



MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JS* Jennifer Steingasser, Deputy Director
Development Review and Historic Preservation

DATE: July 20, 2015

SUBJECT: ZC #15-04 - Final Report - Consolidated PUD and Related Map Amendment by Comstock LLC, (Square 3788 Lot 814)

I. SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the Zoning Commission Case #15-04, a Consolidated PUD and related map amendment application to permit the “Totten Mews” townhouse development in Square 3788, Lot 814, proposed by the applicant, Comstock Sixth Street LLC, including:

- Development of 40 townhouse units and 17 on-site surface spaces;
- The related map amendment from C-M-1 and R-2 District to the R-4 District;
- A net density of FAR 0.57 (excluding private driveways), lot occupancy of 31% and buildings 40 feet in height;
- 4 IZ units, 2 at 50% AMI, 2 at 80% AMI and 1 affordable non-IZ unit at 80% AMI; and
- Flexibility from the provision of § 2516.6 (a).

OP requests the applicant clarify whether additional flexibility would be required under Section 2516.

The proposed PUD and related map amendment would be not inconsistent with the maps and written elements of the Comprehensive Plan and the Fort Totten Overlay.

II. COMMISSION CONCERNS

The Commission discussed concerns about the site's design and operation at its regularly held meeting on April 13, 2015. The applicant subsequently submitted its prehearing statement, Exhibit 16, Page 3-6, which includes tabulated comments and related actions taken to address those concerns. These items are elaborated in relevant sections of this report. Briefly, the applicant was requested to provide:

- Additional drawings and views of how the development fits into the neighborhood context;
- Additional information on the sustainability and energy efficiencies of the project;
- Additional information on the site's topography and on-site water management;
- Provision of a transportation plan and circulation pattern for vehicles and pedestrians;
- Input from DC Police and Fire and Emergency Management on access to the PUD site.

III. APPLICATION-IN-BRIEF

Ward/ANC: Ward 5, ANC 5A

Location: The site is located at the end of a portion of 6th Street NE, just east of the rail and metro red lines, in the North Michigan Park neighborhood of Ward 5. South Dakota Avenue is a few blocks to the east.

Property Size: 182,600 square feet (4.2 acres)

Area Description: Surrounding development consists of the Emerson Park Townhouse PUD (Z.C. 04-11) to the north; a series of existing semi-detached one-family two-story dwellings fronting 6th Place, N.E., to the south; a series of recently developed lots with semi-detached two-story dwellings fronting 7th Street to the east; and the Capital Area Food Bank property to the west.

Applicant/Owner: Comstock Sixth Street LLC (the applicant and contract purchaser from the Thos. Somerville Co., owner of the site.)

Current Zoning: Split-zoned: FT/C-M-1 and R-2: Fort Totten Overlay, Commercial-Light Manufacturing District (west portion) and Low Density Residential (east portion).

Existing Development: The site is currently partially paved over by a large concrete slab, and an abandoned railroad siding track. Trees, and a wooded area with and significant grade changes surround the northern and eastern boundaries.

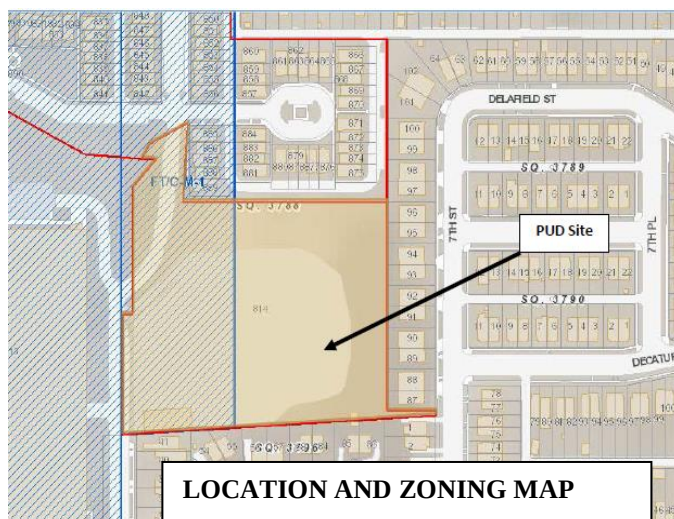
Proposal: Develop 40 townhouse units on the vacant 4.2 acre parcel. (*See Project Description*)

Relief and Zoning: Pursuant to 11 DCMR Chapter 24, the project would require approval for:

- A related map amendment to the R-4 District; and
- Multiple buildings on a single record lot, pursuant to § 2516.1, with development flexibility from §§2516.5 (b), 2516.6(a) 2516.6 (b).*
- Other areas of flexibility related to design, discussed subsequently.

*Effective June 26, 2015 the matter-of-right height for R-4 buildings were reduced from forty feet (40 ft.) to thirty-five feet (35 ft.), *except that a height of forty feet (40 ft.) is permitted for new construction of three (3) or more immediately adjoining residential row dwellings built concurrently on separate record lots.* (§ 400.1) Therefore, no flexibility is necessary from this requirement, as all new row dwellings would be built concurrently at a maximum height of 40 feet, on separate record lots.

IV. SITE DESCRIPTION



The irregularly-shaped 4.2 acre site is currently occupied by a large concrete slab, an abandoned railroad siding track and a metal building. The Property fronts on 6th Street NE and is land-locked, bounded by private property to the north, south and east. Therefore it does not have alley access. The topography includes a 30 feet difference in elevation at the east property line with to the leveled area where the proposed homes would be located. The change in elevation is obstructed from view with the existing wooded area, which would be retained (Site Sections, Pg. C-07). There are two

curb cuts to access the site from the private road, 6th Street NE, at the front of the site. The site is within a 20 minute walk to the Fort Totten Metro Station to the northwest.

A portion approximately 180 feet wide on the west side of this property is within a C-M-1 zone district and within the FT overlay. The remainder of the site and surrounding properties to the north, east and south are in the R-2 zone district. Buildings and land immediately west across 6th Street are in a General Industry (M-1) zone district.

V. PROJECT DESCRIPTION

The 40 townhouse homes would be distributed among six building strings. Townhomes would primarily be clustered in four buildings of 7 units, one with 10 units and a smaller building with two units (Exhibit 6A2, Sheet C-02). Thirty-eight units would front on a landscaped mews, while two side entry units would front on 6th Street, NE. (Exhibit 6A1, Sheet A10). Two unit types, each with three bedrooms, are proposed. One unit type would front on the private street and mews areas and the second would have a side entry, as those would face the 6th Street frontage. Facades and sides would be primarily cementitious siding and brick veneer trims. All units would have an integrated one-car garage, with carriage style garage doors accessed through the rear. Proposed eighteen-foot long driveways to the garage would provide another vehicle parking space, without intrusion onto the private drive.

The U-shaped, two-way private drive with a 20-foot clear travel way would provide ingress and egress to the homes. Parallel parking would be included for visitors with 6 spaces along the 6th Street frontage, (*which is a private street, within the lot's west boundary line.*) and 11 spaces at the eastern edge of the site, along both sides of the private driveway. The site circulation plan (Exhibit 6A2 Sheet C-03) presents a well-defined pedestrian connectivity for future residents, including a ten-foot wide, lit and paved pedestrian path at the northwest corner of the lot. Three, 5-foot wide sidewalks would extend along the homes frontage, two with access from 6th Street, with a north/south sidewalk connecting townhomes to the north (Lots 29 through 40). Improved access to Metro would be provided within the site to facilitate pedestrian and bicycle users (Exhibit 6 A2, Sheets L-01, 02, 03). The private drive and the surface parking for 17 parking spaces would belong to the homeowners association, who would be responsible for maintenance of all roads and utilities.



Other features include a proposed playground and open space, abutting the wooded area to the north and two seating areas, one at the entrance to the mews and to the far east of the site. The existing wooded area within the steepest topography of three-quarters of the site's perimeter, including to the north and east would be maintained to function as a

buffer between the Emerson Park residents and the new development (Exhibit 6A2- SheetC-07). Typical development lots would be 18 feet wide, with areas of 1,800 square feet or 1,867 square feet. Additional data parameters for the development within the proposed R-4 District are provided in Exhibit 6A2- Sheet C-01 and are highlighted in the following section.

VI. ZONING

The C-M-1 Commercial-Light Manufacturing District is intended to permit light manufacturing activities including warehousing, office and automotive usage at a low intensity level. It does not permit residential use or mixed use development with a residential component.

Residential developments, including semi-detached residential structures are permitted in the R-2 District, with a minimum area of 3,000 square feet, and minimum lot width of 30 feet. The R-4 District permits row dwellings on lots with a minimum lot area of 1,800 square feet and minimum lot width of 18 feet.

The Fort Totten Overlay District “... is established to allow existing industrial businesses to remain and expand and to propose land use control policies to further implement the Comprehensive Plan.” The land is vacant, so no existing industrial use would be displaced with this development. The vacant parcel also abuts Emerson Park, an approved residential PUD development (ZC 04-11), which is also within the overlay. The map amendment proposal to the R-4 District would further implement the Comprehensive Plan as anticipated by the Overlay, and discussed herein. The following table compares the existing matter-of-right development capacity of the C-M-1 and R-2 Districts with the requested R-4 District regulations:

Section	Standard	C-M-1 M-O-R*	R-2 M-O-R*	R-4 PUD	Proposal	Flexibility
N/A	Uses	Industrial, commercial	Residential	Residential	Residential	None required
400	Height feet/stories	40 ft./3-stories	40 ft.	40 ft.	40 ft., 3 stories	None required
402	FAR W/private street W/out private streets	3.0 (218,796 sf.) -	1.2 (effective) (131,602 sf.) -	1.8 (effective) (328,680 sf.) -	0.49 0.57 (104,082sf)	None required
403	Lot Occupancy % W/private street W/out private streets	Not specified	40%	60%	17% 20%	None required
404	Rear Yard		20 ft.	20 ft.	18 ft. effective, portion of the 20 ft. private drive included in rear yard. (Ex. 6A2, Sheet C-04)	Requested
405	Side Yard (if provided)		8 ft. min	8 ft. min.	None provided	None required
2101	Parking		1/du	1/du	57 spaces	None required
2516.5 (b) 2516.6 (a) & (b)	Theoretical lot		Open space-front Ingress/egress not to be included in land area or yard.	Open space-front Ingress/egress not to be included in land area or yard	Not equal to rear yard 2-ft portion of 20 ft. private drive included in rear yard measurement.	Required Requested

Table 1 *Based on the portion of the site that is C-M-1 (72,932 sf) and the portion that is R-2 (109,668 sf).

FLEXIBILITY

Map Amendment

With respect to the requested map amendment, the Comprehensive Plan establishes a preference to convert the unused industrial land for residential purposes, and the Fort Totten Overlay also anticipates land use policies to implement the Plan. The proposed row house development would be characteristic of the surrounding neighborhood development in its scale and massing. Therefore, the proposed rezoning from the C-M-1 and R-2 Districts to the R-4 District would be not inconsistent with the Comprehensive Plan, particularly when read in conjunction with the policies from the Plan, as referenced above.

Section 2516

The Commission, through the PUD process, may grant approval that would otherwise require special exception approval to allow two or more principal buildings or structures on a single lot. The site's topography limits the buildable area of the lot, and the following provisions would not be satisfied, including, the requirements for rear yards conditioned under §§ 2516.5 (b) and 2516.6 (a) and (b) as indicated in the table above. The review is provided as follows:

2516.4 The number of principal buildings permitted by this section shall not be limited; provided, that the applicant for a permit to build submits satisfactory evidence that all the requirements of this chapter (such as use, height, bulk, open spaces around each building, and limitations on structures on alley lots pursuant to § 2507), and §§ 3202.2 and 3202.3 are met.

Up to 7 buildings are proposed on the large lot. The use, height and bulk would be satisfied for the requested R-4 District. Side yard are not required in the R-4 District and alley lots are not proposed.

2516.5 If a principal building has no street frontage, as determined by dividing the subdivided lot into theoretical building sites for each principal building, the following provisions shall apply:

(a) The front of the building shall be the side upon which the principal entrance is located;

The site plans indicate that the principal entrance to the homes would be located to the front of the buildings.

(b) Open space in front of the entrance shall be required that is equivalent either to the required rear yard in the zone district in which the building is located or to the distance between the building restriction line recorded on the records of the Surveyor of the District of Columbia for the subdivided lot and the public space upon which the subdivided lot fronts, whichever is greater;

The open spaces in the front of the entrance are not dimensioned but it would not seem equivalent to the 18-foot rear yards that would be provided. A landscaped frontage of 8 ft. would be shared as a mews among Lots 01 through 28, but it is not included in the individual lot measurement. A 5-ft wide sidewalk would be located at the front of the homes, on either side of the mews and it is inclusive of the open space to the front of the home (Exhibit 6A1, Sheet C-02). The applicant should provide this information and state whether flexibility would be required prior to proposed action.

OP would not oppose flexibility from this requirement but the information is required.

- (c) *A rear yard shall be required;*

An 18-foot rear yard would be provided when the 20-foot private drive encroaches in to the required area.

- (d) *If any part of the boundary of a theoretical lot is located in common with the rear lot line of the subdivided lot of which it is a part, the rear yard of the theoretical lot shall be along the boundary of the subdivided lot.*

2516.6 *In providing for net density pursuant to § 2516.11, the Board shall require at least the following:*

- (a) *The area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required by this title;*

The applicant has excluded areas of ingress and egress in the area of the theoretical lots and provided that the density would be FAR 0.57, with excluded private drives and a portion of 6th Street, which is within the site's boundary. If included, the density would be FAR 0.49. However, a width of 2 feet is shared with the private drive.

OP does not oppose the 2-foot reduction proposed for the rear yard. Terraces/decks (8ft. x 12 ft.) would be provided for each row dwelling as passive recreation for future residents and would facilitate two-way vehicular movement for residential vehicles and trash services. The minimal loss of the space would not impact the overall intent and purpose of the Regulations.

- (b) *Notwithstanding any other provision of this title, each means of vehicular ingress or egress to any principal building shall be twenty-five feet (25 ft.) in width, but need not be paved for its entire width;*

As the means of ingress and egress are not shown as 25 feet in width, OP informed the applicant that flexibility would be required. Since the lots are only 18 feet in width, it would be physically impossible for vehicular access to be 25 feet in width. OP supports flexibility from this request, per section (d) below.

- (c) *If there are not at least two (2) entrances or exits from the means of ingress or egress, a turning area shall be provided with a diameter of not less than sixty feet (60 ft.); and*

There are two means of ingress and egress and the drives are two-way drives. No turning area would be required.

- (d) *The requirements of paragraphs (b) and (c) of this subsection may be modified if the Board finds that a lesser width or diameter will be compatible with, and will not be likely to have an adverse effect on, the present character and future development of the neighborhood; provided, that the Board shall give specific consideration to the spacing of buildings and the availability of resident, guest, and service parking.*

The modification from the 25-foot width requirement for the ingress and egress to the buildings would not have an adverse impact on the character and future development of the neighborhood, as the common private drive to the site would be 20 feet wide at each curb cut. These are common alley widths in the District. Further, the 18-foot wide townhomes would adequately support the proposed rear-loaded garages at the dimensioned width, which is also typical of homes in the row house R-4 zone district.

2516.7 *Where not in conflict with the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (2001) (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl. & 1999 Supp.))), the height of a building governed by the provisions of this section, in all zone districts, shall be measured from the finished grade at the middle of the front of the building.*

The measured heights conform to this requirement (Exhibit 6A1, Sheet A11).

2516.8 *[DELETED]*.

2516.9 *The proposed development shall comply with the substantive provisions of this title and shall not likely have an adverse effect on the present character and future development of the neighborhood.*

The proposed development would comply with the substantive provisions of this title, including the bulk provisions for the R-4 District. The present and future character of the neighborhood's development should not be adversely impacted, as the site is self-contained, with respect to on-site parking, as well as visitor parking, so as not to adversely impact the on-street supply in the neighborhood. A large portion of the site would remain as open space and undisturbed, particularly in the area of its steep slopes. The applicant has committed to removal of dead trees and new tree plantings in the sloped areas to mitigate the neighborhood's concerns regarding the slopes. Shadows or loss of light to neighboring property would not be anticipated due to the location of the site well above the neighboring property to the east and its wooded protection at the eastern and northern edges.

2516.10 *Before taking final action on an application under this section, the Board shall refer the application to the D.C. Office of Planning for coordination, review, and report, including:*

(a) The relationship of the proposed development to the overall purpose and intent of the Zoning Regulations, and other planning considerations for the area and the District of Columbia as a whole, including the plans, programs, and policies of other departments and agencies of the District government; ...

OP invited comments from relevant agencies on the proposed site development, as discussed in Section VII of this report. Their comments are anticipated under separate cover. Other considerations regarding urban design, the impact of the proposed development on neighboring properties consistent with the intent of the Regulations are subsequently reviewed in Section VII.

Other Items

The applicant has requested additional flexibility, specifically to:

- Vary the location and design of interior components, provided that variations do not alter the exterior configurations;
- Vary the final selection of exterior materials within the color ranges and material types proposed, without reduction in material quality;
- Minor refinements to exterior details such as trims etc., and dimensions;
- Vary the location and arrangement of parking spaces, but not to be reduced; and
- Vary the selection of landscaping materials with equivalent materials dependent on market availability.

While OP understands that conditions and materials are subject to market availability, a list of appropriate/similar materials should be provided to the record for the Commission's review prior to final action by the Commission.

VII. PUD EVALUATION STANDARDS , PUBLIC BENEFITS AND AMENITIES

Sections 2403.5 - 2403.13 of the Zoning Regulations discuss the definition and evaluation of public benefits and amenities. In its review of a PUD application, §2403.8 states that “*the Commission shall judge, balance, and reconcile the relative value of the project amenities and public benefits offered, the degree of development incentives requested, and any potential adverse effects according to the specific circumstances of the case.*” To assist in the evaluation, the applicant is required to describe amenities and benefits, and to “*show how the public benefits offered are superior in quality and quantity to typical development of the type proposed...*” (§2403.12)

The amenity package evaluation is based on an assessment of the additional development gained through the application process. In this instance, although the applicant is seeking to construct more than one building on a single record lot with a related map amendment, the scale of the development is smaller than what could be built as a matter of right. The C-M-1 zone would allow development up to a 3.0 FAR, whereas the applicant is proposing an FAR for the entire site of 0.57 FAR. So while the development could have impacts on the surrounding area, they will likely be smaller in magnitude than if a matter-of-right project were built. However, the PUD would allow a residential rowhouse form of development not permitted by either of the current zones on the site, as the C-M-1 zone does not permit residential uses and the R-2 zone permits single-family, semi-detached residential development.

The Applicant has offered the following amenities and benefits gained through the application process:

- (a) *Urban design, architecture, landscaping, or creation or preservation of open spaces - § 2403.9(a)*

Urban Design

The site design proposes internal pedestrian connectivity where homes would front on 8-foot wide landscaped frontages (mews) along 5-foot landscaped walkways, which would provide pleasant pedestrian access to the front of the homes from 6th Street and from the visitor parking spaces at the rear of the site. The applicant’s revised renderings of the east facing perspective (Exhibit 16 A, Sheet A1) of the mews as viewed from 6th Street, shows the number of windows that would look down onto the mews, as well the clear views from rear windows and decks which face the alley (Exhibit 16A, Sheet A-3). The alignment of the homes would provide clear lines of sight and eyes on the private roadway and passive recreation spaces.

A U-shaped/loop private two-way drive would allow for access to rear loaded garages, as well as for service vehicles and trash pick-up, in both directions. Appropriate residential lighting would also be included to support the safety of residents. The applicant met with DC Police and the Fire Departments to request comments on any security and fire access issues that could be addressed as part of the site’s design (Exhibit 16 – page 5, Item 5). The Fire Department was satisfied that access was adequate, and the Police Department did not respond to date. It has been OP’s recent experience from the Police Department that lighting and security cameras at strategic points throughout the development would be preferable to assist with crime fighting strategies.

Architecture

Site visits indicate that the large site seems somewhat isolated from the existing neighborhood's context/design, due in part to the elevation above 7th Street (Exhibit 6A1 – Sheet D07 #4 – visual of retaining wall viewed toward the site from 7th Street and Exhibit 6A2 Sheet C-08). Further, the wooded areas that would be preserved create an effective sight barrier from those homes, which front on 7th Street and also on Ava Circle to the north. The private drive/alley would separate the existing semi-detached homes with front loaded garages on 6th Street from the south and the north/south alignment of the proposed homes. From this viewpoint, the design would not be integrated with the existing neighborhood, designed and built in the 1980's. Therefore, the two front facing homes on 6th Street of this newer development, which would align with the current homes to the south on 6th Street would present differently in context to the existing pattern that may be observed as one [approaches the site from the south along 6th Street](#). Across 6th Street, the Capital Area Food Bank building presents a long blank façade to the residential side of the street.

The proposed architecture while similar to the Emerson Park residential PUD to the north, would be an improvement in material use on this PUD site. The Commission requested additional drawings/renderings of the individual units and how the dwellings would fit into the neighborhood context (Exhibit 16, Item 1, Page 3,). The applicant explained the architectural design elements that would be included for interest and variable articulation, as viewed from the mews.



6th Street Frontage - Potential context with existing semi-detached homes

The applicant also addressed the Commission's concerns regarding the interior layout of the units with respect to the opening of the 2nd floor bathroom, which was reconfigured in the revisions (Exhibit 16, Item 1, page 4), (*Compare Exhibit 6A1 Sheet A8 with Exhibit 16A Sheet A10*). Respectfully, the original opening would be preferable, since the door would not be located and opened within the kitchen area's view.

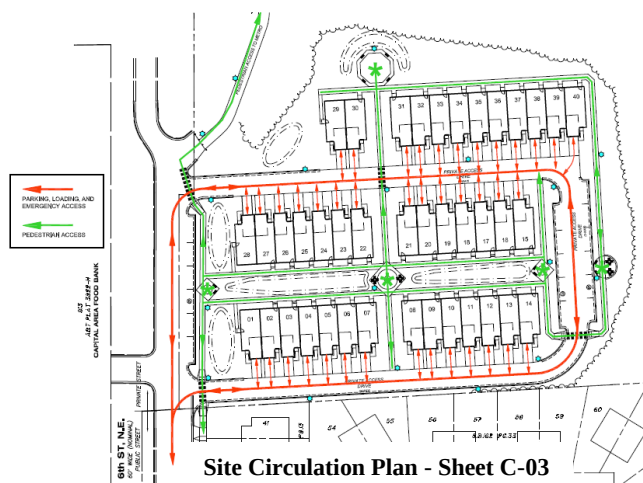
Landscaping and Creation of Open Space

The Applicant intends to provide improved on-site landscaping, while retaining the existing vegetation along the steeply sloped northern and western edges of the site. Plantings would be provided within the streetscape, green/softscape areas, the bio-retention area along the northern elevation, and within the mews at the center of the development. The landscape design would also include a hard and soft landscaping access pathway to Metro within the site to the northwest of the Property. The 10-foot wide pathway, which would be lit, would connect with an easement through the Emerson Park neighborhood to the north. A playground adjoining community green space is included with the design to the north of the site, accessible via both the north/south sidewalk and the perimeter sidewalk. The sidewalk system would connect the 4 areas of community green spaces shown on the plan with 4 seating areas for passive recreation (Exhibit 6A1 Sheet C-04). Lighting would be strategically placed in all the seating areas and along the private access drive.

(b) Site planning, and efficient and economical land utilization - § 2403.9(b)

The proposal would transform a significantly underutilized site located within walking distance of a Metro station. The buildable area of the site is presented in a U shape and the alignment of the buildings is well suited to minimal shadowing. The six buildings are placed in three (almost) horizontal lines in an east/west pattern, which would minimize visual impacts on the residences on 7th Street to the east (Exhibit 6A2 – Sheet C-07). Minimal grading will enable much of the existing steep grades at the perimeter to be preserved, which is a desirable feature of the site plan, and adds to the pervious area for the site. Internal loading and garage access from the proposed curb cuts is an efficient site planning element of the project.

The Commission requested a transportation analysis describing how pedestrians, bicycles and visitors would access the PUD site, including how the visitors would pull up and enter the dwellings (Exhibit 16, Item 1, page 5). In response, the applicant has initiated a traffic analysis of the transportation aspects of the development. The site circulation plan was included in the original submission at setdown (Exhibit 6A2- Sheet C-03) and included here as reference.

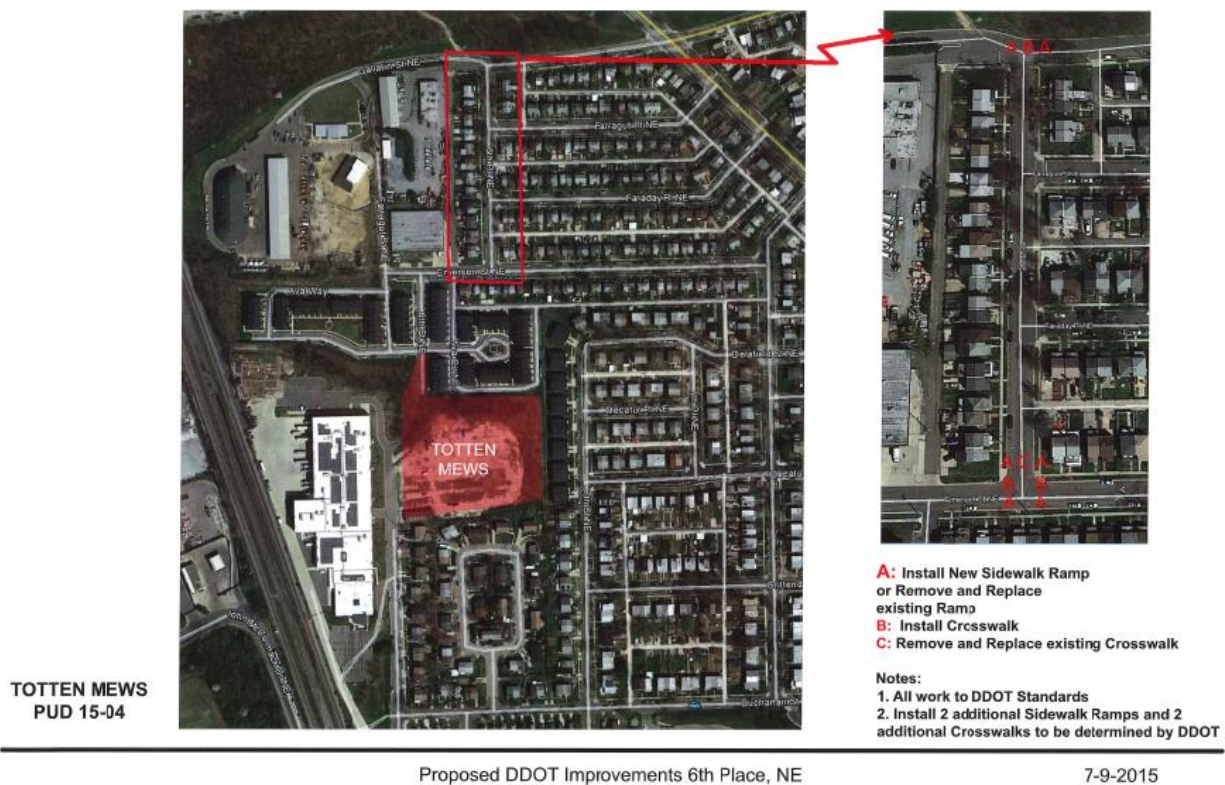


The green areas indicate how pedestrians would be able to access the homes' front doors, the PUD site's recreation amenities, as well as Metro. In addition, visitors who may drive, or service vehicles would be able to access 17 on-site parking spaces, which are directly accessible to the 5-foot wide walk path shown as green on the diagram. However, it would seem that pedestrian access to the front door of Unit #29, one of two semi-detached homes to the north would be a trek for a visitor, as the home fronts the wooded area northwest of the site. The

applicant has agreed to consider the provision of stone pavers from the walkway at 6th Street to the front door of unit #29. Additionally, *low-rise directional signage of unit numbers off the landscaped green areas near walkways, both at the front and back parking areas, could be provided to direct visitors to their desired address.*

The transportation analysis was received by OP dated July 10, 2015 (Exhibit #25). OP discussed the analysis with DDOT and DDOT concurred that there would be little to no impact, and supported the installation of the bicycle/pedestrian path, built to DDOT's standards. Pedestrian/bike access would enhance the activity within the surrounding area and provide additional residents in support of the new retail offerings around the Fort Totten neighborhood. Currently, Walkscore.com rates this neighborhood location with a walkscore of 33 out of 100; so most errands would require a car. However, it is a 20-minute walk to Metro's 3 lines (red Yellow and Green) and its transit score is rated as excellent at 50%, which means that transit is convenient for most trips, and car sharing is available at that location. The applicant is continuing discussions with the ANC regarding the provision of a car share space on 6th Street NE, and membership fees for homeowners for one year.

The applicant undertook a study to assess the installation of two crosswalks and replacement or installation of four wheelchairs-bicycle ramps to improve accessibility from 6th Street to the Fort Totten Station, subject to DDOT's approval as shown below. DDOT is continuing to work with the applicant on the proposed improvements to 6th Place NE (Exhibit #27).



- (c) *Historic preservation of private or public structures, places, or parks - § 2403.9(d) - The property has no historic designation.*

(d) *Housing - § 2403.9(f)*

The introduction of residential use in an underutilized site is consistent with planning goals for the property detailed in the Comprehensive Plan. The Applicant has proposed four inclusionary zoned (IZ) units and a fifth unit has been proffered to be dedicated to affordable housing at 80% of the area median income. A summary is provided and compared with the requirements of the set-aside requirements of Section 2603.

Summary of Inclusionary and Affordable Set Asides (§ 2603.1 & 2603.2)

Residential Unit Type	GFA / Percentage of Total	Units	Income Type	Affordable Control Period	Affordable Unit Type	Notes
Total - Townhouses	89,124 sf/100%	40				
Market Rate Townhouses	87.5%	35				
IZ - Townhouses	5% of townhouses	2	50% AMI	perpetuity	ownership	
IZ – Townhouses	5% of townhouses	2	80% AMI	perpetuity	ownership	
Affordable/Non-IZ		1	80% AMI	perpetuity	ownership	

Table 2 Information Provided by Applicant - Exhibit 10, Page 6

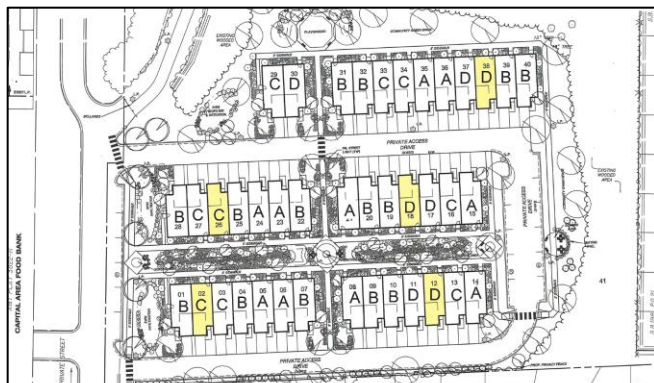
2603.1 *An inclusionary development for which the primary method of construction does not employ steel and concrete frame structure located in an R-2 through an R-5-B District or in a C-1, C-2-A, W-0 or W-1 District shall devote the greater of 10% of the gross floor area being devoted to residential use or 75% of the bonus density being utilized for inclusionary units.*

IZ requires: 10% residential GFA devoted to residential use: $10\% \times 89,124 = 8,912 \text{ sf}$

Proposed: 4 IZ units: $3 @ 2,205 \text{ sf} = 6,615 \text{ sf} + 1 @ 2,282 \text{ sf} = 8,897 \text{ sf}$.

The difference between the required and proposed is 15 square feet, which is negligible in this instance. Therefore, OP would consider the requirement satisfied. An affordable non-IZ unit at 2,205 square feet at 80% AMI is included as a proffer.

2603.3 *Inclusionary developments located in R-3 through R-5-E, ...Districts shall set aside fifty percent (50%) of inclusionary units for eligible low-income households and fifty percent (50%) of inclusionary units for eligible moderate-income households. The first inclusionary unit and each additional odd number unit shall be set aside for low-income households.*



Location of IZ units (07/09/2015)

This set aside provision has been satisfied in the submission, as indicated in Table 2 prior.

(e) Environmental benefits § 2403.9(h)

The project would support sustainable goals by reducing the site's impervious area, including 91,300 sf of pervious area, which would exceed the required 18,260 sf. Up to 109,796 sf on the PUD site would be devoted to open space (Exhibit 6A2- Sheet C-01). Stormwater management and green engineering practices would be applied, consistent with LID principles. All units would include energy efficient features such as energy star appliances, lighting, Low VOC paints, primers and sealers, exhaust fans and mold prevention measures in response to the Commission's question regarding the sustainability features and efficiencies of the project (Exhibit 16, Item 2, page 4).

(f) Uses of special value to the neighborhood or the District of Columbia as a whole § 2403.9 (i)

The proposed pedestrian pathway, functional green space and landscaping along the 6th Street frontage would improve the hardscape area directly opposite the Food Bank property. The pathway would ultimately lead to 6th Street (north) via the Emerson Park residential development. The pedestrian connection should greatly contribute to the safety and connectivity between residences south of the proposed development and the Fort Totten Metro Station, which is currently used primarily for truck traffic from the existing site.

The vacant site would be developed with valuable housing for District residents, on a site that is underutilized in its current mix of zone districts. The proposed development would not be developed to the maximum extent that would be permitted under the proposed R-4 District. The matter-of-right zones would have permitted higher densities and other permitted uses, without the benefit of a public hearing.

Standard	C-M-1 M-O-R*	R-2 M-O-R*	R-4 PUD	Proposal	Gains
Total Site Area	72,932 sf	109,668 sf	182,600 sf	182,600 sf	No change
Uses	Industrial	Residential	Residential	Residential	Residential
GFA Proposed	-	-	-	89,124 sf	89,124 sf
FAR	3.0 (218,796 sf)	1.2 (effective) (131,602 sf)	1.8 (effective) (328,680 sf)	0.57 (104,082sf) (excluding private drive and 6 th St. extended from lot area	4.77 FAR less than MOR and 1.23 FAR less than effective R-4 FAR
Lot Occ. %	Not specified	40%	60%	20% (excluding - private drive and 6 th Street extended)	20% less than the R-2 District.
Height ft./stories	40 ft./3-stories	40 ft.	40 ft.	40 ft., 3 stories	40 ft., 3 stories

Table 3

BENEFIT OR AMENITY	MITIGATION	PUBLIC BENEFIT	PROJECT AMENITY	REQUIRED	APPLICANT PROFFER
Affordable housing (IZ) 10% @ 50-80% AMI		X		X	X Additional affordable unit
Market rate housing		X			
Superior Architecture		X			X
Pedestrian and bike path	X	X	X		X
Crosswalks and sidewalk ADA ramps installation on 6 th Pl NE		X	X		X
Environmental benefits, stormwater management	X	X		X	X
\$10,000 grant to Capital Area Food Bank for exclusive benefit of programs serving Ward 5 and ANC5A (Exhibit #24)		X	X		
Other benefits listed below: 1) 2)	X X	X			

Table 4

Other Benefits:

- 1) The applicant proposes an MOU Emerson Park (EP) HoA regarding collaboration and input on installation by Applicant of plantings on slope areas to discourage trespassers, removal and replacement of approximately six dead or distressed trees on slope between existing and proposed townhomes as previously identified by EP HoA, grant of parking, shared use and maintenance easement on northern most portion of property, installation of landscaping and multiple bollards at Bicycle / Pedestrian connection end at Emerson Park, maintenance of EP HoA SWM/BMP facilities for two years beginning at commencement of development activities.
- 2) Conduct up to ten pre-construction and post-construction surveys of neighboring homes and an eight-month vibration monitoring program with summary reports to be provided to the ANC SMD commissioner and copies of pre and post construction inspections will be provided to the neighboring homeowner, in order to alleviate any neighbor concerns.

As of the writing of this report, the applicant is continuing to work with the ANC5A to finalize the package. Some outstanding items under consideration are:

- (1) Direct funding for rental of meeting room space at UDC Backus Campus for defined number of meetings/events;
- (2) Landscape improvements along 6th Street to south of site;
- (3) Installation of benches and tables at the North Michigan Park Recreation Center Park;
- (4) Provide back to school supplies for children within ANC 5A in coordination with ANC or citizens association at the beginning of the first school year following completion of the project;
- (5) Provide one parking space on 6th St, NE for a Smart Car or similar company and pay membership fees for 40 homeowners for one year.

Additional information and the ANC's agreement would be presented at the public hearing or prior to the Commission's proposed action.

VIII. AGENCY REFERRALS

Comments were requested from:

- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- DC Water
- Fire and Emergency Medical Services Department (FEMS); and
- Metropolitan Police Department (MPD)

DC FEMS Comments:

The applicant met with the Assistant Fire Marshall and the agency informed the applicant that *"the emergency vehicle access as depicted and discussed in our May 2nd, 2015 meeting is consistent with the requirements in the DC Fire Code and does not present any operational difficulties for our department."*

DDOE Comments:

In correspondence to OP, DDOE did not express concerns with the proposal but suggested that solar PV installation may be the best use of their resources, especially if the buildings were designed for deeper slopes facing south (off-center ridge), to take advantage of the space to install additional solar panels. It was also noted that DC offers the best financial incentives in the country to support solar energy. In addition, their report noted areas where the applicant could demonstrate increased performance including exceeding stormwater management requirements and pursuing certification requirements for programs such as LEED for homes. DDOE's comments would be submitted under separate cover to the records.

DDOT's Comments:

The applicant has met with DDOT and presented a traffic analysis for their review. DDOT has not provided its comments to OP to date but is working with the applicant to ensure that work would be done according to DDOT standards. DDOT's report would be submitted separately to the record.

DC MPD Comments:

The applicant met with the District's Police Metropolitan Department, and indicated that if additional information were required they would be contacted. To date no updates have been provided which express concern about the development.

IX. COMMUNITY COMMENTS

The applicant met with ANC 5A as part of its community outreach and continues to do so up to the writing of this report to finalize the amenity package.

Some residents within 200-feet of the development expressed concerns about the potential for traffic from future residents through the neighborhood, particularly on 7th Street. They are also opposed to the pedestrian access to the metro due to crime concerns. Therefore, their preference would be for a continuation of 6th Street, which would cut through the applicant's property and the Emerson Park neighborhood to the north. OP understands that the Emerson Park Homeowners Association to the north objects to this proposal. DDOT was informed of the objections and DDOT would discuss the issues at the public hearing as part of their report.

X. SUMMARY RECOMMENDATION

The Office of Planning recommends approval of the application for the Consolidated PUD and Related Map amendment from the C-M-1 and R-2 Districts to the R-4 District. The proposal is consistent with goals and objectives of the Comprehensive Plan and new housing would further the stability of the neighborhood.

The applicant's responses to the Zoning Commission's and OP's comments provided at setdown are submitted as an attachment. OP would also request the applicant provide dimensions of required yards pursuant to Section 2516 and clarify whether additional flexibility would be required/requested.

ATTACHMENT 1

Zoning Commission/OP Comments	Applicant's Response	OP Analysis
The Applicant should provide additional drawings and views of the proposed development. The drawings should include renderings of the individual units and views showing how the dwellings fit within the neighborhood context. The Applicant should also explain why some dwellings have windows in the roofline and some do not.	As shown on Sheets A 1 and A3 of the Revised Sheets, the Applicant has provided detailed renderings of the east-facing perspective of the Mews (Sheet AI) and the rear/access drive perspective (Sheet A3) of the proposed development. Detailed elevations are provided at Sheets A4 and A5. Dormer window are proposed to be provided on certain units to add architectural interest only. Some units are proposed to have front dormers. Others will have rear dormers. Some units will have dormers on both front and rear elevations. Some units will have gable frontages with windows. Finally, some units will not have any rooftop articulation. The Applicant further notes that it has reviewed and addressed the concern regarding the bathroom location on the second floor of the units and reconfigured same to provide an opening not on the stair landing. (Sheets AI0-A12).	The applicant provided the requested information. OP's discussion is noted on page 8 of this report.

The Applicant should provide additional information on the sustainability features and energy efficiencies of the project.	The project provides a number of environmental benefits and sustainability features, including tree planting and maintenance, extensive landscaping, methods to reduce storm water runoff, and green engineering practices. The project promotes sustainability goals further by utilizing efficient site design to minimize the impervious area for development and providing 91,300 square feet of pervious area, which exceeds the required pervious area of 18,260 square feet, by 73,040 square feet, or 1.68 acres. With respect to energy efficiencies, all of the units, including the units dedicated for inclusionary zoning, will include water-conserving fixtures, Energy Star appliances, Manual J sizing of HVAC systems, Energy Star lighting, low VOC paints, primers, adhesives and sealants, "Green Label" rated carpets, Energy Star exhaust fans, and mold prevention measures	OP concurs. OP would encourage the applicant to continue to investigate creative ways to address sustainability, to minimize external environmental impacts of the development and to minimize long term costs to residents by minimizing energy use and maintenance costs. Installation of solar panels could be considered due to the orientation of the homes.
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The Applicant should provide information on the PUD Site's soils/topography and how drainage will be managed throughout the site.	The project incorporates techniques to allow storm water from the site to be discharged directly back into the water table, one of the primary goals of Low Impact Development (LID) design. Storm water will be collected onsite and treated in a variety LID devices including bio-filters and an infiltration trench. The infiltration trench will allow storm water to seep down to the bottom of the trench and drain into the water table which reduces runoff from the site. Any storm water runoff will be collected on-site in a storm water conveyance system of structures and pipes that will connect to a storm drain system that has already been installed in anticipation of development of the site, as part of the earlier Zoning Commission approval. That drain system runs underneath and through the Emerson Park townhouse development to the immediate north of the PUD Site but does not connect at all with the storm drain system serving the Emerson Park townhouse development, and connects to the public storm drain on Emerson Street, NE. There is no development planned for the slopes above the neighbors and those slopes will be left undisturbed.	OP concurs and considers the preservation of the slopes the greatest priority. DDOE supports the applicant's stormwater management installations.
The Applicant should provide a transportation analysis and circulation plan that specifically describes (i) vehicular and pedestrian traffic circulation in neighborhood, (ii) how vehicles, pedestrians, and bicycles are going to access the PUD Site, and (iii) where visitors will pull-up and enter the dwellings.	Per the Commission's request, the Applicant has engaged Gorove/Slade to undertake an extensive analysis of transportation aspects relating to the project. A vehicular and pedestrian circulation plan within the neighborhood is included at Exhibit J. The Applicant will include its comprehensive transportation analysis in a subsequent filing to the Commission not less than 20 days prior to the public hearing.	The applicant's transportation analysis was submitted (Exhibit 25) and OP discussed some aspects with DDOT. DDOT's report would be filed under separate cover.

The Applicant should seek input from the D.C. Police Department and the Fire and EMS ("FEMS") Department to ensure the safety/security of residents and obtain confirmation that emergency vehicles can access the PUD Site	Per the Commission's request, the Applicant has initiated discussions with both the Metropolitan Police Department and FEMS regarding security as well as emergency access. To that end, on May 2, 2015, the Applicant met with Lieutenant Herbert S. Taylor at the Office of the Fire Marshall, 4th St, SW, to submit plans for the project and request a review by their office of the project regarding public safety concerns. Lieutenant Taylor said that the plan would be reviewed at a later date and Applicant would be contacted if additional information was required for their review. The Applicant met on April 21, 2015, with officers at Metropolitan Police Department, Fourth District Station, 6001 Georgia Avenue, NW, Washington, DC 20011 and submitted plans for the Project and a letter requesting that the proposed plans be reviewed for public safety concerns. The Applicant will continue to coordinate with these departments and will provide the Commission any updates received. The Applicant has included at Attachment A (Sheet C-12) a Fire Access Plan demonstrating that the private access drive is sufficiently configured to allow clear access for FEMS vehicles, including large 47-foot ladder trucks.	OP is satisfied with the applicant's attempts to contact the agencies, and is satisfied with DC FEMS report.
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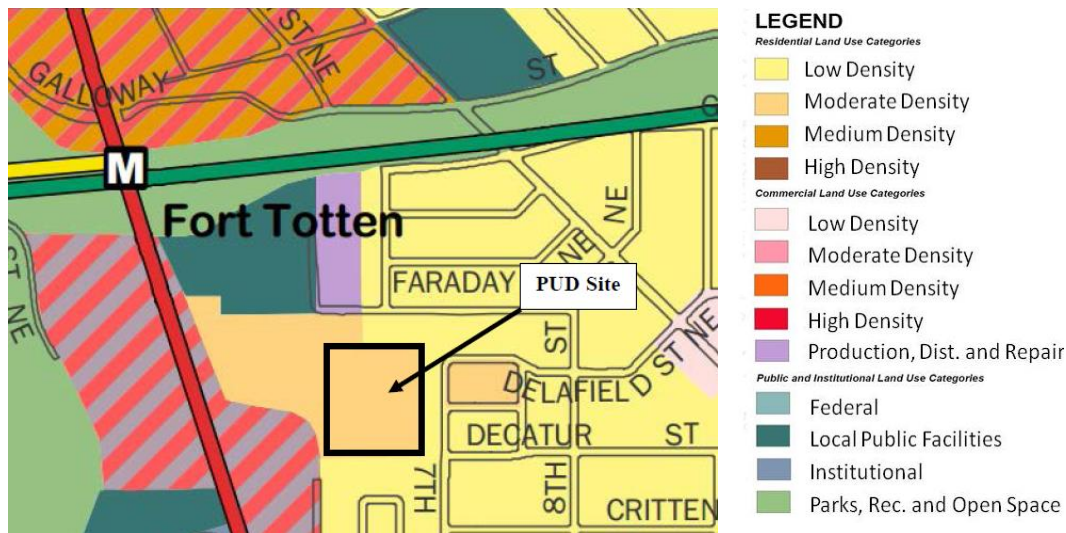
ATTACHMENT 2:

COMPREHENSIVE PLAN MAPS AND POLICIES

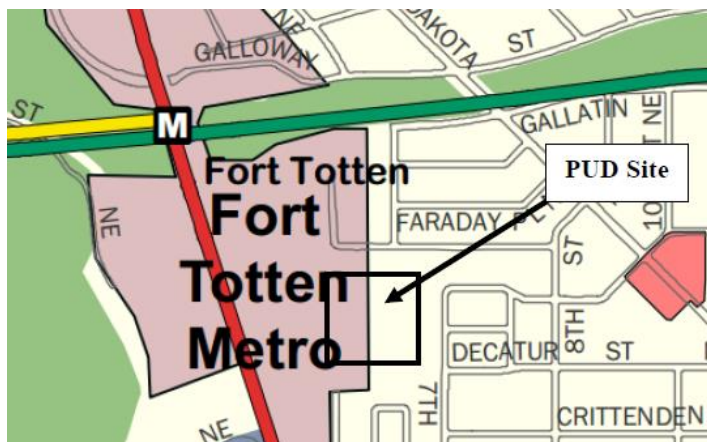
The proposed PUD must be determined by the Zoning Commission to be not inconsistent with the Comprehensive Plan and with other adopted public policies (§ 2403.4). The map amendment also should not be inconsistent with the Comprehensive Plan and other adopted policies.

A. Future Land Use Map

The Future Land Use Map designation for the property is Moderate Density Residential. The proposed map amendment to the R-4 District would be consistent with this designation.



B. General Policy Map



The Generalized Policy Map split designation assigns the eastern portion of the PUD site as a *Neighborhood Conservation Area* and the western portion as a *Land Use Change Area*.

A land use change area anticipates a different land use and the guiding philosophy is to encourage and facilitate new development. As these areas are redeveloped, the District aspires to create high quality environments that include exemplary

site and architectural design and that are compatible with... nearby neighborhoods. Although the current underlying zoning in a portion of the site would restrict residential development, the Comprehensive Plan clearly establishes a preference to convert the unused industrial land for residential purposes, and the FT Overlay aims to permit land use policies to implement the Plan. The proposed row house development would be characteristic of the surrounding neighborhood development in its scale and massing. Therefore, the proposed rezoning of a portion of the site

from C-M-1 and R-2 to R-4 would be not inconsistent with the Comprehensive Plan, particularly when read in conjunction with the policies from the Plan, cited below.

C. Comprehensive Plan Policies

The Property is located in the Upper Northeast Area of the Comprehensive Plan. There are several policies within the Upper Northeast Area Element, as well as policies in the Fort Totten Land Use Change Area, which encourage residential development as proposed.

Upper Northeast Area Element (“UNE”)

*Upper Northeast is principally known as a residential community, with stable single family neighborhoods. (2400.2) More than half of the housing units in Upper Northeast are single family homes. According to the 2000 Census, about 21 percent of the units were single-family detached homes, and 32 percent were row houses and townhomes. Both of these figures exceed the citywide average. (2404.1) In fact, the Planning Area is projected to add approximately 5,000 households by 2025, and its population is projected to rise about 19 percent to 70,000. The primary areas of population growth are around the Metro stations at **Fort Totten**... (2406.1)*

Planning and Development Priorities

*There is general—though not universal—agreement that the Rhode Island Avenue, Brookland/CUA, and **Fort Totten Metrorail stations** are logical locations for future development. The stations are currently adjoined by parking lots and industrial uses that do not take advantage of their proximity to Metro. These areas may provide opportunities for apartments, condominiums, townhomes, and other types of moderate and medium density housing, provided that measures are taken to buffer adjacent lower density neighborhoods, address parking and traffic issues, and mitigate other community concerns. (2407 (i))*

UNE-1.1 Guiding Growth and Neighborhood Conservation 2408

Policy UNE-1.1.1: Neighborhood Conservation *Protect and enhance the stable neighborhoods of Upper Northeast, such as Michigan Park, North Michigan Park, University Heights, Woodridge, Brookland, Queens Chapel, South Central, Lamond Riggs, and Arboretum. The residential character of these areas shall be conserved, and places of historic significance, gateways, parks, and special places shall be enhanced. 2408.2*

Policy UNE-1.1.2: Compatible Infill *Encourage compatible residential infill development throughout Upper Northeast neighborhoods Such development should be consistent with the designations on the Future Land Use Map. New and rehabilitated housing in these areas should meet the needs of a diverse community that includes renters and owners; seniors, young adults, and families; and persons of low and very low income as well as those of moderate and higher incomes. 2408.3*

Land Use (“LU”)-1.3.2: Development Around Metrorail Stations: Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly station in areas...with large amounts of vacant or poorly utilized land in the vicinity of the station entrance...(306.11)

LU-1.3.3: Design To Encourage Transit Use: “Require architectural and site planning improvements around Metrorail stations that support pedestrian and bicycle access to the stations and enhance the safety, comfort and convenience of passengers walking to the station or transferring to and from local buses. These improvements should include lighting, signage, landscaping and security measures...”(306.13)

LU-3.1.4 Rezoning of Industrial Areas: “Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDS activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations ... (314.10)

PROS-3.4.4: Trails in Underutilized Rights-of-Way: Develop multi-use trails in underutilized rights-of-way, including surplus railroad corridors and undeveloped street rights-of-way.” (815.8)

Ultimately, a PUD-related map amendment development facilitated by the regulations of the R-4 District would help achieve the applicable policies.

E. “Ward 5 Works: Ward 5 Industrial Land Transformation Study”

The area is also included in the “Ward 5 Works: Ward Five Industrial Land Transformation Study” area. Through mayoral executive order in 2013, a task force was established to create a strategy for the modernization and adaptive use of industrial land in Ward 5. The Property is within the 1,030 acre “Ward 5 Works” study area, and is specifically within the sub-area named the: **Food Bank Site** area¹. While the proposed PUD and related map amendment would preclude future light industrial uses on the property, the “Ward 5 Works” study acknowledges that development has occurred incrementally in response to market pressures... Market pressures for development close to metro stations have resulted in zoning map changes that allow for residential uses and a mix of uses that do not otherwise allow for industrial uses (p.20-22).

¹ In 2012, the Capital Area Food Bank moved into a new 123,000 square-foot distribution center located in the southern portion of this site. ... The northern portion contains **a mixture of townhouses**, a plumbing business and a DC Department of Transportation facility.