

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING

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Office of the Director

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *HSJ*  
Harriet Tregoning, Director  
**DATE:** April 13, 2007  
**SUBJECT:** ZC 06-45 – Final Report: Highlands Addition

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**SUMMARY RECOMMENDATION**

The Office of Planning recommends approval of the consolidated PUD and PUD-related map amendment from R-5-A to R-5-B to accommodate development of Squares 6123 (Lots 78 and 80), 6125 (Lots 20-25) and 6126 (65-69 and 72), to include 138 units in a combination of flats and single-family row dwellings. Due to a redesign of the site, the number of units was reduced from 142 to 138. Thirty units would be assigned as rental to families earning below 60% of AMI and the remainder (108) will be sold at market rate.

OP recommends approval of the flexibility requested, including a waiver of the requirements from the rear and side yards, the number of buildings on a single lot and the front yard dimensions.

**SITE AND AREA DESCRIPTION**

The currently vacant PUD site of approximately 402,885 square feet or 9.25 acres is located in the Washington Highlands neighborhood. The site has variable topography with grade changes of approximately 80 feet, rising from Valley Avenue to the level of the rest of the neighborhood at its southern end, with an average slope of 12 percent.

Existing housing types in the immediate neighborhood include single-family, duplex, multifamily garden and high-rise apartment buildings. The site is bounded to the north by the public park system known as Oxon Run Parkway. The eastern side of the parcel is bounded by Parkside Terrace Apartments and Draper Elementary School. The southern portion along 8<sup>th</sup> Street is contiguous to privately owned duplex and single family homes. The western edges of the parcel abut single family homes located on Valley Avenue, Foxhall Place and Condon Terrace.

ZONING COMMISSION  
District of Columbia

CASE NO. 06-45  
EXHIBIT NO. 33  
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**PROJECT DESCRIPTION**

The original proposal included construction of 142 residential units on a 9.42 acre parcel to be known as Highlands Addition. The development would consist of single family detached, semi-detached, townhouses and stacked "2-over-2" townhouse dwellings. All units would front on streets and the majority would be rear-loaded from alleys. Townhomes would be clustered in groups with 2 to 5 units. All units except rental units will have at least a one-car garage and most garages are integrated into the units. The original proposal represented four building types of single-family semi-detached rowhouses, triplex stacked flats and one single family home for a total of 130 buildings and five unit types, varying from 2-bedroom units up to 4- bedroom units.

**Commission's Concerns**

At the January 8, 2007 Zoning Commission meeting, the Commission requested:

- Further explanation about the site's stormwater management;
- Improvement of the site's retaining walls as they relate to the topography;
- Increase of the rear yard' areas; and
- Reconfiguration of the buildings at the most southern portion of the site (Lots 1,2, and 3);

The site has since been slightly modified to accommodate reconfigured retaining walls and a refinement of the street and alley system in a more typical block section. Some alley connections were eliminated to mitigate the severe slopes. As a result, rear yard dimensions are more typical and minimum yard sizes were increased as suggested. The revised site plan is exhibited on S1 of the latest plans (April 6, 2007) and includes a reduction in the number of units from 142 to 138 units.

**PREVIOUS SUBMISSION**

Unit Type	Count
2-bedroom accessible flat	2
2-bedroom rowhouse	24
3-bedroom accessible flat	4
3-bedroom rowhouse	75
4-bedroom rowhouse	37
<b>Total Units</b>	<b>142</b>

**CURRENT SUBMISSION**

Unit Type	Count
2-bedroom accessible flat	2
2-bedroom rowhouse	24
3-bedroom accessible flat	4
3-bedroom rowhouse	70
4-bedroom rowhouse	38
<b>Total Units</b>	<b>138</b>

**DEVELOPMENT DATA**

Section	Item	Restriction (R5B PUD)	Proposed
400	Building Height	60 feet	40 – 43' for townhs; 54' for 2-over-2's
n/a	Site Area	n/a	9.5 acres (1,000,573.2 sf)
401	Lot Area	n/a	1,260 – 5,922 sf
401	Lot Width	n/a	18' – 59'
402	FAR (net of streets and alleys)	3.0 (R-5-B PUD)	1.1
403	Lot Occupancy (aggregate)	60%	32% (99,386 sf)
404	Rear Yard	15' min.	9.68' min. (Bldgs. 17,18,19,21)
405	Side Yard	8' min.	3.66' – 7.37' min. (various bldgs.)
2516.5(b)	Front Yard	15' (townhomes) 18' (2-over-2s)	No information

The data has been revised to reflect the changes in the FAR, the lot occupancy, as well as the side and rear yard dimensions.

The applicant's pre-hearing supplemental submission addressed the questions with reference to:

- The site plan,
- The exterior materials, including a breakdown of the percentages of material use throughout the project,
- Relationship between the grades and architecture,
- Fencing and trash collection and
- Storm water control.

These items are discussed in relevant areas of the following discussion, including the urban design and environmental protection elements.

### **CONSISTENCY WITH THE PUD EVALUATION STANDARDS OF § 2400**

#### **PURPOSE OF A PLANNED UNIT DEVELOPMENT**

The PUD process is “designed to encourage high quality developments that provide public benefits.” The flexibility of this process accommodates a development that provides amenities to the surrounding neighborhood.

The application exceeds the minimum site area of Section 2401.1(c) required of a PUD, and the standards require that the “impact of the project on the surrounding area and upon the operations of city services and facilities shall not 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” (§2403.3). OP believes that the project is consistent with the objectives and evaluation standards of a Planned Unit Development, as defined in 11 DCMR Section 2400 and will have an overall positive impact on the neighborhood and the District.

#### **A. RELATIONSHIP TO THE COMPREHENSIVE PLAN**

The proposal would further the following Major Themes of the existing Comprehensive Plan, as outlined and detailed in **the General Provisions Element**, as well as the *draft* Future Comprehensive Plan and Land Use Map (2006):

- (a) *Stabilizing and improving the District's neighborhoods* – The proposed development will fill in a large vacant parcel and help stabilize the neighborhood. The new community will increase the range of housing options within the Highland Neighborhood.
- (i) *Promoting enhanced public safety* – By creating a family-oriented neighborhood with homes with public street frontage, the development will promote an active streetscape to prevent the recurrence of crime that once plagued these neighborhoods that were previously developed with apartments.

- (j) *Providing for diversity and overall social responsibilities* – The new development will increase the range of housing options within the neighborhood for a variety of income levels.

### **Housing Element**

The application meets the Housing policy guidance of the Comprehensive Plan by helping to create housing options for all income levels in all areas of the city. The Washington Highlands neighborhood includes a significant number of existing below-market-rate garden apartments and some rowhouses. The addition of market-rate townhomes will increase residential ownership options.

The *draft* Comprehensive Plan and Land Use Map (awaiting NCPC and Congressional reviews), designates the Washington Highlands Neighborhood within the Far Southeast/Southwest Planning Area. Planning and Development Priorities include more housing suitable for families and young homeowners (1907.2(c)) in this sector, and includes addressing the low rate of homeownership by providing more owner occupied housing in new construction, as well as encouraging the construction of single family homes (Policy FSS 1.1.12). This development also meets the policy direction for the Bellevue/Washington Highlands (FSS-2.6.3) as it seeks to replace existing housing patterns with mixed-income housing (FSS-1.1.4)

### **Environmental Protection Element**

The application meets environmental policy guidance for minimizing impacts to water and air quality and including a significant amount of tree coverage on site as shown by the proposed landscaping for the site. During construction the water quality will be protected through the use of silt fence and other methods to reduce particulate pollution to the nearby Oxon Run.

The storm water control plans would use natural retention methods as well as traditional connections to existing underground sewers. Stormwater management quality control will be met by utilizing the quality control catch basins for treating run-off from public streets, and private lots will have dry wells to treat run-off. This approach is most effective on sites with variable grade terrain. Large central facilities pose a potential flooding problem for downstream property owners in case of failure and continuous maintenance and cross-drainage easements from individual property owners would also be required. Thus, this system of localized drywells would avoid greater maintenance and easements issues, while addressing the storm water quality control requirement on a lot by lot basis. This is a feature of low-impact development and is supported by the *draft* Comprehensive Plan's promotion of environmental sustainability, E-3.1

OP understands that the applicant's engineers worked with the Watershed Protection Division of the D.C. Department of Health ("DOH") and the D.C. Water and Sewer Authority ("WASA") in developing this approach.

The use of retaining walls are proposed to reduce erosion hazards is also supported in the *draft* Comprehensive Plan's Environmental Protection Element under Policy E-1.3.1. OP is satisfied that the applicant has redesigned this system throughout the site to improve the visual appearance of the walls with lower heights and appropriate materials and notes that the Department of the

Environment will review the engineering through the building permit process prior to permit issuance.

The walls have been classified into three categories as garden walls, brick screening walls and retaining walls, with garden walls at the street frontages of the homes and retaining walls predominantly at the rear. Brick screen walls are primarily located in the side yard areas of some residences. This rendition is an improvement to the original submission which included larger retaining wall structures in unfavorable locations throughout the site. The garden walls better reflect the changing grade levels of the site, which are similar in some elevated District row house neighborhoods including Bloomingdale and Brookland.

OP encourages the applicant to use permeable materials for driveways and walkways and other paved surfaces throughout the site to minimize run-off from the development.

### **Transportation Element**

The site plan reintegrates the neighborhood with the abutting development with new street extensions as dedicated public streets. 2.68 acres of the 9.25 acre site would be dedicated to public streets and alleys. A comprehensive sidewalk system internal and external to the development will enable pedestrian access to nearby recreation uses. The applicant has worked with DDOT throughout the project's site development with respect to integrating the site's development along the severe slopes. The extensions would provide connectivity and improved traffic circulation throughout abutting neighborhoods, including Condon Terrace to 9<sup>th</sup> Street. The redesign, including the system of smaller retaining walls throughout the site enables an improved alignment of the alleys and streets than initially submitted.

Up to 186 off-street parking spaces would be provided, reducing the necessity to park on existing neighborhood streets. 121 on-street spaces would be available for guest parking. Public transportation is available at the Congress Heights Metrorail station located within 1.5 miles from the site. OP believes that the proximity to the metrorail system, as well as the well-traveled metrobus routes within the site's proximity would provide future residents varied transportation options to reduce dependence on vehicle use, particularly during the work week. Sheet E2 of the submission shows the transportation options within a 10 minute and 20 minute walk/radius from the development.

### **Urban Design**

The proposed development supports the Urban Design objective to assist areas in need of new or improved character. The urban design emphasizes interconnectivity, by creating pedestrian-friendly streets to promote a pedestrian-friendly neighborhood, with access to neighborhood parks and recreation facilities, and decreased dependence on the automobile. The site plan responds to the topography in terms of the variation in the homes' designs throughout the project with building heights ranging between 25.8 feet for two-story row structures to 55 feet for the three and a half story row structures. Homes dedicated as rental units would be architecturally indistinguishable from market-rate. The submitted statements indicates that all of the rental buildings would be composed of 50% brick and 50% cementitious fiber board siding, similar to

market rate units. The facades include Victorian and Colonial style elements with a mix of porches, stoops and bay windows for variety in the streetscape. Renderings show block sections depicting the building materials as well as the relationship between the grades and the architecture.

Parking provided will exceed the one to one requirement of the Zoning Regulations. Garages have been included in most designs except those dedicated as rental units which would have parking on off-street pads. Off-street parking would be placed under the row homes with additional parking possible in the driveways. 121 curbside parallel parking spaces would be available on public streets. In the previous design, the maximum allowable slope for alleys precluded rear-loaded parking. The adjustments made to the plan and the improved retaining wall system allowed for some street realignment and more off-street parking availability.

The majority of homes would have rear yards ranging between 15 feet to 72 feet in depth. As planned, six homes do not comply with the 15-foot minimum required rear yard depth. However, these yards range between 7 to 12 feet and would still provide air and privacy to abutting neighbors. The rear yard variations are due to the site planning conflicts of designing on the slopes while trying to create pedestrian walkways throughout the neighborhood.

Black metal 36-inch- high fencing will be included to establish boundaries and prevent cut-through between buildings. Retaining walls 30" or higher would also include guardrails of similar material and pattern.

The homes have been designed to promote comfort through efficient heating and cooling with the use of energy-efficient appliances and fixtures, water-saving plumbing fixtures. Homes will also promote good indoor air quality by using low-toxic, solvent-free, low-VOC paints, primers, adhesives and sealants.

The Urban Design Element of the *draft* Comp Plan also recognizes that infill development regardless of neighborhood identity should maintain the scale, height and density, with use of high quality materials that are durable in texture and details. (UD-2.2)

### **Land Use Element**

The proposal is not inconsistent with the major policies and objectives of the Comprehensive Plan's Land Use Element. The proposed new neighborhood will have adequate access to nearby recreational opportunities. The development will enhance the stability of the Washington Highlands neighborhood and provide additional housing for the District in an area designated as a Housing Opportunity Area in the existing Comprehensive Plan.

### **Ward 8 Plan**

The proposed development helps achieve the vision for Ward 8, as established in the existing Ward 8 Plan, as well as the recently Council-enacted *draft* Comprehensive Plan and Future Land Use Map. The development will help to stabilize the neighborhood and create an attractive place for new residents. The existing Ward Plan includes a number of specific objectives that are relevant to this application, including those related to Housing, Environmental Protection, and Urban Design as previously discussed. This application will further these objectives. The

project will include assistance for first-time home buyers through the HPAP Assistance Program, vouchers for low-income renters and tax credits for households in the 60% AMI range. The DD Housing Authority (DCHA) has reserved some of the units as priority rental to tenants earning less than 30% of AMI.

#### **B. COMPREHENSIVE PLAN GENERALIZED LAND USE MAP AND LAND USE POLICIES MAP**

The existing and future Comprehensive Plan and Land Use Map construct a guiding framework to guide public and private land use and zoning decisions. The Future Land Use Map recommends the subject site for moderate density residential which applies to areas characterized by a mix of single-family homes, 2-4 unit buildings, row houses and low rise garden apartments. Section 1100.11 of the existing Comprehensive Plan notes that "...the Land Use Element does not identify or fix every use, height, and density on every block in the District." The proposed R-5-B PUD designation for the subject site, therefore, may also include a townhouse development and the proposal is not inconsistent with the existing or future Land Use Map. As designed, the proposed density (aggregate of 1.1 FAR) is within the R-5-B matter-of-right density of 1.8 FAR.

The Washington Highlands neighborhood is also designated on the existing Generalized Land Use Policies Map as a Housing Opportunity Area, where the District encourages a significant amount of new housing or rehabilitated housing, and a Development Opportunity Area, designated to accommodate the District's major growth and development needs. The proposed development is consistent with these designations.

#### **C. PROJECT'S SUPPORT OF SMART GROWTH PRINCIPLES**

OP is satisfied that this project achieves many aspects of smart growth principles including:

- Creation of a range of housing opportunities and choices for a range of income levels.
- Compact building design of up to 32% lot occupancy, avoids a more land consumptive development with excessive surface parking lots, typical of residential developments in some of the R-5 Districts.
- Use of vacant infill property to utilize existing infrastructure and preserve irreplaceable natural resources on the urban fringes of the Metro Area.
- Community collaboration. This project has involved the community's input for a period of two years and the applicant has ensured that the First Source Agreement with the District has been executed and is effective January, 2007.

#### **ZONING**

The subject site is zoned R-5-A, which permits "low density apartment houses" and townhouses. The uses are also permitted in the proposed R-5-B District. In order to develop as proposed, relief from the side and rear yard requirements and for multiple buildings on a single lot as required by §§ 404, 405 and 2516.1 are necessary. The Office of Planning also believes that front-yard relief is required pursuant to 2516.5(b). The Commission may grant these requests through the PUD.

### Yards

While relief from the side and rear yard requirements is needed, OP also believes relief is required from §2516.5(b), which specifies dimensional requirements for front yards. The requested relief is summarized below.

Item	Requirement	Proposed
Rear Yards (§404)	15' for townhomes 18' for 2-over-2s	Minimum of 9 feet
Side Yards (§ 405)	8' for townhomes 13.50' for 2-over-2s	Minimum of 3 feet
Front Yards (§ 2516.5(b))	15' for townhomes 18' for 2-over-2s	No information provided.

The Zoning Sheet (S3) provided indicates that there are 24 lots where the minimum side yard setback is not met, including one lot at 3.66 feet, and the remainder no less than 5 feet. In addition, up to five (5) homes do not meet the rear yard requirement of at least 15 feet (Lots 18, 19, 21A, 21B and 35A). The Office of Planning has no objections to granting relief as necessary, including relief from Section 2516, if all the provisions including the front yard setbacks are not met. Relief would enable flexibility in design on a site with variable grades and would ultimately provide the public benefit of a new mixed-income development in a revitalizing neighborhood.

### Multiple Buildings on a Single Lot

Any new record lot must have frontage on a public road in conformance with §401.6 and plans show that this condition has been satisfied. While home-owner units will have separate fee-simple lots, lots between rental units will not be sub-divided, as they would be owned by an affordable housing partnership sponsored by the applicant. These lots are shown as Lots 1,2,3, 17,18,19,20, 32,33, and 34 on Sheet S1 of the plans. Relief pursuant to §2516.1 is therefore required to allow two or more principal buildings or structures on a single lot. The Office of Planning has no objections to granting relief under §2516.1 as the proposed development generally complies with the substantive provisions of the title and would not have an adverse effect on the present character and future development of the neighborhood (§ 2516.9).

### PUBLIC BENEFITS AND AMENITIES

§§ 2403.5 through 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. To assist in the evaluation, the applicant is required to “show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...” (§2403.12).

An amenity package’s evaluation is based on an assessment of the additional development gained through the application process. In this instance, although the applicant is seeking relief from yard requirements, and seeks to construct more than one building on a single record lot, the scale of the development is only slightly more than what could be built as a matter of right in the



existing R-5-A and will be below the requested R-5-B. The R-5-B District allows matter-of-right development up to a 1.8 FAR, whereas the applicant is proposing a net FAR (net of streets and alleys) for the entire site of 1.1. In addition, R-5-B PUD standards permit an FAR of up to 3.0 and 1.0 FAR for development within the R-5-A PUD standards. Therefore, the proposal does not substantially increase the FAR beyond that permitted within the matter-of-right standards of the underlying R-5-A District.

Benefits of this proposal includes:

- Contribution to the housing revitalization of the District's southeast quadrant.
- The dedication and construction of public streets and alleys are of significant public benefit.
- Tree-lined public streets with streetlights and consistent landscaping throughout the entire development.
- The integration of low-income units in the development, as well as the provision of ADA accessible homes.
- Diversity due to the affordability mix of the units. As a mixed-income community, the affordable rental units of 30 townhouses (21% of the total) will be reserved for rental to low income families.

<b><u>Building Type/Number</u></b>	<b><u>Tenure</u></b>	<b><u>Affordability</u></b>
26 two bedroom units	Rental	Below 60% AMI
4 three bedroom units	Rental	Below 60% AMI
70 three bedroom units	Sale	Market
38 four bedroom units	Sale	Market

- The proposed stormwater controls including natural retention methods of localized dry wells, enhance the water quality control efforts of the District, while also being a feature of low-impact design.
- The applicant has executed a First Source Agreement with the Department of Employment Services to secure construction jobs for District residents during construction of the project.

The applicant is continuing discussions with community representatives to provide some amenity including support to neighborhood services existing in the community.

#### **AGENCY COMMENTS**

The Office of Planning referred the proposal to the:

- Department of Housing and Community Development (DHCD);
- Department of Transportation (DDOT);
- DC Water and Sewer Authority (WASA); and
- Fire and Emergency Medical Services Department (FEMS)

WASA's report is attached to this submission. While OP understands that the applicant has worked diligently with DDOT concerning the street and alley designs, OP has no written comments from DDOT regarding the traffic impacts of this project to date. DDOT's report will be submitted under separate cover.

## **RECOMMENDATION**

The Office of Planning recommends approval of this proposed development for the Washington Highlands neighborhood. The proposal is consistent with goals and objectives of the Comprehensive Plan by stabilizing the neighborhood and by increasing the range of housing options in the District. Although some zoning relief is sought through the PUD process, the proposal is largely consistent with zoning requirements. The development will include public streets and alleys with some open space which would also be dedicated to the District. OP is satisfied that the redesign of the retaining wall system enabled improvement to the grade providing for an improved street and alley alignment. This also allowed for an improved relationship among the grade, architecture and streetscape.

OP supports continued cooperation and communication with the community of its planning activities which has been ongoing for a period of over two years, involving members of the Advisory Neighborhood Commission, as well as the Ward 8 Councilmember.

## **ATTACHMENTS**

1. Aerial Photo
2. WASA Report (Submitted via email to OP 3/26/2007)

**ATTACHMENT 1  
AERIAL PHOTO**



**ATTACHMENT 2**

(SUBMITTED VIA EMAIL 03/26/2007)

**TRANSMITTAL**

TO: Karen Thomas  
Development Review Specialist  
DC Office of Planning

FROM: Rizwan Elahi, Engineer III  
Planning & Design Branch  
DC Water and Sewer Authority

SUBJECT: Zoning Commission Case 06-45  
Planned Unit Development (PUD)

DCWASA reviewed the zoning application for this project as transmitted by the DC Office of Planning dated February 12, 2007. DC WASA comments are as follows:

**Water Requirements:** The proposed development area is part of Anacostia First High pressure zone. The customers at high elevation areas of this pressure zone have experienced low pressures. To relieve the inadequacy of pressures, DCWASA has developed plans to boost pressures by constructing a new elevated storage facility in this pressure zone. The anticipated completion date for this storage facility is year 2010.

The applicant is required to submit results from a fire flow test in the 8-inch water main in 8th Street, SE in order for DCWASA to determine the ability of the water distribution system to provide adequate fire flows for the proposed development. If the engineering evaluation indicates that the water mains in the street are hydraulically inadequate to serve this site, DCWASA will advise the applicant regarding the improvements needed in the water system to relieve the deficiency. All units connected at or above elevation 120 feet will be required to install booster pumps to maintain adequate pressures.

**Sewer Requirements:** This area is part of the separate sanitary sewer system. The capacity of the sanitary sewers in this area is adequate to handle the expected sanitary flows for the proposed development.

**Storm Sewer Requirements:** This area is part of the separate storm sewer system. The capacity of the storm sewers in this area is adequate to handle the expected storm flows for the proposed development. The applicant's engineer must design a storm water detention structure to ensure the 15-year post condition storm water peak discharge is less than or equal to the pre-development conditions. DCWASA will review the project plans that the applicant submits for a public space permit.

**Assessment:** The proposed development plans show that some changes will be made in the layout of existing utilities in the roads within the proposed development. The

applicant is required to submit plans for the relocation of water, sanitary, and storm water facilities for the proposed abandoning of existing facilities. All water and sewer facilities will be part of the public water and sewer system. Please be aware that water, sewer, and storm sewer infrastructure will not be allowed to be built in alleys. The DCWASA will review the proposed facilities in terms of sizing and layout and will issue a water and sewer availability certificate and recommend the issuance of a building permit if the final project plans meet DCWASA requirements.