

MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: ^{JLS} Jennifer Steingasser,
Deputy Director, Development Review & Historic Preservation
DATE: December 22, 2017
SUBJECT: ZC Case 17-26 – Setdown Report for a Proposed Map Amendment
Petition to Re-Map Parcel 121/31, (NE) from its unzoned status to the MU-5-B Zone

Late Filing Request: The Office of Planning respectfully requests the Zoning Commission waive its rule, Subtitle Z § 500.6, and accept this report into the record.

I. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **setdown** the petition by MIRV Holdings LLC, the applicant, to rezone *Parcel 121/31*, at 200 Michigan Avenue NE, at the intersection of Irving Street and Michigan Avenue, N.E. The proposal would not be inconsistent with the Comprehensive Plan.

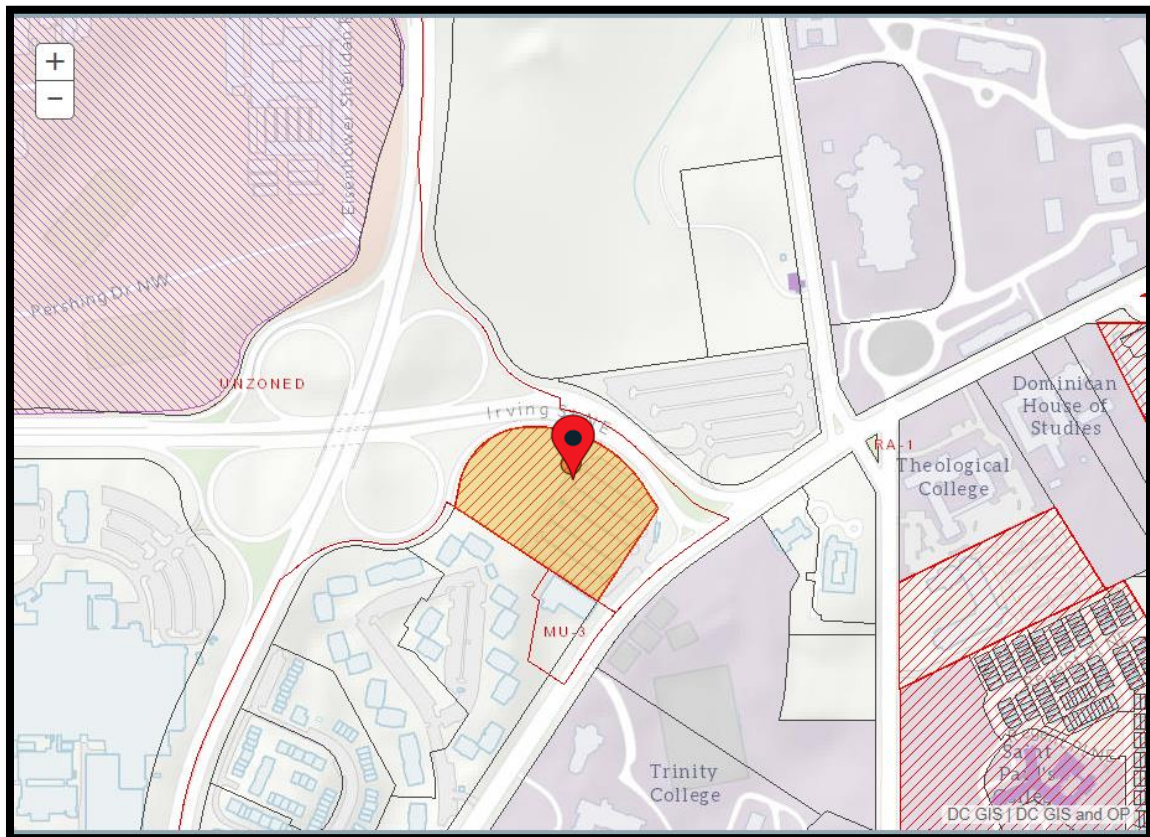
II. APPLICATION-IN-BRIEF

| | |
|---|--|
| Applicant | MIRV Holdings LLC |
| Address | 200 Michigan Avenue, NE |
| Proposed Map Amendment | From unzoned (C-3-A by PUD 08-33A-0833G) to MU-5-B |
| Legal Description | Parcel 121/31 |
| Property size | 238,909 square feet (5.5 acres) |
| Generalized Policy Map Designation | Federal Lands |
| Future Land Use Map Designation | Mixed-Use Medium Density Residential/Moderate Density Commercial |
| Comprehensive Plan Policy Focus Area | Upper Northeast Area Element |
| Ward and ANC | Ward 5/ANC 5E |
| Historic District | None |

III. SITE AND AREA DESCRIPTION

The 5.5-acre PUD site located at the corner of Michigan Avenue and Irving Street, NE. is improved with a surface parking lot. The site commonly known as the "fringe parking lot" was used for commuter parking prior to the opening of the Metrorail in the 1970's. Once this use became obsolete, "the District of Columbia Government sought to improve its usefulness and solicited proposals for appropriate uses at the site..." (ZC Order 689).

Land uses in the vicinity of the site are predominantly institutional and residential. Uses adjacent to and within the same square as the proposed project include the Shrine of the Immaculate Conception to the east of the site and residential uses to the west (Cloisters and Park Place). Surrounding educational and healthcare institutions within a one-mile radius of the site include: Catholic University, Trinity College, the National Conference of Catholic Bishops/US Catholic Conference headquarters Building, the Washington Hospital Center, Children's Hospital, the Veteran's Administration Hospital, US Soldiers and Airmen's Home and the National Rehabilitation Hospital.



SITE LOCATION and ZONING

IV. ZONING HISTORY

The property is currently unzoned. The applicant requests the property be mapped to the MU-5-B zone. A stage one planned unit development (PUD) was approved in 2009 (ZC 08-33) for the entire property and a consolidate PUD was also approved for a portion of the site. Through several extensions, the stage one is valid until December 31, 2018 (ZC 08-33G) but the consolidated portion expired in July 2017. The PUD included a related map amendment to C-3-A (1958 regulations).

The C-3-A district permits matter-of-right, medium density mixed use development, including office, retail and residential uses. The [MU-5 zones](#) are also medium density mixed-use zones. The MU-5-B zone (former C-2-B-2) permits matter-of-right, medium density mixed-use development, including office, retail and residential uses. Because there is no underlying zone, the table below presents a comparison of the permissions approved under the C-3-A stage one PUD and the requested MU-5-B.

| | Existing - Unzoned | C-3-A | Proposed Zone –MU-5-B |
|--|--------------------|--|---|
| Permitted Height: M-O-R PUD Approved Height | N/A | 65 ft. 90 ft. 94.5 ¹ ft. | 75 ft. 90 ft. – |
| Permitted FAR: M-O-R PUD Approved FAR | N/A | 4.0 (res), 2.5 (non-res), 4.8 (IZ) 4.5 (res), 3.0 (non-res), 4.5 max 2.83 (2.29 non-res) | 3.5 (res), 1.5 (non-res) 4.2 (IZ) 6.0 (res), 2.0 (non-res), 6.0 max – |
| Lot Occupancy Permitted Approved PUD | N/A | 75 % residential (80% IZ) 47% | 80% residential – |
| Rear Yard Min Approved PUD | N/A | 15 ft. 28 ft. | 15 ft. – |
| GAR | N/A | 0.3 | 0.3 |
| Permitted Use | N/A | Multifamily residential, hotel, office, retail, and service uses | Multifamily residential, hotel, office, retail, and service uses <u>(MU-Use Group E)</u> |

The matter of right development envelop of the MU-5-B is less intense than the approved envelop and density approved for the PUD but not inconsistent with the Future Land Use Map designation.

The MU-5-B zone was created in 2014 as the C-2-B-1zone, in recognition that a zone was needed to fill a “gap” in the hierarchy of zones that would accommodate moderate to medium density development with a medium height. The Commission mapped this zone on a site that was also identified on the Future Land Use Map for mixed use medium density residential and moderate density commercial.

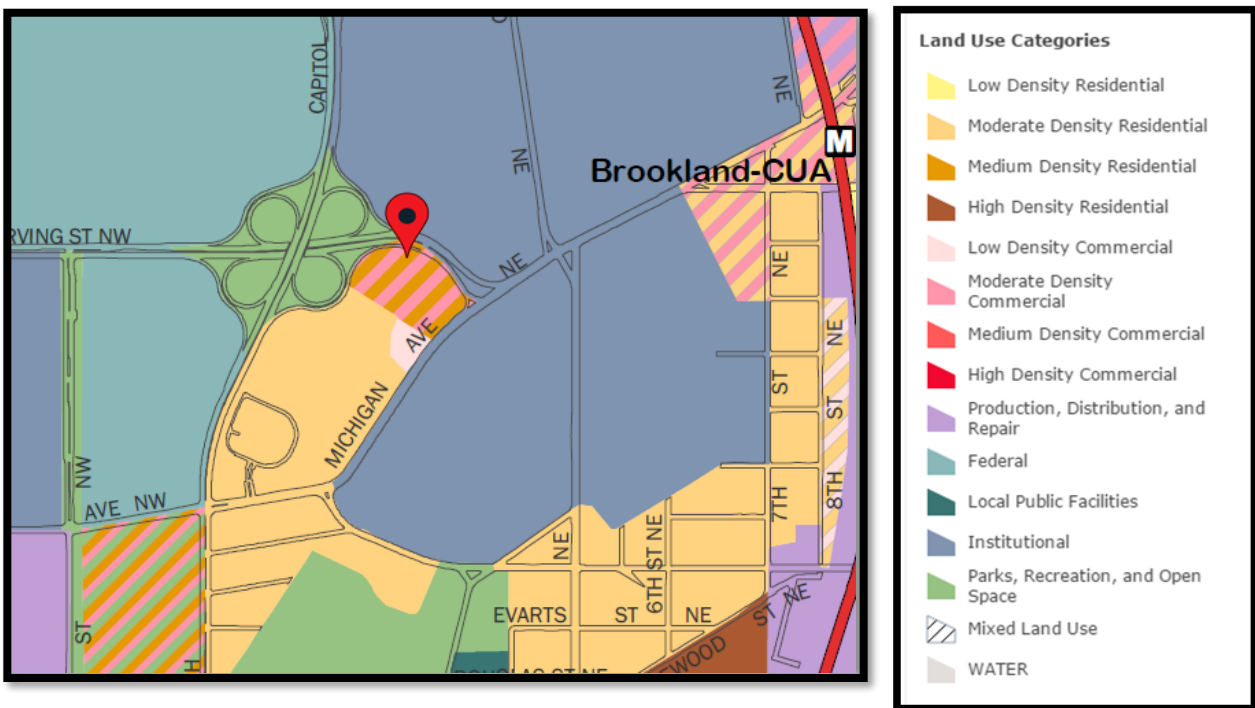
¹ The applicant requested a 5% discretionary

V. COMPREHENSIVE PLAN MAPS

Section 226 of the Framework Element of the Comprehensive Plan addresses the use of the Plan's maps, stating: The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions.

The Future Land Use Map (FLUM)

The Future Land Use Map designates the property for a mix of medium-density residential use and moderate-density commercial use.



Section 225 of the Framework Element provides a description of the FLUM land use designations.

Medium Density Residential: This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use.

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 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 (MU-4), C-2-B (MU-5), and C-3-A (MU-7), although other districts may apply. 225.9

Mixed Use Categories: The Future Land Use Map indicates areas where the mixing of two or more land uses is encouraged. The particular combination of uses desired in a given area is depicted in striped patterns, with stripe colors corresponding to the categories defined on the previous pages. The Mixed Use category generally applies in the following three circumstances:

- 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;*
- 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; and*
- c. *Large sites (generally greater than 10 acres in size), where opportunities for multiple uses exist but a plan dictating the precise location of these uses has yet to be prepared.* 225.18

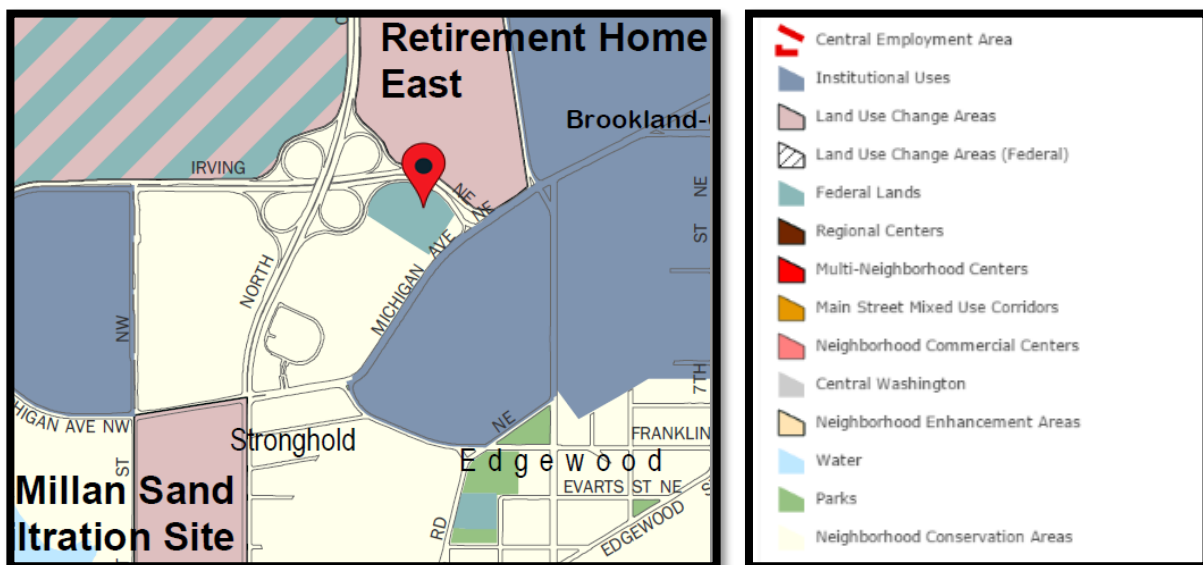
The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix (in this case, “Moderate Density Residential/Low Density Commercial”). The Comprehensive Plan Area Elements may also provide detail on the specific mix of use envisioned. 225.19

...The “Mixed Use” designation is intended primarily for larger areas where no single use predominates today, or areas where multiple uses are specifically encouraged in the future. 225.20

The proposed map amendment to MU-5-B would be not inconsistent with these land use designations and would allow buildings of six or possibly seven stories with a moderate to medium MU-5 density.

The Generalized Policy Map

The Generalized Policy Map designates the subject site as Federal Land.



Other Areas

The Generalized Policy Map also identifies parks and open space, federal lands, Downtown Washington, and major institutional land uses. The fact that these areas are not designated as Conservation, Enhancement, or Change does not mean they are exempt from the policies of the Comprehensive Plan or will remain static. Park and open space will be conserved and carefully managed in the future. Federal lands are called out to acknowledge the District's limited jurisdiction over them, but are still discussed in the text of the District Elements. Downtown includes its own set of conservation, enhancement, and change areas, described in more detail in the Central Washington Area Element. Much of the institutional land on the map represents colleges and universities; change and infill can be expected on each campus consistent with campus plans. Other institutional sites likewise may see new buildings or facilities added. Policies in the Land Use Element and the Educational Facilities Element address the compatibility of such uses with surrounding neighborhoods. 223.22

The proposed map amendment to MU-5-B would be not inconsistent with the Policy Map designation and would help to bring about the land use changes that both the FLUM and the Policy Map indicate are desirable.

VI. COMPREHENSIVE PLAN POLICIES

Comprehensive Plan Guiding Principles outlined in Chapter 2 of the Plan, the Framework Element:

Land Use Changes

In terms of land area, Washington is not a large city...Despite these limitations, there is room for growth in the District of Columbia. Key opportunities include government lands, underused commercial and industrial sites, and vacant buildings. Other sites, including failed housing projects and ailing business districts, also present opportunities. There are also hundreds of small “infill” sites scattered throughout the city, especially in the northeast and southeast quadrants. Together, these areas hold the potential for thousands of new units of housing and millions of square feet of office and retail space. 205.5

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

Land development policies should be focused to create job opportunities for District residents. This means that sufficient land should be planned and zoned for new job centers in areas with high unemployment and under-employment. A mix of employment opportunities to meet the needs of residents with varied job skills should be provided. 219.6

The proposed map amendment of the unzoned parcel presents an opportunity to realize both housing and commercial uses on the underutilized parking lot. The proposed commercial uses would generate significant job opportunities in the hospitality industry in Ward 5. The development of the property would further many of the goals of the Comprehensive Plan including

- Encouraging infill development on vacant land - Policy LU-1.4.1
- Promoting the vitality of the District's commercial centers and providing for the continued growth of commercial land uses - Policy LU-2.4.1
- Expanding the housing supply - Policy H-1.1

- Encouraging the development of new housing on surplus, vacant and underutilized land - Policy H-1.1.3
- Promoting mixed use development, including housing, on commercially zoned land - Policy H-1.1.4:
- Accommodating options for office development – Policies ED-2.1.4 and ED-2.1.6
- Supporting the development of a diverse range of hotel types, serving travelers with varying needs, tastes, and budgets - Policy ED-2.3.4

Although the upper northeast area is predominantly residential, it is also home to many institutions, and a modest amount of commercial land. The current parking lot would be eventually transformed through the proposed map amendment into active residential and commercial uses, with future employment opportunities for District residents.

The unzoned status of the parcel does not currently permit development on a site that is along a major corridor and within a mile of a metro station and where the FLUM encourages medium- density housing and moderate-density commercial uses. Rezoning the subject site MU-5-B would allow the land use permissions, density and height anticipated by the Comprehensive Plan’s maps, along a transit accessible corridor.

The proposed map amendment would further the Land Use Element’s overall goal of ensuring the efficient use of the District’s land resources by balancing competing demands for the use of land to meet the long-term housing and commercial needs of the District’s residents. The citywide elements note that this is particularly important near major transit centers. The parking lot was developed in the late 1970’s and is not representative of the highest and best use for the site. A map amendment would facilitate redevelopment to enhance neighborhood commercial activity on a predominantly institutional section of Michigan Avenue for future provision of improved retail and service to the many institutions and existing neighborhoods in its immediate vicinity.

The District’s economy would be enhanced by the proposed map amendment. The applicant ‘s proposal to develop the property in the future with office and hospitality based uses would grow the workforce and support the diverse range of hotel types in the outlying areas of the city, which presently lack these facilities.

The proposal is not inconsistent with the Comprehensive Plan’s Future Land Use and Policy maps, and furthers many important policies for the Upper Northeast Area.

VII. COMMUNITY COMMENTS

The applicant presented its intent to file this application to the ANC 5E on October 24, 2017. An ANC report would be submitted upon a formal presentation to the ANC, prior to a public hearing.

ATTACHMENT:

ZONING HISTORY IN-BRIEF

| Order # | Effective Date | Proposal |
|-------------------|-----------------------|---|
| 689 | 1991 | PUD approval for conference/training center. Order expired. |
| 08-33 | 12/25/2009 | A consolidated PUD approval and a first-stage PUD approval authorizing the construction of a 314-room hotel, conference center, restaurant, parking structure and retail space. The PUD-related rezoning of the Property from un-zoned (designated as GOV) to the C-3-A Zone District. The first stage PUD included 2, nine-story buildings at 90 feet and was effective until December 21, 2014. |
| 08-33A | 12/21/2011 | Grant of a 2-year extension to file a building permit to December 25, 2013. Denial of 2-year time extension of the first-stage PUD (without prejudice). |
| 08-33B | 10/10/2014 | Grant of 2-year extension to file a building permit and start construction no later than December 25, 2016. One-year extension of first stage PUD granted until December 25, 2015, within which a 2 nd stage PUD application for remaining portions of PUD must be filed |
| 08-33C | 12/11/2015 | Grant of Modification of approved plan and related conditions of the original order |
| 08-33C (1) | 03/18/2016 | Grant of reconsideration – modification of approved plan and conditions of the standing order. Modifications to design and change in hotel brand. Applicant requests it be allowed until July 31, 2016 to file a building permit as approved in the modification. |
| 08-33D | 12/04/2015 | Grant of time extension until July 31, 2016 for filing of building permit and construction start no later than July 31, 2017. |
| 08-33E | 03/11/2016 | Grant of a time extension for the first-stage PUD approval until Dec. 25, 2016 |
| 08-33F | 11/25/2016 | Grant of time extension to file permit for consolidated PUD by May 31, 2017 |
| 08-33 G | 05/26/2017 | Grant of time extension for the first-stage PUD – valid until 12/31/2018, within which time the applicant will be required to file a second-stage PUD application for all development within the approved first-stage PUD. |