

REPORT TO THE ZONING COMMISSION

**CASE NO. 06-01
3rd AND H STREETS, N.E.**

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- I. Introduction
- II. Nature of applications
 - A. Consolidated review of planned unit development
 - B. Map amendment for a portion of the property from C-2-A to C-2-B
- III. Site location
 - A. North side of H Street between 3rd and 4th Streets, N.E.
 - B. West end of the H Street Corridor
- IV. Site description
 - A. Generally rectangular property with an extension on the west side along H Street (Square 776, lots 9, 25-31, 51,53, 800 and 821 and portions of public alleys to be closed)
 - B. Contains approximately 60,870 square feet of land area
 - C. Has frontage of approximately 330 feet on H Street, 85 feet on 4th Street and 228 feet on 3rd Street
 - D. Existing condition: vacant
 - E. Abutting streets:
 - 1. H Street – 90 feet wide

ZONING COMMISSION

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District of Columbia

EXHIBIT NO. ~~44~~ **44**

EXHIBIT NO.44

2. 3rd Street - 90 feet wide
 3. 4th Street - 85 feet wide
- V. Description of the surrounding area (see aerial photograph, c. 2002, and excerpt from Office of Planning Existing Land Use Map, attached)
- A. General area: H Street corridor contains commercial uses along the frontage with residential uses behind to the north and south
 - B. Remainder of Square 776: rowhouses fronting on 3rd , 4th and I Streets
 - C. To the north:
 1. Commercial buildings fronting on the north side of I Street
 2. Residential rowhouse and apartment buildings further to the north
 3. Industrial use buildings mixed in
 4. Vacant land proposed for apartment house use north of K Street
 - D. To the east:
 1. One, two and three story commercial buildings fronting on H Street
 2. Residential rowhouse and apartment buildings further to the north
 - E. To the south:
 1. Mixed commercial buildings fronting on the south side of H Street
 2. Residential rowhouse and apartment buildings further to the north
 3. Vacant site proposed for apartment house use on the south side of H Street between 2nd and 3rd Streets
 4. Further to the south and west, Station Place, Union Station and the Capitol grounds and buildings

F. To the west:

1. H Street overpass over the rail yards
2. New residential development known as Senate Square, including approximately 500 apartment units in new buildings rising to a maximum height of 110 feet and in the preserved building of the former convent and Capital Children's Museum
3. Railway Express building at 900 2nd Street
4. Rail yards north of Union Station

VI. Zoning

A. Existing zoning:

1. Existing zoning: C-2-A (9,077 square feet)
 - a) General commercial district, permitting a broad range of retail, service and office uses, hotels, residential uses (single and multi-family) and many institutional uses
 - b) Maximum height: 50 feet
 - c) Maximum FAR: 2.5, of which no more than 1.5 may be for other than residential purposes
 - d) Maximum percentage of lot occupancy for residential use: 60%
 - e) Side yards: not required
 - f) Minimum rear yard: 15 feet
 - g) Off-street parking:
 - (1) For retail or service use: 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet
 - (2) For residential use: 1 space for each 3 dwelling units

- h) PUD guidelines
 - (1) Height: 65 feet
 - (2) FAR: 3.0, of which no more than 2.0 may be for commercial uses
 - (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
 - (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

2. C-2-B (51,820 square feet)

- a) General commercial district, permitting a broad range of retail, service and office uses, hotels, residential uses (single and multi-family) and many institutional uses
- b) Maximum height: 65 feet
- c) Maximum FAR: 3.5, of which no more than 1.5 may be for other than residential purposes
- d) Maximum percentage of lot occupancy: 80%
- e) Side yards: not required
- f) Minimum rear yard: 15 feet
- g) Off-street parking:
 - (1) For retail or service use: 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet
 - (2) For residential use: 1 space for each 3 dwelling units
- h) PUD guidelines
 - (1) Height: 90 feet

- (2) FAR: 6.0, of which no more than 2.0 may be for commercial uses
- (3) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser
- (4) Parking and loading: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

3. H Street Neighborhood Commercial Overlay District (HS)

- a) In the Housing Sub-district (HS-H)
- b) Designated retail and service uses must occupy no less than 50% of the gross floor area of the ground level
- c) No driveways from H Street and no drive-throughs
- d) FAR for non-residential uses limited to 0.5
- e) In Square 776, a grocery store site is permitted a nonresidential FAR of 1.5
- f) Design requirements applicable to the streetwall, glass, entrances and clear height on the ground level
- g) Lot occupancy allowed up to 70%
- h) Special provisions for PUDs
 - (1) Additional height and FAR only for housing or preferred uses
 - (2) No reduction of requirements for preferred uses
 - (3) Minimum area of 10,000 square feet

B. Proposed zoning: C-2-B for the entire site

C. History

1. In 1958, property along H Street to a depth of 90 feet was zoned C-2 and the remainder was zoned C-M-1
2. In 1967, C-2 portion was redesignated C-2-A
3. In 1997, C-M-1 portion was rezoned to C-2-A
4. In 2006, as part of the H Street Neighborhood Commercial Overlay District case, lots fronting on H Street were rezoned to C-2-B (85% of the site)
 - a) Change in zone boundary line was advertised based on lot ownership and configuration
 - b) No evidence that the Office of Planning or the Zoning Commission intended to leave the alley lots in a different zone category from the bulk of the property

D. Zoning of the area

1. To the west:
 - a) C-3-C for the Senate Square project
 - b) C-M-3 along the railroad right-of-way
 - c) C-2-B for the south side of H Street between 2nd and 3rd Streets
 - d) C-2-A for the east side of 2nd Street
 - e) R-4 for the west side of 3rd Street
 - f) C-3-C for the Station Place PUD
2. To the north:
 - a) R-4 for the remainder of Square 776
 - b) C-2-B for the north side of I Street between 3rd and 4th Streets

- c) R-4, C-2-B, C-M-1 and C-M-3 further to the north
- 3. To the east:
 - a) C-2-A, C-2-B and C-2-C along H Street east of 5th Street
 - b) R-4 for the area north of the H Street frontage
- 4. To the south:
 - a) C-2-B on the south side of H Street between 3rd and 4th Streets
 - b) R-4 for the area south of the H Street frontage

VII. Description of the proposed project

- A. Apartment house with ground floor retail, including space specifically designated for a grocery store
- B. Height: maximum of 90 feet
- C. Floor area ratio: 5.05 (304,651 square feet of gross floor area)
 - 1. 244,184 square feet of residential (range of 210 to 250 units)
 - 2. 60,467 square feet of retail
- D. Parking: 375 spaces in underground garage, including 121 spaces in the upper level for the retail and 1:1 parking for the apartment units
- E. Comparison to matter-of-right and PUD standards for C-2-B
 - 1. Uses: apartments, grocery store and other retail permitted as a matter-of-right
 - 2. Height:
 - a) Matter-of-right: 65 feet
 - b) PUD guideline: 90 feet

- c) Proposed: maximum of 90 feet with lower heights to the north and east, measured from the curb at the middle of the front of the building on H Street
- 3. FAR:
 - a) Matter-of-right: maximum of 3.5, of which no more than 1.5 may be nonresidential
 - b) PUD guideline: 6.0, of which no more than 2.0 may be nonresidential
 - c) Proposed: 5.00
- 4. Proposed total gross floor area of 304,651 square feet is approximately 100,000 square feet (50%) more than permitted under the existing matter-of-right zoning and the retail is approximately 31,000 square feet less (33%) than the commercial density permitted under the existing matter-of-right zoning

VIII. Compliance with PUD evaluation standards of §2403

- A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)
 - 1. Replacing vacant site with full-service grocery store and c. 230 new residential units in compliance with H Street Strategic Development Plan
 - 2. Proposed height is acceptable given the context (roadway ramps and higher height to the west, lower height to the east) and the step-downs in the design
 - 3. Proposed design has architectural elements to reduce the perceived bulk
 - 4. Traffic will have no unacceptable impact on levels of service at build-out, per report by Wells & Associates
 - 5. Tax base implications for District are favorable, per report by Boland Smart

- B. Project is not inconsistent with the Comprehensive Plan (§2403.4): see section IX, below
- C. Commission shall “judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects” (§2403.8)
- D. Public benefits and project amenities
 - 1. On-site benefits and amenities
 - a) Grocery store (approximately 58,000 square feet of gross floor area, including mezzanine, loading and mechanical space) and other neighborhood serving retail uses
 - b) Housing (210 to 250 units)
 - c) Affordable housing (10% of increase in overall density from existing matter-of-right = 10,059 square feet)
 - d) Urban design and architecture
 - e) On-site open space at third story level for residents of the building
 - 2. Community benefits:
 - a) Improvements to alley system in square for benefit of surrounding residents
 - b) Construction management plan
 - c) Employment and training opportunities through First Source and LSDBE programs

balanced against

- E. Development incentives:
 - 1. 25 foot increase in height over proposed matter-of-right (a small portion of site is currently limited to 50 feet in height)

2. Increase in residential density by approximately 100,000 square feet and decrease in commercial density by about 30,000 square feet

F. Areas of flexibility from HS/C-2-B or PUD standards:

1. Lot occupancy
 - a) Maximum of 80% permitted
 - b) Provided: 82% at the 2nd floor, where only part of the floor is residential, and 68% or less at the 3rd floor and above
2. Decrease in residential recreation space from 35,604 square feet required (15%) to 23,904 square feet provided (10.1%)
3. Roof structure relief
 - a) Multiple penthouses
 - b) Walls of unequal height
 - c) Setback for a portion of the main elevator penthouse
4. H Street Overlay criteria
 - a) Streetwall
 - (1) Required: 75% of streetwall along H Street must be on the property line
 - (2) Provided: 4 foot setback from property line to provide widened sidewalk in part due to shifting of H Street curb at the east end of the site
 - b) Building entrances
 - (1) Required: on average, one every 40 feet (8 for a frontage of approximately 330 feet)
 - (2) Provided: 5

IX. Consistency with the Comprehensive Plan

A. The District Elements

1. The District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, March 9, 1984)
2. The District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 5-187, February 15, 1985)
3. The Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-129, January 5, 1990)
4. The Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193, October 19, 1994)
5. Comprehensive Plan Land Use Maps Approval Resolution of 1996 (Resolution 11-313, May 7, 1996)
6. The Comprehensive Plan Amendments Acts of 1998 (D.C. Law 12-275, April 27, 1999)

B. Interpretation of the District elements

1. “The primary dynamic of the District elements of the Plan is the overlapping of its elements’ goals. This overlapping is intentional.” (§112.1)
2. “District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly.” (§111.(a))
3. “The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements.” (§112.1(b))
4. “An element may be tempered, even defined, by one (1) or more of the other elements. This may occur within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements.” (§112.1(c))

5. "The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan." (§112.2)

C. Major Themes

1. Stabilize and improve the District's neighborhoods (§102)
2. Increase the quantity and quality of employment opportunities (§103)
3. Respect and improve the physical character of the District (§106)

D. Land Use element

1. Generalized Land Use Map: mixed use low density commercial/moderate density residential
2. Objectives for commercial areas: "promote the vitality of the District's commercial areas ... to provide for the continued growth and vitality of the District's economy and its employment base." (§1105.1)
3. Policies in support of the commercial area objectives:
 - a) "Promote appropriate commercial development, including centers for retail and office uses, to serve the needs of the economy of the District and its neighborhoods" (§1108.1(a))
 - b) "Promote the development of new multi-neighborhood commercial centers in areas where residents now travel long distances for food and other shopping services..." (§1108.1(e))
 - c) "Protect residential areas adjoining new commercial centers ..." (§1108.1(k))
 - d) "Ensure that residential communities are adequately protected from destabilizing impacts from new commercial uses ..." (§1108.1(l))

4. Objectives for residential neighborhoods
 - a) "Enhance other [than stable] neighborhoods and achieve stability (§1102.1(b))
 - b) Encourage development of adequate neighborhood shopping and support services" (§1102.1(c))
5. Policies in support of residential neighborhood objectives
 - a) "Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses" (§1104.1(a))
 - b) Encourage expansion of residential uses in mixed use neighborhoods (§1104.1(g))
 - c) Upgrade deficient neighborhood and multi-neighborhood shopping and service areas (§1104.1(l))

E. Economic Development element

1. Major policies
 - a) Central theme to "generate a high-performance economy, create job opportunities for District residents, expand the revenue base through a strong, growing citizen-business-government partnership, and develop a program that moves from economic development planning through implementation and completion of projects" (§200.5)
 - b) "Generate new and productive uses of currently underused commercial and industrially zoned land" (§200.10)
 - c) "Revitalization of older business areas is a high priority" (§200.11(a))
2. Economic development outside the Central Employment Area: "Support the appropriate development of ... the H Street, N.E., ... corridor" (§206.2(b))

F. Housing element

1. Major policies

- a) Central theme to "stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units" (§300.2)
- b) Housing viewed as "key part of total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities" (§300.4)

2. "Encourage the private sector to meet housing needs through the development of infill housing" (§302.2(f))

3. "Provide zoning incentives, as appropriate, to developers prepared to build low- and moderate-income housing, such as permitting additional densities in exchange for incorporating low- and moderate-income housing in development projects ... " (§303.2(d))

4. "Use Planned Unit Developments ... to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations" (§306.2(i))

G. Environmental Protection element: policy to promote improvement of air quality by "promot[ing] land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips" (§403.2(c))

H. Transportation element:

1. "Support land use arrangements that simplify and economize transportation services ..." (§502.2(a)).

2. "Require major developments to demonstrate that adequate parking will exist for occupants and other users" (§505.2(e))

I. Urban design element:

1. "Preserve and enhance the outstanding physical qualities of District neighborhoods" (§702.1(b))
2. "Design residential, commercial, and all other buildings to complement or enhance the physical character of the District;" (§708.2(a))
3. "Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region." (§708.2(b))
4. Areas in Need of New and Improved Character (§712):
 - a) Objective to "encourage new development or renovation and rehabilitation of older structures in areas with vacant or underused land or buildings to secure a strong, positive physical identity" (§712.1)
 - b) "Encourage well designed development in areas that are vacant, underused or deteriorated. These developments should have strong physical identities." (§712.2(a))
 - c) "Encourage in-fill development of attractive design quality in deteriorated areas to stabilize the physical fabric and to encourage renovation and redevelopment" (§712.2(b))
 - d) "Establish a new physical identity in areas having a strong negative image ..." (§712.2(e))
 - e) "Utilize large-scale development or capital improvement projects as opportunities for establishing a positive image or redirection in deteriorated areas" (§712.2(g))

J. Ward 6 element

1. Economic development:

- a) "Encourage a range of commercial services and facilities for Ward 6 residents through appropriate development of commercial areas when needed and to upgrade commercial areas such as the ... H Street, N.E., ... corridor" (§1701.1(a))
- b) "Ensure that the redevelopment of the commercial corridors, such as H Street, N.E., ... include a large percentage of neighborhood serving commercial uses" (§1702.1(c))

2. Housing:

- a) "Stimulate private investment in housing in Ward 6 ..." (§17056.1(c))
- b) "Improve the mix of subsidized and nonsubsidized dwelling units to enhance neighborhood stability" (§1707.1(h))

3. Urban design:

- a) Objective to "ensure that new development that occurs in Ward 6 complements and translates land uses into compatible, physical settings ..." (§1721.1(b))
- b) "Ensure that redeveloped and new structures in Ward 6 commercial corridors strengthen the urban design image of those areas and relate to adjacent residential neighborhoods" (§1722.1(a))

4. Land use

- a) Objective to "improve the physical condition of Ward 6 through the provision of functional, efficient and attractive residential, commercial and open space areas" (§1733.1(a))

- b) Objective to "locate the more intensive and active land uses in areas of Ward 6 that, by virtue of existing and planned infrastructures, can accommodate and support those types of uses" (§1733.1(c))

X. Compliance with the H Street Strategic Development Plan

- A. Site is part of Western Gateway, Urban Living subdistrict
- B. "Housing will be higher density with architecture that appropriately marks the entrance to the H Street community."
- C. Plan framework (§7.2)
 - 1. New buildings between 2nd and 4th Street can bring new life to this end of the corridor
 - 2. Larger sites in single ownership make higher density, mixed-use projects possible and allow transition to lower scale buildings between 4th and 7th Streets
- D. Plan by District (§8.2)
 - 1. New development focused on the 300 and 400 blocks of H Street
 - 2. Assumed a gas station and convenience store but suggested a 6 to 8 story residential building as an alternative
 - 3. Accommodate retail uses on the ground floor

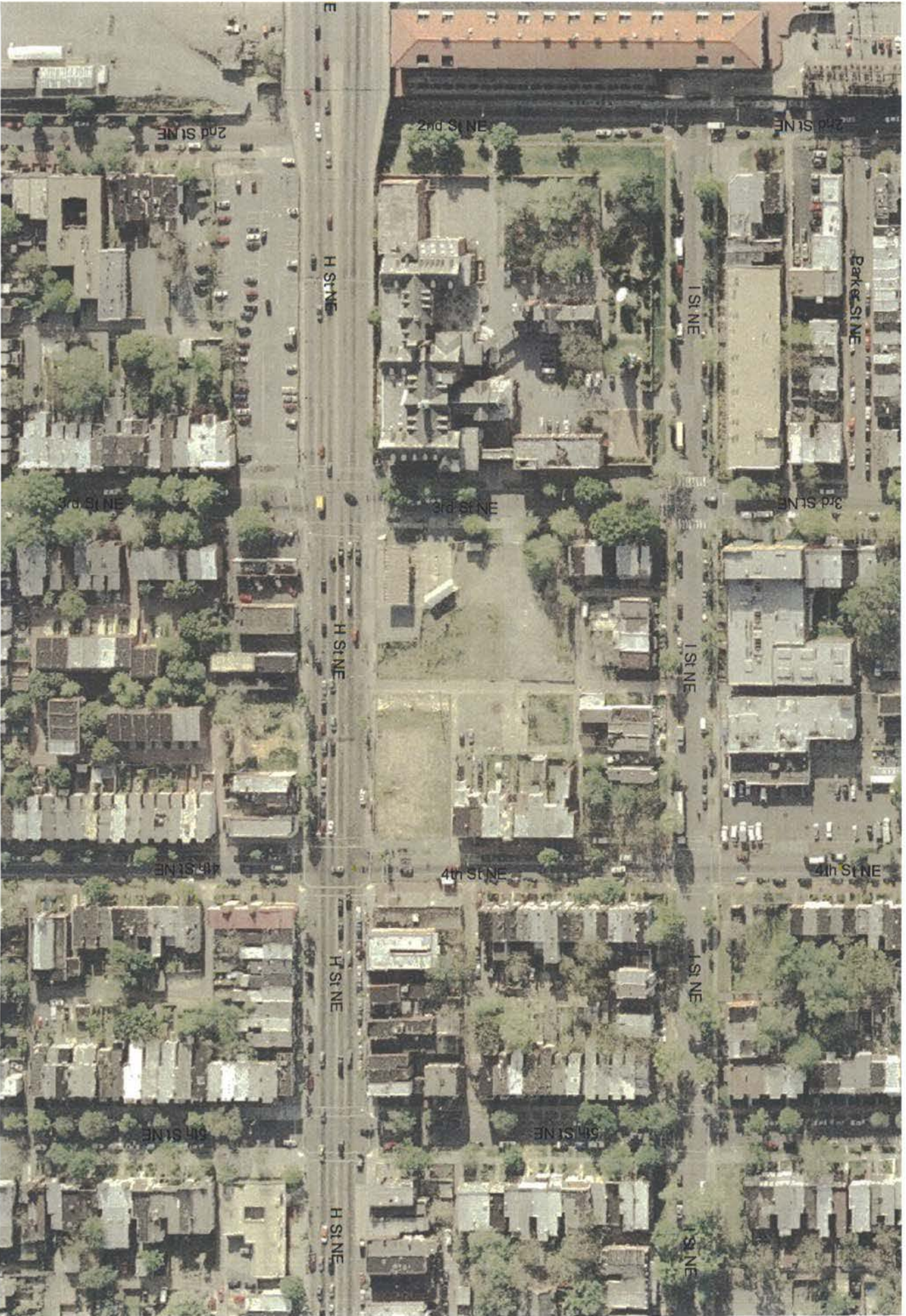
XI. Compatibility with the area

- A. Uses: commercial and residential uses already permitted on site
- B. The largest vacant site on the H Street corridor and suitable for a full service grocery store
- C. Design reflects location as major gateway to H Street corridor coming from the west; H Street Overpass reaches the ground at 3rd Street
- D. Design recognizes transition to existing lower height and density residential buildings

- E. Design steps down height from 110 feet permitted on Senate Square to lower heights to the east
- F. Juxtaposition of height along H Street to residential areas to the north and south is not uncommon along major radial corridors in the District (e.g., Connecticut Avenue, Wisconsin Avenue, 16th Street, 14th Street)

XII. Conclusions

- A. Project is not inconsistent with the Comprehensive Plan
- B. Project is within the applicable height and bulk standards of the Zoning Regulations
- C. Project provides an appropriate balance between the development proposed, the flexibility requested and the benefits and amenities provided
- D. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development
- E. Project should be approved



K ST NE

PARKER ST NE

I ST NE

G ST NE

TH ST NE

MORR

