

REPORT TO THE ZONING COMMISSION
CASE NO. 05-30
6000 NEW HAMPSHIRE AVENUE
STEVEN E. SHER,
DIRECTOR OF ZONING AND LAND USE SERVICES
HOLLAND & KNIGHT LLP
July 20, 2006

- I. Introduction
- II. Nature of applications
 - A. Consolidated review of planned unit development
 - B. Map amendment from R-1-B to R-5-A
- III. Site location
 - A. Lamond Riggs neighborhood near the District line
 - B. Bounded by New Hampshire Avenue, Sligo Mill Road, Peabody and Rittenhouse Streets and Chillum Place, N.E.
 - C. Portion of the site is located on the south side of Peabody Street between New Hampshire Avenue and 1st Street
 - D. Small triangular area included at the intersection of Chillum Place and Peabody Street
- IV. Site description
 - A. Irregularly shaped property (Parcel 126/74 and lot 858 in Square 3719, lots 69, 70, 71, 72, 73, 801, 824 and 826 in Square 3714 and Parcel 126/24)
 - B. Contains approximately 505,062 square feet (approximately 11.6 acres) of land area

C. Streets and frontage

1. Main property

- a) New Hampshire Avenue – 120 feet wide, frontage of c. 715 feet (in two segments)
- b) Rittenhouse Street – 60 feet wide, frontage of c. 70 feet
- c) Sligo Mill Road – 90 feet wide, frontage of c. 611 feet (in two segments)
- d) Chillum Place – 90 feet wide, frontage of c. 150 feet
- e) Peabody Street – 75 feet wide, frontage of c. 484 feet

2. South of Peabody

- a) New Hampshire Avenue – 120 feet wide, frontage of c. 140 feet
- b) Peabody Street – 75 feet wide, frontage of c. 213 feet
- c) 1st Street – 60 feet wide, frontage of c. 90 feet

D. Existing conditions:

1. Improved with:

- a) Vacant larger 3 to 5 story building depending upon grade
- b) Vacant smaller 2 to 3 story building depending upon grade
- c) Buildings connected by a one story connection
- d) Previously housed the Masonic and Eastern Star Nursing Home and Infirmary
- e) Most recently used as offices for MedStar Health
- f) A single family dwelling at 6141 Sligo Mill Road

2. Largest portion of the site is vacant and undeveloped open fields

3. Portion south of Peabody Street is vacant and unimproved
 4. Triangular piece at corner of Chillum Place and Peabody Street is vacant and unimproved
- V. Description of the surrounding area (see aerial photograph, c. 2002, attached)
- A. General area: Lamond Riggs neighborhood primarily improved with detached single family dwellings
 - B. Remainder of Square 3719
 1. 7 detached single family houses fronting on Rittenhouse Street
 2. 5 detached single family houses fronting on Sligo Mill Road
 3. 3 detached single family houses fronting on New Hampshire Avenue
 - C. Remainder of Square 3714: a single family dwelling also used as a dentist's office at the northwest corner of New Hampshire Avenue and Oneida Street
 - D. To the north:
 1. Detached single family dwellings
 2. Gas station at the southeast corner of the intersection of New Hampshire and Eastern Avenues
 3. Commercial uses along New Hampshire Avenue in Maryland
 - E. To the east:
 1. Detached and semi-detached single family dwellings
 2. Apartments across Eastern Avenue in Maryland
 - F. To the south:
 1. Detached single family dwellings
 2. Churches

3. Metro/railroad right-of-way
4. Industrial and commercial uses along the railroad

G. To the west:

1. Single family residential uses along Sligo Mill Road
2. Charter school at the northeast corner of the intersection of Chillum and 1st Places
3. Commercial and light industrial establishments along Chillum Place

VI. Zoning (see excerpt of Zoning Map, January 1, 2003, attached)

A. Existing zoning: R-1-B

1. Single family detached dwellings with certain other non-residential uses
2. Maximum height: 3 stories, 40 feet
3. Minimum lot area: 5,000 square feet
4. Minimum lot width: 50 feet
5. Maximum percentage of lot occupancy: 40%
6. Minimum rear yard: 25 feet
7. Minimum side yard: 8 feet
8. Minimum required parking: 1 space for each dwelling
9. PUD guidelines
 - a) Height: 40 feet
 - b) FAR: 0.4
 - 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**
- B. Proposed zoning: R-5-A ("designed to permit flexibility of design by permitting in a single district ... all types of urban residential development" (§350.1))**
- 1. **Uses:**
 - a) **Single family detached, semi-detached and row dwellings**
 - b) **Two family dwellings (flats)**
 - c) **Multiple dwellings**
 - d) **Conversion of buildings existing prior to 1958 to apartments**
 - e) **Other institutional uses (churches, hospitals, museums, etc.)**
 - 2. **Minimum lot size:**
 - a) **Area: As prescribed by the Board**
 - b) **Width: As prescribed by the Board**
 - 3. **Maximum percentage of lot occupancy: 40%**
 - 4. **Minimum rear yard: 20 feet**
 - 5. **Minimum side yard: 3 inches per foot of height of building, but not less than 8 feet**
 - 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**

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

- 1. **To the north:**
 - a) **R-1-B**
 - b) **C-2-A at the intersection of New Hampshire and Eastern Avenues**
- 2. **To the east: R-1-B and R-2**
- 3. **To the south:**
 - a) **R-1-B and R-2**
 - b) **C-M-1 zoning along the railroad right-of-way**
- 4. **To the west:**
 - a) **R-2 along Sligo Mill Road, 1st Place and Kansas Ave**
 - b) **C-M-1 and C-1 further to the west**

D. Zoning history: property has been zoned R-5-A since 1958

VII. Description of the proposed project

- A. Low density residential development with mix of unit types able to accommodate broad range of income levels suitable for District and neighborhood residents**
- B. Uses: 187 residential units**
 - 1. **27 single family detached houses**
 - 2. **99 rowhouses**

3. 61 condominium apartments in two existing buildings, all 12 units in the smaller building to be reserved as housing for persons aged 55 or over

C. Height:

1. Maximum of less than 30 feet for the single family dwellings (measured from the finished first floor elevation to ceiling of top story)
2. 43.92 feet for the larger existing building
3. 32.83 feet for the smaller existing building

D. Floor area ratio: 0.77

E. Parking:

1. 295 off-street spaces dedicated to individual buildings
2. 83 spaces on private streets within the project
3. Total of 378 spaces

F. Comparison to matter-of-right and PUD standards for R-5-A

1. Use: 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 30 feet for new construction; existing buildings to be converted to apartments are 44 and 33 feet
3. FAR:
 - a) Matter-of-right: 0.9
 - b) PUD guideline: 1.0

c) Proposed: 0.77

4. Proposed total gross floor area of 391,234 square feet is 214,840 square feet less than the effective matter-of-right density in the existing R-1-B district, 63,321 square feet less than the proposed R-5-A matter-of-right permitted density and 113,828 square feet less than the density permitted under PUD standards in the proposed R-5-A

VIII. Compliance with PUD evaluation standards of §2403

- A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)
 1. New residential development 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 Kimley-Horn and Associates, Inc.
 3. Cluster development is efficient use of land to provide for common aggregated open space
 4. Proposed building bulk is less than the matter-of-right under current zoning and less than the matter-of-right or PUD standard for the proposed zoning
- 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) Creation of approximately 391,000 square feet of new housing in variety of units sizes and types

- b) Conversion of two vacant buildings that were most recently used as offices for MedStar Health into multiple dwellings
- c) Affordable housing – 17 units
 - (1) 8 condominium units at 50% to 60% of AMI in the senior building
 - (2) 4 condominium units at 60% to 80% of AMI in the senior building
 - (3) 5 interior rowhouse units at 60% to 80% of AMI, randomly distributed with no more than 1 per group of houses
- d) Substantially lower lot occupancy than permitted as a matter-of-right in both the existing and proposed zoning districts
 - (1) Buildings occupy 27.1% of the entire site (gross area)
 - (2) Subtracting private streets and driveways, buildings occupy 35.6% of remainder (net area)
- e) Provision of 183,644 square feet of green space, including 11 park and garden areas, within the development
 - (1) Great lawn of more than 1/2 acre (23,580 square feet)
 - (2) Park necklace
 - (3) Of total site:
 - (a) 27% is occupied by buildings
 - (b) 24% is private streets and driveways
 - (c) 13% is sidewalks and driveways/parking pads

- (d) 36% is green
 - (4) Tree installation and enhancement of overall canopy
 - (5) Streetscape improvements
2. Community benefits:
- a) Execution of a First Source Employment Agreement
 - b) Execution of a Memorandum of Understanding to utilize LSDBE

balanced against

- E. Development incentives: no increase in height or bulk over existing or proposed matter-of-right density
- F. Areas of flexibility from R-5-A or PUD standards:
 - 1. Groups of buildings as a single building
 - 2. Multiple buildings on a single subdivided record lot
 - 3. Side yard flexibility for 19 zoning lots (out of 57)
 - 4. Rear yard flexibility for 2 zoning lots (out of 57)
 - 5. Lot occupancy for 8 lots out of 57 (overall lot occupancy is 27.1%)

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) **Low density residential**
 - b) **Broader area also 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))**

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 housing on suitably located public or private properties that are vacant, surplus, underutilized or unused" (§302.2(e))**
3. **"Encourage the private sector to meet housing needs through the development of infill housing" (§302.2(f))**

4. "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))
5. "Use Planned Unit Developments ... to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations" (§306.2(i))
6. "Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses" (§1104.1(a))

F. 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))

G. Urban design element:

1. "Promote the protection, enhancement, and enjoyment of the natural environs 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)
2. "Design residential, commercial, and all other buildings to complement or enhance the physical character of the District;" (§708.2(a))
3. 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))

H. Ward 4 element

1. Vision for Ward 4

- a) Few major changes in the overall character of the Ward are envisioned. Ensure that the Ward's many existing qualities are protected and enhanced. (§1500.1)
- b) "Overall, residential communities will be protected from noise, litter, and congestion caused by nonresidential uses." (§1500.2)
- c) "The vision also includes improving housing choices and making more efficient use of existing housing." (§1500.6)

2. Housing

- a) "Provide for the housing needs of low- and moderate-income households..." (§1508.1(a))
- b) "Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives." (§1508.1(c))

3. **Transportation:** "Support the living environment and commerce of the Ward and the District and to support development objectives for expanded businesses, housing and job opportunities for Ward residents." (§1514.1(a))
4. **Urban Design:** "Preserve and enhance the physical qualities and character of Ward 4's neighborhoods through preservation and enhancement of its built and natural environment." (§1520.1(a))
5. **Land Use:** Preserve, protect and stabilize the Ward's residential neighborhoods (§§1528.11(a), 1529.1(a))

X. Compatibility with the area

- A. **Surrounding area is compatible in terms of land use designation and existing development**
- B. **Use:**
 1. **Residential uses replacing non-residential uses**
 2. **All new buildings will be single family uses**
 3. **Site plan designed so that detached single family dwellings will abut or face detached single family dwellings on adjacent and confronting properties**
- C. **Height:** new houses are at a maximum of approximately 30 feet in height, less than what is permitted in the surrounding area and not out-of-scale with existing neighborhood character
- D. **Density:** proposed FAR is less than the bulk permitted now as a matter-of-right
- E. **Site layout ensures compatibility with surrounding uses and enhances the open feel of the development**

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 and is consistent with the surrounding residential zoning**
- 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**



