

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director *JS*

DATE: February 18, 2008

SUBJECT: Final Report – Zoning Commission Case No. 07-29
Application by Bozutto Development Group / Kressin North New York Avenue, LLC for
a Map Amendment from DD/R-5-B to DD/C-2-C for a portion of lot 864 in Square 514

I. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission approve the applicant's request to rezone from DD/R-5-B to DD/C-2-C approximately 4,950 square feet of the 7,983 square foot Lot 864 in Square 514. OP also recommends the Commission move the boundary of DD Housing Priority Area-A (HPA-A) westward to the proposed dividing line between the DD/R-5-B zone district and the DD/C-2-C zone district.

II. APPLICATION SUMMARY

Lot 864 is 7,983 square feet and is zoned DD/R-5-B, as are the lots to the west. The lots to the east of Lot 864 are zoned DD/C-2-C. The applicant asks that 4,950 square feet of the eastern side of Lot 864 be rezoned to DD/C-2-C. The requested rezoning would move the dividing line between the zones 42.2 feet to the west. The area that would be rezoned and newly included in HPA-A would be bounded by Lot 851 to the east and a line approximately 42.2 feet west of the line that now separates Lot 864 from Lot 851 to the east. 3,033 square feet of the current Lot 864 would remain zoned DD/R-5-B.

HPA-A now ends at the property line dividing Lot 864 and Lot 851, to the east. Lot 851 is in HPA-A; lot 861 is not. The applicant has informed OP that its application implicitly included an expansion of the Housing Priority Area-A (HPA-A) westward to what would be the new DD/C-2-C boundary. The applicant intends to make this request explicit to the Commission at the public hearing.

The Comprehensive Plan's Future Land-Use Map designates the land east of Lot 864 as suitable for a mix of medium density residential and moderate density commercial uses.

With the re-zoning application the applicant has also submitted an illustrative development plan for Lot 864 and two lots to the east. This development has been given concept approval by the Historic Preservation Review Board (HPRB). It would entail moving a historic structure to the part of Lot 864 that would remain DD/R-5-B and stepping down the mass of the building proposed for the DD/C-2-C zone as it gets closer to the DD/R-5-B zone and historic structure.

The applicant has submitted its request as a map amendment because neither Lot 864 nor the combination of Lot 864 and the two lots to the east would be large enough to meet the minimum lot size for a PUD. A PUD site must be at least 15,000 square feet in the DD/R-5-B zone and 1 acre in the DD/R-5-B zone.

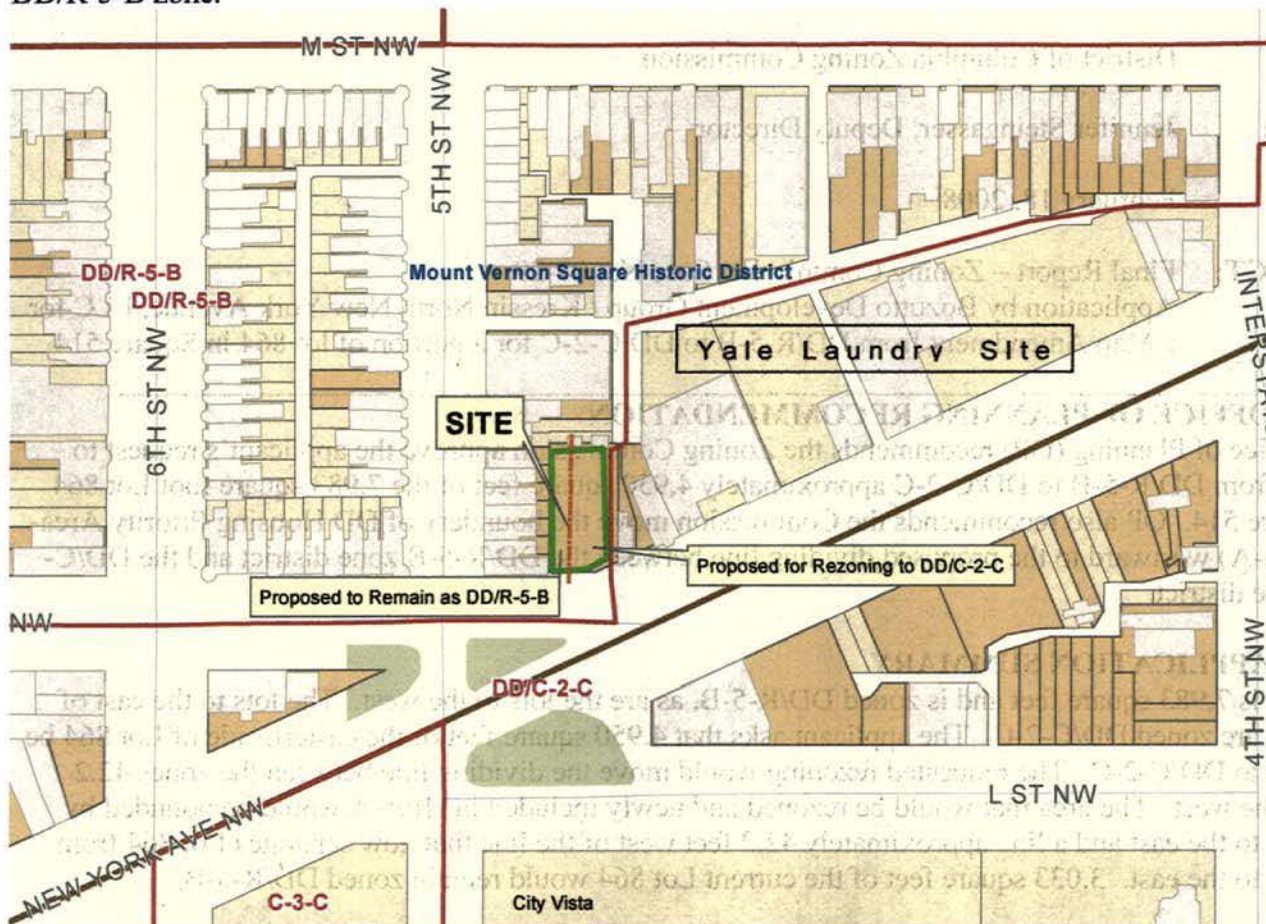


Figure 1. Site Location and Zoning: Site outlined in Green. Existing Zoning shown with solid red line. Proposed Relocation of Zoning Boundary shown with dashed red line.

III. SITE AND AREA DESCRIPTION

Square 515 is on the north side of New York Avenue, two blocks east of Mt. Vernon Square. It is irregularly shaped and is bounded by 4th Street on the east, 5th Street on the west, M Street on the north and, on the south L Street and New York Avenue. There is a central alley system. Lot 864 is in the southwestern part of the Square, where New York Avenue and L Street meet. It is currently vacant, fronts on New York Avenue, and has alley access. The M Street and 5th Street sides of the square have undergone significant small scale renovation in the last fifteen years. The uses are residential on M Street, and a mix of residential and commercial on 5th Street. The New York Avenue frontage to the east of Lot 864 is undergoing more significant changes in use and scale, with former industrial buildings and parking lots being converted to high-rise residential uses in the area zoned DD/C-2-C.

Square 514 is in both the Shaw neighborhood and the Mount Vernon Square historic district. It is across New York Avenue from the Mount Vernon Triangle. Shaw has generally low-rise housing from the 19th

and early 20th century, with some garden apartments and high-rise residences built in the third quarter of the 20th century. The Mt. Vernon Triangle saw disinvestment in the last half of the 20th century. Since 2000 a significant number of new residential and mixed use high-rise structures have been built. Most notable is the City Vista residential and retail complex one block south of the applicant's site. New York Avenue is just beginning to see development between Mt. Vernon Square on the west and North Capitol Street on the east. The first phase of the Yale Laundry site to the east of the applicant's property has been developed with a 110 foot-high building; the second phase is slated to rise 130 feet. Both sides of the 600 block of the Avenue are being assembled for 130 foot high development. The south side of New York Avenue, across from the applicant's site, is being reviewed by the BZA for a 130-foot high residential building to be constructed by the same group proposing to develop Square 514 Lot 864 and the eastern-adjacent lots, and to be designed by the same architectural firm.

The green/yellow line Mt. Vernon Square/Convention Center Metrorail station is three blocks to the northwest. The red/green/yellow line Gallery Place station is five blocks to the southwest.

IV. AREA ZONING AND HISTORIC DISTRICTS)

Square 514 is on the border between the central business district and the Shaw/Mt. Vernon neighborhood. Its two zone districts reflects its transitional nature. The southeastern frontage on New York Avenue is zoned DD/C-2-C. The remainder of the Square, facing L, 5th M and 4th Streets, is zoned DD/R-5-B.

The applicant's 7,968 square foot site is located where New York Avenue and L Street meet. The eastern portion is zoned DD/C-2-C and is in Housing Priority Area A (HPA-A). The western portion is zoned DD/R-5-B and is not in the HPA.

The site and the Square are in the Mt. Vernon Historic District. The building the applicant proposes to move is a contributing structure to the Historic District. The Historic Preservation Review Board (HPRB) has given concept approval to the building plans with which the applicant has illustrated this request for a zone boundary change.

V. APPLICATION

Lot 864 is zoned DD/R-5-B. This zone district is intended for moderate density apartment houses. The lots to the east are zoned DD/C-2-C, which is a zone district intended for medium-high density business and employment uses. However, amendments made to the DD overlay in the last six years effectively permit any commercial zone in the DD that is also within a designated Housing Priority Area to be developed to a high density, if the development is solely residential. The portion of the applicant's land that is now in Lot 851 also lies within HPA-A. The applicant is requesting that the boundary for HPA-A be extended westward with the requested shift in the zone boundary.

The applicant is asking the Commission to move the existing DD/C-2-C zone line in Lot 864 westward 42.2 feet, and to add the area proposed for rezoning to HPA-A.

The applicant states that the parcel should be rezoned for five principal reasons:

- The Comprehensive Plan Land Use Map shows the area to the east as being suitable for a mix of Medium Density Commercial and Moderate Density Commercial Uses.

- The requested rezoning would not be inconsistent with the Comprehensive Plan.
- Neither Lot 864 nor the combination of Lot 864 and the two lots to the east would be large enough to meet the minimum lot size for a PUD. A PUD site must be at least 15,000 square feet in the DD/C-2-C zone and 1 acre in the DD/R-5-B zone. The overall development project's 12,185 square foot site is too small to be considered for a PUD.
- The combination of rezoning and the proposed moving of a small scale historic property would permit the more rational development of the north side of the 400 block of New York Avenue, NW, and the delivery of more housing to central Washington.
- The project the re-zoning would permit to be developed would further the Comprehensive Plan's historic preservation objectives (and has been given concept approval by the HPRB)

The following table compares the site's development potential and parking requirements with the present zoning and with the requested zoning map change. The scenario assumes 100% residential development, with 1,000 gross square feet for each residential unit, and the expansion of HPA-A. It does not include any restrictions the Historic Preservation Review Board may put on development within Lot 864, nor does it include any development the applicant is suggesting for Lot 851.

The requested rezoning would, in theory, permit the applicant to construct a building approximately three times as large as what would now be permitted on this site. However, a building on this site would likely have less square footage than is theoretically possible. It would need to respond to the HPRB's concerns about the historic district, the contributing structure that would be relocated, and at least one of the two historic structures on the site immediately to the east.

The applicant in this case has already proposed a development for Lot 864, and for Lots 852 and 851 to the east. The latter lots are not part of the application and are already zoned DD/C-2-C. The HPRB has given concept approval to a plan that would demolish one building on the latter lots and move the other contributing historic structure to the western side of Lot 864, which would remain DD/R-5-B under the present application. This scheme would enable the filling-in of vacant lots, and the placing of the remaining historic structure into a more sympathetic context, adjacent to the two and three story historic buildings on 5th Street. Because the development would be governed by HPRB approval, it would ensure that the stepping down of height and bulk shown by the applicant ensure a transition from east to west, where smaller scale structures already exist in the historic district. While this development proposal is not part of Case 07-29, it would be enabled by the map amendment requested in this case.

With the requested map amendment, a larger portion of the site would have a minimum housing requirement (4.5 FAR in DD/C-2-C), and would be eligible to participate in Combined Lot Development. Approval of the application would not require the applicant to build the illustrative residential development,

VI. RELATIONSHIP OF THE APPLICATION TO THE COMPREHENSIVE PLAN

The requested map amendment is not inconsistent with the Future Land Use Map of the 2006 Comprehensive Plan, (*See Figure 2*), or with several of the Plan's written elements. The Map designates the eastern third of Lot 864 as suitable for Medium Density Residential/Moderate Density Commercial, and the western two-thirds of the lot as suitable for moderate density residential uses. Extending the DD/C-2-C 42.2 feet to the west would not be inconsistent with the Future Land Use Map.

Figure 2: Comprehensive Plan Future Land Use Map



The applicant cites numerous goals and policies from the Citywide Elements of the Comprehensive Plan Text as being supportive of the re-zoning request. Among the most relevant objectives and policies are:

- Land Use Policies 1.4.1 and 1.4.2 – The policies on infill development and long-term vacant sites *encourage the development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric.* The policies stress the need to facilitate the reuse of

vacant lots that have been historically difficult to develop ... provided the developments complement the established character of the area and do not create sharp changes in the physical development pattern.

Analysis: Approval of the requested amendment would be not inconsistent with the Comprehensive Plan and would create a condition favorable to the infill of this site and the preservation of a historic structure.

- Land Use Objective 2. *... Washington has not fewer than 130 distinct and identifiable neighborhoods today. They range from high-density urban mixed-use communities like the West End and Mount Vernon Square to quiet low-density neighborhoods...*

Analysis: Although Lot 864 is designated as suitable for moderate density residential in the Comprehensive Plan and is presently zoned DD/R-5-B, the site is in the Mount Vernon Square historic district and neighborhood. In Land Use Objective 2, the Comprehensive Plan refers to the neighborhood as high-density urban mixed-use, a designation zone that is not inconsistent with the requested DD/C-2-C map change.

- Housing Policy 1.1.6 – *Absorb a substantial component of the demand for new high-density housing in Central Washington and along the Anacostia River. Absorbing the demand for higher-density units in these areas is an effective way to meet housing demands, created mixed-use areas, and conserve single-family residential neighborhoods throughout the city. Mixed income, higher density downtown housing also provides the opportunity to create vibrant street life, and to support the restaurants, retail, entertainment and other amenities that are desired and needed in the heart of the city.*

Analysis: The proposed map amendment that would extend the DD/C-2-C zone 42.2 feet west will help to make more feasible the development of an irregularly shaped site that front on New York Avenue and is immediately adjacent to a DD/C-2-C-zone site where a 130 foot residential structure is planned. The requested rezoning will increase opportunities for Central Washington to absorb more high-density housing, and it will do this in a way that facilitates stepping down the height and mass of a development as it moves from New York Avenue onto L Street at 5th Street.

There are several other Comprehensive Plan objectives and policies for successful neighborhoods, urban design and historic preservation that would be furthered by the requested map amendment as well as the applicant's proposed development. Other Comprehensive Plan objectives and policies that the map amendment would encourage are included in Tab I of the application.

VII. RELATIONSHIP TO RECENT ZONING ACTIONS AND OTHER ONGOING PLANS FOR THE AREA, AS WELL AS PROMOTION OF HEALTH AND GENERAL WELFARE

The rezoning of this site is consistent with several neighborhood plans, zoning actions and development trends in the area.

- One of the recommendations of the Convention Center Area Strategic Development Plan is the "Redevelop Yale Laundry site so that it provides a transition between the scale proposed for the Mount Vernon Triangle to the south and the Mount Vernon Historic District to the north". The proposed rezoning would enable the execution of a project given concept approval by the Historic Preservation Review Board that reinforces the fabric of the Historic District at the corner of 5th and L Streets and provides a transition to the 130 foot development along New York Avenue
- The Mt. Vernon Triangle Action Agenda has set approximately 150,000 square feet as a retail development goal. The Triangle is likely to exceed this retail square footage given the amount of retail space already near completion and proposed. The requested zoning change would enable the development of additional medium to high density market rate and affordable housing adjacent to the Triangle. This would help to support the retail objectives of the Triangle plan. The Action Agenda also identifies the intersection of New York Avenue and 5th Street as an important Gateway to the Triangle, whose retail center is intended to be at one block south of this gateway.
- The applicant in this case has filed an application with the BZA for relief the applicant believes necessary to construct a 130 foot tall residential building on the south side of New York Avenue at 5th Street, across the Avenue from this case's site. The rezoning of the applicant's site on the north side of the Avenue would further the development of projects with a cohesive urban design at the 5th and New York Gateway identified by the Mt. Vernon Triangle Action Agenda.
- The Zoning Commission modified the Downtown Development District regulations to encourage the construction of high density residential buildings. All-residential buildings in commercial zone districts are permitted to achieve a zoning envelope constrained only by the 1910 Height Act and the zone district's lot occupancy requirements. (§1706.7(b)). This site is in the DD and

would be in a commercial district under the applicant's request. Moving the zoning line would permit the construction of additional housing, consistent with the Commission's DD actions.

- Between the applicant's project on the south side of New York Avenue, the development on the Yale Laundry site, the Historic Preservation Review Board's approval of high-density development at 6th and New York Avenue, and the assemblage occurring on both sides of New York Avenue between 6th and 7th Streets, rezoning of the applicant's site would enable development consistent with trends for this area.
- The District Department of Transportation (DDOT) and OP Plan for the New York Avenue Transportation Corridor assumes the development of medium to high density uses along the Avenue between New Jersey Avenue and Mt. Vernon Square.

VIII. COMMUNITY COMMENTS

The applicant has met with ANC 2C and with the Mount Vernon Square Neighborhood Association (MVSNA). The applicant states that the MVSNA submitted a letter supporting the application. ANC 2C has not yet voted on the application.

Because the expansion of the DD/C-2-C could also permit the construction of a primarily commercial structure on this site, OP requests that the applicant address whether the community support is for the rezoning, for the illustrated project, or for both the project and the re-zoning needed to build it.

IX. GOVERNMENT AGENCY COMMENTS

No agency has filed comments that are directly related to the requested change in the zone boundary line. DDOT has expressed concerns about the location of the parking garage entrance/exit, but will address those concerns when a building application is filed.

X. OFFICE OF PLANNING RECOMMENDATION

The Office of Planning (OP) recommends the Zoning Commission approve the applicant's request to rezone from DD/R-5-B to DD/C-2-C approximately 4,950 square feet of the 7,983 square foot Lot 864 in Square 514 by moving the DD/C-2-C boundary line approximately 42.2 feet westward.

OP also recommends that the rezoned area be included in Housing Priority Area-A,

Jls/slc