



## MEMORANDUM

**TO:** Zoning Commission for the District of Columbia  
**FROM:** <sup>JLS</sup> Jennifer Steingasser, Deputy Director for Development Review & Historic Preservation  
**DATE:** September 2, 2019  
**SUBJECT:** **Zoning Commission Case 19-08 West Heating Plant - Hearing Report** - Proposed zoning map amendment to establish the MU-13 zone for the unzoned property.

### I. BACKGROUND

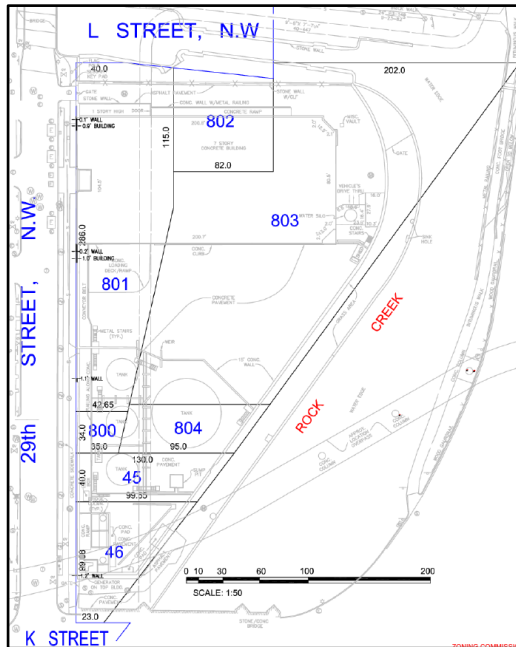
At its June 10, 2019 public meeting, the Zoning Commission set down for a public hearing an application to establish the MU-13 zone for Square 1193, Lots 800-804, 45 and 46 at 1051-1055 29<sup>th</sup> Street, N.W. The case was set down as a contested case.

### II. RECOMMENDATION

The Office of Planning recommends that the Zoning Commission **approve** the application to zone the West Heating Plant site at 1051-1055 29<sup>th</sup> Street NW from unzoned to the MU-13 zone. The MU-13 zone is not inconsistent with the Comprehensive Plan.

### III. APPLICATION IN BRIEF

<b>Applicant</b>	Georgetown 29K Acquisition, LLC
<b>Address</b>	1051-1055 29 <sup>th</sup> Street, N.W.
<b>Proposed Map Amendment</b>	From Unzoned to MU-13
<b>Legal Description</b>	Square 1193, Lots 800-804, 45 and 46
<b>Property size</b>	87,120 square feet
<b>Generalized Policy Map Designation</b>	Parks - Federal and District-Owned
<b>Future Land Use Map Designation</b>	Mixed Use: Medium Density Residential and Moderate Density Commercial Parks, Recreation, and Open Space
<b>Comprehensive Plan Policy Focus Area</b>	Near Northwest Area Element
<b>Ward and ANC</b>	Ward 2/ANC 2E
<b>Historic District</b>	Historic Landmark: West Heating Plant and Chesapeake and Ohio Canal Historic Districts: Georgetown Historic District, C & O Canal National Historical Park, Rock Creek & Potomac Parkway



#### **IV. OVERVIEW AND BACKGROUND**

The property was previously owned by the federal government and was developed with the West Heating Plant. Because the property was owned and used by the federal government it was not subject to zoning. The plant operated as a coal-powered steam heat plant for federal buildings and was decommissioned in 2000. The property has been unused and vacant since. The Applicant, Georgetown 29K Acquisition LLC, purchased the site from the federal government in 2013.

The West Heating Plant was designated an individual historic landmark and is a contributing building within the Georgetown Historic District. The Applicant's development plans anticipate a multi-family residential building with the height, bulk and mass of the historic building and partial

façade retention. The proposed site plan shows a one acre open park located south of the building.

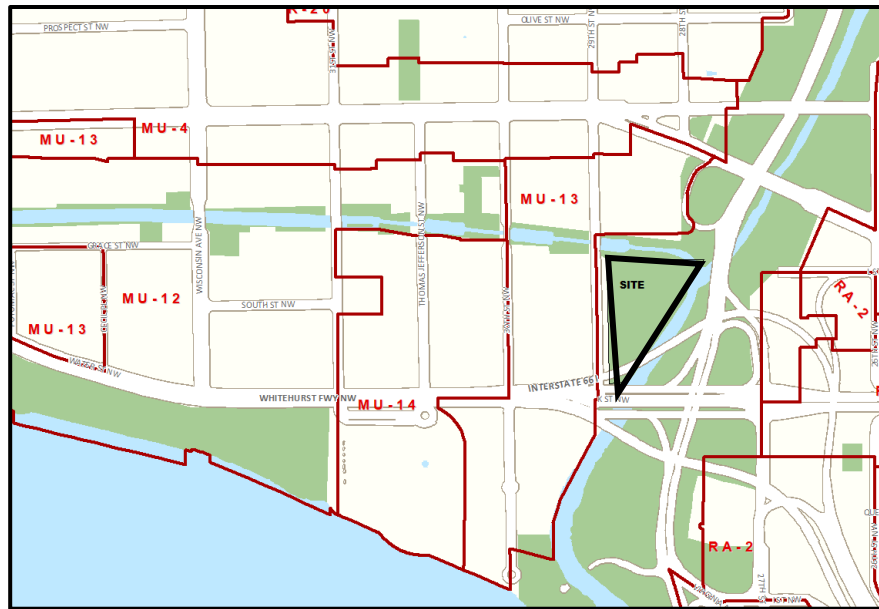
A raze permit was submitted and reviewed by Historic Preservation Review Board which concluded that the extent of demolition was inconsistent with the purposes of the Historic Preservation Act. The owner then requested a hearing before the Mayor's Agent for Historic Preservation who determined that the raze was necessary in the public interest as the proposal met the standard as a project of special merit. The Mayor's Agent concluded that the special merit benefits of the project, including but not limited to the development of the southern half of the site as a park "clearly outweighs the net loss in historic preservation."

Any future development of the site will be subject to design review by the Old Georgetown Board, the Commission of Fine Arts and the Historic Preservation Review Board.

The site is located in the 100 year flood plain and any proposed development will be subject to environmental regulatory review and requirements. Department of Energy and Environment provided detailed agency comments in Exhibit 17.

#### **V. AREA DESCRIPTION**

The two-acre triangular site is located at the southeast corner of Georgetown. The site is bounded by 29<sup>th</sup> Street to the west, the C & O Canal to the north, Rock Creek to the east, and the Whitehurst Freeway and K Street to the south. Surrounding the site are a mix of residential and commercial uses.



Site Location and Zoning

## VI. ZONING

The adjacent properties directly across 29<sup>th</sup> Street to the west are zoned MU-13. Across the C & O Canal to the north, the properties are also zoned MU-13. To the east and south are Rock Creek, Rock Creek Park, and Rock Creek Parkway, which are unzoned federal properties.

The proposed zone for the site is MU-13. The Zoning Regulations state: “The MU-13 zone is intended to permit medium-density mixed-use development generally in the vicinity of the waterfront.”

The development standards for the MU-13 zone include:

- FAR: 4.0 max. (4.8 IZ); 2.0 max. non-residential
- Height: 60’ max. (80’ IZ)
- Lot occupancy: 75% max.
- Rear yard: 12’ required
- Side yard: none required but if side yard is provided then 8’ min.
- GAR: .3 min.
- Penthouse height: 12 ft. except 18’ 6”. for penthouse mechanical space; second story permitted for penthouse mechanical space

In addition to all residential uses, Subtitle U Section 507 of the Zoning Regulations lists the following uses as permitted as a matter of right in the MU-13 zone:

(a) Any use within the following use categories:

- (1) Agricultural, both residential and large;
- (2) Arts design and creation, including an artist live-work studio;
- (3) Art gallery and museum;
- (4) Daytime care;
- (5) Eating and drinking establishments, except a drive-through operation shall not be permitted;
- (6) Emergency shelter for not more than four (4) persons, not including resident supervisors or staff and their families;
- (7) Group instruction center or studio;

- (8) *Local government uses;*
- (9) *Institutional uses, both general and religious;*
- (10) *Lodging;*
- (11) *Marine;*
- (12) *Medical care facilities, including hospice care;*
- (13) *Office uses, including chanceries;*
- (14) *Parks and recreation;*
- (15) *Retail;*
- (16) *Service uses, both financial and general; and*
- (17) *Theater, either private or public, for the purpose of entertainment, assembly, and performing arts; and*

*(b) Other accessory uses customarily incidental and subordinate to the uses permitted by this section.*

## **VII. COMPREHENSIVE PLAN**

The proposed map amendment would be not inconsistent with the 2010 Comprehensive Plan.

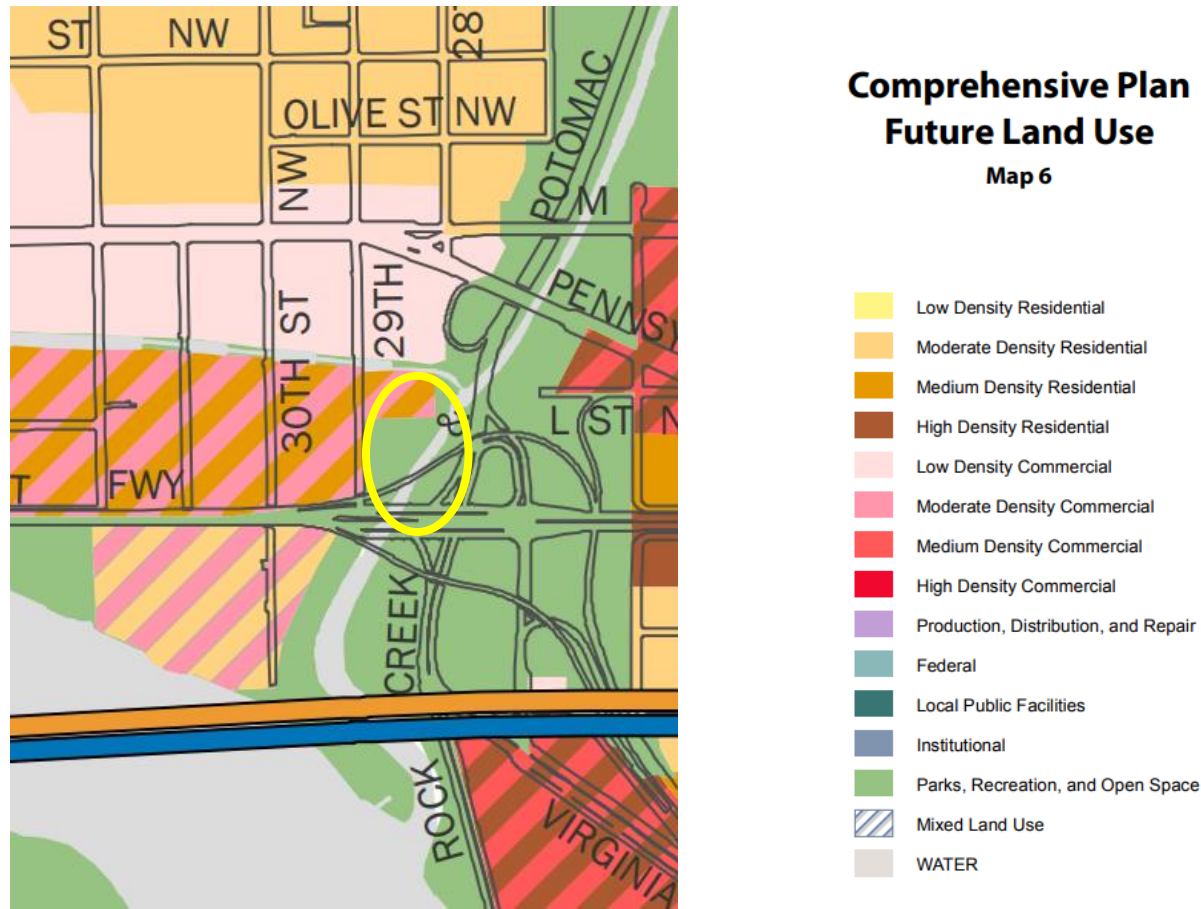
*The Generalized Policy Map and Future Land Use Map are intended to provide generalized guides for development and conservation decisions. Several important parameters, defined below, apply to their use and interpretation.*

- 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 the citywide elements and the area elements, as well as approved Small Area Plans.*

### **A. MAPS**

The Future Land Use Map designates the northern end of the site as Mixed Use Moderate Density Commercial and Medium Density Residential uses and the southern end as Parks, Recreation, and Open Space. The Generalized Policy Map designates the area for “Parks- Federal and District-owned”. While the proposed zoning is for the entire site, thoughtful development of the property should allow for better connectivity to the surrounding parkland including the waterfront and the C & O Canal towpath which would provide parks and recreation opportunities. As can be seen in the map below, the property directly across 29<sup>th</sup> Street has the same striped mixed use designation on the Future Land Use map as the subject property thus the MU-13 zone would be compatible with and comparable to the adjacent property’s zoning, which is also MU-13.

The recent procedural history of the site and proposed redevelopment is complex but provides assurances that the southern half of the site identified as parks and open space on the FLUM is developed as a park.



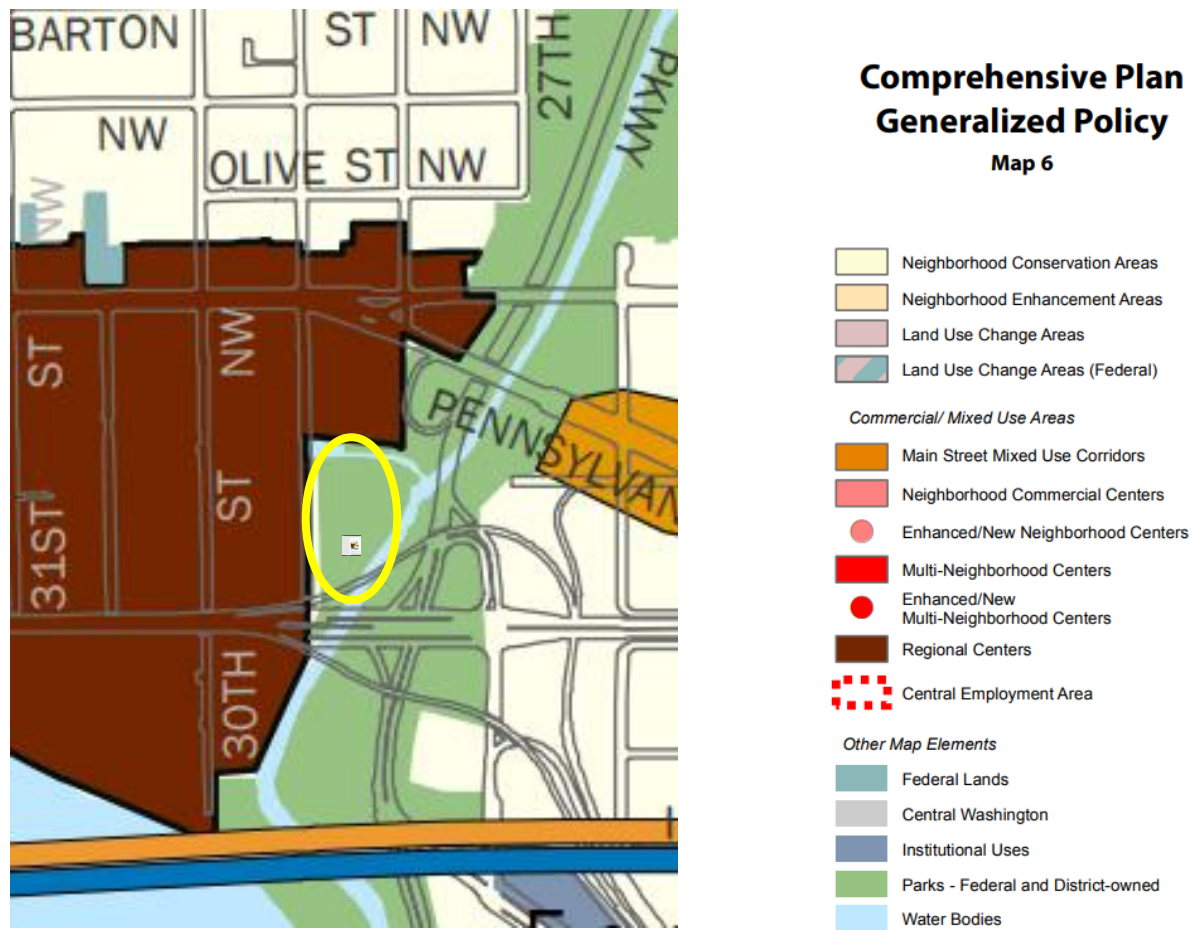
**Medium Density Residential:** This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B [RA-2] and R-5-C [RA-3] Zone districts are generally consistent with the Medium Density designation, although other zones may apply.

**Moderate Density Commercial:** This designation is used to define shopping and service areas that are somewhat more intense in scale and character than the low-density commercial areas. 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. Buildings are larger and/or taller than those in low density commercial areas but generally do not exceed five stories in height. The corresponding Zone districts are generally C-2-A [MU-4], C-2-B [MU-5], and C-3-A [MU-6], although other districts may apply.

The general density and intensity of development within a given Mixed Use area is determined by the specific mix of uses shown. If the desired outcome is to emphasize one use over the other (for example, ground floor retail with three stories of housing above), the Future Land Use Map may note the dominant use by showing it at a slightly higher density than the other use in the mix (in this case, “Moderate Density Residential/Low Density Commercial”). The Comprehensive Plan Area Elements may also provide detail on the specific mix of uses envisioned.

The MU-13 zone provides for uses, bulk and density generally consistent with the MU-5 and the RA-3 zones as anticipated through the FLUM.





*The Generalized Policy Map also identifies parks and open space, federal lands, Downtown Washington, and major institutional land uses. The fact that these areas are not designated as Conservation, Enhancement, or Change does not mean they are exempt from the policies of the Comprehensive Plan or will remain static. Park and open space will be conserved and carefully managed in the future. Federal lands are called out to acknowledge the District's limited jurisdiction over them, but are still discussed in the text of the District Elements.*

## B. POLICIES

Without zoning, the subject property would be unable to receive building permits and would remain as is with a vacant industrial building and a polluted and inaccessible coal yard in need of significant environmental remediation.

### *Subtitle A Section 209 RESTRICTIONS ON UNZONED LAND*

*209.1 No building permit or certificate of occupancy shall be issued nor proceeding instituted before the Board of Zoning Adjustment, nor shall any property in private ownership be used for any purpose until after the Zoning Commission has designated zoning for the property, except as may otherwise be authorized by the Zoning Commission as a map or text amendment.*

The proposed MU-13 zoning, which would allow for future development of the property, would generally support the following Comprehensive Plan policy objectives.

### **Citywide Elements**

#### **Land Use**

##### *Policy LU-1.4.1: Infill Development*

*Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.*

##### *Policy LU-1.4.2: Long-Term Vacant Sites*

*Facilitate the reuse of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures which would address these constraints. 3*

##### *Policy LU-1.4.3: Zoning of Infill Sites*

*Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single family and row house neighborhoods that are currently zoned for multi-family development.*

##### *Policy LU-2.1.10: Multi-Family Neighborhoods*

*Maintain the multi-family residential character of the District’s Medium and High-Density residential areas. Limit the encroachment of large scale, incompatible commercial uses into these areas, and make these areas more attractive, pedestrian-friendly, and transit accessible.*

##### *Policy LU-2.1.12: Reuse of Public Buildings*

*Rehabilitate vacant or outmoded public and semi-public buildings for continued use. Reuse plans should be compatible with their surroundings and should limit the introduction of new uses that could adversely affect neighboring communities.*

##### *Policy LU-2.2.3: Restoration or Removal of Vacant and Abandoned Buildings*

*Reduce the number of vacant and abandoned buildings in the city through renovation, rehabilitation, and where necessary, demolition. Implement programs that encourage the owners of such buildings to sell or renovate them, and apply liens, fines, and other penalties for non-compliant properties.*

##### *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.*

The MU-13 zoning would allow for infill development on a vacant site with a former public building. Ultimately, any development on this site would go through significant historic preservation review and the project of revitalizing the vacant industrial site would be an overall improvement for this neighborhood.

## **Housing**

### *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.*

The Future Land Use Map recommends Mixed-Use Medium Density Residential/Moderate Density Commercial use for the northern half of this site, and the MU-13 would be consistent with these housing policies that encourage private sector development of new housing and the development of housing on underutilized land.

## **Environmental Protection**

### *Policy E-4.4.2: Hazardous Building Materials and Conditions*

*Protect public health and safety by testing for and, where appropriate, removing lead, radon gas, asbestos, and other hazardous substances from the built environment. When these hazards are abated, require full compliance with all applicable licensing and inspection standards.*

### *Policy E-4.4.5: Clean-Up of Contaminated Sites*

*Ensure that the necessary steps are taken to remediate soil and groundwater contamination in the city, both in areas where future development is likely and in areas that are already fully developed. In addition, require soil and groundwater evaluations for any development that is proposed on a site where contamination may be possible due to past activities. Depending on the site, it may also be necessary to investigate the effects of contamination on air quality, surface water, or river sediments, or to conduct an ecological risk assessment. If contamination is found to be above acceptable levels, require remediation and, where necessary, long term monitoring and institutional controls*

## **Parks, Recreation and Open Space**

*Policy PROS-1.4.4: Parks on Surplus Land Acquire and convert abandoned or tax delinquent land, surplus rail or road rights of way, and other land not in productive use into recreational use where feasible and appropriate, particularly in parts of the city that lack adequate access to parkland.*



## **Urban Design**

### *Policy UD-1.3.2: Waterfront Public Space and Access*

*Develop public gathering spaces along the waterfronts, including promenades, viewpoints, boating and swimming facilities, and parks. Such space should be designed to promote continuous public access along the rivers, and to take full advantage of site topography and waterfront views. Design treatments should vary from “hardscape” plazas in urban settings to softer, more passive open spaces that are more natural in character.*

### *Policy UD-1.3.3: Excellence in Waterfront Design*

*Require a high standard of design for all waterfront projects, with an emphasis on shoreline access, integration of historic features and structures, an orientation toward the water, and the creation of new water-oriented public amenities*

### *Policy UD-1.3.7: Neighborhood Connectivity*

*Improve the physical connections between neighborhoods and nearby waterfronts. Where feasible, extend the existing city grid into large waterfront sites to better connect nearby developed areas to the shoreline (see Figure 9.6).*

### *Policy UD-2.2.1: Neighborhood Character and Identity*

*Strengthen the defining visual qualities of Washington’s neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.*

### *Policy UD-2.2.2: Areas of Strong Architectural Character*

*Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development within such areas does not need to replicate prevailing architectural styles exactly but should be complementary in form, height, and bulk (see Figure 9.10)*

### *Policy UD-2.2.7: Infill Development*

*Regardless of neighborhood identity, avoid overpowering contrasts of scale, height and density as infill development occurs.*

### *Policy UD-2.2.9: Protection of Neighborhood Open Space*

*Ensure that infill development respects and improves the integrity of neighborhood open spaces and public areas. Buildings should be designed to avoid the loss of sunlight and reduced usability of neighborhood parks and plazas*

With MU-13 zoning, the site can be developed in keeping with these policies of compatible infill, connectivity to the waterfront, and providing neighborhood open space.

## **Area Element**

## **Near Northwest Area Element**

### *Policy NNW-1.1.1: Residential Neighborhoods*

*Maintain and enhance the historic, architecturally distinctive mixed density character of Near Northwest residential neighborhoods, including Burleith, Georgetown, Foggy Bottom, Dupont Circle, Sheridan-Kalorama, Logan Circle, Mount Vernon Square, and Shaw. Ensure that infill development within these areas is architecturally compatible with its surroundings and positively contributes to the identity and quality of each neighborhood.*

### *Policy NNW-1.2.1: Scenic Resource Protection*

*Protect and enhance the scenic visual resources of the Near Northwest Planning Area, including the Potomac Waterfront, Rock Creek Park, the park circles of the L'Enfant Plan, and the historic architecture and streetscapes that define the area's commercial and residential areas.*

### *Policy NNW-1.2.6: Increasing Park Use and Acreage*

*Identify opportunities for new pocket parks, plazas, and public spaces within the Near Northwest Planning Area, as well as opportunities to expand and take full advantage of existing parks.*

With MU-13 zoning, the site can be developed so as to enhance the Georgetown neighborhood as well as the waterfront consistent with the surrounding zoning.

## **VIII. AGENCY COMMENTS**

OP referred the map amendment application for comments to:

- Department of Energy and the Environment (DOEE)
- Department of Housing & Community Development (DHCD)
- District Department of Transportation (DDOT)
- Department of Parks and Recreation (DPR)
- Department of Public Works (DPW)
- DC Public Schools (DCPS)
- DC Public Libraries (DCPL)
- Fire and Emergency Medical Services Department (FEMS)
- Metropolitan Police Department (MPD)
- DC Water

DOEE provided detailed agency comments in Exhibit 17.

DDOT informed OP that they would file a separate agency report.

DHCD informed OP that they had no objection to the map amendment and acknowledged that through the Mayor's Agent review process the Applicant has made a financial commitment of \$2.8 million minimum and \$4.05 million maximum to the D.C. Housing Production Trust Fund.

DCPL informed OP that they had no comment on the map amendment and do not anticipate that it will produce an undue burden on the library's operations.

At the time of this report, no other District agency had provided comment on the application.

**IX. COMMUNITY COMMENTS**

ANC 2E filed a letter in support of the map amendment into the record (Exhibit 3).