

January 7, 2019



**Meridith H. Moldenhauer**

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VIA IZIS

Anthony Hood, Chairperson  
Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**Re: ZC 18-07 - Petitioner's Post-Hearing Filing for Zoning Map Amendment (Rulemaking) of Lean Development LLC**

Dear Chairman Hood and Members of the Commission:

Lean Development LLC (the "Petitioner") hereby submits a post-hearing filing as directed by the Zoning Commission (the "Commission") at the conclusion of the public hearing of November 8, 2018.

The Petitioner originally requested the rezoning of portions of Lots 156-158 in Square 750 from the PDR-1 to the MU-4 zone, and rezoning Lot 128 and portions of Lots 156-158 in Square 750 from the PDR-1 District to the MU-5A District. At the conclusion of the November 8, 2018 public hearing, the Commission asked the Petitioner to examine other options for the rezoning that may be consistent with the recommendations of the Comprehensive Plan, and submit its findings.

The Petitioner evaluated the consistency of eight zones with the recommendations of the Comprehensive Plan and created a chart summarizing its conclusions for the Commission's consideration. *See* the zoning consistency chart at **Exhibit A**. The chart also includes the bulk-related development standards for each of the zones as well as an approximation of the maximum bulk possible based on the Property size.

Though the findings of the zoning examination show that both the MU-4 and MU-5A zones are not inconsistent with the recommendations of the Comprehensive Plan, **the Petitioner now requests to rezone the entire Property to the MU-4 zone.** *See* the revised rezoning map at **Exhibit B**.

On December 10, 2018, the ANC voted to recommend the Property be rezoned to the MU-3B zone. As shown on the zoning consistency chart, the MU-3B zone is inconsistent with the recommendations of the Comprehensive Plan. Specifically, the MU-3B zone is a low density mixed-use zone<sup>1</sup> that is inconsistent with the recommendations of the Future Land Use Map

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<sup>1</sup> Subtitle G § 400.2(a)

(“FLUM”), which recommends a Moderate Density Residential mix of uses. The MU-3B zone is also inconsistent with the NoMA Vision Plan and Development Strategy small area plan (the “NoMA SAP”), which specifically calls for “moderate to medium” densities on the Property.

Moreover, the Office of Planning provided support for both the MU-4 and MU-5A zones in their Setdown report and Final report (ZC Exhibits 12 and 45, respectively) and testified to the consistency of the MU-4 zone with the Comprehensive Plan at both the July 30, 2018 Zoning Commission public meeting and the November 8, 2018 hearing. See **Exhibit C** attached. Lastly, the MU-4 zone would allow additional housing units in compliance with the FLUM’s Medium density-residential designation, and would also be in furtherance of Mayor Bowser’s January 3, 2019 Inaugural Address supporting new housing options in transit-rich-areas, like the Property.

Given the Petitioner’s additional justification and **current MU-4 request**, we urge the Commission to take preliminary action to approve the Petition at the January 14<sup>th</sup> Zoning Commission meeting.

Sincerely,

COZEN O’CONNOR



Meridith H. Moldenhauer  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

**Certificate of Service**

I hereby certify that on this 7<sup>th</sup> day of January, 2019, a copy of this Post-hearing filing with exhibits was served, via email, as follows:

District of Columbia Office of Planning  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
c/o Stephen Cochran  
[stephen.cochran@dc.gov](mailto:stephen.cochran@dc.gov)

Advisory Neighborhood Commission 6C  
c/o Karen J. Wirt, Chairperson  
[6C02@anc.dc.gov](mailto:6C02@anc.dc.gov)

Advisory Neighborhood Commission 6C06  
c/o Robb Dooling, SMD Commissioner  
[6C06@anc.dc.gov](mailto:6C06@anc.dc.gov)



By: Meredith Moldenhauer

# EXHIBIT A

Lean Development Consistency Chart										
Zone	Development Standards	Maximum Use and Bulk (Lot area: 5,001 sq ft.)	Existing character of neighborhood	Summary of Comp Plan Consistency	FLUM – Mixed-Use Low Density Commercial[1]/Moderate Density Residential[2]	GPM –Neighborhood Conservation Area	Citywide Elements	Area Elements (Capitol Hill and Central Washington): Promotes mix of uses, new housing opportunities, neighborhood-serving retail, transition	NoMA Plan - Transition Area "A": Recommended for moderate to medium densities; provide residential/neighborhood-serving retail mix; provide transition area	Surrounding zoning/ Other considerations
PDR-1 (no change)	Height: 50' FAR: 3.5 (2.0 -restricted uses) Lot Occ: N/A 2.5' / foot of height rear yard, transition setback only next to Lot 811 J\$ 207.2(a)	50', 10,002 sq ft. office or 50', 17,504 s.f. self-storage facility	No - industrial uses not compatible	On balance: INCONSISTENT	Inconsistent - residential uses not permitted in PDR	Inconsistent - industrial use not compatible with residential	On Balance: Inconsistent Inconsistent with Land Use, Transportation, Housing, Economic, and Environmental	On balance: Inconsistent Inconsistent with mix of uses, new housing, retail, and transition	On balance: Inconsistent Inconsistent with recommended residential/commercial density, mix of uses, transition	PDR-4 Located to the east across the tracks; site to the north was rezoned to the C-3-C (MU-9) in Z.C. 05-36
RF-1	Height: 35', 3-stories Lot area: 1,800 sq ft. Lot Occ: 60%	Two 35', 3-story rowhouses on two conforming lots*	Existing rowhouses exist, but zoned MU-5A and could be redeveloped as a MOR	On balance: INCONSISTENT	Not inconsistent with Moderate Density Residential; But Inconsistent with Mixed-Use Designation	Not inconsistent - residential use supported; "some new development anticipated"	On Balance: Inconsistent Inconsistent with Land Use, Economic Development elements; potential consistency with Housing, Transportation, and Environmental	On balance: Inconsistent Inconsistent with mix of uses, new housing, retail; potentially consistent with transition	On balance: Inconsistent Inconsistent with recommended "moderate" densities; mix of uses	Located 325 feet to the east
RA-1	Height: 40', 3-stories FAR: 0.9 Lot Occ: 40%	40', 3-story 5-unit, 3,150 sq ft. apt. building**	Yes - apt. buildings compatible	On balance: INCONSISTENT	Not inconsistent with Moderate Density Residential; Inconsistent with Mixed-Use Designation	Not inconsistent - residential use supported; "some new development anticipated"	On Balance: Inconsistent Not inconsistent with Housing, Transportation, and Environmental; Inconsistent with Land Use, Economic	On balance: Inconsistent Not inconsistent with new housing, transition; Inconsistent with mix of uses, new retail	On balance: Inconsistent Not inconsistent with recommended residential density and transition; Inconsistent with mix of uses	Not located in area
RA-2	Height: 50', no limit stories FAR: 1.8 (2.16 IZ) Lot Occ: 60%	50', 3-story 10,802 sq ft. 12-unit apt. building	Yes - apt. buildings compatible	On balance: INCONSISTENT	Not inconsistent with Moderate Density Residential; Inconsistent with Mixed-Use Designation	Not inconsistent - residential use supported; "some new development anticipated"	On Balance: Inconsistent Not inconsistent with Housing, Transportation, and Environmental; Inconsistent with Land Use, Economic	On balance: Inconsistent Not inconsistent with new housing, transition; Inconsistent with mix of uses, new retail	On balance: Inconsistent Not inconsistent with recommended residential density and transition; Inconsistent with mix of uses	Not located in area
MU-3A	Height: 40', 3-stories FAR: 1.0 (1.2 IZ), 1.0 max. non-res. Lot Occ: 60% (res. use)	40', 3-story 4-unit, 6,001 sq ft. mixed-use building w/ground floor retail	Yes - transition for height	On balance: INCONSISTENT	Inconsistent with Low Density Commercial and Mixed Use Designation	Not inconsistent - residential use supported; "some new development anticipated"	On Balance: Inconsistent Inconsistent with Land Use, Housing, Transportation, Environmental, and Economic	On balance: Inconsistent Inconsistent with mix of uses, new housing, new retail, transition	On balance: Inconsistent Inconsistent with recommended residential and commercial density, mix of uses; Consistent with transition	Appropriate for areas in which setback and buffer requirements to R zones are needed (see Subtitle G-411)
MU-3B	Height: 50' 4-stories FAR: 2.0 (2.4 IZ), 1.5 max. non-res. Lot Occ: 60% (res. use) (75% IZ); transition to R-zones	50' 4-story 11-unit, 12,002 sq ft. mixed-use building w/ground floor retail	Yes - transition for height	On balance: INCONSISTENT	Inconsistent with Low Density Commercial and Mixed Use Designation	Not inconsistent - residential use supported; "some new development anticipated"	On Balance: Inconsistent Inconsistent with Land Use, Housing, Transportation, Environmental, and Economic	On balance: Inconsistent Inconsistent with mix of uses, new housing, new retail, transition	On balance: Inconsistent Inconsistent with recommended residential and commercial density, mix of uses; Consistent with transition	
MU-4	Height: 50' FAR: 2.5 (3.0 IZ), 1.5 max. non-res. Lot Occ: 60% (res. use) (75% IZ)	50' 4-story 13-unit, 15,003 sq ft. mixed-use building w/ground floor retail	Yes - transition for height	On balance: NOT INCONSISTENT	NOT INCONSISTENT with Low Density Commercial and Mixed Use Designation	NOT INCONSISTENT - residential use supported; "some new development anticipated"	On Balance: NOT INCONSISTENT NOT INCONSISTENT with Land Use, Housing, Transportation, Environmental, and Economic	On balance: NOT INCONSISTENT NOT INCONSISTENT with mix of uses, new housing, new retail, transition	On balance: NOT INCONSISTENT NOT INCONSISTENT with recommended residential and commercial density, mix of uses, transition	Located 930 feet to the south
MU-5A	Height: 65' FAR: 3.5 (4.2 IZ), 1.5 max. non-res. Lot Occ: 80% (res. use)	65' 6-story 20-unit, 21,004 sq ft. mixed-use building w/ground floor retail	Yes - transition for height	On balance: NOT INCONSISTENT	NOT INCONSISTENT at upper-end of Low Density Commercial and Mixed Use Designation	NOT INCONSISTENT - residential use supported; "some new development anticipated"	On Balance: NOT INCONSISTENT NOT INCONSISTENT with Land Use, Housing, Transportation, Environmental, and Economic	On balance: NOT INCONSISTENT NOT INCONSISTENT with mix of uses, new housing, new retail, transition	On balance: NOT INCONSISTENT NOT INCONSISTENT with recommended residential and commercial density, mix of uses, transition	NOT INCONSISTENT - entirety of Square 750 zoned MU-5A

[1] Corresponding zones: C-1 (MU-3) and C-2-A (MU-4)

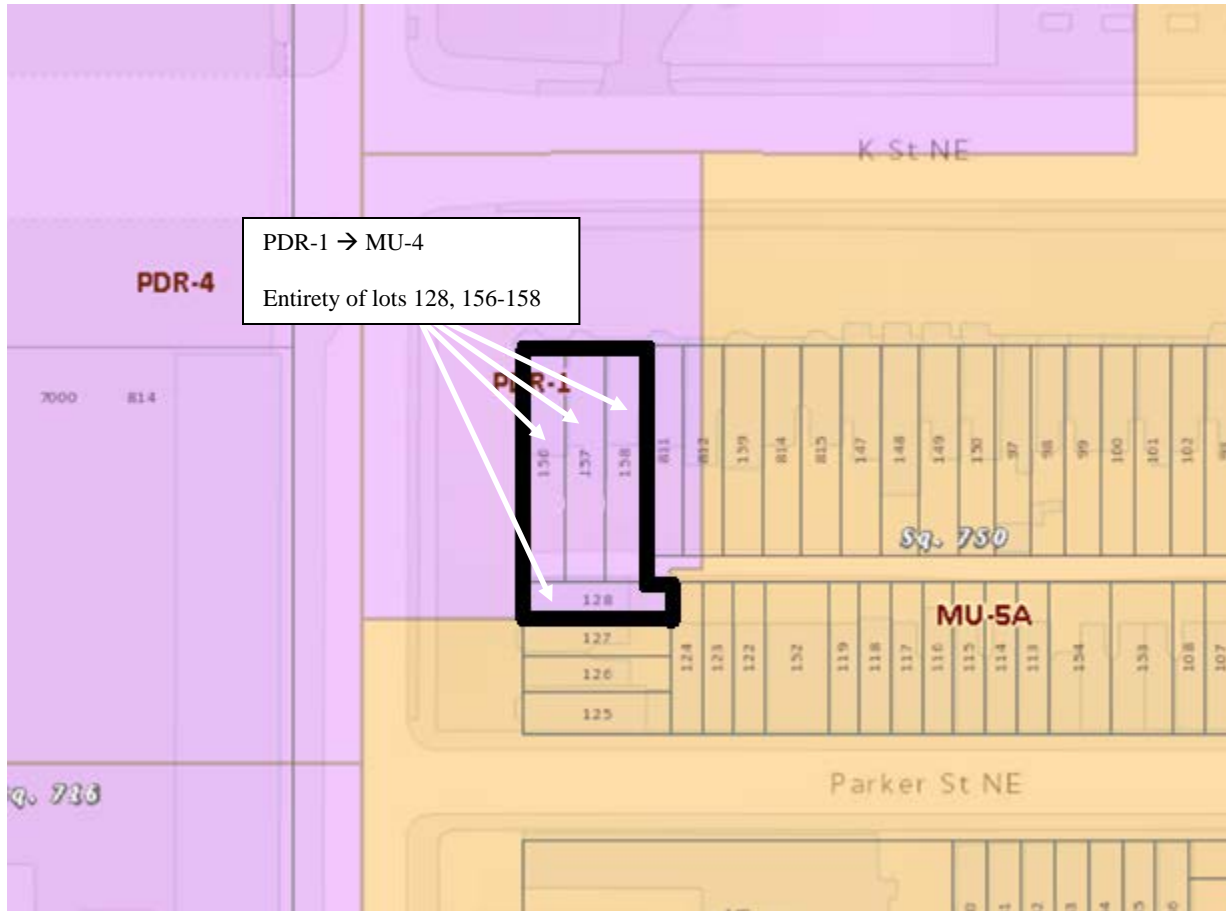
[2] Corresponding zones: R-3, R-4 (RF-1), R-5-A (RA-1), sometimes R-5-B (RA-2)

\*Based on 1,800 sq ft. lots  
\*\*Assuming ~600 sq ft. units, backing out 30% for circulation, etc.

Notes: Used res. use max lot occ. Across the board; MU's not reaching lot occ.

# EXHIBIT B

# Revised rezoning map



# EXHIBIT C



GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

REGULAR MEETING

+ + + + +

MONDAY  
JULY 30, 2018

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened in the Jerrily R. Kress Memorial Hearing Room, Room 220 South, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 6:57 p.m., Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson  
ROBERT MILLER, Vice Chairperson  
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)  
PETER G. MAY, Commissioner (NPS)  
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

BRANDICE ELLIOTT  
JOEL LAWSON  
STEPHEN MORDFIN  
KAREN THOMAS  
STEPHEN COCHRAN  
MATT JESICK  
ELISA VITALE

**NEAL R. GROSS**

COURT REPORTERS AND TRANSCRIBERS  
1323 RHODE ISLAND AVE., N.W.  
WASHINGTON, D.C. 20005-3701

1 (No audible response)

2 CHAIRMAN HOOD: Okay. So, we will concur with the  
3 Zoning Administrator that he's flex -- using his flexibility.  
4 And I was about to say flexing. But he's using his  
5 flexibilities. And we all concur with that. So, I think  
6 that's all we need to do.

7 Okay. All right. Let's go to hearing action on  
8 Zoning Commission Case Number 18-07, Lean Development, LLC,  
9 map amendment in Square 750. Mr. Cochran.

10 MR. COCHRAN: Thank you, Mr. Chair. OP recommends  
11 that the Commission set down the petition for a zoning map  
12 amendment in Square 750, which is at the corner of 2nd and  
13 K Street NE.

14 The petitioner seeks to have most of the site  
15 rezoned from PDR-1 to MU-4, and a small remaining portion of  
16 the site rezoned from PDR-1 to MU-5A.

17 The petition would not be inconsistent with the  
18 comprehensive plan's generalized future land use map, with  
19 its generalized policy map, with the policies and the land  
20 use, Capitol Hill and Central Washington area elements. And  
21 it would also be consistent with the normal smaller area  
22 plan.

23 With the exception of the petitioner's lots, all  
24 of Square 750 is already zoned MU-5A. The zoning of the  
25 petitioner's property is an anomaly left over from when the

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WASHINGTON, D.C. 20005-3701

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :
   
:
   
LEAN DEVELOPMENT, LLC : Case No.
   
ZONING MAP AMENDMENT : 18-07
   
:
   
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Thursday,
   
November 8, 2018

Hearing Room 220 South
   
441 4th Street, N.W.
   
Washington, D.C.

The Public Hearing of Case No. 18-07 by the
   
District of Columbia Zoning Commission convened at 6:30
   
p.m. in the Jerrily R. Kress Memorial Hearing Room at 441
   
4th Street, N.W., Washington, D.C., 20001, Anthony J.
   
Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- PETER G. MAY, Commissioner (NPS)
- PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

- SHARON S. SCHELLIN, Secretary
- STEPHEN VARGA, Zoning Specialist

1 rezoning from my standpoint. Okay. Any other questions up  
2 here. All right. Let's go to the Office of Planning.

3 MR. COCHRAN: Thank you, Mr. Chair. Despite  
4 having spent hours and hours on this testimony, I don't want  
5 to waste your time tonight.

6 There's very little that we would say that has not  
7 already been said tonight. I don't know whether it's because  
8 Mr. Varga used to work for the Office of Planning or not.

9 But let me just focus in on a couple of things.  
10 The existing PDR zoning is clearly not consistent with the  
11 Comprehensive Plan. We know that.

12 The question is, to get it to be consistent with  
13 the Comprehensive Plan, what's the appropriate intensity for  
14 the new zoning that would permit residential on the site and  
15 perhaps commercial also?

16 And if you look at our set-down report and look  
17 at our final report, you'll see that overall, OP believes  
18 that both the MU-4 and the MU-5A zones are among the zones  
19 that would be not inconsistent with the Comprehensive Plan.

20 And of particular note is the NoMA Plan. Now, the  
21 NoMA Small Area Plan was written after the Comprehensive  
22 Plan. Land use maps were developed back in 2006.

23 The NoMA plan clearly shows this is the transition  
24 area. You've got a 14-story building to the north. You've  
25 got a 10-story building to the south.

1           You've got at least 10- to 13-story buildings to  
2 the west if you're looking across the tracks. This area was  
3 seen as something that would be lower in intensity, lower in  
4 height than the surrounding areas, so that they could  
5 transition into the area to the east, which some would call  
6 Capitol Hill North, others would call it any number of  
7 neighborhood names.

8           That's why we don't think that this zoning would  
9 be, well, that's why we think that the zoning proposed would  
10 be not inconsistent with the Comprehensive Plan in a  
11 nutshell. I'm happy to answer any questions.

12           CHAIRMAN HOOD: Mr. Cochran, let me just ask, did  
13 you go out to the community, I guess the ANC meeting and did  
14 you go out?

15           MR. COCHRAN: No, sir.

16           CHAIRMAN HOOD: I guess, I was just wondering if  
17 that was explained that zoning cannot be inconsistent with  
18 the Comprehensive Plan, but I guess maybe I can ask the  
19 neighbors about that. Okay. Commissioner Shapiro?

20           COMMISSIONER SHAPIRO: Thank you, Mr. Chair. Mr.  
21 Cochran, in your conversations were there any other  
22 residential zones that were considered for this site?

23           MR. COCHRAN: Because this is what the applicant  
24 brought to OP, we did not consider other zones. That's not  
25 to say that other zones would be not inconsistent with the