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Memorandum

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Date: September 18, 2009

To: D.C. Zoning Commission

From: Steven E. Sher 
Director of Zoning and Land Use Services

Re: Effect of the Fort Totten Overlay on the Proposed Art Place and Shops Development

At the public hearing held on July 2, 2009, the Zoning Commission requested an analysis of the impact of the Fort Totten (FT) Overlay on the proposed planned unit development. The application now before the Commission proposes to rezone the property to C-2-B without including the FT Overlay.

The FT Overlay was adopted by the Zoning Commission in 1995 (Case No. 93-11, Order No. 765, effective May 26, 1995). The Overlay was applied to specified properties that at the time were zoned C-1, C-M-1 and M. The FT Overlay now applies only to the portion of the subject site that is now zoned FT/C-3-A (Lots 1 and 2 in Square 3766 and Lot 5 in Square 3767). Those lots comprise a land area of approximately 115,960 square feet (approximately 20% of the total land area) in the northwest corner of the site. The remaining 452,749 square feet (approximately 80% of the total land area) is now zoned R-5-A and is not included in the FT Overlay. The area of the site that is included in the FT Overlay is shown on the site map attached as Exhibit A.

The provisions of the FT Overlay are set forth in §§1561-1564 of the Zoning Regulations. In summary:

- §1561.3 sets out the purposes of the Overlay, to:
 - Encourage a scale of development and a mixture of building and land uses generally required by the Comprehensive Plan;
 - Encourage future residential and commercial development by means of the provisions of the underlying CR and C-3-A Districts while enabling existing industries that provide jobs, tax revenues and critical support functions for development of the District of Columbia to remain in the District; and

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ZONING COMMISSION
ZONING COMMISSION
C/District of Columbia
EX/CASE NO. 00-10D
EXHIBIT NO. 11G

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- Protect surrounding residential areas from the adverse impacts of existing industrial support uses by means of buffering standards.
- §1562 establishes the FT District as an Overlay, mapped in combination with underlying commercial and industrial zones.
- §1563 specifies height, bulk and use provisions, as follows:
 - Existing commercial and industrial uses as of May 26, 1995 are deemed conforming uses (§1563.1);
 - Existing business or industrial uses may expand pursuant to the height, bulk and other area standards of the underlying zone (§1563.2);
 - Standards are set forth that govern the expansion of existing business or industrial uses (§1563.3)
 - The maximum height and FAR of a new building for a new use in the underlying CR District are set at 80 feet inclusive of roof structures and 5.0, respectively (§1563.4) and
 - Buildings in excess of 65 feet in height shall provide special architectural features, roof parapet detailing and design consideration of roof top and penthouse structures to ensure that the views and vistas from the historic Fort Totten fortification are not degraded or obstructed (§1563.5).
- §1564 authorizes the BZA to waive or vary the requirements of the Overlay relating to setback, landscaping and fencing.

That portion of the site which is presently included in the FT Overlay is affected only by the specific regulatory standards of §1563.5. Building C is proposed as an apartment house with a height of 90 feet and an 18 foot, 6 inch roof structure above that height. Because Building C is part of the requested first stage approval only, the architecture and design details of Building C have not been prepared yet. When Building C is submitted as part of an application for final approval, the location of the penthouse will be shown and the parapet and roof detailing will be specified in the plans.

The primary view corridors that the Commission was concerned about were the views from Fort Totten to the two adjacent Civil War fort locations, Fort Slocum to the northwest, at Kansas Avenue and Nicholson Street, and Fort Bunker Hill to the southeast, at 13th and Otis

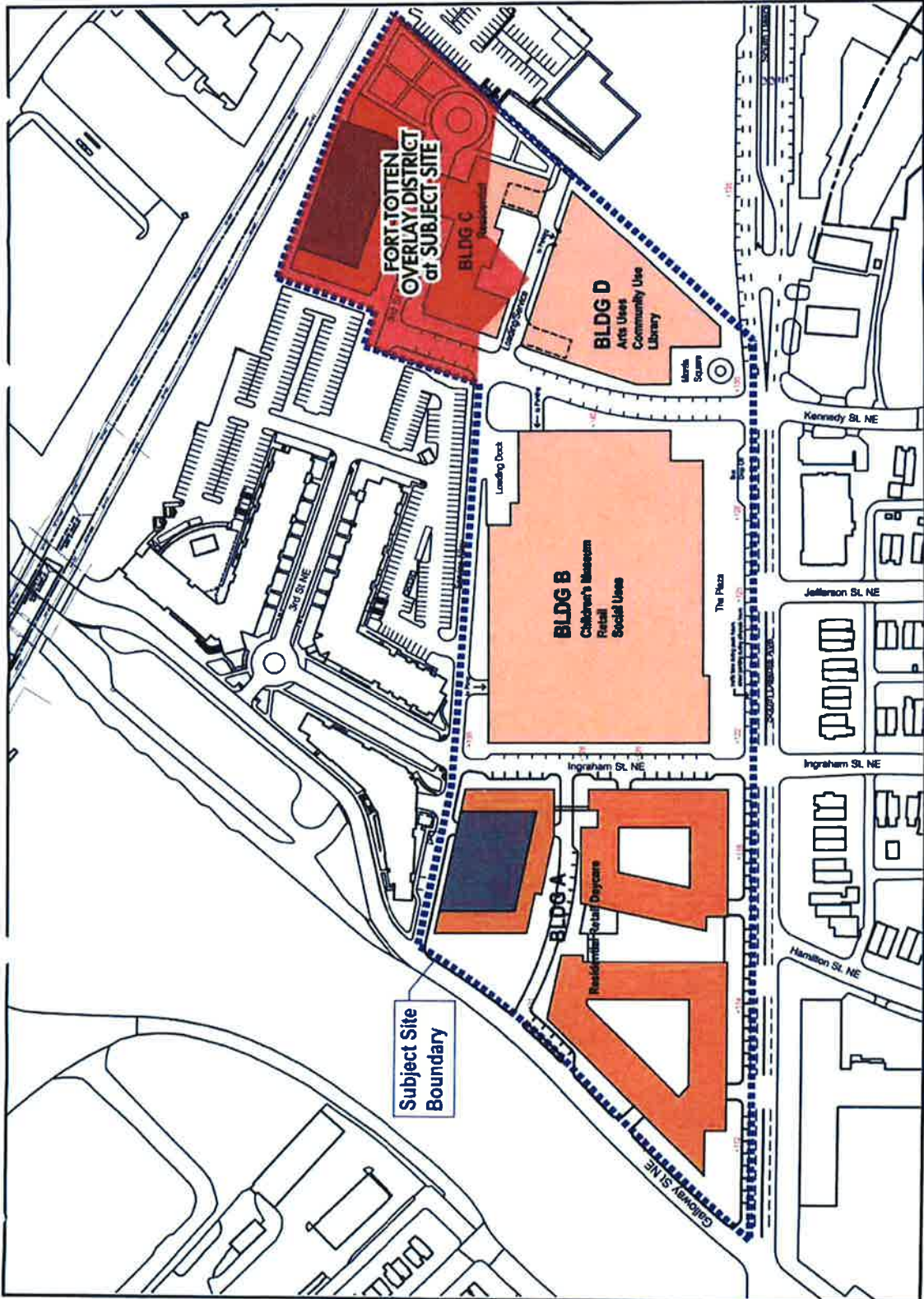
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Streets. Those view corridors are shown on the area plan attached as Exhibit B. No portion of the subject site lies anywhere near those view corridors.

In terms of the impact of a proposed 90 foot high building (Building C) on views from Fort Totten, the top of the hill at Fort Totten is at approximately elevation 311. The top of an 18 foot, 6 inch penthouse on top of a 90 foot building at the location of Building C on the subject site would be at elevation 258, approximately 53 feet lower than the top of the hill. Building C is approximately 2,385 feet from the top of the hill, across streets and the railroad and Metrorail rights-of-way. The section attached as Exhibit C shows the difference in sightlines from the top of the hill between the top of the proposed building and the top of a standard penthouse on a sixty-five foot high building. At the distance involved, there is a negligible difference in how the height of the building appears from the Fort and in what can be seen from the top of the hill both before and after the subject site.. Note that there is substantial treed vegetation in the Fort that effectively blocks all views in the northeast direction (reference the photographs contained in the plans dated June 12, 2009).

Accordingly, it makes no significant difference whether or not the portion of the project that is included in the FT Overlay remains in the Overlay. If the property is rezoned to FT/C-2-B, the only provision of the Overlay that would have any applicability is §1563.5 and the proposed development is consistent with the overall goals of that section, with the details of design of the rooftop to be provided when that building is presented to the Commission for final approval.



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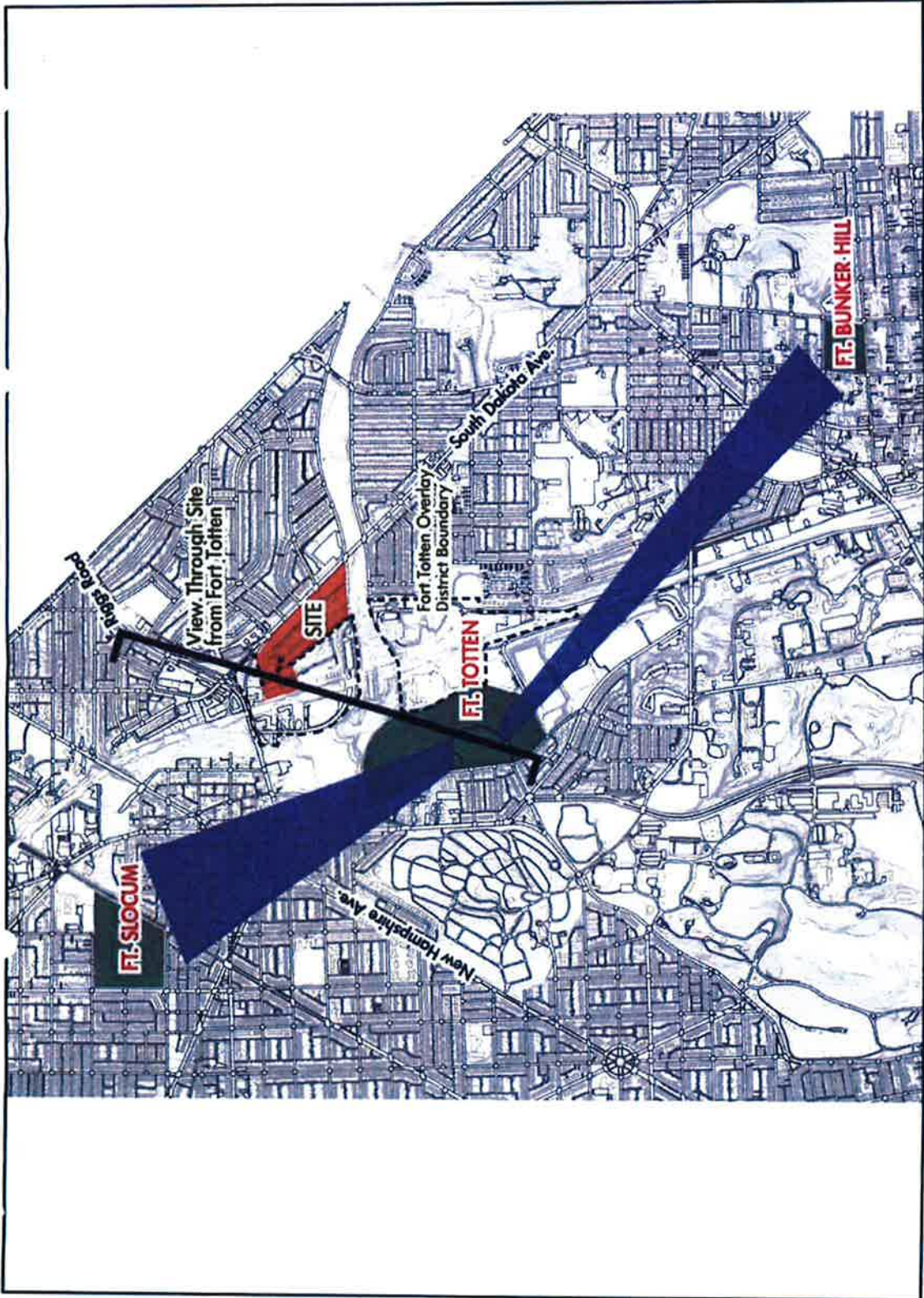
Ehrenkrantz Eckstut & Kuhn Architects

Art Place & Shops at Fort Totten

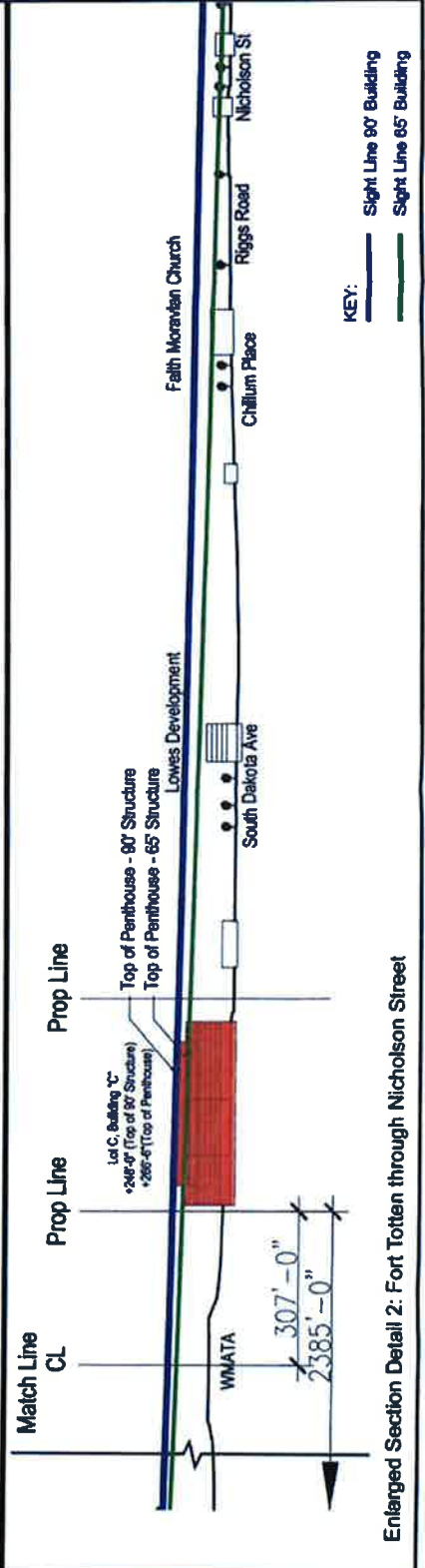
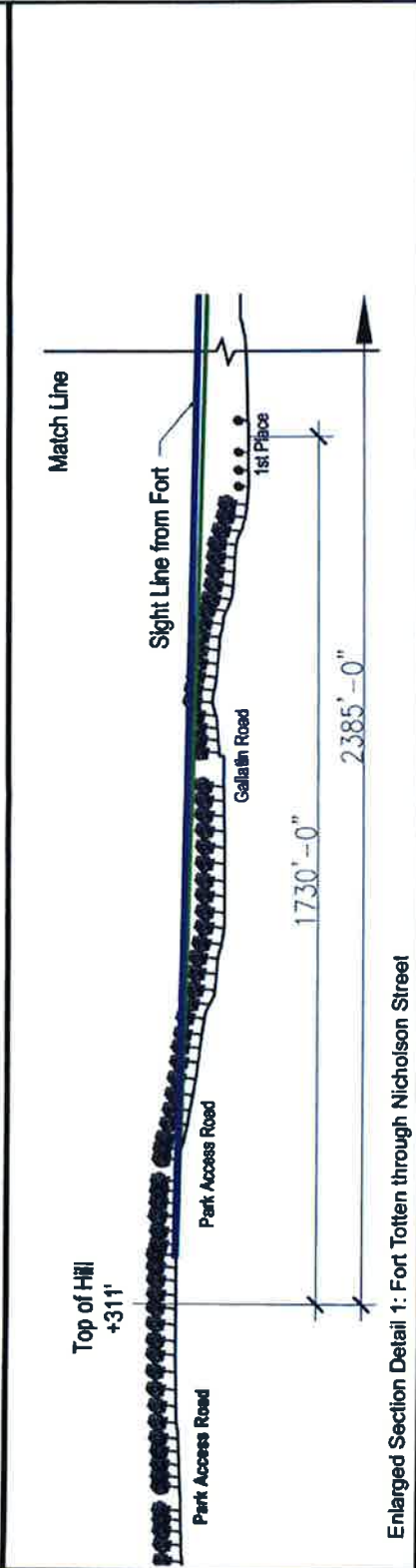
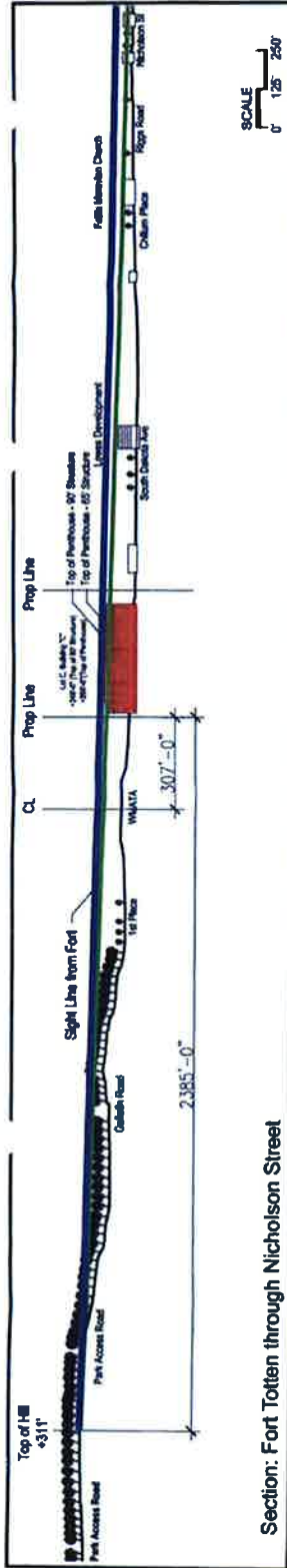
DRAWING TITLE | Ft. Totten Overlay District

SCALE | 0' 80' 100'

DATE | Sept 16, 2008



The Morris & Gwendolyn Cafritz Foundation |  | **Shenbrot, Rubin & Kahn Architects** | **Art Place & Shops at Fort Totten** |  | **DRAWING TITLE** | **Ft. Totten View Corridors** | **SCALE** |  | **DATE** | **Sept 18, 2008**



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Art Place & Shops at Fort Totten | Ft. Totten Section

SCALE: 0' 75' 150' | DATE: Sept 16, 2009