

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION

**ZONING COMMISSION ORDER NO. 16-11**  
**Z.C. Case No. 16-11**  
**Consolidated Planned Unit Development (PUD) and**  
**PUD Related Map Amendment from R-4 and C-2-A to R-5-B and C-2-B for**  
**Square 2890, part of Lot 849 (Bruce Monroe)**

Pursuant to notice, the Zoning Commission for the District of Columbia (the “Commission”) held public hearings on December 5 and 8, 2016, to consider an application from Park View Community Partners and the District of Columbia (the “Applicants”) requesting review and approval of a consolidated planned unit development (“PUD”) application and related zoning map amendment for the Bruce Monroe Site. The Commission considered the application pursuant to Chapters 24 and 30 of the District of Columbia Zoning Regulations, Title 11 of the District of Columbia Municipal Regulations (“DCMR”). The public hearings were conducted in accordance with the provisions of 11 DCMR § 3022. For the reasons stated below, the Commission hereby denies the application.

**FINDINGS OF FACT**

**The Applications, Parties, Hearings, and Post-Hearing Filings**

[Insert Applicant’s Proposed Findings of Fact for this section]

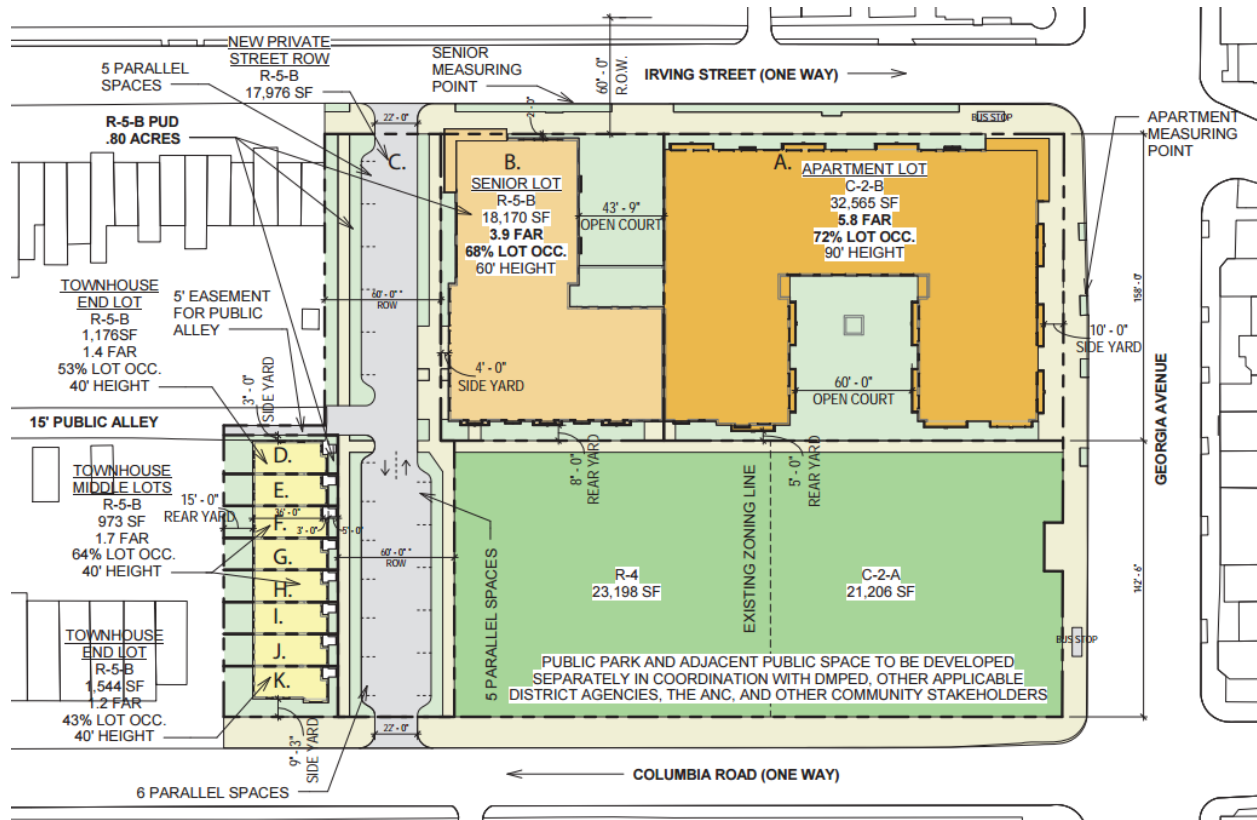
**The PUD Site and Surrounding Area**

[Insert Applicant’s Proposed Findings of Fact for this section]

**Existing and Proposed Zoning**

1. The applicant is requesting PUD-related map amendments from C-2-A and R-4 to C-2-B PUD at the corner of Georgia Avenue and Irving Street for the construction of the large apartment building.
  - a. **Two thirds** of the site intended for the large apartment building is currently zoned C-2-A which permits a building height of 50 feet and a FAR of 2.5.

- b. **One third** of the site intended for the large apartment building is currently zoned R-4 which permits a building height of 35 feet but does not permit the construction of apartment buildings.



- c. C-2-B PUD is requested to accommodate the proposed 90 feet building height, 5.8 FAR and use, **an increase of 180% in building height** compared to the current most permissive C-2-A designation.

2. The applicant is requesting PUD-related map amendments from R-4 to R-5-B for the remainder of the site for the construction of a senior citizen apartment building and row houses and semi-detached dwellings to accommodate the 40-foot building height, and the 43 percent lot occupancy for the semi-detached units and 64 percent lot occupancy for the row dwellings.

**Comprehensive Plan**

1. Under section 2403.4 of the Zoning Regulations, the Commission may approve a PUD only if it finds that the proposal “is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.” The Commission makes the following findings on that point.

*Proposed Findings of Fact and Conclusions of Law  
of the Bruce Monroe Park Neighbors*

- a. The Generalized Policy Map designates the site as Main Street Mixed Use Corridor along the Georgia Avenue frontage, with the western portion of the site designated as a Neighborhood Conservation Area.
  - i. Main Street Mixed Use Corridors are those where a “common feature is that they have a pedestrian-oriented environment with traditional storefronts. Many have upper story residential or office uses. Any development or redevelopment that occurs should support transit use and enhance the pedestrian environment.”
  - ii. Neighborhood Conservation Areas are “[a]reas with very little vacant or underutilized land. They are primarily residential in character.”
  
- b. The Future Land Use Map primarily designates the site for Local Public Facilities. Local Public Facilities are those areas that, “[i]nclude land facilities occupied and used by the District of Columbia government or other local government agencies.” The FLUM also states under Guidelines for Using this Map, “This map does not show density or intensity on institutional and local public sites. If a change in use occurs on these sites in the future (for example, if a school becomes surplus or is redeveloped), **the new designations should be comparable in density or intensity to those in the vicinity...**.” Zoning designations in the vicinity of the site are Moderate Density Residential to the west, mixed Medium Density Residential and Moderate Density Commercial to the north and east, and mixed Moderate Density Residential and Low Density Commercial to the south.
  - i. **West of Site:** “Moderate Density Residential: **This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes.** The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations.”
  - ii. **North and East of Site:**

1. “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.”; and
2. “Moderate Density Commercial: This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial 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 uses 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.”

iii. **South of Site:**

1. Moderate Density Residential (see above); and
  2. “Low Density Commercial: This designation is used to define shopping and service areas that are generally low in scale and character. 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 uses that draw from a broader market area. **Their common feature is that they are comprised primarily of one- to three-story commercial buildings.** The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply.”
- c. The Comprehensive Plan’s Area Elements provide additional policies to guide development and redevelopment within the Land Use Change Areas. The relevant

“Area Element” is the Mid-City element which provides the following policy elements:

- i. **Policy MC-1.1.1: Neighborhood Conservation**  
Retain and reinforce the historic character of Mid-City neighborhoods, particularly its row houses, older apartment houses, historic districts, and walkable neighborhood shopping districts. The area’s rich architectural heritage and cultural history should be protected and enhanced.
- ii. **Policy MC-1.1.5: Conservation of Row House Neighborhoods**  
Recognize the value and importance of Mid-City’s row house neighborhoods as an essential part of the fabric of the local community. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect the desire to retain the row house pattern. **Land use controls should discourage the subdivision of single family row houses into multi-unit apartment buildings** but should encourage the use of English basements as separate dwelling units, in order to retain and increase the rental housing supply.
- iii. **Policy MC-1.2.4: New Parks**  
Explore the possibility for new neighborhood parks within the Mid-City area, particularly in the area around the proposed Howard Town Center, and on the McMillan Reservoir site. Additionally, pocket parks and plazas such as those planned for the Columbia Heights Metro station area should be encouraged elsewhere in the Planning Area, particularly near higher density development. The dearth of parks in the Mid-City area is a serious problem that must be addressed as its population grows—**all recreation areas must be retained and new recreation areas must be provided wherever possible.**
- iv. **MC-2.1 Georgia Avenue Corridor; Policy MC-2.1.2: Segmenting the Corridor**  
**Develop distinct identities for different segments of the Georgia Avenue Corridor.** Within the Mid-City area, these should include a ParkView/Park Morton section (Otis to Irving), a **Pleasant Plains section (Irving to Euclid)**, a Howard University section (Euclid to Barry Place), and the Uptown Arts District (Barry Place southward).

**PUD Evaluation Standards**

1. Section 2403.9 of the Zoning Regulations enumerates ten “evaluation standards” that must be proven by the proponent of a PUD to exhibit and document the public benefits or amenities of the project. Other “additional categories” may be used as well. Id. “A project may qualify for approval by being particularly strong in only one or a few of the categories in § 2403.9, **but must be found to be acceptable in all proffered categories and superior in many.**” 11 DCMR § 2403.10. The Commission makes the following findings concerning these standards here.

a. **Urban design, architecture, landscaping, or creation or preservation of open spaces.**

- i. **Urban design, architecture & landscaping.** The gray and white, “modern” glass-paneled structure proposed by the developer is not in keeping with the look and feel of the surrounding neighborhood, which is historic in character and mostly composed of small, brick row houses.
- ii. **Creation or preservation of open spaces.** The project is proposed to be developed on land that is currently open space. The project therefore fails to create open space on its face. In addition, the project preserves only a minimal amount of the open space within the PUD site as required open courts. Furthermore, the Applicant cannot be credited for the preservation of land which is not part of the PUD site and for which there are no agreements within the record showing that such development is obligated as part of the project.

b. **Effective and safe vehicular and pedestrian access, transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts.**

- i. **Traffic.** The project and the associated dramatic increase in density will exacerbate existing traffic issues on the very congested surrounding streets (Columbia Rd., Irving St., Sherman Ave., and Georgia Ave.) and at intersections which will already operate at failing levels according to the traffic analysis submitted by the Applicant.
- ii. **Parking:** The plan fails to adequately address the parking challenges created by the increased density from this project, and increased density from the numerous other developments being built in the surrounding area

which will increase the population by almost 2,000 residents. In addition, the Applicant's traffic analysis fails to take into account the city's proposal to dedicate bus lanes for Irving St. and Columbia Road, which will eliminate half of the currently available street parking.

- c. **Environmental benefits, such as: ... Preservation of open space or trees.** As noted previously, the project is proposed to be developed on land that is currently open space. The record includes no evidence that the open courts included in the project design mitigate or rise to the level of a benefit when compared to the loss of the open space currently provided by the existing open space. As noted above, the Applicant cannot be credited for the preservation of land which is not part of the PUD site and for which there are no agreements within the record showing that such development is obligated as part of the project.
- d. **Uses of special value to the neighborhood or the District of Columbia as a whole.** The current use of the project site as a developed and well used park is of special value to the neighborhood and, pursuant to the Comprehensive Plan, the District of Columbia as a whole. The development of the project site necessarily reduces that special value to the neighborhood and the District and cannot be considered a benefit.

### CONCLUSIONS OF LAW

1. The Commission denies the application as not meeting the standards of Chapter 24 of the Zoning Regulations.
2. The Commission rejects Applicant's assertion that the application presents a "redevelopment" or "infill opportunity" as those terms are used in the Comprehensive Plan. The development of current open space which has been developed as a park is neither the redevelopment of current structures nor the infill of vacant land.
3. The Commission is obligated to determine whether the policies reflected in the Comprehensive Plan could be advanced *even if* the development of the site was limited to a lesser height and density than that requested by the Applicant.
  - a. The Commission concludes that the record fails to support the conclusion that the policies advanced by development of the site require the height and density requested by the Applicant.

- b. The Commission finds that the Applicant's self-imposed design limitations ("Build First," the number of Park Morton replacement units proposed to be located on the Bruce Monroe site, height and density of the Bruce Monroe proposed development, orientation of the large apartment building along Irving St.) have little bearing on the Commission's determination as to whether the application is not inconsistent with the Comprehensive Plan and whether the benefits proffered by the Applicant could be achieved without a PUD and map amendment.
4. The Commission finds that the application fails to preserve the distinct identity of the Pleasant Plains section of the Georgia Avenue corridor defined by the Comprehensive Plan and instead seeks to apply development standards more appropriate for the immediate vicinity of metro stations.
5. A PUD applicant seeking a related map amendment must demonstrate that "public health, safety and general welfare goals of zoning regulation would be served by the amendment." *Citizens Association of Georgetown v. District of Columbia Zoning Commission* 402 A.2d 36, 39 (1974). A proposed map amendment should "create conditions favorable to health safety transportation, prosperity, protection of property, civic activity and recreational, educational and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein." *Id.* at 40. Those criteria are not met here.
6. The Commission is required to find that the proposed PUD is "not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site." For the reasons set forth here and in the Findings above, the Commission concludes that the C-2-B PUD proposed is inconsistent with the Comprehensive Plan:
  - a. The Commission finds that the 90 foot building height proposed in the PUD is inconsistent with the heights permitted in an area of moderate density residential, medium density residential, moderate and low density commercial designations.
  - b. The Applicant cites many provisions from the Comprehensive Plan that would purportedly be advanced if this application is approved. However, consistency with several provisions of the Comprehensive Plan does not end our inquiry. The Commission rejects the Applicant's effort to pick and choose provisions of the



Comprehensive Plan as it suits the Applicant's purposes. The Commission must consider the entire Comprehensive Plan, giving primacy to the designations in the Future Land Use Map and clear designation of appropriate density and zone districts in the area element governing this particular site. If the proposed map amendment is plainly inconsistent with the Future Land Use Map and Mid-City area element, as it is here, conforming to selectively chosen general policies cannot cure the fundamental inconsistency with the Comprehensive Plan.

- c. The Commission finds that the Comprehensive Plan's explanation of moderate density commercial (the most permissive current zoning designation the area) as buildings that "generally do not exceed five stories in height" (10 DCMR 225.9) limits our discretion to adopt zone districts that are inconsistent with such density. A PUD in the moderate density C-2-A zone district is limited to a permitted height of up to 65 feet. 11 DCMR § 2405.1.
7. The Commission is obliged to evaluate the proposed amenities and to balance their relative values, the degree of development incentives offered, and any potential adverse impacts. For the reasons stated below, the Commission determines that the proposed amenities are insufficient to warrant the dramatic increase in development density being requested.
    - a. The preservation of limited open court space within the PUD site does not constitute a benefit that outweighs the project's destructive impact on open space within the PUD site. Nor can the Applicant be credited with the unobligated preservation of a small portion of the existing open space as a park outside of the PUD site.
    - b. With respect to section 2403.9(a)), Urban Design, Architecture, Landscaping, Open Space, Site Planning, and economic land utilization the Commission is unpersuaded that the design, architecture, site planning, and landscaping provides a sufficient benefit to outweigh the potential adverse effect of the development. The proposed 90-foot building would have a scale, height, and density ill-suited for the surrounding neighborhood. There is no evidence that the proffered benefits and amenities could not have been achieved with a height and density consistent with the moderate density designation in the Comprehensive Plan. On balance, there are no benefits that address, much less outweigh, the potential adverse effects of the development, including the adverse traffic impacts, loss of open space, and historical character of the row house neighborhood.

- c. With respect to section 2403.9(c), effective and safe vehicular and pedestrian access; transportation management measures, connections to public transit service, and other measures to mitigate adverse traffic impacts, the Commission concludes that the proffered traffic measures will not mitigate the project's adverse traffic impacts and therefore do not constitute a public benefit that outweighs the potential adverse effects of the development on traffic operations near the site.
- d. With respect to section 2403.9(f), dealing with housing and affordable housing, the Commission acknowledges the set-aside for affordable housing, but nonetheless concludes that these housing benefits could be achieved with less density for the following reasons:
  - i. A PUD with a moderate density commercial zone district such as C-2-A would provide sufficient flexibility to permit the Applicant to develop the site with the proffered number of Park Morton replacement units.
  - ii. There is no evidence in the record to suggest that an alternative development proposal consistent with the site's C-2-A land use or a C-2-A PUD designation could not be viable. The Commission notes that the Applicant has repeatedly refused to explore alternatives proposed by the community and party in opposition regarding the distribution of density between the smaller Bruce Monroe site and larger Park Morton site. The Applicant has therefore failed to develop evidence within the record that the current proposal is the only viable proposal.
  - iii. The Commission rejects the Applicant's assertion that various self-imposed development "principles" asserted by the Applicant with regards to the proposed project are relevant to the Commission's consideration of the project's consistency with the Comprehensive Plan.
8. The Commission has considered the views expressed by ANC 1A in this proceeding. While the ANC is normally entitled to "great weight," in this case, there is ample evidence in the record that the ANC failed to represent the interests of ANC1A10, the single member district within which the project site is located. And, given that the ANC's actions do not address the concerns of the community surrounding the project site, the Commission concludes that the great weight given to the ANC's action in support must be balanced against the weight that must be extended to the Park Neighbors, those in the immediate vicinity of the project, in opposition.

**CONCLUSION**

Accordingly, for the reasons stated above, it is hereby

**ORDERED** that the application of the Park View Community Partners and the District of Columbia requesting review and approval of a consolidated planned unit development (“PUD”) application and related zoning map amendment for the Bruce Monroe site is hereby **DENIED**.