

**BEFORE THE ZONING COMMISSION  
OF THE DISTRICT OF COLUMBIA**

Application of Georgetown 29K Acquisition, LLC  
ANC 2E

**I. Summary of Requested Action**

This is an application of Georgetown 29K Acquisition, LLC (“**Applicant**”) for a Zoning Map amendment for the property located at 1051-1055 29<sup>th</sup> Street NW (Square 1193, Lots 45, 46, and 800-804) (the “**Property**”). The Applicant proposes to establish the MU-13 zone for the Property.

The Property is located in the Georgetown neighborhood of Ward 2 and contains approximately two (2) acres (87,120 square feet) of land area; it is currently unzoned because of prior federal ownership. The Property is generally bounded on the west by 29<sup>th</sup> Street NW, on the east by Rock Creek, on the north by the Chesapeake & Ohio (“C&O”) Canal, and on the south by K Street NW. The Property is improved with the West Heating Plant (“**WHP**”), which is an individual historic landmark and a contributing building in the Georgetown Historic District. The Property was previously owned by the federal government, and the WHP was operated as a coal-powered steam heat plant for federal buildings. The WHP was decommissioned in 2000, and the Property has been abandoned and vacant since. The Applicant acquired the Property from the federal government in 2013.

The surrounding area is a mix of residential, commercial, and open space uses. Properties to the west are developed with row dwellings and a multifamily condominium building. Properties to the southwest are developed with commercial buildings. Across the C&O Canal to the north is the Four Seasons Hotel. To the east and the south are Rock Creek and Rock Creek Park. The properties to the north (across the C&O Canal), west, and southeast are zoned MU-13. Other

nearby properties (parkland) to the east and south are unzoned. A location map of the Property and an excerpt of the Zoning Map showing the Property and surrounding properties are attached as **Exhibit D**.

The northern part of the Property is located in the mixed-use Medium Density Residential / Moderate Density Commercial land use categories on the Future Land Use Map of the District of Columbia Comprehensive Plan (“**FLUM**”), and the southern part of the Property is located in the Parks, Recreation, and Open Space land use category on the FLUM.

The Applicant is seeking to zone the Property to make it consistent with the Comprehensive Plan and the zoning of the surrounding properties, and to allow the redevelopment of the Property. The proposed Map Amendment is not inconsistent with the Comprehensive Plan and is consistent with the overall goals and policies of the District of Columbia Zoning Regulations.

## **II. Satisfaction of Zoning Map Amendment Application Approval Standards**

This application is being brought as a rulemaking case pursuant to Subtitle Z § 201.5, Subtitle Z § 304, and Subtitle X, Chapter 5 of the District of Columbia Zoning Regulations. Pursuant to Subtitle X § 500.3, in order to approve a Zoning Map amendment application, the Zoning Commission shall find that the new zone category is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

Consistent with the FLUM designation for the Property and the zoning of surrounding properties, the Applicant proposes to designate the Property as the MU-13 zone. The MU-13 zone is appropriate for the Property given the FLUM designations, other planning policies and guidance for the Property, and the purpose and intent of the MU-13 zone. The purpose and intent of the

MU-13 zone are to permit medium density mixed-use development generally in the vicinity of the waterfront (Subtitle G § 500.4).

The MU-13 Zone District permits a maximum building height of 60 feet, a maximum residential lot occupancy of 75%, and a maximum floor area ratio (“FAR”) of 4.0 (of which up to 2.0 FAR is permitted to be non-residential). The MU-13 zone permits multifamily residential use as a matter-of-right.

With the proposed Zoning Map amendment, the Applicant intends to redevelop the Property with a multifamily residential project that will adaptively reuse the WHP and will include enclosed parking and a one-acre public park. The redevelopment of the Property will be made possible only with the proposed Zoning Map amendment since the Property is unzoned and otherwise would not allow for construction. The Zoning Map amendment will allow for an active reuse of the historic WHP site, which is pervasively contaminated and has sat vacant and abandoned for nearly 20 years.

It is common practice for the Commission to establish zoning on former federally-owned property to allow for private development. Examples of such actions include the Southeast Federal Center (Z.C. Order No. 03-06), Walter Reed (Z.C. Order No. 14-22), and St. Elizabeth’s East Campus (Z.C. Order No. 12-08). The proposed Zoning Map amendment in this case follows this practice.

This Zoning Map amendment application is consistent with the FLUM designations for the Property, and Policies and Elements of the Comprehensive Plan. In addition, the nearest private properties to the Property are already zoned MU-13, so the proposed rezoning of the Property to MU-13 would be a continuation of and consistent with the surrounding zoning context.

### III. Compliance with the Comprehensive Plan

This application to include the Property in the MU-13 zone is not inconsistent with the Comprehensive Plan, satisfies the multiple Citywide Elements and the Area Element, as described in the following sections.

1. Future Land Use Map Designation. The proposed zoning of the Property is consistent with its Future Land Use Map designation as follows:

***Medium Density Residential:*** This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone districts are generally consistent with the Medium Density designation, although other zones may apply.

***Moderate Density Commercial:*** This designation is used to define shopping and service areas . . . Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts that draw from a broader market area. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height. The corresponding Zone districts are generally C-2-A, C-2-B, and C-3-A, although other districts may apply.

***Mixed Use Categories:*** The Future Land Use Map indicates where the mixing of two or more land uses is encouraged. The Mixed Use category generally applies in (a) established, pedestrian-oriented commercial areas which also include substantial amounts of housing, typically on the upper stories of buildings with ground floor retail or office uses; [and] (b) commercial corridors or districts which may not contain substantial amounts of housing today, but where more housing is desired in the future. The pattern envisioned for such areas is typically one of pedestrian-oriented streets, with ground floor retail or office uses and upper story housing. . . .”

***Parks, Recreation, and Open Space:*** This designation includes the federal and District park systems, including the National Parks, the circles and squares of the L’Enfant city and District neighborhoods, the National Mall, settings for significant commemorative works, certain federal buildings such as the White House and the US Capitol grounds, and museums, and District operated parks and associated recreation centers. It also includes permanent open space uses such as cemeteries, open space associated with utilities such as the Dalecarlia and McMillan Reservoirs, and open space along highways such as Suitland Parkway. This category includes a mix of passive open space (for resource conservation and habitat protection) and active open space (for recreation). Because of the map scale, parks smaller than one acre—including many of the triangles

along the city's avenues—may not appear on the Map. Zoning designations for these areas vary. The federal parklands are generally unzoned, and District parklands tend to be zoned the same as surrounding land uses.

Zoning the Property to the MU-13 zone is consistent with the FLUM's designation for the Property. Under the 1958 Zoning Regulations, to which the Comprehensive Plan refers in the land use designation descriptions, the predecessor zone to MU-13 was W-2. The Comprehensive Plan does not identify the W-2 (MU-13) zone for any particular land use designation. However, since MU-13 is intended, as stated in Subtitle G § 500.4, for "medium-density mixed-use development," it is appropriate for the Property's mixed-use Medium Density Residential / Moderate Density Commercial FLUM designation in the location of the planned residential building. Similarly, the Comprehensive Plan does not identify any zones that are appropriate for the Parks, Recreation, and Open Space land use designation. Accordingly, when the descriptions of the use categories above are considered together, the MU-13 zone is appropriate for these FLUM designations. Further, as stated in the "Mixed Use" designation description, the mixing of uses "in districts which may not contain substantial amounts of housing today, but where more housing is desired in the future" justifies the MU-13 zone since it facilitates this objective. Finally, the Property's location adjacent to and surrounded by properties already zoned MU-13 supports its zoning to MU-13.

2. Guiding Principles and Framework Element. The proposed zoning of the Property is consistent with the following Guiding Principles enumerated in the Framework Element of the Comprehensive Plan:

- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. (§217.6)

- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. (§217.7)
- (8) The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced. (§218.1)
- (28) Connections to and between the city's celebrated open spaces, such as Rock Creek Park and the National Mall, should be improved. At the same time, creation of new parks along the Anacostia River and enhancement of the federal Fort Circle Parks, should be supported to connect communities and enhance "green infrastructure" in the city. (§220.4)
- (31) The District's communities are connected by a shared heritage of urban design, reflecting the legacy of the L'Enfant Plan, the McMillan Plan, the Height Act of 1910, and preservation of much of the historic urban fabric. After more than two centuries of building, the nation's capital is still a remarkable place. Urban design and streetscape policies must retain the historic, majestic, and beautiful qualities that make Washington unique among American cities. (§220.7)

The proposed MU-13 zone is consistent with these Guiding Principles of the Comprehensive Plan.

3. Land Use. The proposed MU-13 zone for the Property is consistent with the following policies of the Land Use Element of the Comprehensive Plan:

***Policy LU-1.4.1: Infill Development:*** Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

***Policy LU-1.4.2: Long-Term Vacant Sites:*** Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints.

***Policy LU-1.4.3: Zoning of Infill Sites:*** Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single family and row house neighborhoods that are currently zoned for multi-family development.

***Policy LU-2.1.10: Multi-Family Neighborhoods:*** Maintain the multi-family residential character of the District's Medium-and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.

***Policy LU-2.1.12: Reuse of Public Buildings:*** Rehabilitate vacant or outmoded public and semi-public buildings for continued use. Reuse plans should be compatible with their surroundings, and should limit the introduction of new uses that could adversely affect neighboring communities.

***Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings:*** Reduce the number of vacant and abandoned buildings in the city through renovation, rehabilitation, and where necessary, demolition. Implement programs that encourage the owners of such buildings to sell or renovate them, and apply liens, fines, and other penalties for non-compliant properties.

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

The proposed MU-13 Zone District is consistent with these policies since will enable the redevelopment of the long-vacant Property. The MU-13 zone allows for the preservation, rehabilitation, and reuse of a historic public building with high quality architecture that will enhance this corner of the Georgetown neighborhood. Further, the MU-13 zone will allow for residential and park uses in on the Property that will activate the site and facilitate connectivity between Georgetown and the waterfront.

4. Housing. The proposed zoning of the Property is consistent with the following policies of the Housing Element of the Comprehensive Plan:

***Policy H-1.1 Expanding Housing Supply:*** Expanding the housing supply is a key part of the District's vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is

essential to the future of our neighborhoods. It is also a key to improving the city's fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs.

***Policy H-1.1.1: Private Sector Support:*** Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

***Policy H-1.1.3: Balanced Growth.*** Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.

The proposed MU-13 Zone District encourages and facilitates the construction of new higher-density housing at the Property by a private landowner that will activate a long-vacant site with proximity to existing amenities.

5. Environmental Protection. The proposed MU-13 zone for the Property is consistent with the following policies of the Environmental Protection Element of the Comprehensive Plan:

***Policy E-4.4.2: Hazardous Building Materials and Conditions:*** Protect public health and safety by testing for and, where appropriate, removing lead, radon gas, asbestos, and other hazardous substances from the built environment. When these hazards are abated, require full compliance with all applicable licensing and inspection standards.

***Policy E-4.4.5: Clean-Up of Contaminated Sites:*** Ensure that the necessary steps are taken to remediate soil and groundwater contamination in the city, both in areas where future development is likely and in areas that are already fully developed. In addition, require soil and groundwater evaluations for any development that is proposed on a site where contamination may be possible due to past activities. Depending on the site, it may also be necessary to investigate the effects of contamination on air quality, surface water, or river sediments, or to conduct an ecological risk assessment. If contamination is found to be above acceptable levels, require remediation and, where necessary, long term monitoring and institutional controls.

The proposed MU-13 Zone District will facilitate the development of the Property, which necessarily will involve clean-up and remediation of the extensive environmental contamination.



6. Parks, Recreation, and Open Space. The proposed zoning of the Property is consistent with the following policies of the Parks, Recreation, and Open Space Element of the Comprehensive Plan:

***Policy PROS-1.1.3: Park Diversity:*** Provide a diverse range of recreational experiences in parks within the District of Columbia, including a balance between passive and active recreational uses, and a mix of local-serving, region-serving, and national recreational uses.

***Policy PROS-1.2.2: Improving Access:*** Improve access to the major park and open space areas within the city through pedestrian safety and street crossing improvements, bike lanes and storage areas, and adjustments to bus routes.

***Policy PROS-1.4.1: Park Acquisition:*** Acquire and improve additional parkland to meet the recreational needs of existing and future residents. This should occur both through the expansion of existing parks, and the development of new parks.

***Policy PROS-1.4.4: Parks on Surplus Land:*** Acquire and convert abandoned or tax delinquent land, surplus rail or road rights of way, and other land not in productive use into recreational use where feasible and appropriate, particularly in parts of the city that lack adequate access to parkland.

***Policy PROS-2.1.3: Quality and Compatible Design:*** Require all park improvements to be of high design and construction quality, sensitive to the natural environment, and compatible with surrounding land uses.

***Policy PROS-2.1.4: Responding to Local Preferences:*** Provide amenities and facilities in District parks that are responsive to the preferences and needs of the neighborhoods around the parks. Park planning should recognize that there are different leisure time interests in different parts of the city. To better understand these differences, the community must be involved in key planning and design decisions.

***Policy PROS-3.2.2: Connecting Neighborhoods to the Rivers:*** Develop open space linkages between the Anacostia and Potomac Rivers and adjacent neighborhoods, using stream tributaries such as Watts Branch and Pope Branch as a framework for linear parks between the shoreline and nearby residential areas.

***Policy PROS-3.2.3: Linkages Between the Waterfront and Nearby Neighborhoods:*** Establish stronger linkages between the waterfront and adjacent upland neighborhoods including Deanwood, Mayfair, Kenilworth-Parkside, River Terrace, Fairlawn, Twining, Kenilworth, Historic Anacostia, Carver-Langston, Kingman Park, Hill East, Capitol Hill, Barney Circle, and Southwest. Maximize public access to the waterfront from these areas through the development of a riverwalk and shoreline trail, improved public

transportation, redesigned bridges and freeways, and the extension of neighborhood streets and avenues to the water's edge.

***Policy PROS-3.4.1: Trail Network:*** Develop a network of trails, paths, and linear parks to link the District's open space areas and improve access to open space. Trails and paths should provide a safe and convenient way for residents to experience Washington's scenery and natural beauty on foot or by bicycle.

***Policy PROS-4.3.3: Common Open Space in New Development:*** Provide incentives for new and rehabilitated buildings to include "green roofs", rain gardens, landscaped open areas, and other common open space areas that provide visual relief and aesthetic balance.

Rezoning the Property to the MU-13 Zone District will allow the redevelopment of an abandoned infill site that that can accommodate significant new open space in Georgetown and an open space connection between the developed areas of Georgetown and the other nearby recreation areas of the C&O Canal, Rock Creek Park, and the Georgetown Waterfront.

7. Urban Design. The proposed zoning of the Property is consistent with the following policies of the Urban Design Element of the Comprehensive Plan:

***Policy UD-1.3.2: Waterfront Public Space and Access:*** Develop public gathering spaces along the waterfronts, including promenades, viewpoints, boating and swimming facilities, and parks. Such space should be designed to promote continuous public access along the rivers, and to take full advantage of site topography and waterfront views. Design treatments should vary from "hardscape" plazas in urban settings to softer, more passive open spaces that are more natural in character.

***Policy UD-1.3.3: Excellence in Waterfront Design:*** Require a high standard of design for all waterfront projects, with an emphasis on shoreline access, integration of historic features and structures, an orientation toward the water, and the creation of new water-oriented public amenities.

***Policy UD-1.3.6: "Activating" Waterfront Spaces:*** Encourage design approaches, densities, and mixes of land uses that enliven waterfront sites. Architectural and public space design should be conducive to pedestrian activity, provide a sense of safety, create visual interest, and draw people to the water.

***Policy UD-1.3.7: Neighborhood Connectivity:*** Improve the physical connections between neighborhoods and nearby waterfronts. Where feasible, extend the existing city grid into large waterfront sites to better connect nearby developed areas to the shoreline.

***Policy UD-2.2.1: Neighborhood Character and Identity:*** Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

***Policy UD-2.2.2: Areas of Strong Architectural Character:*** Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development within such areas does not need to replicate prevailing architectural styles exactly but should be complementary in form, height, and bulk.

***Policy UD-2.2.5: Creating Attractive Facades:*** Create visual interest through well-designed building facades, storefront windows, and attractive signage and lighting. Avoid monolithic or box-like building forms, or long blank walls which detract from the human quality of the street.

***Policy UD-2.2.7: Infill Development:*** Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.

***Policy UD-2.2.9: Protection of Neighborhood Open Space:*** Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas.

Zoning the Property to MU-13 will allow for the redevelopment of the Property into a building and public park of exceptional architectural character. The public park will add open space and high-quality design proximate to the waterfronts of both Rock Creek and the Potomac River. The redevelopment of the Property, enabled by the MU-13 zone, will enhance the visual quality and connectivity of Georgetown by redeveloping an abandoned, contaminated, and isolated building and site in a manner that is compatible with the landmark and the historic district.

8. Area Element: Near Northwest. This application to zone the Property is consistent with the following policies of the Near Northwest Area Element of the Comprehensive Plan:

***Policy NNW-1.1.1: Residential Neighborhoods:*** Maintain and enhance the historic, architecturally distinctive mixed density character of Near Northwest residential neighborhoods, including Burleith, Georgetown, Foggy Bottom, Dupont Circle, Sheridan-Kalorama, Logan Circle, Mount Vernon Square, and Shaw. Ensure that infill development within these areas is architecturally compatible with its surroundings and positively contributes to the identity and quality of each neighborhood.

***Policy NNW-1.2.1: Scenic Resource Protection:*** Protect and enhance the scenic visual resources of the Near Northwest Planning Area, including the Potomac Waterfront, Rock Creek Park, the park circles of the L’Enfant Plan, and the historic architecture and streetscapes that define the area’s commercial and residential areas.

***Policy NNW-1.2.6: Increasing Park Use and Acreage:*** Identify opportunities for new pocket parks, plazas, and public spaces within the Near Northwest Planning Area, as well as opportunities to expand and take full advantage of existing parks.

***Policy NNW-1.2.7: Shoreline Access:*** Continue efforts to improve linear access along the Potomac River shoreline, and to improve access between the shoreline and adjacent neighborhoods such as Georgetown and Foggy Bottom.

***Policy NNW-1.2.10: Sustainable Development:*** Encourage the use of green building practices within Near Northwest, with a particular emphasis on green roofs. Rooftop gardens should be encouraged in new construction and major rehabilitation projects as a way to create additional green space, reduce stormwater runoff, and provide an amenity for residents.

The proposed zoning to the MU-13 zone will enhance the architecturally distinctive residential neighborhood of historic Georgetown by allowing for the redevelopment of the vacant and abandoned WHP with new housing in a sustainable design. The proposed MU-13 zone will enable the creation of new open space that will provide the Georgetown community with greater connectivity to the Rock Creek and Potomac River waterfronts, better recreation options, and more sustainable green space.

#### **IV. Community Dialogue**

The planned redevelopment of the Property is well-known to the community and has enjoyed extraordinarily enthusiastic neighborhood and broader community support. The Applicant extensively engaged with the public and Advisory Neighborhood Commission (“ANC”) 2E prior to the filing of this application. In the nearly six years that the Applicant has owned the Property, the Applicant has presented its redevelopment proposal to the ANC numerous times; the Historic Preservation Review Board, the Old Georgetown Board, and the Commission of Fine Arts

at public hearings; and the Mayor's Agent for Historic Preservation at one public hearing. A list of select public meetings that the Applicant has attended about the redevelopment of the Property is attached as **Exhibit E**. During that public engagement and review process, the Applicant made it known that the Property needs to be zoned in order to redevelop it. In addition, the Applicant has engaged the ANC specifically about this zoning application since January 2019.

The Applicant sent a Notice of Intent on January 30, 2019 to ANC 2E and all property owners located within 200 feet of the Property. A copy of that Notice of Intent is included in **Exhibit F**. ANC 2E requested that the Applicant present this application to one of their public meetings after this application has been filed.

#### **V. List of Publicly Available Documents**

1. Zoning Regulations and Zoning Map of the District of Columbia, available at [dcoz.dc.gov](http://dcoz.dc.gov).
2. Comprehensive Plan of the District of Columbia, available at [planning.dc.gov/page/comprehensive-plan](http://planning.dc.gov/page/comprehensive-plan).

#### **VI. Exhibits**

<u>Exhibit A</u>	Application Form
<u>Exhibit B</u>	Agent Authorization Letter
<u>Exhibit C</u>	Surveyor's Plat
<u>Exhibit D</u>	Location Map and Zoning Map of Property and Surrounding Area
<u>Exhibit E</u>	List of Select Public Meetings
<u>Exhibit F</u>	Certificate of Notice of Intent
<u>Exhibit G</u>	List of Property Owners within 200 Feet of the Property

## **VII. Conclusion**

For the foregoing reasons, we respectfully request that the Commission set down this Zoning Map amendment application for a public hearing at its earliest convenience.

Respectfully,  
GOULSTON & STORRS, PC

/s/  
Allison C. Prince

/s/  
Cary R. Kadlecek