

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION ORDER NO. 07-35

Z.C. Case No. 07-35
(Consolidated PUD – Sheridan Redevelopment LLC + D.C. Housing Authority)
November 10, 2008

Pursuant to notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 26, 2008 to consider an application from the D.C. Housing Authority and Sheridan Redevelopment LLC (collectively, the "Applicant") for review and approval of a consolidated planned unit development ("PUD") and related map amendment, for Lots 61-66 in Square 5869, Lots 49-56, 131-135, 940, 956, 958, 961, 963, 965, 967, 969, 971, and 972 in Square 5872, located on a site in the Hillside neighborhood of Anacostia, pursuant to Chapter 24 and § 102, respectively, of the District of Columbia Municipal Regulations ("DCMR"), Title 11, Zoning. The public hearing was conducted in accordance with the contested case provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby approves the application subject to the specified conditions.

FINDINGS OF FACT

The Application, Parties, and Hearing

1. On December 31, 2008 the Applicant submitted an application to the Zoning Commission for a consolidated PUD and a related map amendment from the R-5-A Zone District to the R-5-B and C-2-A Zone Districts. The application and supplemental submissions requested approval of architectural plans and site plans depicting 344 dwelling units, including a 104 unit apartment building, 68 stacked townhome units, 116 townhouses, and 56 units in 14 four-story walk-up buildings (each having four units).
2. Sheridan Redevelopment LLC is a partnership between William C Smith & Co., Union Temple CDC, and the Jackson Investment Co. The land is owned by the D.C. Housing Authority and William C Smith & Co. The D.C. Housing Authority property will be ground-leased to Sheridan Redevelopment LLC upon completion of the construction of the project.
3. At its public meeting on February 21, 2008, the Commission voted to schedule a public hearing on the application, and to waive the hearing fee for the portion of the project that was to receive a government housing subsidy.

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

Telephone: (202) 727-6311

Facsimile: (202) 727-6072

E-Mail: dcoz@dc.gov

Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.07-35A
EXHIBIT NO.1A

S.E. It is bisected by Sayles Place, S.E., Bowen Road, S.E., Stanton Rd., S.E., and Douglas Road, S.E. The site is a rolling hillside that changes in grade of approximately 70 feet of grade from north to south, rising from Sheridan Road to the top of the site and 10 to 20 feet of grade across the site. The property is identified as Lots 61-66 in Square 5869, Lots 49-56, 131-135, 940, 956, 958, 961, 963, 965, 967, 969, 971, and 972 in Square 5872 (the "PUD Site").

12. The PUD site is currently zoned R-5-A which generally permits low density residential development including multi-family residential to a maximum height of 40 feet and a maximum density of 0.9 FAR.
13. The apartment buildings formerly constituting the Sheridan Road public housing development have been demolished, and the PUD Site is currently vacant.
14. The area surrounding the PUD Site is generally developed with a mix of row dwellings and garden apartments. Properties to the east and west of the PUD Site are generally zoned R-5-A and properties adjacent to the site on the north are zoned C-2-A.

The PUD Project and Zoning Flexibility Requested

15. The Applicant testified that it plans to develop the PUD Site with 344 dwelling units, including 104 units in an apartment building with ground-floor, community-serving, flex space; 68 stacked townhome units; 116 townhouses; and 56 units in 12 four-story walk-up buildings (each having four units). The overall goal is to create a stable, mixed-income residential community, with the emphasis on affordable housing. Approximately 110 units (32%) will be in the low-income range, 119 units (35%) will be in the moderate-income range and 115 units (33%) will be market rate. In addition, the development will encourage and provide homeownership opportunities. Approximately 47% of the units will be for sale.
16. The site plan is described as follows. The apartment building fronts on Sheridan Road on the westernmost portion of the site closest to the Anacostia Metrorail Station. It will contain 104 residential units, ground floor flex space (as described in further detail below) and an underground parking garage. This parcel (Lots 62-65, Square 5869) is proposed to be rezoned to C-2-A. The remainder of the site will be rezoned to R-5-B. It will contain 240 residential units with a total of nine unit types to include stacked townhouses, traditional townhouses and four unit walk-up buildings. Along Sheridan Road, the units will be arranged in "U" shaped mews with the four-unit walk-up buildings fronting on Sheridan Road and the townhouses arranged along the arms of the "U." The inside of the "U" is devoted to a landscaped courtyard and parking area. The interior of the site will be developed with groups of stacked townhouses located along interior roadways.

- (a) The PUD project is a new, high-quality, mixed-income residential community. The revitalization plan features a housing mix tailored to homeowners and renters with a wide spectrum of incomes.
- (b) The PUD project is directly in furtherance of specific public plans and policies, including expanding the area's housing supply and affordable housing for families and housing tenure diversity.
- (c) The development plan exhibits attractive urban design, new landscaping and environmental improvements. A new street network will be created, and a balanced mixture of housing types and densities are proposed according to planning principles.
- (d) The site plans, landscape plans and architectural plans exhibit a high quality of urban design and environmental features.
- (e) The project includes 5,000 square feet community meeting space and flexible social service space ("flex space") on the ground floor of the multi-family building for community related use. A portion of the flex space will be set aside for meeting space for residents of Sheridan Terrace and the larger community, this portion of the space will be furnished and made available free of charge. The remainder of the flex space will be reserved for one or more of the following uses:
 - Health, Wellness, and Environmental related uses
 - Fitness and Exercise related uses
 - Arts or culture related uses
 - Computer and/or technology space

The final programming for the flex space will be made with input from the Sheridan Terrace Steering Committee and the surrounding community. (Exhibit 70, Attachment 2.)

- (f) Eighty-nine of the 104 units of the multi-family building will be reserved for and affordable to residents at or below 60% AMI. One hundred twenty-five out of the 240 units will be reserved for and affordable to residents at or below 80% of AMI. (Exhibit 70, Attachment 3.)
- (g) The multi-family building also includes a green roof/recreation space and on-site secured bike parking. (Exhibit 70, Attachment 3.)
- (h) All units will be Energy Star compliant. (Exhibit 70, Attachment 3.)

Reports of Other Agencies

28. The D.C. Department of Transportation ("DDOT"), by reports dated June 24, 2008 and July 10, 2008 and by testimony at the public hearings, indicated that it has no objection to the proposed development provided that there are no general commercial uses in the project given the constraints of the nearby Martin Luther King intersection. DDOT's July 10, 2008 report states that the project will provide 263 off-street parking spaces compared to the 178 spaces required by the Zoning Regulations. DDOT recommended that the Applicant provide 40 secured off-street bicycle racks and implement a traffic-management plan. DDOT offered to work with the Applicant to coordinate traffic and roadway improvements in the area.

ANCs 8A and 8C

29. ANC 8A submitted a letter dated July 1, 2008 that attached the minutes of its July 1, 2008 meeting, and a statement signed by ANC 8A Chairperson Anthony Muhammad. The letter indicated that ANC 8A held a meeting to consider the application that was attended by a quorum of the single member district commissioners, that a majority present voted to approve a motion in support of the PUD project, and designated Anthony Muhammad to speak on behalf of ANC 8A at the hearing. The attached minutes stated the, "Commission voted to support the Sheridan Terrace project, the support also included an amendment to the project that states: The developers shall have in their possession the property that is attached to the Sheridan Project." The attached letter signed by Chairperson Muhammad stated that he was concerned about the possibility of landslides and building foundation issues as a result of the site's topography and existing storm-water systems. The statement further stated that the ANC wanted the District to hire an independent consultant to report on the site's topographic and stormwater issues and present its findings and recommendations to ANC 8A. Finally, the statement indicated that the Applicant should sign a Memorandum of Understanding ("MOU") with terms acceptable to ANC 8A, but does not indicate what those terms are.
30. ANC 8C submitted a report indicating that, at an ANC meeting held on July 9, 2008, the ANC voted to support the project but also expressing concerns about stormwater management, the use of the flex space in the apartment building, and the inability of the Applicant to agree to all of the ANC requested terms of the MOU with the Applicant. The report does not indicate what terms the ANC requested in the MOU. The report was not signed.

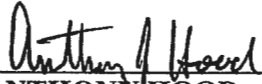
mass transit station. The impact of the project on the surrounding area will not be adverse, but rather will enhance and promote the revitalization of the area.

7. The development of the project is compatible with District-wide and neighborhood goals, plans and programs and is sensitive to environmental protection, public safety and other significant public objectives.
8. The Commission is required under D.C. Code §1-309.10(d) to give great weight to the issues and concerns raised in the written recommendations of the affected ANC's. The Commission notes that the affected ANC's 8A and 8C provided reports and testified in support of the application. The report submitted by ANC 8C was unsigned, but the Commission nonetheless will address the issues and concerns raised in report.
 - Both ANC's expressed concerns about the topography of the site and related issues of stormwater management, and ANC 8A recommended that the District hire an independent consultant to report on the site's topographic and stormwater issues and present its findings and recommendations to ANC 8A. The Applicant submitted evidence that its site design and new stormwater management measures are adequate to meet the needs of the PUD site. The addition of such a condition would not mitigate any adverse impact and, therefore, is not appropriately included in this Order. Nor does the Commission believe there is a potential for such adverse impacts because it believes that the related issues and concerns that gave rise to ANC 8A's concern about these issues have been addressed by the Applicant.
 - Both ANC's also expressed a concern that the Applicant completes the MOU with the terms sought by ANC's. The Commission notes that the Applicant submitted an MOU signed by the developer and both ANC's with its September 29, 2008 supplemental filing. The record does not contain information to indicate whether the signed MOU contained all the terms sought by the ANC's. However, the Commission concludes that because the MOU was signed by both ANC's, the issues and concerns underlying the terms sought by the ANC's were sufficiently addressed by the agreement.
 - ANC 8A expressed a concern that the PUD did not include all the property commonly understood to comprise Sheridan Terrace. The Commission notes that the Applicant expanded the PUD site by submitting applications to include Lots 961, 965, 967, and 969 in Square 5872 on July 24, 2008 into the PUD, and believes that this addressed the ANC's concern. In any event, the boundary of a PUD site is based upon the area within which all PUD-related improvements are to be constructed.

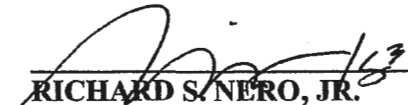
4. Approximately 32% of the dwelling units will be reserved for and made affordable to households having 60% or less of Area Median Income, and approximately 35% will be moderate-income units reserved for and made affordable to households having incomes between 60% and 80% percent of AMI in accordance with the requirements of the public agencies providing financial subsidies for this purpose.
5. There shall be a minimum of 263 off-street parking spaces provided in the project.
6. The Applicant shall have flexibility with the design of the PUD in the following areas:
 - (a) To vary the location and design of all interior components, including partitions, structural slabs, doors, hallways, columns, stairways, and mechanical rooms, provided that the variations do not change the exterior configuration of the buildings;
 - (b) To vary the final selection of the exterior materials within the color ranges and material types as proposed, based on availability at the time of construction without reducing the quality of the materials; and to make minor refinements to exterior details and dimensions, including window frames, glass types, belt courses, sills, bases, cornices, railings, roofs (i.e., substitute pitched for flat roofs and vice-versa), and architectural embellishments trim, or any other changes to comply with the District of Columbia Building Code or that are otherwise necessary to obtain a final building permit;
 - (c) To vary the location of the affordable units within the project so long as they are evenly disbursed throughout the site; and
 - (d) To vary the location of parking spaces on the PUD site so long as the overall number of spaces is not reduced.
7. The Applicant shall execute a Certified Business Enterprise Utilization Agreement with the District of Columbia Office of Local Business Development to ensure minority vendor participation prior to the issuance of a final order.
8. 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 and the Zoning Division of the Department of Consumer and Regulatory Affairs ("DCRA"). Such covenant shall bind the Applicant and all successors in

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In accordance with the provisions of 11 DCMR 3028, this Order shall become final and effective upon publication in the *D.C. Register*, that is, on ~~MAR 27~~ 2009.



ANTHONY HOOD
CHAIRMAN
ZONING COMMISSION



RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., December 17, 2007

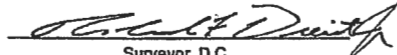
Plat for Building Permit of: SQUARE 5889 LOT 61

Scale: 1 Inch = 30 feet Recorded in Book 129 Page 31

Receipt No. 01707

Furnished to: DENNIS BURTON

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly plotted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and plotted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

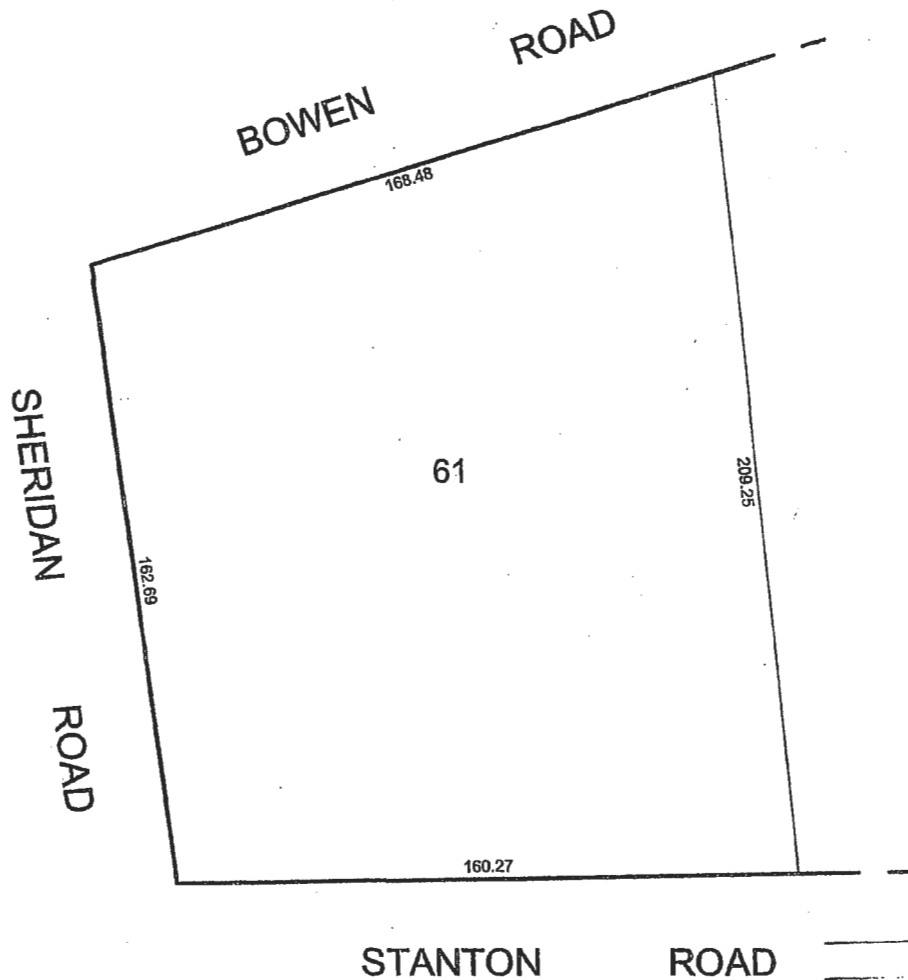

Surveyor, D.C.

Date: _____

By: L.M.A. 

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., December 18, 2007

Plat for Building Permit of: SQUARE 5869 LOT 66

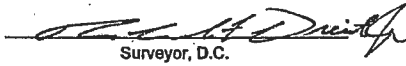
Scale: 1 Inch = 50 feet

Recorded in Book 129 Page 31

Receipt No. 01710

Furnished to: DENNIS BURTON

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat and that by reason of the proposed improvements to be erected as shown hereon the area of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

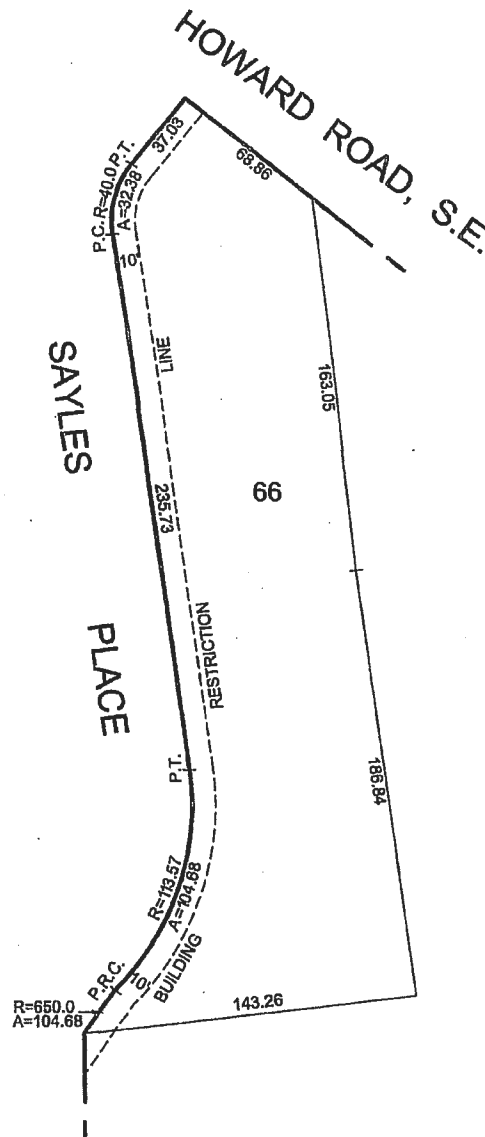

Surveyor, D.C.

Date: _____

By: L.M.A. 

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., December 18, 2007

Plat for Building Permit of: SQUARE 5872 LOT 940

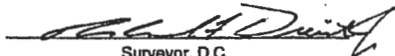
Scale: 1 inch = 10 feet

Recorded on Microfilm

Receipt No. 01713

Furnished to: DENNIS BURTON

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or flats, or in excess of 12% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)


Surveyor, D.C.

Date: _____

By: L.M.A. 

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

10' PUBLIC ALLEY 10'

15.97

940

72.98

18.74

SAYLES
PLACE

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., December 17, 2007

Plat for Building Permit of SQUARE 6872 LOTS 131-135

Scale: 1 inch = 60 feet

Recorded in Book 128 Page 31

Receipt No. 01712

Furnished to: DGS08

[Signature]
Surveyor, D.C.

By: LMA *[Signature]*

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly placed; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and placed; and agree with those accompanying the application; that the foundation plans as shown hereon are drawn, and dimensioned accurately to the same scale as the property lines shown on this plat; that by reason of the proposed improvements to be erected on abutting lots, the area of any adjacent lot or portion thereof is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area when required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations; and that this plat has been correctly drawn and dimensioned hereon. It is further agreed that the location of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a sale of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or less, or in excess of 15% at any point for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.

