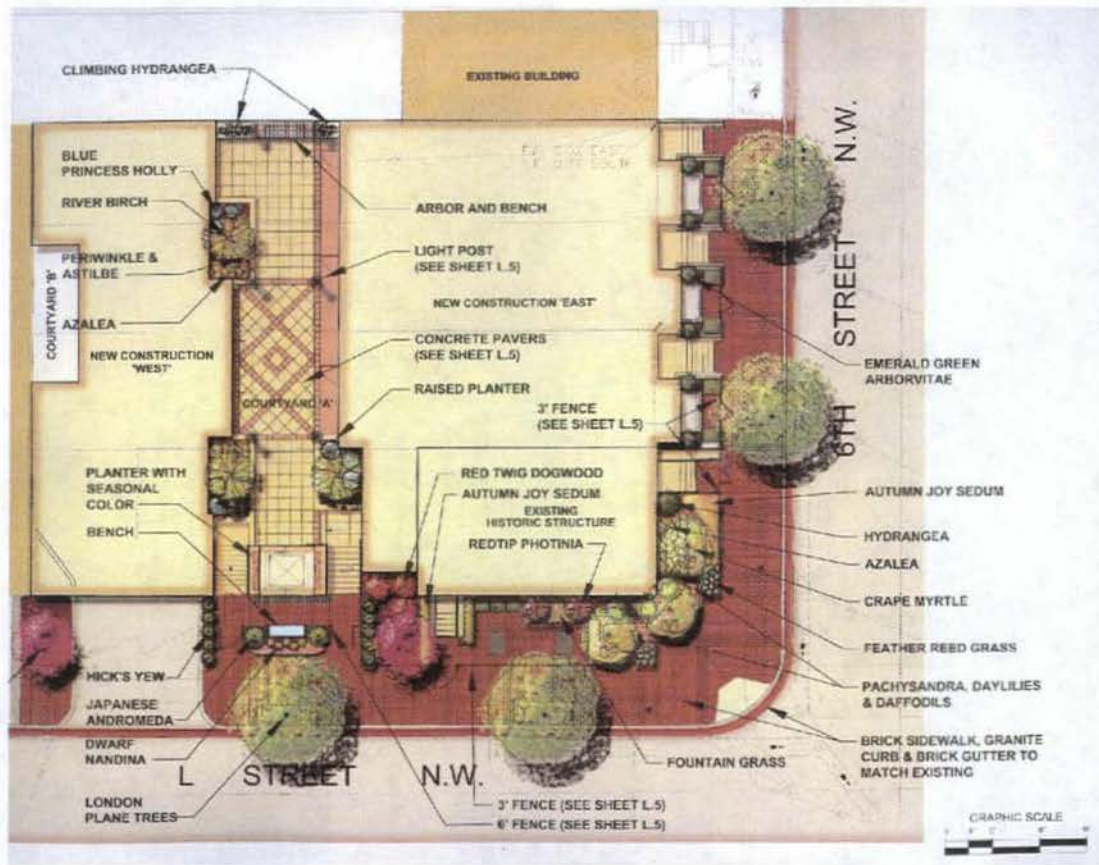
PROPOSAL

The applicant proposes to renovate and convert the historic James Essex house at the northwest corner of 6th and L into 3 condominium units, including the construction of a rear addition onto the historic building. The existing one-story addition to the rear is to be removed. To the north a one-story commercial building is proposed to be demolished and a 12-unit condominium apartment building constructed on three lots in the appearance of 3 bay front Victorian row houses, similar to many of the surrounding row houses in the neighborhood. A 5-unit condominium apartment building is proposed to be built to the rear or west of the historic dwelling.

The existing and proposed buildings on the east side of the property along 6th Street are 45 feet and 3 stories in height. The proposed building in the west side is 45 feet and 4 stories in height. The two buildings are separated by a minimum 17-foot, 7-inch plaza running the entire width of the property. This courtyard will also provide pedestrian access to the apartment units located on the back side of the 6th Street building and to the units located within the building on the west side of the property and courtyard.

A closed court, 8 feet in width with an area of 188 square feet is proposed for the west side of the rear building, adjacent to an existing commercial to the west fronting on L Street. This closed court will provide light and air to bedrooms and stairwells.

Parking is proposed to be located within a garage under the courtyard and new building on the west side of the property. Access will be from the side of the building facing L Street, which will also provide access to a refuse storage area. The garage extends 4 feet, 7 inches above the ground, with the result that the courtyard is also more than 4 feet above grade.



Ground Floor Plan

ZONING

The site is currently zoned DD/R-5-B and the applicant proposes a PUD related map amendment to DD/C-2-C to accommodate the proposed PUD. The project is designed to conform to the permitted height for the requested DD/C-2-C Zone District. Properties in the DD/C-2-C Zone District are located on the south side of L Street, directly across the street from the subject property. The Office of Planning recommends the DD/R-5-C in the alternative, because of the required 4.5 residential FAR issues and reasons described above.

The following table is a comparison of DD/R-5-B standards, DD/C-2-C PUD standards, DD/R-5-C standards and the proposed development:

Table 1

	DD/R-5-B	DD/C-2-C PUD	DD/R-5-C PUD	Proposal
Area	None prescribed	15,000 sq. ft.	15,000 sq. ft.	8,612 sq. ft. ¹
Height	50 ft.	90 ft.	60 ft.	45 ft.
FAR	Max. 1.8	Max. 8.0; Min. 4.5	Max. 4.0	2.56 ³
Lot Occupancy	60%	80%	75%	100%²
Rear Yard	Minimum 4" per foot of building height, but not less than 15'	Minimum 4" per foot of building height, but not less than 15'	Minimum 4" per foot of building height, but not less than 15'	None²
Closed Court Width	Minimum 4" per foot of court height, but not less than 10'	Minimum 4" per foot of court building height, but not less than 15'	Minimum 4" per foot of court building height, but not less than 15'	8 feet²
Closed Court Area	Minimum twice the required width, but not less than 350 sq. ft.	Minimum twice the width, but not less than 350 sq. ft.	Minimum twice the width, but not less than 350 sq. ft.	188 feet²
Residential Recreational Space	Not applicable	Minimum 5% (1,031 sf)	Not applicable	6.5% (1,424 sf)
New Streetwall Construction	Min. 75% of new streetwall to a height of 15' not less than 4' from street right-of-way or 90 feet	Min. 75% of new streetwall to a height of 15' not less than 4' from street right-of-way or 90 feet	Min. 75% of new streetwall to a height of 15' not less than 4' from street right-of-way or 90 feet	Approx. 80% or 104 feet
At or Above Grade Parking	Permitted if for residents only	Permitted if for residents only	Permitted if for residents only	Parking for residents only

¹ Waiver requested per § 2401.2

² Relief requested

³ Less than the minimum FAR permitted by the DD/C-2-C Zone District

WAIVER REQUEST

The applicant requests a waiver pursuant to § 2401.2 of the Zoning Regulations, in order to permit a DD/C-2-C PUD on a site consisting of less than 15,000 square feet. This same waiver is also necessary for the DD/R-5-C Zone District, which also requires a minimum area of 15,000 square feet. The Commission is empowered to waive up to 50 percent of the minimum area required for a PUD located outside the Central Employment Area, subject to the following requirements:

- a. The Commission shall find after public hearing that the development is of exceptional merit and in the best interest of the city or country; and
- b. The Commission shall find that least 80 percent (80%) of the gross floor area of the development shall be used exclusively for dwelling units and uses accessory thereto.

The subject property is located outside of the Central Employment Area and 100 percent of the gross floor area of the development is for dwelling units and uses accessory thereto. The application indicates that they consider the proposed development to be of exceptional merit. The Office of Planning agrees that this project includes significant historic preservation goals and the design has been reviewed and approved by the Historic Preservation Review Board.

FLEXIBILITY

The following relief is required from the Zoning Regulations:

Lot Occupancy

The application requests flexibility related to the maximum percentage of lot occupancy allowed. Section 772.2 permits a maximum lot occupancy of 80 percent within the C-2-C Zone District and Section 403.2 permits a maximum lot occupancy of 75 percent within the R-5-C. The application requests a lot occupancy of 100 percent. However, the entire site will not appear to be covered with buildings because of the plaza proposed to be located between the buildings and the open court along the western property line. These are located more than 4 feet above the ground due to the garage below. As a result the entire site contributes toward the lot occupancy calculation, even though the apparent lot occupancy is less, at 86 percent.

Rear Yard

The minimum rear yard required for the DD/C-2-C and DD/R-5-C is 15 feet. The subject application proposes no rear yard. Instead, the application provides a plaza between the buildings, varying in width between 17-feet, 7-inches and 25-feet, 7-inches. Rather than provide the rear yard adjacent to the side of an existing commercial structure, the applicant proposes instead to provide an internal plaza. At a minimum width of more than 17 feet, the width of this plaza exceeds the minimum rear yard depth. It also allows for what appears to be rear yard to be located behind the historic structure, provides for a side yard to the west building, which is proposed to adjoin the building on the adjacent lot, and centrally locates the courtyard for use by all residents of the development.

Court Width and Area

One closed court is proposed, at a width of 8 feet and an area of 188 square feet. Under DD/C-2-C and DD/R-5-C zone districts the minimum width is 15 feet and the minimum area is 350 square feet. This court is proposed to be located in what would otherwise be the rear yard. Due to the location of the central stairwell, located to provide access to the units on each side of the building, and the garage entrance and trash enclosure area along the south side (L Street) of the rear building, provision of a larger and wider court is difficult. The proposed building is only approximately 31 feet deep, and a 15-foot wide closed court would assume almost half of that width.

PUD EVALUATION STANDARDS

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 developments that provide public benefits.*” In order to maximize the use of the site consistent with the Zoning Regulations and be compatible with the surrounding community, the applicant is requesting that the proposal be reviewed as a consolidated PUD. This will allow the utilization of the flexibility stated in Section 2400.2.

The overall goal is to permit flexibility of development and other incentives, such as increased building height and density; provided, that the project offers a commendable number of quality public benefits and that it protects and advances the public health, safety, welfare, and convenience.”

The applicant has requested a related change in zoning of the property to gain 6,545 square feet in floor area over that permitted by-right. Public benefits proposed by the applicant are discussed below. The Office of Planning has discussed the proposed benefits with the applicant to further refine them.

Section 2403 further outlines the standards under which the application is evaluated.

2403.3 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 proposed project will restore a historic structure, replace outdated buildings and provide infill development on vacant lots. In combination with adequate benefits and amenities, the Office of Planning believes that the project can be found to be acceptable.

PUBLIC BENEFITS AND AMENITIES

Few of the benefits proposed by the applicant qualify as benefits or amenities. Although the application does not request an extensive amount of relief, the Office of Planning has had discussions with the applicant to add to the amenity package to bring it in line with the relief requested.

Section 2403.9 outlines, “*Public benefits and project amenities of the proposed PUD may be exhibited and documented in any of the following or additional 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;*
- (f) *Housing and affordable housing;*
- (h) *Environmental benefits, such as stormwater runoff controls and preservation of open space or trees;*
- (i) *Uses of special value to the neighborhood or the District of Columbia as a whole;*

The Office of Planning is supportive of the architecture and design of the proposed buildings and the Historic Preservation Review Board has approved it as compatible with the Historic District.

Affordable Housing

The application proposes 15 percent of the bonus density to be provided as affordable housing, or 982 square feet. One of the proposed twenty units will be designated as an affordable unit. The Office of Planning considers this to be an amenity. The Office of Planning also notes that this project has been in design and review through HPRB for over a year. In light of recently approved Inclusionary Zoning (IZ) requirements the Office of Planning would expect a larger affordable housing component. However, OP recognizes that a few projects have taken an exceptionally lengthy time to arrive before the Commission due to unique historic preservation issues or community negotiations. OP therefore acknowledges that the affordable housing amenity is based on a pre-IZ framework and recommends the proffer as acceptable.

Urban Design and Architecture

The application indicates that the proposed new buildings are appropriate to the existing adjacent historic structure, and that it is consistent in scale, mass and architectural detailing. However, the site is located within the historic district and subject to HPRB review and approval for scale, mass and architectural detail, regardless of whether or not the proposed development is a PUD. OP has asked for more information on how the design rises to the standard of public benefit or amenity.

Site Planning

Similar to urban design and architecture, the application indicates that the proposed development is a multi-unit residential project respectful of the adjacent historic James Essex house. Construction of residences within a residential zone district and a design sensitive to historic properties are required regardless of whether or not the proposal is developed as a PUD. OP has asked for more information on how the design rises to the standard of public benefit or amenity.

Transportation Features

The application claims that the project will generate only 10 peak hour vehicle trips and is served by sidewalks, crosswalks and pedestrian signals at intersections. These would be true for any 20-unit project developed on the site. OP doesn't accept that existing sidewalks and signals as constituting a benefit from this project.

Historic Preservation

The application submits the rehabilitation of the historic James Essex house as a benefit. The Office of Planning supports the preservation and rehabilitation of this structure, and notes that the house is within the Mount Vernon Square Historic District and subject to the review of the Historic Preservation Review Board. OP has asked for more information regarding how the required preservation rises to the standard of a public benefit.

First Source Employment Program

The applicant has agreed to enter into an agreement to participate in the Department of Employment Services First Source Employment Program to promote and encourage the hiring of District of Columbia residents. The Office of Planning considers this to be a benefit.

Local Business Opportunity Program

The applicant has agreed to enter into a Memorandum of Understanding with the Local Business Opportunity Commission to use their resources to utilize LSDBE's in the development of the project. The Office of Planning considers this to be a benefit.

COMPREHENSIVE PLAN AND PUBLIC POLICIES

The proposed development is consistent with the Comprehensive Plan, including the following major themes:

- Section 102 - Stabilizing and Improving District Neighborhoods
- Section 108 – Preserving the Historic Character of the District

The proposed development will reuse a historic structure and provide infill to the urban fabric along 6th Street where buildings have been lost over the years. The reuse of the James Essex house and the elimination of vacant lots will serve to stabilize and improve the neighborhood while preserving the historic character of the District.

The proposed development meets many of the goals and objectives of the Comprehensive Plan as outlined in the Housing and Urban Design Elements.

The application is consistent with Chapter 3, Housing Element, of the Comprehensive Plan. The general objectives for housing are “...*to stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations.*” (§ 302.1) One of the proposed dwelling units will be affordable, with the rest to be sold at market rate.

Chapter 7, Urban Design Element, outlines objectives and policies in support the Urban Design goal to “...*promote the protection, enhancement, and enjoyment of the natural environments and to promote a built environment that serves as a complement to the natural environment, provides visual orientation, enhances the District's aesthetic qualities, emphasizes neighborhood identities, and is functionally efficient.*” (§ 701)

- 708.2 (a) *Design residential, commercial, and all other buildings to complement or enhance the physical character of the District; and*
- (b) *Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region.*

709 *Streetscape*

- 709.2 (a) *Develop a unifying system of well-designed streets, sidewalks, parks, and pedestrian ways;*
- (j) *Encourage the planting and maintenance of street trees as the single most important streetscape element along commercial and residential streets to provide shade, design continuity, spatial relief, and a juxtaposition of the natural and built environments.*

710 *Areas of Strong Architectural Character*

- 710.2 (d) *Encourage new development within areas of strong architectural character to contribute to the physical identity and character of those areas;*
- (e) *Encourage building massing and scale of new development to be sensitive to established patterns;*

712.1 *The areas in need of new and improved character objective are to encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity.*

712.2 *The policies established in support of the areas in need of new and improved character objective are as follows:*

- (a) *Encourage well-designed developments in areas that are vacant, underused, or deteriorated. These developments should have strong physical identities;*
- (b) *Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment;*

Specifically, the application is consistent with the Ward 2 Plan:

Section 1304 outlines objectives for housing, including:

- (a) *Stimulate production of new and rehabilitated housing... ;*
- (b) *Provide for the housing needs of... moderate income households;*
- (d) *Encourage home ownership;*

Section 1316.1 outlines the following objective for urban design:

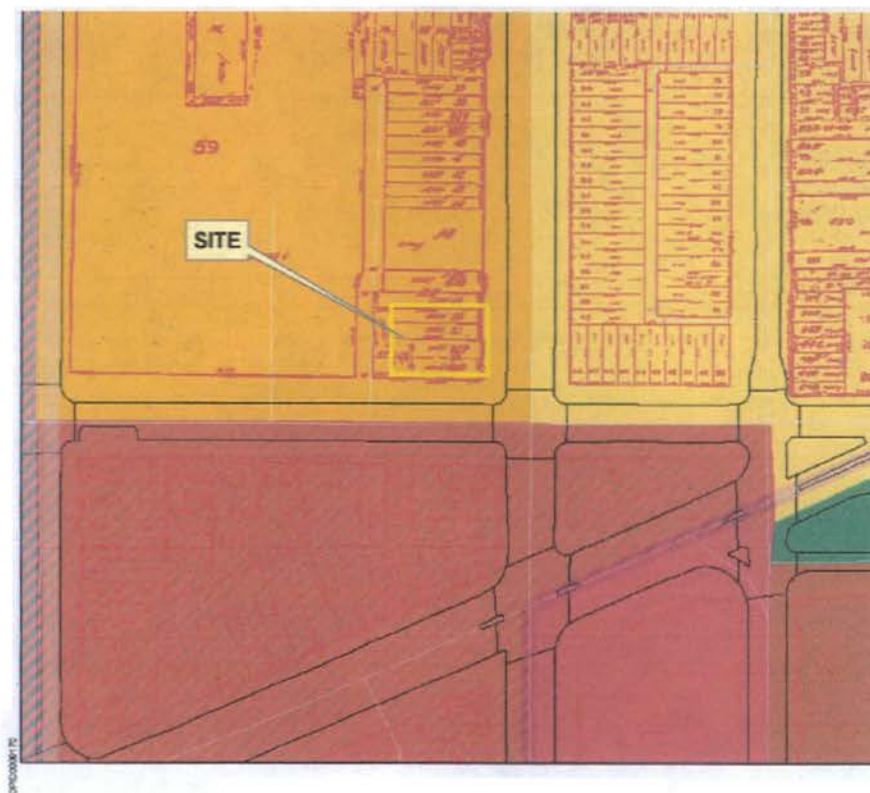
The objective for urban design is to develop a quality design environment, combining old and new developments, ...

Section 1319 outlines objectives for preservation, including:

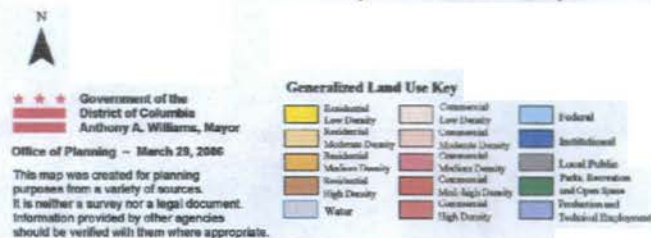
(b) *To preserve and reuse historic... buildings in historic areas in Ward 2;*

COMPREHESIVE PLAN GENERALIZED LAND USE MAP

The Generalized Land Use Map recommends medium density residential land use for the subject property, defined as "Multiple-unit housing and mid-rise apartment buildings are the predominant uses; may also include low and moderate density housing." The subject application is consistent with this recommendation.



Comprehensive Plan Map



The Office of Planning proposed alternative of DD/R-5-C is consistent with this land use designation and while the R-5-C is not mapped within the immediate vicinity, OP believes its consistency with the Generalized Land Use Map makes it an eligible and appropriate zone district for this project.

The Office of Planning therefore finds that the proposed residential development at a FAR of 2.56 is not inconsistent with the Comprehensive Plan.

COMPREHESIVE PLAN GENERALIZED LAND USE POLICIES MAP

The subject property is located within the Mount Vernon housing opportunity area. The subject application is consistent with this designation as it proposes a 100 percent residential development.

COMMUNITY COMMENTS

ANC 2C, at their regularly scheduled meeting of December 7, 2005, voted 3-0 "to rezone the property to DD/C-2-C and to permit approximately 21,000 square feet of residential development on the site in conjunction with the rehabilitation and historic preservation of the building at the corner of 6th and L Streets."

RECOMMENDATION

The Office of Planning supports the proposal for two new residential buildings and the renovation of the 1855 James Essex house. The proposed PUD is not inconsistent with the elements of the Comprehensive Plan. However, the requested map amendment to the DD/C-2-C presents some issues because of a minimum FAR requirement that is not met by the application. Therefore, the Office of Planning recommends that the application be set down for public hearing in the DD/R-5-C in the alternative, a zone district consistent with the Generalized Land Use Map and without a minimum FAR requirement. The Office of Planning has discussed this alternative with the applicant who has stated no objection to the DD/R-5-C Zone District.