

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser,
Deputy Director, Development Review & Historic Preservation

DATE: October 29, 2018

SUBJECT: ZC Case 18-07– Final Report on a Petition for a Zoning Map Amendment to Re-Zone Portions of Lots 156- 158 in Square 750 from PDR-1 to MU-4 and to Re-Zone Square 750, Lot 128 and Other Portions of Lots 156-158 from PDR-1 to MU-5A

I. RECOMMENDATION

The Office of Planning (OP) recommends that the Zoning Commission **approve this petition for a map amendment** to re-zone portions of Lots 156- 158 in Square 750 from PDR-1 to MU-4 and to re-zone Square 750, Lot 128 and other portions of Lots 156-158 from PDR-1 to MU-5A.

This OP report focuses on questions raised at the public meeting and incorporates, by reference, OP's setdown report dated July 20, 2018 (Exhibit 12). The outstanding concerns were: 1) whether the proposed MU-5A zone would be not inconsistent with Square 750's designation in the Generalized Future Land Use Map (FLUM) of the Comprehensive Plan; and, 2) what might a new development with the proposed zoning look like, in the context of the surrounding area.

II. OVERVIEW OF PETITION, AND SITE'S CONTEXT

The petitioner is requesting that the lots outlined in black in Figure 1 be rezoned from PDR-1 to MU-4, and that the area outlined in blue be rezoned from PDR-1 to MU-5A. The requested zoning would permit a new development to include residential uses, which are not permitted in the existing zone. The proposed zoning would retain the existing zone's 50-foot height limit on the northern portion of the site, and would permit height of up to 70 feet, with Inclusionary Zoning (IZ) units, on the southern portion of the site. While the requested zoning would decrease the 3.5 maximum permitted density to 3.0 FAR on the northern portion of the site, it would permit an increase to 4.2 FAR on the southern part of the site if it were developed residentially and included IZ units.

III. SITE AND AREA DESCRIPTION

The generally rectangular 5001 square-foot site is in the northwest portion of Square 750, which is part of the NoMA-east neighborhood, immediately east of the railway viaduct in Near Northeast Washington. The Square is bounded by I, K, 2nd and 3rd Streets, NE and is bisected by the east/west-aligned Parker Street, NE. The Square is northeast of Union Station and one block north of H Street, NE. Two red-line Metro stations are less than ½ mile away.

The buildings on the applicant's site, and along Parker, K, 2nd and 3rd Streets, NE are moderate-density rowhouses, except for a new five-story apartment building on the southeast corner of Parker

and 2nd Street, NE. There is a 2-story office building in the Square at the corner of 3rd and K Streets, NE. The blocks to the east of Square 750 are generally moderately-scaled rowhouses with some mid-rise apartment buildings.

In the nearby area bounded by G Street, Florida Avenue, 2nd Street, and 4th Street, there are several medium to high-density mixed-use PUD developments that include related map amendments from PDR zones to high-density mixed-use zones. There are also high-density mixed-use PUD developments one block to the south of the applicant’s site, along H Street, NE.

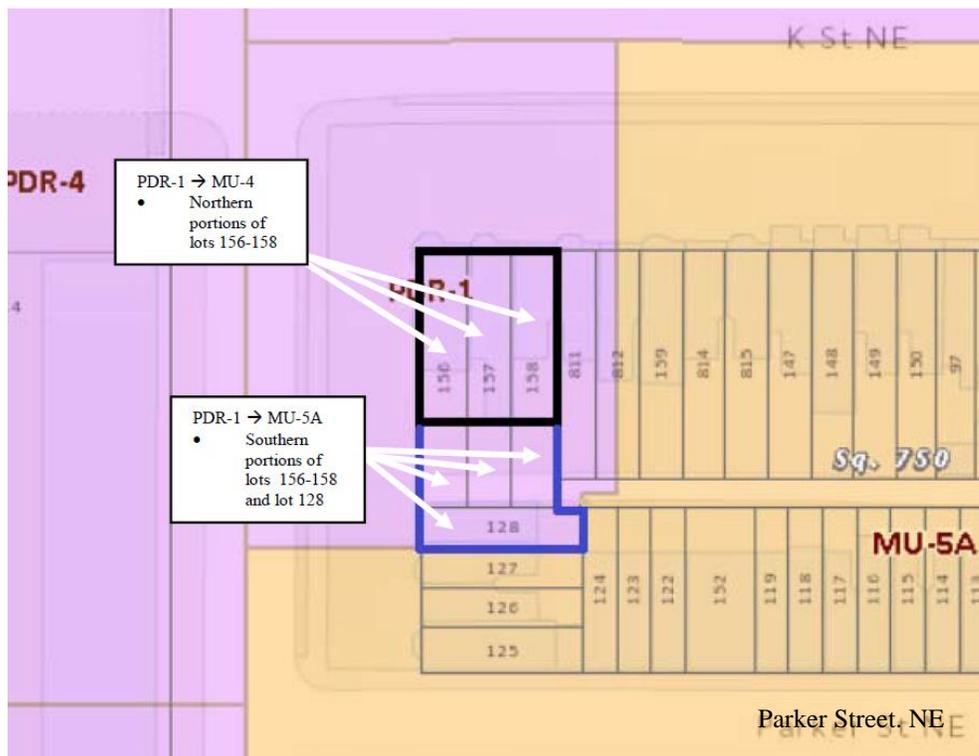


Figure 1. Site of Petitioned Map Amendments, with area to north (in Black) proposed for MU-4 and the area to the south (in Blue) proposed for MU-5A (Case Exhibit 3B).

IV. RESPONSES TO QUESTIONS PREVIOUSLY RAISED BY THE COMMISSION OR OP

A. Would the Requested Rezoning Be Not Inconsistent with the Comprehensive Plan?

Between OP’s setdown report and Commission requests at the public meeting, the petitioner has been asked to provide additional guidance on how to reconcile the request for zone changes with the site’s inclusion in a neighborhood conservation area on the Generalized Policy Map. The applicant has not supplied this. However, as OP has noted previously:

- With respect to the Policy Map, the requested rezoning would reinforce the conservation of the existing residential neighborhood. The existing zoning does not permit new residential development – only commercial or PDR uses. The proposed zoning would permit both commercial and residential development in a building or buildings that could be:

- In the northern, proposed MU-4 portion of the site, up to 50 feet tall and 2.5 FAR if developed without IZ, and up to 50 feet tall and 3.0 FAR if developed with IZ;
- In the southern portion, proposed MU-5A, up to 65 feet tall and 3.5 FAR if developed without IZ, and up to 70 feet tall and 4.2 FAR if developed with IZ.

These heights and FARs would be greater and denser than most of the existing immediately adjacent development on K Street or the north side of Parker Street, but the construction of new residential units under the requested zones would likely do more to help conserve the existing neighborhood's primarily residential character than would the introduction of a 50-foot tall building with 3.5 FAR of commercial or PDR uses under the existing PDR-1 zone. Most of the remainder of this square is currently zoned MU-5A.

With respect to the Generalized Future Land Use Map (FLUM) and the Comprehensive Plan text, the MU-4 zone requested for the northern 60% of the site is not inconsistent with the FLUM's designation of the site as appropriate for low-density commercial and moderate-density residential uses. The MU-5A zone requested for the southern 40% of the site is considered a moderate to medium density mixed use category and is the zone governing most of Square 750. When considered within this context, and when reading the balance of Comprehensive Plan direction in conjunction with the guidance given by the NoMA Small Area Plan, the moderate to medium density MU-5A zone is also not inconsistent with the Comprehensive Plan. This was analyzed in detail in OP's public hearing report (Exhibit 12). To summarize that analysis:

- Policies in the Land Use Element support rezoning to reduce the number of non-conforming uses in residential areas. Square 750 is essentially residential. Even the most recent construction in the Square is primarily residential. The retention of a zone in this Square that would permit only non-residential uses to be developed would be inconsistent with Land Use Policy LU-3.1.4, which allows rezoning to non-industrial uses when industry cannot co-exist appropriately with adjacent existing uses.
- Policies in The Capitol Hill and Central Washington Area Elements of the Comprehensive Plan, as well as the NoMA Small Area Plan identify the area around the site as a transition area between the high-density uses to the west and the moderate-density areas to the east and south. The MU-5A zone is designed for both moderate and medium density areas and is not inappropriate for a transitional site such as the petitioner's.

In short, the moderate and high-density zone requests and the introduction of zones that permit residential development would not be inconsistent with existing development in the Square, the Generalized Policy Map's emphasis on neighborhood conservation, and the NoMA Small Area Plan's emphasis on this location being a transition area between high and moderate density areas.

B. Would MU-4 and MU-5A Development Be Congruent with the Nearby Context?

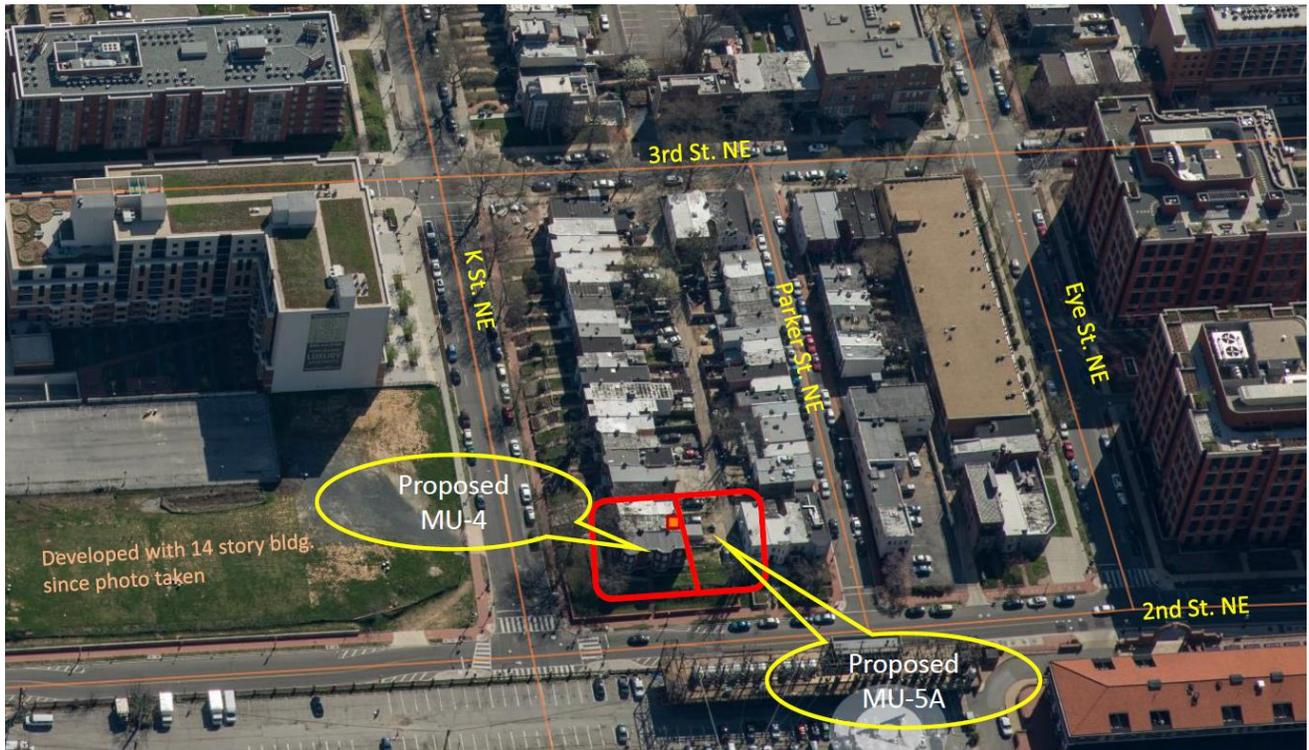


Figure 2. Site Context



Figure 3. From 2nd and K Streets, NE, looking west. The case's Square 750 property is in the center.

Figures 2 and 3 show the property for which the map amendments are requested and the differing scales of those properties and nearby development.



Figure 4. Petitioner's Property, from 2nd Street, NE

The petitioner is requesting MU-4 zoning for the site of the red-brick structures on the left side of Figure 4 and half of the open area to the immediate right. MU-5A zoning is requested for the rest of the undeveloped frontage up to and including the site of the white 2-story structure to the right of the tree. The properties with the three 2-story structures to the right of the white building are already zoned MU-5A and are owned by the petitioner.



Figure 5. Square 750 from west, at intersection of 3rd and Parker Streets, NE

The half of Square 750 located north of Parker Street, NE (middle of Figure 5) is developed with similar two-story row-houses or semi-detached buildings. An exception is the taller dark gray structure in Fig. 5, at the east end of Parker Street, which has recently been redeveloped by-right under that site's existing MU-5A zone.

Figures 6 and 7 illustrate the type of development that could occur with the proposed map amendments.

In Figure 6, the building under construction on the right side of Parker Street is the same dark gray building shown in Figure 5. It is in the MU-5A zone. Across Parker Street in Figure 6, the first three lots on the left side are already zoned MU-5A. The existing zone would permit development of a building of similar in height to the one under construction in Figure 6. The requested map amendment, as illustrated in Figure 1 of this report, would extend the MU-5A zone along another third of the block front on 2nd Street, and rezone the remaining third of that blockfront and portions of three lots on the south side of the 200 block of K Street to MU-4.



Figure 6. Looking east from 2nd and Parker Streets, NE. 2018

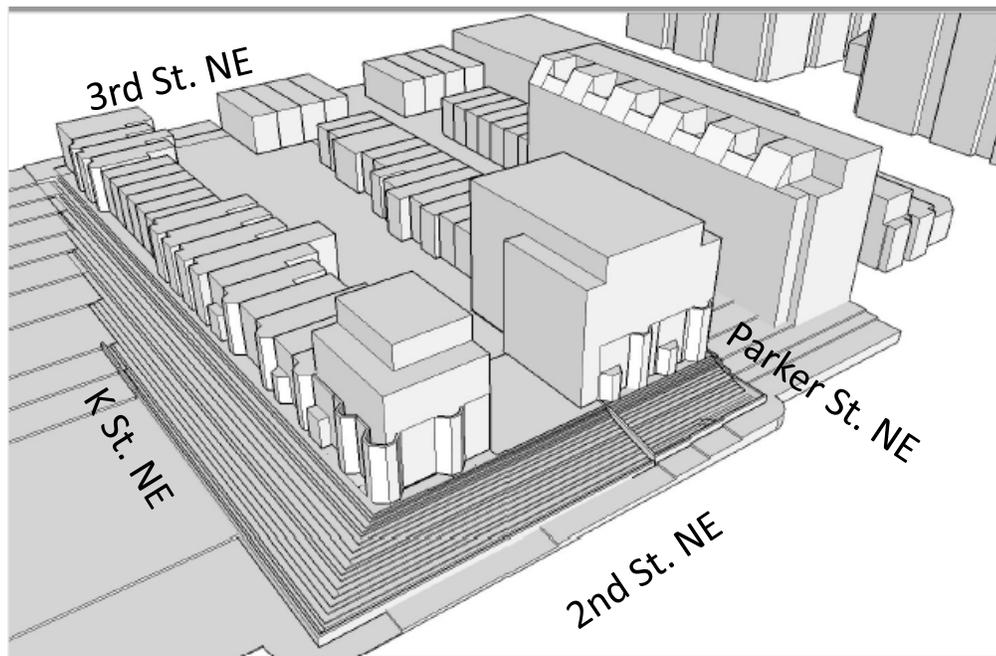


Figure 7. View of Possible By-Right Development Under Proposed Map Amendments, looking SE from 2nd and K Streets, NE.

Figure 7 was supplied by the petitioner to illustrate the scale and potential massing of development the petitioner is contemplating if the requested map amendments are approved. (This illustration has been

shown to ANC 6C). A by-right MU-4 building is shown at the corner of 2nd and K Streets, NE extending a third of the way towards Parker Street. A by-right MU-5A building is shown from the center of the 2nd Street frontage to Parker Street. That site for the illustrative MU-5A building includes property included in this petition and adjacent property owned by the petitioner at the corner of 2nd and Parker Streets, NE. The building that is shown under construction in Figure 7 is across Parker Street. That building's property extends deeper along Parker Street than does the property for which the map amendment is requested.

The illustration is suggestive of what the petitioner thinks *could* be developed by-right on the site for which the map amendment is sought, plus the three lots the petitioner owns on the north side of Parker Street. Because this case is a map amendment petition, not a PUD or BZA application, the illustration does not necessarily show what *would* be developed on the site and the adjacent properties. The proposed map amendments would not, for instance, require a developer to retain the existing two-story building facades, whose retention is included in Figure 8. It would not require the upper level setbacks that are illustrated. The illustration does not include the by-right penthouses the map amendments would permit. It does not include any modifications that may be required by other codes or District agencies. The computer rendering simply illustrates the general scale of what could be constructed with the requested map amendments.

V. COMMENTS BY OTHER DISTRICT AGENCIES

The District Department of Transportation's (DDOT's) report states the Department has no objection to the requested map amendment (Exhibit 44), but that specific aspects of any future development would need to be coordinated with the Department.

There were no other comments by District agencies at the time OP completed this report.

VI. PUBLIC COMMENTS

The applicant was scheduled to meet with the ANC between the time OP completed this report and the Commission's consideration of the case.

The case file contains a letter of support from the Capitol Hill Restoration Society (Exhibit 43), 18 letters of support from the public (Exhibits 24 – 41), and one letter in opposition (Exhibit 19).

JS/SLC
Stephen Cochran, project manager