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SUPPEMENTAL REPORT

TO: District of Columbia Board of Zoning Adjustment
FROM:  Jennifer Steingasser, Deputy Director Development Review and Historic Preservation
DATE: September 2, 2011
SUBJECT: Zoning Commission Case Number 10-19 – Supplemental Report II

I. BACKGROUND

On February 7, 2011 the Zoning Commission took proposed action to approve a series of map amendments in the general vicinity of Maryland Avenue and 14th Street NE, just north and south of the H Street NE corridor. This initiative was initially brought forward by OP at the request of the Advisory Neighborhood Commission (ANC) 6A.

After the Public Hearing concluded on February 7, 2011, the Commission took proposed action to approve the text and map amendments. Final Action was scheduled for May 23, 2011, but before this, OP was contacted by a developer and the ANC representative for the area, requesting an amendment for property within Square 1027 at the corner of 14th Street and Maryland. They requested less restrictive zoning than that previously proposed – to retain the existing C-3-A zoning but place the property within the H Street Overlay.

In a Supplemental Report to the Zoning Commission dated May 18, 2011, OP recommended that the Commission delay final action on this rezoning case until its regularly scheduled meeting of September 12, 2011 so that this issue could be more fully explored.

II. RECOMMENDATION

The Office of Planning (OP) continues to recommend approval of the map and text amendments, but **recommends** that lots 141, 142, 143 and 849 on Square 1027 be rezoned from C-3-A to HS-A/C-3-A instead of previously proposed HS-A/C-2-A. The table below lists the amendments that would result by lot and square.

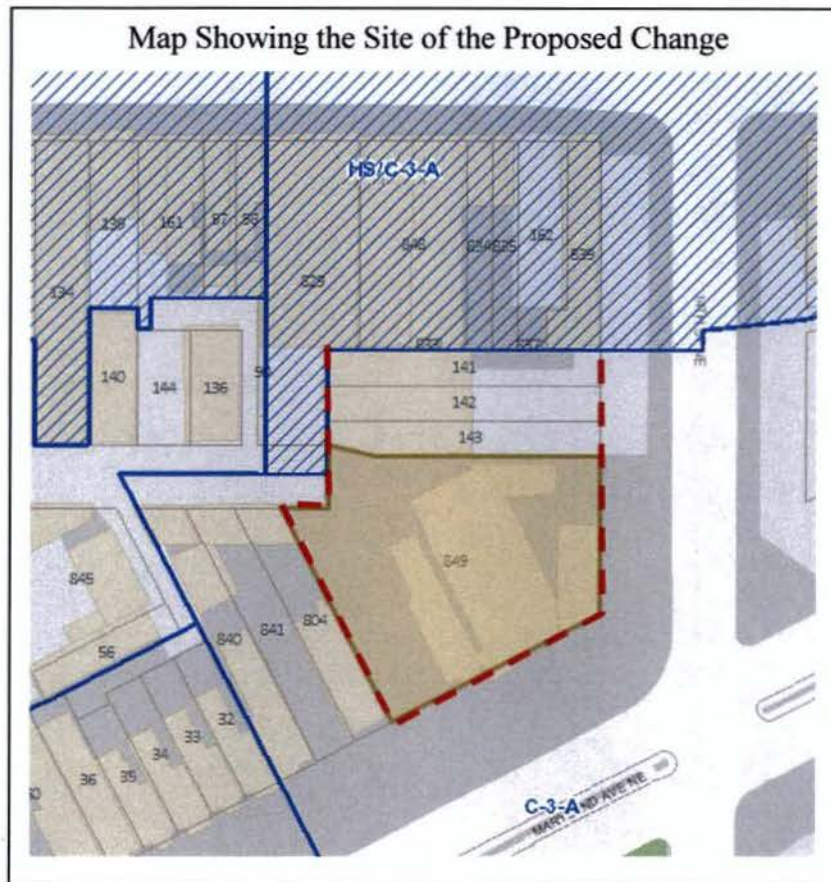
SQUARE	LOTS	REZONING
1026	0100, 0101, 0102 and 0103	C-2-A to HS-A/C-2-A
	0065, 0066, 0173, 0177, 0835 and 0836	C-3-A to HS-A/C-3-A
1027	0141, 0142, 0143 and 0849	C-3-A to HS-A/C-3-A
1027	0141, 0142, 0143, 0849, 0804, 0840 and 0841	C-3-A to HS-A/C-2-A
1049	0019, 0020, 0021, 0803 and 0809	C-3-A to HS-A/C-2-A
1050	0007, 0008, 0009, 0010, 0011, 0014, 0015, 0016, 0022, 0026, 0027, 0028, 0029, 0030, 0031, 0033, 0035, 0036, 0803, 0806, 0807, 0809, 0812 and 0813	C-3-A to HS-A/C-2-A
4509	0157 (portion)	C-2-B to R-5-C
Reservation	RES 02130000	C-3-A to HS-A/C-2-A

ZONING COMMISSION
District of Columbia

CASE NO. 10-19
ZONING COMMISSION
EXHIBIT NO. 02
CASE NO.10-19
EXHIBIT NO.29

Lot 849 is owned by the church and is the site proposed for the new residential redevelopment. Lots 141, 142, and 143 are owned by other individuals – it is recommended that these properties also retain their C-3-A base zoning for consistency as property directly to the north of them is currently zoned HS-A/C-3-A.

No changes are proposed to the previously considered text or map amendments for other properties that were part of the original application.



III. PROPOSED CHANGE

Subsequent to the February 7, 2011 Zoning Commission meeting, representatives of the Faith Baptist Church and the ANC commissioner contacted OP about a property located at 1348-1350 Maryland Avenue NE, in the northeast corner of the Maryland Avenue intersection with 14th Street NE. The church was in the middle of ongoing negotiations with a contract purchaser regarding construction of a residential project on this site.

The Proposed Action would rezone the site from the current C-3-A, which allows an FAR of 4.0 (4.8 with IZ), to HS-A/C-2-A, which allows an FAR of 2.5 (3.0 with IZ). The contract purchaser was concerned that the proposal for the site, as had been under discussion for some time, would exceed the new, lower FAR limit.

OP has been advised that the development being proposed for the site would be entirely residential; would have a Floor Area Ratio of 3.4 (more than permitted under C-2-A but less than permitted under C-3-A) and would be consistent with the H Street Overlay regulations

and design standards. At the ANC's request, the contract purchaser agreed to place a restriction on the property that would limit the potential density to the proposed 3.4 FAR. As a result of this agreement, the ANC representative has advised OP that retaining the existing C-3-A on the church property, within the HS-A Overlay, is now supported.

IV. OP ANALYSIS AND RECOMMENDATION

OP continues to recommend approval of the map and text amendment, and is not opposed to this adjustment to facilitate an appropriately scaled by-right residential development. It would help to attract other residential and mixed-use development along Maryland Avenue and H Street, and the new residents would support efforts of local retailers. The proposed zone would allow the level of density under discussion by the church and the developer; and the HS-A Overlay would prohibit or limit the specific non-residential uses most objectionable to the ANC.

The three other, small properties included in this initiative would not be significantly impacted as their current, less restrictive C-3-A zoning would be retained, and the HS-A Overlay would be placed over them as recommended in the previous proposal. OP has requested that the ANC or developer ensure that the owners of these sites are aware of this proposal, and will provide an update at the time of the public meeting.

The proposed change would not be inconsistent with either the H Street Strategic Development Plan or the Comprehensive Plan for the District.

OP therefore recommends approval of the proposed text and map amendments, with the modification that the properties at lot 849, lots 141, 142 and 143 within Square 1027 retain the current C-3-A zoning but be rezoned to be included within the HS-A Overlay, consistent with properties directly to the north.

JL/afj