

## **MEMORANDUM**

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup> Jennifer Steingasser, Deputy Director, Development Review & Historic Preservation  
**DATE:** February 5, 2018  
**SUBJECT:** ZC Case 17-17; Hearing Report for a Proposed Zoning Map Amendment  
Petition to Re-Map 1401 22<sup>nd</sup> Street, S.E. from PDR-3 to RA-2

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### **I. RECOMMENDATION**

The Office of Planning recommends the Zoning Commission **approve** the proposed map amendment for 1401 22<sup>nd</sup> Street, S.E. (Square 5564, Lots 0812) from PDR-1 to RA-2. The proposed map amendment reflects the anticipated land use on the Comprehensive Plan Future Land Use Map (FLUM).

The subject site appears vacant but records from the Department of Consumer and Regulatory Affairs indicate a building permit was issued on October 20, 2017 for the construction of a storage facility consistent with the PDR-1 standards. A storage facility is a permitted use in the PDR-1 zone but is not a permitted use in the RA-2 zone. The property owner has reported to OP that they are requesting confirmation from the Zoning Administrator that the building permit is vested under the PDR zone. The rezoning of the site would not stop the construction of the storage facility but any additional PDR uses would not be permitted and should the building permit lapse, it could not be renewed.

The property owner has also indicated that they oppose the rezoning and will be meeting with the ANC to discuss the proposal. They have stated they will request that the hearing be postponed allowing for the discussions.

OP has no objections to a postponement of the hearing should it be requested and should the meetings with the community result in changes to the rezoning petition OP will file a supplemental report.

## II. APPLICATION-IN-BRIEF

Petitioner	ANC 8A
Proposed Map Amendment	From PDR-1 (Production Distribution and Repair) to RA-2 (Residential Apartment)
Legal Description	Square 5564, Lot 0812
Property Size	20,499 sq.ft.
Generalized Policy Map Designation	Neighborhood Conservation Area
Future Land Use Map Designation	Moderate Density Residential uses
Applicable Small Area Plan	N/A
Ward, ANC	Ward 8, ANC 8A
Historic District	None

## III. SITE AND AREA DESCRIPTION

The site is bordered by Fairlawn Avenue, SE, on the north 22<sup>nd</sup> Street, SE on the east, an alley on the west and residential properties on the south.



Figure 1 - Site

## IV. EXISTING AND PROPOSED ZONING

The subject site is currently zoned PDR-1. The PDR-1 zone is intended to permit moderate-density commercial and PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones (11DCMR Subtitle J § 200.1). PDR zoning does not permit residential uses except for artist live-work and property caretaker residences (11 DCMR Subtitle U § 801.1(v)).

The Petitioner is proposing the subject site be remapped to the RA-2 (Residential Apartment) zone. The Residential Apartment (RA) zones permit urban residential development and compatible institutional and semi-public buildings. (11DCMR Subtitle F § 100.1).

### Existing and Proposed Zoning.

A comparison of the existing and proposed zoning parameters follows:

Development Standard	Existing Zone: PDR-1	Proposed Zone: RA-2
Height (max.)	50 feet	50 feet
Floor Area Ratio (max.)	3.5 total	1.8 2.16 with inclusionary zoning
Lot Occupancy (max.)	N/A	60%
Rear Yard (min.)	12 feet	15 feet
Side Yard (min.)	25 feet when abutting a residential property	Single unit Dwelling = 8 feet Multi-unit Dwelling = None Required
Penthouse Height	<ul style="list-style-type: none"><li>• 12 ft. (1 story) except</li><li>• 15 ft. for penthouse mechanical space (2 story)</li></ul>	<ul style="list-style-type: none"><li>• 12 ft. (1 story) except</li><li>• 15 ft. for penthouse mechanical space (2 story)</li></ul>
Permitted Uses	<u>Subtitle U Chapter 8</u> Production, Distribution, Repair, Storage, Retail, Service and Office uses	<u>Subtitle U, Chapter 4</u> Multifamily residential

## V. COMPREHENSIVE PLAN MAPS

Section 226 of the Framework Element of the Comprehensive Plan talks to how to use the maps and states *The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions.*

### Guidelines for Using the Generalized Policy Map and the Future Land Use Map <sup>226</sup>

- b. *The Future Land Use Map is a generalized depiction of intended uses in the horizon year of the Comprehensive Plan, roughly 20 years in the future. It is not an “existing land use map,” although in many cases future uses in an area may be the same as those that exist today.*
- d. *The zoning of any given area should be guided by the Future Land Use Map, interpreted in conjunction with the text of the Comprehensive Plan, including the citywide elements and the area elements, as well as approved Small Area Plans.*

### **The Future Land Use Map (FLUM)**



The Future Land Use Map (FLUM) identifies the subject property for moderate density residential use. Section 225 of the Framework Element provides description of the FLUM land use designations.

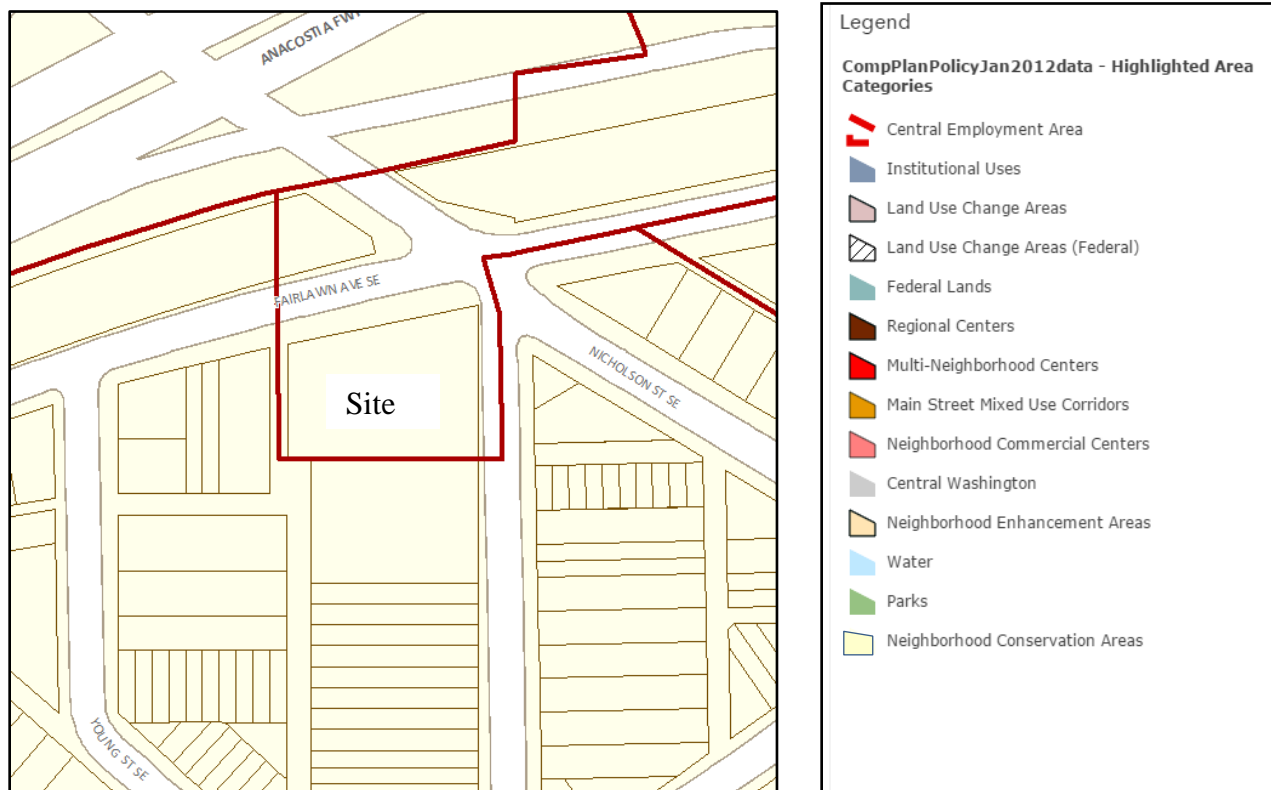
***Moderate Density Residential:*** This designation is used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment 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.<sup>1</sup> 225.4

<sup>1</sup> Corresponding ZR16 zone names are R3=R-3, R-4=RF-1, R-5-A=RA-1 and R-5-B=RA-2

## The Generalized Policy Map

The Generalized Policy Map identifies the subject site as being located within a Neighborhood Conservation area.

### Generalized Policy Map



Section 223 of the Framework Element provides description of the Policy Area designations.

***Neighborhood Conservation Areas:*** Neighborhood Conservation areas have very little vacant or underutilized land. They are primarily residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes intensity over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated...223.4

The proposed map amendment to RA-2 would not be inconsistent with the land use or policy area designation.

## VI. COMPREHENSIVE PLAN POLICIES

The subject site is located in the Far Northeast and Southeast Element of the Comprehensive Plan. Policies within the Far Northeast and Southeast Element identified by the petitioner include:

**FNS-1.1.1: Conserving of Low Density Neighborhoods:**

*Recognize the value and importance of Far Northeast and Southeast's stable single family neighborhoods to the character of the local community and to the entire District of Columbia. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect and protect the existing low-density land use pattern while allowing for infill development that is compatible with neighborhood character.* 1708.2

**FNS-1.1.7: Row House Neighborhoods**

*In the Fairlawn and Twining neighborhoods, encourage infill housing constructed in the architectural style and materials compatible with the brick row houses and semi-detached homes that predominate in these areas. New development in these neighborhoods should be consistent with prevailing densities.* 1708.8

**FNS-1.2.2: Connecting to the River**

*Link the neighborhoods of Far Northeast and Southeast to the Anacostia River through trail, path, transit, and road improvements. Provide new amenities and facilities in the waterfront parks that meet the needs of Far Northeast and Southeast residents.* 1709.2

**Citywide Elements**

Other citywide elements also provide policy and guidance relative to this case.

**Land Use**

**LU-2.3 RESIDENTIAL LAND USE COMPATIBILITY** 311

Many of Washington's neighborhoods were developed before 1920, when the city adopted its first zoning regulations. As a result, the older neighborhoods tend to have a patchwork pattern of land uses, with business and residential activities sometimes occurring on the same block. While this pattern has created some of the city's most desirable and interesting neighborhoods, it has also introduced the potential for conflict. Certain commercial and industrial uses may generate noise, odor, traffic, litter, and other impacts that affect the quality of life in adjacent residential neighborhoods. Similarly, introducing new residential uses to commercial or industrial areas can make it difficult for established businesses to operate effectively. 311.1

***Policy LU-2.3.1: Managing Non-Residential Uses in Residential Areas***

*Maintain zoning regulations and development review procedures that: (a) prevent the encroachment of inappropriate commercial uses in residential areas; and (b) limit the scale and extent of non-residential uses that are generally compatible with residential uses, but present the potential for conflicts when they are excessively concentrated or out of scale with the neighborhood.* 311.3

**Housing**

***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.* 503.2

***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.* 503.4

The proposed map amendment would be consistent with these recommendations. Remapping the subject site from PDR-1 to RA-2 zone district would permit residential development consistent with the surrounding land uses.

The PDR zoning does not permit residential uses except for artist live-work and property caretaker residences. The expectation of the FLUM for moderate density residential developments cannot be achieved under the existing PDR zone.

**VII. AGENCIES REVIEWS**

OP has not received comments from other District agencies but notes that the property has been recently reviewed through the building permit process. Any action that would cause a change in the building permit would necessitate a new review through the building permit process.