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2011 MAY 10 P.1 3:17

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Executive Director

Marcel C. Acosta

IN REPLY REFER TO:
NCPC File No. Z.C. 10-19

MAY 09 2011

Zoning Commission of the
District of Columbia
2nd Floor, Suite 210
441 4th Street, NW
Washington, D.C. 20001

Members of the Zoning Commission:

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, I found that the proposed map amendments to Square 1050 and portions of Squares 1026, 1027, 1049 and 4509 and related text amendments to the Zoning Regulations of the District of Columbia, would not be inconsistent with the Comprehensive Plan for the National Capital, nor would they adversely affect any other identified federal interests. A copy of the Delegated Action of the Executive Director is enclosed.

Sincerely,

Marcel C. Acosta
Executive Director

Enclosure

cc: Harriet Tregoning, Director, District of Columbia Office of Planning
Anthony Hood, Chairman, Zoning Commission

ZONING COMMISSION
District of Columbia

CASE NO. 10-19
ZONING COMMISSION
District of Columbia
EXHIBIT NO. 27
EXHIBIT NO. 27

**ZONING MAP AMENDMENTS AND RELATED TEXT AMENDMENTS TO THE ZONING
REGULATIONS OF THE DISTRICT OF COLUMBIA
SQUARE 1050 AND PORTIONS OF SQUARES 1026, 1027, 1049, AND 4509**

Northwest, Washington, D.C.

Referred by the Zoning Commission of the District of Columbia

Delegated Action of the Executive Director

APR 28 2011

Pursuant to delegations of authority adopted by the Commission on August 6, 1999, 40 U.S.C. §8724(a), and DC Code §2-1006(a), I find that the proposed map amendments to Square 1050 and portions of Squares 1026, 1027, 1049, and 4509, and related text amendments to the Zoning Regulations of the District of Columbia, would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital, nor would they adversely affect any other identified federal interests.

* * *

The Zoning Commission of the District of Columbia has taken a proposed action to approve map amendments to Square 1050 and portions of Squares 1026, 1027, 1049, and 4509, and related text amendments to the Zoning Regulations of the District of Columbia. The proposed map and related text amendments would do the following:

- Rezone a portion of Square 4509 (Lot 157) from C-2-B to R-5-C (Area 1);
- Rezone Square 1050 and portions of Squares 1027 and 1049 from C-3-A to HS-A/C-2-A or HS-A/C-3-A (Area 2);
- Rezone a portion of Square 1026 from C-2-A to HS-A/C-2-A (Area 3);
- Rezone a portion of Square 1026 from C-3-A to HS-A/C-2-A or HS-A/C-3-A (Area 5);
- and
- Amend §§ 1320 and 1324 of the Zoning Regulations to be consistent with the proposed map amendments.

All of the squares are located in the vicinity of the H Street corridor, near the “starburst” intersection of H Street, Benning Road, Maryland Avenue, and Florida Avenue. The locations of the proposed map amendments are shown in the following graphic.



The map amendment proposed for Square 4509, shown as “Area 1” in the graphic above, would rezone a portion of Lot 157 from C-2-B to R-5-C. The area currently consists of several 3-story apartment buildings. The District of Columbia Office of Planning (DCOP) is proposing this rezoning to better reflect the existing residential use, and to eliminate the potential for higher-density, mixed-use development, which is inconsistent with the District Elements of the Comprehensive Plan.

The map amendments proposed for Square 1050 and portions of Squares 1027 and 1049, shown as “Area 2,” would rezone approximately 45 lots from C-3-A to either HS-A/C-2-A or HS-A/C-3-A. According to DCOP, the HS-A/C-2-A zoning, which reduces the permitted height and density from the current C-3-A zoning, is more consistent with the Comprehensive Plan and existing development character of the lots. Existing uses include institutional, commercial, and residential development. The proposal would also apply more stringent standards and design requirements to future development by extending the H Street Overlay District to the area. Alternatively, the option to rezone the area as HS-A/C-3-A would generally maintain the current permissible height and density standards, and extend the H Street Overlay District to the lots. DCOP supports both alternatives, while the local community supports the HS-A/C-2-A alternative in order to protect the nearby residential community from potentially incompatible

ATTACHMENT A

- 1320.1 The H Street Northeast Neighborhood Commercial Overlay District (HS) applies to all lots fronting onto H Street, N.E. from 2nd Street to 15th Street, N.E. and zoned C-2-A, C-2-B, C-2-C, C-3-A, or C-3-B, as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue NE or 14th Street NE; and all of Square 1050. The Overlay is divided into three sub-districts affecting the following squares:
- (a) H Street Northeast Overlay Housing Sub-district (HS-H) encompasses properties fronting on H Street, N.E. in Squares 751, 752, 776, 777, 808, 809, 832, 833, 858, and 859 from 2nd to 7th Streets, N.E.;
 - (b) H Street Northeast Overlay Retail Sub-district (HS-R) encompasses properties fronting on H Street, N.E. in Squares 889, 890, 911, 912, 933, 958, 959, 981, and 982 from 7th to 12th Streets, N.E.;
 - (c) H Street Northeast Overlay Arts Sub-district (HS-A) encompasses properties fronting on H Street, N.E. in Squares 1003, 1004, 1026, 1027, 1049N, and 1049 from 12th to 15th Streets, N.E., as well as lots within Squares 1027 and 1049 fronting onto Maryland Avenue NE or 14th Street NE; and all of Square 1050.
- 1320.2 In addition to the purposes in § 1300, the purposes of the HS Overlay District are to:
- (a) Implement the policies and goals of the Comprehensive Plan and the H Street NE Strategic Development Plan as approved by the Council of the District of Columbia on February 17, 2004 (R15-460);
 - (b) Encourage residential uses along the H Street, N.E. corridor, particularly provision of affordable units and reuse of upper floors;
 - (c) Encourage the clustering of uses into unique destination districts along the corridor, specifically a housing district from 2nd Street to 7th Street, N.E.; a neighborhood-serving retail shopping district from 7th Street to 12th Street, N.E.; and an arts and entertainment district from 12th Street to 15th Street, N.E.;
 - (d) Establish design guidelines for new and rehabilitated buildings that are consistent with the historic character and scale of the Overlay District; and
 - (e) Encourage the reuse of existing buildings along the corridor; and
 - (f) Encourage residential uses, the reuse of existing buildings, and the redevelopment of those portions of Squares 1027, 1049, and 1050 within the Overlay but not fronting H Street.
- 1324.7 Parking structures with frontage on H Street, N.E., Maryland Avenue NE, 14th Street NE, or 15th Street NE shall provide not less than sixty-five percent (65%) of the ground level frontage as commercial space.
- 1324.8 Each new building on a lot that fronts on H Street, N.E., Maryland Avenue NE, 14th Street NE, or 15th Street NE shall devote not less than fifty percent (50%) of the surface area of the streetwall(s) at the ground level of each building to display windows having clear or clear/low-emissivity glass, except for decorative or architectural accent, and to entrances to commercial uses or to the building.
- 1324.9 Security grilles shall have no less than seventy percent (70%) transparency.
- 1324.10 Each commercial use with frontage on H Street, N.E., Maryland Avenue NE, 14th Street NE, or 15th Street NE have an individual public entrance directly accessible from the public sidewalk. Multiple-dwellings shall have at least one primary entrance on H Street directly accessible from the sidewalk.

commercial development. NCPC staff has determined that both alternatives would not adversely affect the federal interest.

The first proposed partial rezoning of Square 1026, shown as "Area 3," would rezone four lots along 13th Street, NE from C-2-A to HS-A/C-2-A. The existing property is currently undeveloped. The proposal would generally maintain the permitted height and density of the existing C-2-A zoning, and extend the H Street Overlay District to the land. According to DCOP's supplemental zoning report (dated January 21, 2011), both DCOP and the local community support this rezoning since it would "ensure that consistent design standards would be applied to any future non-residential or mixed-use projects developed on these District-owned properties."

Finally, the second partial rezoning of Square 1026, shown as "Area 5," would rezone eight lots located at the southwest corner of 14th Street and Florida Avenue, NE from C-3-A to either HS-A/C-2-A or HS-A/C-3-A. The properties are currently developed with two-story, mixed-use buildings. DCOP does not support either proposal since the HS-A/C-2-A rezoning would down-zone the property, and the HS-A/C-3-A rezoning is inconsistent with the H Street Plan and District Comprehensive Plan. The local community supports the HS-A/C-3-A alternative as it would maintain the general height and density of the current C-3-A zoning and be consistent with the C-3-A zoning of the land across the street. Similar to the proposed zoning changes to Area 2 described above, NCPC staff has determined that both Area 5 alternatives would not adversely affect the federal interest.

The proposed map amendments are made in conjunction with several related text amendments to Sections 1320 and 1324 of the Zoning Regulations of the District of Columbia (Attachment A). The text amendments will amend relevant sections of the H Street Neighborhood Overlay District to reflect the proposed map amendments.

The federal interest associated with the proposed map and text amendments is the proposal's compliance with the 1910 Height of Buildings Act ("the Act"). Staff finds the proposed map and text amendments to be in compliance with the maximum allowable building heights permitted by the Act, as shown in the attached table (Attachment B). As such, the proposal would not adversely affect identified federal interests and would not be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.



Marcel C. Acosta
Executive Director

ATTACHMENT B

Area	Street Frontage*	Maximum R-5-C Height Limit	Maximum HS-A/C-2-A Height Limit	Maximum HS-A/C-3-A Height Limit	Street Width	Maximum 1910 Height Act Limit
1	Maryland Avenue	60 feet	---	---	160 feet	130 feet**
2	Maryland Avenue	----	55 feet	70 feet	160 feet	130 feet**
2	G Street	----	55 feet	70 feet	90 feet	110 feet
2	14 th Street	----	55 feet	70 feet	100 feet	120 feet
2	15 th Street	----	55 feet	70 feet	90 feet	110 feet
3	13 th Street	----	55 feet	----	90 feet	110 feet
5	14 th Street	----	55 feet	70 feet	100 feet	120 feet

* Some of the lots are located directly adjacent to intersections. Pursuant to the 1910 Height Act, "The height of a building on a corner lot will be determined by the width of the wider street."

** Per the 1910 Height Act: "No building shall be erected, altered, or raised in any manner as to exceed the height of one hundred and thirty feet on a business street or avenue..., except on the north side of Pennsylvania Avenue between First and Fifteenth streets, northwest, where an extreme height of one hundred and sixty feet will be permitted."