

August 16, 2018



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VIA IZIS

Anthony Hood, Chairperson  
Zoning Commission  
441 4th Street, NW, Suite 200S  
Washington, DC 20010

**Re: ZC 18-07 - Petitioner's Prehearing Statement for Zoning Map Amendment  
(Rulemaking) of Lean Development LLC**

Dear Chairman Hood and Members of the Commission:

On behalf of Lean Development LLC (the "Petitioner"), please find enclosed the Petitioner's Prehearing Statement in the above-referenced petition set down for a public hearing as a rulemaking case. This filing addresses the issues raised by the Office of Planning's in their report and responds to questions presented by the Zoning Commission during the July 30, 2018 set down decision.

The Petitioner is requesting the rezoning of portions of Lots 156-158 in Square 750 from the PDR-1 to the MU-4 zone, and rezoning Lot 128 and portions of Lots 156-158 in Square 750 from the PDR-1 District to the MU-5A District.

The satisfaction of the standards in Subtitle X § 500 and Subtitle Z § 304 is set forth in the original application materials filed in the record at ZC Exhibits 3-3E. Pursuant to Subtitle Z §§ 501 and 1601.1(h), additional information in support of the petition is described herein. Additionally enclosed is the hearing fee check in the amount of \$2,600.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

A handwritten signature in blue ink, appearing to read 'mmold', written over a horizontal line.

Meridith H. Moldenhauer  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

**Certificate of Service**

I hereby certify that on this 16<sup>th</sup> day of August, 2018, a copy of this Prehearing Statement with attachments was served, via email, as follows:

District of Columbia Office of Planning  
1100 4<sup>th</sup> Street SW, Suite E650  
Washington, DC 20024  
c/o Stephen Cochran  
[stephen.cochran@dc.gov](mailto:stephen.cochran@dc.gov)

Advisory Neighborhood Commission 6C  
c/o Karen J. Wirt, Chairperson  
[6C02@anc.dc.gov](mailto:6C02@anc.dc.gov)

Advisory Neighborhood Commission 6C06  
c/o Heather Edelman, SMD Commissioner  
[6C06@anc.dc.gov](mailto:6C06@anc.dc.gov)



By: Meredith Moldenhauer

**BEFORE THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**

**PETITION OF  
LEAN DEVELOPMENT LLC**

**ZC 18-07  
LOTS 128 and 156-158, SQ. 750**

**PETITIONER’S PREHEARING STATEMENT**

**I. INTRODUCTION AND REQUESTED INFORMATION**

This Prehearing Statement is submitted on behalf of Lean Development LLC (the “Petitioner”), the representative of the owner of Lots 128 and 156-158 in Square 750 (the “Site Area”). The Prehearing Statement responds to the issues raised by the Office of Planning (“OP”) and Zoning Commission (“Commission” or “ZC”) at the set down meeting on July 30, 2018. The statement and exhibits herein further the Petitioner’s previous arguments in support of its request to rezone portions of Lots 156-158 in Square 750 (“Northern Portion” of the Site Area) from the PDR-1 to the MU-4 zone, and rezone Lot 128 and portions of Lots 156-158 in Square 750 (“Southern Portion” of the Site Area) from the PDR-1 District to the MU-5A District (the “Request”).

OP requested additional information supporting the rezoning of the Site Area and to clarify how the Request would not be inconsistent with the recommendations of the Comprehensive Plan. Further, the ZC requested that the Petitioner supplement the record with photographs of developments recently constructed within the Site Area’s vicinity. The ZC set the petition down as a rule making, but also asked the Petitioner to provide the list of the owners within 200 feet so the Office of Zoning can send notices of the public hearing.

By way of summary, the evidence establishes that the Petition is consistent with the FLUM, GPM, and the NoMA Vision Plan and Development Strategy Small Area Plan (“NoMA SAP”). The current PDR-1 zoning is expressly inconsistent with the Comprehensive Plan and NoMA SAP

recommendations because it does not allow residential use as a matter-of-right. The proposed MU-4 zone at the corner of 2<sup>nd</sup> Street NE and K Street NE stepping up to the MU-5A towards the Southern Portion of the Site Area, adjacent to the other MU-5A zoned properties on the Square are not inconsistent with the Comprehensive Plan recommendations because they allow mixed-use/ residential development as intended in the Comprehensive Plan and NoMA SAP.

Also, as discussed below, it is important for the Commission to consider that during the 1996 Union Station area rezoning process<sup>1</sup> (“Union Station Area Rezoning”) that OP recommended the Site Area be rezoned from the Industrial C-M-1 Zone to the moderate- to **medium**-density mixed use SP-1 Zone<sup>2</sup> which allowed 4.0 FAR and a maximum building height of 65 feet. Indeed, but for the specific request of the Site Area’s then owner to keep it industrially-zoned (in order to allow a 3.0 FAR matter-of-right office building that was never constructed), it is highly likely that in 1996 the Site Area would have been rezoned to the moderate- to medium-density mixed use SP-1. Further, the Commission rezoned the rest of Square 750 from the Industrial C-M-1 Zone to the C-2-B zone through the Union Station Area Rezoning.

Finally, the proposed map amendment properly reflects the reality of the surrounding approved, constructed, and proposed developments. The requested photos of the surrounding developments is attached here at **Exhibit B**. Indeed, this area of East NoMa has changed rapidly and will continue to change with the proposed Burnham Place development in the airspace over the AMTRAK rail lines. Developments that could be constructed as a matter-of-right following the requested rezoning would be harmonious and contextual with the surrounding and proposed development.

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<sup>1</sup> ZC Case 95-4; approved by the ZC on February 12, 1996.

<sup>2</sup> As referenced in the OP land use report for ZC 95-4. See **Exhibit A** at page 43. In 1996, the Site Area was designated with the identical Comprehensive Plan recommendations – mixed-use moderate density residential and low density commercial.

## **II. CURRENT PDR ZONING INCONSISTENT WITH FLUM DESIGNATION AND REQUEST IS CONSISTENT WITH THE FLUM**

The Site Area is presently located in the PDR-1 District. The PDR-1 District is an industrial zone that permits moderate-density commercial and industrial activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones. *See* Subtitle J § 200.1. Self-storage, office, lodging, light industrial and warehouse are all be permitted in the PDR-1 zone as a matter-of-right. *See* Subtitle U § 801.1. Notably, residential use is *not* permitted in PDR zones under most circumstances.<sup>3</sup>

The FLUM designates the Site Area as **mixed-use** Moderate Density Residential and Low Density Commercial. The current PDR-1 Zone is not consistent with the FLUM recommendations. As OP notes in their report, “the existing PDR-1 zoning of the applicant’s part of Square 750 does not appear to be consistent with either the Policy Map, or with recent Zoning Commission actions in the area.” *See* OP report, pg. 3. Further, the proposed MU zones are consistent with the FLUM recommendations, as they provide for both residential *and* commercial uses.

When considering the relevance of the FLUM for a rezoning request, it is instructive to understand the basis of consideration for proper context. As stated in 10A DCMR §§ 226 and 226(d):

The FLUM “is intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation... (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 citywide elements and the area elements, as well as Small Area Plans.”

With that said, the Request is not inconsistent with the FLUM recommendations which designates the Site Area as mixed-use moderate density residential and low density commercial

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<sup>3</sup> Subtitle U § 801.1(v)(1-3) limits residential uses to apartment units for caretakers, watchmen, or janitors employed on the premises, accessory apartment to an artist studio, or previously-existing residential dwellings.

and. First, the densities in the MU-4 and MU-5A zones are consistent with the densities and height permitted in the moderate density residential zones. The low density commercial designation corresponds generally to the C-1 (MU-3) and C-2-A (MU-4) zones.<sup>4</sup> See 10A DCMR § 225.8.

The moderate density residential designation corresponds generally to the R-3, (R-3) R-4 (RF-1), R-5-A (RA-2) Zone districts, though other zones, including the R-5-B (the RA-2) may also apply in some locations.<sup>5</sup> 10A DCMR § 225.10.

The proposed MU-4 and MU-5A zones permit heights ranging from 50-65 feet which are not generally inconsistent with the heights permitted in the specifically designated corresponding zones. Further, the maximum permitted densities in the MU-4 and MU-5A zones (2.5 FAR to 3.5 FAR) are similarly not inconsistent with those of the designated zones and are consistent with the “moderate to medium density” recommendation of the NoMA SAP, which can be considered as part of the FLUM evaluation. Further, OP noted during the setdown hearing that “The Future Land Use Map indicates that the site and adjacent sites are appropriate for moderate density and low density commercial uses; the rest of this square is already developed with moderate density residential uses, mostly in rowhouses. However, the existing zoning prohibits new residential development while the proposed zoning would help to encourage the retention of residential use.” The Petitioner agrees with OP, and taking the context of the surrounding MU-5A zoning and surrounding development into consideration, the Request is not inconsistent with the FLUM designation.<sup>6</sup>

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<sup>4</sup> The Comprehensive Plan Framework Element was prepared prior to the adoption of the 2016 Zoning Regulations and thus refers to the zone districts contained in the 1958 Zoning Regulations. Under the 2016 Zoning Regulations, the zone districts that correspond to those identified in the Framework Element description of the Low Density Commercial designation.

<sup>5</sup> The 2016 zone districts that correspond to those identified in the Framework Element description of the Moderate Density Residential designation.

<sup>6</sup> Further, in 1996, the Zoning Commission determined that the C-2-B zone was appropriate for the entirety of Square 750 with the same Comprehensive Plan designation.

### III. NOT INCONSISTENT WITH THE GENERALIZED POLICY MAP

The Site Area, like the majority of the area just outside the Central Employment Area is designated as “Neighborhood Conservation Area.”

The following detailed review of the language of the Neighborhood Conservation Area designation set out at 10A § 223.4-.5 establishes that the Request is not inconsistent with that

*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 in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided. <sup>223.4</sup>

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map. <sup>223.5</sup>

designation.<sup>7</sup>

- “They are primarily residential in character.”

The present zoning as PDR-1 does not permit new residential uses as a matter-of-right. However, a change in zoning to mixed-use as requested would allow residential uses in conformance to the neighborhood conservation designation.

Figure 1: 10A § 223.4-.5

- “Maintenance of existing land uses and community character is anticipated over the next 20 years.”

The rest of Square 750 is designated Neighborhood Conservation Area and is already zoned MU-5A. Accordingly, the approval of the Request makes possible consistent matter-of-right densities and heights across the Square 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.”

The Request would permit infill housing as specified at a scale in-line with the density limits currently permissible on Square 750. As noted, PDR zoning does not permit new residential construction as a matter-of-right, unlike the 78% of Square 750 that is already zoned MU-5A.

<sup>7</sup> Information regarding OP’s recommendations for changes to the Generalized Policy Map definition as part of the “PLAN DC” Comprehensive Plan amendment and Petitioner’s arguments for non-inconsistency with it is attached here at **Exhibit C**. Although not yet adopted by the DC Council, these recommendations help to further illustrate OP’s understanding of the meaning of the “Neighborhood Conservation Area” designation.

- *“Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated.”*

As discussed in the review of the 1996 Union Station Area Rezoning matter, it is clear that as far back as 1995, the Site Area was intended for higher density and different uses. Indeed, in 1996, the then property owner and Congressional Black Caucus Foundation (“CBCF”) testified to the Commission that the Site Area was to be improved with a 3.0 FAR office building. Even though that project was not constructed, it is not realistic to have anticipated in 2005 that the Site Area was going to remain in its existing state. In fact, the recommendations in the NoMA SAP discussed that the Site Area was an “anticipated” site for new development and/or a reuse opportunity permitted in the Neighborhood Conservation Area designation.

- *“The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area.”*

The diversity of land uses and building types would not be threatened by the proposed rezoning. To the contrary, the rezoning would bring the Site Area into conformance with the direction of the FLUM, and mixed use development would be permitted as a matter-of-right. The bulk of buildings constructed under MU-4 and MU-5A would be compatible with the surrounding development abutting the railroad tracks generally, and the permitted densities in Square 750 specifically.

#### **IV. NOT INCONSISTENT WITH NOMA SMALL AREA PLAN**

The Request to rezone the Site Area would not be inconsistent with the direction stated in the NoMA SAP, adopted by the DC Council on June 19, 2009.<sup>8</sup>

The Site Area is identified in the East NoMA Neighborhood “Transition Area A” in the NoMA SAP. This area is described as “An eclectic mix of the new and old, and a carefully designed transition between high and low buildings.” See NoMA SAP, pg. 5.11 at **Exhibit D**.

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<sup>8</sup> It is understood that the pending “PLAN DC” Comprehensive Plan amendment process intends to integrate this Small Area Plan into the Comprehensive Plan Area element.

The Request corresponds with the specific site recommendations outlined in the “Desired Land Use Mix” section, which recommends the Site Area for “moderate to medium densities” and the “Vision” section, as discussed below.

### **Desired Land Use Mix**

- *Moderate to **medium densities***
- **Residential/neighborhood serving retail mix**

Moderate and medium densities are in-line with the mixed-use request for the Site Area, as is the “residential/neighborhood serving retail mix”. Crucially, these planning imperatives *cannot* be accomplished on the Site Area given the current PDR-1 zoning.

### **Vision**

- **A residential neighborhood with neighborhood-oriented retail. The scale is larger near the tracks and H Street and tapers-down towards the existing neighborhood fabric.**
- **Residential projects should include small scale retail to support residents.**
- *Encourage creative, adaptive re-use of historic structures with special consideration for structures currently pending historic designation.*
- *Ensure that additions or alterations maintain historic integrity of structures.*
- *Further relate to scale of adjacent residential neighborhoods with human-scaled architectural and streetscape elements.*
- *New architecture should be comfortable with adjacent neighborhoods, without resorting to false historic elements.*
- *Contemporary architecture should be encouraged as long as scale transitions and related architectural elements provide continuity and visual interest.*

The NoMA SAP calls for “a residential neighborhood with neighborhood-oriented retail.” However, the current zoning does not permit residential use as a matter-of-right. The Request to rezone the Site Area to mixed use would provide a key step in promoting

future redevelopment that provides housing inventory on a site where it is currently not permitted. Further, the NoMA SAP states that the scale should be larger “near the tracks” – namely, the location of the Site Area. The requested MU-5A zoning for the Southern Portion of the Site Area is consistent with the NoMa SAP’s direction.

**V. IN 1996, OP SUPPORTED MODERATE/MEDIUM DENSITY REZONING, BUT INDUSTRIAL ZONING CONTINUED AT REQUEST OF CBCF AND PROPERTY OWNER**

The Site Area, including the entirety of Square 750, was zoned “Commercial” as early as 1936. *See* Historic Zoning Map at **Exhibit E**. Between 1936 and 1958, the Site Area and entirety of Square 750 were rezoned to the C-M-1, an industrial zoning classification under the Zoning Regulations of 1958 (“ZR-58”). Between 1958 and 1996, the Site Area and entirety of Square 750 remained zoned C-M-1.

Pursuant to votes taken by the Zoning Commission on February 12, 1996, based on the same recommendations – mixed-use moderate density residential and low density commercial – the bulk of Square 750 was rezoned to C-2-B (a mixed-use classification, a ZR-58 zone that correlates to the current MU-5A in ZR-16) as part of the Union Station Area Rezoning. A copy of ZC Order 821-A approving the Union Station Rezoning is attached at **Exhibit F**.<sup>9</sup> The Site Area was not rezoned as part of the Union Station Rezoning.<sup>10</sup>

However, keeping the Site Area zoned industrial was not the initial intent of OP. Rather, the September 15, 1995 OP Land Use and Rezoning Study for ZC Case 95-4 (the “September 1995 OP Study”) recommended that the Site Area specifically be rezoned to SP-1, which permitted matter-of-right residential or mixed uses at a density of up to 4.0 FAR, a maximum building height

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<sup>9</sup> The Order is a “corrected order” dated April 20, 2006 that made certain corrections to the 1996 Order No. 821 approving the Union Station Rezoning.

<sup>10</sup> The corrections reflected in ZC Order 821-A do not impact the Site Area or the rest of Square 750. Indeed, ZC Order 821-A details that the vote to approve the rezonings to the Site Area and Lot 750 was approved 4 -0 during the February 12, 1996 Zoning Commission vote on the Union Station Rezoning.

of 65 feet, and all office uses by special exception at a maximum 2.5 FAR.<sup>11</sup> A copy of the September 1995 OP Study is attached here at **Exhibit A**.

The “Proposed Zoning Map” shows the Site Area recommended for the SP-1 (or the C-2-B Zone). Speaking specifically about the Site Area, that report notes:

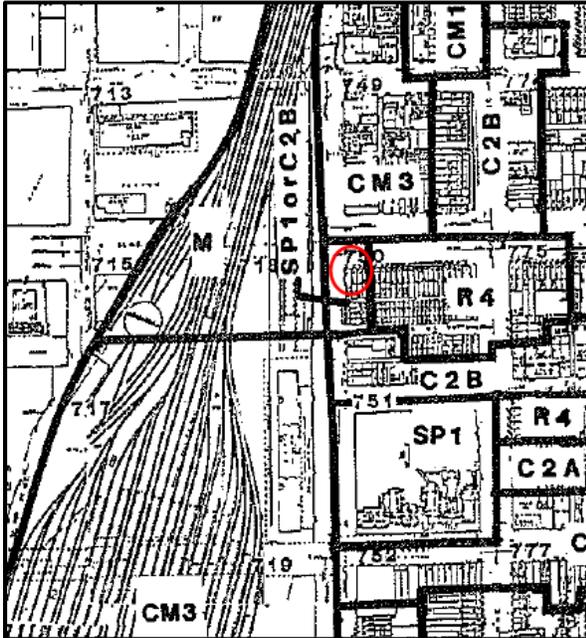


Figure 2: Site Area circled in red; recommended for SP-1 or C-2-B zoning

“The Generalized Land Use Map designation [for Square 750] is Mixed Use: Moderate Density Residential and Low Density Commercial.” See September 1995 OP Study at pg. 16.

“The westernmost part of the block that abuts the railroad tracks and which is proposed to be zoned C-2-B and SP-1 (see Figure 2)<sup>12</sup> is a suitable buffer zone adjacent to the railroad tracks. The existing row dwellings would become matter-of-right uses in the C-2-B and SP-1 zones, rather than being nonconforming as they are under current C-M-1 provisions.”

“The SP-1 zone is recommended for the 2nd Street frontage from Parker to K Streets. This zoning will nearly accommodate the intended scale (3.0 FAR) of a small office building that has been planned for some time for a portion of this area by the Congressional Black Caucus

Foundation. OP’s understanding is that no building permit has been obtained as of this writing under the existing C-M-1 zoning, so that the building would be subject to SP-1 BZA review if this zoning is adopted. As such, the planned bulk would be reduced in scale by 0.5 FAR.

**OP has met with the seller of the property, who expressed an intention to testify in favor or continuation of the existing C-M-1 zone. He also indicated that the Congressional Black Caucus will comment at least in favor of C-M-1,** so that the building as designed at 3.0 FAR could be built. OP is willing to work with the Zoning Commission in resolving the question of scale and zoning transition, based on additional information provided in testimony at the public hearing.”

See September 1995 OP Report, pg. 19 at **Exhibit A**. See also: CBCF letter at ZC 95-4 Exhibit 34 and here at **Exhibit G**.

<sup>11</sup> The SP-1 zone did not permit retail, but its development standards are similar to those of the MU-5A. The SP-1 zone would have permitted more density than the MU-4 allows.

<sup>12</sup> Here, the OP report references a map of recommended zoning changes at pg. 36.

The summary of the testimony received during the Union Station Rezoning hearings and the “Commission’s Responses” included in the 2006 Corrected Order for Z.C. Order 821-A, attached here at **Exhibit F** further explains what occurred during the public hearings to convince the Zoning Commission to retain the Site Area’s industrial zoning. Specifically, it states:

“The Congressional Black Caucus Foundation (CBCF) site should retain the C-M-1 zoning so that .5 floor area ration (FAR) would not be lost and additional review by the Board of Zoning Adjustment (BZA) would not be required as is the case with the proposal for SP-1 zoning on the site. The Commission agrees that the CBCF should be allowed to develop the site as it proposes without losing FAR and having to go before the BZA for approval.”

See **Exhibit F**, pg. 5.

Accordingly, when evaluating the Request, it is important to consider that as part of the Union Station Rezoning, OP recommended the Site Area be rezoned to the moderate-medium density SP-1 zone district. But for the CBCF and property owner’s specific request to retain the industrial zoning, it is likely that the Site Area would have been rezoned to the SP-1, which is comparable in density to the MU-5A.

**VI. THE REQUEST WOULD MAKE THE SITE AREA CONSISTENT WITH CURRENT ZONING OF SQUARE 750, AS ZC DECIDED IN 1996**

The Request would coordinate the Site Area with the zoning already in place for the majority of the Square, and reflect the same zoning classification approved by the ZC in 1997. First, of the 45 lots on Square 750, only five and a half<sup>13</sup> are zoned PDR (12.2%); four of these lots comprise the Site Area. The remaining 87.8% of the lots on Square 750 are already zoned MU-5A. Put another way, Square 750 contains approximately 46,166 sq ft. of privately-owned land, of which 39,111 sq ft. is already zoned MU-5A. Only 7,055 sq ft., the majority of which is the Site Area, is zoned PDR.

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<sup>13</sup> Lot 812 (not part of this petition) is split zoned PDR-1 and MU-5A.

As noted in OP report at page five pertaining to the Request, “This proposed zone [MU-5A] would not necessarily be inconsistent with the FLUM when considered in the context of the MU-5 zone mapped on the rest of Square 750, the development to the north and south, and vision for the area set forth in the NoMA Small Area Plan.”

Further, the Comprehensive Plan’s Land Use Element recommends that industrially-zoned areas that can no longer viably support industrial activities or are located adjacent to existing residential uses should be rezoned. As noted, the Site Area currently contains residential buildings and is surrounded to the north, east, and south with residential uses. For these reasons, future use of the Site Area for industrial purposes is neither practical nor planned for, and so the Request should be granted.

## **VII. SUMMARY OF SURROUNDING DEVELOPMENT**

As noted in the initial statement, the surrounding area known as East NoMA is experiencing rapid change, where denser residential/retail projects are replacing both smaller residential buildings and former industrial and commercial uses. Further, the wider neighborhood has become a center of substantial office development. The Site Area is within one-half mile of two federal agency headquarters buildings: to the north, the Bureau of Alcohol, Tobacco, Firearms & Explosives 350,000-square-foot structure at New York and Florida Avenues, NE; to the south, the Securities & Exchange Commission and other office tenants located in the 1.3 million-square-foot Station Place complex on 2nd Street from F to H Streets, NE.

Most notably, the immediate neighborhood has emerged as a cluster of mid- to high-rise residential developments, as described below and demonstrated in the photo array at **Exhibit B**:

### **A. Uline Arena**

Two blocks to the north of the Site Area is the Historic Uline Arena. The redevelopment of the building has resulted in construction of three additional floors in the building to allow for 146,000 square feet of office space and 60,000 square feet of ground-floor retail space.

### **B. Union Place/Grand Loree**

The site to the north is the subject of Z.C. Case No. 05-36, the First Stage and Consolidated PUD and related Map Amendment for the Union Place/ Loree Grand development (the “200 K Street Approval”). The initial approval was issued in 2006, and rezoned that site from the C-M-C [current PDR-3] and C-2-B [current MU-5A] to the C-3-C [MU-9]. The 200 K Street Approval permitted a total development of approximately 850,000 s.f., of which approximately 830,000 s.f. were residential and 17,500 s.f. were retail/ child development center. Of this approval, approximately 237,000 s.f. are the “Loree Grand” apartment house between K, 3<sup>rd</sup>, and L Streets NE. That building, now constructed, was approved for a maximum height of 90 feet (10 stories) and 202 residential units. Along 2nd Street, the 200 K Street Approval permitted approximately 560,000 s.f. with a maximum height of 121 feet (12 – 14 stories) and up to 500 units of residential.

### **C. Pullman Place**

The site directly to the south across Parker Street, the former Children’s Museum Site at 2nd and I Street has been redeveloped with Pullman Place, an approximately 110’-tall, 40+ unit building constructed pursuant to ZC Case No. 04-22. That approval also permitted up to 445 units in two new structures, both of which could be up to 110’ in height (11 stories) over the entire site.

#### **D. Burnham Place**

Just to the east of the Site Area across 2nd Street, the Burnham Place development in the airspace over the AMTRAK tracks is proposing approximately 1.5 million square feet of office space, more than 1,300 residential units, more than 500 hotel rooms and 100,000 square feet of retail.

The photo array illustrates all of the surrounding projects and how the neighborhood has developed. Industrial uses, as currently permitted as a matter-of-right on the Site Area, are no longer appropriate for the East NoMA neighborhood. Indeed, as the photo array demonstrates, rezoning the Site Area as requested would permit the future development of moderate to medium-scaled mixed-use buildings that would be contextual and harmonious with recent residential and mixed-use projects in the vicinity.

#### **VIII. WITNESSES EXPECTED TO TESTIFY AT PUBLIC HEARING**

Stephen Varga, Planning Services Director at Cozen O'Connor, has been accepted as an expert in land use and planning previously by the Board of Zoning Adjustment. Mr. Varga will testify to how the Request is not inconsistent with the District's comprehensive plan maps and text, as well as other planning goals and policies. Sassan Gharai, President of SGA Companies, Inc. will be available to provide expert witness testimony in architecture. *See* Mr. Varga and Mr. Gharai's resumes at **Exhibit H**.

#### **IX. TIME FOR PRESENTATION**

The Petitioner requests 60 minutes to make its presentation.

#### **X. LIST OF PROPERTY OWNERS WITHIN 200 FEET OF SITE AREA**

Further, the Commission set the Petition down for a rule making. However, it did direct the Office of Zoning to send public hearing notices to the owners of property within 200 feet of

the Site Area. Accordingly, attached at **Exhibit I** is the applicable list. Two sets of mailing labels will be provided to the Office of Zoning as well.

**XI. CONCLUSION**

For all of the reasons stated above and in the previous filing, the Petitioner submits that the proposed rezoning of the Site Area from the PDR-1 District to the MU-4 and MU-5A Districts meets all of the requirements for an amendment to the Zoning Map, and satisfies the questions raised by the Commission and OP at the July 30, 2018 set down. Accordingly, the Petitioner respectfully asks the Commission to grant the Request.

Respectfully Submitted,

COZEN O'CONNOR



Meridith H. Moldenhauer  
1200 19<sup>th</sup> Street NW  
Washington, DC 20036

# EXHIBIT A

Government of the District of Columbia

Office of the  
Director



Office of Planning  
415 12th Street, N.W.,  
Washington, D.C. 20004

SEP 15 1995

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Jill C. Dennis, III   
Interim Director

Nathan W. Gross, Chief  
Comprehensive Plan Implementation

SUBJECT: Zoning Commission Case No. 95-4, Union Station Area Rezoning

Attached is the Office of Planning's (OP) land use and rezoning study of the area surrounding Union Station. This report reviews the land use and zoning patterns in the area to the east, west and north of Union Station formally designated in the Comprehensive Plan as the Northeast No. 1/Eckington Yards Special Treatment Area.

This proposed area rezoning is one of a series of government-initiated zoning actions aimed to eliminate inconsistencies between zoning and the Comprehensive Plan, as mandated by the Home Rule Act. The Union Station Area study is clearly a major study within the Zoning Consistency Project, and a complex array of zoning map changes are recommended for adoption, based on the Comprehensive Plan and the Office of Planning's (OP) land use and zoning analysis of the area, plus policy and informational comments by residents, civic and property owner/business interests in the area.

This area has several important designations in the Comprehensive Plan, including Special Treatment Area, Development Opportunity Area (in part), various land use designations on the Generalized Land Use Map, and other applicable policies in the other Elements of the Comprehensive Plan, including the Ward 6 Element. In the early 1990's, a detailed transportation analysis was done by a consultant for the North Capitol Street sector of the study area.

ZONING COMMISSION

CASE No. 95-4

EXHIBIT No. 25

- decline or closing of some key uses in the industrial area, such as the Uline Arena (partially offset by some new industrial investment such as the Central Armature works at 3rd and M streets, N.E.); and
- continuation of a high rate of homeownership (64 percent) of the residential town houses in the area, reflecting a long-term commitment by residents to the neighborhood.

### **GOALS FOR THE AREA**

Based on the policies of the Comprehensive Plan and analysis of trends and planning issues in the area, the Office of Planning has developed the following goals to guide the more specific rezoning recommendations that follow:

1. Stabilize the boundary between continuing economic development activity near the railroad tracks and the adjacent residential neighborhood;
2. Protect the great majority of existing dwellings and residential areas from conversion to commercial uses or demolition and redevelopment for commercial projects, so as to maintain the area's housing supply, number of residents and residential character.
3. Allow a mixture of industrial and commercial uses at medium-high density near the railroad tracks north of K Street N.E., in order to continue to provide business and job opportunities;
4. Encourage a mixture of residential and commercial uses at moderate-to medium-density at locations between the residential neighborhood and intensive commercial development abutting the railroad tracks, guided by the mixed use designations on the Generalized Land Use Map.
5. Maintain the existing scale of the residential neighborhood and of the building stock in most of the area; establish suitable intermediate, "step-down" building heights at the edges of the intensive commercial development.

The desired future of the area, as provided in the Comprehensive Plan and reflected in the summary goals above, is one in which the existing residential uses remain and are stabilized, i.e., given more protection from redevelopment or conversion to other uses. This future also recognizes the value of the narrow band of commercial and industrial uses adjacent to the railroad tracks and the need for a buffer zone between the two major land use areas in some locations.

Based on the goals enumerated above, OP offers the following, more detailed review of land uses, zoning issues and zoning recommendations. The analysis is organized by functional land use sectors:

- I. PTE/Industrial
- II. Residential
- III. Medium Density Mixed Use Zones
- IV. Neighborhood Commercial.

## **I. PTE/INDUSTRIAL AREA**

### **Existing Conditions**

#### **K to M Street**

Between the railroad tracks and 2nd Street, and north of K Street, N.E., is a light industrial-heavy commercial area comprising squares 747N, 747, 748 and 749. Please refer to Map No. 4, Existing Zoning, in Appendix D. This map and the Proposed Zoning Map include square numbers. These blocks are currently zoned M (General Industry), with the exception of the easternmost portion of Square 749, which is zoned C-M-1. The M zone is Washington's most intensive industrial zone, permitting a wide range of manufacturing, processing and heavy commercial uses. However, it does not permit true, heavy industrial uses as would be found in manufacturing cities. A number of intensive uses are specifically prohibited in the M district, e.g., petroleum products distillation, acetylene gas manufacture, fertilizer manufacture, bituminous products manufacture, steel furnace, rubber products manufacture, abattoir, and others. The M district permits a maximum building height of 90 feet and a maximum floor area ratio (building bulk) of 6.0.

Existing uses in this area include an air compressor company, liquor store, auto center, Faith Miracle Center (formerly Uline Arena), sheet metal company, window glass company, taxicab headquarters lot, printing companies, warehouse, cabinet supply, church, corner store, vacant lots and a very few row houses. A portion of the Faith Miracle Center building is currently being used as a private solid waste transfer station.

#### **North of M Street**

At M Street, the commercial-manufacturing precinct jogs to the east by a block and one-half to include all of squares 772 and N772, plus the

majority of Square 804. This area is zoned C-M-1, which is the lowest density industrial zone. The permitted building height is 40 feet/three stories, and maximum building bulk is 3.0 FAR. A more limited range of manufacturing and heavy commercial uses are permitted in the CM (Commercial-Manufacturing) zones than in the M zone. Typical uses include wholesaling and warehousing, many types of light manufacturing and processing, research or testing laboratory, repair garage with auto body work, large dry cleaning establishments, and others. In both the M and CM zones, performance standards regulate potential adverse effects such as sound, gasses, odors, noxious fumes, glare, heat, vibration, dust, etc. Some uses, such as recycling, are allowed as special exceptions in CM zones.

Existing businesses in this lower intensity C-M-1 area include self-storage, warehouses and wholesaling, taxicab headquarters (as well as parking and repair), auto repair, glass company, gas station and pizza shop. It is noted that Square 804 is split-zoned C-M-1 and R-4 and developed in part of the block with row houses. This C-M-1 district extends north of Florida Avenue to encompass a large area devoted to the Capital City Produce Market and related uses.

### **Recommendation**

OP's recommended zoning approach is to retain a narrow band of industrial zoning adjacent to the railroad tracks but with changes in zone classifications that rule out intensive industrial uses and reduce the scale of permitted buildings in key locations adjacent to residential uses.

The Comprehensive Plan calls for a continuation of industrial ("PTE") uses in combination with Medium-High Density Commercial uses in several city blocks adjacent to the railroad tracks. The specific designations are PTE/Medium-High Density Commercial (in the areas currently zoned M and C-M-3 immediately abutting the railroad tracks) and PTE/Medium-Density Commercial (in the area currently zoned C-M-1 at the northeast corner of the area, near Florida Avenue).

The Generalized Land Use map and related Comprehensive Plan policies call for a continuation of industrial/PTE uses along the railroad tracks; a continuation of some industrial along with commercial uses is likely under any zoning. This is a "realistic" policy, recognizing that heavy commercial and office uses serve to buffer neighborhood uses to the east from the noise and visual impacts of the railroad tracks and passing trains. Residential development abutting the railroad tracks would be unlikely to occur even if the area were planned and zoned for residential development. Finally, the wide variety of businesses permitted in the CM zones helps to retain and attract diverse businesses and job opportunities.

the east -- Square 773 -- which is primarily residential. The property owner and business owners will testify at the public hearing and present more details on existing and projected operations and zoning constraints under M and CM zoning. Citizen testimony may also address this issue, and OP is in the process of obtaining additional information about the use from other agencies. OP will make a final recommendation after benefitting from the testimony at the public hearing.

### North of M Street

- The C-M-1 zoning in squares 772, N772 and 804 is recommended to continue in conformance with the land use designation of Mixed Use: PTE/Low Density Commercial. A portion of Square 804 that is fully developed with row dwellings is recommended for R-4 zoning, as presented in the next section of this report.

## II. RESIDENTIAL AREA

### Existing Conditions

The neighborhood to the east of Union Station and the railroad tracks is the westernmost part of Stanton Park. The housing pattern is predominantly rowhouses, or townhouses, some of which have been converted to multiple units, as permitted in the R-4 zone with density limitations. Stanton Park is within the much larger, historic residential area of Capitol Hill, the great majority of which is zoned R-4. The development pattern of this large area is predominantly townhouses, many of them with English basements or multiple units. Low-rise and mid-rise apartments exist in scattered locations. The part of Stanton Park that is near Union Station is developed primarily with row dwellings and row dwellings with conversions.

OP's research identified a total of 423 dwelling units in the area between F and M streets, N.E., and 4th Street to the railroad tracks/Union Station. Of these, 270 are owner-occupied for a ratio of 64 percent owner-occupancy, which is approximately twice the citywide owner-occupancy ratio.

The key physical standards of the R-4 zone are a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 per cent, and a maximum building height of 40 feet/three stories. Permitted uses include detached, semi-detached and row dwellings, rooming and boarding houses. New apartment buildings are not permitted in the R-4 zone district, but conversions of existing buildings

to apartments are permitted for lots with a minimum lot area of 900 square feet per proposed dwelling unit. For a standard size lot of 1,800 s.f., this translates into a maximum of one apartment unit per row dwelling.

In the vicinity of 2nd and 3rd streets, a number of large groupings of row dwellings are zoned C-M-1. This extensive C-M-1 district encompasses commercial and light industrial areas as well as residential buildings.

The C-M-1 zone presents several critical problems for residential uses. New housing is not permitted, and existing dwellings have a nonconforming status. The potential exists for adverse industrial or commercial uses to be located in close proximity to residential uses, with adverse effects on the latter. Also, the commercial flexibility of this zone has permitted a number of row dwellings to be converted to office use. Under stronger market conditions, demolition of the existing housing stock could occur to make way for new construction of commercial or industrial buildings. Such commercial uses are important to the local economy, but improved zoning boundaries will preserve the housing stock and residential character where appropriate, and still allow small business use where appropriate.

The boundary between commercial, industrial, institutional and residential uses in this vicinity is unusually complex, resulting in a checkerboard pattern. One of the reasons for this rezoning study is to improve the zoning pattern in the area by rationalizing the boundaries among the various use precincts.

### **Recommendation**

OP recommends that seven significant groupings of row dwellings be rezoned from C-M-1 (six locations) and C-2-A (one location) to R-4. Residential zoning is needed to protect residences from conversion to nonresidential uses and from adverse effects of potential new industrial or commercial uses next to residential uses.

The existing C-M-1 zoning does not permit new residential uses and is therefore inconsistent with the land use designation in the Generalized Land Use Map of "Moderate Density Residential." R-4 zoning is consistent with this designation and is the same zone as is mapped in this residential neighborhood generally. It accommodates and suitably regulates the predominant types of residential buildings and uses, primarily row dwellings, with or without conversions to multiple units.

In one of the locations -- most of Square 750 -- the Generalized Land Use Map designation is Mixed Use: Moderate Density Residential and Low Density Commercial. OP considers the R-4 zone reasonable for several reasons. First, a significant part of the square is recommended for C-2-B zoning, a mixed use zone that permits commercial as well as residential use. Thus, the C-2-B zone carries out the commercial component of the mixed use designation in the Generalized Land Use Map, and the R-4 represents the residential component. The R-4 recommendation occupies the solidly residential part of the square, which has a total of 46 dwelling units. This is a significant concentration of housing and population that should be preserved as housing rather than opened up to commercial conversions or redevelopment. Numerous policies in the Comprehensive Plan support this zoning approach. Three directly applicable policies from the Ward 6 Element of the Plan are:

Sec. 1200.604(14) Protect adjacent residential neighborhoods in Northeast against pressures for conversion to retail and office uses generated by Union Station development.

Sec. 1200.607(2) Discourage encroachment of the non-residential uses in residential areas.

Sec. 1200.608(2) Preserve the character of residential neighborhoods. Curtail conversions of residential properties to commercial/office use.

The specific locations for the recommended rezonings are described below. See Proposed Zoning Map, Appendix C. **The first six are rezonings from C-M-1 to R-4; the last, in Square 777, is from C-2-A to R-4.** In each case the predominant existing building use is residential but the zoning is industrial or commercial. The locations are:

- the southwestern corner of Square 804;
- nearly all of the eastern half of Square 773;
- the 3rd Street frontage of Square 749;
- the northern two-thirds of Square 750;
- portions of squares 775 and 776;
- the northern two-thirds of Square 750; and
- the interior of Square 777, which is improved with fairly new dwelling units.

### III. MEDIUM DENSITY MIXED USE ZONES

Several street frontages have been advertised in the alternative for SP-1 or C-2-B zoning. These locations include: the north frontage of I Street between 2nd and 4th streets; the 2nd Street frontage in Square 750 (facing the railroad tracks); and both frontages of 3rd Street between K and L streets, plus the southernmost tip of Square 773. Also, all of Square 751, occupied by the National Children's Museum, is recommended for rezoning from C-M-1 and C-2-A to SP-1. See Proposed Zoning Map, Appendix C.

#### SP-1 and C-2-B Zone Standards

The SP-1 zone district allows residential, office, or mixed uses at a density of up to 4.0 FAR and a maximum building height of 65 feet. Office uses are limited to a maximum of 2.5 FAR and require approval as a special exception by the Board of Zoning Adjustment (BZA). Residential uses are permitted as a matter-of-right. Office occupants are limited to qualifying SP users, primarily nonprofit associations and professionals. A significant number of SP-type office uses have located in the area in converted townhouses and other moderate-scale buildings. The SP-1 zone does not allow retail uses.

The C-2-B zone is also a medium-density, midrise, mixed use zone. The maximum permitted building height is 65 feet, and the maximum floor area ratio for residential or mixed uses is 3.5. Up to 1.5 FAR within the total may be devoted to retail or general office uses as a matter-of-right. Thus, the permitted height is the same as that permitted in SP-1, but the differences are that:

- SP-1 permits a slightly larger residential building, at 4.0 FAR vs. 3.5 FAR in C-2-B.
- C-2-B permits general office use, i.e., all types of office tenants, compared to the limited range of office users allowed in SP zones. Office uses are allowed as a matter-of-right in C-2-B, whereas a special exception process is required in SP-1.
- Permitted office density is greater in SP-1 -- 2.5 FAR versus 1.5 FAR in C-2-B. However, retail uses are allowed in C-2-B but not in SP-1.

#### Recommendation

The following paragraphs present OP's land use rationale and zoning recommendations in this category:

- **The Capital Children's Museum which occupies all of Square 751 should be rezoned to SP-1.** It is designated "Institutional" in the Comprehensive Plan, although the existing zoning is C-2-A (neighborhood commercial) and C-M-1 (light manufacturing).

It is important to apply a zone classification that will encourage continuation of the use as a museum because of the obvious educational benefits to the city. The SP-1 zone allows museum use as a matter-of-right, and the moderate to medium-density scale of the zone accommodates the scale of the museum buildings.

The recommended SP-1 zone would replace the existing C-2-A (strip commercial) and C-M-1 zoning of the property, which are unsuitable and inconsistent with the Comprehensive Plan. Industrial zoning and use is clearly inappropriate, and covers the majority of the block. As to the C-2-A strip along the north frontage of H Street, the existence of the guard railing for the viaduct along H Street makes the site generally unsuitable for ground level retail uses (as encouraged by C-2-A zoning) along its long, H Street frontage.

If, over the long term, all of the block, or the vacant, northern part, were to be redeveloped, the medium-density mixture of apartment office uses would be a desirable transitional use pattern between intensive commercial uses near Union Station and the residential neighborhood to the east. If one or more office buildings were part of the development plans, the BZA review of the design and vehicular access plans would be beneficial in this critical location to ensure a good quality development -- to enhance the neighborhood, and the existing museum buildings, if development only occurred on the vacant part of the block.

- **Square 750 immediately to the north of the museum should be rezoned to R-4, C-2-B and SP-1.** This block is approximately 80 percent residential and 20 percent low-scale commercial buildings and office conversions. The land use designation of the Comprehensive Plan is "Mixed Use: Moderate Density Residential and Low Density Commercial."

Rezoning to R-4 is recommended for approximately the northern two-thirds of the block, which is developed with row dwellings, as discussed above under "Residential Area." The C-2-B zone is proposed for the predominantly commercial, southern part of the square, plus a relatively narrow area of row dwellings adjacent to the railroad tracks, extending north as far as Parker Street. This combination of residential and commercial zoning complies with the general intent of the mixed use designation on the Map.

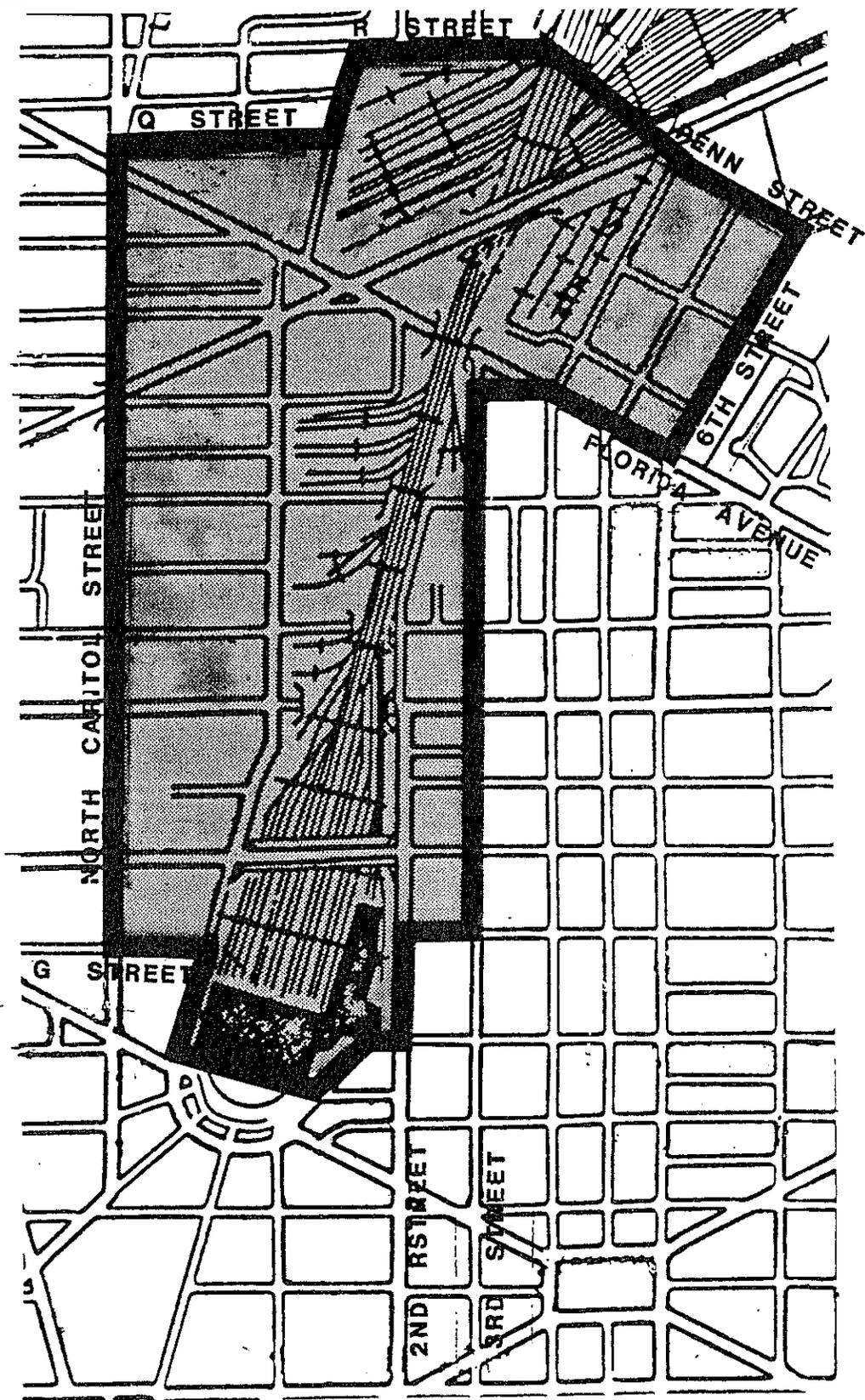
The intent is to incorporate the existing commercial uses in the C-2-B zone. The westernmost part of the block that abuts the railroad tracks and which is proposed to be zoned C-2-B and SP-1 (see below) is a suitable buffer zone adjacent to the railroad tracks. The existing row dwellings would become matter-of-right uses in the C-2-B and SP-1 zones, rather than being nonconforming as they are under current C-M-1 provisions.

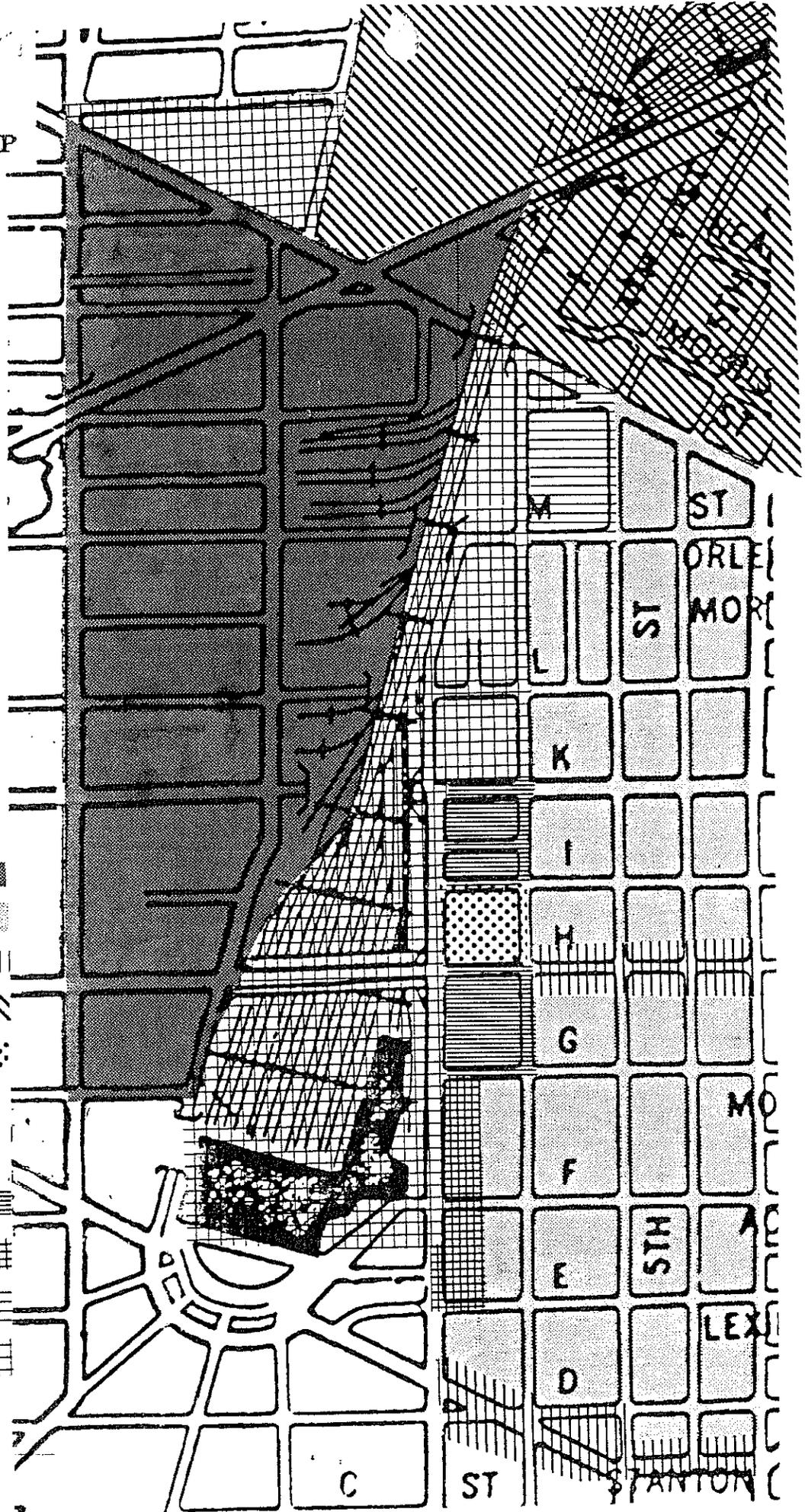
The SP-1 zone is recommended for the 2nd Street frontage from Parker to K streets. This zoning will nearly accommodate the intended scale (3.0 FAR) of a small office building that has been planned for some time for a portion of this area by the Congressional Black Caucus Foundation. OP's understanding is that no building permit has been obtained as of this writing under the existing C-M-1 zoning, so that the building would be subject to SP-1 BZA review if this zoning is adopted. As such, the planned bulk would be reduced in scale by 0.5 FAR. OP has met with the seller of the property, who expressed an intention to testify in favor of continuation of the existing C-M-1 zone. He also indicated that the Congressional Black Caucus will comment at least in writing in favor of C-M-1, so that the building as designed at 3.0 FAR could be built. OP is willing to work with the Zoning Commission in resolving the question of scale and zoning transition, based on additional information provided in testimony at the public hearing.

- **The 3rd Street frontage of squares 749 and 774 should be rezoned from C-M-1 to C-2-B** for reasons similar to those above. The west frontage is partly vacant and partly improved with row dwellings. At least partial redevelopment is likely, given the extent of vacant lots and the location opposite a significant automotive use with a high activity level -- a taxicab company. The latter occupies the east frontage of 3rd Street, in Square 774, and is also proposed for C-2-B zoning. On both frontages the existing uses are accommodated, but future redevelopment of retail, office, residential or a mixture of these uses would be permitted as a matter-of-right.

OP has learned of two serious drawbacks to mapping SP-1 on the applicable street frontages, which factors have contributed to OP's recommendation of C-2-B zoning. First, a significant number of existing and potential office tenants are general office tenants rather than qualifying SP users (permitted SP users being primarily associations and professionals). From exterior field surveys, it appeared to OP that nearly all of the office space was occupied by associations and professionals wishing a location near the U.S. Capitol. However, several owners of small office buildings have advised OP that a number of the office

NO. 1  
NORTHEAST NO. 1/LECKINGTON YARDS  
SPECIAL TREATMENT AREA





LEGEND

HIGH DEN COM



MOD DEN RES



MOD DEN COM



RES



MIXED USE

MOD DEN COM / MOD DEN RES



MOD DEN COM/MOD DEN RES



MOD DEN COM/PT&E



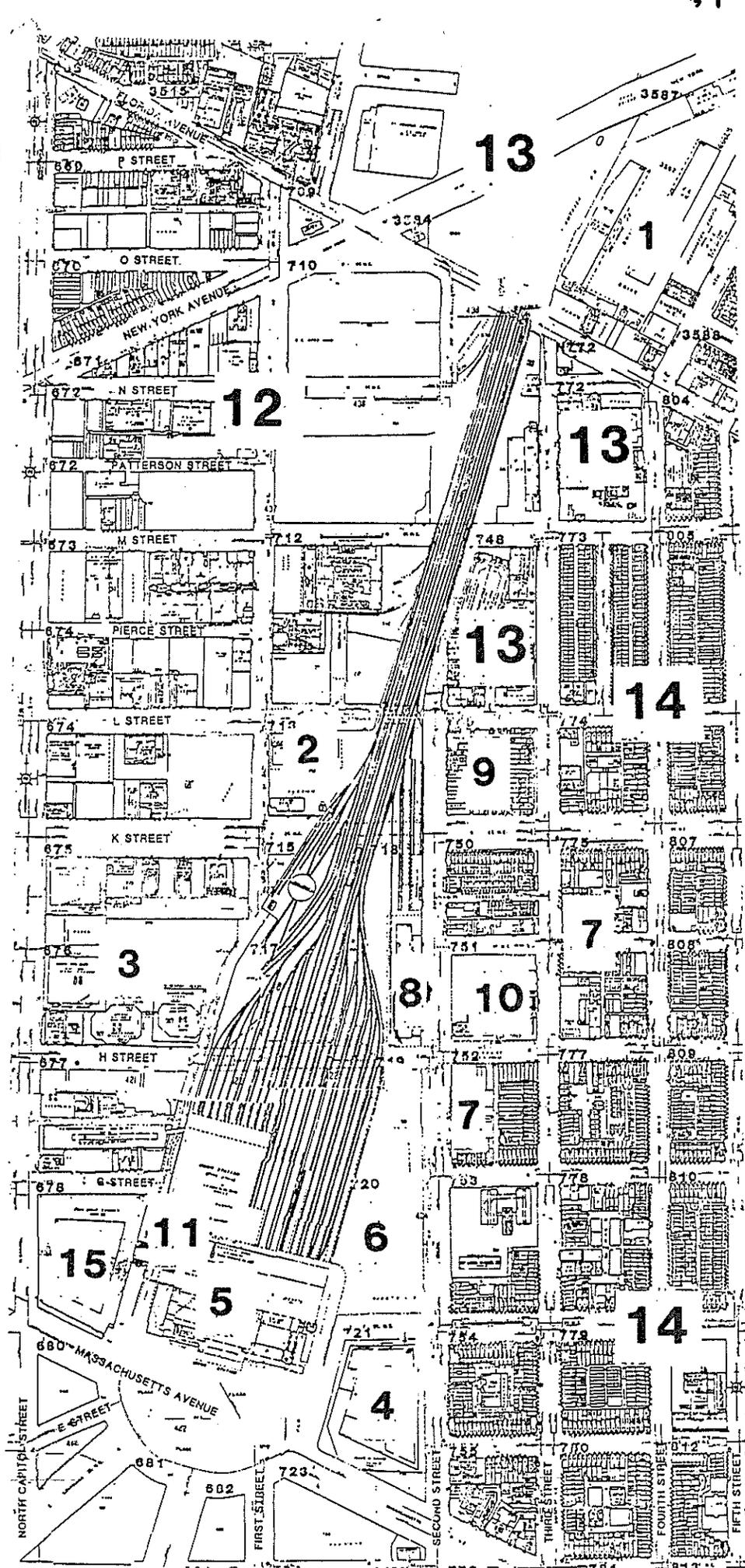
MOD HIGH DEN COM/PT&E



# ANNEX C

## MAP NO. 3 DEVELOPMENT TRENDS AND LAND USE FEATURES

1. Capital City Market
2. Trailways and Greyhound Bus Terminals
3. Major Office Development
4. Federal Judiciary Office Building
5. Union Station:  
Historic Landmark  
Passenger Terminal  
Retail-entertainment Complex
6. Station Place: Proposed Office Building
7. Small-scale Office Conversions
8. Railway Express Building
9. Proposed PUD: Office and Apartments
10. Capital Children's Museum
11. Metrorail Station
12. Underutilized Land for Major Development
13. Continuing Light Industrial/Commercial Uses
14. Stanton Park Residential Neighborhood
15. Postal Square



### ZONING

Zone District

Zone Boundary

Square Number

Sector:

ensive industrial zoning (C-M-1); existing housing nonconforming; New housing not permitted; Demolition or conversion of existing housing using allowed; Potential adverse effects of new commercial/industrial construction

ing R-4 zoning consistent with neighborhood scale; old buildings, but boundaries are problematic in some locations

ren's Museum is appropriately sited; industrial and commercial; Need suitable institutional use, rather than residentially allowing commercial conversion

I Street, neighborhood commercial zoning is generally suitable to maintain scale and permit a range of commercial uses; Some boundary adjustments needed; A 1994 Comprehensive Plan amendment indicates neighborhood commercial zoning on 2nd Street; Montage opposite Station Place site

h of K Street and immediately adjacent to railroad tracks; Comprehensive Plan indicates continuation of industrial zoning (PTE-commercial mix)

Sector:

eralized Land Use Map amended in 1994 from industrial ("PTE") medium-High Density Commercial; indicating rezoning medium-high density commercial zone

isting zoning is mainly south of K Street; M 2-M-3 north of K

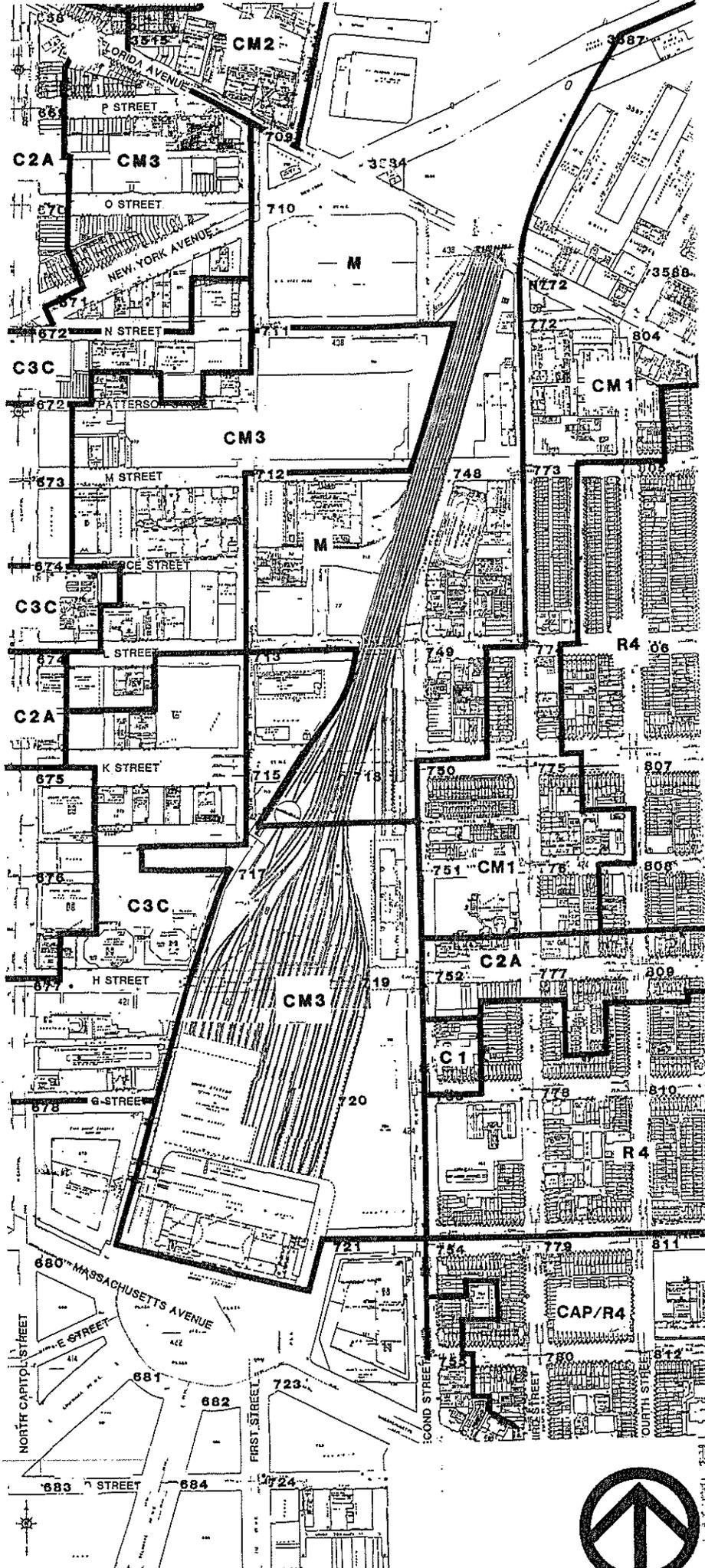
tern of zone boundaries city and irregular; based on individual rezonings; obsolete factors

or office development has been in southern part of (Union Center Plaza); inheritance of Northeast Urban Renewal Plan

h Sector:

isting zoning includes all industrial classifications, including M, C-M-3, C-M-2 and -1 (from highest to lowest density)

as zoning generally permits and reinforces existing warehousing and other heavy commercial and industrial uses



**Section 5**  
**PROPOSED ZONING**  
**Zone District**  
**Zone Boundary**  
**Square Number**

**Map Sector:**

Rezone seven major groupings of row dwellings from C-M-1 to C-2-A to R-4  
 +Preserve housing stock, resident population and neighborhood character  
 +Preclude further conversions to commercial uses or new industrial uses in these locations

Rezone M-zoned area along railroad tracks north of K Street to C-M-3, to preclude the most intensive industrial uses, while still complying with Generalized Land Use Map designation of mixed industrial-Medium-High density Commercial Use

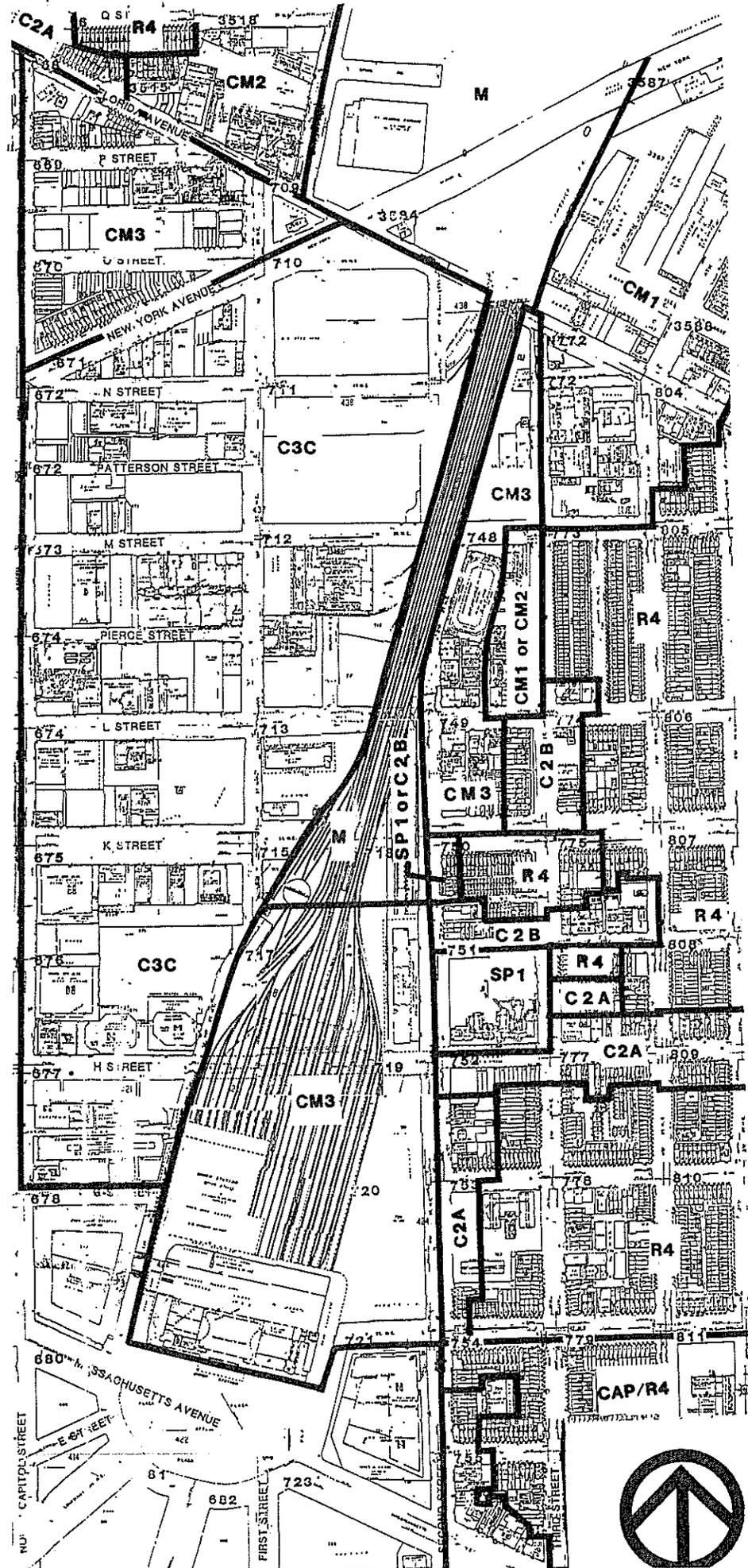
Zone the 3rd Street frontage, from M streets, C-M-1 or C-M-2, to create a lower density height and bulk for commercial or industrial uses across the street from row dwellings in Square 773

Retain C-M-1 zoning in northern sector of area (near and north of Florida Avenue), as indicated in Comprehensive Plan and to encourage continuation of industrial and heavy commercial businesses

•Rezone Capital Children's Museum from C-M-1 (industrial) and C-2-A (strip commercial) to SP-1 (special purpose, medium density)  
 +SP zone is a good institutional zone; permits museum use and mixed residential and office uses  
 +SP allows mixture of residential and limited office development at medium scale; this is a suitable long-term zoning if part or all of the block is redeveloped

•Rezone north frontage of I Street (2nd to 4th streets) and 3rd Street frontages (K to L streets) from C-M-1 to C-2-B  
 +Medium-density mixed use zoning (C-2-B) allows mid-rise apartments and/or up to 1.5 FAR of retail and general office uses as a matter-of-right  
 +C-2-B provides good transition between industrial/commercial areas near railroad tracks and residential neighborhood further to the east, and accords with Comprehensive Plan policies

•1994 amendment to Generalized Land Use Map indicates Moderate Density Mixed Use (rather than residential use) for the 2nd Street frontage from H to E streets  
 +E to F streets is already primarily C-2-A  
 +F to G streets frontage recommended for change from R-4 to C-2-A, plus C-1 to C-2-A for a portion of the frontage north of G Street, resulting in a consistent strip of C-2-A



# EXISTING AND PROPOSED ZONING

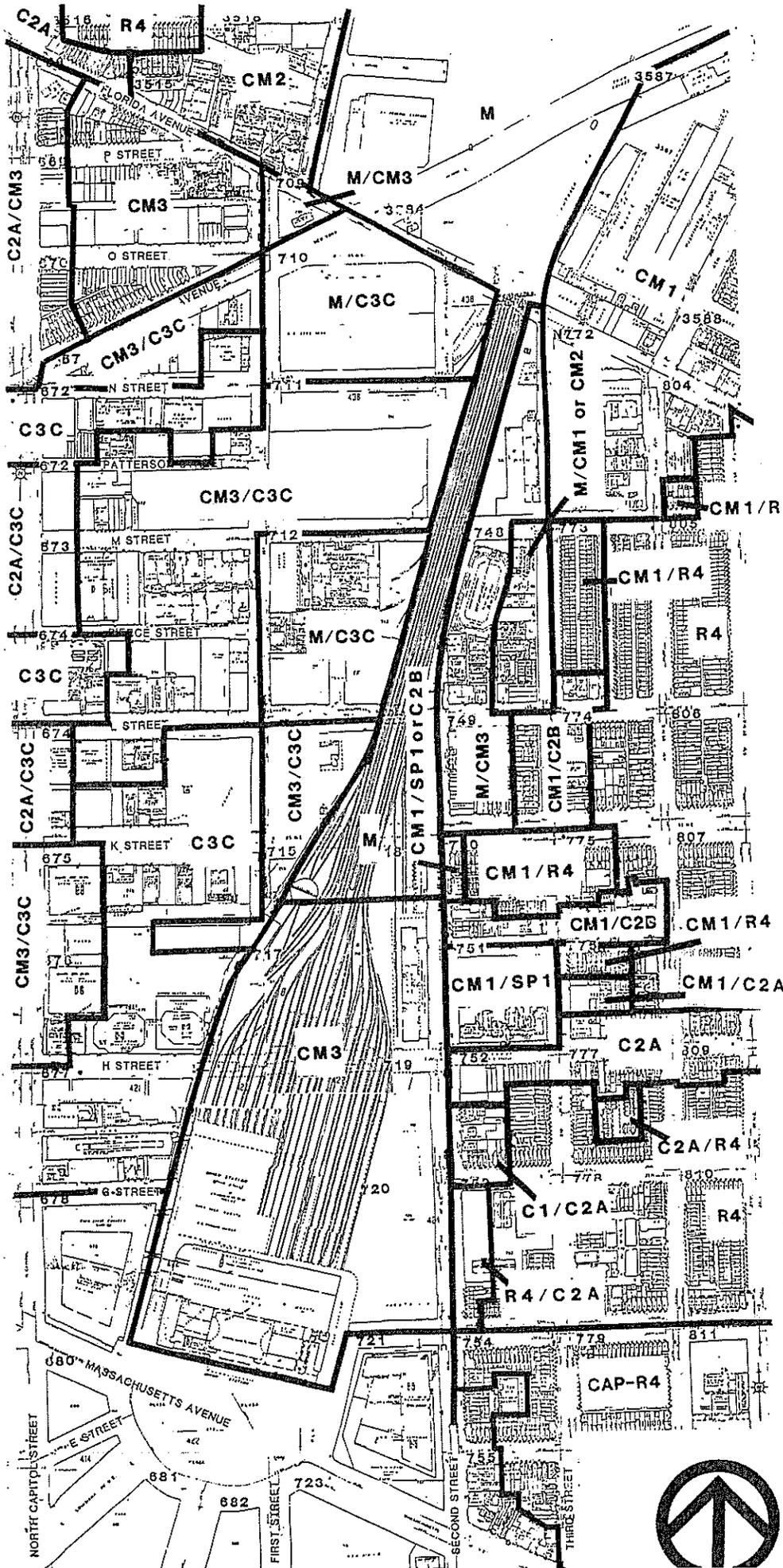
## CHANGES

Existing Zoning/  
Proposed Zoning

Zone Boundary

Square Number

This map shows zoning changes, i.e., the existing and proposed zoning. This is, in effect, a map that combines the information from Maps 4 and 5 into one map. The existing zoning is shown first, followed by the proposed zoning indicated by the slash mark (/).



## DETERMINING ZONE CHANGES D.C. Office of Planning (OP) 1994 Update

This is the Office of Planning's statement of the standard, citywide method that OP uses in determining whether changes in zoning are required to eliminate inconsistencies between zoning and the Comprehensive Plan. The Home Rule Act requires that zoning shall be "not inconsistent" with the Comprehensive Plan ("the Plan"). The Mayor and the Zoning Commission are charged with this responsibility. OP is the designated executive agency responsible for recommending zone changes to the Zoning Commission and has established the Zoning Consistency Project for this purpose. The analytical method outlined in this summary report has been used consistently since 1991. Numerous area rezonings have been adopted in furtherance of the Comprehensive Plan since its adoption in 1984-85.

**Importance.** The critical importance of securing zone changes is to ensure that building permits and occupancy permits allow new uses, conversions and new developments that are consistent with the adopted Comprehensive Plan. It is equally important to avoid the establishment of buildings, uses and long-term facilities that are contrary to the intent of the Plan. Zone changes must occur in a reasonably timely manner in order to ensure real implementation of the land use aspects of the Plan. The land use and zoning studies involved in the Zoning Consistency Project are not full-blown "plans" for the affected areas. The studies are of an intermediate level of detail. They are less detailed than plans would be and focus on land use and zoning questions. (They are, nonetheless, based on the authority and quite detailed analysis and adoption process involved in the Comprehensive Plan itself.) Specific development projects are not proposed; market conditions are not analyzed; infrastructure improvements are not recommended. The intent is to secure zoning that affects actual use of property consistent with the Plan, whether this is conservation of existing uses and buildings, potential conversions or new development.

In the analysis of each study area, the following factors are utilized:

- **Consistent Citywide Method.** The method for identifying areas needing rezoning must be quite consistent citywide, while leaving some flexibility for variations based on localized conditions and interpretation of the Plan. A variety of factors go into determining whether an existing zone is generally consistent with (legally, "not inconsistent") or is inconsistent with the Comprehensive Plan. If a zone change is necessary, the challenge is to identify the optimal zone or zones in terms of the intent of the Plan and the needs and opportunities of the locale as addressed by the Plan's policies. The key steps and the resources providing the greatest guidance are summarized below.

- **Generalized Land Use Map.** This map, adopted as part of the Land Use Element, shows the policies of the Plan for the general future development pattern of the city, by use and density category. The existing zoning needs to be compared with the designated uses and densities, while also taking into account other planning classifications and policies.
- **Zoning Consistency Chart.** The attached zoning consistency chart is used as a beginning point for determining inconsistencies between the zoning map and the Plan. This gives "great weight" to the Land Use Element, as required by Law 8-129. The Generalized Land Use Map is the basis for this chart. This map is not the entirety of the policies in the element. In addition to the consistency chart, other aspects of the Plan and localized analysis are utilized as outlined below.
- **Land Use Initiatives.** The specialized land use designations of the Comprehensive Plan provide additional land use policy and zoning guidance for the affected area. Such designations include commercial classification (Local Center, Multi-neighborhood Center, etc.), Development Opportunity Areas, Housing Opportunity Areas, Special Treatment Areas and Master Plan Areas. These are important land use initiatives in the Plan and must be given full consideration and weight in zoning recommendations.

Examples: Development Opportunity Area suggests a greater intensity of zoning and development than would otherwise apply; Special Treatment Areas have adopted policies indicating the desired future of these small but important geographic areas; the commercial classifications provide descriptions of the intended type and scale of commercial development; and historic districts will generally have more restrictive zoning than would otherwise apply.

- **Other Comprehensive Plan Policies.** Although the Comprehensive Plan Amendments Act of 1989 accords "great weight" to the Land Use Element in determining land use and zoning matters, the other elements apply as well, and must be interpreted in conjunction with the more specific land use policies. The local elements of the Plan are: General Policies, Economic Development, Housing, Environmental Protection, Transportation, Public Facilities, Urban Design, Preservation and Historic Features, Downtown Plan, Human Services, and Land Use.

- **Field Conditions and Fine-grained Zone District and Zone Boundary Review.** The Generalized Land Use Map is not intended to be a zoning map, but rather, a general guide to land use and zoning. Further analysis, as described in this summary, is necessary. Field work is needed to examine existing conditions and the detailed effects of existing and potential zone boundaries and alternative zones. In some locations a mix of zoning districts exists, which taken together, constitute reasonable consistency with the Plan. Unusual land use patterns may dictate particular zones. Unusual situations abound in zoning and development matters, in part because much of the development of the city preceded the adoption of zoning regulations. In most locations in the city, the zoning consistency question is straightforward; in a number of locations, it is a complex question requiring consideration of many of the factors discussed in this summary.

Example: An isolated building or small group of building that differs from the surrounding development pattern as to intensity and zoning compared with the land use designation in the Generalized Land Use Map will often not be rezoned. The land use designation refers to predominant use. E.g., Near the H Street, N.E., corridor is a high-rise apartment house zoned R-5-C and developed under that zone. The site is within a large area indicated for Moderate Density Residential development and zoned R-4. OP does not recommend rezoning the apartment site to R-4 because this would create unnecessary nonconformity restrictions on the building under zoning. The overall zone pattern and development pattern are still moderate density. If, however, the R-5-C site were vacant or were developed with row houses consistent the surrounding neighborhood and with R-4 zoning, OP would likely recommend a zone change to R-4.

Example: There are a great many small pockets of commercial use and zoning in the city that are not shown on the Generalized Land Use Map. These cannot reasonably be depicted, and should not be depicted on a general policy map. These commercial pockets are simply within the surrounding residential (or other) land use designation. After examining the existing scale, viability and residential impacts of the commercial pocket, a zoning recommendation is made. This may be to retain the commercial zoning or to change it to a different commercial classification or to residential zoning.

- **Completed Area Rezoning and Text Amendments.** A number of area rezoning and text amendment cases have been completed since the adoption of the Comprehensive Plan in 1984-85. The Office of Planning either initiated or became the prime mover of these cases following a petition, and in each case the proposed zoning was reviewed carefully for consistency with the adopted Plan as required by law. These cases involved detailed testimony and analysis about the subject area by all involved, including residents, property owners, business people, government agencies, private sector experts, Zoning Commissioners, and others, so that the zoning adopted was quite thorough and followed the general guidance of the Comprehensive Plan. The zoning in these areas is considered "not inconsistent" with the Plan and will not be re-examined in the near future unless significant changes occur in local conditions or in the form of amendments to the Comprehensive Plan.

The zoning map amendments in the Zoning Consistency Project are proceeding on two parallel tracks -- major projects and land use categories. The latter track consists of relatively straightforward zoning adjustments grouped on a citywide basis by land use categories. Completed projects on this track include citywide rezonings in these categories: residential to residential classifications, residential to commercial, commercial to residential, and commercial-to-commercial. Approximately 25 geographic areas have been affected by these rezonings as of 1994.

Major projects -- the second track -- involve complex planning and development issues, and are typically Metrorail station areas, Development Opportunity Areas, Housing Opportunity Areas, and locations involving changes to several zone districts within a defined geographic area. Projects of this type that have been completed in the past three years include: Fort Totten Metrorail station area, Anacostia Metrorail station area, Foggy Bottom neighborhood, Southwest Urban Renewal Area, Minnesota Avenue Metrorail station area and text amendments governing recycling centers, planned unit developments, accessory apartments and the new R-5-C zone.

### ZONING CONSISTENCY CHART

Adopted Comprehensive Plan Land Use Categories

Zone District

Residential Land Use Categories

"Low Density: Single-family detached and semi-detached housing are the predominant uses";

R-1, R-2

"Moderate Density: Row houses and garden apartments are the predominant uses; may also include low density housing";

R-3, R-4, R-5-A, R-5-B

"Medium Density: Multiple-unit housing and mid-rise apartment buildings are the predominant uses; may also include low and moderate density housing;

R-5-B, R-5-C

"High Density: High-rise apartment buildings are the predominant uses; may also include low, moderate and medium density housing";

R-5-D, R-5-E

Commercial Land Use Categories

"Low Density: Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services are predominant uses";

C-1, C-2-A

"Moderate Density: Shopping and service areas that generally provide a much broader range of goods and services are the predominant uses. Chain drug stores and grocery stores as well as branches of department stores, some specialty shops, and personal service establishments may be present";

C-2-A, C-2-B, C-3-A

"Medium Density": Shopping and service areas that generally offer the largest concentration and variety of goods and services outside the Central Employment area are the predominant uses. Most customers arrive by car, bus or subway";

C-3-A, C-3-B

Medium-High Density: Shopping and service areas that generally offer the largest concentration and variety of goods and services outside the Central Employment Area are the predominant uses. Most customers arrive at medium-high density commercial land use areas by car, bus or subway";

C-3-B, C-3-C

High-Density: The business and retail heart of the District and Metropolitan area; includes a mix of employment, retail, office, cultural and entertainment centers";

C-3-C, C-4, C-5

Mixed Use Land Use Categories  
(Residential-Commercial\*\*)

Low to Moderate Density Mixed Use+

C-2-A, C-2-B

Moderate to Medium Density Mixed Use

C-2-B, C-3-A, C-3-B,  
W-1, W-2, SP-1

Medium to High Density Mixed Use

CR, C-2-C, W-3,  
SP-2

High Density Mixed Use - Central Employment Area

DD/C-2-C,  
DD/C-3-C,  
DD/C-4

NOTE: This chart must not be used as the sole determinant of zoning consistency with the Comprehensive Plan. It is a beginning point for analysis, which must include consideration of other planning designations and policies in the Comprehensive Plan as well as localized study of the area or property being reviewed for zoning consistency.

\*\* There are a few locations where institutional, PTE and open space uses are part of a mixed use designation. These locations will have to be judged individually.

+ There are subcategories of commercial-residential mixes within most of these mixed use categories, e.g., moderate residential with medium commercial, medium commercial with moderate residential, etc. Thus, the specific mix indicated for the location will be considered in determining the recommended zone district, taking all other factors into account.

Overlay zones are not included as they apply to specialized situations and locations

# EXHIBIT B

# SURROUNDING CONTEXT

2nd & Parker Street NE

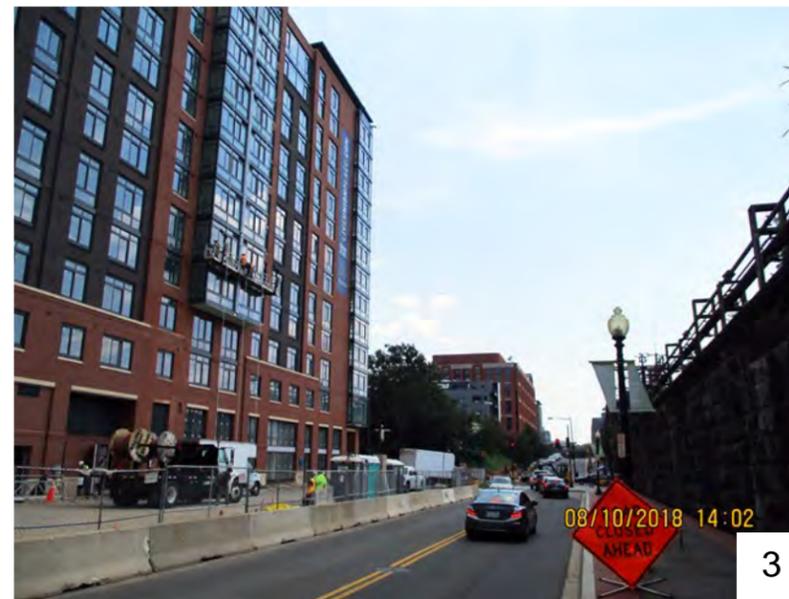
Lean Development LLC



1 looking northeast on 2nd St. NE from intersection with I St NE



2 looking southeast from 2nd St. NE towards intersection with I St. NE & Senate Sq.



3 looking south on 2nd St. NE at intersection with K St. NE



4 looking northwest at K St. underpass from 2nd & K NE intersection



5 looking west from site at retaining wall & train tracks



6 looking north on 2nd St. NE



7 looking southwest from 2nd & Parker St NE at REA building



# EXHIBIT C

**Not Inconsistent with Comprehensive Plan Framework Element Draft Amendments  
document, currently under review by the DC Council**

As part of the “PLAN DC” Comprehensive Plan Amendment Cycle, on September 8, 2018 OP released the Comprehensive Plan Framework Element Draft Amendments document for review by the DC Council. This document proposes certain changes to the Comprehensive Plan Framework Element text. Though not yet adopted by Council, the proposed changes provide some insight into the intended application of the GPM by OP:

223.2 The map should be used to guide, **but not dictate**, land use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, ~~and~~ other Comprehensive Plan maps, **and approved small area plans**. Boundaries on the map are **generalized and are** to be interpreted in concert with these other sources, as well as the ~~actual physical characteristics~~ **context** of each location shown.223.2

The draft text clarifies that the GPM boundaries are generalized and to be interpreted “in concert with [the Comprehensive Plan text, the Future Land Use Map, other Comprehensive Plan maps, and **approved small area plans**] as well as the **context** of each location shown.” Framework Element Draft Amendments, pg. 43. [emphasis added] The text notes that the GPM is to be interpreted in concert with approved small area plans. In this case, that would be the NoMA SAP which specifically recommends that desired land use mix be “moderate to **medium** densities”. NoMA SAP, pg. 5.11. [emphasis added]

Further, the draft text states that the *context* of each location should be considered. As previously noted, the Site Area is located in the East NoMA neighborhood, which is experiencing rapid change and redevelopment. More specifically, the Site Area is located in Square 750, of which approximately 80% is zoned MU-5A. In short, the context in this instance supports the Request to remap the Site Area to mixed use zoning as proposed.

Further, the proposed changes provide some insight into the intended application of the Neighborhood Conservation Area designation in particular:

*Neighborhood Conservation Areas*

- 223.4 Neighborhood Conservation areas have ~~very~~ little vacant or underutilized land. ~~They are primarily residential in character.~~ Major changes in density over current (2005) (2017) conditions are not expected but some new development and reuse opportunities are anticipated. New development and localized land use changes are predicted to occur in Neighborhood Conservation areas when not inconsistent with the Future Land Use Map (FLUM), or when identified as part of an approved small area plan and are in furtherance of the policies of the citywide or area elements. Conservation of neighborhood character can be achieved in conjunction with or through new development. In Neighborhood Conservation Areas that are designated Low Density Residential on the FLUM, Maintenance maintenance of existing land uses and community character is anticipated over the next 20 years and ~~Where~~-where change occurs, it will typically be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. ~~Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated~~
- Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided. 223.4
- 223.5 The guiding philosophy in Neighborhood Conservation Areas is to ~~conserve and enhance established neighborhoods~~ encourage the conservation and enhancement of existing neighborhood character but not to preclude new development, redevelopment, or alteration. ~~Limited development and New development, redevelopment, and alteration~~ opportunities do exist within these areas ~~but they are small in scale.~~ The diversity of land uses and building types in these areas should be maintained and when new development, redevelopment, or ~~and~~ alterations occur, they should be compatible with the existing scale, ~~and architectural~~ character, and natural features of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map in conjunction with the text of the Comprehensive Plan and approved small area plans. 223.5

The draft text notes that “New development and localized land use changes are predicted to occur in Neighborhood Conservation areas when not inconsistent with the Future Land Use Map (FLUM), or when identified as part of an approved small area plan and are in furtherance of the policies of the citywide or area elements. ...Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map in conjunction with the text of the Comprehensive Plan and approved small area plans.” See Framework Element Draft Amendments, pg. 43. [emphasis added] As noted, the Request is wholly consistent with the specific recommendations of the NoMA SAP for the application of medium density zoning as discussed above, and fulfills at least 19 citywide elements from the Land Use, Transportation,

Housing, Economic Development, and Environmental elements, as discussed at length in the Petitioner's statement at ZC Exhibit 3. Further, it fulfills at least seven area elements from the Capitol Hill and Central Washington Area elements section.

# EXHIBIT D

**NoMA**

***VISION PLAN AND  
DEVELOPMENT STRATEGY***

**WOWV**

NORTH of MASSACHUSETTS AVENUE



## Transition Area A: East NoMA Neighborhood

*An eclectic mix of the new and old,  
and a carefully designed transition  
between high and low buildings*



(orange w/ purple border on Recommended NoMA Character Areas map, page 5.7)

Boundaries: Any C-2-A and C-2-B zoned area, east of the tracks, that borders an R-4 zone; and the C-M-1 zone east of the tracks between I and K Streets.

### VISION

- A residential neighborhood with neighborhood-oriented retail. The scale is larger near the tracks and H Street and tapers-down towards the existing neighborhood fabric.
- Residential projects should include small scale retail to support residents.
- Encourage creative, adaptive re-use of historic structures with special consideration for structures currently pending historic designation.
- Ensure that additions or alterations maintain historic integrity of structures.
- Further relate to scale of adjacent residential neighborhoods with human-scaled architectural and streetscape elements.
- New architecture should be comfortable with adjacent neighborhoods, without resorting to false historic elements. Contemporary architecture should be encouraged as long as scale transitions and related architectural elements provide continuity and visual interest.

### DESIRED LAND USE MIX

#### OFFICE /RESIDENTIAL GOALS:

- Moderate to medium densities.
- Residential/neighborhood-serving retail mix.

#### RETAIL GOALS:

- Limited neighborhood-serving retail recommended: smaller scale uses such as restaurants, coffee shops, dry cleaners, etc.
- Emphasize fine-grained street grid with strong residential character (multiple individual entrances) on east-west streets.
- Essentially no office uses (office allowed only as an accessory use).

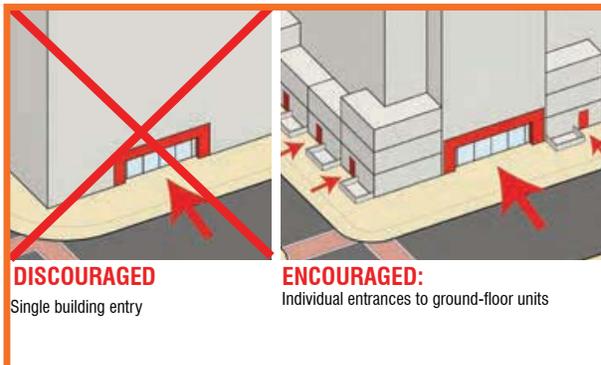
### INFRASTRUCTURE, TRANSPORTATION, ENVIRONMENT & OPEN SPACE

- Proceed with the next step in planning: a Conceptual Public Realm Plan, comprising streets, open spaces, transit hubs, landscape guidelines, etc.
- Work with DDOT to develop a Pedestrian Plan for the area
- Discourage truck and commuter traffic flow through neighborhood 'short-cuts'.
- Neighborhood traffic calming, including discouragement of Florida Avenue Market truck traffic, construction traffic, and other neighborhood cut-throughs along 3rd Street.
- Metropolitan Branch Trail amenities and upgrades for at-grade segments east of the tracks).
- Engage DC Commission on the Arts and Humanities to pursue and fund artist/underpass projects.

### BUILDING DESIGN

- Encourage residential townhouses embedded in base of larger buildings.
- Develop height and massing criteria for all new infill structures with proximity to existing neighborhood rowhouse fabric.
- Height limits on new PUD development or any development requesting zoning changes or relief should step down close to existing rowhouse fabric; and may step up towards the railroad tracks.
- See Scale Transition Diagram below.

### INDIVIDUAL RESIDENTIAL ENTRANCES



**DISCOURAGED:**  
Single building entry

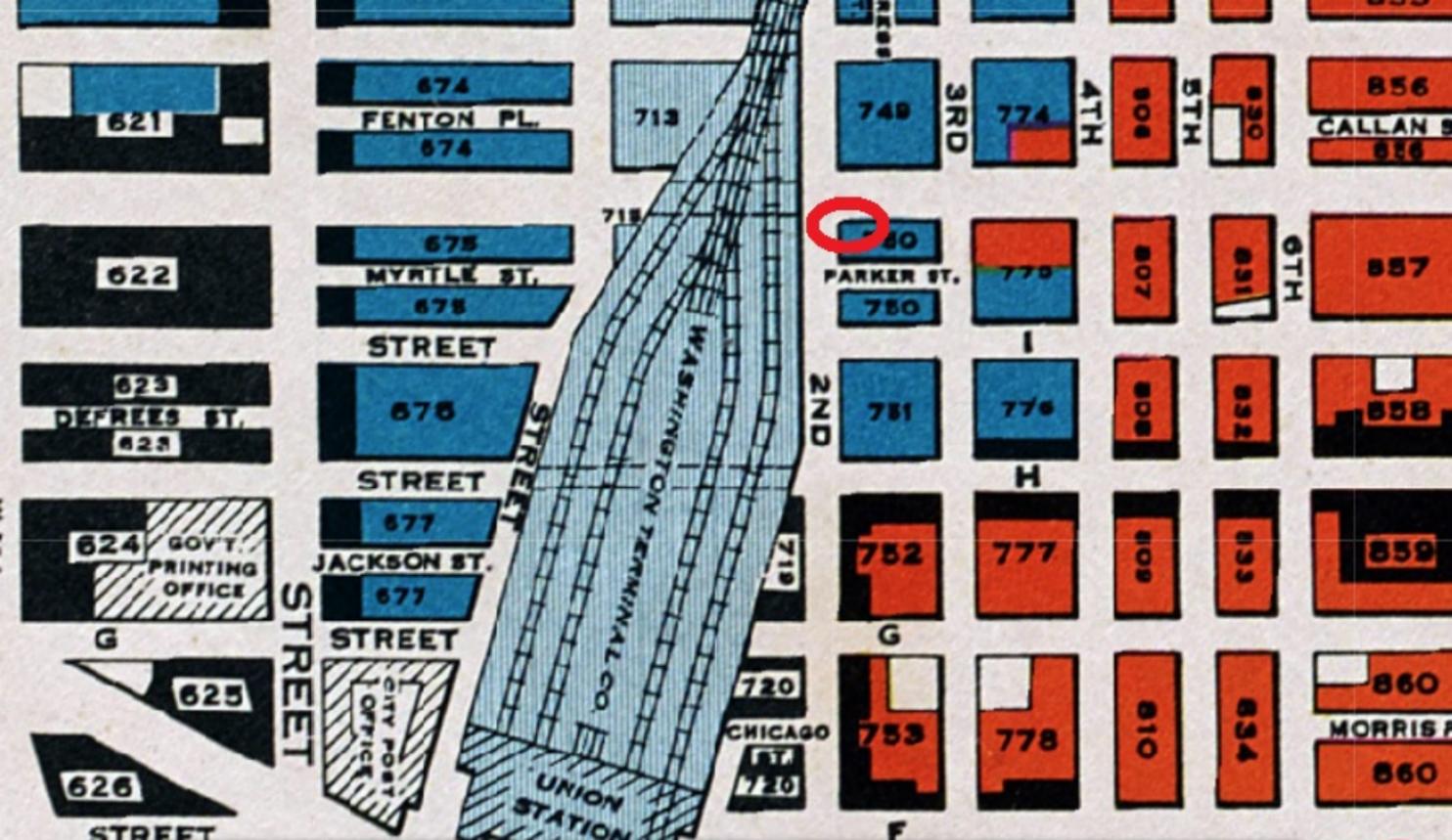
**ENCOURAGED:**  
Individual entrances to ground-floor units

### CREATIVE FACADE COMPOSITION



- ENCOURAGED:**
- Break facade repetition both vertically and horizontally
  - Variety of window types and scale
  - Changes in material
  - Recess lines
  - Roof gardens
  - Expression of building openings
  - Bay windows
  - Balconies
  - Overhangs
  - Sunscreens
  - Low garden walls

# EXHIBIT E



1924 1936 1958 1966 1975 1984 1996 2003 2012 2016

# EXHIBIT F

MAY 11 PM 12:

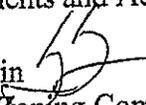
Government of the District of Columbia  
OFFICE OF ZONING



MEMORANDUM

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**TO:** Arnold R. Finlayson, Administrator  
Office of Documents and Administrative Issuance

**FROM:** Sharon S. Schellin   
Secretary to the Zoning Commission

**DATE:** May 11, 2006

**SUBJECT:** Publication for the Office of Zoning

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Please publish the following in the *D.C. Register* on May 19, 2006:

1. Notice of Special Public Meeting; and
2. Z.C. Notice of Final Rulemaking & Order No. 821-A (Case No. 95-4);

The rulemaking is also provided on diskette attached hereto.

Attachments

ZONING COMMISSION  
District of Columbia

CASE NO. 95-4

EXHIBIT NO. 122

# RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION:  EMERGENCY RULES  
 FINAL RULES  PROPOSED RULES  COMBINED

**DATE AND TIME RECEIVED**

Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS: 441 4<sup>th</sup> Street, N.W., Suite 210 South TELEPHONE: (202) 442-0340

TITLE AND DESCRIPTION OF RULES: Z.C. Case No. 95-4 (Map Amendments – Union Station Area Rezoning (Corrected Order))

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed:

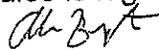
FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 43 DCR 244 / DATE: May 10, 1996

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

DATE: MAY 11, 2006

SIGNED:



PHONE: (202) 442-9777

<input checked="" type="checkbox"/> FINAL	<input type="checkbox"/> CONDITIONAL	NAME: ROBERT J. SPAGNOLETTI	TITLE: ATTORNEY GENERAL
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PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)  
Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. : Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE:

4-20-06

APPROVAL OF ATTEST



TITLE: Secretary to the Zoning Commission

PHONE: (202) 727-0340

Office of Documents use only:

THIS NOTICE PUBLISHED AT:

VOL:

DCR:

DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING

and

Z.C. ORDER NO. 821 – A

Z.C. Case No. 95-4

(Map Amendments – Union Station Area Rezoning)

April 20, 2006

CORRECTION ORDER\*

The Zoning Commission for the District of Columbia initiated this case in response to a petition from the Office of Planning (OP) to amend the Zoning Map for the District of Columbia by rezoning a large area around Union Station. This area is formally designated in the Comprehensive Plan as the Northeast No. 1/Eckington Yards Special Treatment Area. Amendments to the Zoning Map are authorized pursuant to the Zoning Act [Act of June 20, 1938, 52 Stat. 797, as amended, D.C. Code Ann. Section 5-413 (1981)].

The petition filed on April 28, 1995, and the accompanying land use and rezoning study of the area, reviewed the land use and zoning patterns in the area to the east, west and north of Union Station and recommended rezoning much of the area to eliminate inconsistencies between zoning and the Comprehensive Plan, as mandated by the Home Rule Act.

At this public meeting on May 23, 1995, the Zoning Commission determined that the rezoning proposal submitted by the Office of Planning presented a sound basis for the consideration and authorized a public hearing on the proposed map amendments.

The Office of Planning presented a supplemental report dated July 24, 1995, requesting the Commission to authorize the inclusion of additional lots and squares for rezoning consideration in this case. At its public meeting on August 7, 1995 the Commission granted OP's request.

Pursuant to proper notice, the Zoning Commission held a public hearing on the amended proposal on September 25, 1995 and November 9, 1995. At the close of the public hearing, the

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\* Based on the record of Zoning Commission Case No. 95-4, this Order corrects Zoning Commission Order No. 821 by deleting Lots 804 and 805, in Square 775 from the lots listed as approved for rezoning from C-M-1 to C-2-B, and by adding said lots to the lots listed as approved for rezoning from C-M-1 to R-4. To eliminate redundancy, this order also deletes references to Lots 14 and 15, in Square 775, these lots being record lot numbers affixed to the subject properties. Deleted wording is shown in strikethrough and additions are shown in **bold and underline** under Items 4 and 9 on Page 6. No other corrections are made to Order No. 821. This Order is being issued pursuant to votes taken by the Zoning Commission at its regularly-scheduled public meeting of April 20, 2006.

Commission left the record of the case open until December 29, 1995 to receive additional public comments. The public hearing was conducted in accordance with the provisions of 11 DCMR 3021.

The Commission's task in this case is to insure that the proposed mad amendments are not inconsistent with the Comprehensive Plan and are appropriate for the area of the city in which they are to be located. In correspondence prior to the hearing, the Commission was urged by CSX Real Property, Inc. to consider rezoning Square 720 (Station Place) from C-M-3 to C-3-C. The Commission declined and noted that the Board of Zoning Adjustment for this site was adequate to protect the proposed development.

At the hearing sessions, the Commission heard the presentation of the Office of Planning (OP), the testimony of the Councilmembers Harry L. Thomas, SR. and Harold Brazil, the report and testimony of Advisory Neighborhood Commission 6A, the testimony of a number of law firms representing clients with interests in the Union Station rezoning area. Additionally, the Commission heard testimony from the Near Northeast Task Force on the Uline Area, Unified Owners of the 600 Block of 2<sup>nd</sup> Street, NE, the Free Congress Foundation, the National Learning Center/Capitol Children's Museum, Capitol Cab, the Stanton Park Neighborhood Association, Washington Are Bicycle Association/Coalition for the Metropolitan Branch Trail, LG Enterprises, Union Station Venture, and a number of individual witnesses in support or opposition to one or more of the proposed amendments.

In addition to the testimony presented at the public hearing, the Commission received many items of correspondence from persons and organizations expressing their support or opposition to one or more of the proposed amendments. The case file contains more than 100 exhibits, including correspondence, statements, reports, petitions, and requests to testify.

By memorandum and the land use study attached to the report received from the Office of Planning on September 15, 1995, and by testimony presented at the public hearing sessions, the Office of Planning recommended adoption of map amendments proposed for the Union Station area. The OP noted that the proposal is part of the zoning consistency project around the city geared toward ensuring that the zoning is not inconsistent with the Comprehensive Plan for the National Capital. The OP stated that during the process of determining what the proposed zoning should be for various sections of the study area, they met with the Advisory Neighborhood Commission, the Stanton Park Community Association and 12 to 16 property owners in the area.

The Office of Planning indicated that the 1994 amendments to the Comprehensive Plan changed the land use designations in the area to allow for office development, mixed residential/commercial development, institutional development, industrial development and other appropriate development for the area. OP noted that the office arrived at six summary goals for the area from the planning process and consultations with people interested in the future of the area. The six summary goals are as follows:

1. Stabilize the boundary between continuing economic development activity near the railroad tracks and the adjacent residential neighborhood.

2. Protect a great majority of existing dwellings in residential areas from conversion to commercial or demolition and redevelopment for commercial projects, so as to maintain the area's housing supply, number of residents, and residential character.
3. Allow a mixture of industrial and commercial uses at medium high density near the railroad tracks north of K Street in order to continue to provide business and job opportunities.
4. Encourage a mixture of residential and commercial uses at moderate to medium density at various locations.
5. Maintain the existing scale of the residential neighborhood and of the building stock in most of the area.
6. Establish suitable intermediate step-down building heights at the edges of the intensive commercial development.

The Commission heard testimony and received correspondence both in support of the proposal and in opposition to the proposal or a portion of the proposal. The following items summarize the salient issues raised in written and oral testimony, and provides the Commission's responses to those issues:

1. There should be a mechanism that would provide for or allow for the green space along the railroad tracks in the Union Station area to be dedicated for use as part of the Metropolitan Branch Trail. The trail is a proposed bicycle trail in greenway that would run from Silver Spring in Montgomery County to Union Station and the mall with a branch over to West Hyattsville and West Hyattsville Metro Station. The Commission noted that the Metropolitan Branch Trail is a wonderful idea, but that the zoning process is not the correct forum for dedication of private land to a use such as the Trail. The Commission noted that for many years, at least one Commissioner has indicated that the District would benefit from an overlay or special zoning category known as an open space or park zone.
2. The Congressional Black Caucus Foundation (CBCF) site should retain the C-M-1 zoning so that .5 floor area ratio (FAR) would not be lost and additional review by the Board of Zoning Adjustment (BZA) would not be required as is the case with the proposal for SP-1 zoning on the site. The Commission agrees that the CBCF should be allowed to develop the site as it proposes without losing FAR and having to go before the BZA for approval.
3. The 2<sup>nd</sup> Street frontage of Squares 752 and 753 (east frontage of 2<sup>nd</sup> Street from F Street to nearly H Street) should be rezoned from R-4 and C-1 to C-1 and not C-2-A as proposed by the OP. The area should be commercial because the properties cannot be rented as residential properties, however, the C-2-A zoning would allow too much FAR and height. The Commission disagrees with the residents who put forth this issue and

agrees with the OP that C-2-A is more appropriate than R-4 or C-1. The Comprehensive Plan designation for the area is mixed use-moderate density residential and low density commercial, and neither the R-4 zone nor the C-1 zone is consistent with that designation; however, C-2-A is generally consistent. Additionally, the C-2-A commercial Far of 1.5 will accommodate the floor area of most row structures in the area, whereas C-1 would create unnecessary instances of nonconformity.

4. The National Learning Center/Capitol Children's Museum property should not be rezoned from C-2-A and C-M-1 to SP-1. The Children's Museum wants to maintain and enhance the residential nature of the area, but at the same time acknowledges the need and desirability for carefully controlled economic development and new commercial opportunities. The Museum would like to remain in its current location, however, the property is deteriorating and in need of major attention. Options that would allow income for renovations and improvements include the possibility of some commercial development either alone or with another party on the Museum's property. SP-1 would make the property less attractive for development. Besides the change in the allowed development envelope, the SP-1 zone category is not appropriate. After discussions with the Office of Planning and the Office of Zoning, the Commission determined that the Children's Museum site should be readvertised for rezoning to C-3-A and C-3-B.
5. Square 748 which houses the Uline Arena should be rezoned to a strictly commercial zone that would allow use as a solid waste transfer station. That a buffer area between the residential area and the Uline Arena area should be required. The other side of the issue was raised by L&G Industries who is in favor of retention of the M zone district. After listening to the testimony of the Office of Planning, two Councilmembers, two ANC 6A representatives, L&G Industries, and a multitude of residents of residents in the area who continuously testified about the negative impacts of the L&G Industries solid waste facility at the Uline Arena, the Commission noted that there are businesses other than L&G Industries located in Square 748 and believes that the Comprehensive Plan designation of the area as mixed use PTE/medium density commercial translates into CM which rules out certain heavy industrial uses allowed in the M zone. The Commission also noted that the rezoning of the square did not mean that L&G Industries would move on its operations. The Commission believes its decision to zone the portion of the square along the tracks to C-M-3 and the portion along 3<sup>rd</sup> Street across from the row dwellings to C-M-1 considers the concerns of the residents of the area and the businesses in the area.
6. Square 720 should be rezoned from C-M-3 to C-3-C for purposes of the Station Place development. The Commission disagrees with CSX Real property, Inc. and believes that C-M-3 is appropriate for the square and that the Station Place development is adequately protected by the Board Zoning Adjustment approval.
7. The Commission noted that the proposal to rezone the triangular area bounded by New York Avenue, North Capitol Street, and Florida Avenue (Squares 668, 669, 670, and 709) from C-M-3 to C-3-C would eliminate a large area of industrial land. The Commission expressed its long-standing concern that the industrial land

should not continue to be redesignated and rezoned without a study or at least a quick analysis of how much industrial land should be retained for the industrial needs of the City. The Commission noted that the D.C. Council should support a study or analysis to determine the industrial needs of the City, and to determine how much industrial land is left and how much has been redesignated and rezoned over the years

The Commission notes the Advisory Neighborhood Commission 6A submitted a resolution in support of rezoning the portion of Square 748 containing the Uline Arena to C-2-C and in support of rezoning the L and M Street area to R-4. The ANC's resolution gave no specific reasons for its determination. However, the Commission notes that the ANC representative presented testimony regarding the adverse impacts on the neighboring properties from the current use of Uline Arena. The Commission's rationale for rezoning Square 748 to C-M-1 and C-M-3 is stated in Issue No. 5 above.

A notice of proposed rulemaking was published in the D.C. Register on May 10, 1996. The Commission did not receive any comments as a result of the proposed rules.

The Zoning Commission believes that its decision to approve the map amendments set forth in this order is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act and is not inconsistent with the Comprehensive Plan for the National Capital.

Having discussed and considered the resolution from ANC 6A, the Commission determined that it has accorded ANC 6A the "great weight" to which it is entitled.

The proposed decision to approve the map amendments was referred to National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Government Reorganization Act. The NCPC, by report dated May 2, 1996, found that the proposed amendments would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the following amendments to the Zoning Map:

**1. Rezone to C-3-C those lots now zoned C-M-3, M and C-2-A in the following squares:**

Squares 668 through 676  
Squares 709 through 713  
Square 715.

**2. Rezone from M to C-M-3:**

Square 747  
Square 748 - Lots 8 through 10, 19, 20, 23 through 34, 42 through 46, 810, 811, 818, 822  
and a portion of Lot 812  
Square 749 - those lots located to the west of the north-south alley closest to 3<sup>rd</sup> Street,  
NE.

3. **Rezone from M to C-M-1:**  
Square 748 - Lots 11, 71, 72, 74, 75, 78, 800, 804 through 809, 819, 820 and a portion of Lot 812.
4. **Rezone from C-M-1 to C-2-B:**  
Square 749 - those lots located to the east of the north-south alley located closest to 3<sup>rd</sup> Street, NE  
Square 750 - all lots except Lots 808 through 810, and Lot 128  
Square 773 - Lots 4, 87, and 88  
Square 774 - those lots located west of the north-south alley closest to 3<sup>rd</sup> Street, NE  
Square 775 - Lots 1, 3, 4, 48, 49, 802, ~~804, 805, 812~~, 818 through 820, 826 & 827.
5. **Rezone from R-4 to C-2-B:**  
Square 775 - Lots 22, 23 and 32.
6. **Rezone from C-M-1 to C-2-A:**  
Square 776 - Lots 25 through 27, 29 through 31, 53 and 814 through 817.
7. **Rezone from C-1 to C-2-A:**  
Square 752 - (those lots now zoned C-1) Lots 32, 39 through 44, 801, 804 through 806, 811, 813, 814, 856 and 857.
8. **Rezone from R-4 to C-2-A:**  
Square 753 - Lots 89, 92 through 95, 800 through 802 and the western portion of Lot 827.
9. **Rezone from C-M-1 to R-4:**  
Square 804 - Lots 11 through 15  
Square 773 - all lots west of Abbey Place, NE, except Lots 4, 87 and 88.  
Square 775 - Lots 13, ~~through~~ 16, 29, 33 through 38, 44 through 47 and 801, 804 and 805.  
Square 776 - Lots 21 through 24, and 41 through 50.
10. **Rezone from C-2-A to R-4:**  
Square 777 - Lots 827 through 829, 832 through 838, 841 through 843, 864, 865, 870, 873, 875 and 879.

The Zoning Commission voted on the rezoning initiatives separately at its regular monthly meeting of February 12, 1996. The following order of the voting coincides with the numbering of the rezoning initiatives as delineated in this order:

- |                        |  |
|------------------------|--|
| <b>Rezoning No. 1:</b> | 4-0 (William L. Ensign, Maybelle Taylor Bennett, Jerrily R. Kress and John G. Parsons to approve.) |
| <b>Rezoning No. 2:</b> | 4-0 (William L. Ensign, John G. Parsons, Maybelle Taylor Bennett and Jerrily R. Kress to approve)  |

- Rezoning No. 3:** 4-0 (Maybelle Taylor Bennett, John G. Parsons, William L. Ensign and Jerrily R. Kress to approve)
- Rezoning No. 4:** 4-0 (Maybelle Taylor Bennett, John G. Parsons, Jerrily R. Kress and William L. Ensign to approve)
- Rezoning No. 5:** 4-0 (Maybelle Taylor Bennett, John G. Parsons, Jerrily R. Kress and William L. Ensign to approve)
- Rezoning No. 6:** 4-0 (Maybelle Taylor Bennett, John G. Parsons, Jerrily R. Kress and William L. Ensign to approve)
- Rezoning No. 7:** 4-0 (Maybelle Taylor Bennett, William L. Ensign, Jerrily R. Kress and John G. Parsons to approve.)
- Rezoning No. 8:** 4-0 (Maybelle Taylor Bennett, William L. Ensign, Jerrily R. Kress and John G. Parsons to approve.)
- Rezoning No. 9:** 4-0 (Maybelle Taylor Bennett, John G. Parsons, Jerrily R. Kress and William L. Ensign to approve)
- Rezoning No. 10:** 4-0 (Maybelle Taylor Bennett, John G. Parsons, Jerrily R. Kress and William L. Ensign to approve)

This Correction Order was adopted by the Zoning Commission at its public meeting on April 20, 2006, by a vote of 5-0-0 (Carol J. Mitten, John G. Parsons, Anthony J. Hood, Gregory N. Jeffries, and Michael G. Turnbull to adopt).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the *D.C. Register*, that is on \_\_\_\_\_.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING**

**and**

**Z.C. ORDER NO. 821 – A**

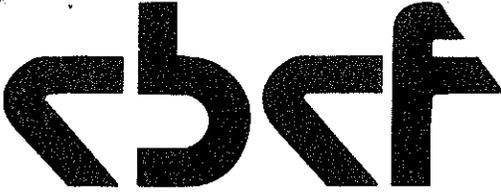
**Z.C. Case No. 95-4**

**(Map Amendments – Union Station Area Rezoning)**

**April 20, 2006**

The full text of this Zoning Commission order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

# EXHIBIT G



**Congressional Black Caucus Foundation, Inc.**

September 13, 1995

Mr. Quentin R. Lawson  
Executive Director

**Board of Directors**

Honorable Cardiss Collins  
*Chairwoman*

Dr. Ramona H. Edelin  
*Vice Chairwoman*

Mr. Eula Adams  
*Treasurer*

Mr. Melvin Blackwell  
*Secretary*

Dr. William Burke  
Honorable William Clay  
Honorable Barbara-Rose Collins  
Ms. Toni Fay  
Ms. Janice Griffin  
Mr. Elliott S. Hall  
Mr. Jesse Hill, Jr.  
Dr. Andrea Green Jefferson  
Ms. Ingrid Saunders Jones  
Mr. Robert M. McGlotten  
Honorable Carrie P. Meek  
Honorable Carol Moseley-Braun  
Honorable Donald M. Payne  
Mr. Corbett Price  
Honorable Charles Rangel  
Mr. Ben Ruffin  
Mr. Wayman F. Smith, III  
Honorable Louis Stokes  
Mr. LeBaron Taylor  
Honorable Edolphus Towns  
Mrs. Gwen Towns

Honorable Kweisi Mfume  
*Ex-Officio*

Ms. Madeliene H. Robinson  
Office of Zoning  
441 4th Street, NW  
Suite 210  
Washington, DC 20001

Dear Ms. Robinson:

I have attached a request to the Zoning Commission that current zoning be retained for four properties that would be affected under Zoning Case No. 95-4.

I would appreciate your assistance in making this request part of the Official File for Case 95-4, and having the request letter and attachments submitted as testimony in the Public Hearings that will be held on September 25, and in November.

Thank you for your time.

Sincerely,

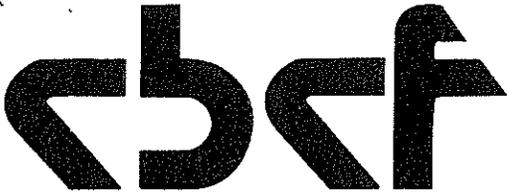
Quentin Lawson  
Executive Director  
Congressional Black Caucus Foundation

SEP 14 1995

ZONING COMMISSION

CASE No. 95-4

EXHIBIT No. 34



**Congressional Black Caucus Foundation, Inc.**

**Board of Directors**

Mr. Quentin R. Lawson  
*Executive Director*

Honorable Cardiss Collins  
*Chairwoman*

Dr. Ramona H. Edelin  
*Vice Chairwoman*

Mr. Eula Adams  
*Treasurer*

Mr. Melvin Blackwell  
*Secretary*

Dr. William Burke  
Honorable William Clay  
Honorable Barbara-Rose Collins

Ms. Toni Fay

Ms. Janice Griffin

Mr. Elliott S. Hall

Mr. Jesse Hill, Jr.

Dr. Andrea Green Jefferson

Ms. Ingrid Saunders Jones

Mr. Robert M. McGlotten

Honorable Carrie P. Meek

Honorable Carol Moseley-Braun

Honorable Donald M. Payne

Mr. Corbett Price

Honorable Charles Rangel

Mr. Ben Ruffin

Mr. Wayman F. Smith, III

Honorable Louis Stokes

Mr. LeBaron Taylor

Honorable Edolphus Towns

Mrs. Gwen Towns

Honorable Kweisi Mfume  
*Ex-Officio*

September 13, 1995

Ms. Jerrily R. Kress  
Chair  
Zoning Commission

Dear Ms. Kress:

I am writing you to request that current zoning be retained for four properties that would be affected under Zoning Case No. 95-4. We have been planning to erect our National Headquarters on this site since early 1994. We have achieved several milestones, including the closing of an alley, which required a complete review by several agencies, and a full public hearing process. The recommended zoning changes would not allow us to proceed as planned. Specifically, I request that you retain C-M-1 zoning for lots 128, 808, 809 and 810 in Square 750. Below, I outline for your review the background to this request, including:

- our mission;
- our goals and objectives for the building;
- the appropriateness of this site
  - to our objectives
  - to the neighborhood
- impact of changing zoning to C-2-B or S-P-1, as proposed;
- the processes that we have undergone to date regarding the building; and
- our projected timeline.

The Congressional Black Caucus Foundation is steadily emerging as the premier national organization for ensuring full participation of African Americans in the formulation of public policy. It is the mission of the CBC Foundation through research, training and innovation to contribute significantly to the empowerment of African Americans educationally, politically and economically.

*Handwritten signature and date: 9/14/95*

Our goals for this building are to provide professional office space for 30-35 staff to conduct Research and Education Programs.

This site is located at the corner of 2nd Street and K Street. This predominantly Afro-American community contains a mixture of residential and commercial townhouses and buildings which reflect our organizations commitment to work with the community mentoring youth, promoting literacy programs and possible opportunities for employment.

Why the site works for CBCF objectives: The location of this site is circled on the Zoning Map (Attachment A). The building will be at the corner of the Square. Across the street to the west, the proposed zoning adjacent to the railroad tracks is 'M', meaning that there could be a high density commercial/manufacturing use. Across 2nd Street to the north, proposed zoning could result in a change from 'M' to 'C-M-3', which permits high bulk commercial/light manufacturing. Our building, directly across the street from these sites, would anchor the transition from heavier commercial use to medium density development and residential housing, which is the stated goal of the Office of Planning's Comprehensive Plan. Our three story building directly would meet the goals of this plan, as stated in the April 28, 1995 memorandum to you titled "Preliminary Report, Union Station Area Rezoning", by:

- "Stabilizing the boundary between continuing economic development activity near the railroad tracks and the adjacent residential neighborhood;
- Allowing a mixture of industrial and commercial uses at medium-high density near the railroad tracks north of K Street, NE in order to provide business and job opportunities;
- Encourage a mixture of commercial uses at moderate to medium density at locations between the residential neighborhood and intensive commercial development abutting the railroad tracks, guided by the mixed use designations on the Generalized Land Use Map;
- Maintain the existing scale of the residential neighborhood and of the building stock in most of the area; establish suitable intermediate, "step-

- Maintain the existing scale of the residential neighborhood and of the building stock in most of the area; establish suitable intermediate, "step-down" building heights at the edges of intensive commercial development."

Our building accomplishes exactly the stated goals, particularly the last one. Our three-story building establishes the step-down directly across from the more intensive areas. The building is designed to retain the character of the existing two-story townhouses by actually using the walls of these structures as a base. Our third story would be steel and glass, and the overall design is intended to blend in quite nicely with the existing structures. Please see the site and building plans contained in Attachment B.

The building will also blend in nicely with current uses. Most of the townhouses along 2nd Street, right up to this site, are used as small office space. At the corner of 2nd and Parker Streets, next to our site to the south, are the headquarters of Save the Children (northern corner) and a 9000 square foot commercial building used as a Veteran's Center.

The impact of changing the zoning from C-M-1 to the proposed S-P-1 or C-2-B would prevent us from continuing this project. We need the 15,000 square feet, which is the maximum allowable under current zoning. S-P-1 would allow 12,500 feet; C-2-B would allow only 7,500 feet. Neither would be sufficient for our needs. S-P-1 would impose the additional barrier of requiring Board of Zoning approval, a process of several months. We have already been through a lengthy approval process where the concept and design of the building have been presented and approved by residents, the ANC, the City Council, and the Mayor. Why require this site to go through another hearing process?

To date, we have designed the building, done preliminary site work, and closed the alley that connects the four lots. Attachment C, D.C. Act 10-391, documents our completion of the alley closing process, which included several neighborhood meetings and a Public Hearing. The 30-day Congressional review was completed after the Mayor signed this Act on December 30, 1994. We planned to break ground and begin construction in early 1995. Unfortunately, our plans have been delayed. It could be two or more years before we are able to begin construction.

Please allow the C-M-1 zoning to remain unchanged. For the reasons stated above, this building, only possible under C-M-1, will meet our needs, enhance the neighborhood, and directly meet the goals of the Comprehensive Plan.

Thank you for your consideration and your assistance.

Sincerely,



Quentin Lawson  
Executive Director  
Congressional Black Caucus Foundation

- cc: Maybelle Taylor Bennett, Zoning Commission
- John Parsons, Zoning Commission
- William Ensign, Zoning Commission
- Madeliene H. Robinson, Office of Zoning
- Nate Gross, Office of Planning
- Harold Brazil, City Council

...to potential commercial buildings.

...area along ... north of K Street ... to include the most ... industrial uses allowed ... while still complying ... Generalized Land Use Map ... of Mixed Use: Medium High Density Commercial and P/B-Industrial.

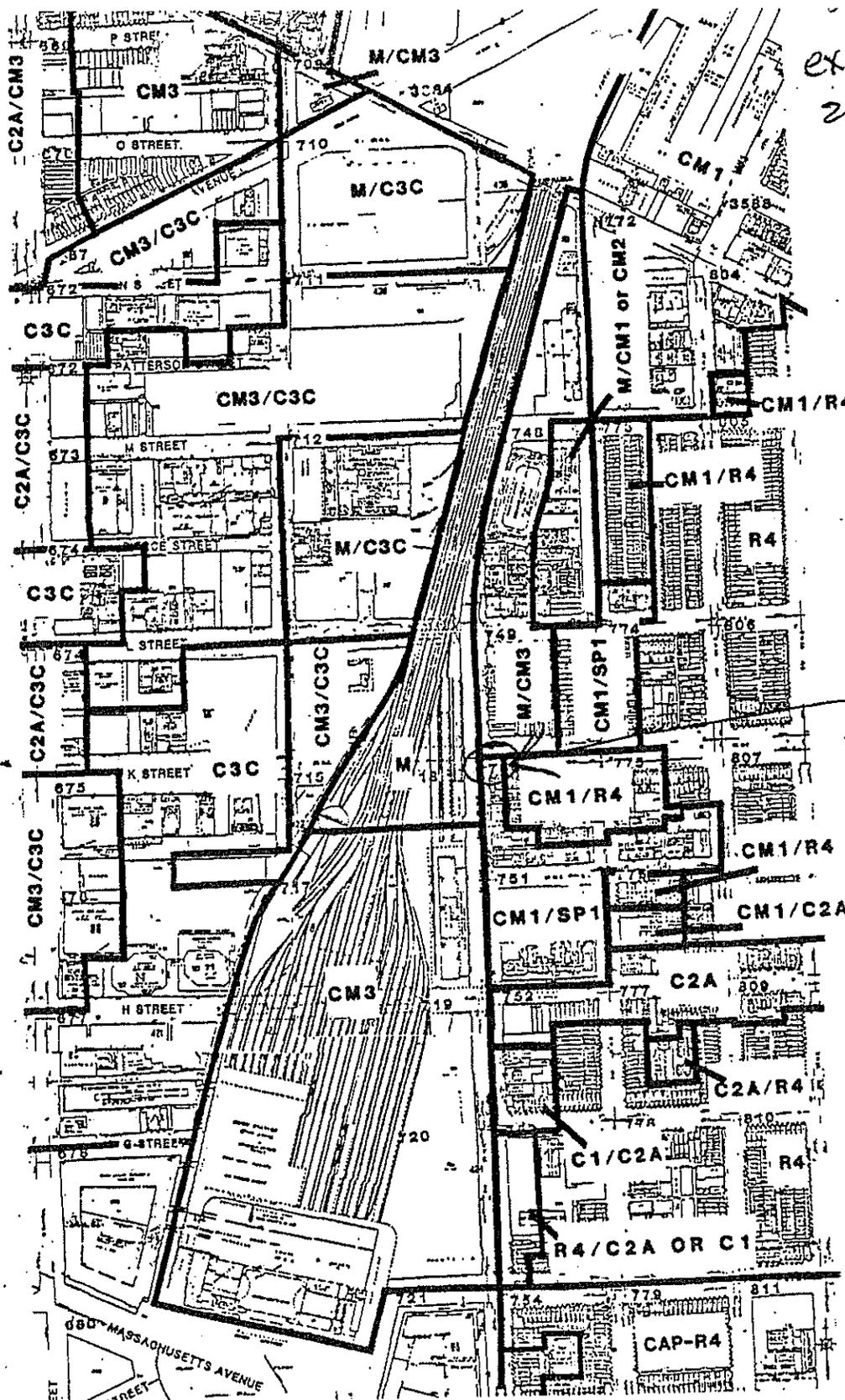
Zone the 3rd Street frontage, L to M streets, C-M-1 or C-M-2, to create a lower density height and bulk for commercial or industrial uses across the street from row dwellings in Square 773.

Retain C-M-1 zoning at northern edge of area near Florida Avenue, except for rezoning the southwest quadrant of Square 804 to R-4 to conserve the existing row dwellings there.

Rezoned several locations SP-1 (medium density mixed residential and office uses, no retail); Children's Museum; vacant parcel south of H Street; 3rd Street frontage, L to M streets occupied by taxcab company and row dwellings/vacant lots. Purposes: • accommodate important institutional use; • control office development by special exception process and limited office tenants; • encourage residential development at row house or up to midrise density.

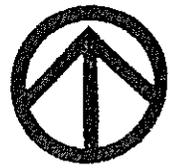
On east frontage of 2nd Street, F to G streets, create a C-2-A (neighborhood commercial) zone, pursuant to 1994 amendment to the Generalized Land Use Map for moderate density mixed use. Continue this pattern by rezoning C-1 area in Square 752 to the north to C-2-A.

existing/proposed zoning.



CM1 to SP1 or C-2 Building site to north 'CM3' to west 'M'

- CM3 existing zoning
- CM1/R4 existing zoning/proposed zoning
- zoning boundary
- △ 807 square number

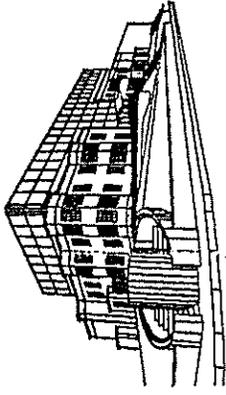


# THE CONGRESSIONAL BLACK CAUCUS FOUNDATION BUILDING

SCHEMATIC DESIGN DRAWINGS

PRELIMINARY AREA/ VOLUME/ CONSTRUCTION COST CALCULATIONS

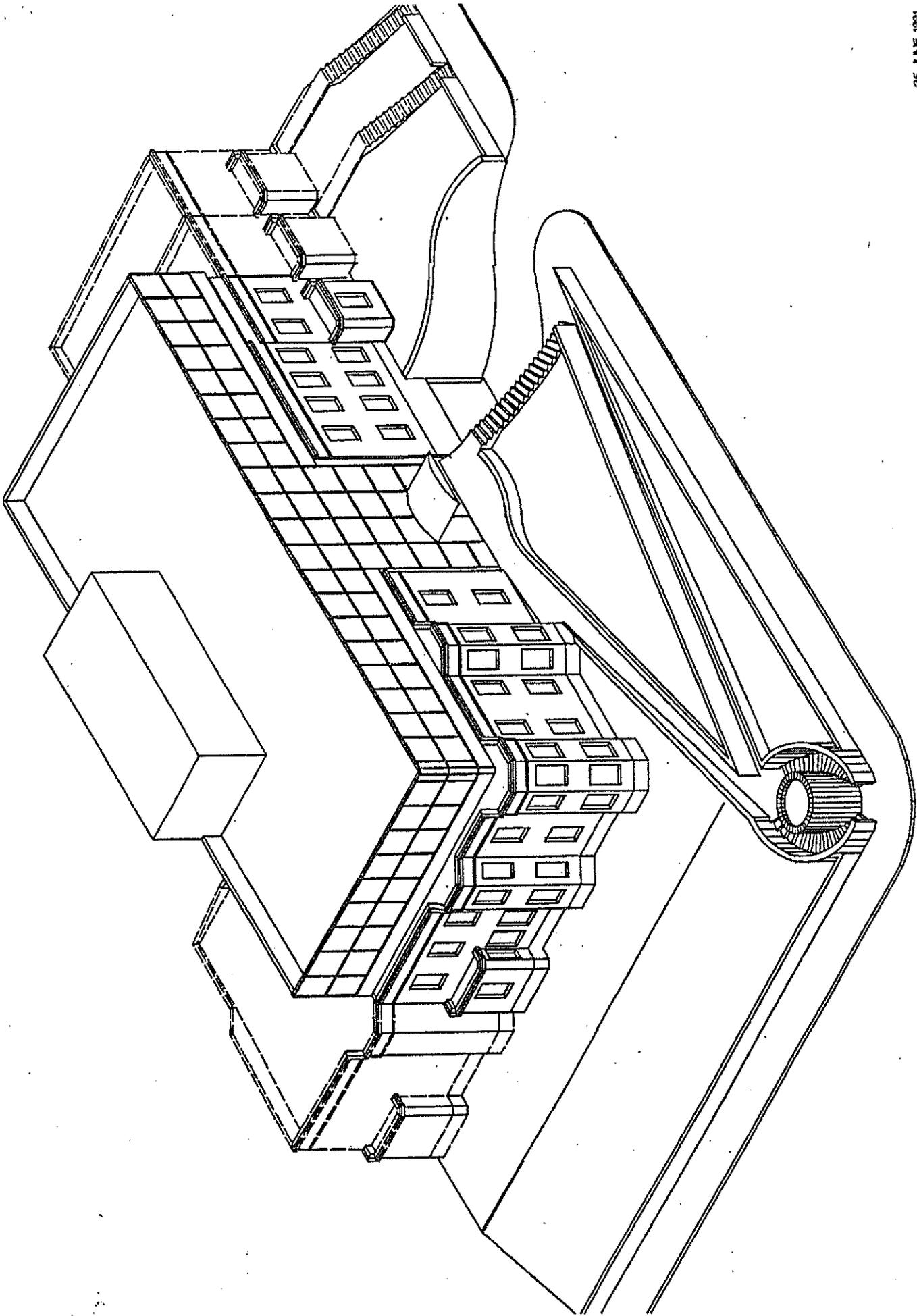
OUTLINE SPECIFICATIONS



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92ND STREET NE WASHINGTON DC

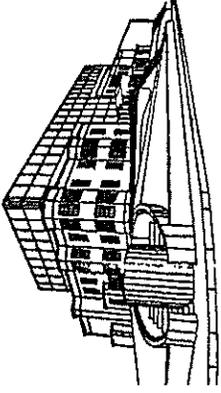
19 JULY 1979  
BARRY ASSOCIATES / ARCHITECTS  
241 K STREET NE WASHINGTON DC 20002 (202) 547 1701



25 JUNE 1971

BARRY ASSOCIATES / ARCHITECTS  
241 K STREET NE WASHINGTON DC 20002 547 1701  
CONTRACT 1971 BY MR. BARRY III

2ND AND K STREETS NE  
STEVE TOURKIN



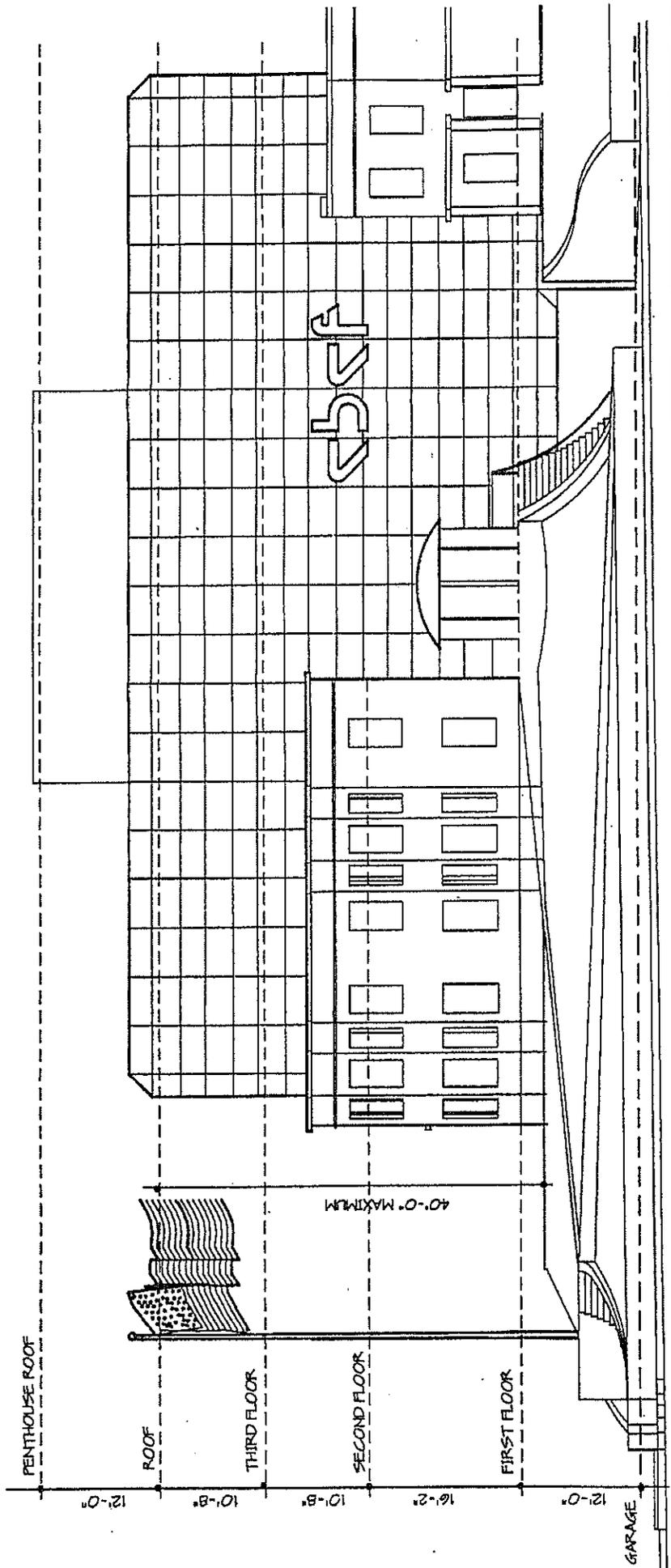
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OR DISCLOSED WITHOUT PRIOR WRITTEN CONSENT  
OF THE ARCHITECT.

## SCHEMATIC DESIGN DRAWINGS

2ND STREET NE WASHINGTON DC

19 JULY 1975

BARRY ASSOCIATES / ARCHITECTS  
241 K STREET NE WASHINGTON DC 20002 (202) 547 1701



19 JULY 1999  
 25 JUNE 1991  
 21 JUNE 1991

**BARRY ASSOCIATES / ARCHITECTS**  
 241 K STREET NE WASHINGTON DC 20002 (202) 547 1701  
 CONSULTANT 1991 BY MR. BARRY III

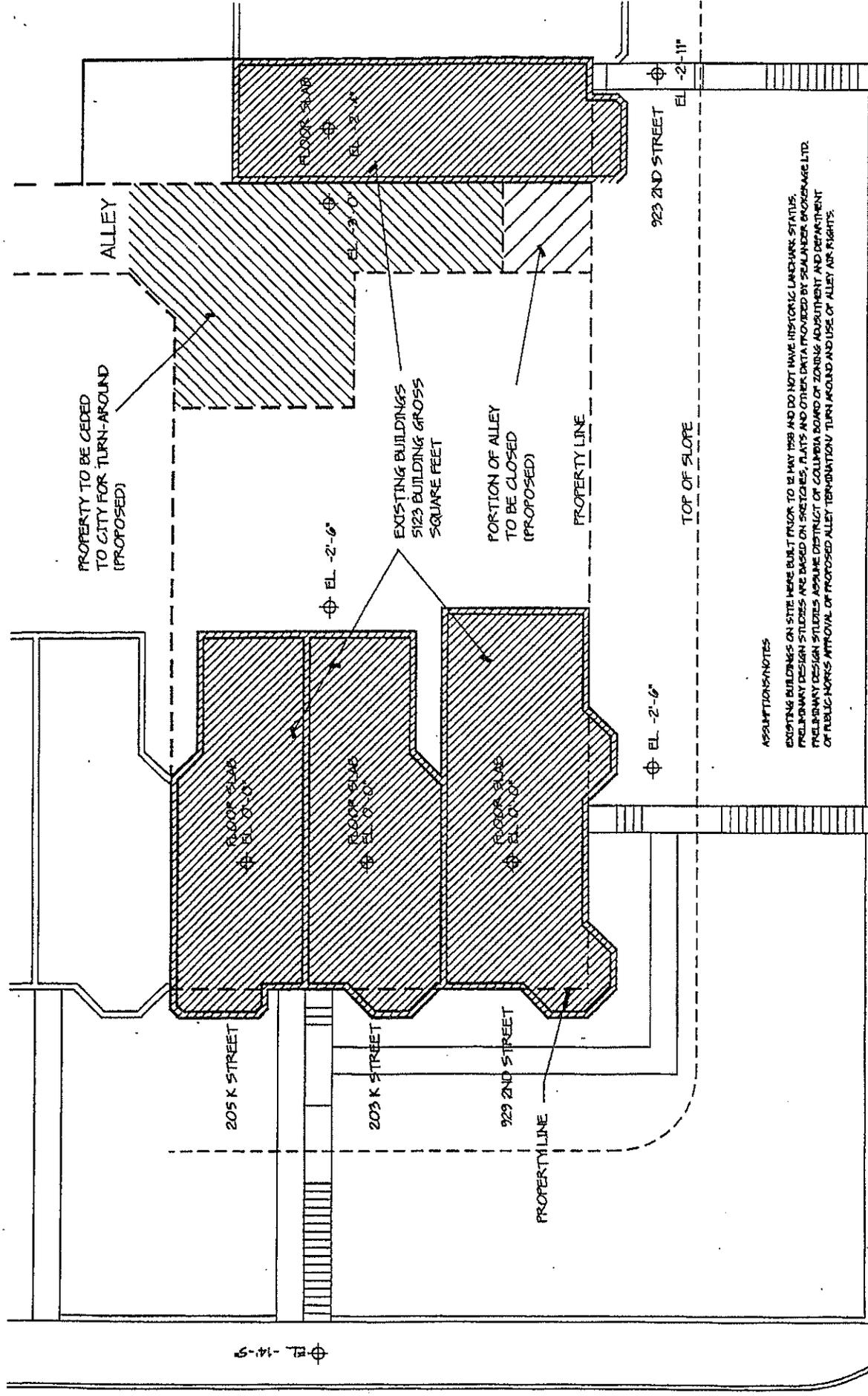
**2ND STREET ELEVATION**

**2ND AND K STREETS NE**

**CBCF**



K STREET



PROPERTY TO BE CEDED TO CITY FOR TURN-AROUND (PROPOSED)

ALLEY

EXISTING BUILDINGS 5123 BUILDING GROSS SQUARE FEET

PORTION OF ALLEY TO BE CLOSED (PROPOSED)

PROPERTY LINE

TOP OF SLOPE

ASSUMPTIONS/NOTES

EXISTING BUILDINGS ON SITE WERE BUILT PRIOR TO 18 MAY 1958 AND DO NOT HAVE HISTORIC LANDMARK STATUS. PRELIMINARY DESIGN STUDIES ARE BASED ON AERIALS, PLATS AND OTHER DATA PROVIDED BY SEALANDER ENGINEERING LTD. PRELIMINARY DESIGN STUDIES ASSUME DETERMINATION OF ZONING ADJUDICATION AND DEPARTMENT OF PUBLIC WORKS APPROVAL OF PROPOSED ALLEY TERMINATION TURN AROUND AND USE OF ALLEY AIR RIGHTS.

EL -15'-1"

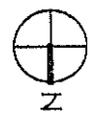
EL -13'-1"

EL -2'-6"

EL -2'-6"

EL -2'-11"

EL -11'-1"



2ND AND K STREETS NE

2ND STREET

EXISTING SITE PLAN

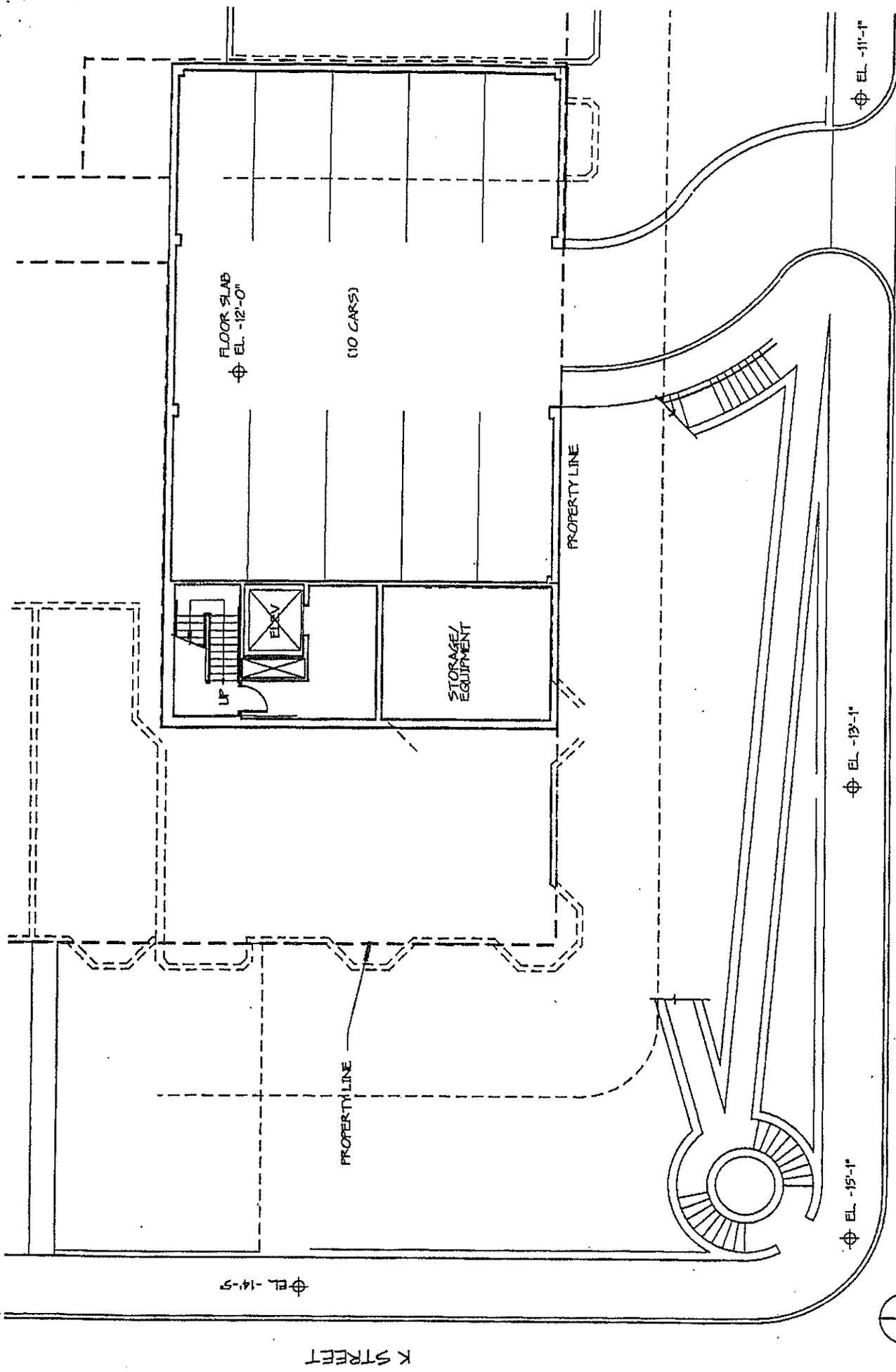
PROPOSED SITE AREA 4,215 SQUARE FEET



CIRC

19 JULY 1979  
25 JUNE 1991  
21 JUNE 1991

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19 JULY 1999  
 25 JUNE 1991  
 21 JUNE 1991

2ND STREET

**GARAGE PLAN**

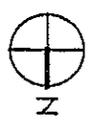
3,620 BUILDING GROSS SQUARE FEET

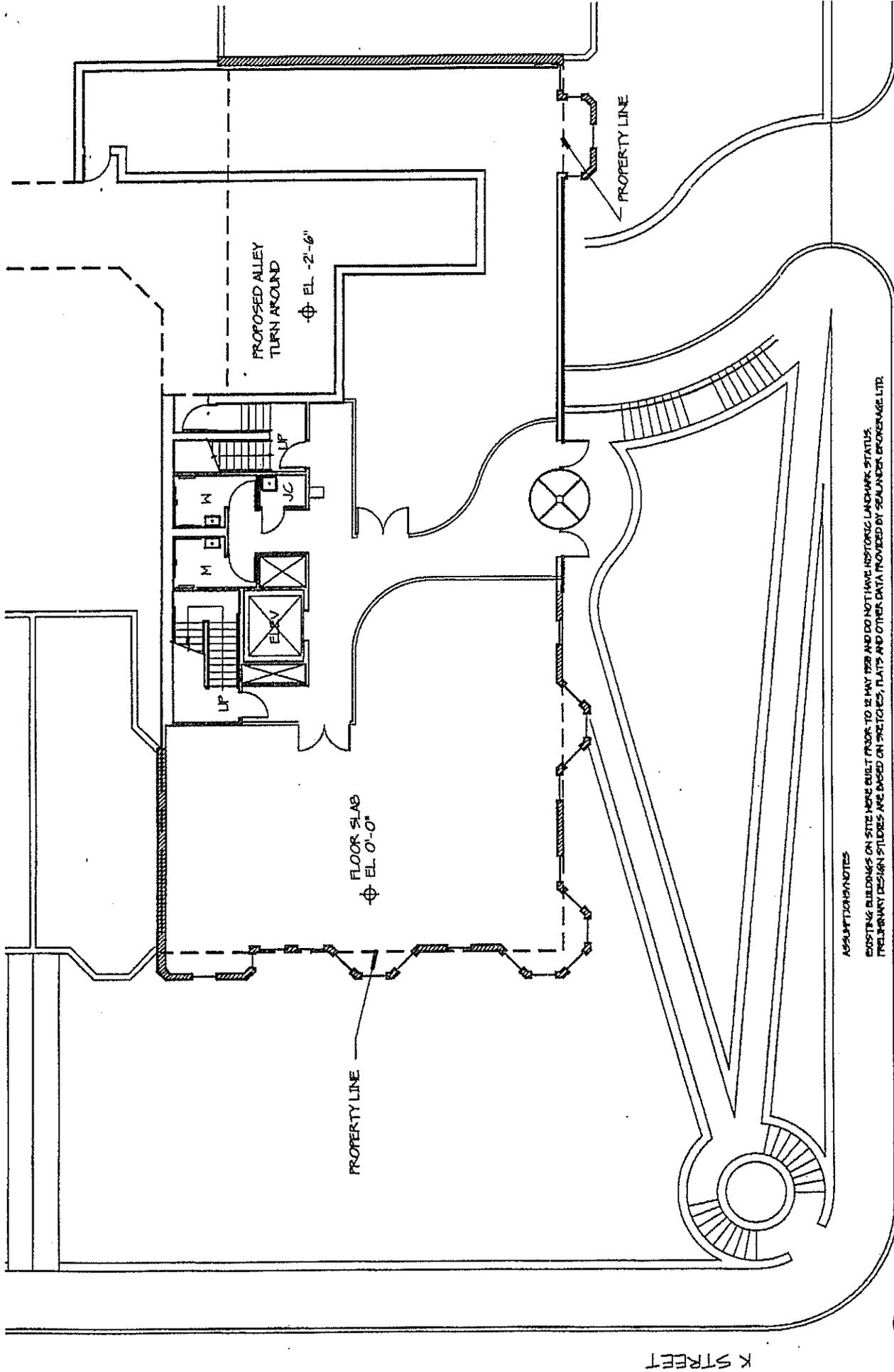
2ND AND K STREETS NE

CORP



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 CONSULT 1991 BY H.R. BERRY III





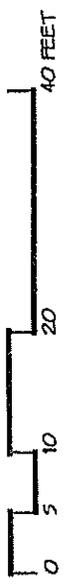
17 JULY 1979  
 25 JUNE 1991  
 21 JUNE 1991

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**ASSUMPTIONS/NOTES**  
 EXISTING BUILDINGS ON SITE WERE BUILT PRIOR TO 12 MAY 1959 AND DO NOT HAVE HISTORIC LANDMARK STATUS.  
 PRELIMINARY DESIGN STUDIES ARE BASED ON PREVIOUS PLATS AND OTHER DATA PROVIDED BY SEANUNEN ENGINEERING LTD.  
 PRELIMINARY DESIGN STUDIES ASSUME DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT AND DEPARTMENT  
 OF PUBLIC WORKS APPROVAL OF PROPOSED ALLEY TERMINATION TURN AROUND AND USE OF ALLEY AIR RIGHTS.

**FIRST FLOOR PLAN**

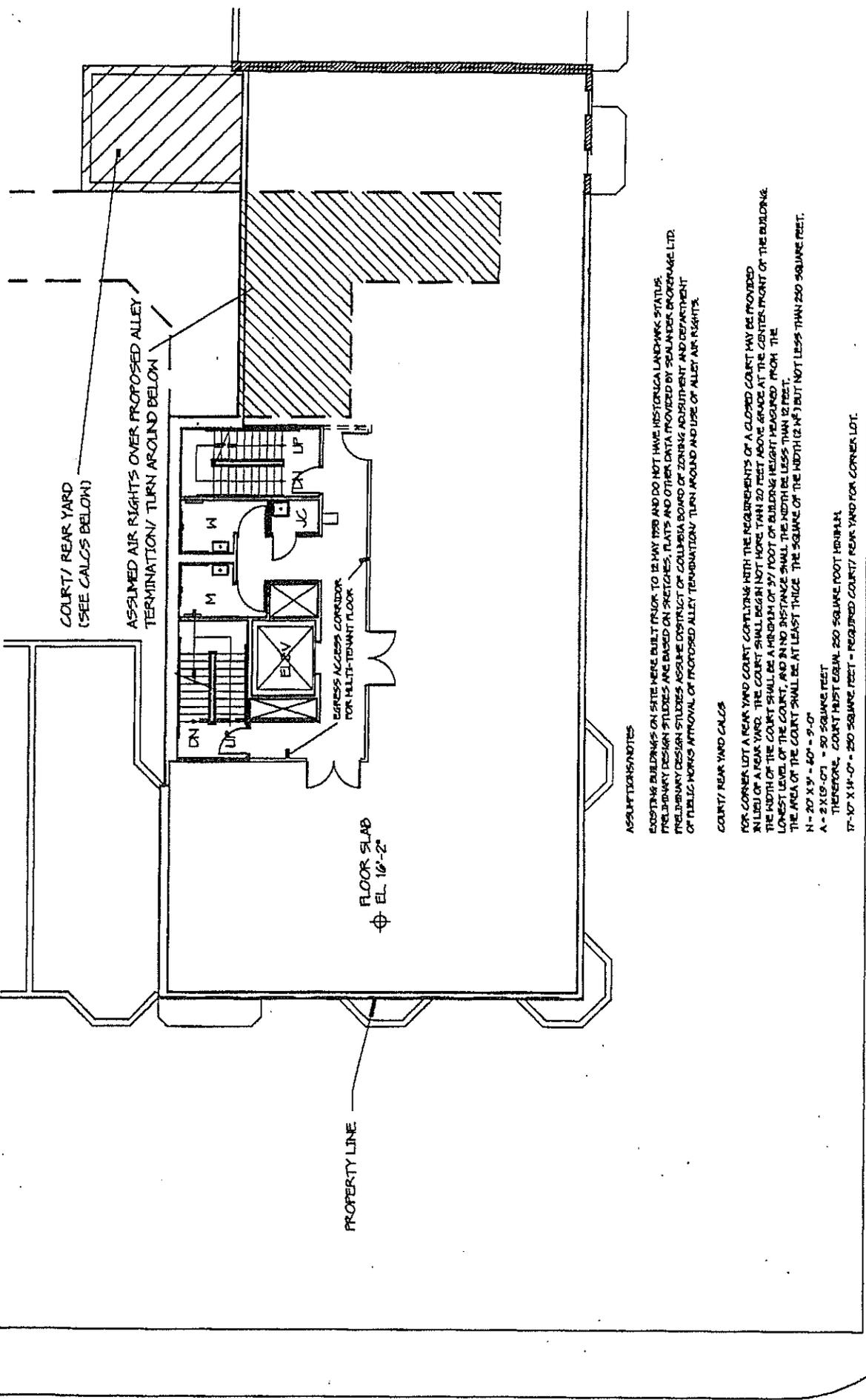
4,497 BUILDING GROSS SQUARE FEET



2ND STREET

2ND AND K STREETS NE

CBCF

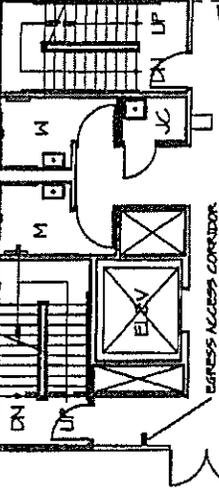


COURT/ REAR YARD  
(SEE CALCS BELOW)

ASSUMED AIR RIGHTS OVER PROPOSED ALLEY  
TERMINATION/ TURN AROUND BELOW

FLOOR SLAB  
EL. 16'-2"

PROPERTY LINE



ACCESS ACCESS CORRIDOR  
FOR MULTI-TENANT FLOOR

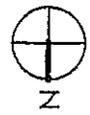
ASSUMPTIONS/NOTES

EXISTING BUILDINGS ON SITE WERE BUILT PRIOR TO 12 MAY 1988 AND DO NOT HAVE HISTORICAL LANDMARK STATUS. PRELIMINARY DESIGN STUDIES ARE BASED ON PRECISES, PLATS AND OTHER DATA PROVIDED BY SEANICKER BROKERAGE LTD. PRELIMINARY DESIGN STUDIES ASSUME DISTRICT OF COLUMBIA BOARD OF ZONING ADJUSTMENT AND DEPARTMENT OF PUBLIC WORKS APPROVAL OF PROPOSED ALLEY TERMINATION/ TURN AROUND AND USE OF ALLEY AIR RIGHTS.

COURTY/ REAR YARD CALCS

FOR CORNER LOT A REAR YARD COURTYARD WITH THE REQUIREMENTS OF A CLOSED COURTYARD MAY BE PROVIDED IN LIEU OF A REAR YARD. THE COURTYARD SHALL BE NOT MORE THAN 20 FEET ABOVE GRADE AT THE CENTERPOINT OF THE BUILDING. THE WIDTH OF THE COURTYARD SHALL BE A MINIMUM OF 50 FEET OF BUILDING HEIGHT MEASURED FROM THE LOWEST LEVEL OF THE COURTYARD, AND IN NO INSTANCES SHALL THE WIDTH BE LESS THAN 12 FEET. THE AREA OF THE COURTYARD SHALL BE AT LEAST THREE TIMES THE SQUARE OF THE WIDTH (24' x 24') BUT NOT LESS THAN 250 SQUARE FEET.

N = 20' x 30' = 60' x 9'-0"  
 A = 2' x 15'-0" = 30' SQUARE FEET  
 THEREFORE, COURTYARD MUST BE MIN. 250 SQUARE FEET  
 17'-10" x 14'-0" = 250 SQUARE FEET = REQUIRED COURTYARD REAR YARD FOR CORNER LOT.



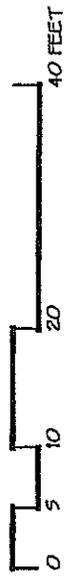
2ND STREET

2ND AND K STREETS NE

SECOND FLOOR PLAN

4,550 BUILDING GROSS SQUARE FEET

CBCF

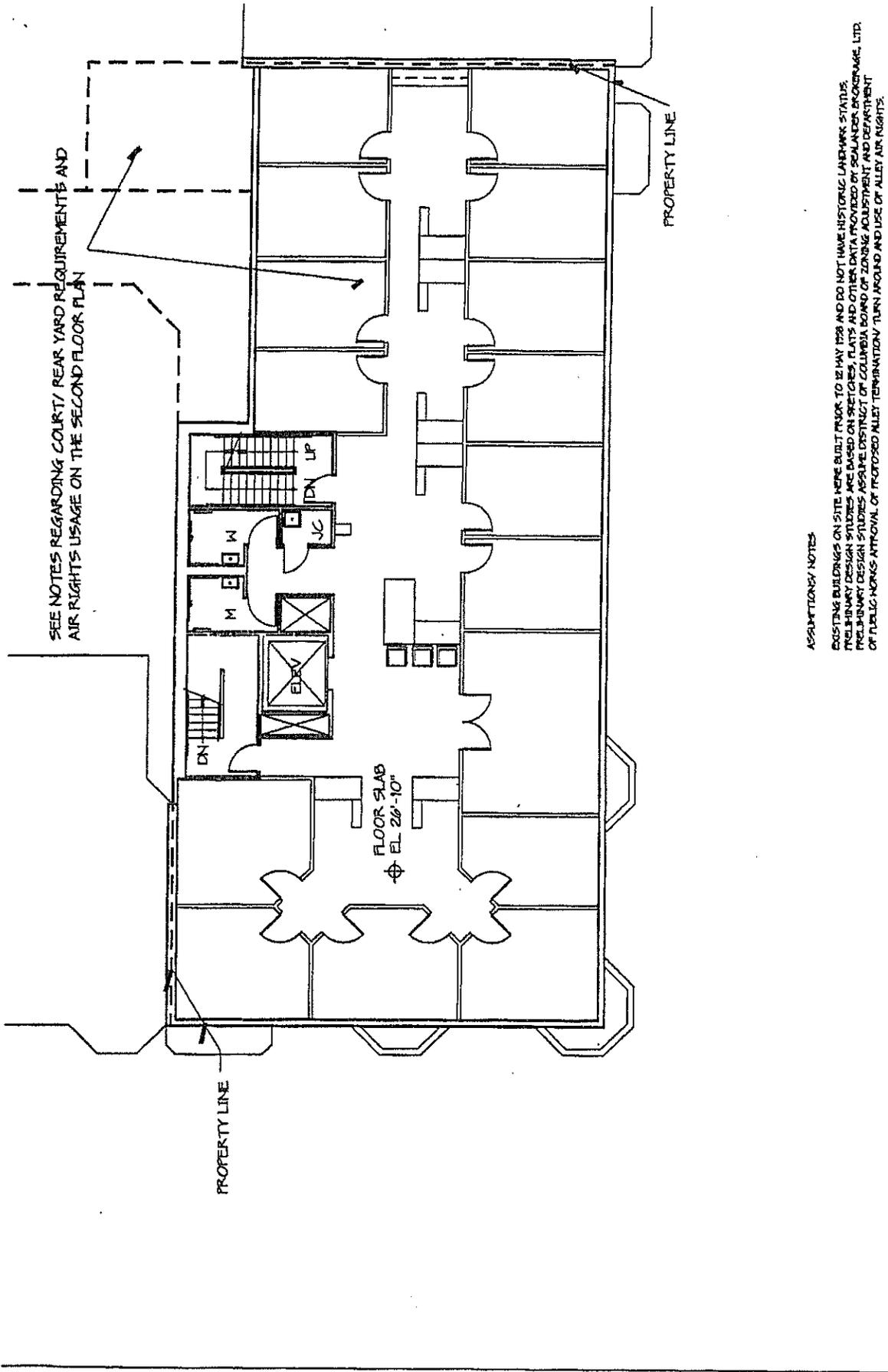


19 JULY 1995  
 25 JUNE 1991  
 21 JUNE 1991

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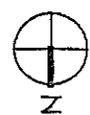
K STREET

K 5178 FRI



ASSUMPTIONS/NOTES

EXISTING BUILDINGS ON SITE WERE BUILT PRIOR TO 12 MAY 1928 AND DO NOT HAVE HISTORIC LANDMARK STATUS.  
 PRELIMINARY DESIGN STUDIES ARE BASED ON SECTIONS, PLATS AND PER DATA PROVIDED BY SOLANDES BROKERAGE, LTD.  
 PRELIMINARY DESIGN STUDIES ASSUME EXISTING OF COLUMBIA BOUND OF ZONING ADJUSTMENT AND DEPARTMENT  
 OF PUBLIC WORKS APPROVAL OF PROPOSED ALLEY TERMINATION, TURN AROUND AND USE OF ALLEY AIR RIGHTS.



2ND AND K STREETS NE

CHCF

2ND STREET

**THIRD FLOOR PLAN**

4,550 BUILDING GROSS SQUARE FEET



19 JULY 1979  
 25 JUNE 1991  
 21 JUNE 1991

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ENROLLED ORIGINAL

## AN ACT

D.C. ACT 10-391

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DECEMBER 30, 1994

To order the closing of a public alley in Square 750, bounded by K Street, N.E., 2nd Street, N.E., Parker Street, N.E., and 3rd Street, N.E., in Ward 6.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Closing of a Public Alley in Square 750, S.O. 84-123, Act of 1994".

Sec. 2. Pursuant to section 201 of the Street and Alley Closing and Acquisition Procedures Act of 1982, effective March 10, 1983 (D.C. Law 4-201; D.C. Code § 7-421), the Council finds that the public alley in Square 750, as shown on the Surveyor's plat filed under S.O. 84-123, is unnecessary for alley purposes and orders it closed, with title to the land to vest as shown on the Surveyor's plat. The approval of the Council of the District of Columbia of this closing is contingent upon the filing, in the Recorder of Deeds Division of the Department of Finance and Revenue, of a covenant between the District of Columbia and the owners of the lots abutting the alley to be closed that incorporates the following conditions:

(1) The easement and other conditions set forth in the official file on S.O. 84-123 by the District of Columbia Department of Public Works; and

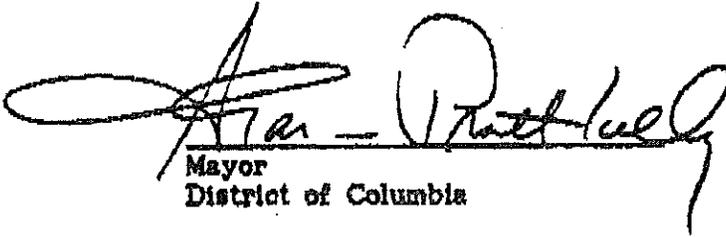
(2) The conditions set forth in the official file on S.O. 84-123 by the District of Columbia Fire and Emergency Medical Services Department.

Sec. 3. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

(b) If the covenant required by section 2 is not filed within 2 years of the effective date of this act, this act shall expire.



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia

APPROVED: December 30, 1994

# EXHIBIT H

## **STEPHEN VARGA, AICP, LEED GREEN ASSOCIATE**

Mr. Varga has experience in zoning and land use, sustainability best practice, comprehensive planning, as well as geographic information systems. He is currently Planning Services Director in Cozen O'Connor's Washington, DC office. In this role, he provides qualified expert witness land use and planning testimony before the Board of Zoning Adjustment and Zoning Commission, evaluates development proposals for zoning conformance and entitlement potential, drafts and submits text and map amendments as part of the District's 'Open Call' Comprehensive Plan update, and monitors and researches local government land use policies.



Prior to joining Cozen O'Connor, he served as director of planning services at Griffin, Murphy, Moldenhauer and Wiggins LLP after serving for nearly 10 years as an urban planner within the District of Columbia government.

From 2008-2010, he worked at the District of Columbia Office of Planning, an agency which guides development in the District while implementing preservation, revitalization, and strategic goals. As a development review specialist, he was responsible for reviewing zoning applications and presented agency recommendations at public meetings. Additionally, he served as core team member of Zoning Regulations Review project, a multi-year effort to comprehensively revise and modernize the zoning regulations of the District. He produced zoning recommendation reports and zoning regulation text, particularly for mixed use, transit-oriented development, and sustainability subject areas. This work would eventually become adopted as "ZR16," the new zoning regulations of the District, in effect since September 6, 2016.

From 2011-2016, he served at the District of Columbia Office of Zoning (DCOZ), an agency which provides administrative, professional, and technical assistance to the Zoning Commission and the Board of Zoning Adjustment in support of their oversight and adjudication of zoning matters in the District of Columbia. Upon joining DCOZ, he worked as a zoning specialist, and eventually senior zoning specialist, where he was responsible for communicating complex technical and regulatory information to a wide range of stakeholders, including applicants, BZA, Advisory Neighborhood Commissions, and the public. In addition to carrying out his explanatory duties, he analyzed and managed hundreds of zoning applications per year, ensuring each complied with applicable procedures and requirements. He also improved the BZA application processes for applicants, and clarified rights and responsibilities for stakeholders, resulting in more-timely and efficient hearings. Additionally, he adapted BZA zoning processes in the Interactive Zoning Information System to conform with ZR16.

Mr. Varga holds a Master's Degree in City & Regional Planning from the Ohio State University. He graduated with a Bachelor of Arts Degree from the Ohio State University.

He has been a member of the American Planning Association since 2003. He earned his American Institute of Certified Planners ("AICP") designation in 2007, and his LEED Green Associate designation in 2010.

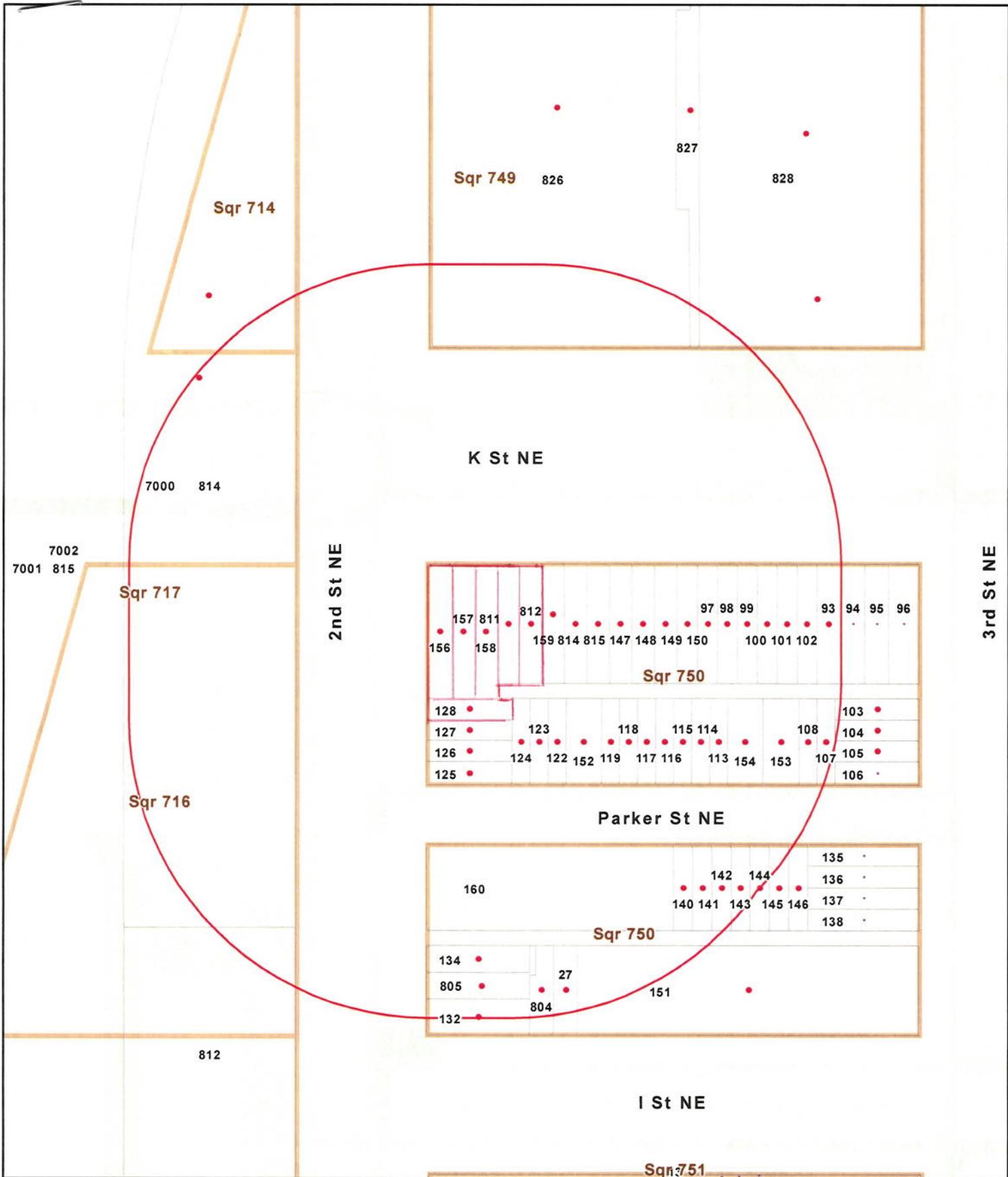
## SASSAN GHARAI, ARCHITECT



**SASSAN GHARAI**  
*PRESIDENT*

Sas founded SGA in 1996 as SGA Architects. In 2004 he changed the name to SGA Companies to better reflect the development aspect of the company. He has lived in the Washington, DC area for the last 30 years, and has worked on over 400 projects of various sizes in the region over that time. Sas has a BA and an MA in Architecture from Catholic University, and is a registered architect since 1993. He is currently registered in DC, MD, and VA. Sas enjoys many aspects of his work, particularly creating initial concept drawings by hand.

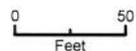
# EXHIBIT I



**Subject Property ID: 0750 0128, 0156-0158, 0811, 0812**

- Subject Property
- Radius
- Ownership Lots
- DC Squares

1:1,033



Print Date: 5/16/2018

For general planning purposes.



NATIONAL RAILROAD PASSENGER  
60 MASSACHUSETTS AVE NE  
WASHINGTON, DC 20002-4285

LARRY WHITE  
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PRI/220 I STREET LLC  
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SEABROOK, MD 20706-3611

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901 SECOND STREET NE LLC  
901 2ND ST NE  
WASHINGTON, DC 20002-3501

208 I STREET LLC  
208 I ST NE  
WASHINGTON, DC 20002-4340

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HORSHAM, PA 19044-2323

TOLL DC II LP  
250 GIBRALTAR RD  
HORSHAM, PA 19044-2323

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