

## MEMORANDUM

**TO:** District of Columbia Zoning Commission  
**FROM:** <sup>JLS</sup> Jennifer Steingasser,  
Deputy Director, Development Review & Historic Preservation  
**DATE:** January 7, 2019  
**SUBJECT:** ZC Case 18-07– Supplemental 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

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### **I. BACKGROUND AND REVISED RECOMMENDATION**

At the November 8, 2018 public hearing on this map amendment petition, the Zoning Commission asked the petitioner and the Office of Planning (OP) to supply additional information about zones that, in addition to those requested, might be not inconsistent with the Comprehensive Plan and to illustrate development that could be constructed on the site for which the rezoning is requested and on three lots to the south that are owned by the petitioner and zoned MU-5A.

At the hearing OP was recommending approval of the petitioner’s request 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. After consideration of the additional analysis the Commission requested of OP and the petitioner, the petitioner has revised its request and is now petitioning that all the lots in the petition be remapped from PDR-1 to MU-4 (Exhibit 60).

Accordingly:

- **OP now recommends approval of the petitioner’s revised request to re-zone portions of Square 750, Lot 128 and all of Lots 156- 158, from PDR-1 to MU-4.**
- Additionally, OP believes the remaining portion of the northern half of Square 750 may be more appropriately zoned to a less intense zone that would more accurately reflect the overwhelmingly residential character of the northern half of the Square. OP is willing to work with the ANC on this, should the property owners be interested.

### **II. CONTEXT**

#### **Site, Current Zoning and Revised Petitioned Zoning**

Square 750 is bounded by I, K, 2<sup>nd</sup> and 3<sup>rd</sup> Streets, NE. The square is uniquely divided east-to-west by Parker Street, NE. Although zoned mixed-use MU-5-A and PDR-1, all of the Square north of Parker Street is developed with moderate density rowhouses – one of which has a restaurant on the first floor. The entire south side of the Square is zoned MU-5-A and contains a mix of rowhouses, some with office

uses, a four-story office building, and – at the corner of Parker and 2<sup>nd</sup> Streets - a recently-developed six-story apartment building with ground floor commercial use. There are no PDR uses in the Square.

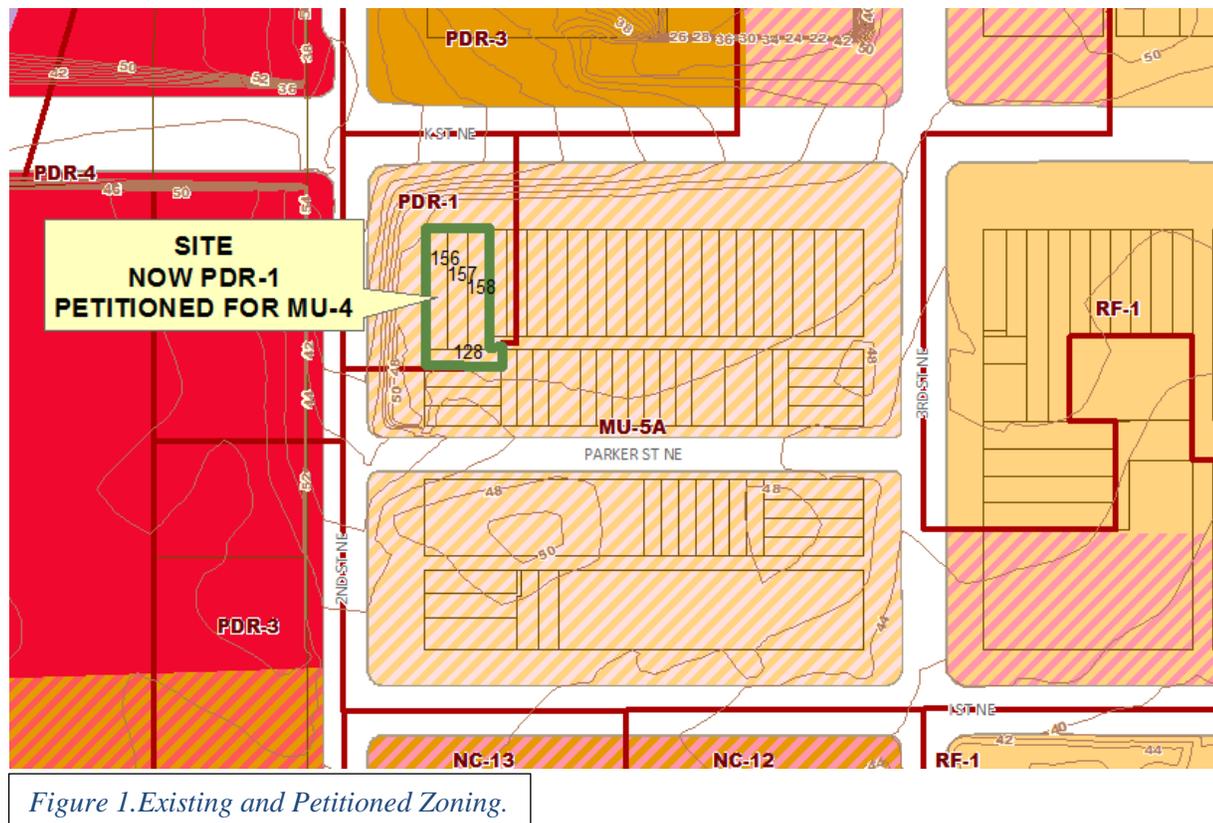


Figure 1. Existing and Petitioned Zoning.

The applicant has petitioned to have Square 750, Lots 156-158 and Lot 128 rezoned from the moderate density PDR-1 zone to the moderate density residential / low-density commercial MU-4 zone. Except for the petitioner’s PDR-1-zoned lots the rest of Square 750 is zoned MU-5A<sup>1</sup>. The MU-5A zone includes three lots the petitioner owns between this case’s subject lots and Parker Street.

### Generalized Future Land Use Map

The Generalized Future Land Use Map (FLUM) (Fig. 2) identifies all Square 750, as appropriate for a mix of moderate density residential and low-density commercial uses. While the development of the Square is not inconsistent with this designation, a lower-density, primarily residential, land-use designation would more accurately reflect the existing development on the north side of Parker Street.

Existing development on the south side of Parker Street is more varied and is more typical of development with the existing FLUM designation.

<sup>1</sup> In Figure 1, the PDR-1 zone line appears to include lot 159 and half of lot 160, both to the east of the Petitioner’s. However, a review of the ZC Order 821 for case No. 95-4, indicates that all of Square 750 was rezoned to the C-2-B zone (now the MU-5-A zone) *except* lots, 128, 156, 157, and 158. Only the Petitioner’s four lots retained their industrial zoning, even though those lots were improved with rowhouses.

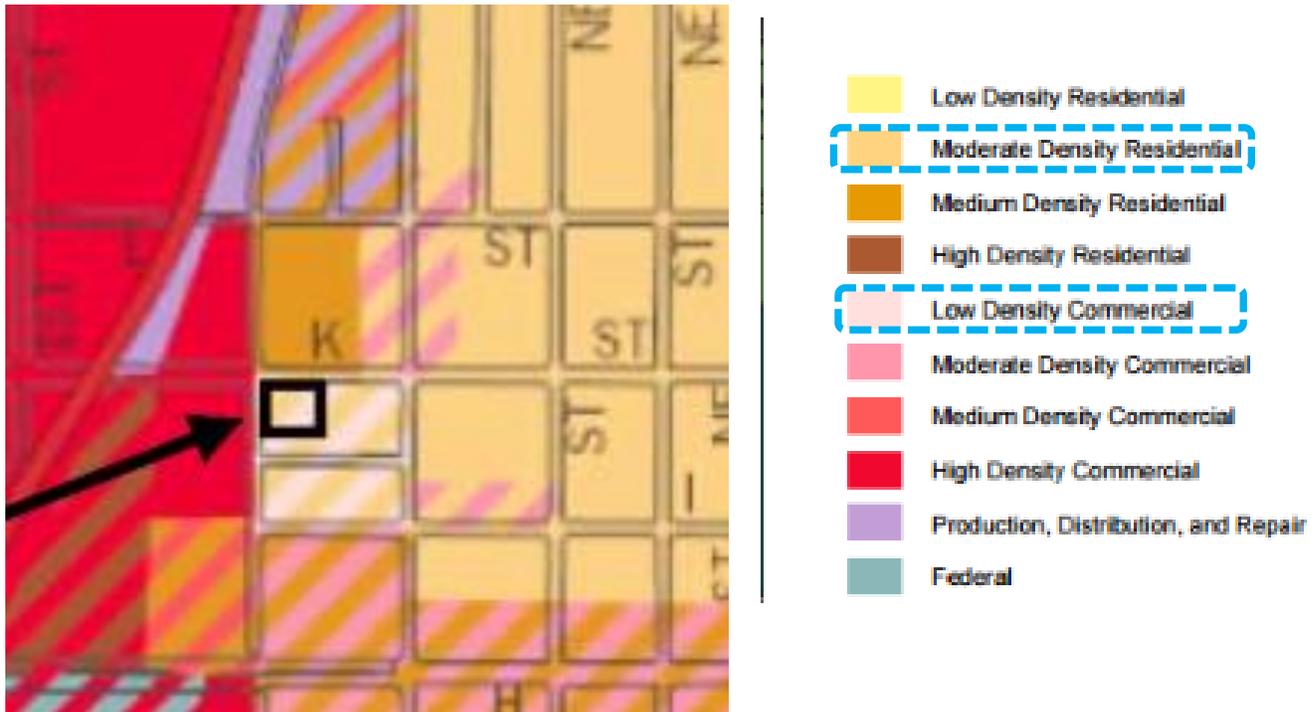


Figure 2. Generalized Future Land Use Map

As shown in Figure 2, each Square adjacent to Square 750 has a FLUM designation different than Square 750's:

- To the west, bordering the rail tracks, the designation is high-density commercial;
- To the north, is a combination of medium-density residential and, along 3<sup>rd</sup> Street, the designation is a mix of moderate-density residential and moderate-density commercial;
- To the south, fronting on H Street, the designation is medium-density residential and commercial;
- To the east, two-thirds is designated as moderate-density residential, and the remaining third is designated as moderate-density residential / moderate-density commercial.

### Generalized Policy Map and the Existing Development and Zoning Context

The Generalized Policy Map (Fig. 3) designates the petitioner's lots as part of a Neighborhood Conservation Area (NCA).

*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. (DCMR 10 § 223.5)*

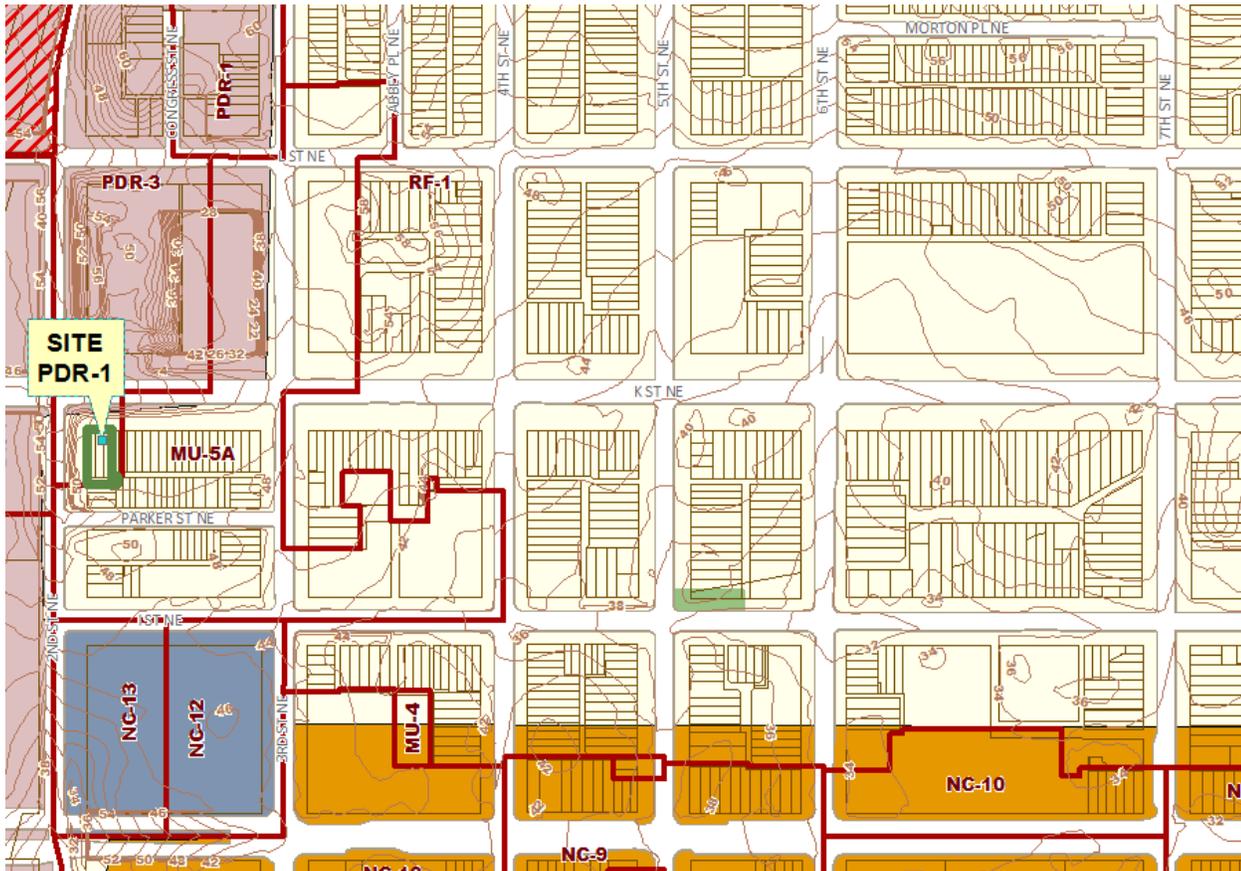


Fig. 3: Generalized Policy Map (Neighborhood Conservation Area in Cream)

### Written Elements and NoMA Small Area Plan

OP’s previous reports (Exhibits 12 and 45) discussed policies in different elements of the Comprehensive Plan which indicated that continued PDR zoning for the subject properties would be inconsistent with the Comprehensive Plan, and that zones permitting moderate or medium-density residential uses and low-density commercial uses would be not inconsistent. The NoMA Small Area Plan (SAP) reinforces this when indicating that Square 750 is a transition area between the higher density uses to the west, north and south of the site and the less dense uses to the east of the site.

When considering the nature of Square 750 as a transition area and as designated for mixed-use on the FLUM, OP considered the Square as a whole. The northern half of the square is overwhelmingly residential; 47 of the 49 lots are identified as residential on the tax rolls and 15 of the 47 have a homeowner’s exemption. (Fig. 4). The properties in the southern half of the square are more mixed in usage, density, and form. Only ¼ of those properties are in solely residential use. Further, the properties with frontage on 2<sup>nd</sup> Street provide the opportunity for building transition to the rail tracks and higher-density properties west of 2<sup>nd</sup> Street. Thus, the transition from the higher density mixed-use is accommodated within the square and a combination of different zones could be determined not inconsistent with the mixed use FLUM designation.

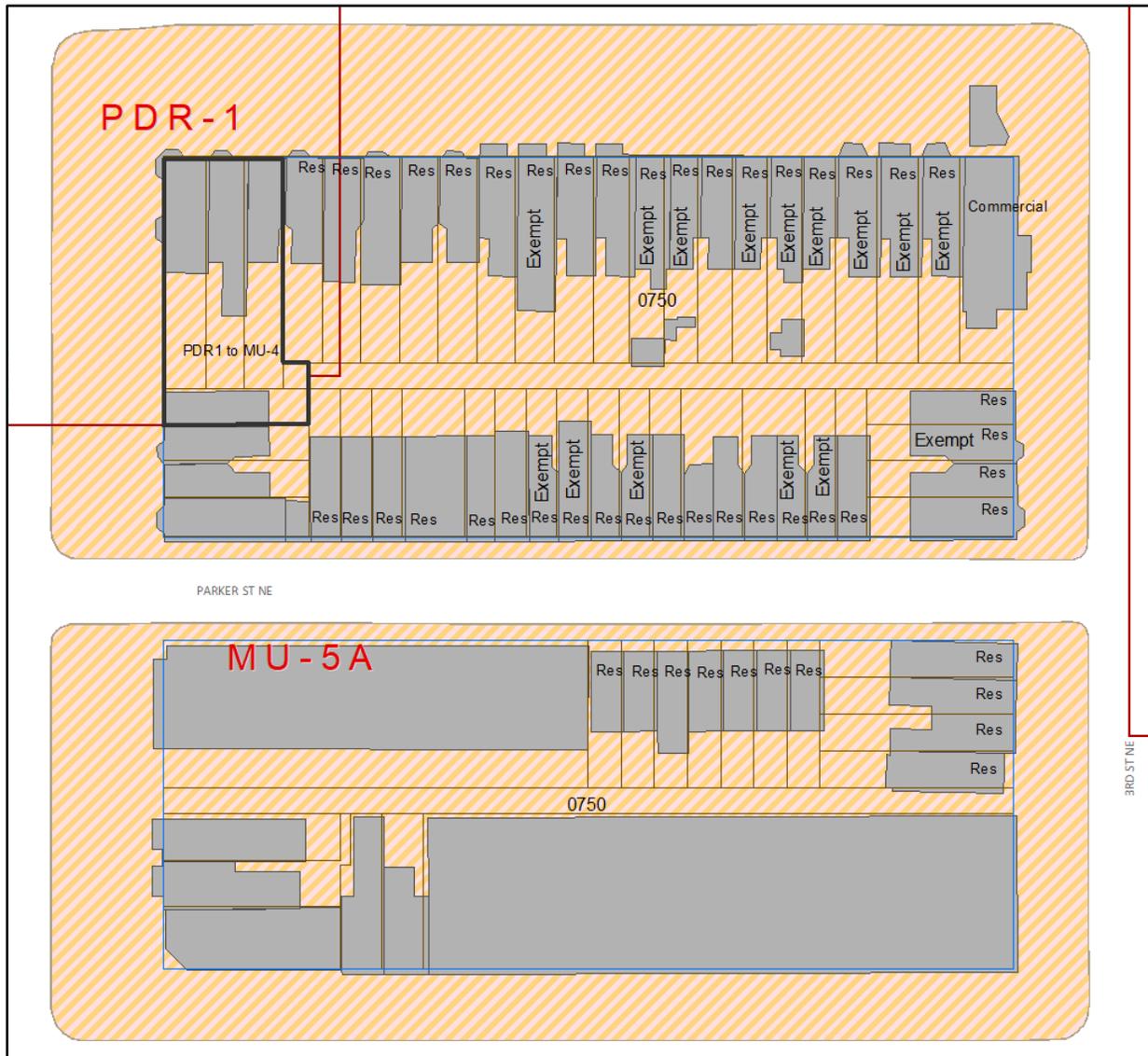


Figure 4. Rowhouses Used for Residential Purposes (Res) and those with Homeowner Exemption (Exempt) in Square 750.

(As noted on page 2 of this report, actual PDR zone boundary does not include properties east of Petitioner's).

### III. Summary of Comprehensive Plan and Small Area Plan Analysis

Given the FLUM, the SAP and several of the written elements, a medium-density residential / low-density commercial zone could be consistent zone for the petitioner's property if over 50% of Square 750 were not already developed with moderate-density residential rowhouses. However, a fine-grained examination of the existing development and use patterns in the Square, especially its northern half, indicates a mixed-use zone enabling moderate-density residential with some low-density commercial uses on the applicant's properties would be more consistent with the Comprehensive Plan than would be a medium-density mixed-use zone.

#### IV. Existing and Potential Development Height and Density Under Selected Zones

The table that follows considers:

- Potential development on the parcels for which the map amendment is sought, under zones OP’s analysis indicates would be not inconsistent with the Comprehensive Plan;
- Potential development under the MU-3-B zone that ANC 6C expressed a preference for at its meeting on December 10, 2018. That report had not been filed at the time OP completed this report;
- The relationship of such hypothetical development to existing and potential development in the rest of Square 750.

OP’s analysis takes into account how a 10-foot increase in the grade between K Street and I Street may affect a development’s measuring point under two scenarios. The petitioner owns all the properties with frontage on 2<sup>nd</sup> Street between Parker and K Streets. The existing grade within the property lines of parcels near 2<sup>nd</sup> Street between Parker Street and K Street is 48 feet above sea level. However, there is an approximately 10-foot difference between (1) the 36-feet-above-sea-level 2<sup>nd</sup> Street measuring point of a building that would be developed on just the petitioned properties and (2) the approximately 46-feet-above-sea-level Parker Street measuring point that could be used for a single building on all the petitioner’s properties, stretching from Parker Street to K Street. If the petitioned properties were joined as a single building to a development on the petitioner’s MU-5-A properties to the south, this could add 10 more feet to the actual height of the properties in this Petition, because the Parker Street measuring point would be from a higher elevation. OP has analyzed heights accordingly. Heights noted in the table do not include possible penthouse height.

Zone	Type of Zone(s), and Purpose	FAR	Max. Zone Ht.	Ht. above property line if measured from 2 <sup>nd</sup> St. curb (-12')	Ht. above property line if measured from Parker St. curb (-2')	Relationship of Maximum Potential New Development Under Zone to Square 750’s Existing Context. (Each non-PDR zone would enable now-prohibited residential use on petitioner’s property).
Existing PDR-1	<b>Mod Density Commercial &amp; PDR</b>	3.5 No res.	50'	38'	48'	- Greater density & height than all existing structures north of Parker St. and rowhouses south of Parker St. - Greater density & height than MU-5-A zone now permits for all of Square other than petitioner’s parcels. - Significantly less density & height than new MU-5-A building on south side of Parker & 2 <sup>nd</sup> Sts.

<b>Zone</b>	<b>Type of Zone(s), and Purpose</b>	<b>FAR</b>	<b>Max. Zone Ht.</b>	<b>Ht. above property line if measured from 2<sup>nd</sup> St. curb (-12')</b>	<b>Ht. above property line if measured from Parker St. curb (-2')</b>	<b>Relationship of Maximum Potential New Development Under Zone to Square 750's Existing Context.</b> (Each non-PDR zone would enable now-prohibited residential use on petitioner's property).
MU-3-B	<b>Low Density Mixed Use</b> for local neighborhood retail & services and residential and limited community facilities with minimum impact on surrounding residential use	2.0 2.5 (IZ)  ≤ 1.5 non-res.	50' 4 stories	38'	48'	<ul style="list-style-type: none"> <li>- Less density, more height than property's existing zoning</li> <li>- Greater density &amp; height than all existing structures north of Parker St. and rowhouses south of Parker St.</li> <li>- Less dense &amp; tall than MU-5-A zone now permits for all of Square other than petitioner's parcels.</li> <li>- Significantly less density &amp; height than new MU-5-A building on south side of Parker &amp; 2<sup>nd</sup> Sts.</li> </ul>
MU-1	<b>ModR/LoC</b> Moderate-density, predominately residential, also permitting non-residential	4.0 4.8 (IZ)  ≤ 2.5 non-res.	65' 70'(IZ)	53' 58' (IZ)	63' 68'(IZ)	<ul style="list-style-type: none"> <li>- Greater density &amp; height than property's existing zoning.</li> <li>- Denser &amp; taller than all existing structures north of Parker St. and rowhouses south of Parker St.</li> <li>- Less dense than, but same height as, MU-5-A zoning permits for all of Square other than petitioner's parcels.</li> <li>- Similar density &amp; height as new building @ Parker &amp; 2<sup>nd</sup> Sts.</li> </ul>
MU-4	<b>ModR/LoC</b> Moderate-density mixed use development for large segments of DC outside the central core with access to main roads and transit	2.5 3.0 (IZ)  ≤ 1.5 non-res.	50' 65'(IZ)	38' 53' (IZ)	48' 63' (IZ)	<ul style="list-style-type: none"> <li>- Less density than, same height as, property's existing zoning</li> <li>- Denser &amp; taller than all existing structures north of Parker St. and rowhouses south of Parker St.</li> <li>- Less density &amp; height than MU-5-A zoning permits for all of Square other than petitioner's parcels.</li> <li>- Less density &amp; height than new building @ Parker &amp; 2<sup>nd</sup>.</li> </ul>

Zone	Type of Zone(s), and Purpose	FAR	Max. Zone Ht.	Ht. above property line if measured from 2 <sup>nd</sup> St. curb (-12')	Ht. above property line if measured from Parker St. curb (-2')	Relationship of Maximum Potential New Development Under Zone to Square 750's Existing Context. (Each non-PDR zone would enable now-prohibited residential use on petitioner's property).
MU-5-A  (for comparison only)	<b>Mod to MedR/LoC</b> Medium-density mixed use with an emphasis on residential use for large segments of DC outside the central core with access to main roads and transit	3.5 4.2 (IZ) $\leq 1.5$ non-res.	65' 70' (IZ)	n/a	63' 68' (IZ)	Greater density & height than property's existing zoning.  Denser & taller than all existing structures north of Parker St. and rowhouses south of Parker St.  Same density and height as MU-5-A zoning permits for all of Square other than petitioner's parcels.  Same density & height as new building @ Parker & 2 <sup>nd</sup> Sts.

JS/SLC  
 Stephen Cochran, project manager