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May 4, 1995

BY HAND

DISTRICT OF COLUMBIA
OFFICE OF ZONING
95 MAY -4 P 4:10

D.C. Zoning Commission
441 4th Street, N.W.
Suite 210
Washington, D.C. 20001

Re: Hearing Action for Union Station Area Rezoning

Dear Members of the Commission:

This office represents owners of property in the area covered by the report of the Office of Planning which proposes changes to the Zoning Map in the Union Station area to implement the Comprehensive Plan. On behalf of those owners, we request that when the Zoning Commission acts to schedule a public hearing on the proposed zoning changes, it include the alternative of rezoning properties in Squares 668, 669 and 670 to the C-3-C District.

The properties in question are within the Northeast No. 1 Eckington Yards Special Treatment Area, and are located as shown on Exhibit 1, which is a copy of one of the maps from the OP report. Squares 668, 669 and 670 form the triangular area bounded by New York and Florida Avenues and North Capitol Street and are zoned C-2-A and C-M-3. The OP report proposes to retain the existing industrial zoning and to change the C-2-A category to C-M-3.

The Comprehensive Plan Amendments Act of 1994 amended the Generalized Land Use Map designation for these sites to include them in the medium-high density commercial category. Relevant excerpts from the 1994 Act are attached as Exhibit 2. The general policy that property south of Florida Avenue is appropriate for medium-high density commercial office development would suggest at a minimum that the Zoning Commission advertise for consideration whether the listed properties be treated in the same manner as other adjacent and nearby properties which are designated in the same manner on the Land Use Map.

We recognize that the OP report discusses this area, to justify why it has not recommended rezoning in this location.

ZONING COMMISSION
CASE No. 94-5
EXHIBIT No. 2

ZONING COMMISSION
District of Columbia
CASE NO.95-4
EXHIBIT NO.2
5/4/95

We believe that this issue is worthy of discussion at a public hearing, and we believe that the public process will be aided if the Commission includes in its notice of hearing that it will consider rezoning these squares to C-3-C. In that way, the Commission affords itself the greatest flexibility and if the Commission is convinced after a hearing that C-3-C is the proper zoning, no further notice or hearing will be required to act upon that judgement.

We note that the primary rationale discussed by OP relates to the different parking requirements applicable in C-M versus C-3-C; the permitted height is identical and the maximum FAR is substantially the same (6.0 versus 6.5). Although not noted in the OP report, there is also a substantial difference in the uses permitted in those zones, with C-3-C being more restrictive in terms of use and perhaps more attractive for that reason.

We believe that the Commission should not foreclose consideration of C-3-C for the area south of Florida Avenue designated for medium-high density commercial use on the Land Use Map. Accordingly, we hereby request that Squares 668, 669 and 670 be advertised in the alternative for rezoning to C-3-C.

Sincerely,

Norman M. Glasgow, Jr.

Steven E. Sher

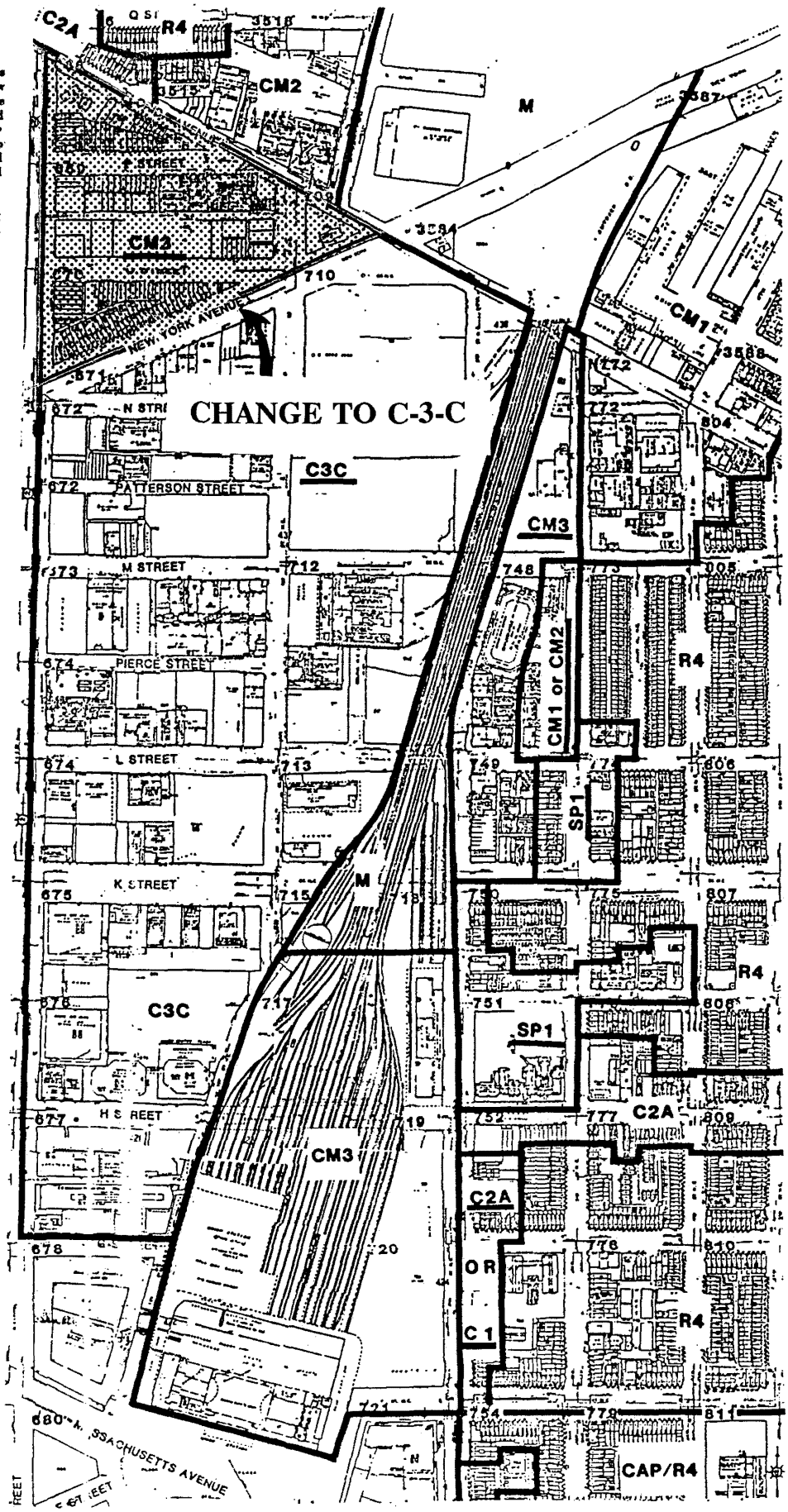
Steven E. Sher
Director of Zoning Services

Attachments

MAP NO. 6
PROPOSED ZONING

East Sector:

- Expand R-4 zoning to encompass nearly all existing, solid row house areas, to: • preserve housing stock, population and residential character; and • preclude further conversions to commercial uses and potential new industrial or commercial uses next to dwellings.
- Rezone M-zoned area along railroad tracks north of K Street to C-M-3, to preclude the most intensive industrial uses allowed in D.C., while still complying with Generalized Land Use Map designation of Mixed Use: Medium High Density Commercial and PTE-Industrial.
- Zone the 3rd Street frontage, L to M streets, C-M-1 or C-M-2, to create a lower density height and bulk for commercial or industrial uses across the street from row dwellings in Square 773.
- Retain C-M-1 zoning at northern edge of area near Florida Avenue, except for rezoning the southwest quadrant of Square 804 to R-4 to conserve the existing row dwellings there.
- Rezone several locations SP-1 (medium density mixed residential and office uses, no retail): Children's Museum; vacant parcel south of H Street; 3rd Street frontage, L to M streets occupied by taxicab company and row dwellings/vacant lots. Purposes: • accommodate important institutional use; • control office development by special exception process and limited office tenants; • encourage residential development at row house or up to midrise density.
- On east frontage of 2nd Street, F to G streets, create a C-2-A (neighborhood commercial) zone, pursuant to 1994 amendment to the Generalized Land Use Map for moderate density mixed use. Continue this pattern by rezoning C-1 area in Square 752 to the north to C-2-A.



C3C proposed zoning

zoning boundary

EXHIBIT 1

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

NOTICE OF IMPLEMENTABILITY OF COMPREHENSIVE PLAN

The Council of the District of Columbia ("Council") hereby gives notice of the implementability of amendments to the Comprehensive Plan contained in section 2 of the Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193).

The National Capital Planning Commission ("NCPC"), pursuant to sections 203 and 423 of the District of Columbia Self-Government and Governmental Reorganization Act (P.L. 93-198)("the Act"), has made a finding that, except as provided in paragraph (a) below, the Comprehensive Plan amendments contained in section 2 of D.C. Law 10-193 will not have a negative impact on the interests or functions of the Federal Establishment in the National Capital. Therefore, pursuant to section 203 of the Act, the amendments to the Comprehensive Plan contained in section 2 of D.C. Law 10-193, except as provided in paragraph (a) below, shall be incorporated into the Comprehensive Plan for the National Capital and shall be implemented.

NCPC, at its meeting on November 3, 1994, adopted a resolution that set forth the following findings:

(a) Section 2(a)(1(G)(ii) of D.C. Law 10-193, to the extent that the amendment excludes the following sites from the re-defined Central Employment Area, will have a negative impact on the interests or functions of the Federal Establishment in the National Capital:

1. The site of the American Red Cross Builidng, National Capital Chapter, in Square 104, bounded by E, F, 20th and 21st Streets, N.W., shall be included in the Central Employment Area;

2. Square 59, bounded by Virginia Avenue, 23rd and E Streets, N.W., occupied by the Pan American Health Organization's headquarters building, shall be included in the Central Employment Area.

3. The portion of Square 81, occupied by the Pan American Health Organization's support offices and the Department of State at 2121 Virginia Avenue, N.W., shall be included in the Central Employment Area;

4. Square 74, bounded by Pennsylvania Avenue, 21st, K and 22nd Streets, N.W., containing the new headquarters building for the International Finance Corporation of the World Bank Group, currently under construction, sahll be included in the Central Employment Area;

5. Lot 835 in Square 122, occupied by the Associated General Contractors of America, 1957 E Street, N.W., between 19th and 20th Streets, shall be included in the Central Employment Area; and

(b) The remainder of the Comprehensive Plan amendments contained in section 2 of D.C. Law 10-193 will not have a negative impact on the interests or functions of the Federal Establishment in the National Capital.

EXHIBIT 2

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 10-193

"Comprehensive Plan Amendments Act of 1994".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 10-212 on first and second readings, Juune 7, 1994 and June 21, 1994, respectively. Following the signature of the Mayor on August 8, 1994, this legislation was assigned Act No. 10-323, and published in the August 19, 1994, edition of the D.C. Register (Vol.41 page 5536) and transmitted to Congress on August 11, 1994 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 10-193 effective October 6, 1994.

The Council also hereby gives notice that section 2 of D.C. LAW 10-193 contains amendments to the Comprehensive Plan for the National Capital, which cannot be implemented until completion of the review process of the National Capital Planning Commission ("NCPC") in accordance with Sections 203 and 423 of the Act. The Council transmitted D.C. Act 10-323 to the NCPC on September 12, 1994, and NCPC is scheduled to consider Federal interest impacts on November 3, 1994. Upon completion of the NCPC process, the Council will give notice of the implementability of D.C. Law 10-193.

DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

August	11,12,15,16,17,18,19,22,23,24,25,26
September	12,13,14,15,16,19,20,21,22,23,26,27,28,29,30
October	3,4,5

Enrolled Original

Codification

District of Columbia Code

(1995 Supplement)

AN ACT

D.C. ACT 10-323

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 8, 1994

To amend the District of Columbia Comprehensive Plan Act of 1984.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Comprehensive Plan Amendments Act of 1994".

Sec. 2. Comprehensive Plan Amendments.

The District of Columbia Comprehensive Plan Act of 1984, effective April 10, 1984 (D.C. Law 5-76; D.C. Code § 1-245 *passim*), is amended as follows: DCMR

(a) Section 3 is amended as follows:

(1) Title I (10 DCMR 100 *et seq.*) ("General Provisions Element") is amended as follows:

(A) Section 101.1 (10 DCMR 102) is amended to read as follows:

"1. Stabilizing and Improving the District's Neighborhoods.

"The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and the day-to-day relationships therein. District services are directed primarily to homes and their environs.

"The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. Many city neighborhoods are historic or possess social, economic, and physical qualities that make them unique and desirable places in which to live. These qualities can also lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods desirable. These pressures, and potential adverse impacts, must be controlled to ensure that the character of our neighborhoods are preserved and enhanced.

"Many city neighborhoods also include integral commercial and institutional uses that contribute to their character and amenity. Neighborhood businesses, schools, park and recreational facilities, churches, and other public and private facilities all add to the liveability of our communities. These uses too must be protected, stabilized, and improved.

"Promoting and ensuring good quality neighborhoods is of utmost importance to the District. The District elements of the Plan's policies and strategies on increasing housing opportunities, neighborhood

(i) By amending subsection (a)(1) (10 DCMR 1114.1 and 1114.2) to read as follows:

"(a)(1) Capital improvements include certain anticipated major new construction or rehabilitation of the following types of public facilities: recreation centers, police district stations, police and fire harbor units, health and social service centers, government support facilities, high schools, junior high schools, elementary schools, highways, and bridges. This classification includes those projects approved as part of the District's capital improvement program, which shall not be inconsistent with the public facilities plan that is required to be developed and periodically updated as set forth in the Public Facilities Element (Title VI) of this Plan."; and

(ii) By amending subsection (b) (10 DCMR 1114.5) to read as follows:

"(b) Except for capital improvement projects, the public and institutional classifications are generally depicted on Map 2.".

(L) Section 1116 (10 DCMR 1115) is amended as follows:

(i) By amending paragraph (13) by striking the period at the end of the paragraph and inserting a semicolon in its place;

(ii) By amending paragraph (14) to read as follows:

"(14) Facilitate development on the the 6 squares north of Mount Vernon Square (Squares 400, 401, 402, 424, 425, and 426), except for the eastern half of Square 424, of the following uses:

"(A) Local public facilities (a new convention center or public higher educational facilities); or

"(B) Mixed residential and commercial uses; and"; and

(iii) By adding a new paragraph (15) to read as follows:

"(15) Identify possible mechanisms by which the District can gain jurisdiction over certain federally owned waterfront land in order to capitalize on the unrealized development opportunities likely to be defined in the waterfront and shoreline plan referenced in paragraph (3) of this section.".

(M) Section 1118 (10 DCMR 1117) is amended by striking the phrase "Maps 1, 2, 3, and 4" and inserting the phrase "Maps 1 and 2" in its place.

(N) Section 1119 (10 DCMR 1118) is amended as follows:

(i) By amending subsection (b) (10 DCMR 1118.2) by striking the phrase "Map 1" at the end of the subsection and inserting the phrase "Map 2" in its place;

(ii) By amending subsection (c)(3) (10 DCMR 1118.5) by striking the phrase "Map 3" at the end of the paragraph and inserting the phrase "Map 2" in its place; and

(iii) By amending subsection (e) (10 DCMR 1118.9) by striking the phrase "Map 4" at the end of the subsection and inserting the phrase "Map 2" in its place.

(O) Section 1120(3) (10 DCMR 1119(c)) is amended by striking the phrase "Map 3" and inserting the phrase "Map 2" in its place.

(P) Section 1122(b) (10 DCMR 1121.2) is amended to read as follows:

"(b) The policies established for the Northeast Number 1/Eckington Yards special treatment area are as follows:

"(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.".

(Q) Section 1123(b) (10 DCMR 1122.2) is amended as follows:

(i) By amending paragraph (2) (10 DCMR 1122.2(b)) to read as follows:

"(2) Consider the WMATA site for a joint development project;"; and

(ii) By amending paragraph (6) (10 DCMR 1122.2(f)) to read as follows:

"(6) Identify suitable industrial relocation sites for industrial uses, such as the New York Avenue, N.E., corridor. For large industrial uses that cannot be relocated, identify zoning and other appropriate measures to ensure their continued ability to function, modernize, and expand, and to be contributors to the District economy, with sufficient buffers to protect and preserve adjacent residential communities, provided that no expansion of the Fort Totten Transfer Station shall occur until after the Mayor conducts a public hearing on this issue; and".

(R) Section 1127(b)(2) (10 DCMR 1126.2(b)) is amended to read as follows:

"(b)(2) Utilize design review procedures and zoning to enhance the Chinese character of the area;".

(S) Section 1128a(b) is amended to read as follows:

"(b) The policies established for the Minnesota-Benning special treatment area are as follows:

"(1) Provide for medium density commercial development;

"(2) Upgrade and expand existing commercial establishments;

"(3) Encourage small business development; and

"(4) Promote community-based development, including child care, educational, and counseling facilities.".

(T) Section 1128b is amended by striking the word "Metro" wherever it appears and inserting the phrase "Metrorail Station" in its place.

(U) New sections 1128c and 1128d are added to read as follows:

"Sec. 1128c. Uptown Arts Special Treatment Area.

"(a) The Uptown Arts special treatment area, extending along 14th Street, N.W., from M Street, N.W., to Florida Avenue, N.W., and along U Street, N.W., from 7th Street, N.W., to 16th Street, N.W., is designated a special treatment area.

"(b) The policies established for the Uptown Arts special treatment area are as follows:

"(1) Promote the historic character of the area, and develop design criteria toward the achievement of that character;

"(2) Promote and encourage the presence of the arts;

"(108) The property north of Lots 809 and 845 in Square 529 is included in the high density commercial land use category;

"(109) The mixed-use, medium-high density commercial and production and technical employment land use area contained in that portion of the Northeast Number 1/Eckington Yards special treatment area which is bounded on the south by G Street, N.E., and Union Station, on the west by North Capitol Street, on the north by Florida Avenue, N.E., east of North Capitol Street, and by New York Avenue, N.E., northeast of Florida Avenue, N.E., and on the east by railroad tracks north of Union Station, is included in the medium high density commercial land use category;

"(110) Square 5003, which is located at and bounded on the south by a public alley, on the north by Benning Road, N.E., on the east by 34th Street, N.E., and on the west by Anacostia Avenue, N.E., is included in the medium density commercial land use category;

"(111) Square 5021, which is located at and bounded on the north by Benning Road, N.E., on the west and south by Kenilworth Avenue, N.E., and on the east by 36th Street, N.E., is included in the medium density commercial land use category;

"(112) The area bounded on the north by Knox Place, S.E., on the east by Alabama Avenue, S.E., on the south by Irving Place, S.E., and on the west by 24th Place, S.E., extended south to Irving Place, S.E., is included in the moderate density residential land use category;

"(113) The area bounded on the north by Irving Street, S.E., on the east by Knox Street, S.E., and 28th Street, S.E., and on the south and west by Jasper Street, S.E., is included in the low density residential land use category;

"(114) The triangular area in the Anacostia Metrorail Station development opportunity area bounded on the north by Sumner Road, S.E., on the southeast by Firth Sterling Avenue, S.E., and on the west by the Anacostia Freeway, S.E., is included in the production and technical employment land use category;

"(115) Squares 5971 and 5976, and all of Square 5977 except for the frontage along Martin Luther King, Jr. Avenue, S.E., which are generally bounded on the north by Alabama Avenue, S.E., and Martin Luther King, Jr. Avenue, S.E., on the west by 4th Street, S.E., on the south by Trenton Street, S.E., and on the east by 5th Street, S.E., Savannah Street, S.E., and 6th Street, S.E., are included in the moderate density residential land use category;

"(116) The square bounded on the north by Elmira Street, S.W., on the east by Martin Luther King Jr. Avenue, S.W., and on the south and west by a line extended from 2nd Street, S.W., between Martin Luther King Jr. Avenue, S.W., and Elmira Street, S.W., is included in the institutional land use category;

"(117) The south side of Alabama Avenue, S.E., from 6th Street, S.E., to 8th Street, S.E., is included in the moderate density commercial land use category;

"(118) The map designations and legend listings for the special treatment areas, the central employment area, and the downtown arts district are removed;

be contingent upon the filing in the Recorder of Deeds Division of the District of Columbia Department of Finance and Revenue of a covenant between the District government and the applicant that incorporates the housing requirements set forth in section 308b of the Comprehensive Plan (10 DCMR), as such requirements may be amended.".

(d) Section 11 of An Act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 801; D.C. Code § 5-427), is amended as follows:

(1) The existing test is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

"(b) If, pursuant to rules issued pursuant to sections 1 through 16, the Zoning Commission approves a zoning density increase for a commercial office building or structure with a floor area ratio that is greater than the floor area ratio permitted as a matter of right under the Zoning Regulations, the applicant who obtains the zoning density increase shall be required to comply with the housing requirements set forth in section 308b of the Comprehensive Plan, as such requirements may be amended.".

Sec. 4. Effective date.

(a) Except as provided in subsection (b), this act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) No District element of the Comprehensive Plan for the National Capital shall take effect until it has been reviewed by the National Capital Planning Commission as provided in section 2(a) of the National Capital Planning Act of 1952, as amended by section 203 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat.779; D.C. Code § 1-2002(a)) and section 423 of the District of Columbia Self-Government and Governmental

Reorganization Act, approved December 24, 1973 (87 Stat. 792; D.C. Code § 1-244).

Chairman
Council of the District of Columbia

Mayor
District of Columbia

APPROVED: August 8, 1994