

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** <sup>JLS</sup> Jennifer Steingasser  
Deputy Director, Development Review & Historic Preservation

**DATE:** February 15, 2019

**SUBJECT:** ZC Case 19-02 – Setdown Report for a Proposed Map Amendment to rezone Square 5411, Lot 802, Square 5412, Lot 801, Square 5413, Lot 802, and Square 5413N, Lot 801 from the RA-1 zone to the RA-2 zone

**I. RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission **set down** the petition to rezone Square 5411, Lot 802, Square 5412, Lot 801, Square 5413, Lot 802, and Square 5413N, Lot 801 from the RA-1 zone to the RA-2 zone at 3610 Minnesota Avenue, SE, 3501-3547 East Capitol Street, SE, 127 35<sup>th</sup> Street, SE, and 3425 East Capitol Street, SE. The proposal would not be inconsistent with the Comprehensive Plan.

**II. APPLICATION-IN-BRIEF**

<b>Petitioner</b>	Milestone East Capitol 2 LLC, Milestone East Capitol 3 LLC, Milestone East Capitol 4 LLC, and Milestone East Capitol 5 LLC
<b>Address</b>	3610 Minnesota Avenue, SE, 3501-3547 East Capitol Street, SE, 127 35 <sup>th</sup> Street, SE, and 3425 East Capitol Street, SE
<b>Proposed Map Amendment</b>	From RA-1 to RA-2
<b>Legal Description</b>	Square 5411, Lot 802, Square 5412, Lot 801, Square 5413, Lot 802, and Square 5413N, Lot 801
<b>Property size</b>	520,216 square feet
<b>Generalized Policy Map Designation</b>	Neighborhood Conservation Area
<b>Future Land Use Map Designation</b>	Moderate Density Residential
<b>Comprehensive Plan Policy Focus Area</b>	Far Northeast and Southeast Area Element
<b>Ward and ANC</b>	Ward 7/ANC 7F06
<b>Historic District</b>	None

### **III. OVERVIEW AND BACKGROUND**

The Applicant proposes to redevelop the Meadow Green Courts site, which consists of 13+ acres with 461 apartments in 53 buildings on five contiguous squares. The subject properties of the proposed map amendment are located within the overall Meadow Green Redevelopment site.

The Applicant has developed a ten-year plan for the Meadow Green Courts redevelopment which involves the phased demolition and construction of a new mixed-income community. The Applicant has worked closely with the residents on the plans and has entered into an agreement with the Meadow Green Courts Tenants Association regarding rent protection, temporary relocation, replacement housing and no involuntary displacement of residents. The Applicant has met many times with ANC 7F. The Applicant has a workforce development nonprofit that is working currently to increase employment in the area. The Applicant intends to preserve more than 30 heritage trees at the site. The Applicant has almost completed construction of an all-senior 60 unit affordable (50% MFI) apartment building at 3605 Minnesota Avenue SE. as part of the overall redevelopment plan for the site. When completed, the redeveloped site will have approximately 900 residential units and at least 400 of those will be affordable units offered to residents earning 60% AMI or less.

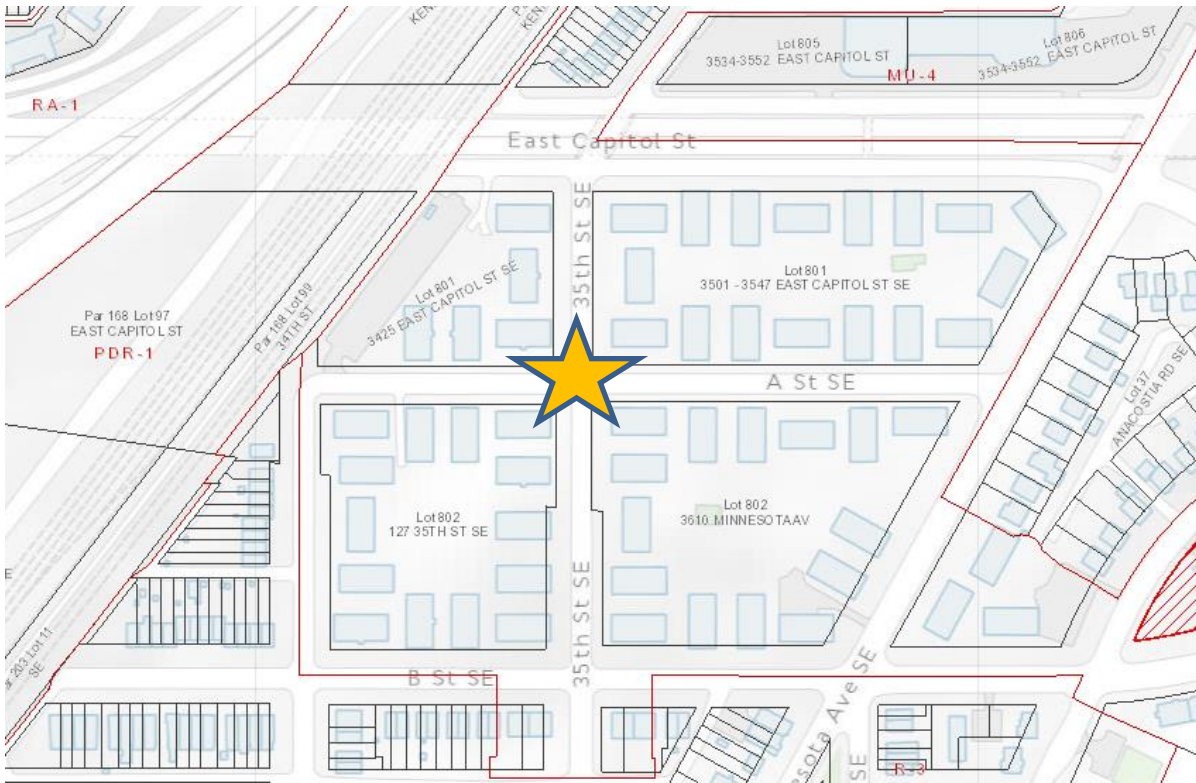
The Board of Zoning Adjustment (BZA) approved two applications for zoning relief for properties within the overall Meadow Green Redevelopment site.

In 2015, BZA Order 18972-A approved new multi-family residential development and zoning relief from loading requirements for the Milestone Senior Housing Building, located at Square 5410, Lot 800, which is across Minnesota Avenue to the east of the subject properties. This project was permitted and construction is almost completed.

In 2018, BZA Order 19704-A approved new multi-family residential development at Square 5413, Lot 802 (one of the subject properties) and relief from the floor area ratio, lot occupancy, and rear yard requirements of the RA-1 zone. At that time, the Applicant had indicated that the project would be part of a larger Meadow Green Redevelopment planned unit development (PUD) that the Applicant was intending to propose at a later date. The Applicant is currently pursuing permits for this BZA-approved project and expects to take advantage of this year's round of DHCD funding.

The Applicant is no longer proposing a PUD due to timing issues related to the multi-year phased development, affordable housing financing constraints, and commitments to the tenants' association for relocation and replacement housing. The Applicant is currently seeking a map amendment to rezone the property from the RA-1 zone to the RA-2 zone. The RA-2 zone would allow the proposed multi-family residential development as a matter of right, which is currently only permitted as a special exception in the RA-1 zone.

**IV. SITE AND AREA DESCRIPTION**



Vicinity Map



Subject site looking north toward East Capitol Street S.E.

The 520,216 square feet property is located on the south side of East Capitol Street, SE, the west side of Minnesota Avenue, SE., north of B Street, SE and east of 34<sup>th</sup> Street, SE. The subject property consists of the Meadow Green Courts Apartments, which is a 1940s multi-story development of 461 units in 53 buildings on 12 acres across five contiguous blocks. The entire property is currently zoned RA-1

To the west across 34<sup>th</sup> Street, S.E., which is 90 feet wide, the properties are two-story residential buildings zoned R-3. Across B Street, S.E. to the south, which is 90 feet wide, the properties are both two-story homes and two-story apartment buildings zoned R-3 and four of the properties closest to 35<sup>th</sup> Street SE are zoned RA-1. Across East Capitol Street, N.E. to the north, which is 160 feet wide, the properties along that block are zoned MU-4 and one property at the western end is zoned RA-1. Across Minnesota Avenue, SE which is 90 feet wide, the square to the east is split zoned RA-1 and R-2 and the Milestone Senior Housing Building, part of the overall Meadow Green Courts redevelopment, is in the RA-1 zone.

The 12 acre subject property has a significant grade change of approximately 50 feet from the east side to the west and has more than 30 heritage trees.

**V. EXISTING AND POTENTIAL DEVELOPMENT CAPACITY**

According to the zoning regulations:

*The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments.*

*The RA-2 zone provides for areas developed with predominantly moderate density residential.*

The RA-1 zone requires a Special Exception approved by the Board of Zoning Adjustment in order to construct any new residential development other than one-family detached and semi-detached buildings. The RA-2 zone does not require zoning relief for new residential construction.

The following table compares the development standards of the two zones.

ZONING	RA-1 Zone (Existing)	RA-2 Zone (Proposed)
<b>Permitted Uses</b> Subtitle U, Chapter 4	All New Residential Developments in the RA-1 Zone District, except those comprising of all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment (BZA) as a special exception.	New Residential Developments in the RA-2 Zone District <u>do not</u> require zoning approval.
<b>Height</b> Subtitle F, §303.1	40 ft./3 stories maximum	50 ft./no limit on stories

<b>ZONING</b>	<b>RA-1 Zone (Existing)</b>	<b>RA-2 Zone (Proposed)</b>
<b>Penthouse Height</b> Subtitle F, §303.2	12 ft./1 story maximum	12 ft./1 story maximum Mechanical space = 15ft./2 <sup>nd</sup> story
<b>Lot Area</b> Subtitle F, §201.2	Row Dwelling = 1,800 SF minimum  For residential uses permitted as a special exception the lot area shall be as prescribed by the BZA	None prescribed
<b>Lot Width</b> Subtitle F, §201.4	None prescribed  For residential uses permitted as a special exception the lot width shall be as prescribed by the BZA	None prescribed
<b>Inclusionary Zoning (“IZ”)</b>  Subtitle C, §1001.2(b)  Subtitle C, §1002.3	Triggered by 10 or more dwelling units  Bonus density: up to 20% additional GFA  Set aside requirements vary depending on construction material (8-10%)	Same
<b>Floor Area Ratio (“FAR”)</b> Subtitle F, §302.1  IZ Subtitle C, §1002.3	0.9 FAR maximum  Additional 20% IZ Bonus Density = 1.08 FAR	1.8 FAR maximum  Additional 20% IZ Bonus Density= 2.16 FAR
<b>Lot Occupancy</b> Subtitle F, 304.1	40% maximum	60% maximum
<b>Rear Yard</b> Subtitle F, 305.1	20 ft. minimum	4 inches per ft. of height of building, but not less than 15ft.
<b>Side Yard</b> Subtitle F, §306, as amended by Z.C. 17-23	3 inches per ft. of height of building, but not less than 8 ft.  A side yard shall not be required along a side street abutting a corner lot.	None required, but if provided, it shall be a minimum of 4 ft.  A side yard shall not be required along a side street abutting a corner lot.

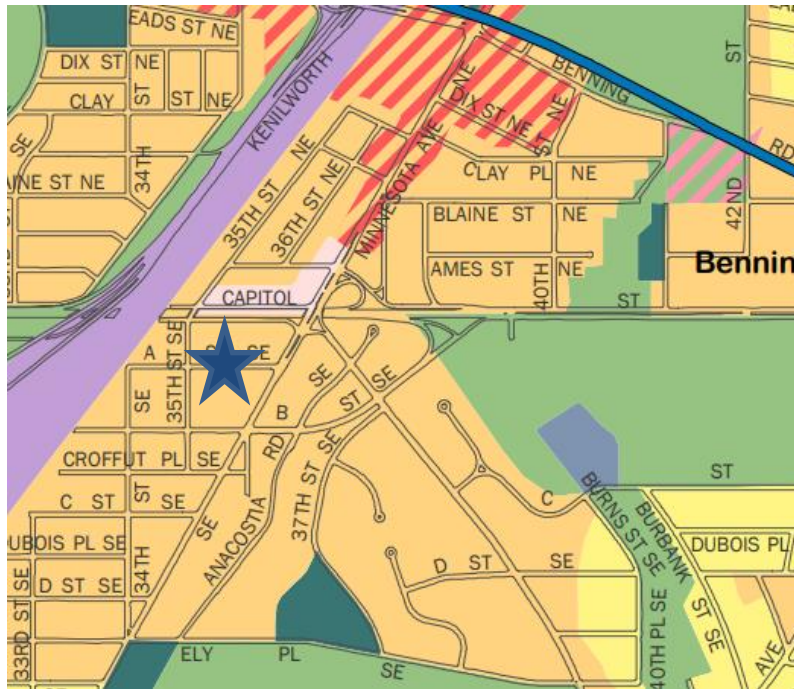
<b>ZONING</b>	<b>RA-1 Zone (Existing)</b>	<b>RA-2 Zone (Proposed)</b>
<b>Courts</b> Subtitle F, §202	Residential, more than 3 units: <u>Minimum Width Open Court</u> 4 in./ft. of height of court; 10 ft. min  <u>Minimum Width Closed Court</u> 4 in./ft. of height of court; 15 ft. min  <u>Minimum Area Closed Court</u> Twice the square of the required width of court dimension; 350 sq. ft. min	Same
<b>Green Area Ratio (“GAR”)</b> Subtitle F, §307.1	0.4	Same
<b>Vehicle Parking Spaces</b> Subtitle C, §701.5	<u>Single Dwelling Unit</u> 1 per principal dwelling  <u>Residential Flat</u> 1 per 2 dwelling units  <u>Multiple Dwelling Unit</u> 1 per 3 dwelling units in excess of 4 units, except: 1 per 6 units of publicly assisted housing, reserved for the elderly and/or handicapped	Same
<b>Loading</b> Subtitle C, §901.1	None prescribed	For more than 50 dwelling units:  1 loading berth 1 service/delivery space 1 loading platform
<b>Bicycle Parking Spaces</b> Subtitle C, §802.1	<u>House or Flat</u> None prescribed  <u>Apartment</u> Long Term Spaces: 1 space for each 3 dwelling units  Short Term Spaces: 1 space for each 20 dwelling units	Same

**VI. COMPREHENSIVE PLAN MAPS**

Section 226 of the Framework Element of the Comprehensive Plan addresses the use of the Plan’s maps, stating: The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions.



**The Future Land Use Map (FLUM)**



**Comprehensive Plan  
Future Land Use  
Map 8**

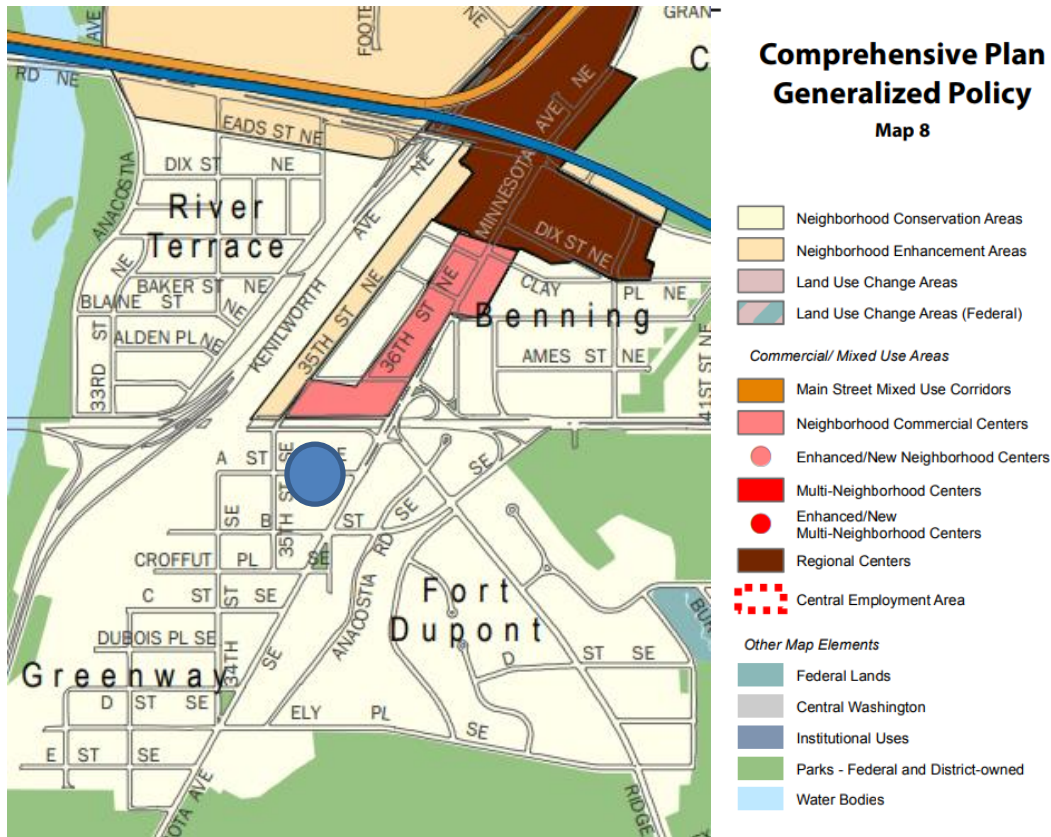
- Low Density Residential
- Moderate Density Residential
- Medium Density Residential
- High Density Residential
- Low Density Commercial
- Moderate Density Commercial
- Medium Density Commercial
- High Density Commercial
- Production, Distribution, and Repair
- Federal
- Local Public Facilities
- Institutional
- Parks, Recreation, and Open Space
- Mixed Land Use
- WATER

The site is designated for Moderate Density Residential use. Section 225 of the Framework Element provides a description of the FLUM land use designations.

*Moderate Density Residential: This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.*

The map amendment to the RA-2 zone (formerly the R-5-B zone) would be not inconsistent with the Future Land Use Map. The RA-2 zone allows matter-of-right development of a multi-family residential building, which is what this Applicant intends to construct to replace the existing multi-family residential building.

**The Generalized Policy Map**



The Generalized Policy Map designates the subject site within a Neighborhood Conservation Area.

*The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map.*

The proposed map amendment from the RA-1 to the RA-2 zone would be not inconsistent with the Policy Map designation. The map amendment would support the Petitioner’s proposal to redevelop the existing multi-family residential buildings with new multi-family residential buildings by right.



## VII. COMPREHENSIVE PLAN POLICIES

### Area Element: Far Northeast and Southeast Area Element

#### *Planning and Development Priorities:*

*Renovation and rehabilitation of the housing stock should continue to be a priority, especially for the aging post-war apartment complexes and for developments with subsidized units. Steps should be taken to preserve affordable units in these complexes as they are renovated. In some cases, as was the case at East Capitol Dwellings and Eastgate Gardens, the best approach may be to replace deteriorated multi-family housing with new housing that better meets community needs. In other cases, the renovation of older apartments could be coupled with conversion to owner-occupancy, with provisions to help tenants become homeowners.*

*Policy FNS-1.1.2: Development of New Housing Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents.*

The rezoning and redevelopment of Meadow Green Courts would be consistent with these priorities and policies of the Area Element.

#### Land Use Element

*Policy LU-2.1.1: Variety of Neighborhood Types Maintain a variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future.*

*Policy LU-2.1.2: Neighborhood Revitalization Facilitate orderly neighborhood revitalization and stabilization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need. Use social, economic, and physical indicators such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate as key indicators of need. 309.7*

*Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to "create successful neighborhoods" in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.*

*Policy LU-2.2.4: Neighborhood Beautification Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.*

## **Housing Element**

*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.*

*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. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.*

*Policy H-1.3.1: Housing for Families Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.*

## **Environmental Protection Element**

*Policy E-1.1.2: Tree Requirements in New Development Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance.*

The proposal for a map amendment to the RA-2 zone is not inconsistent with the Comprehensive Plan's Future Land Use and Policy maps, and the Applicant's proposed redevelopment of the site furthers many important policies for the Far Northeast & Southeast and Citywide Area Elements as noted above.

## **VIII. OTHER AGENCIES**

If the case is set down for a public hearing, the application will be circulated to relevant agencies for review and comment.