

## REPORT TO THE ZONING COMMISSION

CASE NO. 06-21  
6<sup>th</sup> AND L STREETS, NW

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### I. Introduction

### II. Nature of applications

- A. Consolidated review of planned unit development
- B. Map amendment from DD/R-5-B to DD/C-2-C

### III. Site location

- A. Northwest corner of intersection of 6<sup>th</sup> and L Streets, N.W.
- B. Shaw/Mount Vernon East area

### IV. Site description

- A. Rectangular shaped property with an east-west dimension of approximately 106 feet and a north-south dimension of approximately 81 feet (Square 449, Lots 50, 51, 800 and 859)
- B. Contains approximately 8,612 square feet (approximately 0.20 acres) of land area
- C. Has frontage of approximately 106 feet on L Street and 81 feet on 7<sup>th</sup> Street
- D. No abutting alleys
- E. Existing conditions:
  - 1. Vacant 3 story building (originally constructed in 1855) with 1 story addition at 1100 6<sup>th</sup> Street known as the James Essex House
  - 2. Vacant 1 story building at 1104 6<sup>th</sup> Street
  - 3. Vacant lots

**ZONING COMMISSION**  
**District of Columbia**

**CASE NO.** 06-21  
**EXHIBIT NO.** 22

- F. Abutting streets:
  - 1. L Street – 90 feet wide
  - 2. 6<sup>th</sup> Street – 100 feet wide
- V. Description of the surrounding area (see aerial photograph, c. 2005, attached)
  - A. General area: Shaw/Mount Vernon East
  - B. Part of Mount Vernon Square Historic District
  - C. Remainder of Square 449
    - 1. Along 6<sup>th</sup> Street to the north
      - a. Galbraith AME Zion Church
      - b. Single family dwellings, flats and some conversions to apartments in attached structures built around 1900, mostly 3 stories
    - 2. On the west side of the block, the Paradise Garden apartment complex in several four story buildings
  - D. To the east (across 6<sup>th</sup> Street):
    - 1. Residential development in the block bounded by 6<sup>th</sup>, 5<sup>th</sup>, L and M Streets in attached structures, mostly 3 stories
    - 2. East of 5<sup>th</sup> Street, the square includes residential development along M Street and vacant land and buildings along New York Avenue (the former Yale Laundry complex)
  - E. To the south (across L Street):
    - 1. Commercial and industrial buildings in low rise structures in the block bounded by L and 7<sup>th</sup> Streets and New York Avenue
    - 2. MPD Central Regional Command (formerly Traffic Operations) in the triangle bounded by New York Avenue and 6<sup>th</sup> and L Streets
    - 3. Parking lots, including one large lot in the block bounded by New York Avenue and 5<sup>th</sup>, 6<sup>th</sup> and K Streets
    - 4. The site of the City Vista mixed use project in the block bounded by 5<sup>th</sup>, 4<sup>th</sup>, K and L Streets

**F. Further to the west:**

- 1. Washington Convention Center**
- 2. Mount Vernon Square**
- 3. Mount Vernon Square Metrorail Station (entrance at the southwest corner of the intersection of 7<sup>th</sup> and M Streets)**

**G. Further to the north:**

- 1. Residential uses, including projects built through urban renewal in accordance with the Shaw Urban Renewal Plan**
- 2. Retail uses along 7<sup>th</sup> Street**

**VI. Zoning (see excerpt of Zoning Map, 2004, attached)**

**A. Existing zoning: DD/R-5-B**

- 1. General residential district permitting single family, two family and multi-family dwellings, as well as a broad range of institutional uses (e.g., clinic, hospital, museum) as a matter-of-right**
- 2. Maximum height: 50 feet**
- 3. Maximum FAR: 1.8**
- 4. Maximum percentage of lot occupancy: 60%**
- 5. Minimum required rear yard – 4 inches per foot of height at the rear, minimum of 15 feet**
- 6. Side yard – not required**
- 7. Minimum required parking for apartment house use: 1 space for each 2 dwelling units**
- 8. PUD guidelines**
  - a) Height: 60 feet**
  - b) FAR: 3.0**
  - c) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser**

- d) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

9. Downtown Development (DD) District Overlay

- a) Designed to encourage broad mix of uses in accordance with Downtown element of the Comprehensive Plan
- b) No direct controls (property not included in any preferred use subarea)

B. History:

- 1. Property was zoned C-3-B (now C-3-C) in 1958
- 2. Rezoned to R-5-D in 1972
- 3. Rezoned to R-5-B and included in the DD Overlay in 1991

C. Proposed zoning: DD/C-2-C

- 1. Uses (§§721 – 734)
  - a) Commercial use permitted as a matter-of-right, including retail, service and office use
  - b) Hotel
  - c) Residential use permitted as carry-over from Special Purpose and Residential Districts
- 2. Height - maximum of 90 feet (§770.1)
- 3. Density - maximum of 6.0 FAR, with nonresidential uses limited to 2.0 FAR (§771.2), further limited by existing covenant
- 4. Lot occupancy – residential uses limited to 80% (§772.1)
- 5. Rear yard – minimum of 15 feet (§774.1)
- 6. Side yard - not required (§775.5)
- 7. Residential recreation space - minimum area equal to 15% of the gross floor area devoted to residential use (§773.3)

8.     **Parking (§2101.1)**
    - a)     For apartment house use, minimum of 1 space for each 4 units
    - b)     For retail use, minimum of 1 space for each 750 square feet of gross floor area floor area in excess of 3,000 square feet
    - c)     None required for change of use or increase in intensity of use for historic landmark
  9.     **Loading (§2201.1) – none required for apartment house with less than 50 units**
  10.    **PUD guidelines**
    - a)     Height: 90 feet
    - b)     FAR: 6.0, of which no more than 2.5 FAR may be nonresidential
    - c)     Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
    - d)     Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
  11.    **Downtown Development (DD) District Overlay**
    - a)     Designed to encourage broad mix of uses in accordance with Downtown element of the Comprehensive Plan
    - b)     No direct controls (property not included in any preferred use subarea)
- D.     **Zoning of the area (see map, attached)**
1.     To the north, east and west: DD/R-5-B
  2.     To the south:
    - a)     DD/C-2-C
    - b)     DD/C-3-A
    - c)     DD/C-3-C

**VII. Description of the proposed project**

- A. Use: 20 apartment units**
  - 1. 3 units in existing historic structure**
  - 2. 17 additional units in new construction to the north and west of the existing building**
- B. Height: just below 46 feet, measured to the high point of the roof**
- C. Floor area ratio: 2.56 (22,047 square feet of gross floor area)**
- D. Lot occupancy: 100% at plaza level, 86% above the plaza**
- E. Rear yard: none provided**
- F. Parking: 10 spaces in single level underground garage with access from L Street**
- G. Loading: trash and service area located next to parking ramp on L Street side of building**
- H. Comparison to matter-of-right and PUD standards for C-2-C**
  - 1. Use: multi-family residential use permitted as a matter-of-right**
  - 2. Height:**
    - a) Matter-of-right: 50 feet**
    - b) PUD guideline: 90 feet**
    - c) Proposed: maximum of 46 feet**
  - 3. FAR:**
    - a) Matter-of-right: 6.0**
    - b) PUD guideline: 6.0**
    - c) Proposed: 2.56**

**VIII. Compliance with PUD evaluation standards of §2403**

- A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)**
  - 1. Renovating and restoring the historic James Essex House replaces a blighted and undesirable condition**
  - 2. Infill with 17 additional residential units reinforces residential goals of Downtown plan**
  - 3. Proposed height is within character of existing heights in the area,**
  - 4. Proposed density is about 50% more square footage than now permitted but not out of scale with area**
- B. Project is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (§2403.4): see section IX, below**
- C. Commission shall “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects” (§2403.8)**
- D. Public benefits and project amenities**
  - 1. On-site benefits and amenities**
    - a) Historic preservation and compatible new construction**
    - b) Residential use (approximately 5 units more than permitted under current matter-of-right)**
    - c) Affordable housing (982 square feet, equal to approximately 15% of increase in floor area, one or two units)**
    - d) Enhanced streetscape/landscaping**
  - 2. Community benefits:**
    - a) LSDBE agreement**
    - b) DOES agreement**

balanced against

**E. Development incentives:**

1. 4 foot decrease in height over existing matter-of-right
2. 0.76 increase in FAR over existing matter-of-right

**F. Areas of flexibility from R-5-B or PUD standards:**

1. Rear yard
  - a) 15 feet required
  - b) None provided
  - c) + 17 foot center court takes the place of rear yard
2. Lot occupancy
  - a) 80% permitted
  - b) 100% proposed because parking garage extends above grade
  - c) 86% provided above plaza level

**G. Waiver of minimum area requirements**

1. 15,000 square feet required
2. 8,612 square feet provided (6,388 square feet less than normal minimum)
3. Waiver up to 50% authorized by §2401.2
  - a) Development is of exceptional merit and in the best interest of the city or country
  - b) At least 80% of the gross floor area is to be used exclusively for dwelling units
4. Response to waiver standards
  - a) Waiver requested is 43% of area required
  - b) Project is exceptional to city because of:
    - (1) Historic preservation and opportunity to restore a deteriorated contributing building

- (2) Additional opportunity to add new housing in the Downtown area
- c) Best interests of city served by use of PUD process to limit and condition approval rather than seeking variances from the BZA for multiple areas of relief
- d) 100% of gross floor area is devoted to dwelling units

**IX. Consistency with the Comprehensive Plan**

**A. The District Elements**

- 1. The District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, March 9, 1984)
- 2. The District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 5-187, February 15, 1985)
- 3. The Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-129, January 5, 1990)
- 4. The Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193, October 19, 1994)
- 5. Comprehensive Plan Land Use Maps Approval Resolution of 1996 (Resolution 11-313, May 7, 1996)
- 6. The Comprehensive Plan Amendments Acts of 1998 (D.C. Law 12-275, April 27, 1999)

**B. Interpretation of the District elements**

- 1. “The primary dynamic of the District elements of the Plan is the overlapping of its elements’ goals. This overlapping is intentional.” (§112.1)
- 2. “District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly.” (§111.(a))
- 3. “The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements.” (§112.1(b))

4. "An element may be tempered, even defined, by one (1) or more of the other elements. This may occur within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements." (§112.1(c))
5. "The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan." (§112.2)

**C. Major Themes**

1. Stabilize and Improve the District's neighborhoods (§102)
2. Respect and improve the physical character of the District (§106)
3. Preserve the Historic Character of the District (§108)

**D. Land Use element**

1. Generalized Land Use Map: medium density residential
2. Generalized Land Use Policies Map
  - a) Mount Vernon Square Housing Opportunity Area
  - b) UDC/Mount Vernon Square Metrorail Development Opportunity Area
3. Objectives/Policies for Residential Neighborhoods (§1102)
  - a) "Conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods" (§1102.1(a))
  - b) "Protect residential neighborhoods from disruptive uses" (§1102.1(e))
  - c) "Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses" (§1104.1(a))

E. Housing element

1. Major policies

- a) Central theme to "stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units" (§300.2)
- b) Housing viewed as "key part of total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities" (§300.4)

- 2. "Encourage the private sector to meet housing needs through the development of infill housing" (§302.2(f))
- 3. "Provide zoning incentives, as appropriate, to developers prepared to build low- and moderate-income housing, such as permitting additional densities in exchange for incorporating low- and moderate-income housing in development projects ... " (§303.2(d))
- 4. "Use Planned Unit Developments ... to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations" (§306.2(i))
- 5. "Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses" (§1104.1(a))

F. Environmental Protection element: policy to promote improvement of air quality by "promot[ing] land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips" (§403.2(c))

G. Transportation element:

- 1. "Support land use arrangements that simplify and economize transportation services ..." (§502.2(a)).
- 2. "Require major developments to demonstrate that adequate parking will exist for occupants and other users" (§505.2(e))

H. Urban design element:

- 1. "Preserve and enhance the outstanding physical qualities of District neighborhoods" (§702.1(b))

2. "Design residential, commercial, and all other buildings to complement or enhance the physical character of the District;" (§708.2(a))
3. "Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region." (§708.2(b))
4. Areas of Stable Character (§711):
  - a) Objective to "maintain those areas of the District that have a positive physical image and to provide that new development and renovation within or adjacent to these areas is complementary in scale and character." (§711.1)
  - b) "Encourage infill development to be complementary to the established character of the area. In-fill development in stable areas should not create sharp changes in physical pattern which might lead to deterioration" (§711.2(a))
  - c) "Use landscaping in areas without strong building character to present a more positive physical image" (§711.2(c))

**I. Historic Preservation element**

1. "Every effort should be made to provide for the continued appropriate use of all historic properties." (§805.1)
2. "When possible, deteriorated ... buildings that contribute to historic districts should be repaired rather than demolished." (§805.13)
3. "The distinguishing original quality or character of historic properties should be protected." (§805.15)

**J. Ward 2 element**

1. Housing
  - a) Objective 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" (§1304.1(a))
  - b) "Encourage the private sector to provide new housing to meets the needs of present and future District residents at locations consistent with District land-use policies and objectives" (§1305.1(a))

- c) "provide for the housing needs of low and moderate income households" (§1304.1(b))

2. Urban Design

"Develop a quality urban design environment, combining old and new development" (§1316.1)

3. Preservation and Historic Features:

"Preserve and reuse ... buildings in historic areas" (§1319.1(b))

4. Land Use:

- a) Objective "to conserve and enhance the existing residential neighborhoods in Ward 2" (§1326.1(a))
- b) "A substantial part of the amenities provided in proposed planned unit developments (PUDs) shall accrue to the community in which the PUD would have an impact." (§1327.1(j))

X. Compatibility with the area

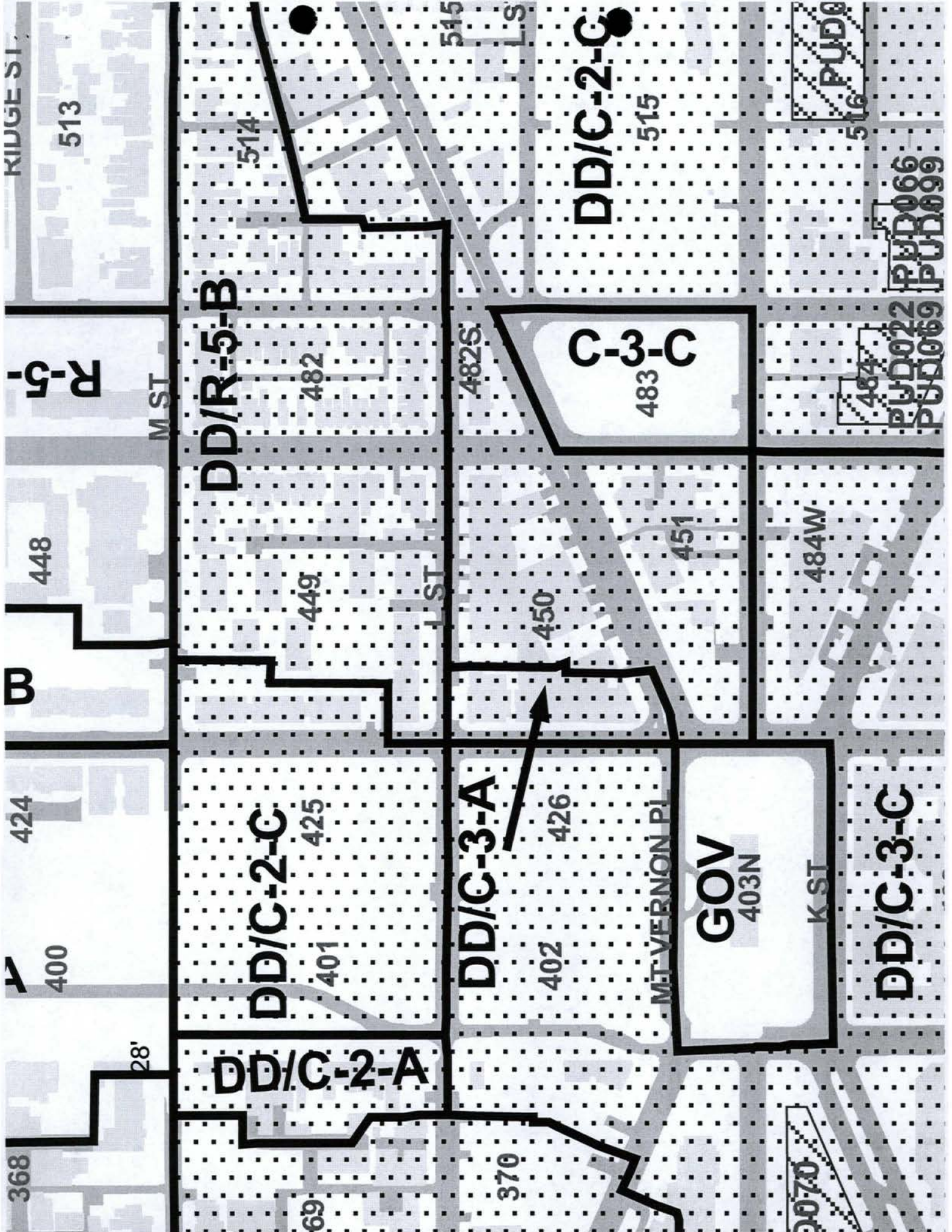
- A. Adjoining residential area is developed with mix of single and multi-family buildings mostly at 3-4 stories
- B. Immediate context is framed by mix of newer garden apartments (west) church (north), older row residential structures (east) and mixed commercial structures (south)
- C. Use: residential reinforces neighborhood character
- D. Height and bulk: proposed building is 4 stories, compatible with existing character of the immediate context

XI. Conclusions

- A. Project is not inconsistent with the Comprehensive Plan
- B. Project is within the applicable height and bulk standards of the Zoning Regulations for the C-2-C District and is consistent with the surrounding development
- C. Project provides an appropriate balance between the development proposed, the flexibility requested and the benefits and amenities provided

- D. Project meets the criteria for approval (exceptional merit in the best interest of the city) even though it has less than the normally required minimum area
- E. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development
- F. Project should be approved





368  
400  
424  
448  
513  
RIDGE ST  
M ST

DD/C-2-A  
401  
DD/C-2-C  
425  
DD/R-5-B  
449  
482  
514

DD/C-3-A  
402  
426  
450  
482S  
515  
C-3-C  
483  
DD/C-2-C  
515

GOV  
403N  
K ST  
DD/C-3-C  
484W  
484  
PUD0022  
PUD0069  
PUD0066  
PUD0099  
516  
PUD0