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U.S. House of Representatives
Honorable William F. Clinger

Mayor, District of Columbia
Honorable Marion S. Barry, Jr.

Chairman, Council of the
District of Columbia
Honorable David A. Clarke

IN REPLY REFER TO:
NCPC File No. Z.C. 95-4

MAY 07 1996

Zoning Commission for the
District of Columbia
2nd Floor, Room 2532
441 4th Street, NW.
Washington, D.C. 20001

96 MAY -8 AM 1:10
OFFICE OF ZONING
DISTRICT OF COLUMBIA

Members of the Commission:

In response to your request, the National Capital Planning Commission, at its meeting on May 2, 1996, approved the enclosed report to the Zoning Commission for the District of Columbia on the proposed amendment to the Zoning Map of the District of Columbia to rezone the Northeast No. 1/Eckington Yards Special Treatment Area, located east, west and north of Union Station, from R-4, C-1, C-2-A, C-M-1, C-M-3 and M to R-4, C-2-A, C-2-B, C-3-C, C-M-1, and C-M-3, as part of the District of Columbia's Comprehensive Plan-Zoning Consistency Project.

Sincerely,



Reginald W. Griffith (for)
Executive Director

EXECUTIVE DIRECTOR
Reginald W. Griffith

Enclosure

ZONING COMMISSION
CASE NO. 95-4
EXHIBIT NO. 146

ZONING COMMISSION
District of Columbia
CASE NO. 95-4
EXHIBIT NO. 116

NATIONAL CAPITAL PLANNING COMMISSION
801 PENNSYLVANIA AVENUE, N.W., SUITE 301
WASHINGTON, D.C. 20576

NCPC File No. Z.C.95-4

PROPOSED AMENDMENT TO THE ZONING MAP OF THE
DISTRICT OF COLUMBIA TO REZONE VARIOUS PROPERTIES IN THE
NORTHEAST NO. 1/ECKINGTON YARDS SPECIAL TREATMENT AREA -
EAST, WEST AND NORTH OF UNION STATION
(FROM R-4, C-1, C-2-A, C-M-1, C-M-3 AND M
TO R-4, C-2-A, C-2-B, C-3-C, C-M-1, AND C-M-3)

Report to the Zoning Commission for the District of Columbia

May 2, 1996

The Commission, pursuant to Section 5 of the Act of June 20, 1938, as amended by the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, 1981 edition, sec. 5-417), has reviewed the proposed amendment to the Zoning Map of the District of Columbia to rezone the Northeast No. 1/Eckington Yards Special Treatment Area located east, west and north of Union Station, from R-4, C-1, C-2-A, C-M-1, C-M-3 and M to R-4, C-2-A, C-2-B, C-3-C, C-M-1, and C-M-3, as part of the District of Columbia's Comprehensive Plan-Zoning Consistency Project. The Commission finds that the proposed amendment would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

* * *

BACKGROUND AND STAFF EVALUATION

Description of Proposal

The Zoning Commission for the District of Columbia, pursuant to D.C. Code, 1981 edition, sec. 5-417, has submitted a proposed amendment to the Zoning Map of the District of Columbia to rezone various properties in the Northeast No. 1/Eckington Yards Special Treatment Area located east, west and north of Union Station, from R-4, C-1, C-2-A, C-M-1, C-M-3 and M to R-4, C-2-A, C-2-B, C-3-C, C-M-1, and C-M-3. The boundary of the affected area is generally North

[Handwritten signature]
5/10/96

Capitol Street on the west, Q and R Streets on the north, 3rd Street on the east and G Street and Union Station on the south (vicinity map attached). The proposed rezonings are being initiated by the District of Columbia Office of Planning (OP) as part of their ongoing "Zoning Consistency Project", which is intended to eliminate inconsistencies between existing zoning and the District Elements of the Comprehensive Plan.

One of the fundamental objectives of this special treatment area at Union Station is to restore this part of the city from a declining predominately industrial use area to a thriving office development area with limited opportunities for retail and residential growth. The success of a redeveloped Union Station has spurred increased office development in the area north and west of Union Station-the North Capitol Street area. This proposal encourages medium-high density commercial development. The proposed C-3-C zone district accommodates this density level.

The area east of the railroad tracks is proposed for medium density mixed uses by rezoning the area from M and C-M-1. The infusion of neighborhood commercial uses is accommodated by C-2-A, C-2-B, C-M-1 and C-M-3 zone uses. Finally, this proposal attempts to stabilize and preserve the residential areas along 3rd and 4th Streets, NE. by extending the R-4 use zone to portions of 3rd and 4th Streets.

The specific proposed rezonings by Squares is as follows (notice of proposed rulemaking and proposed zoning map attached):

1. Rezone from C-M-3, M and C-2-A to C-3-C for Squares 668 through 676; Squares 709 through 713; and Square 715.
2. Rezone from M to C-M-3 for Square 747; Square 748 (Lots 8 through 10, 19, 20, 23 through 34, 42, through 46, 810, 811, 818, 821, 822 and a portion of Lot 812); and Square 749 (Lots located to the west of the north-south alley closest to 3rd Street, NE).
3. Rezone from M to C-M-1 for Square 748 (Lots 10, 71, 72, 74, 75, 78, 800, 804 through 809, 819, 820 and a portion of Lot 812)
4. Rezone from C-M-1 to C-2-B for Square 749 (Lots located to the east of the north-south alley located closest to 3rd Street, NE.; Square 750 (all lots except Lots 808 through 810 and Lot 128); Square 773 (Lots 4, 87 and 88); Square 774 (lots located west of the north-south alley closest to 3rd Street, NE.); and Square 775 (Lots 1, 3, 4, 16, 29, 33 through 36, 38, 44 through 49, 802, 804, 805, 812, 818 through 820, 822, 826 and 827.

5. Rezone from R-4 to C-2-B for Square 775 (Lots 22, 23 and 32).
6. Rezone from C-M-1 to C-2-A for Square 776 (Lots 25 through 27, 29 through 31, 53 and 814 through 817).
7. Rezone from C-1 to C-2-A for Square 752 (Lots 32, 39 through 44, 801, 804 through 806, 811, 813, 814, 856 and 857).
8. Rezone from R-4 to C-2-A for Square 753 (Lots 89, 92 through 95, 800 through 802 and the western portion of Lot 827).
9. Rezone from C-M-1 to R-4 for Square 804 (Lots 11 through 15); Square 773 (all lots west of Abbey Place, NE., except Lots 4, 87 and 88); Square 775 (Lots 13 through 16, 29, 33 through 38 and 44 through 47); and Square 776 (Lots 21 through 24 and 41 through 50).
10. Rezone from C-2-A to R-4 for Square 777 (Lots 827 through 829, 832 through 838, 841 through 843, 864, 865, 870, 873, 875 and 879).

Below is a comparison of the affected zones showing permitted building heights and floor-area ratios (FAR).

Zone	Maximum Building Height (feet)	Maximum FAR
R4	40 (3 stories)	0.6
C-2-A	50	1.5 (apartment house - 2.5)
C-2-B	65	1.5 (apartment house - 3.5)
C-3-C	90	6.5
C-M-1	40 (3 stories)	3.0
C-M-3	90	6.0

District of Columbia Office of Planning Report

The District of Columbia Office of Planning, in its reports (attached), dated January, 1996 and September, 1995, recommended that the Zoning Commission adopt the proposed rezoning of the Northeast No. 1/Eckington Yards Special Treatment Area. According to the report, the rezoning is "one of a series of government-initiated zoning actions aimed to eliminate inconsistencies between zoning and the Comprehensive Plan, as mandated by the Home Rule Act."

Based on its analysis of the affected area, the District's OP recommends adoption of the proposed zoning changes.

Conformance with Comprehensive Plan

The Comprehensive Plan's Generalized Land Use Map designates the area primarily for medium high-density commercial use with significant amounts of mixed use medium high-density commercial and production and technical employment; mixed use moderate-density commercial and production and technical employment; and moderate-density residential use. Four designated Special Streets in the Preservation and Historic Features element are located in the area. They are North Capitol Street, K Street, New York Avenue and Florida Avenue, NE. New York Avenue is also designated as a "gateway" in the Comprehensive Plan and is a major entrance to the Nation's Capital. Similar high quality development should be permitted on both sides of this roadway (C-3-C). North Capitol Street is also a designated "gateway" and similar considerations should apply. However, the west side of North Capitol Street is currently zoned R-5-C and C-2-A, permitting 50- and 60-foot heights whereas the C-3-C proposal for the east side permits 90-foot heights. This is an issue of potential concern which may need to be examined on a case-by-case basis.

Federal Interest Evaluation

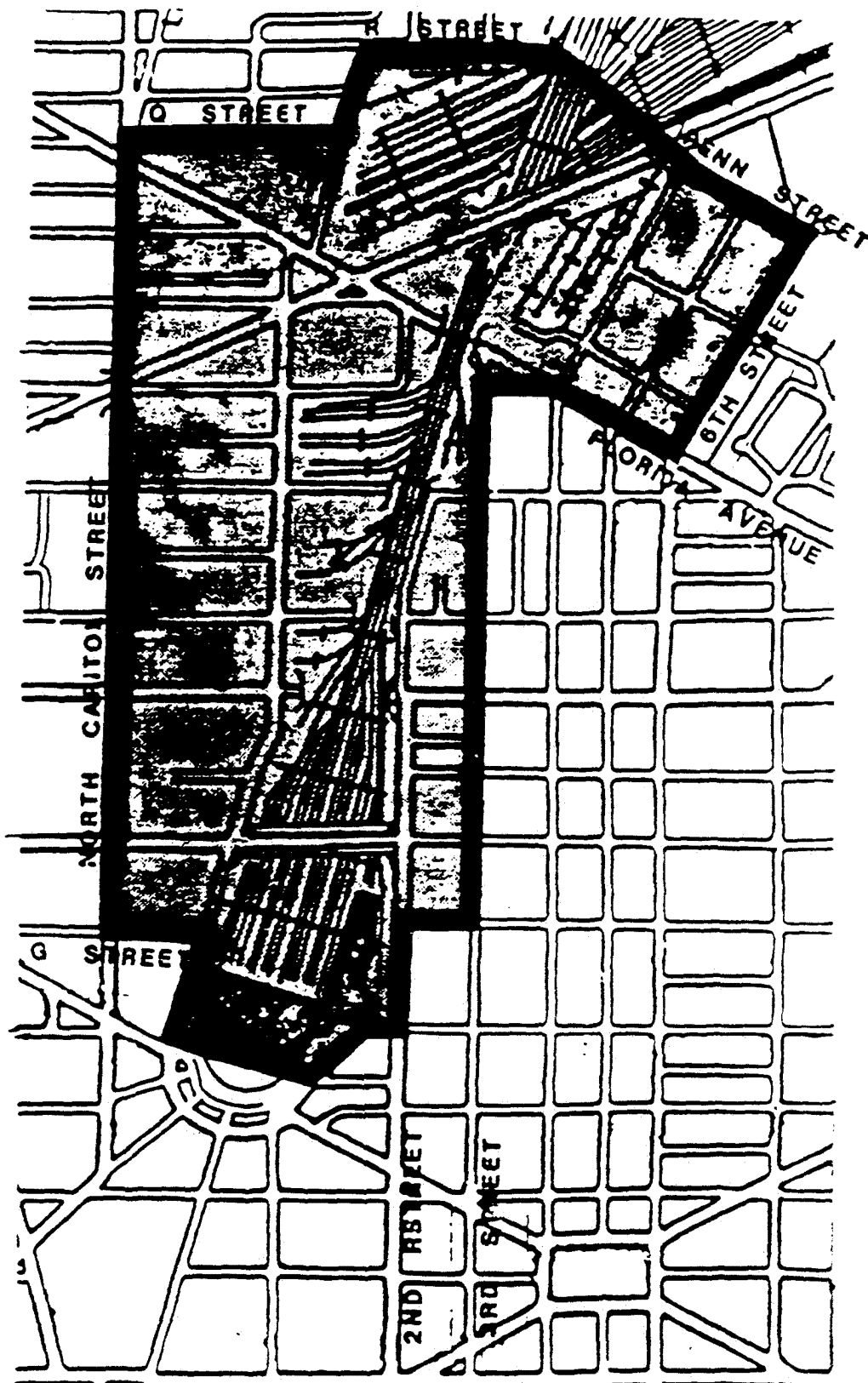
The Federal interests relevant to the proposal are North Capitol Street, Florida Avenue, New York Avenue and K Street. These roadways are designated Special Streets in the Preservation and Historic Features element of the Comprehensive Plan. In addition, New York Avenue and North Capitol Street are also designated "gateways" to the Nation's Capital. The Government Printing Office building on North Capitol Street is located within the treatment area and the U.S. Post Office and Museum is located just outside the treatment area; both are potentially affected by the proposed rezonings.

The principal areas proposed for rezoning in the North Capitol Street area, north and west of Union Station, which have Federal interest, are the squares adjacent to North Capitol Street, Florida Avenue, New York Avenue and K Street. These are areas proposed for rezoning from M, C-M-3 and C-2-A to C-3-C zone use. Medium-high density mixed-use development in these areas are

consistent with the Commission's Monumental Core Plan proposals that call for major mixed-use development of the North Capitol Street Area north and west of Union Station. Also, new development along these Special Streets would serve to enhance their amenity and special street and gateway character. As a major gateway entrance, the west side of North Capitol Street should also receive similar treatment in future rezonings.

The Federal interest areas east of Union Station and the railroad tracks provide rezonings to C-M-3 and C-2-B use zones. These zones replace intensive industrial uses with medium-density mixed-uses including office and light industrial uses. Square 747, which is adjacent to Florida Avenue is proposed to be rezoned from M to C-M-3. Squares 749, 774, 750 and 775, all adjacent to K Street, are proposed to be rezoned from C-M-1 to C-2-B. These rezonings have the potential of improving the amenity and special character of K Street, a designated Special Street.

Finally, the proposed rezonings are intended to remove any inconsistencies between zoning and the Comprehensive Plan. Moreover, the Commission, On October 27, 1994, reviewed the D.C. Comprehensive Plan Amendments Act of 1994 that set land use designations for this area on the Generalized Land Use Map. The Commission found that the revised land uses had no adverse impact on Federal interests. For these reasons, staff recommends that the Commission find that the map amendment would not adversely affect the Federal Establishment or other Federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital.





St. Suckler

- * Early housing
- * New housing not built
- * Decrease or no increase of housing stock
- * Federal income
- * Size of new construction, industrial, transportation

STATE F-4 LOCATED
 COLUMBIA, MO
 THIS INFO FROM BUREAU
 AND BUREAU OF
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[illegible]

2. Street neighborhood
 (residential housing is
 mostly within a
 half-mile radius and per-
 cent a fringe of commercial
 areas)

3. Core boundary within
 city limits

4. 1994 Community Development
 and Public Housing Department
 neighborhood development
 study of 2nd Street
 maps opposite St.
 & Pine Sts.

of E. S. S. and its
various activities in
the Pacific Ocean
area. This is done
in the form of a
map of the Pacific
area.

Abstract

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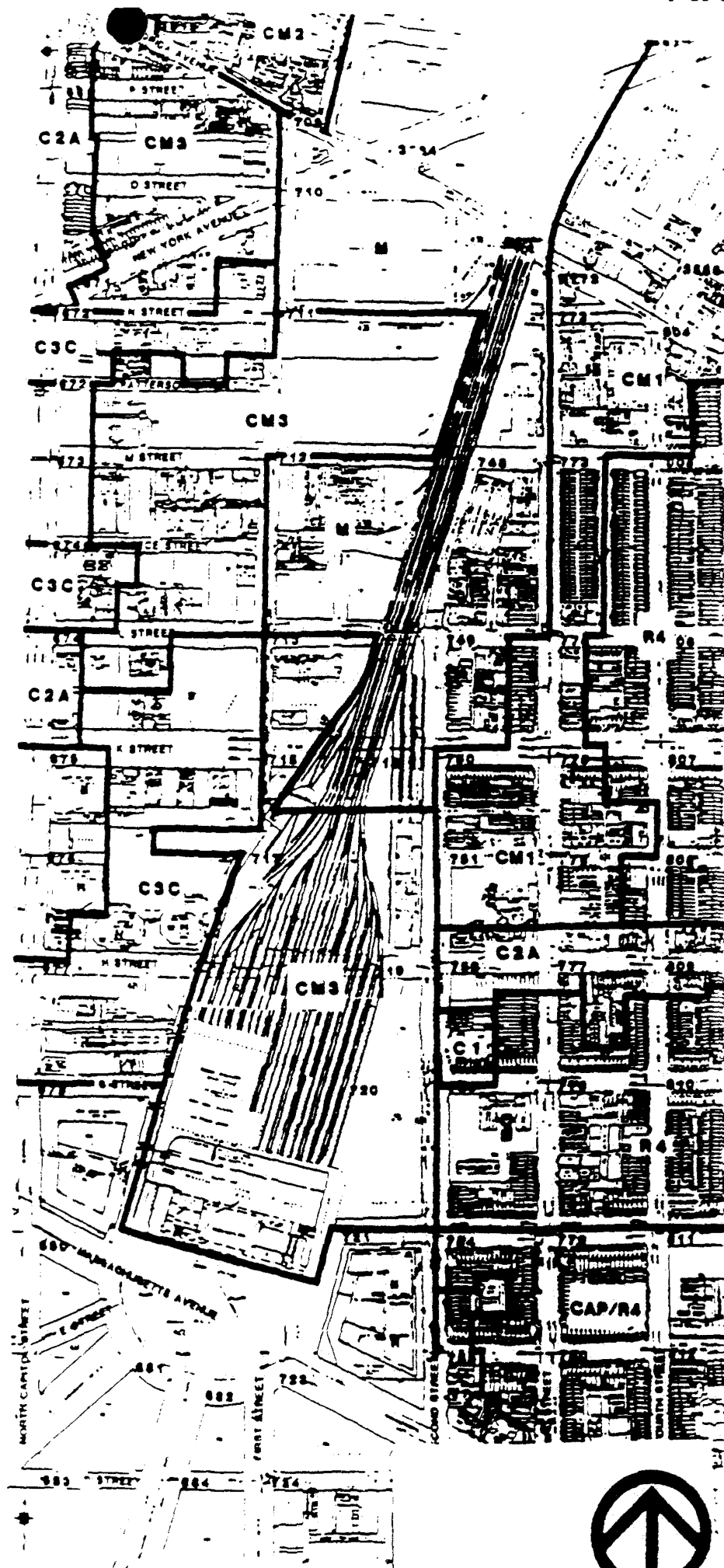
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- and factors

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— **1998** —

4. Working with the
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state government

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and industrial zone



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Case No. 95-4
(Map Amendment - Union Station Rezoning)

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in the Zoning Act (D.C. Code Sec. 5-413 et Seq.), and having held a public hearing, hereby gives notice of its intent to amend the Zoning Map of the District of Columbia. The proposed amendments will rezone various properties in the area to the east, west and north of Union Station, formally designated in the Comprehensive Plan as the Northeast No. 1/Eckington Yards Special Treatment Area. The Commission took proposed action to approve these amendments on February 12, 1996.

Final action to approve these proposed amendments to the Zoning Map will be taken in not less than thirty (30) days from the date of publication of this notice. The specific proposed amendments to the Zoning Map are as follows:

1. Rezone to C-3-C those lots now zoned C-M-3, M and C-2-A in the following squares: Squares 668 through 676; Squares 709 through 713; and Square 715.
2. Rezone from M to C-M-3:
Square 747
Square 748 - Lots 8 through 10, 19, 20, 23 through 34, 42 through 46, 810, 811, 818, 821, 822 and a portion of Lot 812
Square 749 - those lots located to the west of the north-south alley closest to 3rd Street, N.E.
3. Rezone from M to C-M-1:
Square 748 - Lots 10, 71, 72, 74, 75, 78, 800, 804 through 809, 819, 820 and a portion of Lot 812.
4. Rezone from C-M-1 to C-2-B:
Square 749 - those lots located to the east of the north-south alley located closest to 3rd Street, N.E.
Square 750 - all lots except Lots 808 through 810, and Lot 128
Square 773 - Lots 4, 87 and 88
Square 774 - those lots located west of the north-south alley closest to 3rd Street, N.E.

Government of the District of Columbia
ZONING COMMISSION



April 12, 1996

Reginald W. Griffith, Director
National Capital Planning Commission
801 Pennsylvania Avenue, N.W., Third Floor
Washington, D.C. 20576

RE: Z.C. Case No. 95-4 (Map Amendment @ Union Station)

Dear Mr. Griffith:

At the public meeting held on February 12, 1996, the Zoning Commission for the District of Columbia took proposed action to amend the D.C. Zoning Map, as follows:

(SEE THE ENCLOSED NOTICE OF PROPOSED RULEMAKING)

The proposed amendments are referred to the National Capital Planning Commission (NCPC) for review and comment pursuant to the District of Columbia Self-Government and Governmental Reorganization Act, Section 5-417, D.C. Code (1988 Repl. Vol.).

To assist in your review of these proposed actions, I am enclosing the Office of Planning reports dated September 18, 1995, and January 4, 1996, and notices of public hearing related to this proposal. The Zoning Commission plans to consider final action on these cases at its meeting on June 10, 1996.

If you have any questions about this matter, please call the Office of Zoning on (202) 727-6311.

Sincerely,

Madelene H. Dobbins
MADELIENE H. DOBBINS
Director
Office of Zoning

CC: Ronald Wilson
Enclosures

griffith.ltr
stef/bjw

NCPC
FILE NO. Z.C. 95-4
PRIMARY STA. DATE 7/25/96
DUE DATE _____
COPIES _____
CHIEF _____
ASST. DIR. _____
DIR. DIV. _____
LEAD _____
SECRETARY _____
ADMIN. _____
ASST. TO DIR. _____
PLAN. DEV. _____
CHIEF _____
ASST. DIR. _____
DIR. DIV. _____
LEAD _____
SECRETARY _____
ADMIN. _____
ASST. TO DIR. _____
PLAN. DEV. _____

- Square 775 - Lots 1, 3, 4, 16, 29, 33 through 36, 38, 44 through 49, 802, 804, 805, 812, 818 through 820, 822, 826 and 827.
5. Rezone from R-4 to C-2-B:
Square 775 - Lots 22, 23 and 32.
 6. Rezone from C-M-1 to C-2-A:
Square 776 - Lots 25 through 27, 29 through 31, 53, and 814 through 817.
 7. Rezone from C-1 to C-2-A:
Square 752 - (those lots now zoned C-1) Lots 32, 39 through 44, 801, 804 through 806, 811, 813, 814, 856 and 857.
 8. Rezone from R-4 to C-2-A:
Square 753 - Lots 89, 92 through 95, 800 through 802 and the western portion of Lot 827.
 9. Rezone from C-M-1 to R-4:
Square 804 - Lots 11 through 15
Square 773 - all lots west of Abbey Place, N.E., except Lots 4, 87 and 88
Square 775 - Lots 13 through 16, 29, 33 through 38, and 44 through 47
Square 776 - Lots 21 through 24, and 41 through 50.
 10. Rezone from C-2-A to R-4:
Square 777 - Lots 827 through 829, 832 through 838, 841 through 843, 864, 865, 870, 873, 875 and 879.

The map on page three of this rulemaking shows the proposed zoning for the area.

Written comments may be submitted to the Zoning Commission through the Director, Office of Zoning at 441 4th Street, N.W., Suite 210, Washington, D.C. 20001. Comments must be in writing and must be received in the Office of Zoning by the close of business (4:45 p.m.) on _____. Comments that are received after that time will not be considered. Copies of the proposed rules are available at the Office of Zoning. You may call the Office of Zoning on (202) 727-6311.

CONSENSUS REZONING AREAS

LEGEND

A. M & CM to C-3-C.
North Capitol St. Subarea
• Med-High Density Commercial land use designation
• Development Opportunity Area
• This area, major office-retail development, a trend already in progress in southern part of area

B. M to C-M-3. Square 747
• Comply with Comprehensive Plan land use designation of mixed PTE Commercial Uses
• Rule out some industrial uses that are now allowed in M zone due to nearby residential uses

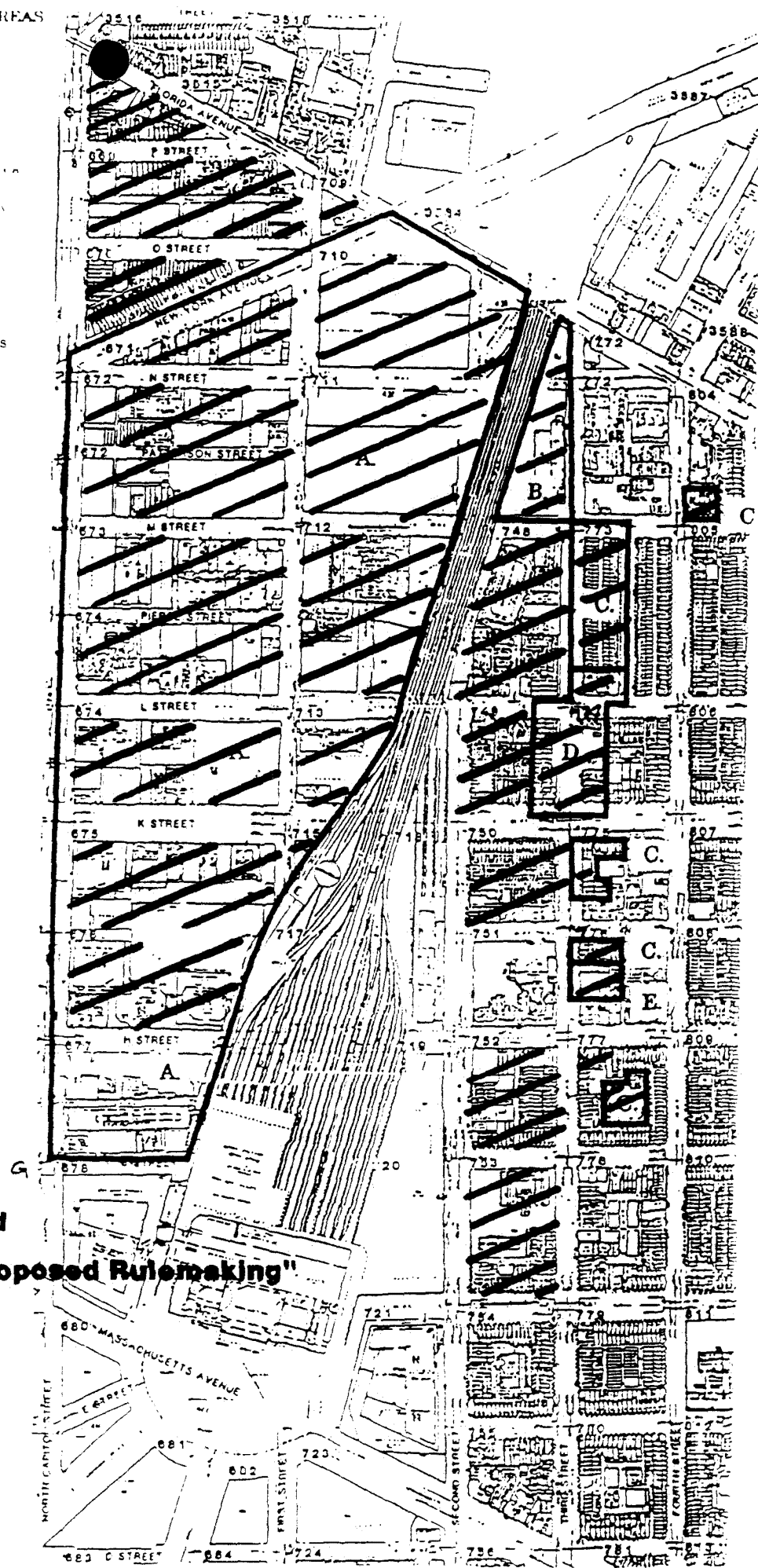
C. C-M-1 & C-2-A to R-4.
Parts of squares 804, 773, 775, 776 & 777
• Preserve existing row dwellings to stabilize residential areas
• Preserve housing supply
• Achieve zoning Comprehensive Plan consistency

D. C-M-1 to C-2-B. Parts of squares 749, 773 & 774
• Achieve zoning consistency with land use designation of Mixed Use Moderate Density Residential Low Density Commercial
• Establish mixed use transition zone between intensive development near railroad tracks and residential neighborhood to the east

E. C-M-1 to C-2-A. Part of Square 776
• Stabilize existing commercial uses
• Eliminate existing split-zoning of commercial property



SQUARES Listed **In "Notice of Proposed Rulemaking"**



Government of the District of Columbia

Office of the
Director



Office of Planning
415 12th Street, N.W.
Washington, DC 20004

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Jill C. Dennis
Director

Nathan W. Gross, Chief
Comprehensive Plan Implementation

SUBJECT: Hearing Summary, Zoning Commission Case No. 95-4 (Union Station Area Rezoning)

Zoning Commission Case No. 95-4 is a proposed rezoning of the Union Station Area (more specifically, the Northeast No. 1/Eckington Yards Special Treatment Area), pursuant to the Comprehensive Plan. The public hearing was completed on two dates, September 25 and November 9, 1995.

On the following pages are two maps, together with summaries of key points made in testimony, organized by specific subareas. The first map ("Consensus Rezoning Areas") identifies locations where testimony was substantially in agreement with the advertised rezoning. The second map ("Contested Areas Zoning Map") identifies locations where arguments were made for and against the advertised map amendments, or where alternative zoning proposals were suggested.

This summary is intended to assist the Commission's discussion and decision on this complex case and does not purport to represent the full record of the case, which speaks for itself.

Attachments

ZONING COMMISSION
CASE No. 95-4
EXHIBIT No. 110

- R-4 zoning would reinforce the existing residential uses in the northern part of the square. Opponents of R-4 favored either retention of C-M-1 or adoption of C-2-B for several reasons: small office conversions have actually improved public safety, and the trend is too far along for R-4 to be suitable zoning; R-4 makes nearly all of the row house lots nonconforming as to minimum lot area, most of them being only 900 to 1,200 s.f., thereby precluding additions and new construction; C-2-B allows 80% lot coverage vs. 60% in R-4 and would allow residential additions; C-2-B makes residential use a matter-of-right and also allows commercial or mixed uses; small commercial conversions are good for start-up businesses (low commercial rents) and the investor-owners of 75% of the structures in the square have invested large sums towards this objective.
- The street frontage along 2nd Street includes the proposed site for the Congressional Black Caucus office building (3.0 FAR, 40') and other commercial buildings, as well as some residential uses. OP recommended SP-1 for the Black Caucus site as a way of achieving a 2.5 FAR (close to the 3.0 FAR contemplated in preliminary plans), although a BZA process would be required. The Caucus requested retention of C-M-1. The seller of the site recommended retention of C-M-1 along the 2nd Street frontage.

D. C-M-1 & C-2-A to SP-1.

Location: Square 751, bounded by H, I, 2nd and 3rd streets, N.E.

- Comprehensive Plan designation is Institutional, reflecting the existing use of the entire block as the National Capital Children's Museum.
- Existing C-2-A along H Street is inappropriate because of the barrier of the H Street overpass; existing C-M-1 is inappropriate because industrial uses would be unsuited to surrounding office and residential character.
- Permitted scale or FAR in advertised SP-1 zone is too low for the museum/learning center buildings and too limiting regarding the museum's financial situation, architectural flexibility for reconfiguring space and buildings and regarding sale or lease of surplus land along 2nd Street for commercial uses to help support the institution's survival in this location.
- The museum requests readvertising for rezoning the eastern half of the square C-3-B and the western half C-3-A. The ANC has supported this request.

CONTESTED AREAS ZONING MAP

Legend:

A. C-M-3 to C-M-3 (no change) or C-3-C.

Location: Triangular area bounded by Florida and New York avenues and North Capitol Street.

- Comprehensive Plan land use designation is Medium-High Density Commercial.
- Existing and projected traffic constraints based on continuing major office development.
- More parking is required in C-M-3; relevant because of distance from Metrorail station.
- Maximum commercial density and height (90', 6.0/6.5 FAR) are very similar.

B. M to C-M-3 and C-M-2 or C-M-1.

Location: Square 748, bounded by L, M, 2nd and 3rd streets, N.E.

- Comprehensive Plan land use designation is Mixed Use: PTE/Medium-High Density Commercial.
- Rationale for CM zones was to rule out certain heavy industrial uses allowed in M zone, and to use C-M-3 along railroad tracks and either C-M-1 or C-M-2 along 3rd Street across the street from row dwellings.
- Solid waste transfer station in former Uline Arena and adjacent properties prompted testimony by residential neighbors and D.C. Councilmembers about adverse effects, including odors, rats, trucks, noise and ill-advised proximity to residential area.
- The company, L & G Industries, testified about its clean operation, the Comprehensive Plan land use designation including PTE, truck routing, nonconformity problems, loss of blue collar jobs and industrial development.
- A few residents favored M zoning for L & G Industries, having worked with L & G to obtain amenities for the neighborhood.
- Some testimony favored a further hearing to consider commercial zoning.
- Businesses other than L & G industries are located in Square 748.

C. C-M-1 to R-4 or C-2-B.

Location: Square 750, bounded by I, K, 2nd and 3rd streets, N.E.

- Comprehensive Plan land use designation is Mixed Use: Moderate Density Residential and Low Density Commercial.
- Southern portion of square is primarily small office buildings; northern portion is row structures converted to office use plus some residential occupancies. OP proposed C-2-B for office area and R-4 for mixed use area.

E. C-M-1 to C-2-B; C-2-A to C-2-A (no change).

Location: Southern two-thirds of Square 775 and H Street frontage of Square 752; other areas generally proposed for C-2-B zoning.

- In Square 775, the existing buildings in some cases exceed the 1.5 FAR commercial allowed in C-2-B. The office building at the corner of 3rd and I streets is approximately 4.0 FAR, according to the owner.
- In proposed C-2-B locations generally, because of difficult economic trends, the depressed residential real estate market in this area, and outmigration from the District, it is important to enact zoning that stimulates development. In this area, the demand is primarily for more office space, and office development has greatly helped improve the area and offset local crime and drug activities, which continue.
- The advertised rezonings from C-M-1 to C-2-B represent a severe reduction from 3.0 FAR commercial to 1.5 FAR, which will create some nonconforming structures. This will not be a problem for continued use of existing buildings nor for adaptive reuse, but is limiting over the long run for new development.
- C-3-A or C-3-B zoning should be considered for much of the area previously advertised for C-2-B. The H Street frontage of Square 752, zoned C-2-A, should be included in this consideration. C-3-A or C-3-B zoning would still provide a step-down from more intensive CM zoning near the railroad tracks and would spur development of vacant and underutilized properties in the area. C-3-A can be considered "not inconsistent" with the land use designation of Moderate Density Mixed Use.

F. C-1 and R-4 to C-2-A.

Location: Second Street frontage of squares 752 and 753 (east frontage of 2nd Street from F Street to nearly H Street).

- Comprehensive Plan land use designation is Mixed Use: Moderate Density Residential and Low Density Commercial. R-4 and C-1 are not really consistent with this designation; however, C-2-A is generally consistent.
- The C-2-A commercial FAR of 1.5 will accommodate the floor area of most row structures in the area, which are predominant, whereas C-1 will create undue instances of nonconformity.
- A commercial transition at moderate scale is needed between future, major office development across 2nd Street to the west and residential areas to the east.
- Some testimony favored C-1 as providing a more limited range of business uses than C-2-A and a lesser potential height and bulk of buildings.

Government of the District of Columbia

Office of the
Director



Office of Planning
415 12th Street, N.W.
Washington, D.C. 20004

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Jill C. Dennis, III 
Interim Director

Nathan W. Gross, Chief
Comprehensive Plan Implementation

SUBJECT: Zoning Commission Case No. 95-4, Union Station Area Rezoning

Attached is the Office of Planning's (OP) land use and rezoning study of the area surrounding Union Station. This report reviews the land use and zoning patterns in the area to the east, west and north of Union Station formally designated in the Comprehensive Plan as the Northeast No. 1/Eckington Yards Special Treatment Area.

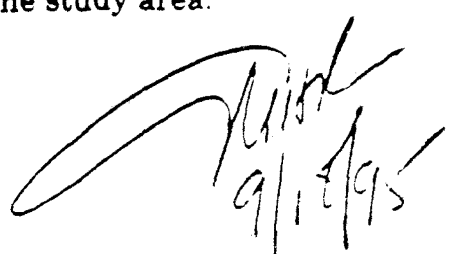
This proposed area rezoning is one of a series of government-initiated zoning actions aimed to eliminate inconsistencies between zoning and the Comprehensive Plan, as mandated by the Home Rule Act. The Union Station Area study is clearly a major study within the Zoning Consistency Project, and a complex array of zoning map changes are recommended for adoption, based on the Comprehensive Plan and the Office of Planning's (OP) land use and zoning analysis of the area, plus policy and informational comments by residents, civic and property owner/business interests in the area.

This area has several important designations in the Comprehensive Plan, including Special Treatment Area, Development Opportunity Area (in part), various land use designations on the Generalized Land Use Map, and other applicable policies in the other Elements of the Comprehensive Plan, including the Ward 6 Element. In the early 1990's, a detailed transportation analysis was done by a consultant for the North Capitol Street sector of the study area.

ZONING COMMISSION

CASE No. 95-4

EXHIBIT No. 25


9/11/95

In the process of preparing the attached report, OP staff have had numerous meetings and individual consultations with broad segments of the affected community, including members of the Advisory Neighborhood Commissions (ANC), the Stanton Park Community Association, the Capitol Hill Restoration Society. After the preliminary meetings and before submitting this report to the Zoning Commission, OP mailed copies of the draft report to the ANC Commissioners and the leadership of the other civic organizations and convened a meeting at OP on April 27, 1995. This meeting provided community representatives an opportunity to review the full, written report prior to the beginning of the formal zoning process. Staff members of the Department of Housing and Community Development (DHCD) also participated in the meeting, and provided additional feedback to OP regarding the report and the proposed zoning.

RECOMMENDATION

Based on the detailed analysis in the attached report, OP recommends adoption of the proposed zone changes as indicated in the body of the report. Given the numerous subareas and zone changes recommended, additional facts and issues may arise from testimony at the public hearing. OP will assist the Zoning Commission, to the extent requested, in resolving such issues.

Attachment

**NORTHEAST NO. 1/ECKINGTON YARDS SPECIAL TREATMENT AREA
Land Use and Rezoning Study**

**D.C. OFFICE OF PLANNING
September 1995**

This is a land use and zoning report for the geographic area to the east, west and north of Union Station, an area defined in the Comprehensive Plan for the National Capital as the "Northeast No. 1/Eckington Yards Special Treatment Area (STA)." The purpose of the report is to recommend changes in the zoning map that will make zoning and future development in the area generally consistent (legally, "not inconsistent") with the Comprehensive Plan.

BACKGROUND

The Office of Planning (OP) is conducting a number of government-initiated rezonings that are part of its "Zoning Consistency Project." The purpose of this multi-phase effort is to eliminate inconsistencies between the existing zoning in the District of Columbia and the District Elements of the Comprehensive Plan. The Mayor and the Zoning Commission are obligated under the Home Rule Act to eliminate such inconsistencies, so that the plans for existing and new uses of land and buildings will be generally in conformity with adopted plans. OP is the Mayor's lead agency in this effort and has provided the Zoning Commission with a series of recommended citywide zone changes in furtherance of this effort. Many area rezonings have been adopted since the Plan became law in 1984-85.

The recommended zoning map amendments are proceeding on two parallel tracks -- major projects and land use categories. The latter track consists of relatively straightforward zoning adjustments grouped on a citywide basis by land use categories -- residential, commercial and industrial. The major projects track includes the instant study of this special treatment area and many others. These major projects involve complex planning and development issues, and are typically Metrorail station areas, Development Opportunity Areas, Housing Opportunity Areas, and locations involving changes to several zone districts within a defined geographic area. Projects of this type that have been completed within the past three years include the rezoning of the Southwest Urban Renewal Subarea B, the R-5 zones text amendment, the accessory apartments text amendment, the recycling centers text amendment, the Foggy Bottom Historic District rezoning, and Metrorail station area rezonings at the Anacostia, Minnesota Avenue and Fort Totten stations.

This land use and rezoning report for the Northeast No. 1/Eckington Yards Special Treatment Area reviews land use, zoning and development conditions in the area and recommends rezoning actions to achieve general consistency with the Comprehensive Plan. This report is not intended to be a "plan" for the area. It is less detailed than a plan and does not focus on specific anticipated or proposed development projects.

The aim of these zoning recommendations is to put zoning in place that will guide future development over the long term in a way that is consistent with the Comprehensive Plan. It is critical that building and occupancy permits allow only new uses, conversions and new developments that are consistent with the Comprehensive Plan. It is equally important to avoid the establishment of buildings, uses and long-term facilities that are contrary to the intent of the Plan. Attached as Appendix G to this report is a copy of "Determining Zone Changes," which is OP's summary of its methodology in the citywide effort to achieve zoning that is not inconsistent with the Comprehensive Plan ("the Plan").

GENERAL CONTEXT AND PLANNING SUBAREAS

The Union Station Metrorail Station is located at Union Station, which is itself an intercity rail transportation hub, as well as the location of a major retail and entertainment complex. The Metrorail station has been in operation for several years and will continue to provide greatly increased accessibility to and from the area.

As the Metrorail station area continues to be redeveloped as a focal point of activity, there will be increased development potential, especially for office development **between Union Station and North Capitol Street**, as well as more limited opportunities for residential and retail development to serve the surrounding area.

In some locations, especially to the **east of Union Station**, the adjacent neighborhood needs some zone changes to stabilize and conserve the existing neighborhood fabric and protect the existing housing supply from redevelopment.

The existing industrial zoning, which is the most widespread zoning in the area, is proposed in the Plan, and in this report, to be replaced in many locations but retained intact **north of Florida Avenue**.

The boundaries of the Special Treatment Area (STA) are generally North Capitol Street on the west, 3rd Street on the east (6th Street north of Florida Avenue), G Street and Union Station Plaza on the south, and Q and R streets on the north. See Map No. 1 in Appendix A of this report. OP staff also reviewed and considered the adjacent areas around the perimeter of the STA in terms of existing uses, zoning and Comprehensive Plan policies.

Report Structure

The main body of this report is divided into two parts, each of which focuses on a major geographic subarea within the study area. The definition of the subareas follows the general land use policy guidance of the Comprehensive Plan, especially the policies of the Special Treatment Area (STA) and of the Generalized Land Use Map ("the Map") as found in the Land Use Element. These policies generally mandate a pattern of land use and development as described in the following three paragraphs.

- South of Florida Avenue and east of the railroad tracks the land use designations, and the existing use pattern, present a more complex situation. Most of this area east and northeast of Union Station is designated for Moderate Density Residential use. This is clearly a policy for the existing rowhouse neighborhood to be zoned to encourage continuation of residential uses at moderate scale, predominantly row dwellings or townhouses. Commercial development is generally designated to be at neighborhood scale as well, with the exception of a narrow band of land between the railroad tracks and second street, which is indicated for a medium-high-density mixture of commercial and PTE-industrial uses, which will probably be increasingly office development in the future. Other locations are designated for a moderate density mixture of commercial and residential uses. The challenge in this subarea is to establish a stable boundary between the residential neighborhood and more intensive uses near the railroad tracks, so that reasonable development can proceed in the latter area, while redevelopment pressures on the neighborhood are minimized. This subarea is analyzed first because of its complexity, and is referred to as the **"Capitol Hill/Stanton Park Area."**
- South of Florida and New York avenues, between North Capitol Street and the railroad tracks, the land use designation is Medium-High Density Commercial. This designation indicates that office development should continue to proceed from south to north through the area -- a trend that has been established for a number of years pursuant to the Northeast No. 1 Urban Renewal Area Plan. The clear policy mandate is for a change from industrial zoning to commercial zoning at a medium-high density. This area is analyzed second in this report and is referred to as the **"North Capitol Street Area."**

- In the Eckington Yards and Farmers Market areas to the north of New York and Florida Avenues, the Comprehensive Plan policies provide for a continuation of industrial/PTE (Professional and Technical Employment) uses and development. Adopted policies in the Land Use and Economic Development elements of the Plan reiterate this policy. This area is referred to in this report as the **"Eckington Yards/Farmers Market Area."** OP has reviewed the predominantly industrial zoning in this subarea and found that it is "not inconsistent" with the intent of the Comprehensive Plan, which is essentially to continue a pattern of industrial zoning and uses. No zone changes are recommended north of Florida Avenue. Accordingly, the main body of this report analyzes land use and zoning conditions and issues in the remaining two subareas.

These issues will be analyzed in greater detail in the sections of this report dealing with the respective subareas. Before turning to the subareas in detail, the major policies of the Comprehensive Plan as they affect the entire Special Treatment Area are presented more fully than they were above.

PUBLIC POLICY GUIDANCE – THE COMPREHENSIVE PLAN

The District of Columbia Comprehensive Plan provides development guidelines in the form of planning policy statements in the various elements of the Plan. The Generalized Land Use Map, which is a part of the Land Use Element and shows the desired future development pattern of the city, is a key document for guiding the future land use and zoning for the city. Several specific land use designations and policies apply to the Northeast No. 1/Eckington Yards Special Treatment Area and provide the officially adopted policy guidance for zoning.

Generalized Land Use Map

The Generalized Land Use Map designations are described below and are depicted on Map No. 2 in Appendix B of this report. Prior to the 1994 amendments, nearly all of the land area within the STA boundaries was designated for Mixed Use, specifically a combination of PTE/Industrial uses and Medium-High Density Commercial uses. "PTE" is an abbreviation for Production and Technical Employment. As used in the Plan, this term encompasses light industrial and secondary office and commercial uses. These uses relate most consistently with the Commercial-Manufacturing (CM) and Manufacturing (M) zones.

1994 Amendments. Several important changes in land use designation were adopted in the 1994 amendments to the Comprehensive Plan. They provide for clearer direction as to the location of commercial uses and industrial uses and greater segregation of these uses, in comparison with the previous mixed use designation that applied uniformly to the entire area.

The first 1994 amendment designates nearly all of the area north of Florida Avenue for PTE-industrial uses only, without the admixture of commercial uses. In the Eckington Yards/Farmers Market area, the previous Institutional designation (based on a portion of this property previously being part of Gallaudet College) was also changed to PTE/Industrial. The policy guidance for zoning is that industrial zoning is to be retained north of Florida Avenue, subject to review of zone boundaries and adjustments in classifications.

The second, and most significant change in the Map, is that the North Capitol Street Area, between the railroad tracks and North Capitol Street, is designated solely for Medium-High Density Commercial development. This action deletes reference to light manufacturing and general industry, or PTE uses. The clear implication is support for commercial, rather than industrial, zoning at medium-high density.

In the Capitol Hill/Stanton Park Area, the east frontage of Second Street between E and G streets, N.E., was changed from Moderate Density Residential to Mixed Use: Moderate Density Residential and Moderate Density Commercial. This would imply a rezoning to a moderate density mixed use classification. The existing H Street commercial corridor in this area is designated Low Density Commercial, generally implying a continuation of existing neighborhood commercial zoning.

Unchanged Map Designations. North of K Street, N.E., and between the railroad tracks on the west and 3rd Street on the east, the land use designation is Mixed Use: PTE/Medium-High Density Commercial. Immediately to the south, between 2nd and 3rd streets, and G to K streets, are three city blocks that are designated, respectively, Mixed Use: Moderate Density Residential and Commercial, Institutional (where the National Capital Children's Museum is located), and Mixed Use: Moderate Density Residential and Commercial.

To the east of these mixed use areas, i.e., east of Third Street, with some "jogs" in the boundary, the residential neighborhood is designated Moderate Density Residential, which would imply retention of or rezoning to a moderate density residential classification generally supportive of row dwellings.

[A more detailed interpretation of these land use designations and other factors, is found later in this report, together with recommended zone changes.]

Other Comprehensive Plan Classifications

The North Capitol Street Area to the west of the Metrorail station is designated as a Development Opportunity Area which is within the overall Special Treatment Area. These are defined in the Comprehensive Plan as follows:

Development Opportunity Area. A Development Opportunity Area is an area that offer opportunities to accommodate new growth and development. Such areas may be designated for housing, commercial development, employment centers, or for a mixture of uses and may be further subclassified to identify those that are Metrorail station development opportunity areas. They are usually "areas at or near selected Metrorail stations or major Metrobus interchange points," where there is a "significant amount of vacant or poorly used land," or "potential surplus property sites;" areas with potential as "joint public and private initiatives" and that "represent unrealized employment and economic development potential." Finally, Development Opportunity Areas are locations where development "can be used to improve neighborhood quality and stability."

This designation for the North Capitol Street Area clearly implies that major development can and should occur, in order to secure economic development on underutilized and vacant land accessible to the Metrorail station.

Special Treatment Area. The adopted policies of the Northeast No. 1/Eckington Yards Special Treatment Area are in the Land Use Element of the Comprehensive Plan, under Specialized Planning Areas. "Special Treatment Areas are areas that exhibit unique physical, social or functional characteristics and features and require case-specific planning actions. . . ." (Subsection 1118.2 of the Plan)

The specific policies for the Northeast No. 1/Eckington Yards STA are as follows (Subsection 1121.2(b)):

- "(1) Create a physical and regulatory atmosphere to encourage nascent high technology and light industries in the area north of Florida Avenue, N.E.
- (2) Target the area south of Florida Avenue, N.E., for a new, secondary lower rent office district;
- (3) Evaluate the need for effective design standards and targeted public improvements; and
- (4) Identify economic development strategies that can be packaged to meet development objectives."

These policies reinforce the land use designations of the Generalized Land Use Map, specifically that industrial/PTE uses should be located primarily north of Florida Avenue and office development primarily to the south of that avenue, especially in the North Capitol Street Area. Note that, while these policies guide zoning, they also indicate specific project actions that are outside the scope of this land use and zoning report.

RECENT DEVELOPMENTS

In the past 10+ years several significant development and land use trends in the study area have occurred. The Development Trends and Land Use Features Map in Appendix C locates the trends described in the following paragraphs and other land use features in the study area.

Union Station

Several years ago, Union Station itself was fully restored as a major national historic landmark. The functional characteristics of the station were greatly improved for rail passengers. At the same time, a major "festival marketplace" of approximately 210,000 s.f. of shops was established within the station, providing a wide variety of retail uses, restaurants, fast food and entertainment uses such as a movie theatre multiplex. Office space of approximately 100,000 s.f. is also provided. A large parking garage was created to serve the complex.

East of Union Station

In the northeast corner of the area, the Capital City Market, also known as the Florida Avenue Produce Market, has been substantially refurbished and upgraded with the assistance of the District of Columbia government. This market is the largest transfer point from wholesale to retail for produce in the city.

Immediately east of Union Station Plaza the Federal Judiciary Office Building was completed in 1992 and occupied with administrative offices of the Supreme Court.

North and east of Union Station, a number of townhouses and other small buildings have been renovated and converted to small-scale office uses. These are primarily nonprofit associations and lobbying groups that have apparently chosen this location, in part, for its proximity to Congress. The most significant of these renovations has been the restoration and occupancy of the attractive Railway Express building adjacent to the railroad tracks north of K Street.

West of Union Station

The District's two interstate bus terminals -- Greyhound and Trailways -- have located adjacent to each other at First and L streets, N.E., reinforcing the Union Station area as the city's and the region's hub of interstate overland transportation modes.

From G to K streets, N.W., on the west side of Union Station, major office buildings have been constructed pursuant to the longstanding policies of the Northeast No. 1 Urban Renewal Plan. The largest complex is the Union Center Plaza development of four major office buildings.

Immediately west of Union Station, the Main City Post Office was renovated and expanded, primarily for federal government office use (Bureau of Labor Statistics). The National Postal Museum is located in the building, as well as a small post office, but other postal service functions were relocated. The complex is now known as Postal Square.

The major portion of this report follows. It addresses the land use and zoning issues in the Capitol Hill/Stanton Park Area, followed by a similar analysis of the zoning issues in the North Capitol Street Area. The Eckington Yards/Farmers Market Area is not further addressed in this report because the existing, largely industrial zoning in that area is generally considered to be not inconsistent with the intent of the Comprehensive Plan.

CAPITOL HILL/STANTON PARK AREA

EXISTING CONDITIONS

The general area east of the railroad tracks, north of Union Station and south of Florida Avenue, is predominantly residential, primarily row houses or townhouses. Some row houses have more than one dwelling unit; others have been converted to small office uses, occupied principally by lobbying groups and nonprofit associations attracted by the location near the U.S. Capitol. Existing C-M-1 and C-2-A zoning in the area allows such conversions. The R-4 zoning in much of the area allows only residential conversions with a density limitation of, typically, two units per townhouse.

Several commercial and industrial areas are exceptions to the residential pattern. There is a narrow band of industrial zoning along the railroad tracks. In the southern part of this band the result has been office development (the new Federal Judiciary building immediately east of Union Station) or proposed office development (e.g., "Station Place," east of 2nd Street, F to H streets, N.E.). North of L Street uses are primarily light industrial or heavy commercial businesses at moderate scale; this area enlarges to the east by another block and one-half near Florida Avenue.

The H Street commercial business corridor provides neighborhood commercial services, as do the commercial uses lining Massachusetts Avenue and 2nd Street, at the southern edge of, or just outside of the study area. The largest concentration of retail and entertainment uses is found in Union Station itself; this complex was created as part of the complete renovation of the historic train station approximately 10 years ago. Finally, the National Capital Children's Museum is an educational-institutional facility of citywide importance, located on the block bounded by H, I, 2nd and 3rd streets, N.E.

RECENT DEVELOPMENT TRENDS

The most significant recent development trends have been the following:

- construction or planned construction of federal government owned or leased office buildings immediately east and northeast of Union Station (Federal Judiciary building and proposed "Station Place");
- renovation and occupancy by business uses of the Railway Express building, adjacent to the railroad tracks north of H Street;
- conversion of a number of row dwellings to office use, in those locations zoned commercial or industrial rather than R-4 (row dwellings and residential conversions);

- decline or closing of some key uses in the industrial area, such as the Uline Arena (partially offset by some new industrial investment such as the Central Armature works at 3rd and M streets, N.E.); and
- continuation of a high rate of homeownership (64 percent) of the residential town houses in the area, reflecting a long-term commitment by residents to the neighborhood.

GOALS FOR THE AREA

Based on the policies of the Comprehensive Plan and analysis of trends and planning issues in the area, the Office of Planning has developed the following goals to guide the more specific rezoning recommendations that follow:

1. Stabilize the boundary between continuing economic development activity near the railroad tracks and the adjacent residential neighborhood;
2. Protect the great majority of existing dwellings and residential areas from conversion to commercial uses or demolition and redevelopment for commercial projects, so as to maintain the area's housing supply, number of residents and residential character.
3. Allow a mixture of industrial and commercial uses at medium-high density near the railroad tracks north of K Street N.E., in order to continue to provide business and job opportunities;
4. Encourage a mixture of residential and commercial uses at moderate-to medium-density at locations between the residential neighborhood and intensive commercial development abutting the railroad tracks, guided by the mixed use designations on the Generalized Land Use Map.
5. Maintain the existing scale of the residential neighborhood and of the building stock in most of the area; establish suitable intermediate, "step-down" building heights at the edges of the intensive commercial development.

The desired future of the area, as provided in the Comprehensive Plan and reflected in the summary goals above, is one in which the existing residential uses remain and are stabilized, i.e., given more protection from redevelopment or conversion to other uses. This future also recognizes the value of the narrow band of commercial and industrial uses adjacent to the railroad tracks and the need for a buffer zone between the two major land use areas in some locations.

Based on the goals enumerated above, OP offers the following, more detailed review of land uses, zoning issues and zoning recommendations. The analysis is organized by functional land use sectors:

- I. PTE/Industrial
- II. Residential
- III. Medium Density Mixed Use Zones
- IV. Neighborhood Commercial.

I. PTE/INDUSTRIAL AREA

Existing Conditions

K to M Street

Between the railroad tracks and 2nd Street, and north of K Street, N.E., is a light industrial-heavy commercial area comprising squares 747N, 747, 748 and 749. Please refer to Map No. 4, Existing Zoning, in Appendix D. This map and the Proposed Zoning Map include square numbers. These blocks are currently zoned M (General Industry), with the exception of the easternmost portion of Square 749, which is zoned C-M-1. The M zone is Washington's most intensive industrial zone, permitting a wide range of manufacturing, processing and heavy commercial uses. However, it does not permit true, heavy industrial uses as would be found in manufacturing cities. A number of intensive uses are specifically prohibited in the M district, e.g., petroleum products distillation, acetylene gas manufacture, fertilizer manufacture, bituminous products manufacture, steel furnace, rubber products manufacture, abattoir, and others. The M district permits a maximum building height of 90 feet and a maximum floor area ratio (building bulk) of 6.0.

Existing uses in this area include an air compressor company, liquor store, auto center, Faith Miracle Center (formerly Uline Arena), sheet metal company, window glass company, taxicab headquarters lot, printing companies, warehouse, cabinet supply, church, corner store, vacant lots and a very few row houses. A portion of the Faith Miracle Center building is currently being used as a private solid waste transfer station.

North of M Street

At M Street, the commercial-manufacturing precinct jogs to the east by a block and one-half to include all of squares 772 and N772, plus the

majority of Square 804. This area is zoned C-M-1, which is the lowest density industrial zone. The permitted building height is 40 feet/three stories, and maximum building bulk is 3.0 FAR. A more limited range of manufacturing and heavy commercial uses are permitted in the CM (Commercial-Manufacturing) zones than in the M zone. Typical uses include wholesaling and warehousing, many types of light manufacturing and processing, research or testing laboratory, repair garage with auto body work, large dry cleaning establishments, and others. In both the M and CM zones, performance standards regulate potential adverse effects such as sound, gasses, odors, noxious fumes, glare, heat, vibration, dust, etc. Some uses, such as recycling, are allowed as special exceptions in CM zones.

Existing businesses in this lower intensity C-M-1 area include self-storage, warehouses and wholesaling, taxicab headquarters (as well as parking and repair), auto repair, glass company, gas station and pizza shop. It is noted that Square 804 is split-zoned C-M-1 and R-4 and developed in part of the block with row houses. This C-M-1 district extends north of Florida Avenue to encompass a large area devoted to the Capital City Produce Market and related uses.

Recommendation

OP's recommended zoning approach is to retain a narrow band of industrial zoning adjacent to the railroad tracks but with changes in zone classifications that rule out intensive industrial uses and reduce the scale of permitted buildings in key locations adjacent to residential uses.

The Comprehensive Plan calls for a continuation of industrial ("PTE") uses in combination with Medium-High Density Commercial uses in several city blocks adjacent to the railroad tracks. The specific designations are PTE/Medium-High Density Commercial (in the areas currently zoned M and C-M-3 immediately abutting the railroad tracks) and PTE/Medium-Density Commercial (in the area currently zoned C-M-1 at the northeast corner of the area, near Florida Avenue).

The Generalized Land Use map and related Comprehensive Plan policies call for a continuation of industrial/PTE uses along the railroad tracks; a continuation of some industrial along with commercial uses is likely under any zoning. This is a "realistic" policy, recognizing that heavy commercial and office uses serve to buffer neighborhood uses to the east from the noise and visual impacts of the railroad tracks and passing trains. Residential development abutting the railroad tracks would be unlikely to occur even if the area were planned and zoned for residential development. Finally, the wide variety of businesses permitted in the CM zones helps to retain and attract diverse businesses and job opportunities.

K to M Streets

- OP recommends that the M zoning in squares 747N, 747, 748 and 749 be replaced with CM zones. This will rule out heavy industrial uses, which are only permitted in the M zones. In general, the wide range of uses permitted in the M zone should not be in close proximity to residential areas, such as those found only one block away. All of the recommended zoning map amendments are depicted on Map No. 5 in Appendix E, Proposed Zoning. Also, see Map No. 6 in Appendix F, Zoning Changes. The latter map shows the recommended zone changes in "from" and "to" format.
- The C-M-3 zone is recommended for squares 747N, 747 and for the western two-thirds of squares 748 and 749 (closest to the railroad tracks). Please refer to Map No. 3, Proposed Zoning, Appendix C regarding this and subsequent zoning recommendations. C-M-3 allows office, light industrial, and a wide variety of commercial uses, consistent with the mixed use (PTE/commercial) land use designation. Its height and bulk standards of 90 feet and 6.0 FAR are in accord with the medium-high density commercial aspect of the designation on the Generalized Land Use Map.
- Along the 3rd Street frontage of Square 748, the C-M-1 and C-M-2 zones have been advertised in the alternative. Either zone will comply with the intent of the Generalized Land Use Map for a combination of industrial/PTE and commercial uses. Both zones also provide a step-down in permitted height and bulk that will be much more suitable across the street from a solid row of row dwellings (in Square 773) than would be the density standards of the C-M-3 zone. C-M-1 permits a building height of 40 feet/three stories and a maximum FAR of 3.0. C-M-2 permits a building height of 60 feet and a maximum FAR of 4.0.

OP will defer its recommendation in Square 748 regarding the alternative C-M-1 and C-M-2 zones along the 3rd Street frontage. Two of the buildings are used in conjunction with the former Uline Arena (located in the western half of the block and proposed for rezoning from M to C-M-3) as a recycling facility or solid waste transfer station. The property owner and the operators of the business have met with OP staff, expressing concerns about the implications of CM zoning classifications rather than the existing M zoning, because of the BZA process involved for enlarging recycling operations in CM zones. OP continues to believe that a transition of some kind is needed between Square 748 and the abutting square to

the east -- Square 773 -- which is primarily residential. The property owner and business owners will testify at the public hearing and present more details on existing and projected operations and zoning constraints under M and CM zoning. Citizen testimony may also address this issue, and OP is in the process of obtaining additional information about the use from other agencies. OP will make a final recommendation after benefitting from the testimony at the public hearing.

North of M Street

- • • The C-M-1 zoning in squares 772, N772 and 804 is recommended to continue in conformance with the land use designation of Mixed Use: PTE/Low Density Commercial. A portion of Square 804 that is fully developed with row dwellings is recommended for R-4 zoning, as presented in the next section of this report.

II. RESIDENTIAL AREA

Existing Conditions

The neighborhood to the east of Union Station and the railroad tracks is the westernmost part of Stanton Park. The housing pattern is predominantly rowhouses, or townhouses, some of which have been converted to multiple units, as permitted in the R-4 zone with density limitations. Stanton Park is within the much larger, historic residential area of Capitol Hill, the great majority of which is zoned R-4. The development pattern of this large area is predominantly townhouses, many of them with English basements or multiple units. Low-rise and mid-rise apartments exist in scattered locations. The part of Stanton Park that is near Union Station is developed primarily with row dwellings and row dwellings with conversions.

OP's research identified a total of 423 dwelling units in the area between F and M streets, N.E., and 4th Street to the railroad tracks/Union Station. Of these, 270 are owner-occupied for a ratio of 64 percent owner-occupancy, which is approximately twice the citywide owner-occupancy ratio.

The key physical standards of the R-4 zone are a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 per cent, and a maximum building height of 40 feet/three stories. Permitted uses include detached, semi-detached and row dwellings, rooming and boarding houses. New apartment buildings are not permitted in the R-4 zone district, but conversions of existing buildings

to apartments are permitted for lots with a minimum lot area of 900 square feet per proposed dwelling unit. For a standard size lot of 1,800 s.f., this translates into a maximum of one apartment unit per row dwelling.

In the vicinity of 2nd and 3rd streets, a number of large groupings of row dwellings are zoned C-M-1. This extensive C-M-1 district encompasses commercial and light industrial areas as well as residential buildings.

The C-M-1 zone presents several critical problems for residential uses. New housing is not permitted, and existing dwellings have a nonconforming status. The potential exists for adverse industrial or commercial uses to be located in close proximity to residential uses, with adverse effects on the latter. Also, the commercial flexibility of this zone has permitted a number of row dwellings to be converted to office use. Under stronger market conditions, demolition of the existing housing stock could occur to make way for new construction of commercial or industrial buildings. Such commercial uses are important to the local economy, but improved zoning boundaries will preserve the housing stock and residential character where appropriate, and still allow small business use where appropriate.

The boundary between commercial, industrial, institutional and residential uses in this vicinity is unusually complex, resulting in a checkerboard pattern. One of the reasons for this rezoning study is to improve the zoning pattern in the area by rationalizing the boundaries among the various use precincts.

Recommendation

OP recommends that seven significant groupings of row dwellings be rezoned from C-M-1 (six locations) and C-2-A (one location) to R-4. Residential zoning is needed to protect residences from conversion to nonresidential uses and from adverse effects of potential new industrial or commercial uses next to residential uses.

The existing C-M-1 zoning does not permit new residential uses and is therefore inconsistent with the land use designation in the Generalized Land Use Map of "Moderate Density Residential." R-4 zoning is consistent with this designation and is the same zone as is mapped in this residential neighborhood generally. It accommodates and suitably regulates the predominant types of residential buildings and uses, primarily row dwellings, with or without conversions to multiple units.

In one of the locations -- most of Square 750 -- the Generalized Land Use Map designation is Mixed Use: Moderate Density Residential and Low Density Commercial. OP considers the R-4 zone reasonable for several reasons. First, a significant part of the square is recommended for C-2-B zoning, a mixed use zone that permits commercial as well as residential use. Thus, the C-2-B zone carries out the commercial component of the mixed use designation in the Generalized Land Use Map, and the R-4 represents the residential component. The R-4 recommendation occupies the solidly residential part of the square, which has a total of 46 dwelling units. This is a significant concentration of housing and population that should be preserved as housing rather than opened up to commercial conversions or redevelopment. Numerous policies in the Comprehensive Plan support this zoning approach. Three directly applicable policies from the Ward 6 Element of the Plan are:

Sec. 1200.604(14) Protect adjacent residential neighborhoods in Northeast against pressures for conversion to retail and office uses generated by Union Station development.

Sec. 1200.607(2) Discourage encroachment of the non-residential uses in residential areas.

Sec. 1200.608(2) Preserve the character of residential neighborhoods. Curtail conversions of residential properties to commercial/office use.

The specific locations for the recommended rezonings are described below. See Proposed Zoning Map, Appendix C. **The first six are rezonings from C-M-1 to R-4; the last, in Square 777, is from C-2-A to R-4.** In each case the predominant existing building use is residential but the zoning is industrial or commercial. The locations are:

- • • the southwestern corner of Square 804;
- • • nearly all of the eastern half of Square 773;
- • • the 3rd Street frontage of Square 749;
- • • the northern two-thirds of Square 750;
- • • portions of squares 775 and 776;
- • • the northern two-thirds of Square 750; and
- • • the interior of Square 777, which is improved with fairly new dwelling units.

III. MEDIUM DENSITY MIXED USE ZONES

Several street frontages have been advertised in the alternative for SP-1 or C-2-B zoning. These locations include: the north frontage of I Street between 2nd and 4th streets; the 2nd Street frontage in Square 750 (facing the railroad tracks); and both frontages of 3rd Street between K and L streets, plus the southernmost tip of Square 773. Also, all of Square 751, occupied by the National Children's Museum, is recommended for rezoning from C-M-1 and C-2-A to SP-1. See Proposed Zoning Map, Appendix C.

SP-1 and C-2-B Zone Standards

The SP-1 zone district allows residential, office, or mixed uses at a density of up to 4.0 FAR and a maximum building height of 65 feet. Office uses are limited to a maximum of 2.5 FAR and require approval as a special exception by the Board of Zoning Adjustment (BZA). Residential uses are permitted as a matter-of-right. Office occupants are limited to qualifying SP users, primarily nonprofit associations and professionals. A significant number of SP-type office uses have located in the area in converted townhouses and other moderate-scale buildings. The SP-1 zone does not allow retail uses.

The C-2-B zone is also a medium-density, midrise, mixed use zone. The maximum permitted building height is 65 feet, and the maximum floor area ratio for residential or mixed uses is 3.5. Up to 1.5 FAR within the total may be devoted to retail or general office uses as a matter-of-right. Thus, the permitted height is the same as that permitted in SP-1, but the differences are that:

- SP-1 permits a slightly larger residential building, at 4.0 FAR vs. 3.5 FAR in C-2-B.
- C-2-B permits general office use, i.e., all types of office tenants, compared to the limited range of office users allowed in SP zones. Office uses are allowed as a matter-of-right in C-2-B, whereas a special exception process is required in SP-1.
- Permitted office density is greater in SP-1 -- 2.5 FAR versus 1.5 FAR in C-2-B. However, retail uses are allowed in C-2-B but not in SP-1.

Recommendation

The following paragraphs present OP's land use rationale and zoning recommendations in this category:

- **The Capital Children's Museum which occupies all of Square 751 should be rezoned to SP-1.** It is designated "Institutional" in the Comprehensive Plan, although the existing zoning is C-2-A (neighborhood commercial) and C-M-1 (light manufacturing).

It is important to apply a zone classification that will encourage continuation of the use as a museum because of the obvious educational benefits to the city. The SP-1 zone allows museum use as a matter-of-right, and the moderate to medium-density scale of the zone accommodates the scale of the museum buildings.

The recommended SP-1 zone would replace the existing C-2-A (strip commercial) and C-M-1 zoning of the property, which are unsuitable and inconsistent with the Comprehensive Plan. Industrial zoning and use is clearly inappropriate, and covers the majority of the block. As to the C-2-A strip along the north frontage of H Street, the existence of the guard railing for the viaduct along H Street makes the site generally unsuitable for ground level retail uses (as encouraged by C-2-A zoning) along its long, H Street frontage.

If, over the long term, all of the block, or the vacant, northern part, were to be redeveloped, the medium-density mixture of apartment office uses would be a desirable transitional use pattern between intensive commercial uses near Union Station and the residential neighborhood to the east. If one or more office buildings were part of the development plans, the BZA review of the design and vehicular access plans would be beneficial in this critical location to ensure a good quality development -- to enhance the neighborhood, and the existing museum buildings, if development only occurred on the vacant part of the block.

- **Square 750 immediately to the north of the museum should be rezoned to R-4, C-2-B and SP-1.** This block is approximately 80 percent residential and 20 percent low-scale commercial buildings and office conversions. The land use designation of the Comprehensive Plan is "Mixed Use: Moderate Density Residential and Low Density Commercial."

Rezoning to R-4 is recommended for approximately the northern two-thirds of the block, which is developed with row dwellings, as discussed above under "Residential Area." The C-2-B zone is proposed for the predominantly commercial, southern part of the square, plus a relatively narrow area of row dwellings adjacent to the railroad tracks, extending north as far as Parker Street. This combination of residential and commercial zoning complies with the general intent of the mixed use designation on the Map.

The intent is to incorporate the existing commercial uses in the C-2-B zone. The westernmost part of the block that abuts the railroad tracks and which is proposed to be zoned C-2-B and SP-1 (see below) is a suitable buffer zone adjacent to the railroad tracks. The existing row dwellings would become matter-of-right uses in the C-2-B and SP-1 zones, rather than being nonconforming as they are under current C-M-1 provisions.

The SP-1 zone is recommended for the 2nd Street frontage from Parker to K streets. This zoning will nearly accommodate the intended scale (3.0 FAR) of a small office building that has been planned for some time for a portion of this area by the Congressional Black Caucus Foundation. OP's understanding is that no building permit has been obtained as of this writing under the existing C-M-1 zoning, so that the building would be subject to SP-1 BZA review if this zoning is adopted. As such, the planned bulk would be reduced in scale by 0.5 FAR. OP has met with the seller of the property, who expressed an intention to testify in favor of continuation of the existing C-M-1 zone. He also indicated that the Congressional Black Caucus will comment at least in writing in favor of C-M-1, so that the building as designed at 3.0 FAR could be built. OP is willing to work with the Zoning Commission in resolving the question of scale and zoning transition, based on additional information provided in testimony at the public hearing.

- The 3rd Street frontage of squares 749 and 774 should be rezoned from C-M-1 to C-2-B for reasons similar to those above. The west frontage is partly vacant and partly improved with row dwellings. At least partial redevelopment is likely, given the extent of vacant lots and the location opposite a significant automotive use with a high activity level -- a taxicab company. The latter occupies the east frontage of 3rd Street, in Square 774, and is also proposed for C-2-B zoning. On both frontages the existing uses are accommodated, but future redevelopment of retail, office, residential or a mixture of these uses would be permitted as a matter-of-right.

OP has learned of two serious drawbacks to mapping SP-1 on the applicable street frontages, which factors have contributed to OP's recommendation of C-2-B zoning. First, a significant number of existing and potential office tenants are general office tenants rather than qualifying SP users (permitted SP users being primarily associations and professionals). From exterior field surveys, it appeared to OP that nearly all of the office space was occupied by associations and professionals wishing a location near the U.S. Capitol. However, several owners of small office buildings have advised OP that a number of the office

tenants are technically general office tenants or owners and require a commercial ("C") zone in order to be permitted. Second, leasing conditions in the area for small office uses are tenuous, especially in the poor economic conditions of the past several years and a degree of crime and drug activity in the area. The inevitable delay required for the Board of Zoning Adjustment's (BZA) review and approval of office occupancy pursuant to SP zoning might well present an economic impediment to maintaining, let alone expanding, small office occupancies in the area.

OP also notes that C-2-B allows only 1.5 FAR of commercial-office use as compared with 2.5 FAR for limited office uses in SP-1. Therefore, the scale of office use would be less than in SP-1, which, in terms of reducing potential impacts on nearby residences, probably more than offsets the loss of public review at the BZA under SP-1 zoning.

It is recognized that a planned unit development is in the process of approval for all of Square 749. When OP prepared and submitted its zoning recommendations for this larger case, the PUD was in the planning stages. The PUD would provide apartment development in the area proposed herein for C-2-B zoning and office development in the western sector of the block. This proposed zoning would not affect the approved PUD, which includes a change in zoning. The only effect of the zoning proposed herein would occur if the PUD were not ultimately built. In that case, the proposed C-2-B and C-M-3 zoning, if adopted, might replace the existing M zone as the reversionary zoning. These zones are considered more consistent with the Comprehensive Plan than the previous M and C-M-1 zoning.

- Finally, the southern half (I Street frontage) of Square 775 should be rezoned to C-2-B. It is occupied by a concentration of office uses and a building used for automobile repair, both at low to medium scale. There is also a surface parking lot at 4th and I streets, N.E. The C-2-B zone is intended to accommodate the existing commercial development and to allow for commercial, residential or mixed use development over the long term.

IV. NEIGHBORHOOD COMMERCIAL AREAS

Three changes are recommended for neighborhood commercial areas -- the 2nd Street frontage (east side) between F and H streets, and specified locations in squares 776 and 777.

- Rezoning from C-1 and R-4 to C-2-A or C-1 is recommended for the 2nd Street frontage of squares 752 and 753, i.e., the east side of 2nd Street from F Street to nearly H Street. This rezoning will carry out the intent of the mixed use designation of these frontages adopted in the 1994 amendments to the Generalized Land Use map.

In addition, this section of 2nd Street is close to Union Station and the commercial area along Massachusetts Avenue, and is therefore considered suitable for retail as well as office use. The future high-density "Station Place" office development will create an intensive commercial activity pattern directly across the street from this sector of 2nd Street. The recommended C-1 or C-2-A zoning will accommodate continuing or new residential uses as well as small-scale commercial uses for the office workers and nearby residents as well. A moderate scale mixture of residential and commercial uses will serve as a buffer between the proposed Station Place development and the residential neighborhood.

The northern part of this frontage is currently zoned C-1; buildings here have primarily been converted to office uses, although a few dwellings remain. These properties could either remain C-1 or be rezoned C-2-A. C-2-A zoning is more clearly fits the amended Comprehensive Plan designation of "Mixed Use: Moderate Density Residential and Low Density Commercial." The C-2-A zone district has a residential incentive which is lacking in C-1, and C-2-A permits a wider range of business uses, but is still a neighborhood commercial zone. At 1.5 FAR (C-2-A) versus 1.0 FAR (C-1) for commercial uses, the expected pattern would be reuse of existing buildings rather than redevelopment. Other the other hand, C-1 would limit permitted uses to neighborhood convenience retail and service uses to serve the immediate neighbors. Either zone will accommodate the small office users who have occupied converted row dwellings in the neighborhood in recent years, although some of the row buildings may exceed 1.0 FAR and therefore not be fully utilizable for office use without approval of a variance. On balance, OP believes C-2-A is more clearly consistent with the Comprehensive Plan and more practical in its effect on existing building.

- • • In Square 776 (the north frontage of H Street from 3rd to 4th streets) the depth of C-2-A zoning is recommended to be increased along the 3rd Street side to accommodate the depth of the existing commercial use (Exxon Service station). In the C-2-A zone district, any expansion or restructuring of the station would require a special exception.
- • • In Square 777, as previously indicated, the C-2-A zoning in the interior of the square should be changed to R-4 to protect the existing residential development pattern.

NORTH CAPITOL STREET AREA

Existing Conditions

The North Capitol Street Area extends from Massachusetts Avenue and the U.S. Post Office building on the south, to Florida and New York avenues on the north, the railroad tracks on the east, and North Capitol Street on the west. This large area is generally in transition from warehousing and industrial uses to office uses, proceeding generally from south to north. Underutilized land is extensive in the northern portion of the area. Union Station and the proximity of Downtown and the U.S. Capitol complex are the major development generators.

Since 1988 several major office buildings have been built south of K Street, the largest being Union Center Plaza, a complex in progress of five office buildings having approximately 1.4 million square feet of floor area. The first of these was 810 Union Center Plaza, primarily occupied now by trade associations attracted to the Capitol Hill location. Another of the Union Center Plaza buildings that is currently under construction is 888 First Street, N.E. It is a 425,000 s.f. building to be leased to the General Services Administration (GSA) as the headquarters of the Federal Energy Regulatory Commission (FERC).

As mentioned previously, the Greyhound and Trailways bus terminals are located adjacent to each other at First and L streets, N.E. Two former warehouses have been converted to headquarters offices of the D.C. Department of Housing and Community Development (DHCD) and the D.C. Department of Public and Assisted Housing (DPAH). The Kaiser-Permanente company constructed a four-story medical center office building several years ago at North Capitol and L streets. The Main Post Office building was renovated and expanded for federal government office space, the National Postal Museum and a small post office. The complex is now known as Postal Square.

Three other large uses in the area are a Smithsonian warehouse, a Woodward and Lothrop warehouse and a Department of Public Works Maintenance Facility. Various smaller uses and buildings -- row houses, churches, and miscellaneous commercial and warehousing-distribution uses -- are located in older buildings in scattered locations. The northern one-half to two-thirds of the area includes large tracts of vacant or underutilized land and vacant buildings, especially vacant warehouses.

The large, underutilized land parcels, together with high transit and vehicular accessibility, and the locational advantages of being near Union Station and Downtown, have fueled the construction of new office buildings in the southern part of the area. These factors continue to provide a basis for further major office construction. As Downtown gradually approaches a built-out condition, increasing market pressures will encourage additional office development to leapfrog to the North Capitol Street area. Lower land costs than those that are found in Downtown add to the attractiveness of this area as an overspill area for major office buildings with somewhat lower rents than those in Downtown.

The planning and development forces cited in the previous paragraph were the principal reasons for the designation of this vicinity in the Comprehensive Plan as a Development Opportunity Area. This designation is applied to locations in the city having significant parcels of vacant or underutilized land in favorable proximity to major intersections and Metrorail stations. Major development can occur in the North Capitol Street sector of the study area with little displacement of existing businesses, no residential displacement, and with high accessibility to the area for workers, visitors and consumers.

The nearest residential uses are apartments and row dwellings across North Capitol Street to the west, where they are buffered by the major barrier of North Capitol Street, which for several blocks (M to Q streets) is primarily in an underpass. In short, the Development Opportunity Area designation clearly suggests that major development should be encouraged.

Comprehensive Plan

In the 1994 Comprehensive Plan amendments, the D.C. Council changed the land use designation on the Generalized Land Use Map from Mixed Use: Medium-High Density Commercial/PTE to simply Medium-High Density Commercial. That is, the PTE-Industrial part of the land use designation was removed for the area up to Florida Avenue on the north. The new land use designation creates a policy framework for encouraging further major office development and for a zoning change from industrial to medium-high density commercial.

One of the Comprehensive Plan policies reviewed earlier that should be reemphasized is the second of the Special Treatment Area policies:

1121.2(b)(2) Target the area south of Florida Avenue for a new, secondary lower rent office district.

This is exactly the trend that has emerged in the area, pursuant to the Northeast No. 1 Urban Renewal Plan, adopted in 1963, and fostered by several rezonings from C-M-3 and M (industrial) zones to C-3-C in the past eight to 10 years. Federal government office projects have also furthered the dominance of office uses in the southern part of the area. The Ward 2 Plan reiterates the Special Treatment Area designation and policies, and also includes North Capitol Street among the areas in Ward 2 with the greatest potential for economic development.

Recommendation

In OP's Zoning Consistency Chart (see Appendix G), either the C-3-B zone or the C-3-C zone may be considered generally consistent with the Medium-High Density Commercial designation on the Generalized Land Use Map. In the North Capitol Street area, several factors must be considered in determining the most appropriate of the two choices:

- The Development Opportunity Area designation indicates that a substantial quantity of development is appropriate.
- The scale of office buildings built in recent years is similar to the height and bulk standards of the C-3-C zone, i.e., 6.5 FAR, 90 feet.
- The height and bulk required by the Northeast No. 1 Urban Renewal Plan is very similar, at 6.0 FAR, 90 feet, to the standards of the C-3-C zone district.
- The next higher density zone, C-4, would clearly be too dense (up to 130 feet, 10.0 FAR) and is not justified by the Comprehensive Plan or the urban renewal plan. The land use designation in the Generalized Land Use Map would need to be High Density Commercial in order to consider a possible rezoning to C-4.
- C-3-B, the next lower density commercial zone (70 feet/six stories, 4.0 FAR commercial) would create nonconformities of existing buildings, unnecessarily limit the scale of new development, and fail to achieve the development potential of the area as mandated by the Comprehensive Plan.
- The Development Opportunity Area designation clearly indicates C-3-C zoning rather than C-3-B zoning as the appropriate level of development.

In short, the Office of Planning considers the C-3-C District to be the most appropriate choice of zones for the area, one that is "not inconsistent with the most significant policies of the Comprehensive Plan for the area.

- Accordingly, the Office of Planning recommends that the C-3-C zone be scheduled for a public hearing for the entire North Capitol Street subarea up to New York and Florida avenues on the north. This proposed rezoning would include all properties not previously rezoned C-3-C.

The existing zoning of the affected properties is primarily C-M-3 and M, plus a C-2-A strip along a portion of the North Capitol Street frontage. The latter is no longer developed as and does not function as a commercial strip. The Medium-High Density Commercial designation, plus the desirability for urban design reasons of having a uniform scale with "strong corners" along North Capitol Street, suggest that the C-2-A zoning should be phased out, along with the M and C-M-3 areas.

- OP recommends different zoning (C-M-3) for a northern subarea -- the triangular area bounded by New York and Florida avenues and North Capitol Street. The rationale for this proposed rezoning is the substantial distance of this area from the Union Station Metrorail station and related transportation and parking factors. A discussion of these issues follows.

Transportation and Parking

Previous analyses of transportation issues affecting the study area indicate the existence of three general conditions:

- This is a highly accessible area of the city;
- Vehicular traffic constraints nonetheless exist -- to a degree under existing conditions and to a major degree in the future after additional intensive development occurs; and
- A number of mitigating measures have been suggested by transportation consultants that can significantly ameliorate the potential problems arising from additional intensive development.

The high accessibility of the North Capitol Street area derives from the Union Station Metrorail station and the location on a major arterial street (North Capitol Street) in conjunction with major cross-town arterials at the north and south edges of the area (Massachusetts Avenue, New York Avenue, Florida Avenue). Also, the North Capitol Street Sector is at the periphery of the central business district and is thus located near the center of the region's street and highway network.

This area also has emerged as the city's hub of interstate overland transportation modes. Union Station is Washington, D.C.'s passenger train station, and a few blocks to the north are the Greyhound and Trailways bus terminals. These facilities do not carry an appreciable proportion of the daily commuter traffic destined for the Central Employment Area, although some commuters arrive by train at Union Station. Rather, these passenger transportation terminals add to the general convenience and attractiveness of the area for commercial development. (An important development potential that should not be overlooked is hotel development. In many cities of the world, clusters of hotels, usually moderate-priced hotels, have developed near train stations because of the convenience for travelers. Although the recommended zoning is expected to produce primarily office development, new hotels are also allowed.)

Traffic and Parking Constraints. The transportation study of this area, which was completed by Barton-Aschman Associates in 1991-92, found that existing traffic conditions are "congested during the morning and evening peak commuter hours. Intersection capacity analyses revealed that 11 of 15 key intersections operated at or above saturated conditions (level of service E or F) during either one or both of the peak hours."

Based on projections of future development provided by OP and the Federal City Council, the consultants went on to state that traffic congestion will worsen in the future, primarily because of through traffic rather than the level of development projected in the study area. "Peak hour traffic assignments revealed that demand along major travel routes will be significantly greater than the capacity of the highway system. This will force traffic demand to the "shoulders" of the peak hour creating several hours of congested travel." Congestion at the intersection of New York and Florida Avenues, as well as the critical "bottleneck" condition of North Capitol Street, were identified as particular traffic constraints. The study used 67 percent of office development buildout in its trip generation estimates so as not to overstate future traffic constraints.

The Barton-Aschman analysis found that the Union Station Metrorail station has sufficient capacity to accommodate transit demand from future development. The study notes that, "WMATA schedules service on each Metrorail line to match capacity to demand at the peak-load point. Union Station is at the peak-load point on the Red Line. Increased ridership to Union Station would require increasing the amount of service operated."

Recommended Mitigation

The study recommends several actions to mitigate traffic congestion in the area:

- A circulator bus system connecting the Metrorail station to the northern portion of the study area, intended to divert some commuters from automobile usage to transit ridership;
- A transportation demand management (TDM) program to further increase the transit mode share;
- Pedestrian improvements to improve pedestrian circulation between the surrounding (North Capitol Street) area and the Metrorail station; and
- Various improvements to existing traffic controls and street modifications to improve traffic flow.

The question of a possible additional Metrorail station near New York Avenue was discussed as a long-term future possibility. The study concluded, however, that a new Metrorail station on the Red Line near M Street does not appear to be cost effective based on projected employees and ridership in the North Capitol Street area. (The question of a possible station at New York Avenue is part of long-term planning and evaluation of the future utility and feasibility of a cross-town Metrorail line beginning at Ft. Lincoln and proceeding to the west through the study area to such destinations as Adams-Morgan.)

The consultants concluded that traffic constraints need not prevent rezoning of the area for major office and hotel development, although the public and private sectors will need to cooperate in carrying out the recommended mitigating measures.

Parking Constraints. Permitted commercial development density is virtually the same under the existing M and C-M-3 zoning and the recommended C-3-C zoning -- 6.0 FAR in M and C-M-3 vs. 6.5 FAR in C-3-C. Thus, projected future workers/commuters in the area will be virtually the same under either zone.

The parking requirements of the existing M and C-M-3 zones for office and for hotel use, however, are approximately twice those of the C-3-C zone. Property owners (including the RLA) near Union Station requested C-3-C zoning primarily as a means of obtaining reduced parking requirements, consistent with a location at the edge of the Central Business District (CBD) and close to a Metrorail station.

The parking requirement for office use in the C-3-C district is one space for every 1,800 s.f. of office space, after excluding the first 2,000 s.f. In the M and CM zones the requirement is one space for every 800 s.f. of office space, after excluding the first 2,000 s.f. The comparison is, in shorthand, 1/1800 vs. 1/800. The latter, higher requirement results in higher costs for underground, "structured" parking. These costs vary according to locational characteristics but are necessary in order to serve the office tenants of the building and protect surrounding properties and neighborhoods from overspill parking.

OP's concern is that the northern part of the North Capitol Street sector is too far from Metro to serve a sufficient number of office commuters. The area north of New York Avenue is a 20- to 25-minute walk from the Metrorail station. The walking distance is from just under one mile to just over one mile. METRO has found in its second major ridership study of December 1989, that, "... in general, sensitivity to the distance from the station portal varies by land use, office developments being the most sensitive and residential developments the least sensitive. This suggests that office development is best suited to areas immediately adjacent to the station." ("Development-Related Ridership Survey II," JHK Associates for the Washington Metropolitan Area Transit Authority, 1989, p. iii.)

C-3-C Zoning Within Walking Distance of a Metrorail Station

In OP's opinion, C-3-C zoning is sound land use policy within one-quarter to one-half mile walking distance of the Union Station Metrorail station. Within that area a relatively high percentage of commuters will use Metrorail; parking requirements for each building can accordingly be relatively low, such as those approved for C-3-C, the parking standards for which are based on transit share at the periphery of the CBD.

A one-half mile walk north of the Metrorail station would take you to approximately First and L streets, N.E. From there still further north to New York and Florida avenues is approximately another one-half mile. Notwithstanding these distances, C-3-C zoning is recommended for this area as well, based on the Generalized Land Use Map designation of Medium-High Density Commercial, and other reinforcing policies in the Comprehensive Plan. Within this defined area, there is a good likelihood that office building owners and tenants, and the District of Columbia government, can cooperate effectively to carry out some or all of the traffic mitigation measures recommended by Barton-Aschman Associates in the transportation study.

C-M-3 Zoning Distant From Metrorail Station

New York Avenue provides a major barrier beyond which the proposed C-3-C zoning should not extend, at least not until a future time after which further development trends and experiences with traffic and parking clarify these issues.

The reasons favoring retention of C-M-3 zoning with its higher parking ratio for the triangular area north of New York and Florida avenues may be summarized as follows:

- The distance from the Metrorail station is long; indeed, the location is essentially midway between two stations -- Union Station and Rhode Island Avenue. This location deserves a parking requirement geared to an automobile-oriented location. Note that the parking requirement for C-2-A and C-3-A zones of 1/600 is still higher than that of the M and CM zones.
- If the necessary number of spaces is not provided at the time of development, there is the danger that the earliest buildings will simply rely on surface parking lots on adjacent properties, given the largely vacant status of land in the area. After a few major buildings have been constructed, the remaining area available for surface parking will be greatly reduced. At this point there would be inadequate parking available for office tenants, and the result would be overspill parking impacts on surrounding properties and areas.
- To the extent that a higher parking requirement at locations more distant from Metrorail initially encourages a greater amount of office development at locations closer to Metrorail (with a lower parking requirement), this is beneficial to the public interest.
- The permitted office density of the C-M-3 zone (6.0 FAR commercial) is clearly in the range of Medium-High Density Commercial, the land use designation of the Generalized Land Use Map for this area.
- Other policies in the Comprehensive Plan relating to land use/transportation relationships, protection of areas from adverse effects of commercial development, stability of residential and commercial areas, etc., can be brought to bear on the issue to justify the higher parking ratio of the C-M-3 zone district compared to that of the C-3-C zone district.

Transportation Study

The Barton-Aschman Associates transportation study states some of the above points as follows:

- C-3-C zoning requires 1 space per 1,800 s.f. of development. Meeting these minimum requirements would only provide sufficient parking to accommodate the projected vehicle trips to the study area if most of the underdeveloped land in the area was utilized for surface parking and a TDM and circulator bus program was implemented. If a second Metrorail station was built, surface parking would still be required to meet the parking demand.
- This study assumed transit use and auto occupancy levels that can be considered optimistic for this area of the City; any further reductions in auto travel may not be reasonable. As the area builds out beyond the projected levels, the availability of surface parking will be limited. With this in mind the parking requirements for sites within the study area may need to be evaluated, based on their proximity to Metrorail, to determine if more than the minimum parking required by the zoning code is necessary for the feasibility of the project. Providing adequate parking within the study area is one way to reduce the likelihood that commuters to the area will park in the residential neighborhoods. (pp. v. - vi.)

As an alternative to C-M-3 zoning, OP considered the C-3-B zone district, which is considered generally "not inconsistent" with the Medium-High Density Commercial designation. OP concluded, however, that this designation would represent underzoning of this location in terms of its economic development potential. The constraint is not so much permitted density as it is providing for adequate on-site parking for new buildings. The vehicular accessibility of the area is still very good, given the abutting major arterials -- Florida and New York avenues and North Capitol Street.

For all of the reasons stated above, OP recommends retention of the existing C-M-3 zoning in the triangular area bounded by New York and Florida avenues and North Capitol Street. This recommendation also includes rezoning the commercial strip along the North Capitol Street frontage from C-2-A to C-M-3. In general, for the entire C-2-A strip along North Capitol Street, the west frontage appears to provide ample commercial capacity to serve the adjacent residential areas nearby as well as some of the demand from office workers in newer buildings. Vacancies in the existing storefront buildings are still quite evident. On the east side of North Capitol Street, new office buildings can and likely will include retail and service uses to serve the

expanding population of daytime office workers. Finally, the small triangular block at the east apex of the triangle (Square 709) should also be rezoned from M to C-M-3 in the interest of uniform zoning standards for the large triangular area.

RECOMMENDATION

For the reasons cited in this analysis of the Stanton Park/Capitol Hill and North Capitol Street areas, OP recommends adoption of the map amendments as recommended in this report. Given the numerous subareas and zone changes recommended, additional facts and issues may emerge from testimony at the public hearing. OP will assist the Zoning Commission, to the extent requested, in resolving issues as they arise.

Attachments

DETERMINING ZONE CHANGES
D.C. Office of Planning (OP) 1994 Update

This is the Office of Planning's statement of the standard, citywide method that OP uses in determining whether changes in zoning are required to eliminate inconsistencies between zoning and the Comprehensive Plan. The Home Rule Act requires that zoning shall be "not inconsistent" with the Comprehensive Plan ("the Plan"). The Mayor and the Zoning Commission are charged with this responsibility. OP is the designated executive agency responsible for recommending zone changes to the Zoning Commission and has established the Zoning Consistency Project for this purpose. The analytical method outlined in this summary report has been used consistently since 1991. Numerous area rezonings have been adopted in furtherance of the Comprehensive Plan since its adoption in 1984-85.

Importance. The critical importance of securing zone changes is to ensure that building permits and occupancy permits allow new uses, conversions and new developments that are consistent with the adopted Comprehensive Plan. It is equally important to avoid the establishment of buildings, uses and long-term facilities that are contrary to the intent of the Plan. Zone changes must occur in a reasonably timely manner in order to ensure real implementation of the land use aspects of the Plan. The land use and zoning studies involved in the Zoning Consistency Project are not full-blown "plans" for the affected areas. The studies are of an intermediate level of detail. They are less detailed than plans would be and focus on land use and zoning questions. (They are, nonetheless, based on the authority and quite detailed analysis and adoption process involved in the Comprehensive Plan itself.) Specific development projects are not proposed; market conditions are not analyzed; infrastructure improvements are not recommended. The intent is to secure zoning that affects actual use of property consistent with the Plan, whether this is conservation of existing uses and buildings, potential conversions or new development.

In the analysis of each study area, the following factors are utilized:

- **Consistent Citywide Method.** The method for identifying areas needing rezoning must be quite consistent citywide, while leaving some flexibility for variations based on localized conditions and interpretation of the Plan. A variety of factors go into determining whether an existing zone is generally consistent with (legally, "not inconsistent") or is inconsistent with the Comprehensive Plan. If a zone change is necessary, the challenge is to identify the optimal zone or zones in terms of the intent of the Plan and the needs and opportunities of the locale as addressed by the Plan's policies. The key steps and the resources providing the greatest guidance are summarized below.

- **Generalized Land Use Map.** This map, adopted as part of the Land Use Element, shows the policies of the Plan for the general future development pattern of the city, by use and density category. The existing zoning needs to be compared with the designated uses and densities, while also taking into account other planning classifications and policies.
- **Zoning Consistency Chart.** The attached zoning consistency chart is used as a beginning point for determining inconsistencies between the zoning map and the Plan. This gives "great weight" to the Land Use Element, as required by Law 8-129. The Generalized Land Use Map is the basis for this chart. This map is not the entirety of the policies in the element. In addition to the consistency chart, other aspects of the Plan and localized analysis are utilized as outlined below.
- **Land Use Initiatives.** The specialized land use designations of the Comprehensive Plan provide additional land use policy and zoning guidance for the affected area. Such designations include commercial classification (Local Center, Multi-neighborhood Center, etc.), Development Opportunity Areas, Housing Opportunity Areas, Special Treatment Areas and Master Plan Areas. These are important land use initiatives in the Plan and must be given full consideration and weight in zoning recommendations.

Examples: Development Opportunity Area suggests a greater intensity of zoning and development than would otherwise apply; Special Treatment Areas have adopted policies indicating the desired future of these small but important geographic areas; the commercial classifications provide descriptions of the intended type and scale of commercial development; and historic districts will generally have more restrictive zoning than would otherwise apply.

- **Other Comprehensive Plan Policies.** Although the Comprehensive Plan Amendments Act of 1989 accords "great weight" to the Land Use Element in determining land use and zoning matters, the other elements apply as well, and must be interpreted in conjunction with the more specific land use policies. The local elements of the Plan are: General Policies, Economic Development, Housing, Environmental Protection, Transportation, Public Facilities, Urban Design, Preservation and Historic Features, Downtown Plan, Human Services, and Land Use.

- **Field Conditions and Fine-grained Zone District and Zone Boundary Review.** The Generalized Land Use Map is not intended to be a zoning map, but rather, a general guide to land use and zoning. Further analysis, as described in this summary, is necessary. Field work is needed to examine existing conditions and the detailed effects of existing and potential zone boundaries and alternative zones. In some locations a mix of zoning districts exists, which taken together, constitute reasonable consistency with the Plan. Unusual land use patterns may dictate particular zones. Unusual situations abound in zoning and development matters, in part because much of the development of the city preceded the adoption of zoning regulations. In most locations in the city, the zoning consistency question is straightforward; in a number of locations, it is a complex question requiring consideration of many of the factors discussed in this summary.

Example: An isolated building or small group of building that differ from the surrounding development pattern as to intensity and zoning compared with the land use designation in the Generalized Land Use Map will often not be rezoned. The land use designation refers to predominant use. E.g., Near the H Street, N.E., corridor is a high-rise apartment house zoned R-5-C and developed under that zone. The site is within a large area indicated for Moderate Density Residential development and zoned R-4. OP does not recommend rezoning the apartment site to R-4 because this would create unnecessary nonconformity restrictions on the building under zoning. The overall zone pattern and development pattern are still moderate density. If, however, the R-5-C site were vacant or were developed with row houses consistent the surrounding neighborhood and with R-4 zoning, OP would likely recommend a zone change to R-4.

Example: There are a great many small pockets of commercial use and zoning in the city that are not shown on the Generalized Land Use Map. These cannot reasonably be depicted, and should not be depicted on a general policy map. These commercial pockets are simply within the surrounding residential (or other) land use designation. After examining the existing scale, viability and residential impacts of the commercial pocket, a zoning recommendation is made. This may be to retain the commercial zoning or to change it to a different commercial classification or to residential zoning.

- **Completed Area Rezoning and Text Amendments.** A number of area rezoning and text amendment cases have been completed since the adoption of the Comprehensive Plan in 1984-85. The Office of Planning either initiated or became the prime mover of these cases following a petition, and in each case the proposed zoning was reviewed carefully for consistency with the adopted Plan as required by law. These cases involved detailed testimony and analysis about the subject area by all involved, including residents, property owners, business people, government agencies, private sector experts, Zoning Commissioners, and others, so that the zoning adopted was quite thorough and followed the general guidance of the Comprehensive Plan. The zoning in these areas is considered "not inconsistent" with the Plan and will not be re-examined in the near future unless significant changes occur in local conditions or in the form of amendments to the Comprehensive Plan.

The zoning map amendments in the Zoning Consistency Project are proceeding on two parallel tracks -- major projects and land use categories. The latter track consists of relatively straightforward zoning adjustments grouped on a citywide basis by land use categories. Completed projects on this track include citywide rezonings in these categories: residential to residential classifications, residential to commercial, commercial to residential, and commercial-to-commercial. Approximately 25 geographic areas have been affected by these rezonings as of 1994.

Major projects -- the second track -- involve complex planning and development issues, and are typically Metrorail station areas, Development Opportunity Areas, Housing Opportunity Areas, and locations involving changes to several zone districts within a defined geographic area. Projects of this type that have been completed in the past three years include: Fort Totten Metrorail station area, Anacostia Metrorail station area, Foggy Bottom neighborhood, Southwest Urban Renewal Area, Minnesota Avenue Metrorail station area and text amendments governing recycling centers, planned unit developments, accessory apartments and the new R-5-C zone.

ZONING CONSISTENCY CHART

<u>Adopted Comprehensive Plan Land Use Categories</u>	<u>Zone District</u>
<u>Residential Land Use Categories</u>	
<u>"Low Density:</u> Single-family detached and semi-detached housing are the predominant uses";	R-1, R-2
<u>"Moderate Density:</u> Row houses and garden apartments are the predominant uses; may also include low density housing";	R-3, R-4, R-5-A, R-5-B
<u>"Medium Density:</u> Multiple-unit housing and mid-rise apartment buildings are the predominant uses; may also include low and moderate density housing;	R-5-B, R-5-C
<u>"High Density:</u> High-rise apartment buildings are the predominant uses; may also include low, moderate and medium density housing";	R-5-D, R-5-E
<u>Commercial Land Use Categories</u>	
<u>"Low Density:</u> Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services are predominant uses";	C-1, C-2-A
<u>"Moderate Density:</u> Shopping and service areas that generally provide a much broader range of goods and services are the predominant uses. Chain drug stores and grocery stores as well as branches of department stores, some specialty shops, and personal service establishments may be present";	C-2-A, C-2-B, C-3-A
<u>"Medium Density":</u> Shopping and service areas that generally offer the largest concentration and variety of goods and services outside the Central Employment area are the predominant uses. Most customers arrive by car, bus or subway";	C-3-A, C-3-B

"Medium-High Density: Shopping and service areas that generally offer the largest concentration and variety of goods and services outside the Central Employment Area are the predominant uses. Most customers arrive at medium-high density commercial land use areas by car, bus or subway";

C-3-B, C-3-C

"High-Density: The business and retail heart of the District and Metropolitan area; includes a mix of employment, retail, office, cultural and entertainment centers";

C-3-C, C-4, C-5

Mixed Use Land Use Categories
(Residential-Commercial**)

Low to Moderate Density Mixed Use+

C-2-A, C-2-B

Moderate to Medium Density Mixed Use

C-2-B, C-3-A, C-3-B,
W-1, W-2, SP-1

Medium to High Density Mixed Use

CR, C-2-C, W-3,
SP-2

High Density Mixed Use - Central Employment
Area

DD/C-2-C,
DD/C-3-C,
DD/C-4

NOTE: This chart must not be used as the sole determinant of zoning consistency with the Comprehensive Plan. It is a beginning point for analysis, which must include consideration of other planning designations and policies in the Comprehensive Plan as well as localized study of the area or property being reviewed for zoning consistency.

** There are a few locations where institutional, PTE and open space uses are part of a mixed use designation. These locations will have to be judged individually.

+ There are subcategories of commercial-residential mixes within most of these mixed use categories, e.g., moderate residential with medium commercial, medium commercial with moderate residential, etc. Thus, the specific mix indicated for the location will be considered in determining the recommended zone district, taking all other factors into account.

Overlay zones are not included as they apply to specialized situations and locations.