

MEMORANDUM

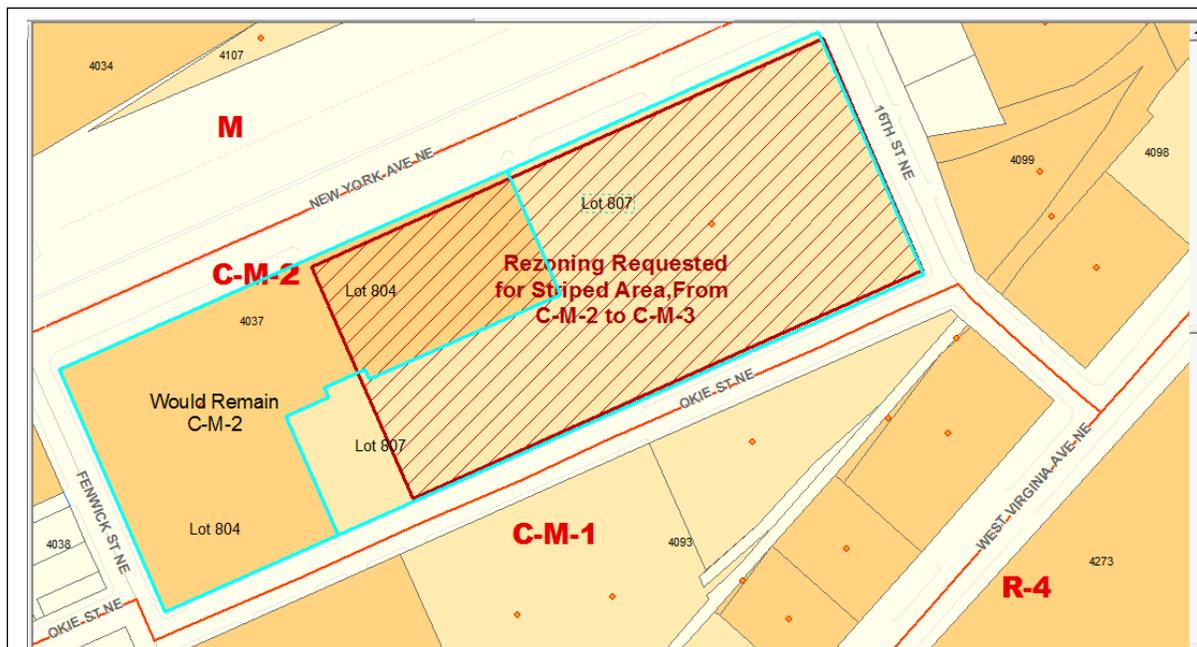
TO: Zoning Commission
FROM: Jennifer Steingasser, Deputy Director Development Review & Historical Preservation
DATE: May 24, 2013
SUBJECT: Final Report on Zoning Commission Case No. 13-02, a Proposed Zoning Map Amendment for Square 4037, Parts of Lots 0007 and 0804

I. RECOMMENDATION

The Office of Planning (OP) **recommends** the Zoning Commission approve this request by Jemal’s Hecht’s, LLC for a rezoning of portions of Lots 0007 and 0804 in Square 4037 from C-M-2 to C-M-3. The requested C-M-3 zone district is not inconsistent with the District of Columbia Comprehensive Plan Future Land Use and Generalized Policy maps, or with the written elements of the Comprehensive Plan.

II. SITE AND AREA DESCRIPTION

Address	1545 New York Avenue, NE	Legal Description	Square 4037, parts of Lots 0007 & 0804	Ward	5	Zone	C-M-2
Lot Characteristics and Existing Development	A flat, level site occupied by 1-3 story warehouse structures attached to historic portions of the vacant Hecht Company warehouse, and by surface parking.						
Historic District and Landmarks:	None of the buildings on Lot 807 are historic. The landmark portions of the Hecht Company warehouse’s are on lot 804; development on or adjacent to the historic part of the site will require HPRB review.						
Adjacent Properties:	Historic 1937 Hecht Co. Warehouse, historic 1948 addition, all of multi-story portion and some of single-story portion of historic 1961 addition.						
Neighborhood Character:	Industrial, light industrial, parking, storage. Residential use one block to south.						



III. APPLICATION SUMMARY

The applicant requests the rezoning, from C-M-2 to C-M-3, of a 266,083.48 square foot portion of Square 4037:

<u>Total Area of Square:</u>	384,361 square feet
<u>Area Requested for Re-zoning:</u>	266,083.48 square feet
<u>Area to Remain C-M-2:</u>	118,277.52 square feet

Boundaries of Area for which Rezoning is Requested:

- Western: a line 344 feet long, east of and parallel to Fenwick Street, NE
- Eastern: 16th Street NE
- Northern: 343.83 feet along New York Avenue. NE
- Southern: Okie Street NE

The application before the Commission is for a map amendment that is not connected to a specific development proposal.

The petitioner has stated the requested rezoning is intended to help place the historic former Hecht’s Company warehouse back into service. The applicant notes that the additional FAR enabled by C-M-3 zoning would allow more retail, office and parking uses, which could cross-subsidize the renovation of the historic warehouse. The petitioner has also noted to OP that the C-M-3 zone’s additional height would permit greater flexibility of future use; e.g., the C-M-3 zone’s additional height would enable future conversion of outer bays of a parking decks into flat-floored residential uses, should a future Comprehensive Plan, zoning change and the marketplace deem such a use to be appropriate.

The portion of the Square covered by the map amendment contains vacant land, lower density non-historic structures, and a small portion of a one-story 1961 addition that has been designated as historic. The portion of the Square for which the applicant has *not* requested a map amendment contains all of the historic 1937 warehouse, the historic 1948 addition, the three-story portion of the historic 1961 addition, and most of the one-story portion of the 1961 addition.

At the February 25, 2013 setdown meeting some Zoning Commission members questioned the ninety-foot height permitted in the requested C-M-3 zone, while other Commissioners noted that a 90 feet height would be appropriate for a gateway corridor such as New York Avenue.

IV. ZONING

The table below compares the existing and proposed zoning.

	Existing C-M-2	Requested C-M-3
Height	60 ft.	90 ft.
Floor Area Ratio	4.0	6.0
Lot Occupancy	100 %	100 %
Rear Yard	None for ≤ 20 ft. of building height. Above 20 feet, 2.5 in. /1 ft. height, but ≥ 12 ft.	None for ≤ 20 ft. of building height. Above 20 feet, 2.5 in. /1 ft. height, but ≥ 12 ft.
Side Yard	None required	None required
Parking Minimum	1/3000 sf commercial (office); 1/1000sf PDR	1/3000 sf commercial.(office); 1/1000 sf PDR
Office, Retail, PDR, Service Uses	Allowed	Allowed

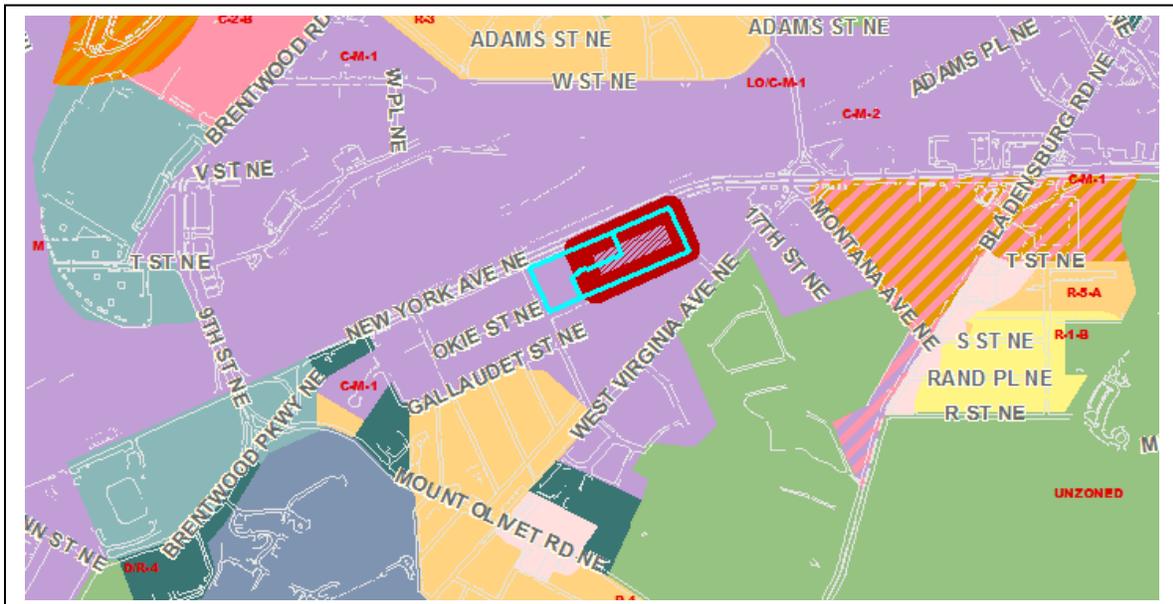
The dimensional and use standards for C-M-2 and C-M-3 are the same for everything but height and FAR.

Although the land under the original portion of the warehouse is not part of this application, OP notes that the historic building's height of 81 feet 6 inches would not be permitted in its current C-M-2 zone, but would be permitted in the C-M-3 zone. The zoning requested in this application would permit a new adjacent building to achieve height consistent with the historic building, but would not incentivize increases in the height or bulk of the historic building itself.

V. COMPREHENSIVE PLAN

A. Maps

- Future Land Use Map (FLUM): The property is designated for PDR (Production, Distribution and Repair) use [purple on map below], which include a broad range of manufacturing, warehousing, technical, infrastructure, transportation, retail and commercial uses, but which does not include residential use. Unlike other land use categories, PDR future land use map designations are not graded by intensity of use. C-M-1, C-M-2, C-M-3 and M zones correspond to the PDR land use designation. C-M-3 would be as consistent with the FLUM as would C-M-2.



- Generalized Policy Map: The property is in the Neighborhood Conservation Area (NCA) category [white on map below]. Policies for an NCA are intended to maintain or enhance existing land use and neighborhood characteristics, rather than guiding these areas toward significant changes of uses and characteristics. The requested re-zoning would be consistent with this policy, would help to ensure the continuation of PDR land uses, and would not threaten the stability of adjacent PDR uses, nearby residential uses in Ivy City, or the Moderate Density Commercial/Medium Density Residential land use change area designated at the intersection of New York Avenue NE and Bladensburg Road NE.



B. Written Elements

The requested rezoning is not inconsistent with the written elements of the Comprehensive Plan -- particularly policies for Industrial Land, the Upper Northeast Element, the New York Avenue corridor, and Historic Preservation.

a. Land Use

Independent of any specific development proposal, the requested rezoning would further the overarching objective of the Element, to ensure:

the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries. (10A DCMR §300.2)

Permitting an increase in the density and height of PDR-related structures would help to increase the probability of the revitalization of land and structures that have been without a productive use for over a decade. The requested zoning change would also be not inconsistent with land use policies for:

Restoration or Removal of Vacant and Abandoned Buildings (Policy LU-2.2.3): Reduce the number of vacant and abandoned buildings in the city through renovation, rehabilitation, and where necessary, demolition... 10A DCMR § 310.4.

Conservation of Industrial Land (Policy LU-3.1.1): Recognize the importance of industrial land to the economy of the District of Columbia, specifically its ability to support public works functions, and accommodate production, distribution, and repair (PDR) activities. Ensure that zoning regulations and land use decisions protect active and viable PDR land uses, while allowing compatible office and retail uses and

development under standards established within CM- and M- zoning. Economic development programs should work to retain and permit such uses in the future. 10A DCMR § 314.7

Redevelopment of Obsolete Industrial Uses (Policy LU-3.1.2): *Encourage the redevelopment of outmoded and non-productive industrial sites, such as vacant warehouses and open storage yards, with higher value production, distribution, and repair uses and other activities which support the core sectors of the District economy (federal government, hospitality, higher education, etc.). 10A DCMR § 314.8*

b. Upper Northeast Area Element

Much of the District's industrially-zoned land is in the northeast quadrant, adjacent to rail tracks or New York Avenue. The New York Avenue corridor is also the principal entrance to the city for visitors and commuters from the northeast. Accordingly, improving both the viability of the industrially-zoned land, and the appearance of the gateway street have been major objectives of the District for over three decades. The objectives are reflected in several policies for the Upper Northeast Area, all of which are more likely to be achieved with the requested rezoning of the petitioner's land. The proposed zoning would also allow a height and density consistent with a major gateway corridor like New York Avenue.

Production, Distribution, and Repair Uses (Policy UNE-1.1.9): *Retain the existing concentration of production, distribution, and repair (PDR) uses in Upper Northeast, but encourage the upgrading of these uses through higher design standards, landscaping, and improved screening and buffering. Emphasize new uses, including retail and office space, that create jobs for Upper Northeast area residents, and that minimize off-site impacts on the surrounding residential areas. 10A DCMR § 2408.10*

Production, Distribution, and Repair Land Uses (Policy UNE-2.3.2): *Retain a significant concentration of production, distribution, and repair (PDR) land uses in the New York Avenue corridor... 10A DCMR § 2413.6.*

Infill Development Policy (UNE-2.3.3): *Support infill development and redevelopment on underutilized commercial sites along New York Avenue. Particularly encourage large-format destination retail development that would provide better access to goods and services for residents, and sales tax dollars for the District. 10A DCMR § 2413.7*

New York Avenue Corridor (Policy UNE-2.3.1): *Improve the appearance of New York Avenue as a gateway to the District of Columbia. Support road design changes, streetscape improvements, and new land uses that improve traffic flow and enhance the road's operation as a multi-modal corridor that meets both regional and local needs. 10A DCMR § 2413.5*

The requested map amendment is not inconsistent with these policies. It strikes an appropriate balance between increasing the attractiveness of new PDR development on a portion of the Square, and minimizing upward pressure on replacing the PDR uses with general office development on the rest of the Square, or on other parts of the corridor.

c. Historic Preservation Element.

Adaptation of Historic Properties for Current Use (Policy HP-2.4.2): Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property. 10A DCMR § 1011.7

The petitioner owns all of the land in Square 4037 and has stated that the re-zoning of the eastern portion of the Square would increase the possibility that development on that part of the Square could help secure financing for the restoration and adaptation of the vacant warehouse landmark on the western part of the Square. The petitioner has begun discussion with the Historic Preservation staff about the appropriate nature of development within and adjacent to the warehouse, and this will require HPRB review.

VI. OTHER GOVERNMENT REPORTS

The District Department of Transportation (DDOT) will work with the applicant on any future development proposal, including one that impacts public space. Prior to setdown, DDOT informed OP that there were then no zoning-related issues for DDOT to discuss with the Commission.

VII. PUBLIC COMMENTS

ANC 5D voted unanimously on February 16, 2013 to support the map amendment application.

JS/slc
Stephen Cochran, Case Manager