

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** <sup>JLS</sup> Jennifer Steingasser,  
Deputy Director, Development Review & Historic Preservation

**DATE:** July 12, 2019

**SUBJECT:** ZC Case 19-02 – Public Hearing Report for a petition to rezone Square 5411, Lot 802, Square 5412, Lot 801, Square 5413, Lot 802, and Square 5413N, Lot 801 from the RA-1 zone to the RA-2 zone

**I. BACKGROUND**

At its February 25, 2019 public meeting, the Zoning Commission set down for a public hearing a petition to rezone Square 5411, Lot 802, Square 5412, Lot 801, Square 5413, Lot 802, and Square 5413N, Lot 801, generally located at East Capitol Street and Minnesota Avenue S.E., from the RA-1 zone to the RA-2 zone. The case was set down as a contested case.

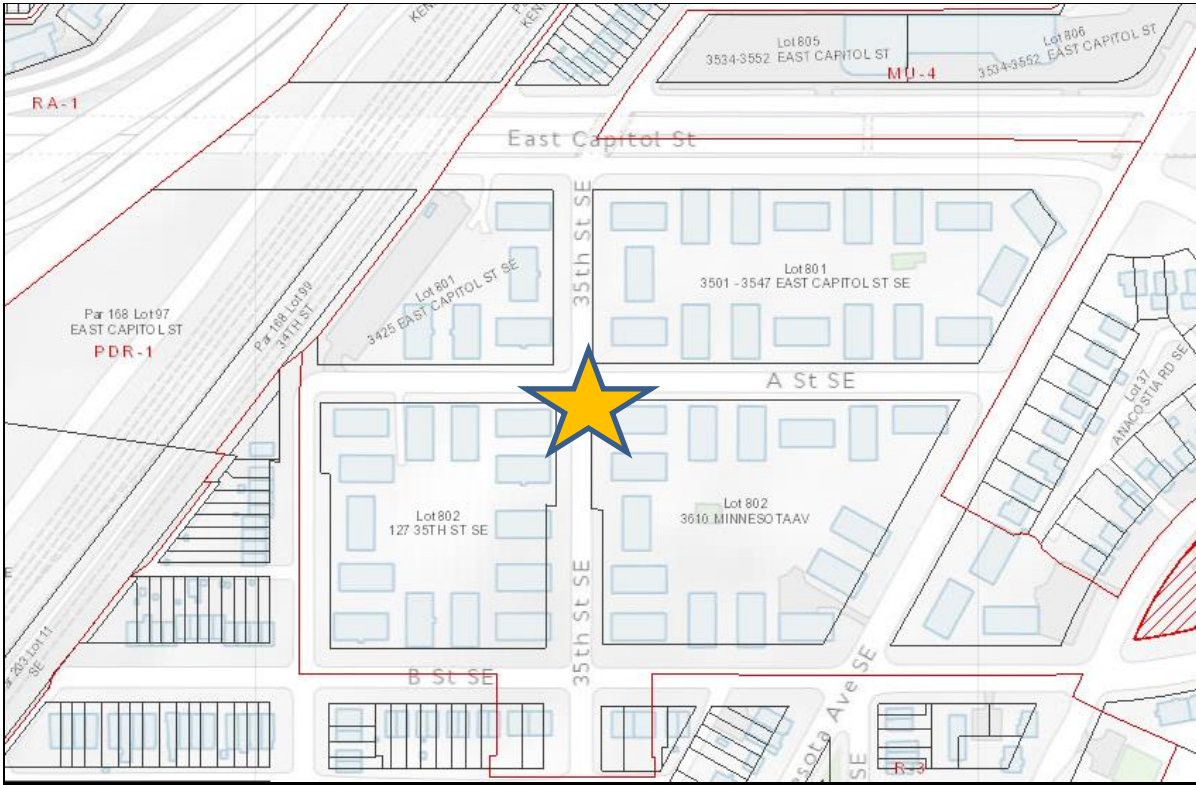
**II. RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission **approve** this petition. As described in Section VI of this report and the OP setdown report (Exhibit 14), the requested RA-2 zone district would not be inconsistent with the District of Columbia Comprehensive Plan Future Land Use and Generalized Policy maps or with the written elements of the Comprehensive Plan.

**III. APPLICATION-IN-BRIEF**

<b>Petitioner</b>	Milestone East Capitol 2 LLC, Milestone East Capitol 3 LLC, Milestone East Capitol 4 LLC, and Milestone East Capitol 5 LLC
<b>Address</b>	3610 Minnesota Avenue, SE, 3501-3547 East Capitol Street, SE, 127 35 <sup>th</sup> Street, SE, and 3425 East Capitol Street, SE
<b>Proposed Map Amendment</b>	From RA-1 to RA-2
<b>Legal Description</b>	Square 5411, Lot 802, Square 5412, Lot 801, Square 5413, Lot 802, and Square 5413N, Lot 801
<b>Property size</b>	520,216 square feet
<b>Generalized Policy Map Designation</b>	Neighborhood Conservation Area
<b>Future Land Use Map Designation</b>	Moderate Density Residential
<b>Comprehensive Plan Policy Focus Area</b>	Far Northeast and Southeast Area Element
<b>Ward and ANC</b>	Ward 7/ANC 7F06
<b>Historic District</b>	None

### IV. SITE AND AREA DESCRIPTION

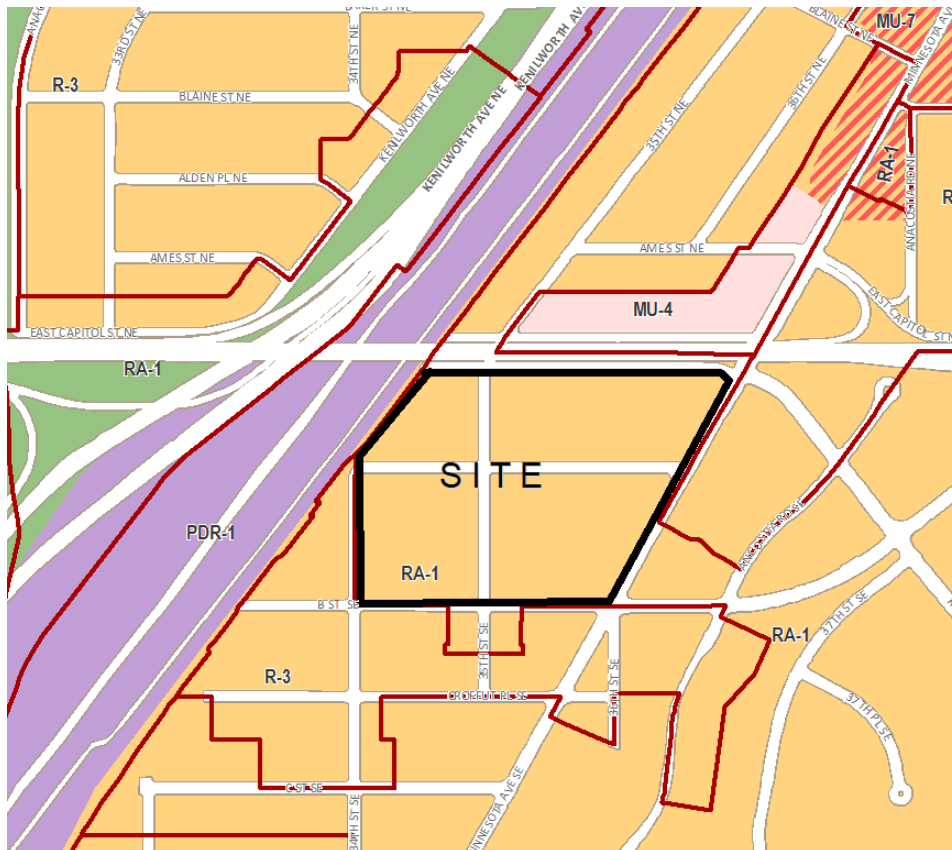


Vicinity Map



Subject site looking north toward East Capitol Street S.E.

The 520,216 square feet property is located on the south side of East Capitol Street, S.E., the west side of Minnesota Avenue, S.E., north of B Street, S.E. and east of 34<sup>th</sup> Street, S.E.. The subject property consists of the Meadow Green Courts Apartments, which is a 1940s multi-story development of 461 units in 53 buildings on 12 acres across five contiguous blocks. The entire property is currently zoned RA-1.



To the west across 34<sup>th</sup> Street, S.E., (90 feet wide) the properties are two-story residential buildings zoned R-3.

Across B Street, S.E. (90 feet wide) to the south, the properties are both two-story homes and two-story apartment buildings zoned R-3 and four of the properties closest to 35<sup>th</sup> Street SE are zoned RA-1.

Across East Capitol Street, N.E. (160 feet wide) to the north, the properties are zoned MU-4 and one property at the western end is zoned RA-1.

Across Minnesota Avenue, S.E.(90 feet wide) the square to the east is split zoned RA-1 and R-2 and the Milestone Senior Housing Building, part of the overall Meadow Green Courts redevelopment, is in the RA-1 zone.

The 12-acre subject property has a significant grade change of approximately 50 feet from the east side to the west and has more than 30 heritage trees.

## V. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

According to the zoning regulations:

*The RA-1 zone provides for areas predominantly developed with low- to moderate-density development, including detached dwellings, rowhouses, and low-rise apartments.*

*The RA-2 zone provides for areas developed with predominantly moderate density residential.*

The RA-1 zone requires a Special Exception approved by the Board of Zoning Adjustment in order to construct any new residential development other than one-family detached and semi-detached buildings. The RA-2 zone does not require zoning relief for new residential construction.

The following table compares the development standards of the two zones.

<b>ZONING</b>	<b>RA-1 Zone (Existing)</b>	<b>RA-2 Zone (Proposed)</b>
<b>Permitted Uses</b> Subtitle U, Chapter 4	All New Residential Developments in the RA-1 Zone District, except those comprising of all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment (BZA) as a special exception.	New Residential Developments in the RA-2 Zone District <u>do not</u> require zoning approval.
<b>Height</b> Subtitle F, §303.1	40 ft./3 stories maximum	50 ft./no limit on stories
<b>Penthouse Height</b> Subtitle F, §303.2	12 ft./1 story maximum	12 ft./1 story maximum Mechanical space = 15ft./2 <sup>nd</sup> story
<b>Lot Area</b> Subtitle F, §201.2	Row Dwelling = 1,800 SF minimum  For residential uses permitted as a special exception the lot area shall be as prescribed by the BZA	None prescribed
<b>Lot Width</b> Subtitle F, §201.4	None prescribed  For residential uses permitted as a special exception the lot width shall be as prescribed by the BZA	None prescribed
<b>Inclusionary Zoning (“IZ”)</b> Subtitle C, §1001.2(b)  Subtitle C, §1002.3	Triggered by 10 or more dwelling units  Bonus density: up to 20% additional GFA  Set aside requirements vary depending on construction material (8-10%)	Same
<b>Floor Area Ratio (“FAR”)</b> Subtitle F, §302.1  IZ Subtitle C, §1002.3	0.9 FAR maximum  Additional 20% IZ Bonus Density = 1.08 FAR	1.8 FAR maximum  Additional 20% IZ Bonus Density= 2.16 FAR
<b>Lot Occupancy</b> Subtitle F, 304.1	40% maximum	60% maximum
<b>Rear Yard</b> Subtitle F, 305.1	20 ft. minimum	4 inches per ft. of height of building, but not less than 15ft.

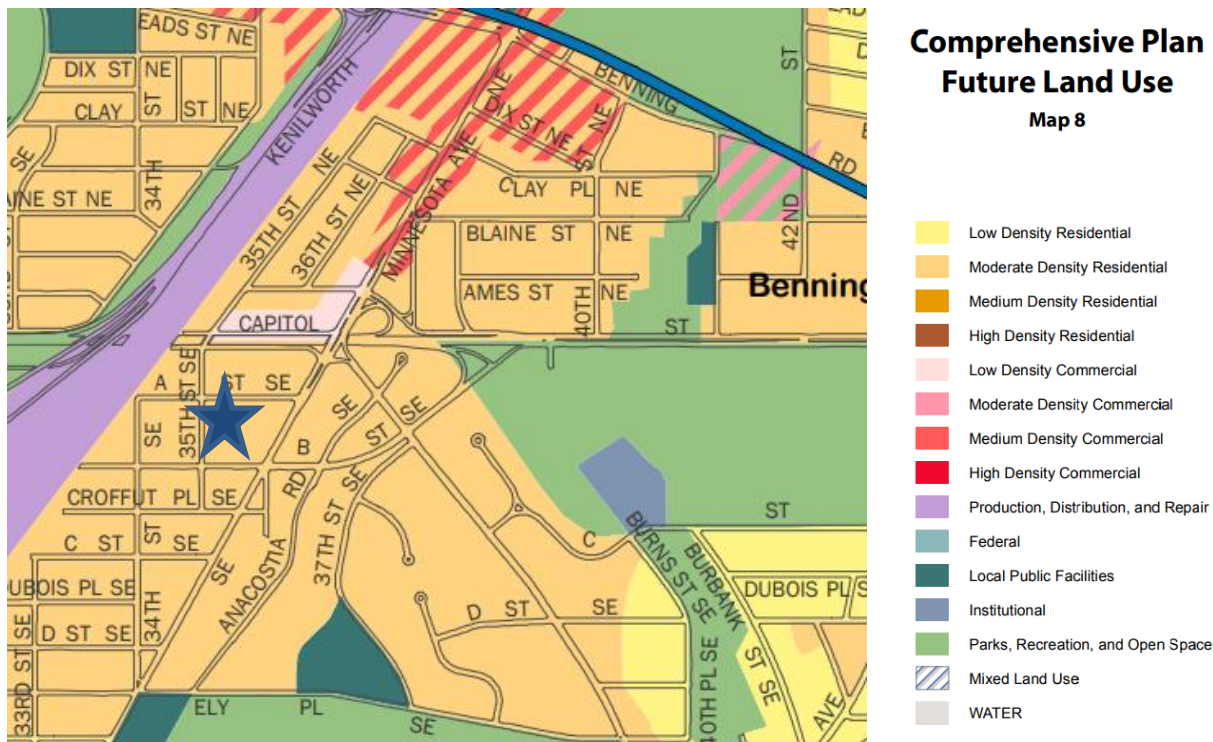
<b>ZONING</b>	<b>RA-1 Zone (Existing)</b>	<b>RA-2 Zone (Proposed)</b>
<b>Side Yard</b> Subtitle F, §306, as amended by Z.C. 17-23	3 inches per ft. of height of building, but not less than 8 ft.  A side yard shall not be required along a side street abutting a corner lot.	None required, but if provided, it shall be a minimum of 4 ft.  A side yard shall not be required along a side street abutting a corner lot.
<b>Courts</b> Subtitle F, §202  Residential, more than 3 units:	<u>Minimum Width Open Court</u> 4 in./ft. of height of court; 10 ft. min  <u>Minimum Width Closed Court</u> 4 in./ft. of height of court; 15 ft. min  <u>Minimum Area Closed Court</u> Twice the square of the required width of court dimension; 350 sq. ft. min	Same
<b>Green Area Ratio (“GAR”)</b> Subtitle F, §307.1	0.4	Same
<b>Vehicle Parking Spaces</b> Subtitle C, §701.5	<u>Single Dwelling Unit:</u> 1 per principal dwelling  <u>Residential Flat:</u> 1 per 2 dwelling units  <u>Multiple Dwelling Unit</u> 1 per 3 dwelling units in excess of 4 units, except: 1 per 6 units of publicly assisted housing, reserved for the elderly and/or handicapped	Same
<b>Loading</b> Subtitle C, §901.1	None prescribed	For more than 50 dwelling units: 1 loading berth 1 service/delivery space 1 loading platform
<b>Bicycle Parking Spaces</b> Subtitle C, §802.1	<u>House or Flat:</u> None prescribed  <u>Apartment:</u> 1 long term space for each 3 dwelling units 1 short term space for each 20 dwelling units	Same

## VI. PLANNING CONTEXT

Title 11 Subtitle X § 500.3 requires that the Zoning Commission determine that a proposed zoning map amendment “*is not inconsistent with the Comprehensive Plan and other adopted policies and active programs related to the subject site*”.

As discussed in the OP Setdown Report of February 15, 2019 (Exhibit 14), the proposed map amendment would be not inconsistent with the Comprehensive Plan Future Land Use Map and Generalized Policy Map.

### **The Future Land Use Map (FLUM)**

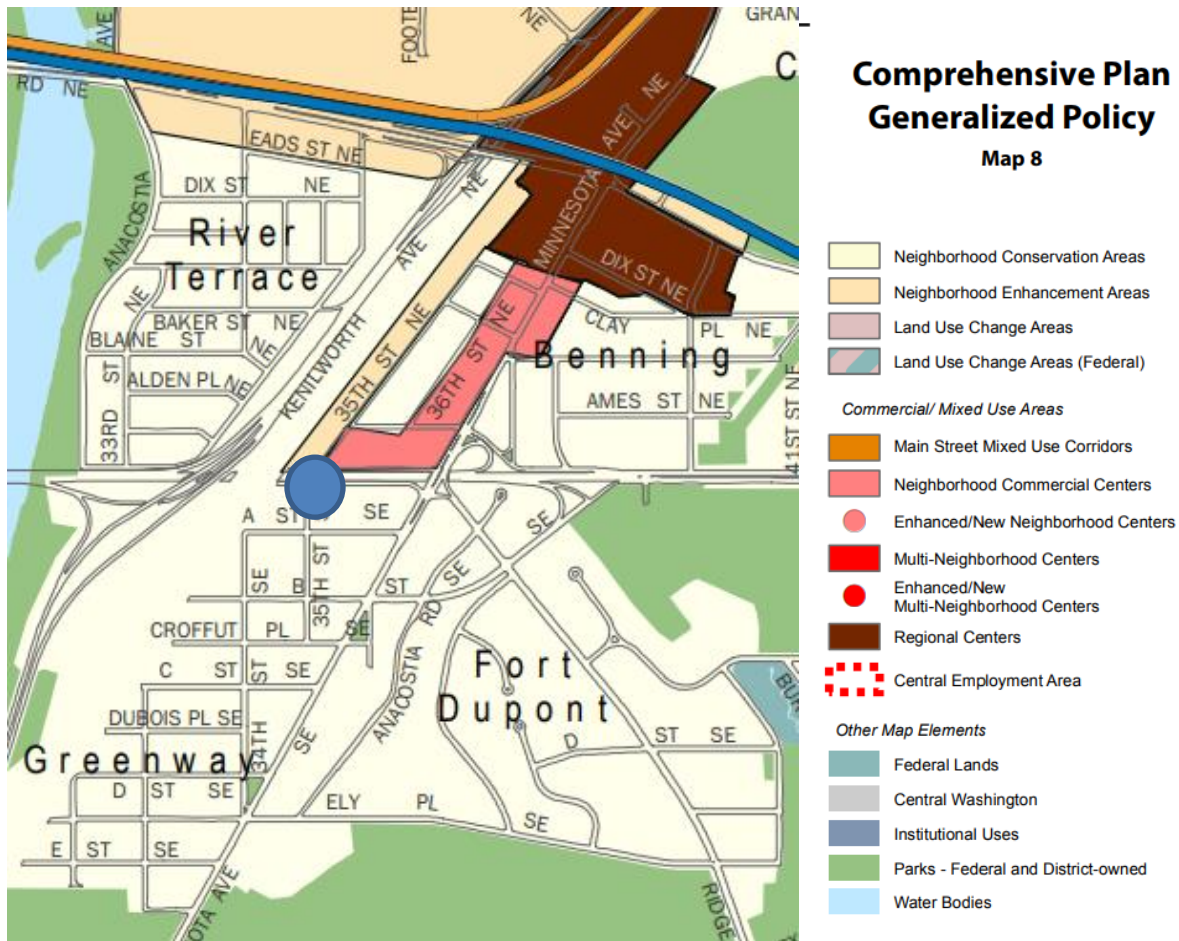


The site is designated for Moderate Density Residential use. Section 225 of the Framework Element provides a description of the FLUM land use designations.

*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.*

The map amendment to the RA-2 zone (formerly the R-5-B zone) would be not inconsistent with the Future Land Use Map. The RA-2 zone allows matter-of-right development of a multi-family residential building, which is what this Applicant intends to construct to replace the existing multi-family residential building.

### The Generalized Policy Map



The Generalized Policy Map designates the subject site within a Neighborhood Conservation Area.

*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.*

The proposed map amendment from the RA-1 to the RA-2 zone would be not inconsistent with the Policy Map designation. The map amendment would support the Petitioner’s proposal to redevelop the existing multi-family residential buildings with new multi-family residential buildings by right.

### Comprehensive Plan Policies

The proposed zoning map amendment would also further Comprehensive Plan policy objectives, particularly with respect to policies within the Land Use, Housing, and Environmental Protection Citywide Elements and the Far Northeast and Southeast Area Element Area Element.

## **Area Element: Far Northeast and Southeast Area Element**

### **Planning and Development Priorities:**

*Renovation and rehabilitation of the housing stock should continue to be a priority, especially for the aging post-war apartment complexes and for developments with subsidized units. Steps should be taken to preserve affordable units in these complexes as they are renovated. In some cases, as was the case at East Capitol Dwellings and Eastgate Gardens, the best approach may be to replace deteriorated multi-family housing with new housing that better meets community needs. In other cases, the renovation of older apartments could be coupled with conversion to owner-occupancy, with provisions to help tenants become homeowners.*

*Policy FNS-1.1.2: Development of New Housing Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents.*

### **Land Use Element**

*Policy LU-2.1.1: Variety of Neighborhood Types Maintain a variety of residential neighborhood types in the District, ranging from low-density, single family neighborhoods to high-density, multi-family mixed use neighborhoods. The positive elements that create the identity and character of each neighborhood should be preserved and enhanced in the future.*

*Policy LU-2.1.2: Neighborhood Revitalization Facilitate orderly neighborhood revitalization and stabilization by focusing District grants, loans, housing rehabilitation efforts, commercial investment programs, capital improvements, and other government actions in those areas that are most in need. Use social, economic, and physical indicators such as the poverty rate, the number of abandoned or substandard buildings, the crime rate, and the unemployment rate as key indicators of need. 309.7*

*Policy LU-2.1.3: Conserving, Enhancing, and Revitalizing Neighborhoods Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to "create successful neighborhoods" in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.*

*Policy LU-2.2.4: Neighborhood Beautification Encourage projects which improve the visual quality of the District's neighborhoods, including landscaping and tree planting, facade improvement, anti-litter campaigns, graffiti removal, improvement or removal of abandoned buildings, street and sidewalk repair, and park improvements.*

### **Housing Element**

*Policy H-1.1.1: Private Sector Support Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.*

*Policy H-1.1.3: Balanced Growth Strongly encourage the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the*



*need for low- and moderate-density single family homes as well as the need for higher-density housing.*

*Policy H-1.3.1: Housing for Families Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments.*

### **Environmental Protection Element**

*Policy E-1.1.2: Tree Requirements in New Development Use planning, zoning, and building regulations to ensure that trees are retained and planted when new development occurs, and that dying trees are removed and replaced. If tree planting and landscaping are required as a condition of permit approval, also require provisions for ongoing maintenance.*

The rezoning would facilitate the comprehensive and long term redevelopment of the Meadow Green Courts. The Applicant has developed a ten-year plan for the Meadow Green Courts redevelopment which involves the phased demolition and construction of a new mixed-income community. The Applicant has worked closely with the residents on the plans and has entered into an agreement with the Meadow Green Courts Tenants Association regarding rent protection, temporary relocation, replacement housing and no involuntary displacement of residents.

The Applicant has met many times with ANC 7F. The Applicant has a workforce development nonprofit that is working currently to increase employment in the area. The Applicant intends to preserve more than 30 heritage trees at the site. The Applicant has almost completed construction of an all-senior 60 unit affordable (50% MFI) apartment building at 3605 Minnesota Avenue SE. as part of the overall redevelopment plan for the site. When completed, the redeveloped site will have approximately 900 residential units and at least 400 of those will be affordable units offered to residents earning 60% AMI or less.

The rezoning and redevelopment of Meadow Green Courts would be consistent with these priorities and policies of the Area Element.

## **VII. AGENCY COMMENTS**

The DC Department of Transportation filed a report stating they had no objection to the map amendment in Exhibit 26. The DC Department of Housing and Community Development informed OP that they had no objection to the requested rezoning. At the time of this report, no other agencies had provided comments to the Office of Planning or filed comments into the record.

## **VIII. COMMUNITY COMMENTS**

The Meadow Green Courts Residents Association filed a letter of support in Exhibit 6F.

ANC 7F filed a letter of support in Exhibit 17B.

Vincent Gray, the Ward 7 City Councilmember, filed a letter of support in Exhibit 15.