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June 1, 2005

Jerrily R. Kress, FAIA, Director
D.C. Office of Zoning
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

98-20A

Re: CONSENT CALENDAR
Proposed Minor Modification of a PUD
Z. C. Case No. 98-20M/97-3C (Walter Washington Estates)

Dear Ms. Kress:

This memorandum requests a Minor Modification of a planned unit development ("PUD") pursuant to the provisions of the Zoning Regulations at 11 DCMR §§ 2409.0 and 3030. The Applicant in Case 97-3C – CEMI-Ridgecrest, Inc. – requests these minor changes from the approved PUD as approved in Order No. 829, dated August 4, 1997 and in subsequent modifications. The PUD approved the Walter E. Washington Estates, a community redevelopment in the Washington Highlands neighborhood comprising a total of 141 townhouses, an apartment building for seniors, a clubhouse and a Community Center on a 9.6-acre parcel near 9th and Bellevue Streets and Southern Avenue, S.E. (Square 6159, Lot 125).

A check payable to D.C. Treasurer in the amount of $400 is attached as the filing fee pursuant to 11 DCMR § 3040.4.

Two previous Minor Modifications to this PUD, and one Modification after public hearing, have been granted. The first Minor Modification was for site plan changes to create more green space in rear yards (Order 829A) and the second was to allow construction of the senior building in place of 11 approved townhouses (Order 829B).

The Modification that required a public hearing (Order No. 912, a copy of which is attached as *Exhibit A*) is directly relevant to the instant Minor Modification. In that case (Zoning Commission No. 98-20M/97-3C) the applicant proposed to expand the PUD to include two additional lots that the applicant had acquired subsequent to the original PUD). The approved plan changes were to (1) relocate the Community Center to the 9th Street frontage of the enlarged PUD site and (2) to construct 11 townhouses on the

ZONING COMMISSION
CASE No. 98-20A
EXHIBIT No. 1

ZONING COMMISSION
District of Columbia
CASE NO.98-20A
EXHIBIT NO.1

former Community Center site. The Community Center was also enlarged to accommodate anticipated demand for space for community service organizations. The design was improved in other ways because of the opportunity presented by the larger site than the original site.[1]

The instant requested Minor Modification relates only to the child development center and after school program to be accommodated in the Community Center, which is now under construction.

1. The Community Center. The Walter E. Washington Estates residential community has been constructed and occupied for several years. It has been a successful new community reflecting an early success of the Hope VI program, in which former public housing properties are redeveloped into new mixed-income communities, often with supporting services. The only unbuilt part of the Walter E. Washington Estates PUD to date is the Community Center (the "Center"). The Redevelopment Land Agency Revitalization Corporation ("RLARC") has recently approved a $400,000 loan as gap financing to enable the $4.2-million, 12,556 square foot Community Center to be completed. Construction began in 2002 and will be completed in the summer of 2005.

The Center will offer job training, continuing education, child care and public space to the community. It will house three tenants: the Darrell Green Youth Life Foundation, the Walter E. Washington Computer Learning Center and the Nation's Capital Child and Family Development. This requested Modification relates only to the child development center and before and after school programs.

As approved in Order No. 912, the Community Center will be located on its own site in the western part of the PUD site. It will have approximately 12,556 square feet of gross floor area and 34 parking spaces.

The approved uses in the Center were not modified by Order No. 912 and continue to be governed by Decision Condition No. 6 in the original order, No. 829, as follows:

6. The Community Center shall include uses generally consistent with the following:

a. A day care center which shall operate from approximately 7 a.m. through 7 p.m. Monday through Friday, for a total of approximately 35 children from the ages of six months to five years. Although PUD residents will be given first priority, other area residents will be eligible for space. The Center shall meet all regulations and standards required for the operation of such a facility.

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[1] See "Summary of Evidence," items 4 and 5 on Page 3 of Order no. 912.

b. After school care for approximately 8 children, ages six through fourteen. The hours of operation of this program shall be from approximately 3 p.m. to 7 p.m., Monday through Friday.

(Conditions c, d and e are not related to this requested Modification.)[2]

Childcare facilities were approved to be located on the lower level and second level of the building. (Findings of Fact Nos. 4, 15)[3]

First Proposed Modification. The first request is to allow 59 children to be served by the day care center rather than 35 as approved in Condition 6a. The applicant also requests that ages 6 *weeks* to 5 years be allowed as the age range of the children, rather than 6 *months* to 5 years. The need for day care facilities in this part of Ward 8 is high, as indicated by officials at the Department of Health to the applicant's day care provider. This need is also well known to the operator of the facility, the Nation's Capital Child and Family Development ("NCCFD"). NCCFD has been in existence for more than 40 years and is the largest provider of child care services in Washington, D.C., serving more than 2,000 children in 20 centers spread throughout the city. NCCFD's five centers east of the Anacostia River include the Johenning Center at 4025 9th Street, S.E., just one block from the Walter E. Washington Community Center. Demand to accommodate additional children at that center and others east of the river is strong. Hence the desire to expand capacity.

According to licensing standards, the space available for childcare can accommodate 59 children, pursuant to 29 DCMR Sec. 328.3. The capability of the child care facility to meet licensing standards is discussed later in this memorandum. The child care center will occupy the lower level of the Community Center building.

Second Proposed Modification. Condition 6b of Order No. 829 approved an after school care program for "six children, ages six through fourteen," with hours of operation from 3 p.m. to 7 p.m. Monday through Friday. The applicant now requests approval for 33 children to be in the after school care program, which will be located on the second level in the Community Center. The proposed age range in this Modification request is from 4 to 12 years of age, rather than the 6 to 14 range approved in Order No. 829.

Increasing the number of children allowed to participate in the after school care program better utilizes the resources available at the facility, provides extended activities to more children and will provide more jobs to the neighborhood. Its broadened reach will better serve the community at large and have a positive impact on both participants

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[2] A copy of Order No. 829 is attached as *Exhibit B*. This order has the controls over the uses, which were not modified by Order 912.

[3] See the copy of the "Layout Plan" or site plan for the Community Center and the copy of the Walter Washington Estates PUD site plan, which are attached as *Exhibits C and D*, respectively.

and residents. Pursuant to 29 DCMR 328.3, up to 33 children can be accommodated in the after school program.

Criteria for Approval. The special exception standards for approval of a Child Development Center provide a framework for justifying the requested Minor Modification to the PUD, in that the Zoning Regulations explicitly authorize the Commission to approve special exception uses within the context of a PUD.

Subsection 205 of the Zoning Regulations sets forth the applicable standards for approval of Child/Elderly in the R-1 District, as follows:

205.1 Use as a child/elderly development center shall be permitted as a special exception in an R-1 District if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

Comment: Authorization for this use in the R-1 District carries over to the R-5-A District which is applicable in this case.

205.2 The center shall be capable of meeting all applicable code and licensing requirements.

Comment: The square footage requirements are set forth in DCMR 29, "Child Care Facilities regulations. NCCFD will obtain a license to operate the child care facility once the Community Center has a Certificate of Occupancy ("C of O"). In addition to the C of O, the child development center must meet the DCMR 29 requirements as to setting up all classrooms and hiring teaching staff. NCCFD has successfully opened eight licensed child development centers in the District of Columbia in the past seven years, and is of the opinion that this proposed facility will comply with licensing standards.

NCCFD has worked closely with the Developer and General Contractor, and has had preliminary discussions with licensing officials about the proposed uses in the Community Center. This is especially important to ensure compliance with 29 DCMR § 327 – Physical Requirements of Facilities; Section 328 – Program Space Requirements, Section 329 – Toilets and lavatories, and 330 Health and Safety Requirements. Special attention has been given to this project in order to fully prepare the facility for licensing and approval.

In the table below a full breakdown of the childcare facility classroom space is listed, evidencing compliance with 29 DCMR regulations with the increased capacity shown.

Day Care Facility (Lower Level)

Infants Room #1	Ages 6 wks – 2 years	371 SF/35 SF per child = 10
Toddler Room #2	Ages 2 – 3	363 SF/35 SF per child = 10
Pre-School #1	Ages 3 – 4	704 SF/35 SF per child = 20
Pre-School #2	Ages 4 – 5	675 SF/35 SF per child = 19

Total children allowed in Day Care Facility per 29 DCMR § 328.3: 59

NCCFD needs the flexibility to adjust the age groups. For example, the program may begin with four pre-school classrooms. This flexibility is needed in case the needs change in the community. NCCFD has done this in other centers, and it has not been an issue because the number of total children does not change and the program is in compliance with the square footage requirements. It is especially important for NCCFD to be able to change the configurations of classrooms within the 6 weeks – age 5 range.

After Care Facility (Upper Level)

After School Area	Ages 4 – 12	1177 SF/35 SF per child	33

Total children allowed in After Care Program per 29 DCMR 328.3: 33

The Child Care Facility will also have an outdoor fenced play area that complies with 29 DCMR § 328.1. Please see the comments below under 11 DCMR § 205.3 for further information.

205.3 The center shall be located and designed to create no objectionable traffic condition for picking up and dropping off children or elderly persons.

Comment: There are several reasons why there will be no objectionable traffic conditions. This child care center was designed to serve the new Walter E. Washington Estates community, of which the Community Center is an integral part. It is projected that approximately 75 percent of the parents will live within walking distance and will walk the children to the site. Approximately 15 percent will use public transit and 10 percent will drive. This is based on the experience of the Johenning child care center at 4025 9th Street, S.E. approximately one block away. For parents who drive, the Center has 34 parking spaces that parents can use while walking their children into the Center. Finally, drop-offs will occur over the time period from 7:00 to 9:30 a.m. and pick-ups will occur over a three-hour period from 3:00 to 6:00 p.m. Accordingly, automobile congestion is unlikely.

Finally, as shown on the attached Site Plan, the driveway accessing the parking area is directly off of 9th Street, S.E., so that cars will not need to pass by any residences to reach the parking area and Community Center.

205.4 The center shall provide sufficient off-street parking spaces to meet the reasonable needs of teachers, other employees, and visitors.

Comment: As stated above, the Center has 34 parking spaces. The child care center and before/after school program will have a total of 10 teachers and 2 staff. Only 3 of them are expected to drive to work, and they will therefore use only a small proportion of the Center's parking spaces. The remaining 31 parking spaces will be utilized by other tenants in the building, with four spaces allotted for the Darrell Green

Center, 6 spaces for the Walter E. Washington Computer Learning Center, and four spaces for building management, security and maintenance staff. The remaining 17 spaces will be deemed flexible and will serve the tenants as needed depending on programming schedules and other events associated with the Center.

205.5 The Center, including any outdoor play space provided, shall be located and designed so that there will be no objectionable impacts on adjacent or nearby properties due to noise, activity, visual or other objectionable conditions.

Comment: The Community Center was approved as part of a planned unit development. The comprehensive review of the site plan and operational conditions such as traffic fully addressed these issues of objectionable impacts. In particular, the Community Center was given its own site so that there could be some separation from the residences at Walter E. Washington Estates. In addition, as depicted on the attached Site Plan, the play area is to the southeast of the Community Center and is separated from any adjacent residences by the parking area.

205.6 The Board may require special treatment in the way of design, screening of buildings, planting and parking areas, signs or other requirements as it deems necessary to protect adjacent and nearby properties.

Comment: The Applicant submits that the PUD plan as approved provides a very attractive new community that fits very well into the fabric of the surrounding neighborhood, so that good design and buffering features are already in place.

205.7 Any off-site play area shall be located so as not to result in endangerment to the individuals in attendance at the center in traveling between the play area and the center itself.

Comment: The outdoor play area is adjacent to the Community Center, located between the building and the tennis court, which will also be available for outdoor activities for the children. DCMR Chapter 29 requires 60 square feet of space per child. NCCFD will comply with this requirement by staggering the times by classroom. The largest number of children at any one time will be 19. Breakfast ends at 9:00 a.m. Classrooms 1 and 2 will use the playground from 9:00 – 10:00 a.m. Classroom 4 will use it from 11:00 a.m. – 12:00 noon. The same pattern will be used in the late afternoon. DCMR 29 requires that each child have 2 hours of outdoor play per day.

The child care facility has exclusive use of a 1,400 square foot area adjacent to its space on the east side of the Community Center. In addition, the adjacent fenced tennis court will be used at times for certain outdoor play activities, effectively increasing the contiguous play area by 7,200 square feet. Children will not have to leave the immediate grounds of the facility to enter the play area or the tennis court.

205.8 The Board may approve more than one child/elderly development center in a square or within 1,000 feet of another such facility only when the

cumulative effect of these facilities will not have an adverse impact on the neighborhood due to traffic, noise, operations, or other similar factors.

Comment: There is no other child care center within the same square. The only other child care center within 1,000 feet is the Johenning at 4025 9th Street, S.E. This facility is operated by NCCFD, the same operator as for the center at Walter E. Washington Estates. They will not have a cumulative impact primarily because both serve the immediate neighborhood while generating little automobile traffic, as discussed above. Also, the center at Walter E. Washington Estates was planned as an integral part of this new community.

Subsections 205.9 and 205.10 call for referrals to agencies who would submit reports to the BZA. In this case, please see the comments above under § 205.2, licensing requirements.

The Applicant asks that the Commission approve the described changes expeditiously so that the child care center and before and after school programs can begin serving children in September 2005.

Please contact the undersigned if additional information is needed.

Respectfully submitted,
ARNOLD & PORTER LLC

Cynthia A. Giordano

Nathan W. Gross, AICP

Attachments

cc: Advisory Neighborhood Commission 8E
(Served via hand delivery on June 1, 2005)
Office of Planning

Exhibit A: Zoning Commission Order No. 912

Exhibit "A"

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 912
Case No.98-20M/97-3C
(PUD Modification @ 828 Bellevue Street, S.E.)
October 18, 1999

This decision and Order arises out of an application from Cemi-Ridgecrest, Inc., a non-profit corporation. The application requests a modification to a previously approved planned unit development (PUD) for Lot 125 in Square 6159, located at 828 Bellevue Circle, S.E.

PROCEDURAL HISTORY

On November 12, 1998, the Office of Zoning received an application from Cemi-Ridgecrest, Inc., a non-profit corporation. The application requests a modification to a previously approved planned unit development (PUD) for Lot 125 in Square 6159, located at 828 Bellevue Circle, S.E.

The proposed PUD site is a 96-acre improved parcel of land fronting along a cul-de-sac where Bellevue terminates one block to the south of 9th Street. It is located near the southeastern boundary line of the city (Southern Avenue) at 828 Bellevue Street, S.E., in Square 6159, Lot 125. The site is situated at the top of a hill, where the topography slopes steeply from the north to the south.

The entire site is zoned R-5-A. The R-5-A zone district permits matter-of-right, single-family detached dwellings, and with the approval of the Board of Zoning Adjustment, low-density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9 and a maximum height of 3 stories/40 feet. The PUD standards for an R-5-A zone district establish a maximum FAR of 1.0 and a maximum height of 60 feet. The maximum land area that a building may occupy is 40 percent of the total lot size.

By Zoning Commission Order No. 829, dated August 4, 1997, the Zoning Commission granted approval for the construction of 141 townhouses as well as a community center on the site. Most of the site is currently under construction and is being developed in accordance with the PUD

of the site is currently under construction and is being developed in accordance with the PUD order. The instant application seeks to modify the PUD and to expand the project by incorporating lots 123, 126, and 812 in the same Square into the PUD site. The applicant also seeks to relocate the community center building to the newly added lots and develop 11 additional three-story townhouse units on the original site of the community center. The public alley which sparates the original PUD site from the newly incorporated lots would be closed.

Upon completion, the project would have a floor area ratio (FAR) of .68, heights of structures ranging from 30 feet to 34 feet, a lot occupancy of 22 percent, and a total of 217 parking spaces.

Pursuant to notice, a public hearing was held on March 22, 1999. At this hearing session, the Zoning Commission considered the application from CEMI-Ridgecrest, Inc. for approval of a modification to an approved Planned Unit Development (PUD), pursuant to Chapter 24 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 30 of the Rules of Practice and Procedure before the Zoning Commission.

SUMMARY OF EVIDENCE

1. At the public hearing, the applicant and associated experts testified that Z. C. Order No. 829, dated August 4, 1997, granted approval of a consolidated Planned Unit Development (PUD) for Lot 125, Square 6159, located at 828 Bellvue Street, S.E.

2. They testified that Z.C. Order No. 829 approved the construction of 141 townhouses as well as a community center. The approved density of the PUD is 286,520 square feet or a maximum FAR of 0.68, with a maximum lot occupancy of 40 percent. The approved maximum height of the townhouses is 30 feet, while the approved minimum number of parking spaces to be provided on-site is 213. The northern section of the project also included a community pool and clubhouse, which were existing facilities that were to be renovated upon PUD approval.

3. In its modification application, the applicant is seeking to modify the approved PUD and to expand the project by incorporating three adjacent lots into the PUD site (i.e., lots 123, 126 and 812 in Square 6159). The additional lots are located immediately to the east of the north-south alley which now denotes the eastern boundary of the approved PUD site. The public alley, which currently separates the previously approved PUD site from the newly incorporated property, will be closed. An application to close the alley has been filed with the Office of the Surveyor. The newly incorporated property has frontage on Southern Avenue and 9th Street, S.E.

4. The applicant is proposing to relocate the community center building to the 9th Street frontage of the newly incorporated property. The applicant acquired the additional property for this purpose after determining that the subsurface soils were too unstable to support the community center building at the previously approved location. The applicant is proposing to develop a portion of the site where the community center was previously proposed to be located with 11 additional townhouse units, leaving the balance of the site undeveloped. The new townhouses will be similar in scale and design to the approved townhouses. Each of the townhouses will include a pad for one off-street parking space and 10 of the 11 townhouses will provide additional guest parking.

5. The community center has been completely redesigned to fit the new site and has been enlarged (*i.e.,* from 8,600 to 12,304 square feet) to accommodate a demand for additional space for local community service organizations. The relocated community center will front on 9th Street. The architecture incorporates residential design elements in compatibility with the adjoining townhouse development. The community center site plan includes a tennis court along the Southern Avenue frontage of the property and off-street parking for 27 vehicles that is accessed off of 9th Street. These parking spaces will also be available for guest parking for the PUD residents when not in use by the center. The program for the community center is unchanged except that additional space is available (due to the enlargement) for community-serving organizations.

6. The applicant is also seeking flexibility to add decks in the rear yards of some of the approved townhouses as well as the proposed 11 townhouses. The applicant submitted a deck location plan (Exhibit No.33). The plan indicates that the townhouse units can support a deck without encroaching on the air, light and privacy of adjoining units. These units have second-story living and/or family room floor plans, which would be enhanced with decks permitting access to the outside.

7. The applicant is also seeking approval to replace the existing swimming pool on the PUD site, which was originally proposed to be retained "as is". The applicant's architect testified that the existing pool had slope and safety problems that necessitated the redesign. The pool complex was also shifted approximately 8 feet to the east permitting a widening of the Marjorie Court parking area and increasing the number of parking spaces in this area by 6 spaces.

8. With the proposed modifications, the applicant is proposing to increase parking for the PUD by providing additional parking spaces on the following two off-site lots located adjacent to the PUD site:

    a. 800 Barnaby Street, S. E. (Square 6163, lot 90) a 7,278 square-foot lot which will be paved, landscaped and striped for 13 spaces in accordance with plans submitted by the applicant (Exhibit 32). This lot will be used exclusively for parking. A restrictive covenant will prohibit the lot's development and restrict its use to overflow parking for the PUD; and

b. 820 Chesapeake St., S. E. (Square 6160, Lot 86) - an improved property that is being redeveloped by the applicant as a Veterans center. At the close of the business day, a minimum of 20 of the parking spaces provided on site will be made available as overflow parking for PUD residents and their guests. A restrictive covenant ensuring that the 20 spaces will be made available for evening use by PUD residents will be applied. Since the lot is completely paved, no landscaping is proposed except lighting, which will be provided as shown on the plans submitted by the applicant.

9. The previously approved 0.68 FAR of the PUD project was below the matter-of-right FAR standard for the applicable R-5-A District, which permits a maximum FAR of 0.9. With the proposed modifications, the overall density of the project will remain unchanged. The overall lot occupancy of the PUD project (*i.e.,* 22 percent) will also remain unchanged.

10. The District of Columbia Office of Planning (OP), by memorandum dated March 16, 1999, recommended conditional approval of the proposed modifications. OP concluded that with the proposed modifications, the density of the project remains unchanged and remains consistent with matter-of-right standards. OP further concluded that the project will continue to further many key planning objectives, including the provision of new affordable single-family housing along with the provision of daycare and other social services for area residents. OP noted that the overall amount of off-street parking would be increased. OP recommended that the applicant be required to enter into a covenant ensuring that the additional off-site parking spaces would be provided as part of the modification project.

11. One person testified in opposition to the project at the hearing. As an owner of nearby property, the person objected to the applicant's views that many of the surrounding buildings are in need of demolition and/or redevelopment.

12. Advisory Neighborhood Commission 8E, by a letter dated May 17, 1999, indicated that they voted unanimously to approve the modification application for the following reasons:

(a) The proposed development will have a positive impact on the Washington Highlands area by providing high quality housing opportunities for families that might otherwise leave the area;

(b) The proposed project was formulated with active involvement of the Ridgecrest Tenants Association and the broader community, and former tenants have been provided with relocation assistance and opportunities to purchase homes in the new development at very favorable terms; and

(c) The proposed community center will provide services that the area residents desperately need.

FINDINGS OF FACT

1. The proposed PUD site is a 96-acre improved parcel of land fronting along a cul-de-sac where Bellevue terminates one block to the south of 9th Street and near the southeastern boundary line of the city (Southern Avenue) at 828 Bellevue Street, S.E., in Square 6159, Lot 125. The site is situated at the top of a hill, where the topography slopes steeply from the north to the south.

2. The entire site is zoned R-5-A. The previously approved 0.68 overall density of the PUD project was below the matter-of-right FAR standard for the applicable R-5-A District, which permits a maximum FAR of 0.9. With the proposed modifications, the overall density of the project will remain unchanged. The overall lot occupancy of the PUD project (*i.e.,* 22 percent) will also remain unchanged.

3. Upon completion, the project would have a floor area ratio (FAR) of 0.68, heights of structures ranging from 30 feet to 34 feet, a lot occupancy of 22 percent, and a total of 217 parking spaces.

4. The community center has been completely redesigned to fit the new site and has been enlarged to accommodate a demand for additional space for local community service organizations. The parking spaces will also be available for guest parking for the PUD residents when not in use by the center. The program for the community center is unchanged except that additional space is available (due to the enlargement) for community-serving organizations.

CONCLUSIONS OF LAW

1. The PUD application is consistent with the purposes of the Zoning Regulations and the Zoning Act.

2. The proposed application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

3. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use of the site is essential to ensure compatibility with the neighborhood.

4. The development of this PUD carries out the purpose of Chapter 24 to encourage the development of well-planned residential, institutional, commercial and mixed-use developments which will offer a variety of building types with more attractive and efficient planning and design not achievable under matter-of-right development.

5. The development of this PUD is compatible with citywide goals, plans and programs, and is sensitive to environmental protection and energy conservation.

6. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.

7. Approval of this application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

8. The Zoning Commission has accorded to Advisory Neighborhood Commission - 8E the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby **ORDERS APPROVAL** of the application for modifications to a planned unit development (PUD) in Square 6159, Lot 125. The approval of this modification to the PUD is subject to the following guidelines, conditions and standards:

1. The planned unit development shall be developed under the existing R-5-A District in accordance with plans, dated March 1999 and May 27, 1999, prepared by Navy Marshall Associates and CHK Architects and Planners (Exhibits 27 and 35 of the record), except as such plans may be modified to conform to the conditions listed below.

2. The 11 additional townhouses proposed in this modification application will be developed in accordance with Exhibit 27 of the record.

3. The community center shall be developed in accordance with Figures 50 - 55; in Exhibit 27.

4. The existing community pool will be replaced with a new pool in accordance with Exhibit No. 32 of the record.

5. The lot occupancy of the project shall not exceed 40 percent of the site. The density of the proposed project shall not exceed 310,816 square feet, with a floor area ratio of 0.68.

6. The height of the townhouses shall not exceed 30 feet with two to three stories.

7. Landscaping shall be in accordance with the plans and specifications dated May 27, 1999, prepared by Coffin and Coffin Landscape Architects (Exhibit 35). The decks shall be designed and constructed in accordance with the deck plans provided in Figures 1-2-3, Exhibit 35.and Figure 4A, of Exhibit 32 of the record.

8. The applicant shall provide off-site, overflow parking for the project at 800 Barnaby Street, S.E. and 820 Chesapeake Street, S.E. as shown in Figure 1-2-3, Exhibit No. 32.

Prior to the issuance of building permits for the 11 additional townhouses, the applicant shall record covenants ensuring that parking will be provided on these lots for PUD residents. The covenants shall be substantially in the same form as the sample covenant provisions provided in Exhibit 32 of the record.

9. The applicant shall have the flexibility with respect to the following matters:

   a. The applicant may construct decks within the rear yards of townhouses identified on the Site Plan (Exhibit No. 32).

   b. The applicant may vary the townhouse floor plans for the 11 additional townhouses from those shown in Exhibit 27. The applicant may also vary all floor plans and interior components in the community center.

   c. The applicant may make minor variations in the location of exterior lighting fixtures; and

   d. The applicant may vary the species of plant materials within the ranges proposed in the landscaping plan as follows:

      i. The "Bloodgood London Plane" tree of 3 ½"-4" caliper shall be the primary street tree.

      ii. The Red Maple of 3"-3½" caliper shall be planted along Barnaby Street and Southern Avenue.

      iii. Single Willow Oak 3"-3½" shall be planted in the three courtyards off Barnaby Street.

      iv. Both the Little Leaf Linden 3½"-4"caliper, the Yoshino Cherry (2½ - 3"caliper) and the Saucer Magnolia (8'-10' high) are to be planted within the small courtyards as secondary street trees.

10. No building permit shall be issued for the site until the applicant has recorded an additional covenant in the land records of the District of Columbia between the owner and the District of Columbia which is satisfactory to the Office of the Corporation Counsel (OCC) and the Zoning Regulatory Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall modify the previously recorded PUD covenant for the project and shall bind the owner and all successors in title to construction and use of the property in accordance with this Order and amendments thereto of the Zoning Commission. When the covenant is recorded, the applicant shall file a certified copy of the covenant with the Zoning Commission.

11. This modification of a previously approved PUD by the Zoning Commission shall be valid for a period of two years from the effective date of this Order. Within such time,

the applicant must file for a building permit. Construction shall commence within three years of the effective date of this Order.

Vote of the Zoning Commission taken at a regular public meeting on October 18,1999, by a vote of 4–0: (Anthony J. Hood, Herbert M. Franklin, John G. Parsons, and Angel F. Clarens, to approve).

This Order was adopted by the Zoning Commission at its public meeting on November 8, 1999, by a vote of 3-0: (Anthony J. Hood, Herbert M. Franklin and John G. Parsons, to adopt - Carol J. Mitten and Kwasi Holman, not voting, not having participated in the case).

In accordance with 11 DCMR, Section 3028, this Order is final and effective upon publication in the D.C. Register, that is, on MAR 17 2000.

ANTHONY J. HOOD
Chairman
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning

ZCO912/VCE

Exhibit B: Zoning Commission Order No. 829

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 829
Case No. 97-3C
(Consolidated PUD @ 828 Bellevue Street, S.E.)
August 4, 1997

Pursuant to notice, a public hearing of the District of Columbia was held on June 5, 1997. At this hearing session, the Zoning Commission considered an application from CEMI-Ridgecrest, Inc. for approval of a Consolidated Planned Unit Development (PUD), as well as special exception, pursuant to Sections 2402.4, 2405.7, 2408.8, and 334.1 of Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 24, Title 11 of the District of Columbia Zoning Regulations.

FINDINGS OF FACT

1. The applicant, CEMI-Ridgecrest, Inc. is a non-profit corporation which was founded by a group of Ridgecrest Heights tenants and Crawford/Edgewood Managers, Inc., a property management and development firm. The proposed PUD site is a 9.6 acre improved parcel of land fronting along the cul-de-sac where Bellevue terminates one block to the south of 9th Street near the southeastern boundary line of the city (Southern Avenue) at 828 Bellevue Street, S.E., in Square 6159, Lot 125. The site is situated at the top of a hill, the topography slopes steeply from the north to the south.

2. The entire site is zoned R-5-A. The R-5-A district permits matter-of-right single-family detached dwellings, and with approval of the Board of Zoning Adjustment, low-density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, and a maximum height of 3-stories/40 feet. The PUD standards for an R-5-A zone district establish a maximum FAR of 1.0 and a maximum height of 60 feet. The maximum land area that a building may occupy is 40 percent of the total lot size.

3. The applicant proposes to develop 141 townhouses as well as a community center in the Washington Highlands area of Southeast Washington. The Washington Highlands area, within which the site is located, is a depressed area with a large concentration of low-income individuals, high crime statistics and serious drug problems. The subject site, which is currently improved, was developed in the early 1960s with 331 garden apartment units. It is improved with a partially vacant low income garden apartment project known as Ridgecrest Heights. The U.S. Department of Housing and Urban Development recently conveyed the property to the applicant for a nominal consideration and provided a $24 million dollar grant to redevelop it.

4. The PUD site plan reflects both a desire to create streets that are traditional in character with the need to minimize disturbance of a steeply sloping terrain. The site plan can be divided into four sections including three distinct townhome neighborhoods and the community center site which is set off from the townhouse clusters on the western portion of the site.

5. The three townhouse clusters include: (1) an upper neighborhood consisting of 42 townhouses located off Bellevue Circle; (2) a lower cluster of 72 townhouses fronting along a private street to be called H.R. Drive; and (3) a third cluster of 27 townhouses which front on Barnaby Street, S.E. Linking the three neighborhoods to each other and to the common areas and facilities (i.e., the swimming pool and clubhouse) are two series of pedestrian stair/garden sequences that navigate the steepest parts of the terrain. The two stair sequences are designed to minimize the climb up and down the slope. With low risers and wide treads, the climb between landings will be comfortable for the residents. Plantings bordering the steps will enhance the experience of ascending to the pool or descending toward home.

6. The site perimeter will be secured by an attractive security wall with six gated access points. The wall will be constructed of a brick face/masonry wall with a wrought iron or similar metal crown on top of the brick wall. These fences and their locations are illustrated on Figures 15A and 15B of Exhibit 31. The wall will be constructed in segments. These segments will vary but will always be at least 6 feet in height and will combine brick face/masonry walls with wrought iron or similar metal pickets either on top of or between the walls. Brick piers will connect the fence segments to each other and the entrance gates.

7. The site will also include a number of retaining walls. Despite careful site planning which successfully locates the townhouse clusters on the site so that many of the townhouse rows also serve, in effect, as retaining walls on the steeply sloped portions of the site (some of which slope in excess of 60%), additional retaining walls will be necessary on the steepest slopes. The location of the retaining walls, which vary in height from 2 to 10 feet, are shown on Figures 4A and 11A of Exhibit 31.

8. Each of the neighborhoods feature a distinctive clustering concept dictated by site topography constraints and security objectives. The upper section offers two clusters of townhouses laid out in a mews configuration, one of which completes the pedestrian sequence running from the pool to the Metrobus stop along Barnaby Street. Site conditions allow for rear loaded garage units for most of the mews houses with the exception of the southernmost row of townhouses where the sloping conditions do not permit adequate access. These units have assigned spaces on an adjacent private street. The remaining townhouses in the upper cluster are oriented toward Bellevue Circle. Both front and rear loaded garage units are provided in these areas.

9. The upper section of the site also includes the community pool and clubhouse which are existing facilities that will be renovated upon PUD approval. The clubhouse will contain the accessory bathhouse facilities for the pool, sales and office support space for the project developer and then the homeowners association as well as a large community meeting room.

10. The lower neighborhood is arranged along a new 34 foot wide street running from Barnaby Street to Southern Avenue. Seven groups of townhouses (containing from 5-13 townhouses each) front on H. R. Drive providing a total of 72 townhouses in this cluster. Gated at each end, this street will resemble its traditional counterparts found in highly desirable neighborhoods throughout Washington. Minimal use of front loaded garages along this street assures pedestrian friendly facades and requires on-street, assigned parallel parking for each unit.

11. The third, Barnaby Road cluster is composed of one group of three townhouses which front directly on Barnaby Road and three groups of eight houses which are arranged in a horseshoe configuration around a central courtyard facing Barnaby Street. Each courtyard allows automobile and pedestrian access directly from Barnaby Street, but is gated to provide security. The courtyard townhouses are front loaded garage units. The courtyard configuration allows "eyes" along Barnaby Street, while minimizing curb cuts, shielding garage doors from view, and maintaining the desired security for each unit.

12. The proposed townhouses were designed to reinforce the site plan concept. Thirteen individual unit types were created in order to respond architecturally to the severe sloping condition of the site, and to fulfill the program requirements of three and four bedrooms. The thirteen individual townhouses can be divided into three major types:

    a) Front loaded garage units located primarily in the courtyard clusters fronting on Barnaby Street and near Bellevue Circle at the top portion of the site;

    b) Rear loaded garage units located in the mews cluster; and

    c) Units without garages located along H. R. Drive and in the portion of the mews where vehicular access is problematic.

    The three major types are the result of site constraints and the attempt to minimize the number of garage doors along the streets, thus emphasizing the traditional character of the design.

13. The exterior materials used in the townhouses are brick and siding. Different brick and siding colors and varied architectural details (i.e., brick arches, window trim, entry door trim, cornices, porticoes, shutters, dormers and gables) help break down the scale of the longer clusters and provide a special street character found in traditional neighborhoods.

14. The PUD site and areas of adjacent public space will be relandscaped to maximize the attractiveness of the new development. The intent of the landscaping plan is also to minimize landscaping maintenance requirements so as not to overburden the new homeowners association with high costs.

15. The project will provide 179 residential parking spaces which are provided in garages and on the project's interior, private roadways (1.96 spaces per unit). The 179 spaces include 73 garaged spaces, 17 rear yard spaces, 59 unassigned, marked spaces located along the interior project roadways and 30 guest parking spaces (unassigned spaces located along the interior project roadways). In addition, 34 spaces are provided on the Community Center site. Another 78 spaces are available on the surrounding streets including Bellevue Circle, Southern Avenue, and Barnaby Street. These spaces can be utilized, along with the parking at the Community Center, for overflow and guest parking. (See Figures 7 and 7A, Vehicular Circulation and Parking Plan, Exhibits 28, 32, 31, 30, 20, 19, 18, 8 and 7).

16. The applicants propose the following public benefits and amenities:

    (a) homeownership opportunities for low-to-moderate income persons;

    (b) homeownership pre-purchase and post purchase counseling programs;

    (c) a job training program; and

    (d) on-site day care facility.

17. The District of Columbia Office of Planning (OP), by memorandum filed May 27, 1997, recommended approval of the application as generally consistent with matter-of-right standards. OP concluded that the proposed PUD is not seeking to increase density but rather to permit a more flexible site plan than would be permitted under the theoretical lot development provisions of the Zoning Regulations (even though the street width and front yard requirements in the Regulations are not adhered to in the PUD). It further concluded that the project furthers many key planning objectives for this area of the city including the provision of new affordable single-family housing along with the provision of daycare and other social services for area residents.

18. A party came forward at the June 5, 1997 hearing asking for clarification on certain parking and access issues.

19. Advisory Neighborhood Commission 8E, through letter (Exhibit 25) and testimony at the June 5, 1997 hearing, stated that at a public meeting on May 14, 1997, the ANC 8E voted unanimously to approve the application and asked for an expeditious approval from the Commission for the following reasons: (1) the proposed development will have a very positive impact on the Washington Highlands area by providing high quality and secure

low income housing opportunities for families that might otherwise leave the area; (2) the proposed project was formulated with active involvement of the Ridgecrest Tenants Association and the broader community; Ridgecrest tenants have been provided with relocation assistance and opportunities to purchase homes in the new development at very favorable terms; and (3) it provides services that the area residents desperately need.

20. ANC 8E also entered into the record of the PUD case a Memorandum of Understanding between the ANC and Crawford/Edgewood Management, Inc. which establishes minority contracting and employment goals for the PUD project.

21. The proposed action of the Zoning Commission to approve the application with conditions was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated August 1, 1997 indicated that the PUD would not adversely affect the Federal Establisment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use of the site is essential to ensure compatibility with the neighborhood.

2. The development of this PUD carries out the purpose of Chapter 24 to encourage the development of well planned residential, institutional, commercial and mixed use developments which will offer a variety of building types with more attractive and efficient planning, and design not achievable under matter-of-right.

3. The development of this PUD is compatible with city-wide goals, plans and programs, and is sensitive to environmental protection and energy conservation.

4. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.

5. Approval of this PUD application is consistent with the purposes of the Zoning Act.

6. The proposed application can be approved with conditions which ensure that the development will not have an adverse effect on the surrounding community, but will enhance the neighborhood and ensure neighborhood stability.

7. The approval of this application will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map of the District of Columbia.

8. The Zoning Commission has accorded to the Advisory Neighborhood Commission the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission hereby orders approval of the application for consolidated review of a planned unit development (PUD) and special exception relief in Square 6179, Lot 125. The approval is subject to the following guidelines, conditions and standards:

1. The planned unit development shall be developed under the existing R-5-A zone district, in accordance with plans dated June, 1997, prepared by Navy Marshall Associates, and CHK Architects, marked as Exhibit 31 of the record, except as such plans may be modified to conform to the conditions listed below.

2. The maximum number of townhouse units shall be 141, not including the Community Center and Clubhouse.

3. The minimum number of parking spaces provided on-site shall be 213.

4. The location of the clusters and individual units shall be as shown on Figures 4A - 49H of Exhibit 31.

5. The locations of the Community Center, clubhouse, and pool shall be as shown on plans marked as Figures 4A and 50 - 58 of Exhibit 31 of the record.

6. The Community Center shall include uses generally consistent with the following:

   a. A day care center which shall operate from approximately 7 a.m. through 7 p.m. Monday through Friday, for a total of approximately 35 children from the ages of six months to five years. Although PUD residents will be given first priority, other area residents will be eligible for space. The Center shall meet all regulations and standards required for the operation of such a facility.

   b. After school care for approximately 8 children, ages six through fourteen. The hours of operation of this program shall be from approximately 3 p.m. to 7 p.m., Monday through Friday.

   c. Employment training and job counseling for PUD residents as well as residents from the outside community. The training programs shall operate Monday through Friday from approximately 9 a.m. through 4 p.m.

d. Community/Family Oriented Training consisting of one day workshops and seminars events extending over a six week period of time. Activities shall take place both during the day and evening hours, Monday through Saturday.

e. Senior citizen activities for individuals over the age of fifty-five. Hours of operation will be from approximately 9 a.m. through 3 p.m., Monday through Friday. An average of 20 individuals may be served on a weekly basis.

7. The Clubhouse and community pool are existing facilities which shall be renovated in accordance with Figures 55, 57, and 58 of Exhibit 31 of the record. The Clubhouse will contain the accessory bathhouse facilities for the pool, sales and office support space for the project developer and the homeowners association as well as a large multi-purpose room which may be used for homeowners association meetings and social activities.

8. The lot occupancy of the project shall not exceed 40 percent of the site. The project shall not exceed 286,520 square feet with a floor area ratio of 0.68.

9. The height of the townhouses shall not exceed 30 feet with two to three stories.

10. The size of the townhouses shall range from approximately 1,836 gross square feet to 2,116 gross square feet each.

11. Landscaping and paving shall be in accordance with the landscaping and streetscape as shown with the plans marked as Figures 9A, of Exhibit 31 of the record. The landscaping plan will include the following:

a. Primary Street Trees

(1) The "Bloodgood" London Plane tree of 2 1/2" - 3" caliper.

(2) The Red Maple of 2 1/2" - 3" caliper.

(3) Single willow oaks (2 1/2" - 3" caliper) shall be planted in the three courtyards adjacent to Barnaby Street.

b. Secondary Street Trees

(1) Both the Little Leaf Linden (2 1/2 - 3" caliper), the Yoshino Cherry (2" - 2 1/2" caliper) and the Saucer magnolia (8' - 10' high) shall be planted within the small courtyards.

c. Slope Planting

(1) Trees planted upon the slope are primarily evergreens. The predominant tree is white pine within a mix of spruce and deodora cedars. The pine trees shall be 7' - 8' high and all other slope planted material shall be 5' - 6' tall.

(2) The groundcover planted upon the slope shall be a hard fescue with a mix of chewing fescue and perennial rye grass.

d. Ornamental and Small Flowering Trees

(1) A miscellaneous mixture of trees ranging in size from 2 1/2" - 3" caliper shall be throughout the project in the back yards and open spaces. Typical varieties vary from tulip poplars to Chinese dogwood, crabapples and serviceberry.

12. Retaining walls shall be constructed in accordance with the specifications and location on Figures 4A and 11A of Exhibit No. 31 of the record. The retaining walls shall be no higher than 10 feet. The materials used for the retaining walls shall be either brick-faced concrete or exposed aggregate precaste concrete panels.

13. Lighting shall be in accordance with Figure 9A of Exhibit No. 31. Street lights will be coordinated with street trees and pathlights shall be clustered at the stairs.

14. The applicant shall establish and maintain a community liaison program consisting of representatives of the facility, the ANC, and the neighborhood. The applicant shall conduct meetings of the community liaison members at least four times a year. Notice of the meetings shall be given to the ANC and to the owners of all property within 200 feet of the site.

15. The applicant shall have flexibility to make minor modifications to the plans with respect to the following matters:

a. The applicant may construct patios within the rear yards of townhomes.

b. The applicant may vary the townhouse floor plans from those shown on Figures 16 - 26 of Exhibit 31. The applicant may also vary all floor plans and interior components in the Community Center and the Clubhouse.

c. The exterior of the Clubhouse shall be brick or siding, but the applicant may vary the amount of brick shown on the Clubhouse elevations, Figures 56 and 57 of Exhibit 31.

d. Varying the location of exterior lighting fixtures; and

e. Varying the species of plant materials within the ranges proposed in the landscaping plan.

16. A comprehensive security system shall be implemented which may include security cameras, key entries, electronic beams around the perimeter of the fence, one-day visitors passes and software to track vehicles.

17. Drainage for the PUD shall be developed in accordance with Figure 12 of Exhibit 31.

18. The applicant shall enter into a First Source Employment Agreement with the District of Columbia Department of Employment Services.

19. The applicant shall enter into a Local, Small and Disadvantaged Business Opportunity Agreement with the Department of Human Rights and Minority Business Development.

20. No building permit shall be issued for the site until the applicant has recorded a covenant in the land records of the District of Columbia between the owner and the District of Columbia satisfactory to the Office of Corporation Counsel and the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA). The covenant shall bind the owner and all successors in title to construction and use of the property in accordance with this Order and amendments thereto of the Zoning Commission.

21. The Office of Zoning shall not release the record of this case to the Zoning Division of DCRA until the applicant has filed a certified copy of the covenant with the records of the Zoning Commission

22. Pursuant to D.C. Code Section 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this Order is conditioned upon full compliance with those provisions. Nothing in this Order shall be understood to require the Zoning Division of DCRA to approve permits if the applicant fails to comply with any provisions of D.C. Law 2-38, as amended.

23. The planned unit development approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order, and the special exception for the temporary community center will be for a 20 year period as permitted under Section 2405.7. Within such time, application must be filed for a building permit, as specified in Subsection 2408.8 of the Zoning Regulations. Construction shall start within three years of the effective date of this order.

Vote of the Zoning Commission taken at a special public meeting held on June 23, 1997: 4-0 (John G. Parsons, Jerrily R . Kress, Herbert M. Franklin and Maybelle Taylor Bennett to approve with conditions).

This Order was adopted with modifications by the Zoning Commission at its public meeting on August 4, 1997 by a vote of 4-0: (Jerrily R. Kress, Herbert M. Franklin, Maybelle Taylor Bennett and John G. Parsons, to adopt).

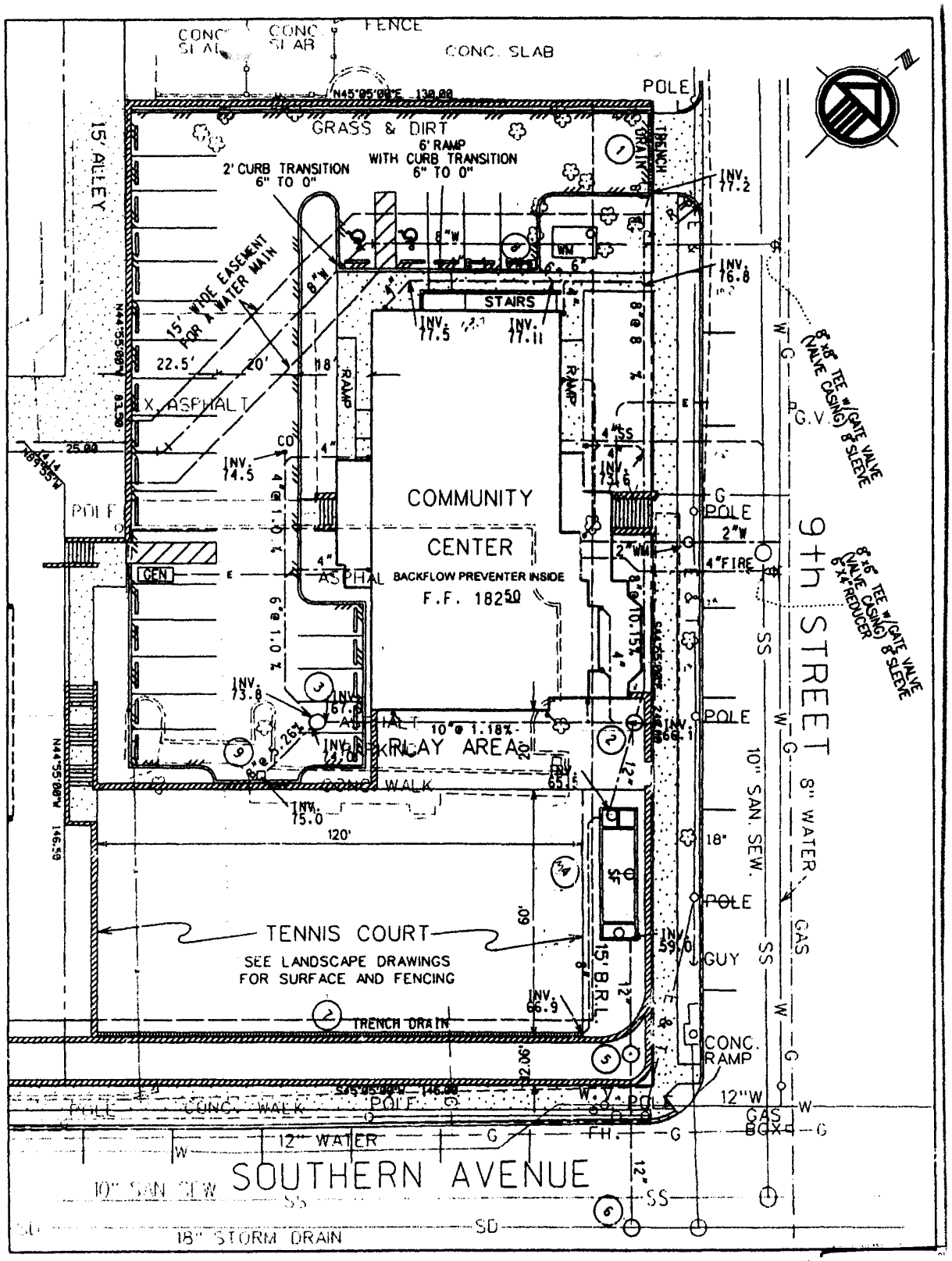
In accordance with 11 DCMR Section 3028, this Order is final and effective upon publication in the DC Register, that is on SEP 26 1997.

MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission

MADELIENE H. DOBBINS
Director
Office of Zoning

ZCO829/sdb/kjw

Exhibit C: **Site Plan – Community Center**



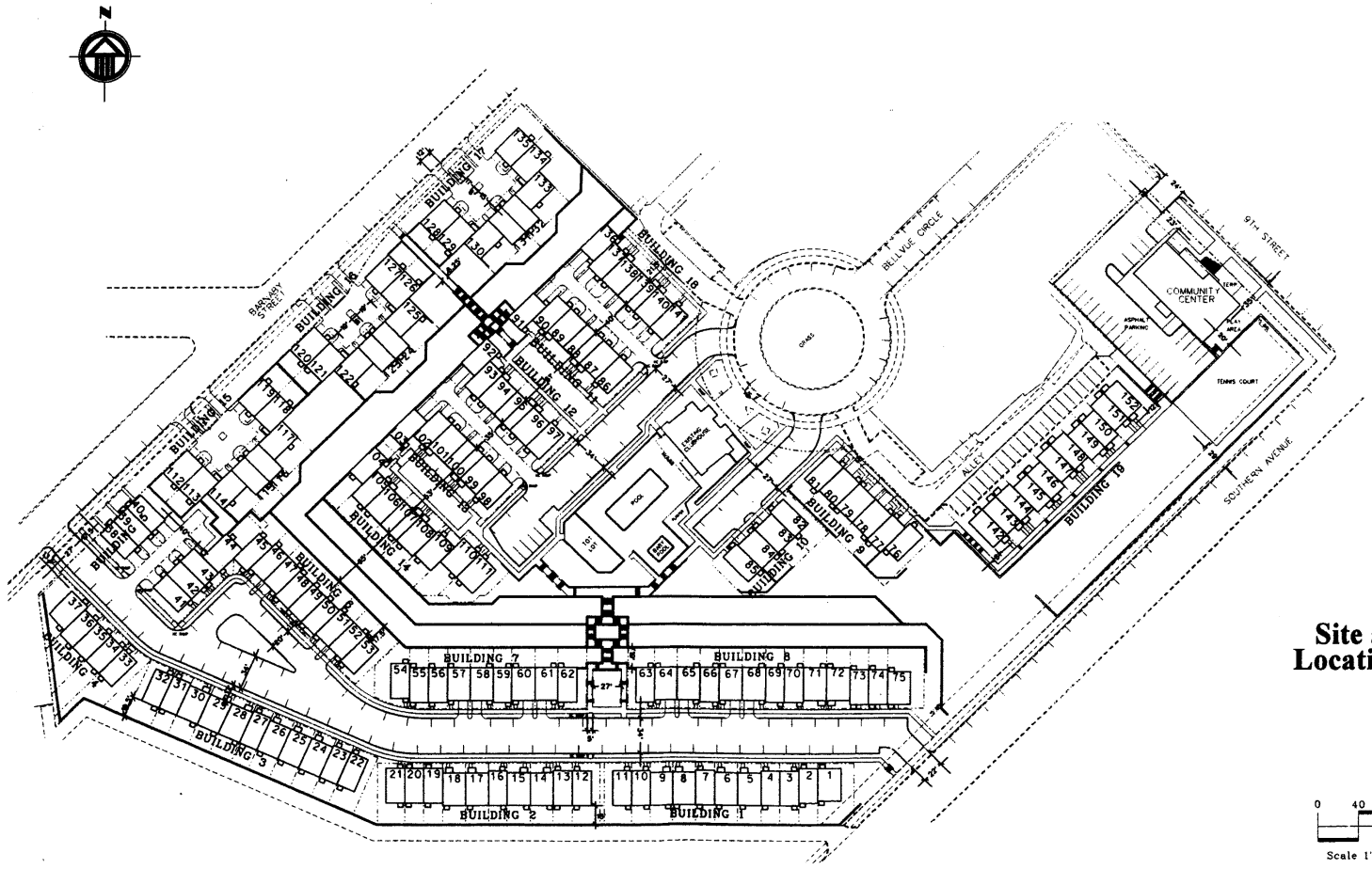
LAYOUT PLAN

1"=20'

LEGEND

RETAINING WALL DRAIN	6" (ALL)	EXISTING SPOT ELEVATION	
FOOTING DRAIN PICK-UP	4" (ALL)	PROPOSED SPOT ELEVATION	
DEAD END BLOWOFF	⊙	EXISTING CONTOUR (AEI)	
CONCRETE PAVEMENT		PROPOSED CONTOUR	
ASPHALT PAVEMENT		MANHOLE	
RETAINING WALLS		YARD DRAIN	

Exhibit D: **Site Plan – Walter E. Washington Estates With Relocated Community Center Per Order 912**



Site and Unit Locations Plan

SEPTEMBER 1998

Navy Marshall & Associates
CHK Architects and Planners
Harkins Builders, Inc.
Associated Engineers, Inc.

Walter E. Washington Estates

Washington, D.C.

CEMI-Ridgecrest, Inc.
DC Housing and Finance Authority

4A