

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission **ZONING COMMISSION**
District of Columbia

FROM: *ESPer*
Ellen McCarthy, Director **CASE NO. 03-03B**

DATE: June 30 2006 **EXHIBIT NO. 19**

SUBJECT: Zoning Commission Case No. 03-03B – **Modification**
Final Report - Capitol Gateway Estates

APPLICATION IN BRIEF

The applicants, the DC Housing Authority and A&R/TH LLC are requesting a modification of the previously approved development proposal (PUD 03-03) for property known as Capitol Gateway Estates located in Squares 5246, 5276, 5279, 5280 and 5281. As approved in Order No. 03-03, plans for the development proposal included a community building in Square 5280. The modification would replace the community building with 12 townhouses, increasing the number of units in the PUD from 226 units to 238 units, including 74 townhouses. The intended occupants of and programs for the community center will be located in office-site office space, so the community center space is no longer required.

The applicant's submission also requested correction of the lot numbers recorded in ZC Order # 03-03 published in the D.C. Register on December 31, 2004 for **Square 5246** which inadvertently included all the Square's lots, 41 through 78. However, **Lots 41-49 should be excluded and lots 50 and 66 included**. In addition, **Lot 51 in Square 5272 should also be excluded**. The excluded lots will become part of a future commercial PUD.

At the Zoning Commission's April 20, 2006 meeting, the Office of Planning recommended and the Commission took action that the correction of the lot numbers be approved as a minor modification and the development of the 12 townhomes be heard before a public hearing. As such, this report would only address the proposal for the development of the 12 townhomes on the community center's site.

RECOMMENDATION

The Office of Planning finds that the modification to replace the community center with the 12 townhomes meets the PUD evaluation standards outlined in §2403 and is in

accordance with the intent of the Zoning Regulations and the 2nd stage PUD. Therefore, the Office of Planning recommends approval of the additional 12 townhomes.

BACKGROUND

As discussed in OP's report dated March 29, 2006, Zoning Commission Order No. 03-03 dated May 10, 2004, approved a second-stage (final) PUD for multiple properties in Squares 5246, 5279, 5280, and 5281, the former site of an East Capitol Street public housing complex. The overall project development is based on 5 components:

- 1st Component -
 1. Approval for construction of 226 new residences including: 14 detached homes, 122 semi-detached dwellings, 62 row dwellings, and 7 grand homes and a community center at the corner of East Capitol Street and 56th Place. (*ZC 03-03*)
 2. The closure and realignment of several alleys and existing streets. (According to the applicant - *Council Approved*)
 3. Zoning change from unzoned and R-2 to R-5-A. (*ZC 03-03*)
- 2nd Component - The renovation of existing high-rise apartment buildings at the corner of Southern Avenue and East Capitol Street (Square 5279). (*Future PUD application*)
- 3rd Component - A 150-unit senior housing building on the northeast corner of Blaine and 58th Streets. (*ZC 02-04. - completed*)
- 4th Component - Community center/child development center, sited for the southeast corner of 56th Place and East Capitol Street. (*Subject of current modification*)
- 5th Component - The commercial center, which is proposed on the north side of East Capitol Street, south of the senior building (Square 5276). The commercial component was excluded from the first stage PUD to allow additional time to secure a major grocery store tenant and finalize the design. (*Future PUD application*)

PROJECT DESCRIPTION

12 new town homes similar to approved designs of ZC 03-03 would replace the proposed community center at the corner of East Capitol Street and 56th Place.

The site layout is represented as follows:



Stage II PUD – Square 5280 and 5281 as Approved

Modification Request – Square 5280 –

According to the applicant's statement, the intended occupants and programs for the community center have relocated to office space off-site and the amount of programming space projected for the community center was no longer necessary. The community development corporation, which would have administered the programs, intends to locate in the rental tower building at 5929 East Capitol Street, (a block east of the originally proposed location). This building will be renovated in the near future. Further, the anticipated daycare for the community center would also be relocated to the future retail/commercial component of the development planned for portions of Squares 5276 and 5246 located opposite the originally proposed location in Square 5280, north of East Capitol Street (See Attachment 2).

Ten residential structures would front along East Capitol Street (Lots 207-216) and two would front 56th Place. Residences along East Capitol Street would be set back at least 30 feet from the curb with front access provided by a 3-foot wide concrete walk. These residences would have rear-loaded garages, which would be accessible via a 15-foot wide private alley.

Lots 205 and 206 would be developed with semi-detached units setback at least 20 feet from the curb off 56th Place. Garages for these residences would be front-loaded since the lots would abut the open space area at the rear and south side of lot 205.

Two styles each for row structures and semi-detached units were previously proposed and approved for townhomes including: 3 story row dwellings (Unit B -65 units; Unit HC – 1 Unit), and 3-story semidetached (Unit G – 38 Units; Unit H 36 Units)¹. The applicant has indicated that the residences would be 3-story dwellings. The residences would be marketed as both rental and sale units.

Street	PUD Lot #	Unit Type	Lot Area (Sq. Ft)	Lot Width (Feet)	FAR	Lot Occupancy (40% Max.)	Rear Yard (Feet) 20' Min.	Side Yard (Feet) 8' Min.
56th Place, SE	205	s	2,846	27.5'	0.7	30%	20' or >	6'
56th Place, SE	206	s	2,824	28.75'	IR 0.71	30%	20' or >	6'
East Capitol St.	207	s	4,033	37.5'	IR 0.5	21%	20' or >	8' or >
East Capitol St.	208	r	2,039	22'	0.98	42%	18	0
East Capitol St.	209	r	2,013	22'	0.99	42%	20' or >	0
East Capitol St.	210	r	2,013	22'	0.99	42%	20' or >	0
East Capitol St.	211	s	2,532	27.67'	0.8	33.60%	20' or >	6'
East Capitol St.	212	s	2,532	27.67'	0.8	33.60%	20' or >	6'
East Capitol St.	213	r	2,013	22'	0.99	42.30%	19	0
East Capitol St.	214	r	2,013	22'	0.99	42.30%	20' or >	0
East Capitol St.	215	r	2,039	22'	0.98	42%	20' or >	0
East Capitol St.	216	s	3,984	37.5'	IR 0.5	21.40%	20' or >	8' or >
Open Space	217	c				0		
TOTAL			30,881		0.80			
					24,528 GFA			

Key

Semi-detached -	s
Row house -	r
Community (Open) Space -	c
Intersects Rear (wall)* -	IR

Note: * Indicates measurement was taken from rear wall.

TABLE 1 – Proposed Site Plan Measurements

¹ Development data for previously approved unit types are attached for reference.

ZONING

Flexibility

Based on the above, flexibility from the lot occupancy limits for six residences and rear yard minimum for 2 residences are required. The Commission has the option to approve lot occupancy and yards which are less than the normal requirements, depending on the circumstances of the project. (§2405.4, 2405.5)

§ 353.1 requires special exception relief for new residential developments of row dwellings in the R-5-A zone districts. One-family detached and semi-detached dwellings are permitted and do not require such review. Various styles of row structures and semi-detached units were previously proposed and approved for townhomes including, 3 story row dwellings as shown on the submitted plans labeled as Congressional II and Judicial I and II.

OP has no objection to the relief requested, since the variations from the lot occupancy and rear yard limits (§ 404, 404, 405) are minimal. In addition, the overall lot occupancy of the site for the homes (30,881 square feet) is 33% with an FAR of 0.80. The townhomes addition would not affect the overall aggregate density of the project which was conditioned in the approved Order (03-03) to not exceed 1.0 FAR (Condition # 3).

Based on the applicant's submission and the overall development which was previously approved, OP can reasonably conclude that the modification would not alter the facts of the original PUD approval with respect to site planning, urban design, police and fire concerns, parking and traffic generation (§ 2516.10). Further, the townhomes would not affect the light and air availability to the future residents of the project and the surrounding neighborhood, as it remains within the framework of the original design for the entire development (§ 353.4). The applicant's submissions show the landscaping around the homes would be in conformance with the landscaping plans of the approved PUD. Parking relief is not required since garages are included in the homes' designs.

OP has no indication at this time that any other relief may be necessary.

PUD ANALYSIS

As outlined in §2400 of the Zoning Regulations, **"The planned unit development (PUD) process is designed to encourage high quality developments that provide public benefits. 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 or quality of public benefits and that it protects and advances the public health, safety, welfare, and convenience."**

Public review of the PUD application by the Zoning Commission “is required in order to evaluate the public benefits offered in proportion to the flexibility or incentives requested and in order to establish a basis for long-term public control over the specific use and development of the property. While providing for greater flexibility in planning and design than may be possible under conventional zoning procedures, the PUD process shall not be used to circumvent the intent and purposes of the Zoning Regulations, nor to result in action that is inconsistent with the Comprehensive Plan.”

PUD 03-03 has been approved as generally consistent with Zoning Regulations, and not inconsistent with Comprehensive Plan objectives. OP believes that the modification to add 12 residential structures which are identical to those previously approved, maintains these objectives and would not render the development proposal inconsistent with the intent of the Comprehensive Plan.

The townhomes proposed for this PUD are appropriate for the approved zoning and complimentary to the Zone Map and the intent of the Zoning Regulations. The PUD proposes to continue the previously approved housing of semi-detached, and row dwellings. The residential use will continue the development of a stable community of future homeowners. The R-5-A zone district is appropriate for accommodating these uses and is consistent with nearby zoning and the Generalized Land Use Map designation.

Title 11DCMR§2400 establishes the area requirement and development standards for a PUD application, as follows.

a) Area Requirements (§2401.1(c))

The minimum area included within the proposed development, including the area of public streets or alleys proposed to be closed, shall be a total of 2-acres in an R-5-A zone.

The 30,881 square feet subject site is a portion of the 40-acre project, which was originally approved in its entirety (ZC Order 03-03), and not subject of another development plan.

b) Development Standards (§2405)

No building or structure shall exceed the following maximums:

ZONE DISTRICT	Maximum Height (feet)	FAR
R-5-A	60 feet	1.0

Condition #3 of the ZC Order 03-03 states that the maximum building height in the project shall be 50 feet and the maximum aggregate density shall be 1.0 FAR. No residential unit proposed for the replacement of the community building is taller than 40 feet above grade and no unit exceeds the FAR maximum.

PUD EVALAUTION STANDARDS (§2403)

2403.3 The impact of the project on the surrounding area and on 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 homes are anticipated to have a positive impact on the surrounding area, as it would logically extend the residential pattern in the immediate vicinity along East Capitol Street. The previously blighted and poorly designed public housing project will be replaced with new housing, in a mix of housing types that will promote a stable and attractive community. The future accommodation of some of the community center's services, including the day care center will be provided in the near future within the neighborhood.

The proposed project will contribute to the needed infrastructure replacement particularly to sanitary sewer services as older structures on the site have been demolished.

2403.4 The Commission shall find that the proposed PUD is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

As indicated in the original report this project is not inconsistent with the Comprehensive Plan and furthers the public policies established through the HOPE VI program and the DC Housing Authority and is not contrary to the PUD proposed and approved by the Zoning Commission (ZC 03-03).

2403.5 In the context of the Comprehensive Plan, the Commission shall also evaluate the specific public benefits and project amenities of the proposed development, which features may in some instances overlap.

The public benefits and amenities package of the original PUD included the following major items:

1. Substantial improvements to public infrastructure, including:
 - a. Restoration of a grid street pattern which improves access and safety
 - b. Construction of a new storm water management system, which controls flooding and improves water quality
 - c. Reconstruction of the existing sanitary system, which had deteriorated in parts to the detriment of the environment
2. Housing and affordable housing
3. Superior design and architecture
4. Substantial streetscape and landscape plantings.

The modification only expands the number of units by 12 homes (0.05%) with no substantial changes and requiring minimal flexibility from the Zone Regulations. Therefore, OP believes that the public benefits and amenities of the project have been satisfied as evidenced in the previous approval of the larger residential portion of the development.

Although the community center was not included as an amenity of the project, OP is

satisfied that the applicant has considered the importance of the services to the community that would have been offered at the center, including the child-care facility. OP understands that the applicant intends to relocate these services to the renovated high-rise apartment building at the corner of East Capitol Street and Southern Avenue.

2403.9 provides a set of categories against which public benefits and project amenities may be evaluated. Those of principal relevance to this minor modification include:

- A new high-quality, mixed income residential community to replace blighted public housing complexes, with economic and social services to be provided to assist residents reach job, homeownership and personal achievement goals.
- Attractive urban design and landscaping, major environmental improvements with renewed street connections. Improvement to stormwater runoff, slope stability and new open spaces.

2403.9 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;

The residential density of the modification is comparable to the on-going redevelopment and with the surrounding neighborhood. The dwelling units as a replacement for the community center would not be unduly burdensome on the existing infrastructure, much of which will be reconstructed with the HOPE VI project.

The proposed development will provide well defined, protected public open spaces and pedestrian connections to the rest of the community. The modification includes preservation of additional open space on the site and shown as a storm water easement on the site plans.

According to the applicant, the open space will be provided to the Homeowners Association (HOA) to control and design according to the community needs. The area will be fenced and access limited by the property management company designated by the HOA to discourage loitering in this open space area. The controlled access will restrict entry to the open space from late evening to early morning hours.

The development team also envisions the open space design to support social community activity. The open space design may include a variety of items such as benches, picnic tables, and trash receptacles that will contribute to productive social gatherings. The space is intended for residents to gather and socialize. It is not intended to be a tot lot or play area due to its proximity to a major thoroughfare.

The open space will be a safe and secure area that will be an enhancement to the new Capitol Gateway community, which will be developed and maintained by the resident HOA based on their social desires and needs.

OP supports the use of the site as both a storm drain easement area and a limited access recreation area for residents. OP believes that controlled access would effectively manage and maintain the site for the residents' recreational use.

- (c) **Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts;**

The additional homes will front on well-traveled interconnected street systems with sidewalks, as the former pattern of isolation will be removed. New residents will have access to the use of transit with limited reliance on automobile transportation.

- (d) **Housing and affordable housing**

The development provides housing and affordable housing in accordance with the HOPE VI guidelines and the policies and goals of the DC Housing Authority. Currently, the project will provide 226 units, 140 ownership units and 86 rental units. Of the 140 ownership units 56 are affordable with 30 available for purchase by public housing residents and the remainder available to buyers at 40 to 80% AMI. Of the 86 rental units 25 are tax credit and 61 are public housing. The additional 12 units will be made available as market rate for rentals or homeowners.

- (e) **Social services/facilities;**

As previously stated, the community center programs would be provided at future locations within the development.

- (f) **Environmental benefits, such as storm water runoff controls and preservation of open space or trees;**

The modification would allow the site to function as a controlled possible recreation area for residents as well as a storm drain/management area to enable improved storm-water control while preserving open space on the larger site. Original plans address storm water runoff, slope stability, open spaces and related matters. OP believes that the open space would improve the water quality in the neighborhood including the overall health of the Watts Branch watershed.

- (g) **Uses of special value to the neighborhood or the District of Columbia as a whole;**

The additional homes would complement the revitalization of a formerly blighted neighborhood with a new housing mix tailored to homeowners and renters with a wide spectrum of incomes.

The project was developed with substantial community participation, including a full relocation plan. A full network of social and economic services will be provided to help

residents reach educational, job, homeownership and personal achievement goals.

- (h) **Other public benefits and project amenities and other ways in which the proposed PUD substantially advances the major themes and other policies and objectives of any of the elements of the Comprehensive Plan.**

The surrounding neighborhoods are likely to benefit from the modification as it adds more available housing to the development. No significant adverse effects on surrounding neighborhoods or public facilities are anticipated as a result of the additional 12 residential units.

COMPREHENSIVE PLAN

In evaluating the proposed modification of the Capitol Gateway Estates development for consistency with the Comprehensive Plan, OP considered the request's compliance with major themes of the Comprehensive Plan, compliance with the objectives and policies of the major elements of the Comprehensive Plan, and consistency with the Generalized Land Use Map.

The Findings of Fact of the ZC Order No. 03-03 indicated that the PUD advanced at least 10 Major Themes of the Comprehensive Plan, including stabilizing and improving the District's neighborhoods, improvement to the physical character of the District and promoting enhanced public safety. OP believes that the small scale of the modification is within the recently approved zoning category and therefore would not change the material facts upon which the original PUD was approved.

DISTRICT DEPARTMENT OF TRANSPORTATION

OP requested comments from the District Department of Transportation (DDOT) for review of traffic impacts. No response has been available to date. However, OP does not believe the requested modification would significantly change the traffic pattern or adversely affect any previous determination by DDOT regarding the traffic impact of the larger development.

COMMUNITY COMMENTS

The applicant has a comprehensive community outreach and involvement plan that keeps the community informed of the project. At the time of this report there is no report on file from ANC 7C or 7E.

RECOMMENDATION

The Office of Planning supports the modification of the previously approved PUD to allow construction of the 12 townhomes in lieu of the development of the community center as previously approved by Order No 03-03, on condition that public access is granted to the controlled green space within its hours of operation.

Attachment 1

Previously Approved Town Home Unit Types

3-Story Row Dwelling¹ – Unit B – 65 Units

	Permitted/ Required R-5-A	Permitted/ Required R-5-A w/PUD	Proposed
Height	40'/3 Stories	60'	40'
Min. Lot Area (sq.ft.)	1,800 ²	1,800 ²	3,000 ³
Min. Lot Width	14'	14'	22'
FAR	0.9	1.0	0.79 ³
Lot Occupancy	40%	40%	26% ³
Rear Yards	20'	20'	20' ³
Side Yards	10'	10'	8' ³
Parking	1	1	1 ³

¹ Row dwellings, as new structures, are special exception uses in the R-5-A zone.

² This may be reduced if the difference is accumulated into common spaces

³ Calculations for each lot included in previously approved submissions for PUD 03-03.

3-Story Row Dwelling¹ – Unit HC – 1 Unit

	Permitted/ Required R-5-A	Permitted/ Required R-5-A w/PUD	Proposed
Height	40'/3 Stories	60'	40'
Min. Lot Area (sq.ft.)	1,800 ²	1,800 ²	3,500 ³
Min. Lot Width	14'	14'	22'
FAR	0.9	1.0	0.74 ³
Lot Occupancy	40%	40%	25% ³
Rear Yards	20'	20'	20' ³
Side Yards	10'	10'	8' ³
Parking	1	1	1 ³

¹ Row dwellings, as new structures, are special exception uses in the R-5-A zone.

² This may be reduced if the difference is accumulated into common spaces

³ Calculations for each lot included in previously approved submissions for PUD 03-03.

3-Story Semi-detached Dwelling – Unit G – 38 Units

	Permitted/ Required R-5-A	Permitted/ Required R-5-A w/PUD	Proposed
Height	40'3 Stories	60'	40'
Min. Lot Area (sq.ft.)	3,000 ¹	3,000 ¹	3,400
Min. Lot Width	30' ¹	30' ¹	30'
FAR	0.9	1.0	0.66
Lot Occupancy	40%	40%	22%
Rear Yards	20'	20'	20' ²
Side Yards	10'	10'	8' ²
Parking	1	1	1 ²

¹ This is the minimum for this use in the R-4 zone. Min. lot requirements are as prescribed by the Board under its review in accordance with §410.

² Calculations for each lot are provided in Attachment 5.

3-Story Semi-detached Dwelling – Unit H – 36 Units

	Permitted/ Required R-5-A	Permitted/ Required R-5-A w/PUD	Proposed	Flexibility Required
Height	40'3 Stories	60'	40'	None
Min. Lot Area (sq.ft.)	3,000 ¹	3,000 ¹	3,400	As noted ¹
Min. Lot Width	30' ¹	30' ¹	22'	As noted ¹
FAR	0.9	1.0	0.70	As noted
Lot Occupancy	40%	40%	23%	As noted
Rear Yards	20'	20'	20' ²	As noted
Side Yards	10'	10'	8' ²	As noted
Parking	1	1	1 ²	As noted

¹ This is the minimum for this use in the R-4 zone. Min. lot requirements are as prescribed by the Board under its review in accordance with §410.

² Calculations for each lot included in previously approved submissions for PUD 03-03.

Attachment 2



Aerial of Capital Gateway Estates
Proposed Relocation for Future Daycare Facilities and CDC Offices and Programs