

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** *JL for* Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation  
**DATE:** April 24, 2018  
**SUBJECT:** ZC Case 18-xx– Setdown Report for a Proposed Zoning Text Amendment  
Petition to create a new MU-4A zone and to rename the MU-4 zone to MU-4B

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**Waiver Request**

The Office of Planning respectfully requests the Zoning Commission waive its rule, Subtitle Z § 500.6, and accept this report into the record for consideration by the Commission at its April 30, 2018 public meeting.

**I. RECOMMENDATION**

The Office of Planning (OP) recommends the Zoning Commission set down the following text amendment for public hearing. OP further requests minor flexibility to continue to work with the Office of Attorney General to refine exact wording prior to a public hearing notice.

OP also recommends that the amended petition for map amendments requested by the applicant in case 17-11 be set down and heard on the same date as this case.

**II. BACKGROUND**

On October 2, 2017, the Zoning Commission held a public hearing for case 17-11 to consider rezoning the property at 3200 Pennsylvania Avenue, SE. (Square 5539, Lots 835, 838, 839, 840) from MU-3 (low density mixed-use) and R-1-B (low density residential) to MU-4 (moderate density mixed-use). At the hearing, owners of the adjacent single-family residences along O Street expressed concern about the adjacency of a new mixed-use development to their lower density single-family residential properties.

The Commission asked the petitioner in case 17-11 to work with the community to draft a new zone that would be responsive to the adjacency issues. OP suggested MU-4 as a starting point for a new zone, noting that although both MU-4 zones would remain low to moderate density zones, there may be other locations in the city with a similar situation where a modified version of the MU-4 zone may also be appropriately applied.

New Zone Text

The petitioner has had several meetings with the neighbors. As a result of those discussions, a new zone, MU-4A, is proposed with a maximum FAR of 2.0, or 2.4 with inclusionary zoning (IZ) and transitional setbacks from adjacent residential properties. Based on the densities of each, OP proposes the new zone be MU-4A and the MU-4 become MU-4B. This proposed zoning text amendment would not be inconsistent with the Comprehensive Plan.

Revised Map Amendment and Mapping of New Zone

The petitioner for 17-11 has submitted a request (Exhibit 51 for that case) to set down an amended petition to remap only lots 840 and 835 of Square 5539, 3200 Pennsylvania Ave, SE from R-1-B to the new MU-4A, leaving the remainder of the site (lots 838 and 839) unchanged from the MU-3 zone. OP supports setting down this amended petition, and that the two cases be heard on the same day.

**III. APPLICATION IN BRIEF**

<b>Proposed Text Amendment:</b>	Create a new zone, MU-4A, that would be based on and similar to the existing MU-4 zone, but would have transitional setback requirements and lower permitted FAR; Rename the current MU-4 to MU-4B
<b>Proposed Map Amendment: (Case 17-11)</b>	The petitioner for Zoning Commission Case 17-11 is separately requesting a map amendment for Square 5539, Lots 835 and 840 from R-1-B to MU-4A
Ward, ANC	Ward 7, ANC 7B
Comprehensive Plan Maps	Generalized Policy Map: Neighborhood Commercial Centers/Neighborhood Conservation Area Future Land Use Map: Mixed Use: Low Density Commercial and Moderate Density Residential uses
Applicable Small Area Plan	Pennsylvania Avenue SE Corridor, approved by Council July 15, 2008 (before the most recent update to the Comprehensive Plan)

**IV. EXISTING AND PROPOSED TEXT AMENDMENT**

The proposed new MU-4A zone includes greater setbacks and lower density compared to the existing MU-4 zone. At 2.0 FAR (2.4 FAR with IZ), MU-4A would allow for less density than the existing MU-4 zone’s 2.5 (3.0 FAR with IZ) maximums. MU-4A would also have a greater setback requirement of 20 feet minimum from the property line of a residentially zoned property; and buildings would be required to step back an additional 10-feet for the floors above 40 feet in height or 3 stories. MU-4A would have the same lot occupancy requirements as MU-4; however, specifically for Square 5539, existing additional lot occupancy for IZ units in MU-4 would not be included in the MU-4A regulations. The maximum permitted building height and penthouse height for MU-4A would be the same as those of the existing MU-4 zone. If the new MU-4A zone is approved, the existing MU-4 zone is proposed to be renamed MU-4B.

The following table summarizes the proposed new MU-4B zone in comparison to the existing R-1-B, MU-3, and MU-4 zones:

	<b>Existing Zone: R-1-B</b>	<b>Existing Zone: MU-3</b>	<b>PROPOSED NEW ZONE: MU-4A</b>	<b>Existing Zone: MU-4 (to be MU-4B)</b>
<b>Height</b>	40 feet max.	40 feet max.	50 feet max.	50 feet max.
<b>Floor Area Ratio</b>	n/a	1.0 max.	2.0 max.	2.5 max.
<b>FAR with IZ</b>	n/a	1.2 max.	2.4 max.	3.0 max.
<b>Penthouse Height</b>	12 ft. max. 18 ft. 6 in. mechanical	12 ft. max. 15 ft. mechanical	12 ft. max. 15 ft. mechanical	12 ft. max. 15 ft. mechanical
<b>Residential Lot Occupancy</b>	40% max. (all other structures) 60% max. (places of worship)	60% max. 60% (IZ)	60% max. 75% (IZ)	60% max. 75% (IZ)
			<b>Square 5539:</b> 60% max. 60% (IZ) *	
<b>Rear Yard</b>	25 feet min.	20 feet min.	20 feet min.	15 feet min.
<b>Side Yard</b>	8 feet	8 feet for semidetached or detached. Otherwise not required	8 feet for semidetached or detached. Otherwise not required except potentially as noted below	8 feet for semidetached or detached. Otherwise not required
<b>Transition Setbacks</b>	n/a	n/a	20 foot min. from any lot line directly abutting any R zone Additional 10 foot min. setback above 40 feet or top of third story Any transition setback area required shall not be used for loading Min. first 6' of transition setback (measured in from lot line) to be landscaped to specified conditions A transitional setback may be inclusive of a required side or rear yard provided all conditions of each section are met.	n/a
<b>Use</b>	R-Use Group A	MU-Use Group D	MU-Use Group E	MU-Use Group E

\* Unique to Square 5539, the lot occupancy would be limited to 60% for any use and there would be no increase in lot occupancy for inclusionary zoning.

**IV. Draft Text – Proposed New MU-4A Zone**

**Subtitle G MIXED USE (MU) ZONE**

**Chapter 4 Mixed Use Zones MU-3, MU-4, MU-5, MU-6, MU-7, MU-8, MU-9, MU-10, AND MU-30**

**400 PURPOSE AND INTENT**

400.3 The MU-4 zones is are intended to:

- (a) Permit moderate-density mixed-use development;
- (b) Provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core; and
- (c) Be located in low- and moderate-density residential areas with access to main roadways or rapid transit stops, and include office employment centers, shopping centers, and moderate bulk mixed-use centers.

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**402 DENSITY – FLOOR AREA RATIO (FAR)**

402.1 The maximum permitted FAR in the MU-3 through MU-10 zones shall be as set forth in the following table:

**TABLE G § 402.1: MAXIMUM PERMITTED FLOOR AREA RATIO**

Zone	Maximum FAR	
	Total Permitted	Maximum Non-Residential Use
MU-3	1.0	1.0
	1.2 (IZ)	
<u><b>MU-4A</b></u>	<u><b>2.0</b></u>	<u><b>1.5</b></u>
	<u><b>2.4 (IZ)</b></u>	
<b>MU-4 MU-4B</b>	2.5	1.5
	3.0 (IZ)	
MU-5-A MU-5-B	3.5	1.5
	4.2 (IZ)	
MU-6	6.0	2.0
	7.2 (IZ)	
MU-7	4.0	2.5
	4.8 (IZ)	
MU-8	5.0	4.0
	6.0 (IZ)	
MU-9	6.5	6.5
	7.8 (IZ)	
MU-10	6.0	3.0
	7.2 (IZ)	

**403 HEIGHT**

403.1 The maximum permitted building height and number of stories, not including the penthouse, in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table, except as provided in Subtitle G § 403.2:

**TABLE G § 403.1: MAXIMUM PERMITTED HEIGHT/STORIES**

Zone	Maximum Height (Feet)	Maximum Stories
MU-3	40	3
<b>MU-4A</b>	<b>50</b>	<b>4</b>
<del>MU-4</del> <b>MU-4B</b>	50	N/A
MU-5-A	65	N/A
	70 (IZ)	
MU-5-B	75	N/A
MU-6	90	N/A
MU-7	65	N/A
MU-8	70	N/A
MU-9	90	N/A
MU-10	90	N/A
	100 (IZ)	
MU-30	110	NA

403.3 The maximum permitted height of a penthouse, except as prohibited on the roof of a detached dwelling, semi-detached dwelling, rowhouse, or flat in Subtitle C § 1500.4, shall be as set forth in the following table:

**TABLE G § 403.3: MAXIMUM PERMITTED PENTHOUSE HEIGHT AND STORIES**

Zone	Maximum Penthouse Height	Maximum Penthouse Stories
MU-3 <b>MU-4A</b> <del>MU-4</del> <b>MU-4B</b>	12 ft. except 15 ft. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5-A MU-7	12 ft., except 18 ft. 6 in. for penthouse mechanical space	1; Second story permitted for penthouse mechanical space
MU-5B MU-8	20 ft.	1; Second story permitted for penthouse mechanical space
MU-6 MU-9 MU-10 MU-30	20 ft.	1 plus mezzanine; Second story permitted for penthouse mechanical space

**404 LOT OCCUPANCY**

404.1 The maximum permitted lot occupancy for residential use in the MU-3 through MU-10 zones and the MU-30 zone shall be as set forth in the following table:

**TABLE G § 404.1: MAXIMUM PERMITTED LOT OCCUPANCY**

<b>Zone</b>	<b>Maximum Lot Occupancy for Residential Use</b>
MU-3	60%
	60% (IZ)
<b><u>MU-4A</u></b>	<b>60%</b>
	<b>75% (IZ)</b>
<b><u>MU-4 MU-4B</u></b>	60%
	75% (IZ)
MU-5-A	80%
MU-5-B	80% (IZ)
MU-6	80%
	90% (IZ)
MU-7	75%
	80% (IZ)
MU-8	N/A
MU-9	N/A
MU-10	75%
	N/A (IZ)
MU-30	N/A

**404.2** **Notwithstanding Subtitle G§ 404.1, lots 835 and 840 located on Square 5539 shall not exceed a sixty percent (60 %) maximum lot occupancy for all residential and non-residential uses.**

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**411** **TRANSITION SETBACK REQUIREMENTS**

**411.1** **In the MU-4A zone the following transition setback requirements shall apply to any building or portion of a building within thirty feet (30 ft.) of a lot line directly abutting an R zone district:**

- a)** **A twenty-foot (20 ft.) minimum transition setback shall be provided from any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line. No building or portion of a building may be constructed within the 20-foot transition setback; and**
- b)** **An additional upper-story transition setback of 10 feet minimum shall be provided above a building height of 40 feet, or top of third story.**

**411.2** **Any required transition setback area shall not be used for loading.**

**411.3** **A minimum of six feet (6 ft.) of the transition setback area, measured in from the abutting residential lot line, shall be landscaped with evergreen trees subject to the following conditions:**

- (a)** **The trees shall be maintained in a healthy growing condition;**
- (b)** **The trees shall be a minimum of eight feet (8 ft.) high when planted; and**

**(c) Planting locations and soil preparation techniques shall be shown on a landscape plan submitted with the building permit application to the Department of Consumer and Regulatory Affairs for review and approval according to standards maintained by the Department's Soil Erosion and Storm Management Branch, which may require replacement of heavy or compacted soils with top and drainage mechanisms as necessary.**

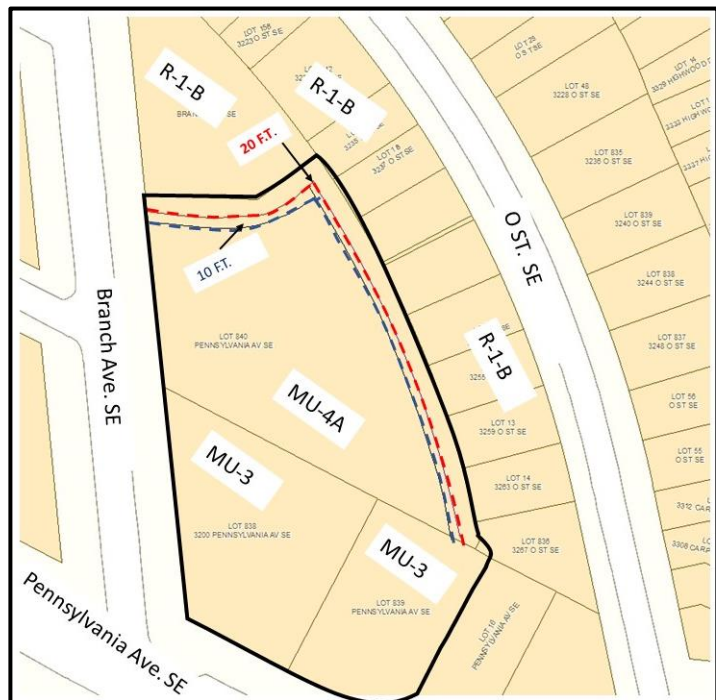
**411.4 A required transition setback may be inclusive of a required side or rear yard provided all conditions of each section are met.**

**411.5 No residential communal outdoor recreation space shall be located within 50 feet of any lot line directly abutting an R zone district extended as a vertical plane parallel to each abutting lot line.**

## V. Map Amendment Petition for 3200 Pennsylvania Ave SE – Zoning Commission Case 17-11

The owner of 3200 Pennsylvania Avenue intends to develop the site with a mixed use moderate density development. The property is currently split zoned MU-3 and R-1-B, with the R-1-B portion on lots 835 and 840, closest to the single family residences along O street.

The requested rezoning (see Exhibit 51 of ZC Case 17-11) of lots 835 and 840 to the proposed MU-4A zone would be not inconsistent with the Comprehensive Plan Future Land Use Map designation of Mixed Use low density commercial and moderate density residential uses; or with the Policy Map designation of Neighborhood Conservation Area; or with policy statements in the Comprehensive Plan Citywide Elements or the Far Northeast and Southeast Area Element.



## VI. Community Comments

The proposed MU-4A zone is the product of the site owner's meetings with the adjacent neighbors. The petitioner has informed OP that the neighbors are in support of the new zone, and its application to the requested portion of the site.