

Government of the District of Columbia  
ZONING COMMISSION



**ZONING COMMISSION ORDER NO. 851**  
**CASE NO. 98-3C**  
**(CONSOLIDATED PUD AT VALLEY GREEN / SKYTOWER)**  
**JUNE 8, 1998**

Pursuant to notice, a public hearing of the District of Columbia was held on May 7, 1998. At this hearing session, the Zoning Commission considered an application from Enterprise/A & R J.V. II for approval of a Consolidated Planned Unit Development (PUD 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 of the Zoning Regulations.

**FINDINGS OF FACT**

1. The applicant, Enterprise/A & R J.V. II is a joint venture consisting of The Enterprise Social Investment Corporation (ESIC) and A & R Development Corp. (A & R). ESIC is a wholly-owned subsidiary of The Enterprise Foundation, a non-profit organization and A & R, founded in 1977, specializes in urban design and development.
2. The proposed PUD site consisting of approximately 20.7 acres located to the south of Oxon Run Park and to the east of the Greater Southeast Community Hospital. It is generally bounded by Wheeler Road, S.E. on the west, Valley Avenue, S.E. and the Wheeler Terrace Apartments on the north, 13th Street, S.E. on the east and the rear lot lines of the lots facing the north side of Wahler Place, on the south. The PUD site includes lots 27, 59-62 and 812-829 in Square 5920, and lots 26, 27, 35-42, 800, 802 and 804 in Square 5928.
3. The PUD site is currently improved with two existing, predominantly vacant, garden apartment projects: Valley Green and Skytower. Valley Green is a former U.S. Department of Housing and Urban Development ("HUD") project which contained 312-units (32 garden apartment style, three-story buildings) that is now almost entirely vacant. Skytower is a 91-unit (10 three and four-story buildings) HUD foreclosure property of which approximately 70 units are occupied by residents receiving Section 8 subsidies. Also included in the PUD is a small apartment building located at the corner of

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Wheeler Road and Valley Avenue and two small parcels improved with dilapidated single family houses which front on Valley Avenue: 967 and 971 Valley Avenue.

4. The Applicant plans to acquire two additional off-site parcels which will be redeveloped in conjunction with the PUD site, but under matter-of-right development standards. These parcels include an auto repair shop located at the southeast corner of Wahler Place and Wheeler Road and an abandoned condominium building located at the southwest corner of 13th and Varney Streets. The first parcel located at the corner of Whaler Place and Wheeler Road is zoned C-1 and is proposed for townhouses development. The second parcel located at 13<sup>th</sup> and Varney Streets is zoned R-5-A and will be developed with detached and semi-detached houses.
5. The existing zoning of the PUD site is 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 (40%) of the total lot size.
6. PUD approval is necessary to permit the development of the multifamily structures, the townhouse units, and the development of the units located on private interior roads. It is also necessary for the development of the community center which will include a child development center. The density of proposed project is well-within the PUD standards with a total gross floor area of approximately 416,300 square feet and a floor area ratio (FAR) of approximately 0.46. The overall lot occupancy of the project is approximately 18%.
7. The applicant proposes to develop a total of 299 units including 199 family housing units and a 100 unit seniors apartment house and a community center. 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.
8. The proposed PUD will be financed with a combination of proceeds, including public housing funds, low-income housing tax credits and a property disposition grant through HUD's Hope VI program totaling over \$20 million in Hope VI funds. Additional funds will be provided by the District of Columbia Housing Authority ("DCHA"), the Federal Housing Administration ("FHA"), the District of Columbia Housing Financing Agency ("DCHFA") and private lenders.

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9. The PUD site plan offers a mixture of family housing unit types including: single family detached units, semi-detached units, townhouses, and small 6-unit walk-up apartment buildings. The architecture of the family housing is traditional. The various unit types will be dispersed throughout the project to promote the comparability of unit types regardless of whether they are rental or homeownership, subsidized or market-rate. In this way, the low-income units will be absorbed within a truly mixed-income neighborhood to lessen the isolation of the low-income residents and to create a stable, self-sustaining neighborhood that is a safe, appealing place to live and a stimulus to continued economic revitalization of the contiguous neighborhoods. The exterior of the housing units will combine brick, vinyl siding and composite trim finishes. The roofs will use asphalt shingles.
10. The 100 unit senior apartment house will be three (3) and four (4) stories in height with the 3-story front entrance facing Varney Street. The building is configured in a 'C' shape with the outdoor recreation and patio areas located in a central courtyard. The front of the building will feature a large sitting porch. The building facade will be composed of brick, split face block and vinyl siding. The roofs will be steeply pitched and covered with high-grade fiberglass shingles. Parking and loading for the facility will be located in the rear of the building on the service alley. The building's interior will include a multi-purpose, exercise, game and activity room, and a library. The senior apartment house will provide 17 parking spaces on-site for resident, employee and visitor parking.
11. The applicant is also proposing to construct a 13,500 square foot Community Center. The Wheeler Creek Community Development Corporation (the "CDC"), composed of a group of the former residents of the Valley Green and Skytower projects, will serve as a residents' advisory group to the Applicant and play an important role in the management of the proposed Community Center. The population to be served through this center will be drawn from the property and the surrounding community.
12. The Community Center will provide day care, family self-sufficiency programs, job training and placement and educational opportunities. The day care center will include adequate space for indoor and outdoor play, food preparation areas, restroom facilities for exclusive use of the children, and appropriate safety features. The entrance to the Day Care Center will be from 13th Street and Varney Street. The outdoor play area will be appropriately fenced for the safety of the children. A total of 15 parking spaces are provided in the rear of the Community Center for employee and visitor parking.
13. Approximately 82% of the site will be devoted to open space including new interior roads which will be constructed on the PUD site. Much of this open space will be landscaped green areas. The primary entrance to the new development along Wheeler Road and Varney Street is a landscaped gateway with flowering trees and other plantings to establish a positive image for the neighborhood. In general, the idea of the

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neighborhood's design is to orient the streets and public spaces to the principal "address"--Oxon Run Park. Other key common areas will also feature special landscaping. The Commons Park features a playground with appropriate park seating and ample tree cover. As situated, the park overlooks the Oxon Hill Park to the north. Crescent Park and its Overlook seek to combine active recreation for children and passive enjoyment for adults.

14. Roadways throughout the project are designed to facilitate "eyes on the street" and foster community identity. The streets are narrower than D.C. DPW policies prescribe but are in conformity with accepted traffic engineering and street design principals and guidelines. A total of 208 off-street parking spaces are provided within the PUD project. These include 176 spaces for the family housing which are provided in garages or on pads adjoining the housing units. An overall ratio of .89 off-street spaces per family housing unit is provided. In addition, 10 spaces are provided on the Community Center site and 17 spaces are provided for the seniors apartment house. Another 277 spaces are available on adjacent streets; these spaces can be utilized by residents as well as for overflow and guest parking.
15. The District of Columbia Office of Planning (OP), by memorandum filed April 27, 1998, recommended approval of the application as generally consistent with the Comprehensive Plan and 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.
16. Advisory Neighborhood Commission 8E did not make an official recommendation with respect to the application.
17. The proposed project was formulated with active involvement of the Wheeler Creek Estates Community including residents of Valley Green and Skytower. Several residents from Valley Green and Skytower appeared at the public hearing in support of the application.
18. 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 June 4, 1998 found that the proposed consolidated PUD would not adversely affect the federal establishment or other federal interest in the National Capital, nor be inconsistent with the Comprehensive Plan for the National

Capital. The report further stated that the NCPC is pleased that the District of Columbia government and HUD are addressing housing needs through commendable planning methods and objectives, as evidenced by this proposed project.

**CONCLUSION 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 citywide goals, plans and programs, and is sensitive to environmental protection.
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 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.

**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 for the property located in Lots 26, 27, and 35-42, 800, 802 and 804 in Square 5928 and Lots 27, 59-62, and 812-829 in Square 5920. The approval is subject to the following guidelines, conditions and standards:

1. The PUD shall be developed in substantial conformance with the plans marked Exhibit 29 and 34, and as modified by the guidelines, conditions, and standards.

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2. The project shall be a new housing development consisting of 199 family housing units to include single-family detached, semi-detached, townhouse and 6-unit walk-up buildings. It shall also include a 100-unit senior apartment house and a community center.
3. The floor area ratio (FAR) of the project shall not exceed .46. The maximum lot occupancy of the project shall not exceed 18%.
4. The minimum number of off-street parking spaces provided shall be 208.
5. The maximum height of the single-family detached, semi-detached, townhouse and 6-unit walkup buildings shall be 40 feet. The maximum height of the seniors apartment house shall be 42 feet. The maximum height of the Community Center shall be 27.8 feet.
6. The Community Center shall include a day care center, which will serve approximately 76 children. The Community Center may also be used for counseling and training programs, community meeting space, after-school recreational activities and office space for the local community development corporation.
7. New retaining walls constructed on the PUD site will be constructed of keystone unless other wise noted on plans.
8. Exterior materials for the family housing units will include: brick veneer; vinyl siding; wood and pre-formed composite trim; and fiberglass roof shingles.
9. The applicant shall have flexibility with respect to the following areas:
  - (A) to vary the location and design of all interior components of the project buildings including varying the floor plans of the family housing units, seniors apartment building and the Community Center.
  - (B) to substitute any approved townhouse unit types for other approved townhouse unit types within townhouse clusters.
  - (C) to make minor adjustments:
    - (1) in the facade and fenestration detailing of the buildings;
    - (2) in the type of exterior lighting fixtures occurring in alleys only;
    - (3) in the location and appearance of all signage for the project provided that such signage shall be generally consistent with the plans marked Exhibit 29;

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- (4) in the final selection of exterior building materials, however, the following standards for the amount of brick to be used shall apply:
    - (a) family housing units: 55% average of all units applicable to the front street facades;
    - (b) seniors apartment house: 43%; and
    - (c) Community Center: 49%.
10. The applicant shall enter into a First Source Employment Agreement with the District of Columbia Department of Employment Services to promote and encourage the hiring of District of Columbia residents relative to the construction and operation of the project.
11. The applicant shall enter into a Memorandum of Understanding with the Local Business Opportunity Commission (LBOC) to utilize minority business enterprises in the development of the project prior to filing for a building permit.
12. 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 Regulatory 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.
13. 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.
14. The PUD approved 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 as specified in 11 DCMR Section 2407.1 and Section 2406.8. Construction shall start within three years of the effective date of this Order.
15. 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.
16. The planned unit development approved by the Zoning Commission shall be valid for a period of 2 years from the effective date of this order, and the special exception for the temporary community center will be for a twenty year period as permitted under Section

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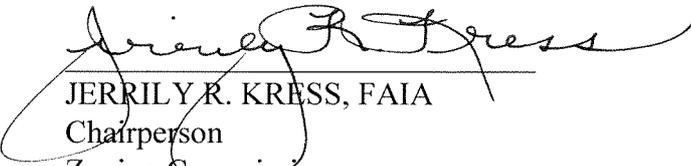
2405.8. Within such time, application must be filed for a building permit, as specified in Subsections 2407.2 and 2407.3 of the Zoning Regulations. Construction shall start within 3 years of the effective date of this order.

Vote of the Zoning Commission taken at the public hearing held on May 7, 1998: 3-0 (Jerrily R. Kress, John G. Parsons and Herbert M. Franklin to approve with conditions).

The conditions of this order were approved by the Commission at its public meeting on May 11, 1998 by a vote of 3-0 (Jerrily R. Kress, John G. Parsons and Herbert M. Franklin to approve, Anthony J. Hood and Angel F. Clarens not voting, not having participated in the case).

The order was adopted by the Commission at its public meeting on June 8, 1998 by the Zoning Commission at its public meeting by a vote of 3-0: (John G. Parsons, Herbert M. Franklin and Jerrily R. Kress to adopt – Anthony J. Hood and Angel F. Clarens, 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 DC Register, that is on     JUL    3    1998

  
JERRILY R. KRESS, FAIA  
Chairperson  
Zoning Commission

  
SHERI M. PRUITT- WILLIAMS  
Interim Director  
Office of Zoning

Zco851/SDB/VCE