



MEMORANDUM

TO: Zoning Commission for the District of Columbia
FROM: Anne Fothergill, Development Review Specialist
 JLS
 Jennifer Steingasser, Deputy Director for Development Review & Historic Preservation
DATE: April 12, 2021
SUBJECT: **Zoning Commission Case 20-23:** Hearing Report for an Application to Rezone Square 3623, Lots 1 and 2, and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162, and 131/217 from the PDR-2 zone to the MU-10 zone

I. BACKGROUND

At its January 14, 2021 public meeting, the Zoning Commission set down for a public hearing an application to rezone Square 3623, Lots 1 and 2, and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162, and 131/217 from the PDR-2 zone to the MU-10 zone. The case was set down as a contested case.

II. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **approve** this application to rezone the subject properties from the PDR-2 zone to the MU-10 zone. The rezoning would not be inconsistent with the Comprehensive Plan text, the Future Land Use Map and the Generalized Policy Map.

III. APPLICATION IN BRIEF

Applicant:	LDP Acquisitions, LLC and 525 Rhode Island Ave LP
Proposed Map Amendment:	PDR-2 to MU-10
Legal Description:	Square 3623, Lots 1 and 2, and Parcels 131/94, 131/146, 131/147, 131/155, 131/161, 131/162, and 131/217
Ward and ANC:	Ward 5/ANC 5E
Property Size:	122,631 square feet combined
Future Land Use Map Designation:	Mixed Use - High-Density Residential and Medium-Density Commercial
Generalized Policy Map Designation:	Neighborhood Conservation Area and Land Use Change Area
Historic District:	None

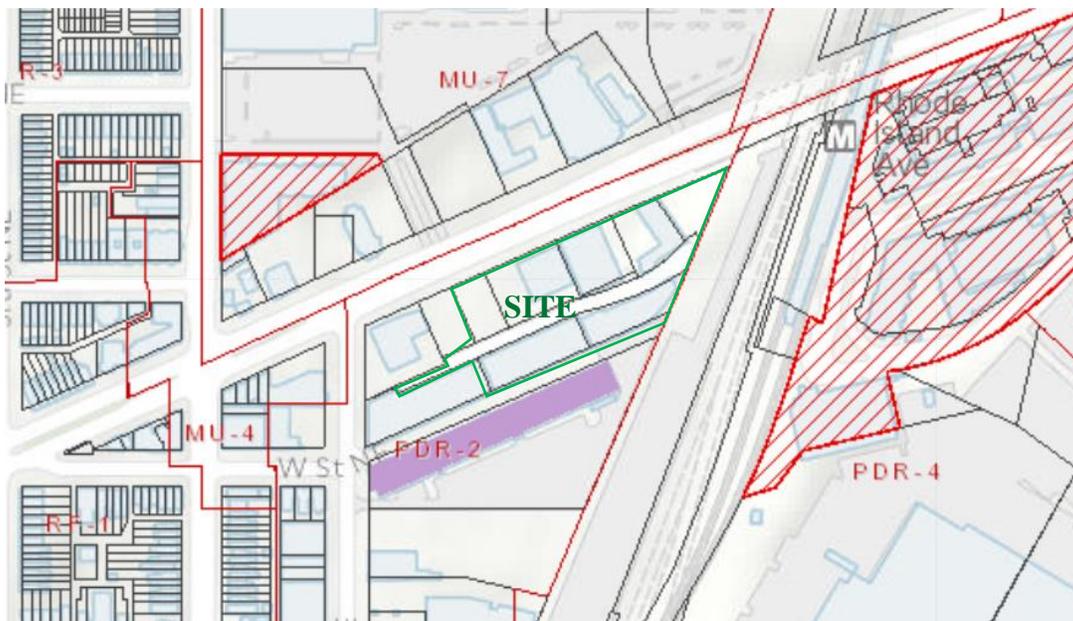
IV. SITE AND AREA DESCRIPTION

The subject property, which contains approximately 122,631 square feet of land area, is generally bounded by Rhode Island Avenue, N.E. on the north, W Street, N.E. on the south, the Metrorail tracks and Rhode



Island Avenue Metrorail Station to the east, and 5th Street, N.E. to the west. The Property has approximately 628 linear feet of frontage along Rhode Island Avenue, N.E., and is immediately adjacent to the Rhode Island Avenue Metrorail Station and the Metropolitan Branch Trail.

The subject property currently has a variety of industrial, warehouse, retail, surface parking, and other uses associated with the Greater Mount Calvary Holy Church community programs. Directly to the west, at the corner of Rhode Island Avenue and Fifth Street, N.E., is Engine 12, a District-owned fire station located on two adjoining parcels that are also being proposed for rezoning to the MU-10 zone as a separate case, ZC 21-01. To the north across Rhode Island Avenue is the Greater Mount Calvary Holy Church and some commercial properties fronting on Rhode Island Avenue. Also across the street to the north is the former Rhode Island Avenue Shopping Center that is currently being redeveloped into a mixed-use development with approximately 1,500 new residential units.



Site Location and Zoning

V. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The Applicant is requesting to rezone the site (approximately 122,631 square feet of land) from the PDR-2 zone to the MU-10 zone. The current PDR-2 zoning does not permit residential development, which is inconsistent with the Future Land Use Map mixed-use designation of high-density residential/medium density commercial.

Existing PDR-2 Zoning: Subtitle J, Chapter 2 of the zoning regulations states “*The PDR-2 zone is intended to permit medium-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.*” The PDR-2 zone permits a maximum density of 4.5 floor-area ratio (FAR) for uses falling within the below use categories listed in Subtitle J § 202.2:

- (a) Agriculture, large
- (b) Animal care and boarding and animal shelter
- (c) Arts, design, and creation
- (d) Basic utilities;

- (e) Large-scale government;
- (f) Production, distribution, and repair; and
- (g) Waste-related services.

Proposed MU-10 zone: Subtitle G, Chapter 4 Section 400.8 of the zoning regulations states “*The MU-10 zone is intended to:*

- (a) *Permit medium- to high-density mixed-use development with a balance of uses conducive to a higher quality of life and environment for residents, businesses, employees, and institutions;*
- (b) *Be applied to areas where a mixture of uses and building densities is intended to carry out elements of the Comprehensive Plan, small area plans, or framework plans, including goals in employment, population, transportation, housing, public facilities, and environmental quality;*
- (c) *Require a level of public space at the ground level; and*
- (d) *Allow residential and non-residential bulk to be apportioned between two (2) or more lots in the same square.*

The MU-10 zone permits a maximum density of 6.0 FAR (7.2 with Inclusionary Zoning) of which no more than 3.0 FAR may be for non-residential uses. The MU-10 zone permits a maximum height of 90 feet (100 feet with IZ), not including a penthouse.

The following table compares the development standards of the current PDR-2 zone and the proposed MU-10 zone.

	Existing PDR-2	Proposed Zone: MU-10
Permitted Uses:	PDR Uses Subtitle U, Chapter 8	Uses permitted as a matter of right in any R, RF, and RA zones, and MU-Use Groups F and G
Height:	60 feet max.	90 feet max. 100 feet max. (IZ)
FAR:	3.0 4.5* *certain uses only: Large agriculture; Animal care and boarding and animal shelter; Arts, design, and creation; Basic utilities; Large-scale government; Production, distribution, and repair; Waste-related services	6.0 7.2 (IZ) 3.0 Non-Residential
Penthouse Height:	12 feet max.; 1 story 18.5 feet mechanical max.; Second story permitted for penthouse mechanical space	20 feet max.; 1 story plus mezzanine Second story permitted for penthouse mechanical space
Lot Occupancy:	60 % max. (residential) 80 % (IZ) 100% (non-residential)	75% max. (residential) 80% (IZ) 100% (non-residential)

Rear Yard:	2.5 inches/ft. of vertical distance from mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet	2.5 inches/ft. of vertical distance from mean finished grade at the middle of the rear of the structure to the highest point of the main roof or parapet wall, but not less than 12 feet
Side Yard:	None required unless abutting a residential zone	
GAR:	0.3 min.	0.2 min.

The current PDR-2 zoning does not allow for residential use or a development capacity equal to the mixed-use high-density residential/medium-density commercial of the MU-10 zone. As discussed in Sections VI and VII of this report, the Comprehensive Plan and Small Area Plan both support the rezoning of the subject property to the MU-10 zone.

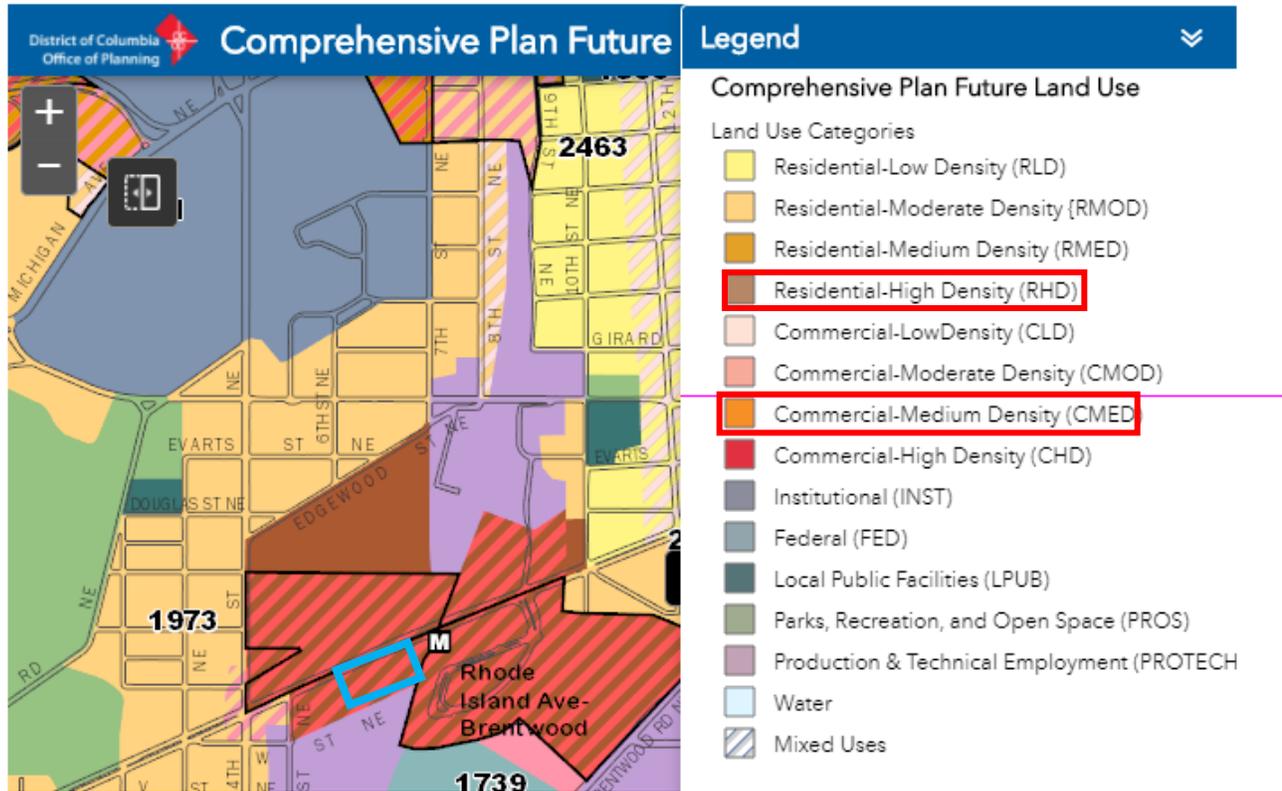
VI. PLANNING CONTEXT

Title 11 Subtitle X § 500.3 requires that the Zoning Commission determine that a proposed zoning map amendment “is not inconsistent with the Comprehensive Plan and other adopted policies and active programs related to the subject site”.

As fully discussed in the OP Setdown report of January 4, 2021 (Exhibit 10), the proposed map amendment would be not inconsistent with the Comprehensive Plan Future Land Use Map and Generalized Policy Map.

Generalized Future Land Use Map (FLUM)

The Future Land Use Map (FLUM) indicates that the site is appropriate for Mixed Uses - high-density residential and medium-density commercial uses. The FLUM does not show a purple stripe indicating a designation of future PDR use for the subject property.



Mixed Use Categories: The Future Land Use Map indicates areas where the mixing of two or more land uses is especially encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. A Mixed Use Future Land Use Map designation should not be confused with the Mixed Use (MU) zoning districts, although they frequently apply to the same area or parcel of land. The Mixed Use Category generally applies in the following circumstances:

- a. *Established, pedestrian-oriented commercial areas that also include substantial amounts of housing, typically on the upper stories of buildings with ground-floor retail or office uses;*
- b. *Commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground-floor retail or office uses and upper story housing;*
- c. *Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist, but a plan depicting the precise location of these uses has yet to be prepared; and*
- d. *Development that includes residential uses, particularly affordable housing, and residentially compatible industrial uses, typically achieved through a Planned Unit Development or in a zone district that allows such a mix of uses.*

The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground-floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix (in this case, Moderate Density Residential/Low Density Commercial). The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned.

*It should also be acknowledged that because of the scale of the Future Land Use Map and the fine-grained pattern of land use in older parts of the city, many of the areas shown purely as “Commercial” may also contain other uses, including housing. Likewise, some of the areas shown as purely “Residential” contain existing incidental commercial uses such as corner stores or gas stations, or established institutional uses, such as places of worship. **The “Mixed Use” designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future.***

A variety of zoning designations are used in Mixed Use areas, depending on the combination of uses, densities, and intensities. All zone districts formerly identified as commercial, SP, CR and Waterfront were renamed as MU zone districts in 2016, and are considered to be mixed use. Residential uses are permitted in all of the MU zones, however, so many Mixed Use areas may have MU zoning.

High Density Residential

High Density Residential: This designation is used to define neighborhoods and corridors generally, but not exclusively, suited for high-rise apartment buildings. Pockets of less dense housing may exist within these areas. Density is typically greater than a FAR of 4.0, and greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. The RA-4 and RA-5 Zone Districts are consistent with the High Density Residential category, and other zones may also apply.

Medium Density Commercial

*Medium Density Commercial: This designation is used to define shopping and service areas that are somewhat greater in scale and intensity than the Moderate Density Commercial areas. Retail, office, and service businesses are the predominant uses, although residential uses are common. Areas with this designation generally draw from a citywide market area. Buildings are larger and/or taller than those in Moderate Density Commercial areas. Density typically ranges between a FAR of 4.0 and 6.0, with greater density possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development. **The MU-8 and MU-10 Zone Districts are consistent with the Medium Density category, and other zones may also apply.***

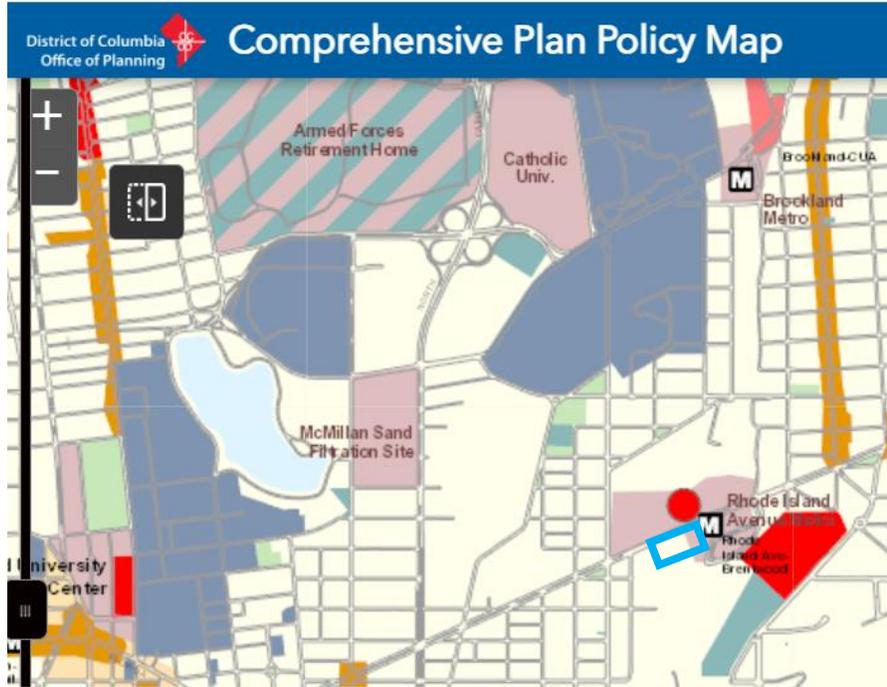
The Framework Element describes the Medium Density Commercial category as permitting densities of 4.0 - 6.0 FAR, and specifically identifies the MU-10 zone as being compatible with this particular designation. The MU-10 zone permits a maximum density of 6.0 FAR (7.2 FAR with IZ), with 3.0 FAR maximum for non-residential uses, and a maximum height of 90 feet (100 feet with IZ).

The general density and intensity of development within Mixed Use areas are determined by the specific mixed of uses shown on the FLUM. In this case, the FLUM indicates a preference for residential uses, which the current PDR zoning does not generally allow.

The request to rezone the subject property to MU-10 is consistent with the FLUM designation as Mixed Use medium density commercial and high density residential. The MU-10 zone is an appropriate zone for the subject property given its close proximity to a Metrorail station and the goal of providing more housing across the city. The height and overall density of the MU-10 zone are consistent with what is described in the Framework Element and the supplemental guidance provided in the Small Area Plan.

Generalized Policy Map

The Generalized Policy Map indicates that the area of the proposed map amendment is within the policy area designated primarily as a Neighborhood Conservation Area with a portion of the eastern end designated as a Land Use Change Area.



Neighborhood Conservation Area

*Neighborhood Conservation areas have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years, Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected **but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map.** Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided.*

*The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. **Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies.** Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-*

economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities.

Land Use Change Areas

Land Use Change Areas are areas where change to a different land use from what exists today is anticipated. In some cases, the Future Land Use Map depicts the specific mix of uses expected for these areas. In other cases, the Future Land Use Map shows these sites as “Federal,” indicating the District does not currently have the authority to develop appropriate plans for these areas but expects to have this authority by 2025.

There are more than two dozen Land Use Change Areas identified on the Generalized Policy Map. They include many of the city’s large development opportunity sites, and other smaller sites that are undergoing redevelopment or that are anticipated to undergo redevelopment. Together, they represent much of the city’s supply of vacant and underutilized land.

The guiding philosophy in the Land Use Change Areas is to encourage and facilitate new development and promote the adaptive reuse of existing structures. Many of these areas have the capacity to become mixed-use communities containing housing, retail shops, services, workplaces, parks, and civic facilities. The Comprehensive Plan’s Area Elements provide additional policies to guide development and redevelopment within the Land Use Change Areas, including the desired mix of uses in each area.

The proposed map amendment is not inconsistent with the Framework Element’s description of a Land Use Change Area. As stated above, Land Use Change areas depict where a change in land use is expected and future redevelopment of underutilized land is anticipated. Land Use Change Areas are often foreseen to be mixed use developments with a new infusion of housing and commercial uses to add vitality to an area.

According to the Purpose of the Generalized Policy Map, ***“The map should be used to guide land-use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, and other Comprehensive Plan maps. Boundaries on the map are to be interpreted in concert with these other sources, as well as the context of each location.”*** In this case, the recommendations of the Rhode Island SAP, the mixed-use designation on the FLUM, and the Upper Northeast Element policies all support a determination that the proposed Zoning Map amendment is not inconsistent with the GPM. This determination is further supported by the surrounding context as the rezoning will allow for the type of mixed-use development that is compatible with development currently underway to the north and northeast of the Property, and is appropriate given the Property’s location adjacent to Metrorail and the Rhode Island Avenue corridor, a designated Great Street.

The proposed zoning map amendment would also further Comprehensive Plan policy objectives, particularly with respect to Land Use, Housing, Transportation, Environmental Protection, Economic

Development, and Urban Design policies within the Citywide Element and the Upper Northeast Area Element as detailed in the OP setdown report (Exhibit 10). ([ExhibitsReport20-23](#))

VII. RHODE ISLAND AVENUE “DIAMOND OF THE DISTRICT” SMALL AREA PLAN

As described in the OP setdown report, the application to rezone the subject property from PDR-2 to MU-10 would be consistent with recommendations of the Rhode Island Avenue “Diamond of the District” Small Area Plan including rezoning the subject property to allow up to 6.0 FAR and 90 feet, which would provide the opportunity for potential higher density, mixed-use development with residential uses that are not permitted in the current zone.

VIII. AGENCY COMMENTS

OP referred the map amendment application for comments to:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- Department of Public Works (DPW)
- DC Public Schools (DCPS)
- DC Public Libraries (DCPL)
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water

DDOT filed a report stating they had no objection to the map amendment in Exhibit 20.

DHCD informed OP that they had no objection to the map amendment.

MPD informed OP that they had no comment on the map amendment.

DCPL informed OP that they had no comment on the map amendment.

At the time of this report, no other District agency had provided comment on the application.

IX. ANC COMMENTS

A letter of support from ANC 5E is in Exhibit 3-H.

X. COMMUNITY COMMENTS

A letter of support from the Eckington Civic Association is in Exhibit 3-I.

A letter of support from a resident of Edgewood is in Exhibit 18.