

**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 separates 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 9<sup>th</sup> Street, S.E.

4. The applicant is proposing to relocate the community center building to the 9<sup>th</sup> 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 9<sup>th</sup> 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 9<sup>th</sup> 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.

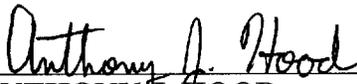
9. The applicant shall have the flexibility with respect to the following matters:
  - a. The applicant may construct decks within the rear yards of townhouses identified on the Site Plan (Exhibit No. 32).
  - b. The applicant may vary the townhouse floor plans for the 11 additional townhouses from those 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,

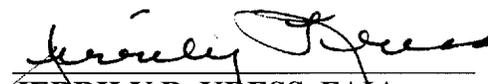
the applicant must file for a building permit. Construction shall commence within three years of the effective date of this Order.

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.

  
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**ANTHONY J. HOOD**  
Chairman  
Zoning Commission

  
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**JERRILY R. KRESS, FAIA**  
Director  
Office of Zoning

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