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REPORT TO THE ZONING COMMISSION

CASE NO. 04-11
EMERSON PARK

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NOVEMBER 22, 2004

I. Introduction

II. Nature of applications

A. Consolidated review of planned unit development

B. Map amendment from FT/C-M-1, FT/M and R-2 to R-4

III. Site location

A. South side of Emerson Street, N.E., west of 6th Street and east of the railroad/Metro right-of-way

B. Fort Totten area, adjacent to the North Michigan Park residential area

IV. Site description

A. Irregularly shaped property with an overall length of approximately 1,000 feet in the east-west direction and approximately 460 feet in the north-south direction (Square 3788, Lot 811)

B. Contains approximately 255,975 square feet (approximately 5.87acres) of land area

C. Has frontage of approximately 176 feet on Emerson Street

D. Existing condition: developed with buildings, retaining walls and other remnants of former concrete plant operation

E. Abutting street: Emerson Street – 60 feet wide

ZONING COMMISSION
District of Columbia
CASE NO.04-11
EXHIBIT NO.33

V. Description of the surrounding area (see aerial photograph, c. 2002, attached)

A. General area: Fort Totten/North Michigan Park Area contains commercial and industrial uses in the vicinity of the railroad right-of-way and residential uses elsewhere

B. Remainder of Square 3788

1. Thos. Somerville plumbing supply business to the south at the end of 6th Street north of Buchanan Street

2. Single family semidetached houses along the south side of Emerson Street between 6th and 8th Streets, on the east side of 8th Street between Decatur and Emerson Streets and on the north side of Decatur between 7th and 8th Streets

C. To the north (across Emerson Street):

1. District Department of Transportation salt dome and storage facility at west end of Emerson Street

2. Warehouses and other commercial uses on the west side of 6th Place

3. Single family residential (mostly semi-detached houses) north of Emerson Street and east of 6th Place

4. Fort Circle Park North Michigan Park (National Park Service reservation) with Metrorail Green Line tunnel underground)

5. North of the Park are garden apartments west of South Dakota Avenue

6. Backus Middle School on South Dakota Avenue between Galloway and Hamilton Streets

D. To the east:

1. Predominantly semi-detached dwellings, with some community houses

2. Faith United Church (northwest corner of 10th and Decatur Streets)

3. Lamond Riggs branch of DC Library (at corner of South Dakota Avenue and Kennedy Street)

E. To the south:

1. Predominantly semi-detached dwellings

2. Further to the south, Providence Hospital and related health care facilities south of Buchanan Street

3. Kennedy Institute on south side of Buchanan Street

F. To the west:

1. Railroad/Metrorail right-of-way

2. Fort Totten Metrorail station (approximately 1,200 feet to the northwest)

3. Department of Public Works trash transfer station at Bates Road

4. Concrete plant north of transfer station

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

A. Existing zoning:

1. R-2 (75,612 square feet/1.73 acres)

a) Single family detached and semi-detached dwellings with certain other institutional uses

b) Maximum height: 3 stories, 40 feet

c) Minimum lot size:

(1) Area:

(a) Semi-detached dwellings: 3,000 square feet

(b) Detached dwellings: 4,000 square feet

(2) Width:

(a) Semi-detached dwellings: 30 feet

(b) Detached dwellings: 40 feet

d) Maximum percentage of lot occupancy: 40%

e) Minimum rear yard: 20 feet

f) Minimum side yard: 8 feet (where required)

g) Minimum required parking: 1 space for each dwelling

h) PUD guidelines

(1) Height: 40 feet

(2) FAR: 0.4

(3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

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

2. C-M-1 (57,596 square feet/1.32 acres)

a) Light industrial district, permitting all kinds of commercial uses, institutional uses, hotels, warehouses, wholesale uses and industrial uses subject to the standards of external effects, but not residential uses

b) Maximum height: 3 stories, 40 feet

c) Maximum FAR: 3.0

d) Side yards: not required, except where abutting a Residence district

e) Minimum rear yard: 2 ½ inches per foot of height, not less than 12 feet

f) Off-street parking:

(1) For retail or service use: 1 space for each 300 square feet of gross and cellar floor area in excess of 3,000 square feet

(2) For office: 1 space for each 800 square feet of gross and cellar floor area in excess of 2,000 square feet

(3) For wholesale or industrial use: 1 space for each 1,000 square feet of gross floor area

(4) For warehouse use: 1 space for each 3,000 square feet of gross floor area

g) PUD guidelines

(1) Height: 60 feet

(2) FAR: 3.0

(3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

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

3. M (122,767 square feet/2.82 acres)

a) General industrial district, permitting all lawful uses (commercial, institutional, hotel, warehouse, wholesale and industrial uses subject to the standards of external effects), but not residential uses

b) Maximum height: 90 feet

c) Maximum FAR: 6.0

d) Side yards: not required, except where abutting a Residence district

e) Minimum rear yard: 2 ½ inches per foot of height, not less than 12 feet

f) Off-street parking:

(1) For retail or service use: 1 space for each 300 square feet of gross and cellar floor area in excess of 3,000 square feet

(2) For office: 1 space for each 800 square feet of gross and cellar floor area in excess of 2,000 square feet

(3) For wholesale or industrial use: 1 space for each 1,000 square feet of gross floor area

(4) For warehouse use: 1 space for each 3,000 square feet of gross floor area

g) PUD guidelines

(1) Height: 90 feet

(2) FAR: 6.0

(3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

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

4. Fort Totten (FT) Overlay

a) Existing industrial uses deemed conforming and allowed to expand

b) Special standards for yards and screening for business or industrial uses

c) Special attention to roof areas so as to protect views from Fort Totten

B. History

1. Property was zoned M, C-M-1 and R-2 in 1958

2. Fort Totten Overlay added in May, 1995 (ZC Order No. 765)

C. Proposed zoning: R-4

1. Uses:

a) Single family detached, semi-detached and row dwellings

b) Two family dwellings (flats)

c) Conversion of buildings existing prior to 1958 to apartments

d) Other institutional uses (churches, hospitals, museums, etc.)

2. Minimum lot size:

a) Area:

(1) Semi-detached dwellings: 3,000 square feet

(2) Row dwellings and flats: 1,800 square feet

(3) Conversion to apartments: 900 square feet per unit

(4) Detached dwellings and all other uses: 4,000 square feet

b) Width:

(1) Semi-detached dwellings: 30 feet

(2) Row dwellings and flats: 18 feet

(3) Conversion to apartments: not prescribed

(4) Detached dwellings and all other uses: 40 feet

3. Maximum percentage of lot occupancy:

   a) Row dwellings and flats: 60%

   b) Conversion to apartments: not prescribed

   c) Detached and semi-detached dwellings and all other structures: 40%

4. Minimum rear yard: 20 feet

5. Minimum side yard: none required in most circumstances

6. Minimum required parking: one space for each dwelling unit

7. PUD guidelines

   a) Height: 60 feet

   b) FAR: 1.0

   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

D. Zoning of the area (see map, attached)

1. To the north:

   a) FT/C-M-1 and FT/M west of 6th Place

   b) R-2 for houses fronting on 6th Place and to the east

2. To the east and southeast: predominantly R-2

3. To the south:

   a) FT/C-M-1 and FT/M west of 6th Street

   b) R-2 east of 6th Street

c) R-5-A further south of Buchanan Street

4. To the west: FT/M

VII. Description of the proposed project

A. Transit oriented development with traditional neighborhood design

B. Uses: 75 row dwellings in groups of buildings

C. Height: maximum of approximately 30 feet

D. Floor area ratio: 0.69

E. Parking: 156 spaces in garages and on surface

F. Comparison to matter-of-right and PUD standards for R-4

1. Use: single family residential uses permitted as a matter-of-right

2. Height:

a) Matter-of-right: 40 feet

b) PUD guideline: 60 feet

c) Proposed: maximum of approximately 30 feet (from 1st floor to ceiling of top story)

3. FAR:

a) Matter-of-right: not provided, but at 60% lot occupancy for three stories is equivalent of 1.8

b) PUD guideline: 1.0

c) Proposed: 0.69

4. Proposed total gross floor area of 175,244 square feet is more than 725,000 square feet less than the existing matter-of-right in the industrial zones and approximately 80,000 square feet less than permitted under PUD standards in the proposed R-4

VIII. Compliance with PUD evaluation standards of §2403

A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)

1. Replacing industrial concrete plant use with single family residential, a favored use under the Comprehensive Plan and city policies

2. Traffic will have no impact on levels of service at build-out, per report by Wells & Associates

3. Proposed height is less than the height now permitted as a matter-of-right

4. Proposed density is substantially less than density now permitted (less than 20% of density permitted in two industrial zones)

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) Residential use (workforce housing)

b) Affordable housing

c) Interior site open space (overall lot occupancy of approximately 26%)

2. Community benefits:

a) Contribution to the Lamond Riggs Library ($15,000)

b) Contributions to the North Michigan Park Civic Association for North Michigan Park Recreation Center and community signage ($27,000)

c) Contribution to DDOT for public space improvements within the North Michigan Park community ($25,000)

balanced against

E. Development incentives: no increase in height or FAR over existing or proposed matter-of-right density

F. Areas of flexibility from R-4 or PUD standards:

1. Consideration of buildings as groups of buildings on theoretical building sites

2. Front yard setbacks on certain groups of houses

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)

D. Land Use element

1. Generalized Land Use Map:

a) Mixed use medium density commercial/production and technical employment

b) Broader area to east and north is low density residential

2. Objectives 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)

3. Fort Totten Metrorail Development Opportunity Area

   a) One of the areas which "offer opportunities to accommodate new growth and development" (§1118.3)

   b) Criteria for designating housing opportunity areas (§1118.7):

      (1) Areas at or near selected Metrorail stations

      (2) Areas where there is a significant amount of vacant or poorly used land

      (3) Areas that represent unrealized employment and economic development potential, such as regional or other shopping areas

      (4) Areas where development can be used to improve neighborhood quality and stability

4. Fort Totten Housing Opportunity Area

   a) "Housing opportunity areas are areas where the District expects and encourages either new housing or rehabilitated housing. These housing opportunity areas are not the only areas where new housing units will become available, but represent locations of significant concentrations. Most Metrorail stations outside the Central Employment Area, and some within, will support additional housing units. The conversion of existing nonresidential buildings for housing and the return of vacant units to the housing market are two (2) additional devices which will result in additional housing units." (§1118.6)

b) Criteria for designating housing opportunity areas (§1118.7):

(1) Areas at or near selected Metrorail stations

(2) Areas where there is a significant amount of vacant or poorly used land

(3) Areas that represent unrealized employment and economic development potential, such as regional or other shopping areas

(4) Areas where development can be used to improve neighborhood quality and stability

5. Fort Totten Special Treatment Area (§1122)

a) "Develop ... unused industrial land for medium density residnetial and commercial mixed uses" (§1122.2(c))

b) "Protect and preserve existing low scale residences in the vicinity" (§122.2(d))

c) "Increase the residential component to strengthen local community establishments on Riggs Road, N.E." (§1122.2(e))

d) "Create a "mini-in-town" community (§1122.2(g))

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. Residential development opportunity areas are "sites where significant housing development can appropriately occur" (§302.2(d))

3. Residential development opportunity areas "encourage multi-unit housing development near selected Metrorail stations" (§302.2(d))

4. "Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized or unused" (§302.2(e))

5. "Encourage the private sector to meet housing needs through the development of infill housing" (§302.2(f))

6. "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 ... and give zoning preferences to mixed-use sites that include housing near appropriate Metrorail stations" (§303.2(d))

7. "Use Planned Unit Developments ... to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations" (§306.2(i))

8. "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 in Need of New and Improved Character (§712):

   a) Objective 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" (§712.1)

   b) "Encourage well designed development in areas that are vacant, underused or deteriorated. These developments should have strong physical identities." (§712.2(a))

   c) "Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment" (§712.2(b))

   d) "Establish a new physical identity in areas having a strong negative image ..." (§712.2(e))

   e) "Utilize large-scale development or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas" (§712.2(g))

I. Ward 5 element

1. Vision for Ward 5

a) "Neighborhoods like ... North Michigan Park ... have a strong sense of community and visual identity. Few major changes are envisaged here. These neighborhoods will be protected from excessive traffic, commuter parking, noise and litter and be buffered from the negative impacts of new commercial, industrial and other non-residential development" (§1600.3)

b) "The Fort Totten Green Line Metrorail Station (lower level) has opened with the potential for new and much needed mixed commercial and residnetial uses in the area." (§1600.6)

2. Housing

a) "Protect and preserve the ward's stable neighborhoods and its sound housing stock" (§1608.1(a))

b) "Stimulate the production of new housing ... " (§1608.1(b))

c) "Provide incentives for housing at desired locations such as the Fort Totten Metrorail Station Special Treatment Area" (§1608.1(c))

d) "Encourage new and rehabilitated affordable housing for area residents" (§1609.1(a))

3. Transportation:

a) "Increase the use of mass transit ..." (§1614.1(a))

b) "Reduce nonresidential traffic in neighborhoods adjacent to heavily-used commercial and/or industrial corridors, and in the vicinity of ward Metrorail stations" (§1614.1(b))

4. Land Use:

a) "Protect and enhance the stability of residential neighborhoods" (§1629.1(a))

b) "Determine the appropriate mix of uses, scale, density and design of development in the Fort Totten Metrorail Special Treatment Area (§1630.1(b))

X. Compatibility with the area

A. Adjoining residential area is developed to a higher density (average of 20 units per are) than the proposed development (approximately 16 units per acre net, after deducting 20% for streets)

B. Use:

1. Single family houses replacing former industrial uses

2. Compatible with adjoining single family semi-detached and community houses

C. Height: proposed buildings are three stories, houses in the area are generally two stories but allowed to be three stories as a matter-of-right

D. Density: proposed FAR is only 20% of that permitted now as a matter-of-right

E. Houses are appropriately buffered and set-back from the railroad/ Metro right-of-way

1. Change in grade

2. Distance from railroad tracks is more than 140 feet at closest point

3. Comparison to existing development along railroad right-of-way

XI. Additional planning issues

A. Loss of industrial land

1. Distribution of industrially zoned land in 1958 based on railroads and rivers

2. Comprehensive Plan reference to production and technical employment, not industrial

3. Reliance on other modes of transportation

4. Comprehensive Plan guidance in Special Treatment Area and Development and Housing Opportunity Areas

5. Impact of this isolated pocket of industrial land on surrounding neighborhoods if developed under existing zoning

B. Stability of residential uses in proximity of existing uses

1. Long term prospect for replacement of existing heavy commercial and industrial uses

2. Site plan provides for buffering

3. Grade and distance provide separation from rail lines

XII. Conclusions

A. Project is not inconsistent with the Comprehensive Plan

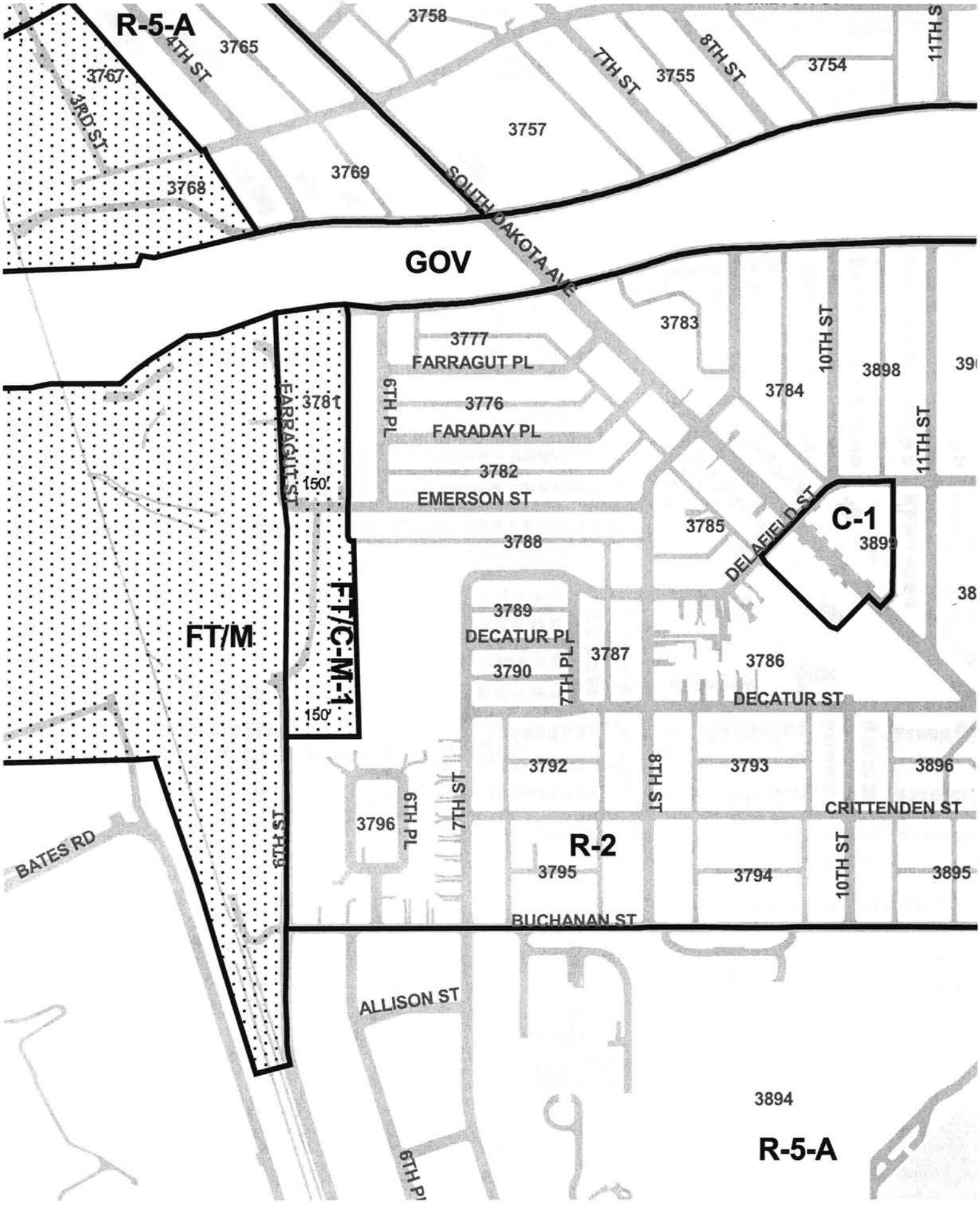
B. Project is within the applicable height and bulk standards of the Zoning Regulations and is consistent with the residential zoning to the north and east

C. Project provides an appropriate balance between the development proposed, the flexibility requested and the benefits and amenities provided

D. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development

E. Project should be approved

Gallatin
Emerson St NE
Emerson St NE
Delafield St NE
6th St NE
7th St NE
Decatur Pl NE
Decatur St NE
7th St NE


R-5-A
3758
3765
4TH ST
3767
3RD ST
3768
3769
7TH ST
3755
8TH ST
3754
11TH S
3757
SOUTH DAKOTA AVE
GOV
3783
10TH ST
3898
3777
FARRAGUT PL
6TH PL
3776
FARADAY PL
3784
11TH ST
3781
FARRAGUT ST
150'
3782
EMERSON ST
3785
DELAFIELD ST
C-1
3788
3899
FT/M
FT/C-M-1
3789
DECATUR PL
3790
7TH PL
3787
3786
DECATUR ST
150'
3792
8TH ST
3793
3896
7TH ST
CRITTENDEN ST
3796
6TH PL
R-2
BATES RD
3795
3794
10TH ST
3895
BUCHANAN ST
ALLISON ST
3894
R-5-A
6TH PL