

ZC Application #18-07

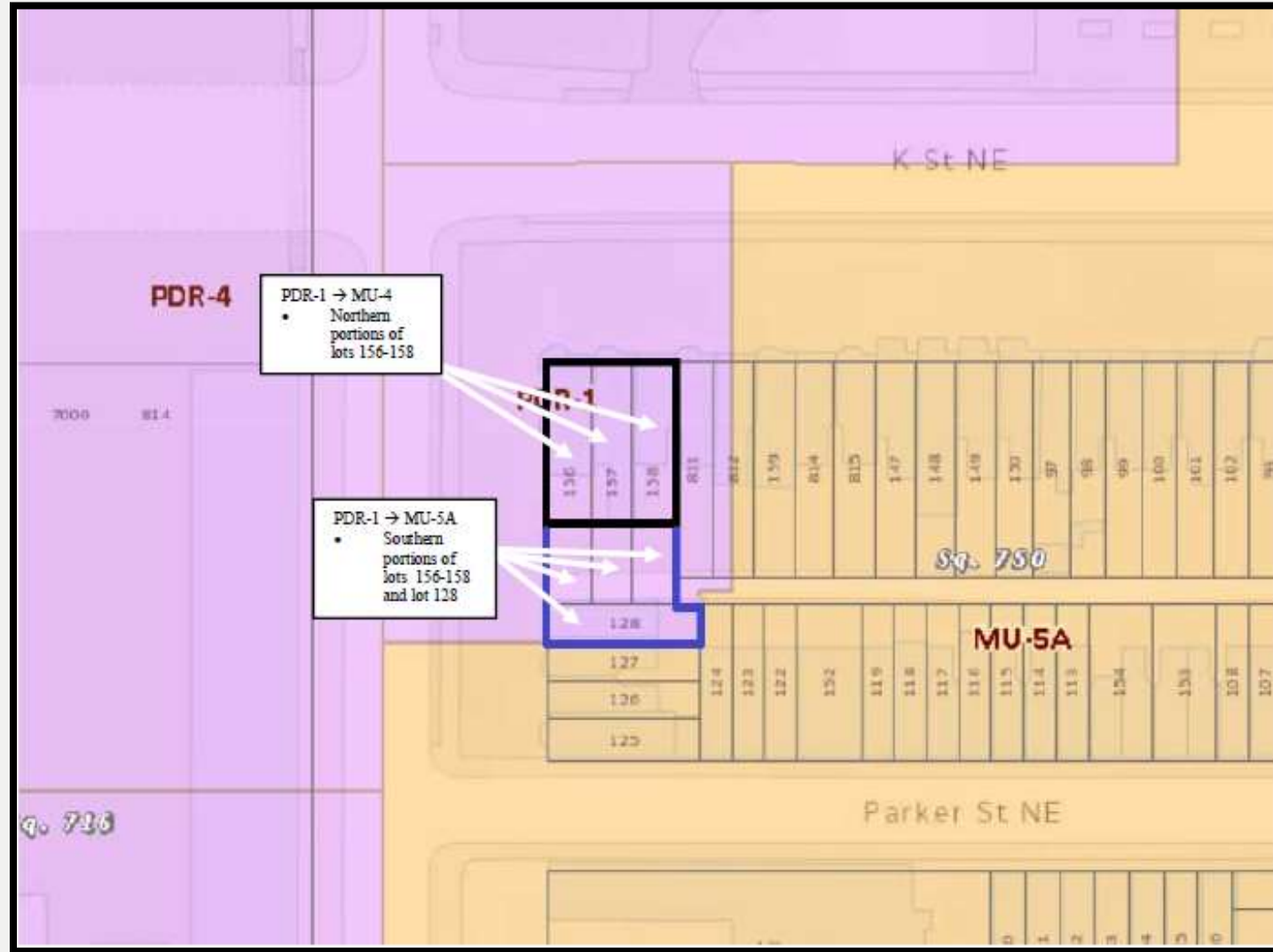
Zoning Map Amendment

Lean Development, LLC



Square 750, Lots 128 and 156-158 (the "Site Area")

Request: Rezone Northern Portion to MU-4; Rezone Southern Portion to MU-5A



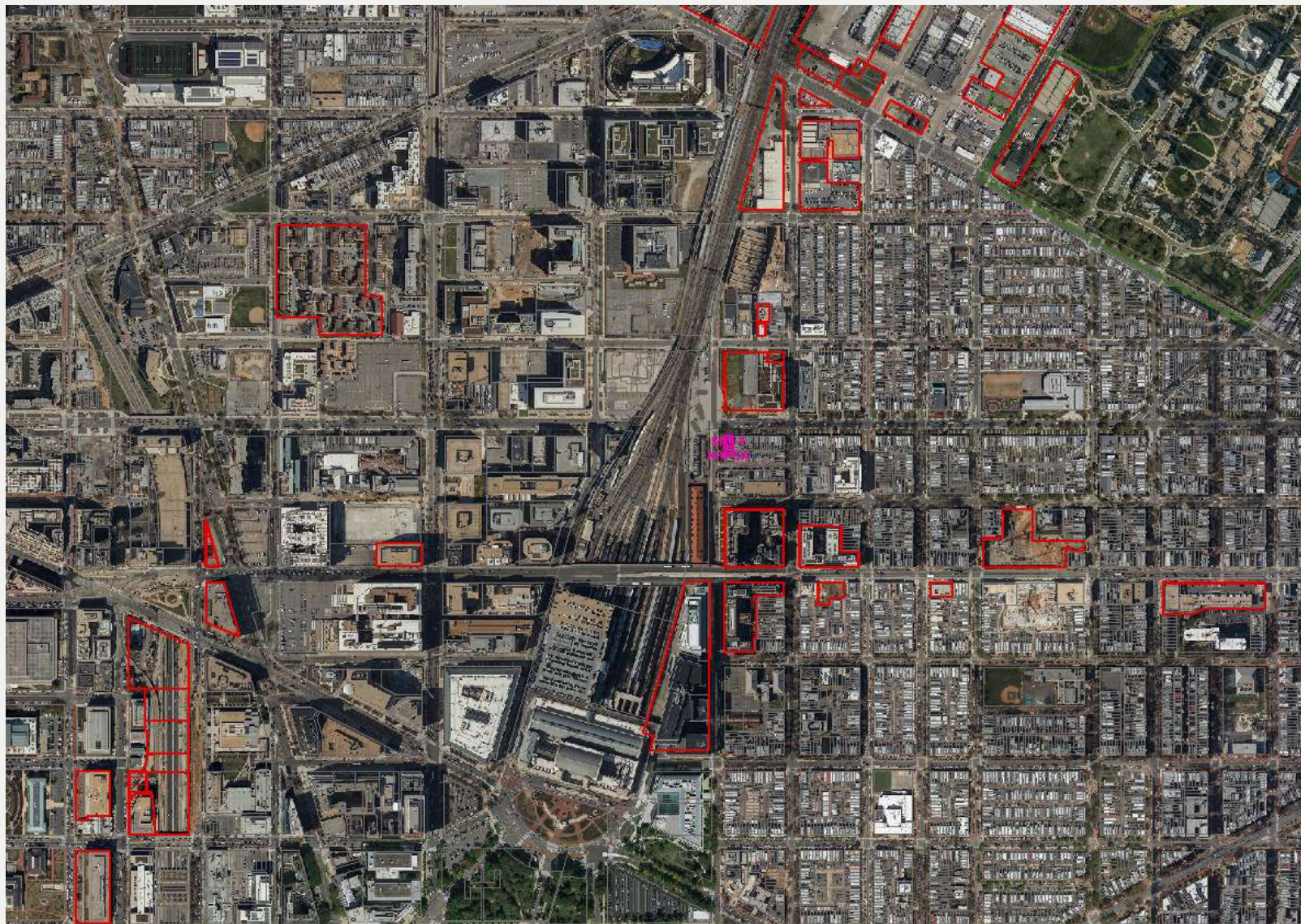
Existing Condition: Intersection of 2nd and K St NE



View of existing structures from 2nd St. NE



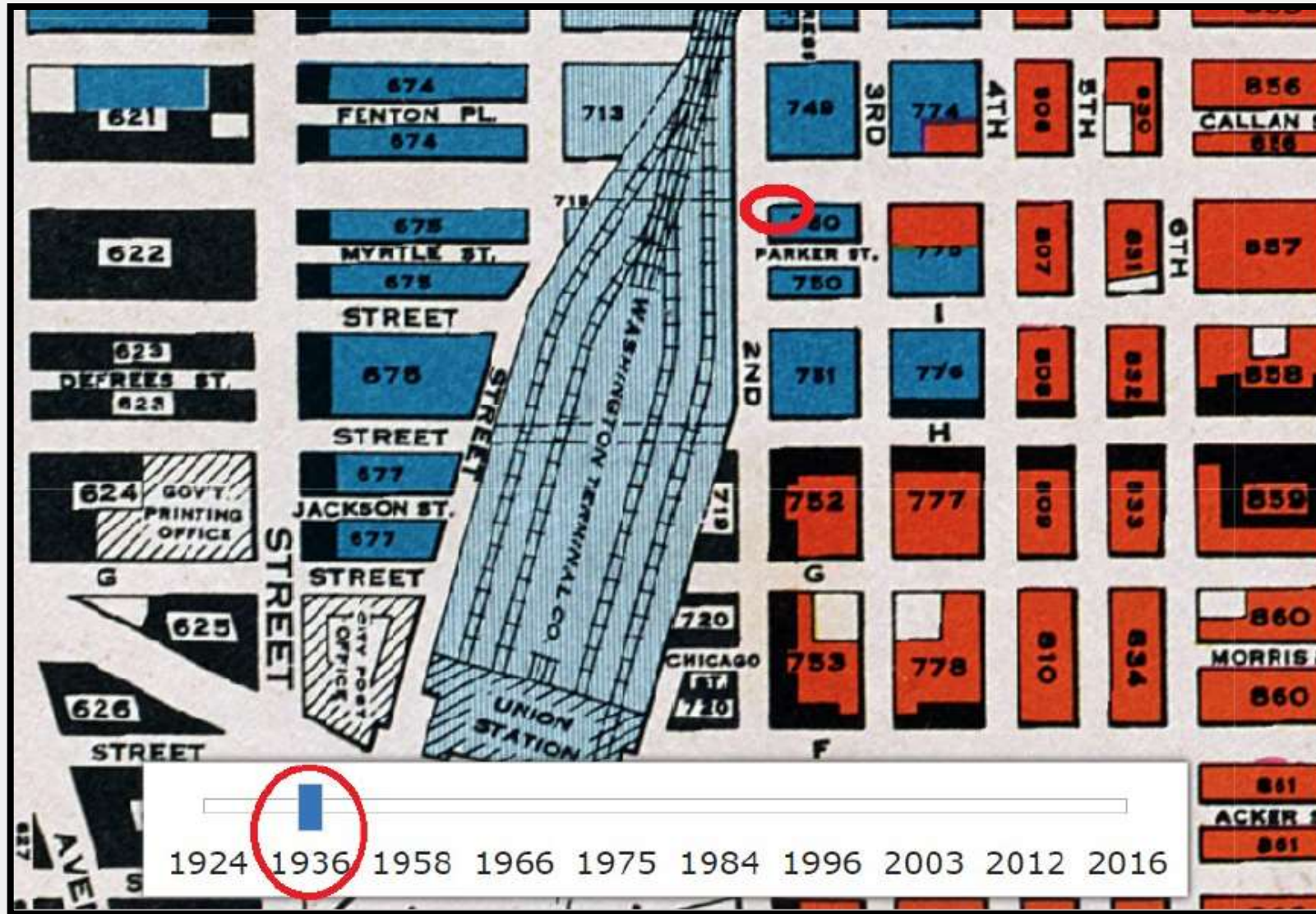
The Surrounding Area



Significant redevelopment around Property

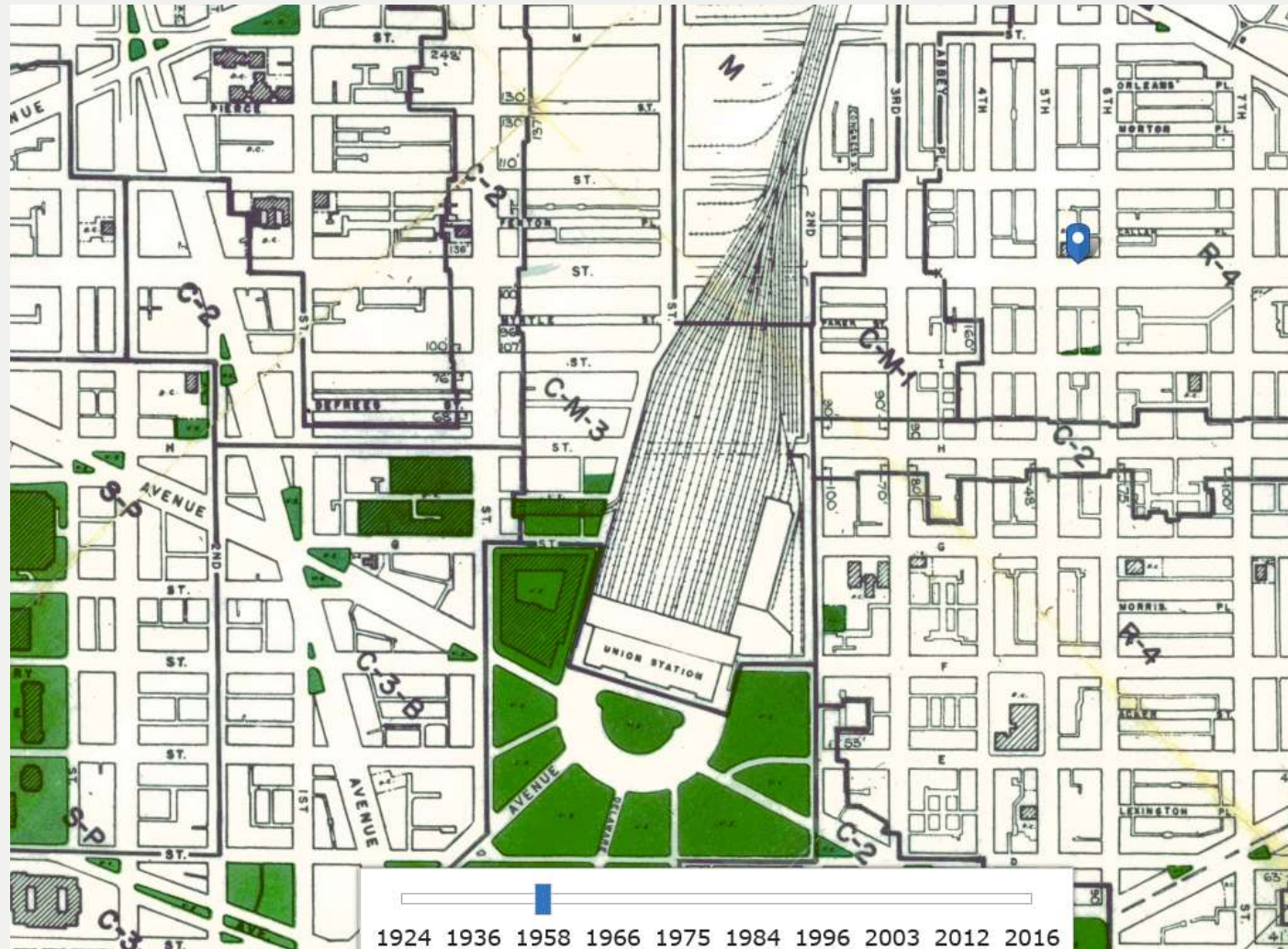


Historic Zoning: 1936 – Commercial



- Site Area, including the entirety of Square 750, was zoned “Commercial” as early as 1936
- Between 1958 and 1996, the Site Area and entirety of Square 750 remained zoned C-M-1

Historic Zoning: 1958: Entire Square Industrial



Between 1936 and 1958, the Site Area and entirety of Square 750 were zoned to the C-M-1 (industrial)

1996 Union Station Rezoning: Then-Property Owner Kept Site Area from being Rezoned to mixed-use like the rest of Square 750

- In 1996, Union Station Area Rezoning (ZC 95-4) was approved
- OP recommended the Site Area be rezoned from Industrial C-M-1 to the moderate-to medium-density mixed use SP-1 Zone
- Specific request of then-owner to keep it industrially-zoned
 - To allow a 3.0 FAR matter-of-right office building (never constructed)
- Commission rezoned the rest of Square 750 from the Industrial C-M-1 Zone to the C-2-B zone (now MU-5A)
- But for specific request, likely that the Property would have been rezoned to the SP-1 (density comparable to the MU-5A)

ZC Case 95-4 Order – Site Area NOT Rezoned

Government of the District of Columbia

Office of the
Director



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

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

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.

Z.C. ORDER NO. 821-A
Z.C. CASE NO. 95-4
PAGE 6

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 3rd 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 3rd 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.

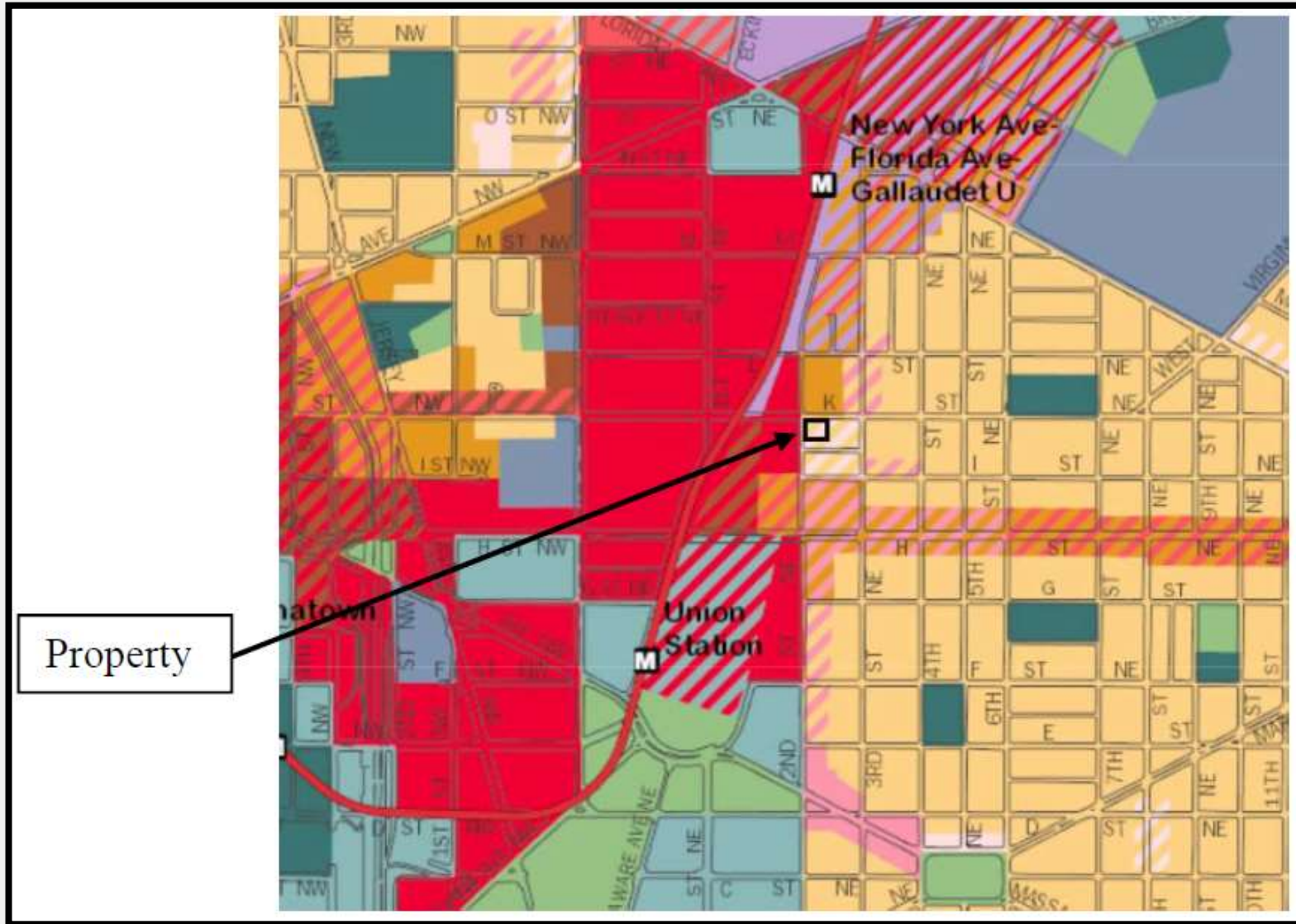
Comparison of Existing and Proposed Uses

	Existing Zone PDR-1	Proposed Zone MU-4	Proposed Zone MU-5A
Purposed and Permitted Use(s)	Intended to permit moderate-density commercial and large-scale government uses, PDR activities employing a large workforce and requiring some heavy machinery under controls that minimize any adverse impacts on adjacent, more restrictive zones.	Intended to permit moderate-density mixed use development, including shopping, commercial, residential and mixed uses outside the CBD, and to be located in low and moderate density residential areas with access to main roadways or rapid transit stops, and to include offices, shopping centers and moderate-bulk mixed-use centers	Intended to permit medium-density, compact mixed-use development with emphasis on residential use. Also, to provide for shopping, commercial, residential and mixed uses outside the CBD, with locations on arterial streets, in uptown and regional centers and at rapid transit stops.
Lot Area	No minimum required; 5001 SF total existing	No minimum required; 2524.2 SF in proposed MU-4 sub-area	No minimum required; 2476.8 SF in proposed MU-5A sub-area

Comparison of Existing and Proposed Height and Density

	Existing Zone PDR-1	Proposed Zone MU-4	Proposed Zone MU-5A
Height	50 feet + 1-story penthouse $\leq 12'$ (<i>J § 203</i>)	50 ft. + ≤ 2 -story 12'-15' penthouse (<i>G § 403.1</i>)	65 ft. (70 ft. w/IZ) + ≤ 2 -story 12'-18.5' penthouse (<i>G § 403.2</i>)
FAR	3.5 maximum No residential permitted (<i>J § 202</i>)	2.5 (3.0 IZ) total 1.5 max. non-residential (<i>G § 402.1</i>)	3.5 (4.2 IZ) total 1.5 max. non-residential (<i>G § 402.1</i>)
Lot Occ.	15 ft. to 25 ft. setbacks from lot lines required (<i>J § 207.2</i>)	60% (60% IZ) (<i>G § 404</i>)	80% (80% IZ) (<i>G § 404</i>)
Rear Yard	$\geq 12'$.	≥ 15 ft.	≥ 15 ft.

Comprehensive Plan Future Land Use Map



Site Area
Recommendation
Mixed use: Moderate
Density Residential/Low
Density Commercial

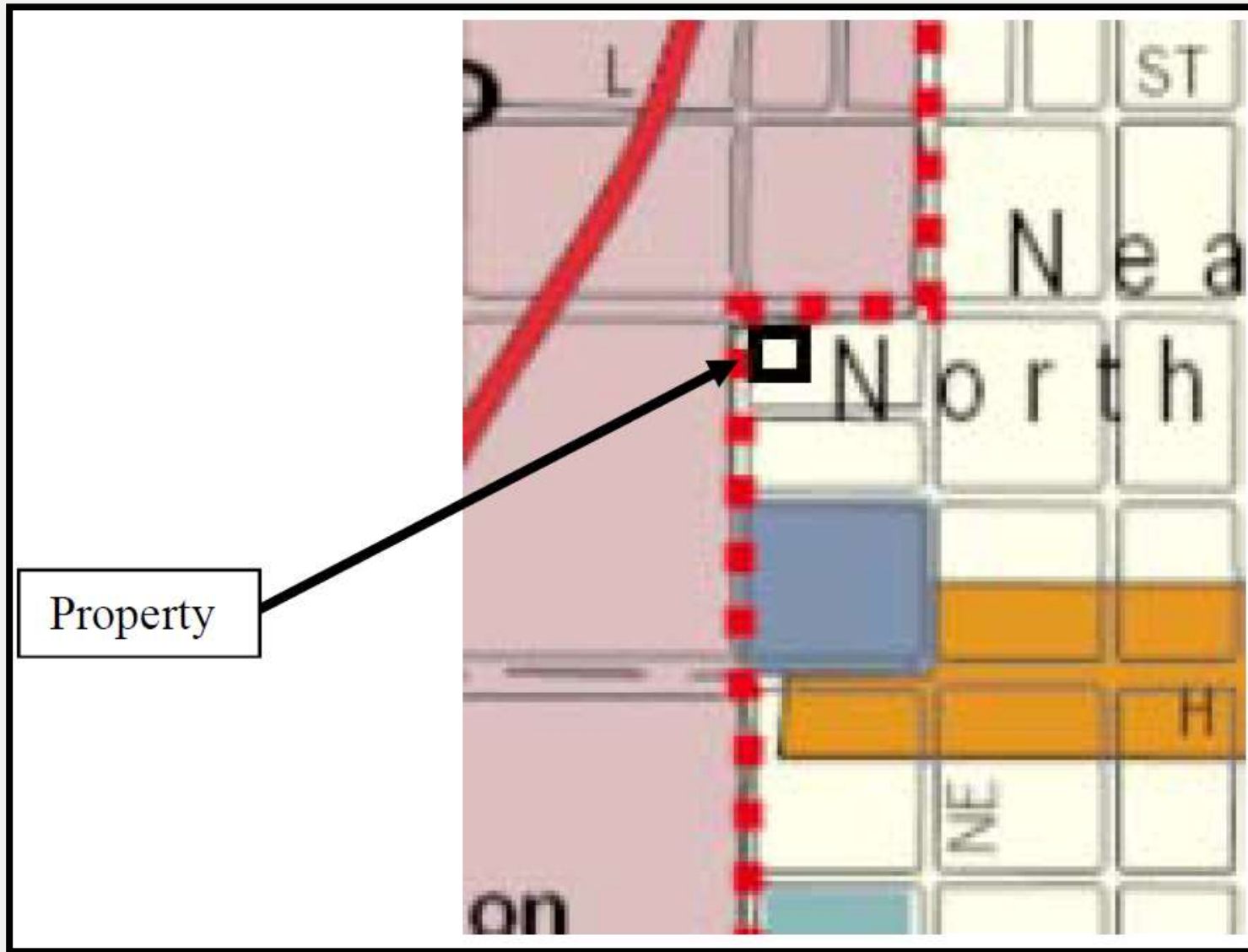
PDR Zoning Inconsistent with FLUM Designation

- PDR-1 District is an industrial zone that permits moderate-density commercial and industrial activities
- Residential use is *not* permitted in PDR zones
- MU zones are consistent with the FLUM, as they provide for both residential *and* commercial uses

Request Not Inconsistent with FLUM

- Generally consistent with the designated corresponding zones
- OP: “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.”
- OP: “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.”

Comprehensive Plan Generalized Policy Map



Site Area
Recommendation
Neighborhood
Conservation Area

Property

Generalized Policy Map

Generalized Policy Map ²²³

Purpose of the Policy Map

The purpose of the Generalized Policy Map is to categorize how different parts of the District may change between 2005 and 2025. It highlights areas where more detailed policies are necessary, both within the Comprehensive Plan and in follow-up plans, to manage this change. ^{223.1}

The map should be used to guide land use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, and other Comprehensive Plan maps. Boundaries on the map are to be interpreted in concert with these other sources, as well as the actual physical characteristics of each location shown. ^{223.2}

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. ^{223.4}

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. ^{223.5}

Request Not Inconsistent with GPM

- OP: “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.”

Request Not Inconsistent with GPM

- *“primarily residential in character”*

- The present zoning as PDR-1 does not permit new residential uses as a matter-of-right
- Change in zoning to mixed-use as requested would allow residential uses
- OP: “the requested rezoning would reinforce the conservation of the existing residential neighborhood.”

Request Not Inconsistent with GPM

- “Maintenance of existing land uses and community character is anticipated over the next 20 years”*
- Remainder of Square 750 is designated Neighborhood Conservation Area and is already zoned MU-5A
- Approval of the Request makes possible consistent matter-of-right densities and heights across the Square over the next 20 years

Request Not Inconsistent with GPM

- “Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated.”*
- Site Area was intended for higher density and different uses as far back as 1995
- 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

Request Not Inconsistent with GPM

- *“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.”*

- Mixed use would be permitted as directed by the FLUM

- Development of Site Area could be compatible with existing development north and south along 2nd Street NE

Request Not Inconsistent with Comp Plan Elements

Land Use Element

Policy LU-1.3.1: Station Areas as Neighborhood Centers

Policy LU-1.3.2: Development Around Metrorail Stations

Policy LU-1.3.3: Housing Around Metrorail Stations

Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods

Policy LU-3.1.4: Rezoning of Industrial Areas

Request Not Inconsistent with Comp Plan Elements

Transportation Element

Policy T-1.1.4: Transit-Oriented Development

Policy T-1.2.3: Discouraging Auto-Oriented Uses

Action T-1.3.A: Regional Jobs/Housing Balance

Request Not Inconsistent with Comp Plan Elements

Housing Element

Policy H-1.1.1: Private Sector Support

Policy H-1.1.3: Balanced Growth

Policy H-1.1.4: Mixed Use Development

Policy H-1.2.3: Mixed Income Housing

Request Not Inconsistent with Comp Plan Elements

- Economic Development Element
 - Policy ED-2.2.1: Expanding the Retail Sector
 - Policy ED-2.2.3: Neighborhood Shopping
 - Policy ED-3.1.1: Neighborhood Commercial Vitality
 - Policy ED-3.1.2: Targeting Commercial Revitalization

Request Not Inconsistent with Comp Plan Elements

- Environmental Protection Element
 - Policy E-1.1.1: Street Tree Planting and Maintenance
 - Policy E-1.1.3: Landscaping
 - Policy E-2.2.1: Energy Efficiency

Request Not Inconsistent with Comp Plan Elements

Capitol Hill Area Element

Policy CH-1.1.5: NoMA/Capitol Hill Transition Areas

Improve buffering and urban design transitions between the emerging office and high-density residential corridor north of Union Station (“NoMA”) and the adjacent row house neighborhoods of Capitol Hill. Use zoning, design guidelines, historic preservation review, and other measures to avoid sharp contrasts in scale and character where high density and moderate density areas abut one another. 1508.6

- ❑ moderate and medium density mixed use buildings that could be constructed would serve as a buffer from the high density development of downtown to the west and the blocks of moderate density rowhouses in Capitol Hill to the east, preventing a “sharp contrast”
- ❑ allows for compatible mixed use infill development that adds to the housing stock and meets the day-to-day retail needs of a diverse range of District residents

Request Not Inconsistent with Comp Plan Elements

Central Washington Area Element

- Policy CW-1.1.1: Promoting Mixed Use Development
- Policy CW-1.1.4: New Housing Development in Central Washington
- Policy CW-1.1.9: Neighborhood-Serving Retail in Central Washington
- Policy CW-2.8.1: NoMA Land Use Mix
- Policy CW-2.8.2: East of the Tracks and Eckington Place Transition Areas
- Policy CW-2.8.4: Protecting the Neighborhoods Abutting NoMA
- Action CW-2.8.A: Implement the NoMA Vision Plan

Comprehensive Plan Does Not Reflect Retention of Industrial Land Here

Policy LU-3.1.3: Location of PDR Areas

Accommodate Production, Distribution, and Repair (PDR) uses—including municipal public works facilities—in areas that are well buffered from residential uses (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of PDR and industrial uses. Such areas are generally designated as “PDR” on the Comprehensive Plan’s Future Land Use Map. 314.9

- This recommendation does not apply to the Site Area:
 - Site Area is *not* well-buffered from residential uses
 - Site Area is *not* accessed easily from major roads and railroads
 - Surrounding area is *not* characterized by existing concentrations of PDR and industrial uses

Comprehensive Plan Supports Rezoning

Policy LU-3.1.4: Rezoning of Industrial Areas

Allow the rezoning of industrial land for non-industrial purposes only when the land can no longer viably support industrial or PDR activities or is located such that industry cannot co-exist adequately with adjacent existing uses. Examples include land in the immediate vicinity of Metrorail stations, sites within historic districts, and small sites in the midst of stable residential neighborhoods. In the event such rezoning results in the displacement of active uses, assist these uses in relocating to designated PDR areas. 314.10

- The recommendation (to allow rezoning) does apply:
 - Has been no industrial use of the Property; and it is not viable to support this use in the future.
 - Property is a small site in the immediate vicinity of metro.
 - Will not displace an active industrial use.

Request Consistent with NoMA SAP (2009)

- Includes recommendations for the Property in “Transition Area A: East NoMA Neighborhood”

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.

NoMA SAP recommends the Property for “Moderate to Medium Densities”

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).

Request Consistent with NoMA SAP

- Requested zoning is consistent with NoMA SAP's recommendations
- NoMA SAP states that the scale should be larger “near the tracks” – namely, the location of the Site Area
- Potential project on the Site Area could allow adaptive reuse of the existing row dwellings

Request would Coordinate Site Area with Current Zoning of Rest of Square 750

- Of the 45 lots on Square 750, only five and a half are zoned PDR (12.2%); four of these lots comprise the Site Area.
- Remaining 87.8% of the lots on Square 750 are already zoned MU-5A
- 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

Request is Consistent with Surrounding Development

- Request allows for development that could be in-line with recently proposed, approved, and constructed projects
- Developments that could be constructed as a matter-of-right after the requested rezoning would be harmonious and contextual with the surrounding and proposed development
- Development would also be consistent with matter-of-right potential for the rest of Square 750, should it be redeveloped

Community Coordination and Outreach

- First presented initial redevelopment design to the ANC 6C's Planning, Zoning and Economic Development sub committee on March 7, 2018
- Presented Map Amendment to the subcommittee on June 6, 2018
- Consent agenda item voted on by full ANC on June 13, 2018

Community Coordination and Outreach

- Presented Map Amendment again to subcommittee on October 3, 2018
 - Subcommittee voted to recommend opposition to full ANC
- Engaged in outreach and obtained 18 letters in support
- Presented before full ANC on October 10, 2018
 - ANC directed Applicant to have community meetings and agreement of terms regarding project design
 - ANC to withhold letter in support until agreement
- Applicant has conducted meetings with the neighbors on October 23 and 30, and continues to reach out.
- Applicant has cleaned up site and added lighting

Agency Recommendations

- Office of Planning recommends approval of the Request (ZC Exhibit 45)
- DDOT has no objection to the Request (ZC Exhibit 44)
- Capitol Hill Restoration Society supports the Petition (ZC Exhibit 43)

Zoning Map Amendment Standard

- § 6–641.02. Zoning regulations — Purpose.
 - Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services.

- Subtitle X-500.3:
 - In all cases, the Zoning Commission shall find that the amendment is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site.

Conclusion

- Not inconsistent** with the Comp Plan or NoMA SAP
- Will bring the Site Area into conformance with the FLUM
- Request will further the public health, safety, and general welfare of District residents
 - Facilitates **activation/use** of the Site Area
 - Potential to bring new market rate and affordable housing to a centrally-located, transit accessible location
 - Promotes **public safety** through increased activation of the site
 - Adds vitality to this currently vacant 2nd Street streetscape
- Request will not result in the overcrowding of land, undue concentration of population, or significant adverse impacts on congestion in the surrounding area
 - DDOT concluded that the rezoning would likely not result in increase to peak hour trips
 - Land uses would **be consistent with permissible uses** in surrounding MU-5A-zoned lots in Square 750
- Request will promote efficient use of high-value land strengthening the NoMA neighborhood via housing and local retail

BACK OF DECK

New proposed Comp Plan Framework Element language from OP

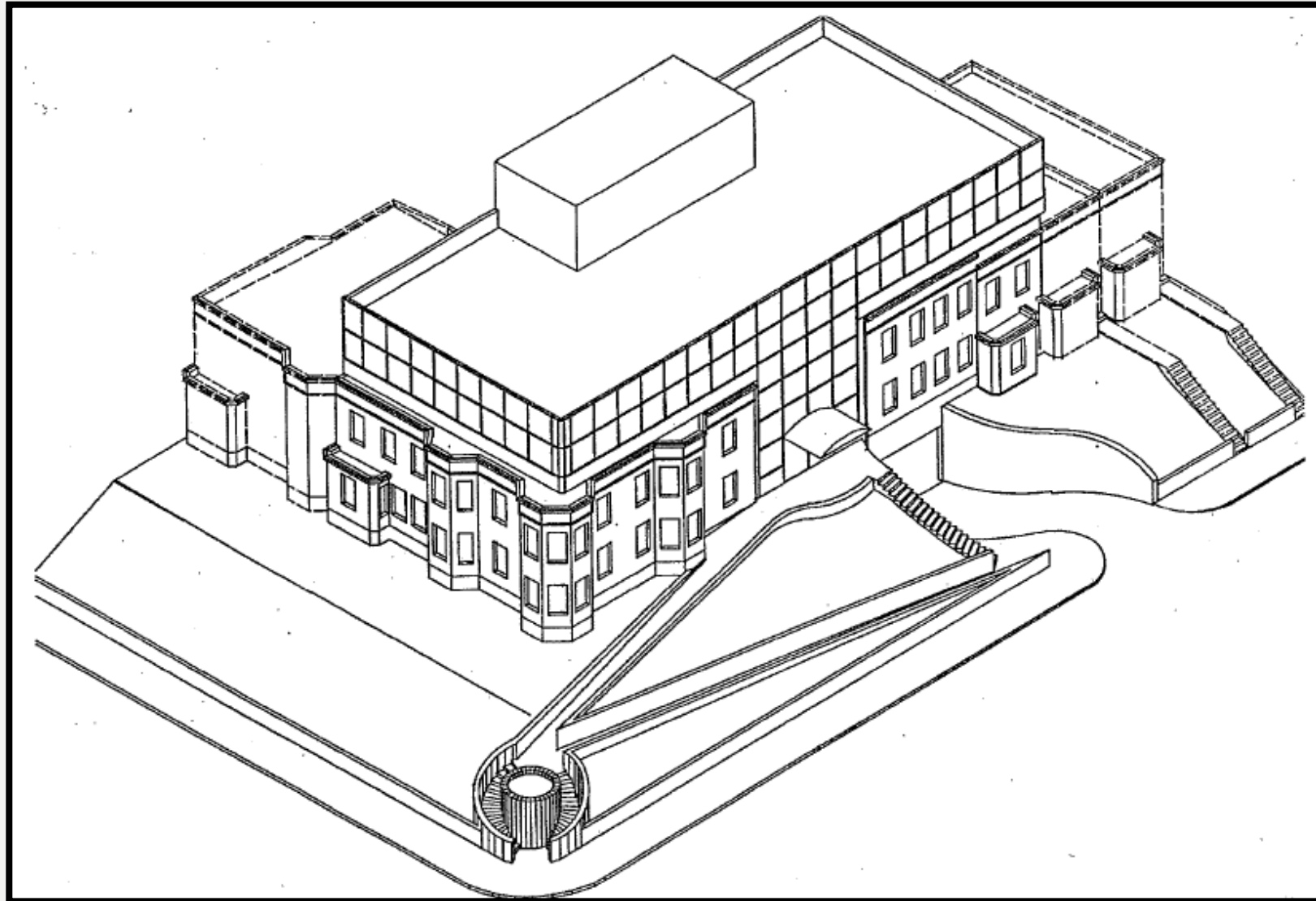
223.2 The map should be used to guide, but not dictate, land use decision-making in conjunction with the Comprehensive Plan text, the Future Land Use Map, ~~and~~ other Comprehensive Plan maps, and approved small area plans. Boundaries on the map are generalized and are to be interpreted in concert with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

New proposed Comp Plan Framework Element language from OP

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 (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

CBC Foundation Headquarters, 1995 Design



Photos of the Surrounding Developments



Photos of the Surrounding Developments (cont'd.)



Photos of the Surrounding Developments (cont'd.)



Photos of the Surrounding Developments (cont'd.)



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

Photos of the Surrounding Developments (cont'd.)



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

Photos of the Surrounding Developments (cont'd.)



looking west from site at retaining wall & train tracks

Photos of the Surrounding Developments (cont'd.)



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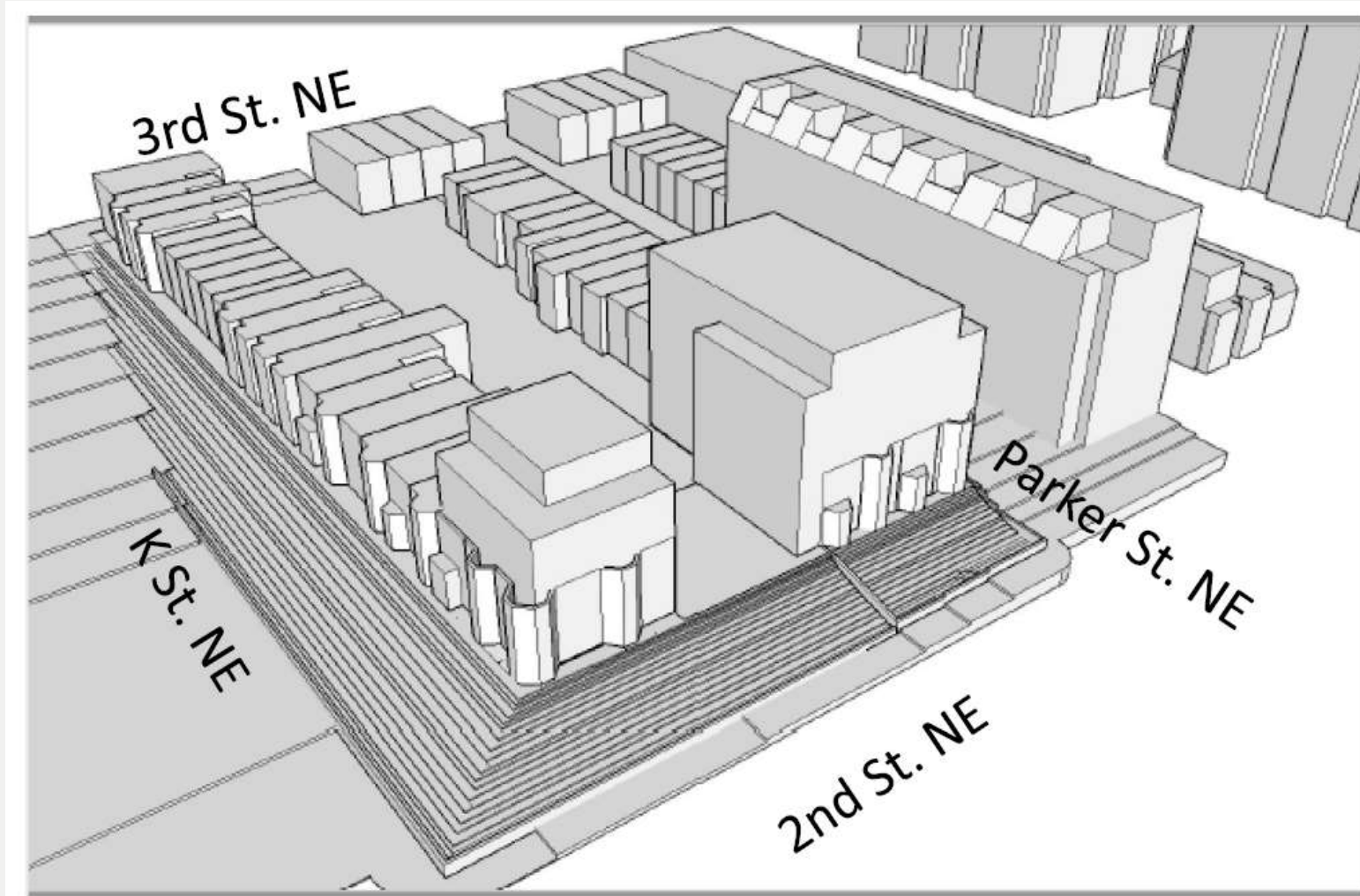
looking north on 2nd St. NE

Photos of the Surrounding Developments (cont'd.)



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

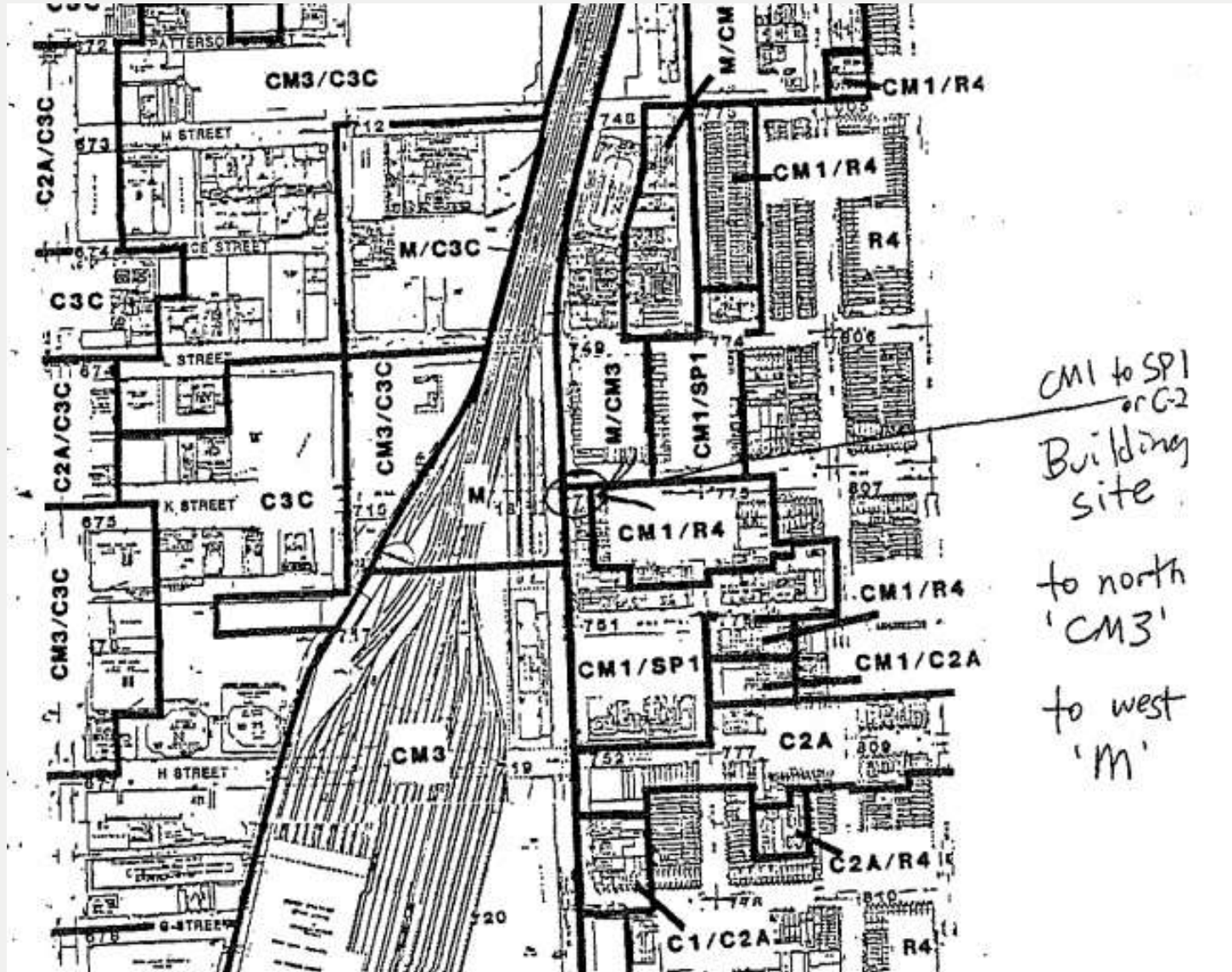
Representation of Possible Matter-of-Right Development Under Request



Moderate Density Residential: This designation is used to define the District's row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations. ^{225.4}

Low Density Commercial: This designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply. ^{225.8}

1996 OP Map Recommending Zone Change



1996 OP Map Recommending Zone Change

