

ZONING COMMISSION OF THE DISTRICT OF COLUMBIA

APPLICATION TO AMEND THE ZONING MAP

Before filling out this form, please see the instructions on the reverse side. Print or type all information unless otherwise indicated.

In accordance with the provisions of Section 102 of the Zoning Regulations, request is hereby made for an amendment to the Zoning Map as follows:

<u>Square No.</u>	<u>Lot No.</u>	<u>Existing Zoning</u>	<u>Requested Zoning</u>
<u>514</u>	<u>864</u>	<u>DD/R-5-B</u>	<u>DD/C-2-C and</u> <u>DD/R-5-B</u>

Address or description of the premises:

The Subject Property is located on the north side of New York Avenue, NW, just east of 5th Street, NW, in Ward 2. It has frontage on New York Avenue, NW and L Street, NW.

This application proposes rezoning of a portion of the Subject Property from the DD/R-5-B Zone District to the DD/C-2-C and DD/R-5-B Zone Districts.

Area of the Site: _____ square feet

Baist Atlas No. 1, Page 34.

The above information and attached documents are true to the best of my knowledge.

Robert L. Kressin, Authorized Person
Owner's Signature Robert L. Kressin,
Authorized Person

10/17/07
Date

Kressin North New York Avenue, LLC
Owner's Printed Name

Person to be notified of all actions:

<u>Maureen E. Dwyer</u>	<u>(202) 663-8000</u>
Name	Telephone Number

<u>2300 N Street, N.W. Washington, D.C.</u>	<u>20037</u>
Address	Zip Code

DO NOT WRITE BELOW THIS LINE

Date Received:

Date Accepted: _____

Z.C. Case No.

ZONING COMMISSION
District of Columbia

CASE NO. 07-29
EXHIBIT NO. 4

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Herbert S. Barker, Authorized Person
Owner's Signature Herbert S. Barker,
Authorized Person

10/17/07
Date

Dime, LLC

Owner's Printed Name

Person to be notified of all actions:

Maureen E. Dwyer

Name

(202) 663-8000

Telephone Number

2300 N Street, N.W. Washington, D.C.

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20037

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1. [Signature]
Owner's Signature Maureen E. Dwyer
Maureen E. Dwyer

10/12/02
Date

Bandit, LLC

Owner's Printed Name

Person to be notified of all actions:

<u>Maureen E. Dwyer</u>	<u>(202) 663-8000</u>
Name	Telephone Number

<u>2300 N Street, N.W. Washington, D.C.</u>	<u>20037</u>
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Z.C. Case No.

I. INTRODUCTION

A. Summary of Requested Action

Pursuant to 11 DCMR Section 3010, this is an application to the Zoning Commission to rezone the property located in Square 514, Lot 864 (“**Subject Property**”) from the DD/R-5-B Zone District to the DD/C-2-C and DD/R-5-B Zone Districts. This application is being brought by the Bozzuto Development Group (“**Applicant**”). The Subject Property is located in the Mount Vernon Square neighborhood of Ward 2. Lot 864 consists of approximately 7,983 square feet. The requested map amendment would rezone a 42.2 foot portion of lot 864 (approximately 4600 square feet) to DD/C-2-C in order to allow redevelopment of lot 864 along with lots 851 and 852 (“**Development Site**”).

The Development Site is a small, irregularly shaped parcel of land on the north side of New York Avenue that is presently split-zoned DD/R-5-B and DD/C-2-C. The total site area is approximately 12,185 square feet. The Development Site is located in the Mount Vernon Square Historic District, and any development is subject to the review and approval of the Historic Preservation Review Board (“**HPRB**”). To the west of the Development site are low-rise buildings in the DD/R-5-B zone and to the east is the Yale Laundry development in the DD/C-2-C zone.

The Applicant plans to construct a residential building on the site and has received Conceptual Approval from the HPRB at its September 27, 2007 public meeting. Attached as Exhibit A is a copy of the staff report that was adopted by the HPRB at that meeting. The project approved by HPRB relocates an existing historic structure on the site to the western portion of Lot 864 that will remain zoned DD/R-5-B and allows for a stepping in height to 130 feet on the

eastern portion of the Development Site adjacent to the Yale Laundry project. Moving the zoning line 42 feet west will allow the project to step in height and fulfill historic preservation objectives. The Applicant is required to go back to HPRB for final permit review and approval.

Sanborn plats of the Subject Property are attached as Exhibit B, a Surveyor's Plat is attached as Exhibit C, a portion of the Zoning Map is attached as Exhibit D, and a portion of the Comprehensive Plan is attached as Exhibit E. These plats and maps show the existing split-zoning of the Development Site and the proposed location of the DD/C-2-C zoning line. As shown on the site plan marked A1.1 and attached as part of Exhibit F, the zone line will be relocated 42.2 feet to the west.

B. The Applicant

The Applicant is the contract purchaser for the property at issue in this application.¹ In the event that the Zoning Commission approves this application to rezone the Subject Property, the Applicant will develop the site into an 87 unit apartment building. The development will include moving a historic structure from the eastern edge of the adjacent parcel to the western edge of the Subject Property, and it will incorporate the structure into the larger apartment building development. A list of property owners within 200 feet is attached as Exhibit G.

II. HISTORIC PRESERVATION APPROVAL

The proposed project meets the HPRB's requirements for historic preservation, compatibility, and design in the Mount Vernon Square Historic District. The project plans to relocate the three story stone and brick structure at 465 New York Avenue to the western edge of the Subject Property, which allows for the step in height from the thirteen story tower to the three

¹ This application is signed by the current owners.

story structure. The relocation of this structure, then, allows for a gradual height increase from the two and three story rowhouses along 5th Street, NW to the 11 and 13 story apartment tower adjacent to the 130 foot tall Yale Laundry project on New York Avenue. Moving the historic structure provides an opportunity to transition the height of the development and also sets the structure apart from the surrounding high rise development.

Premised on rezoning a portion of lot 864 to the DD/C-2-C zone, the project will add housing stock to the neighborhood while preserving a historic structure. As the HPRB noted, relocating the structure “may provide a superior preservation and urban design solution than would result by retaining the building in place” because of its ability to create an “ensemble of historic structures” along 5th Street, NW and L Street, NW. HPRB Staff Report and Recommendation for 465-471 New York Avenue, NW, September 27, 2007. The HPRB recognizes that this project’s “high quality design can result in a compatible neighbor despite differences in height.” Id.

Residents of the area supported the HPRB’s recommendation for the project, including the rezoning of the Subject Property to accommodate the project’s development. See Petition in Support of New York Avenue Development attached as Exhibit H. Although the proposed project is not a PUD², a reduced set of plans is attached as Exhibit F to provide the Commission with an understanding of the project approved by the HPRB.

III. APPLICATION PROCEDURE

This case is being brought pursuant to Sections 3010.2(b) and 3022 of the District of Columbia Zoning Regulations, which provide that contested cases include “requests for zoning

² The Development Site is too small to meet the 15,000 square foot minimum area requirement for a PUD. 11 DCMR 2401.1(c).

map amendments filed by the property owner or owners for a single property or for multiple properties that are contiguous..." 11 DCMR Section 3010.2(b). By definition, contested cases are adjudicatory in nature and affect few people or properties.

IV. CONSISTENCY WITH ZONING REGULATIONS AND THE ZONING ENABLING ACT

The proposed rezoning is consistent with the purposes and intent of the Zoning Regulations and the Zoning Enabling Act of 1938. Section 101.1 of the Regulations and Section 2 of the Act require that amendments to the zoning map "promote public health, safety, morals, convenience, order, prosperity, and general welfare" and "tend to create conditions favorable to . . . protection of property." The proposed Amendment will allow the Applicant to rehabilitate and preserve a historic structure while erecting a compatible new structure that meets demand for higher density development in central Washington and is consistent with surrounding heights and densities. Further, the rezoning will enable the Property to be redeveloped into a an attractive residential building along a major gateway to the District, improve the physical appearance of the streetscape, and contribute to a stronger neighborhood character. Finally, the proposed Amendment is consistent with Section 101.2 of the Regulations, because it will encourage the "stability of districts and of land values in those districts."

V. COMPLIANCE WITH THE COMPREHENSIVE PLAN

This application is consistent with and fosters the goals and policies enumerated in the newly-adopted District of Columbia Comprehensive Plan ("**Comprehensive Plan**"). The existing zoning of the Subject Property allows only moderate density residential uses. Pursuant to the Comprehensive Plan's goals and policies of revitalizing neighborhoods, producing new

housing, and creating attractive new buildings, expanding the DD/C-2-C zone over a portion of the Subject Property is more appropriate than the present DD/R-5-B zone. Furthermore, the preservation of the DD/R-5-B zone over a portion of the Subject Property for the relocation of a historic building complies with the Comprehensive Plan's goals and policies of preserving historic resources in District neighborhoods.

A. Compliance with Citywide Elements

The application satisfies the Citywide Elements enumerated in the Comprehensive Plan and is consistent with the elements discussed below.

1. Land Use Element

The Comprehensive Plan includes the following policies with regard to the Land Use element:

Land Use Goal – Ensure the efficient use of land resources to meet long-term neighborhood, citywide, and regional needs; ...to sustain, restore or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. 302.1

LU-1.4 Neighborhood Infill Development - Infill development on vacant lots is strongly supported in the District of Columbia, provided that such development is compatible in scale with its surroundings and consistent with environmental protection and public safety objectives. In residential areas, infill sites present some of the best opportunities in the city for “family” housing and low- to moderate-density development. In commercial areas, infill development can fill gaps in the streetwall and create more cohesive and attractive neighborhood centers. 307.2

See additional supporting land use policies attached as [Exhibit I](#).

The current use of the Subject Property is a vacant lot, and the current zoning scheme maintains a larger split-zoned parcel that is difficult to develop. Rezoning the Subject Property will allow for the development of a residential building on a difficult infill site and will allow for

the revitalization and re-use of a long abandoned historic building. Rezoning this site will provide the Applicant with an opportunity improve the urban fabric of the community and to provide the neighborhood with physical improvements that make it more attractive and add to the downtown housing supply.

2. Housing Element

The Comprehensive Plan includes the following policies with regard to the production of new housing:

H-1.1: Expanding Housing Supply – Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, ... the production of housing is essential to the future of our neighborhoods. 503.1

Policy H-1.1.1: Private Sector Support - Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2

Policy H-1.1.3: Balanced Growth - Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. 503.4

Policy H-1.1.4: Mixed Use Development - Promote mixed use development, including housing, on commercially zoned land, particularly in neighborhood commercial centers, along Main Street mixed use corridors, and around appropriate Metrorail stations. 503.5

Policy H-1.1.6: Housing in the Central City - Absorb a substantial component of the demand for new high-density housing in Central Washington.... Absorbing the demand for higher density units within these areas is an effective way to meet housing demands, create 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. 503.7

See additional supporting housing policies attached as Exhibit I.

Rezoning the Subject Property will provide an opportunity to increase the number of residential units in the city. As a vacant lot in a neighborhood with nearby higher density

housing, the Subject Property is underutilized. Rezoning the Subject Property will encourage the Applicant to meet some of the demand for higher density residential development in Central Washington. In addition, rezoning of the property will allow the Applicant to contribute to the Comprehensive Plan's policy of encouraging a vibrant and diverse downtown community

3. Urban Design Element

The Comprehensive Plan includes the following goals and policies with regard to the Urban Design Element:

Urban Design Goal - Enhance the beauty and livability of the city by protecting its historic design legacy, reinforcing the identity of its neighborhoods, harmoniously integrating new construction with existing buildings and the natural environment, and improving the vitality, appearance, and security of streets and public spaces. 901.1

Policy UD-1.4.1: Avenues/Boulevards and Urban Form - Use Washington's major avenues/boulevards as a way to reinforce the form and identity of the city, connect its neighborhoods, and improve its aesthetic and visual character. Focus improvement efforts on avenues/boulevards in emerging neighborhoods, particularly those that provide important gateways or view corridors within the city. 906.6

Policy UD-2.1.4: Architectural Excellence - Promote excellence in the design of Downtown buildings and landscapes. Particular attention should be focused on ground floor (street) levels, with greater architectural details used to improve visual image. 909.10

Policy UD-2.2.1: Neighborhood Character and Identity - Strengthen the defining visual qualities of Washington's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context. 910.6

Policy UD-2.2.5: Creating Attractive Facades - Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street. 910.12

Policy UD-2.2.7: Infill Development - Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs. 910.14

See additional supporting urban design policies attached as Exhibit I.

Rezoning the property will enable a vacant lot to be redeveloped into an attractive and suitable 87 unit residential building on one of the District's major gateway avenues. The rezoning will improve the physical appearance of the streetscape and the neighborhood by eliminating the blight and unsightliness of the vacant lot through the future erection of an architecturally unique façade. This change will contribute to a stronger neighborhood character. In addition, rezoning will allow the Applicant to construct the continuous and appropriate transition from higher density mixed uses to lower density uses.

4. Historic Preservation Element

The Comprehensive Plan includes the following goals and policies with regard to the Historic Preservation Element:

Historic Preservation Goal - Preserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship. 1001.1

Policy HP-2.4.1: Rehabilitation of Historic Structures - Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation as suitable for the particular historic environment. 1011.4

Policy HP-2.4.2: Adaptation of Historic Properties for Current Use - Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property. 1011.5

Policy HP-2.4.3: Compatible Development - Preserve the important historic features of the District while permitting compatible new infill development. Ensure that new construction, repair, maintenance, and improvements are in scale

with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail.1011.6

See additional supporting historic preservation policies attached as Exhibit I.

Rezoning the Subject Property will allow the Applicant to rehabilitate and preserve a historic structure while erecting a new architecturally compatible structure. The rezoning will allow for the addition of new housing in a structure that will be compatible with the surrounding community by integrating a historic structure into a tasteful new design. By rezoning the property in a manner that is consistent with intended development as a hybrid new/old building, the Zoning Commission can advance the Comprehensive Plan's policy of historically suitable development.

5. Near Northwest Area Element

The proposed rezoning advances and executes the goals and policies of the Near Northwest Area Element. See Shaw/Convention Center portion of the Near Northwest Area Element attached as Exhibit J.

B. Generalized Land Use Map

As previously mentioned, the recently-revised and adopted Generalized Land Use Map includes the Subject Property in the moderate density residential category. As part of a larger development parcel that includes medium density mixed land use, the majority of the Subject Property's land use category is most compatible with the DD/C-2-C Zone District. However, the moderate density residential land use designation for a portion of the Subject Property is most consistent with the DD/R-5-B Zone District. The current DD/R-5-B Zone District over the Subject Property prevents the advancement of the Comprehensive Plan's designation for medium density mixed land use for the entire split-zoned development parcel. The proposed rezoning of

the Subject property to DD/C-2-C and DD/R-5-B Zoning Districts is more appropriate than the status quo given the site's location on a major commercial corridor and adjacent to high density DD/C-2-C development to the east and south across New York Avenue.

VI. EXHIBITS

<u>DESCRIPTION</u>	<u>EXHIBIT</u>
HPRB Staff Report from September 27, 2007 Meeting	A
Sanborn Plat of Property	B
Surveyor's Plat	C
Copy of the Zoning Map showing Subject Site in Red	D
Portion of Generalized Land Use Map	E
Project Plans approved by HPRB	F
List of Property Owners	G
Petition in Support of New York Avenue Development	H
Comprehensive Plan Land Use, Housing, Urban Design, and Historic Preservation Policies	I
Shaw/Convention Center Portion of Near Northwest Area Element	J

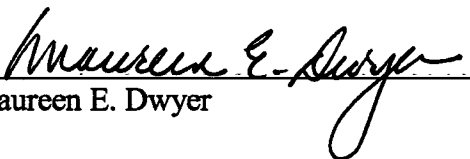
VII. CONCLUSION

For the foregoing reasons, the Applicant submits that this rezoning request satisfies the procedural requirements of 11 DCMR Section 3010. This application further demonstrates that rezoning the site will make the Subject Property consistent with the Comprehensive Plan's designation of medium density mixed use and moderate density residential use while advancing

many of the Comprehensive Plan's goals and policies. Accordingly, the Applicant respectfully requests that the Commission rezone the site to the DD/C-2-C and DD/R-5-B Zone Districts.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN, LLP


Maureen E. Dwyer