

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director

DATE: May 9, 2014

SUBJECT: Public Hearing Report for ZC #13-13, 9th Street, NE Zoning Map Amendment

I. SUMMARY RECOMMENDATION

At its January 27, 2014 public meeting, the Zoning Commission set down for a public hearing this zoning map consistency case, to rezone Square 3831, Lots 42-45 and 830 (9th Street NE) from C-M-1 (moderate density industrial) to R-4 (low density residential), submitted by Oxbridge Development. The map amendment would be consistent with the Comprehensive Plan for the District and other plans for the area, so the Office of Planning recommends approval.

II. APPLICATION-IN-BRIEF

Location: Square 3831, Lots 42-45 and 830. The area on the west side of 9th Street, NE, from Kearney Street, north to about the midpoint of the block.
Ward 5, ANC 5B.

Applicant: Oxbridge Development

Current Zoning: C-M-1

Comprehensive Plan Future Land Use Map Designation: Low Density Residential

Property Size: 12,402 square feet (0.28 acres)

Proposal: A zoning map amendment to R-4 for the entire property.

III. SITE AND AREA DESCRIPTION

The subject site is located on 9th Street, NE north of Kearny Street. It consists of five lots totaling slightly over a quarter of an acre in area. The vacant property slopes slightly down to the west and is bordered on that side by lots owned by WMATA and used for the Red Line and CSX railroad tracks.

The immediate neighborhood to the east and south is zoned R-2 and consists of detached, semi-detached, and rowhouse residential development. Directly to the north are other vacant lots and



rowhouse buildings, some used for non-residential purposes, zoned C-M-1. One block to the north but on the east side of 9th Street, the Commission approved PUD #10-28, a six-story mixed use development which included a PUD-related map amendment to C-2-B, currently under construction.

The Brookland metro station is slightly more than two blocks north of the proposed rezoning. Directly to the west are the metro line and rail lines. Mixed use and retail development is intended to be mainly concentrated along 12th Street to the east and Monroe Street to the north of the site.

At the setdown meeting, the Zoning Commission requested additional aerial photos and maps to provide a better sense of context; these are attached to this report. The Commission also requested that OP investigate other property close to the subject site, also zoned CM-1 but designated on the Comprehensive Plan Future Land Use Map for low density residential. OP provided a report to the Commission outlining this research, in correspondence dated March 21, 2014, and received by the Commission at its regular public meeting on March 31, 2014.

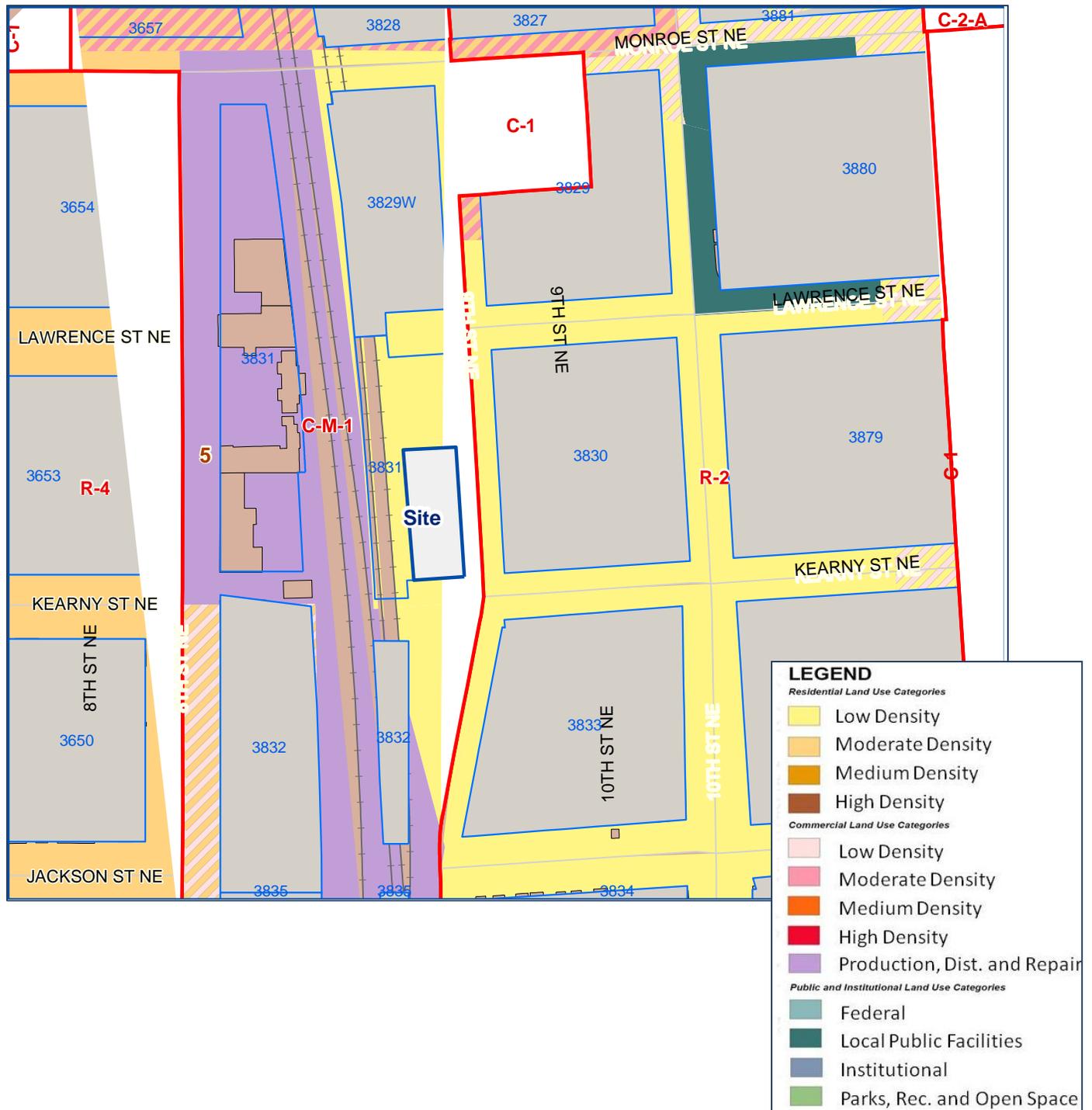
IV. COMPARISON OF EXISTING AND REQUESTED ZONING

	C-M-1 MOR	R-4 MOR
Height	40', 3 stories maximum	40', 3 stories maximum
FAR	3.0 maximum	1.8 estimated maximum ¹
Lot Occupancy	100% maximum	60% maximum for a row dwelling
Side Yard	Not required	Not required
Rear Yard	Not req'd below 20' of height	20' minimum
Use	Industrial, commercial, hotel, office permitted Residential not permitted	Residential rowhouse/flat permitted Institutional uses such as a place of worship or school Industrial not permitted Commercial uses not permitted, other than as a home based business
Lot Size	12,402 sq.ft. existing (total)	12,402 sq.ft. existing (total)
Potential development	37,206 sq.ft of industrial or other permitted use	6 flats (12 units) or other uses permitted; max FAR approx. 22,300 sq.ft. max.
Parking required	Varies by use; 37 spaces for an industrial use	6 on-site spaces minimum

¹ Like all low density residential zones, the R-4 zone does not have an FAR limit, but the 60% lot occupancy and 3-story limits effectively create a 1.8 FAR maximum.

V. COMPREHENSIVE PLAN

The Comprehensive Plan Future Land Use Map (FLUM) indicates that the site is appropriate for low density residential development, shown as yellow on the map excerpt below. Low Density Residential defines the city's single family neighborhoods. These areas are primarily zoned R-1 and R-2, though other zones may apply. (§ 225.3)



The Comprehensive Plan's Generalized Policy Map describes the subject site as within a Neighborhood Conservation Area, shown as the light-shaded area in the map excerpt below. Neighborhood Conservation Areas are primarily residential in character and have little vacant land. Where infill does occur, it should be primarily housing, public facilities or institutional uses. New development should be compatible with the scale and character of the existing neighborhood. (Comprehensive Plan, §§ 223.4 and 223.5)



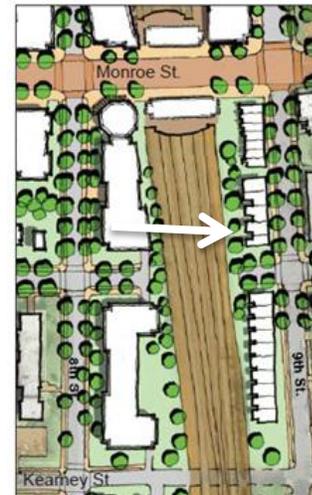
The proposed zoning map amendment is not inconsistent with these map designations.

As noted in the OP setdown report, dated January 17, 2014 (exhibit 11), the proposal would be not inconsistent with the Comprehensive Plan, and particularly further policies of the Land Use Element which calls for compatible infill development, and the Upper Northeast Area Element which calls for the conservation of established residential areas and compatible infill on vacant lots in existing neighborhoods, and changing industrially zoned land in close proximity to the Brookland metro to other uses, including housing.

VI. BROOKLAND / CUA METRO STATION SMALL AREA PLAN

The site is within the boundaries of the Brookland / CUA Metro Station Small Area Plan (the Brookland Plan), adopted by Council in 2009. Although this portion of the neighborhood was not a primary focus of the study, the subject site falls within the area known as the "Commercial Area South of Metro Station" sub-area. Policy guidance includes recommending new residential

infill development that integrates with the existing neighborhood fabric; improved streetscape, landscape and lighting; and buffering and screening from the railroad tracks. (Brookland Plan, p. 52) The concept drawings throughout the plan suggest that rowhouse residential would be an appropriate infill development type in the area of the subject site (refer to “Figure 5.26”, excerpted from the Brookland Plan, at right). The proposed R-4 zoning would more successfully meet the goals of the plan than other potential low density residential zones.



VII. 2006 INDUSTRIAL LAND USE STUDY

In 2006 the Council adopted the District of Columbia Industrial Land Use Study. It broadly described the area south of the Brookland metro toward Rhode Island Avenue as an area where industrial land should be retained and reinforced (Industrial Land Use Study, Industrial Land Analysis Map). But the study also acknowledges the presence of nearby residential uses and that new development should be compatible with those neighborhoods. It also states that land use changes near the Brookland metro could be considered (ibid. p. 121). The findings of the Industrial Land Use Study were incorporated into the 2006 Comprehensive Plan, which, as noted above, calls for residential uses on this site.

The District is currently undertaking a more detailed study of industrial lands and uses in Ward 5, but as of this writing the study is not complete. It is anticipated to be released in the coming months, but is not expected to provide specific direction for individual industrially zoned sites.

VIII. AGENCY REFERRALS

The District Department of Transportation (DDOT) submitted comments (Exhibit 14), which noted that the proposed map amendment will not likely have an adverse impact on the travel conditions of the District’s transportation network. DDOT is expected to continue to work with the applicant on any future development proposal, including potential public space impacts.

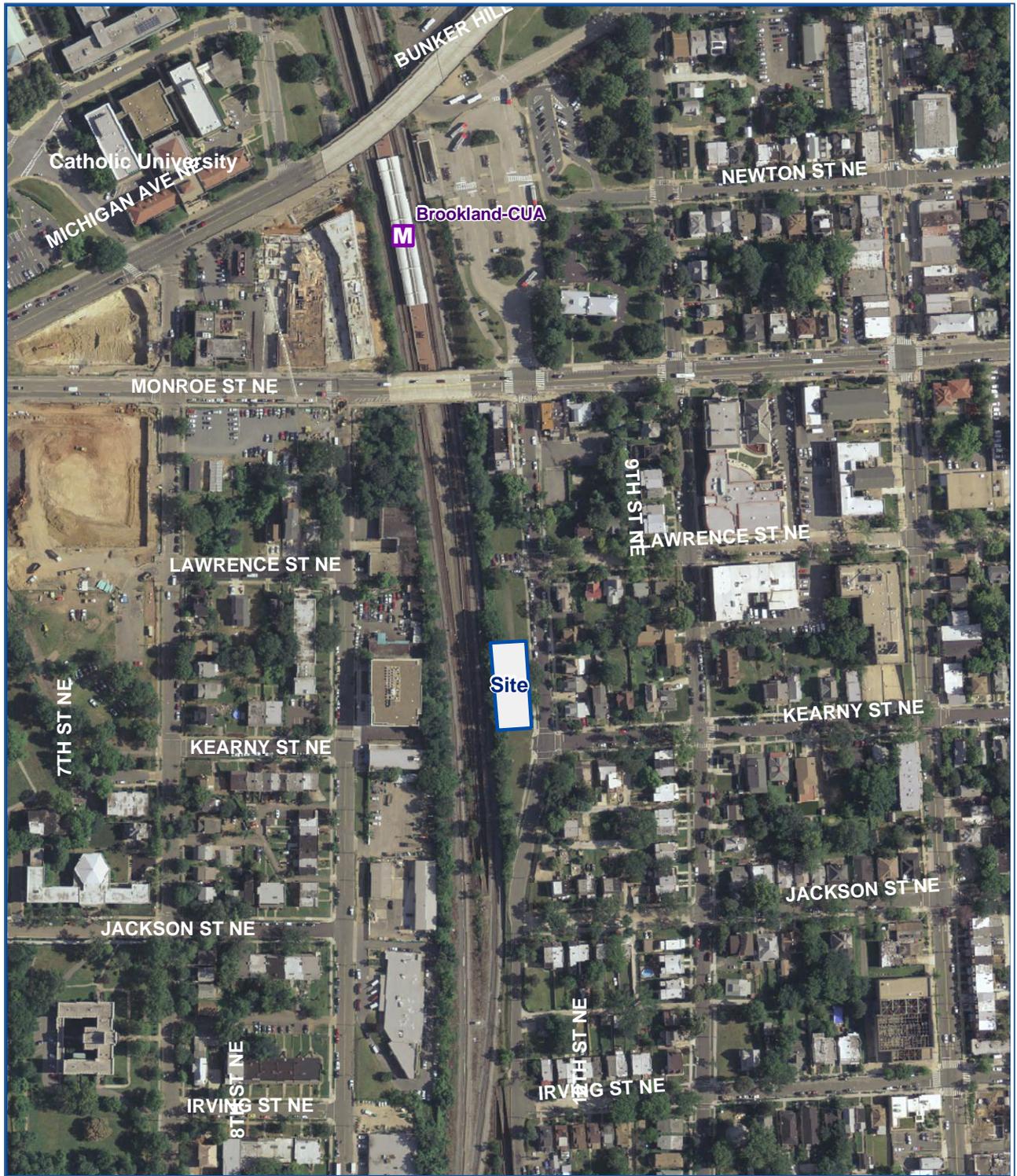
The Department of Housing and Community Development also submitted a letter (Exhibit 19) indicating no concerns with this proposal.

IX. COMMUNITY COMMENTS

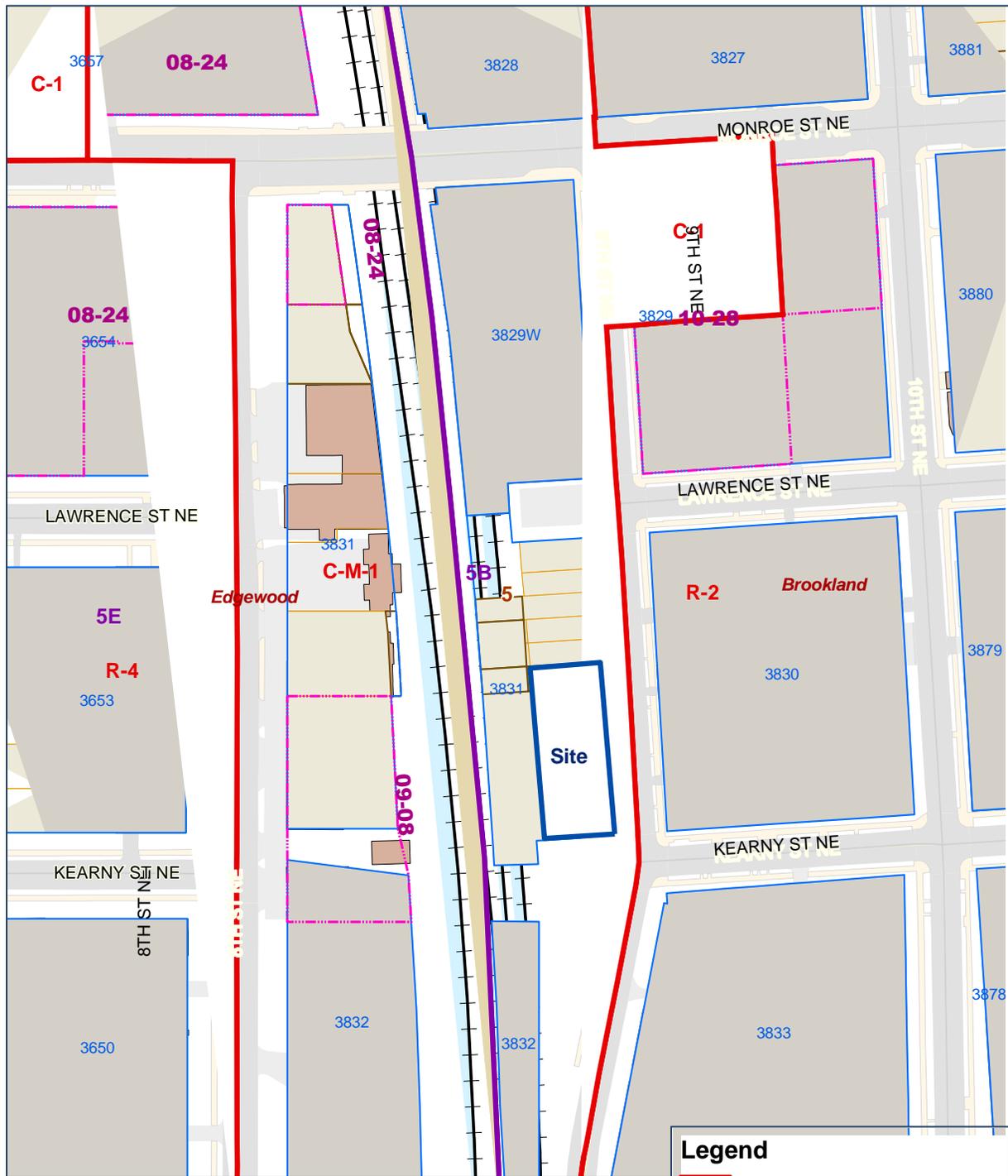
The site is located in ANC 5B. The record includes letters indicating recommendations of support for the proposal from ANCs 5B (Exhibit 25), nearby ANC 5E (Exhibit 21) and the Brookland Neighborhood Civic Association (Exhibit 20).

X. ATTACHMENTS

- 1) Aerial Photo
- 2) Context Map
- 3) Context Photo



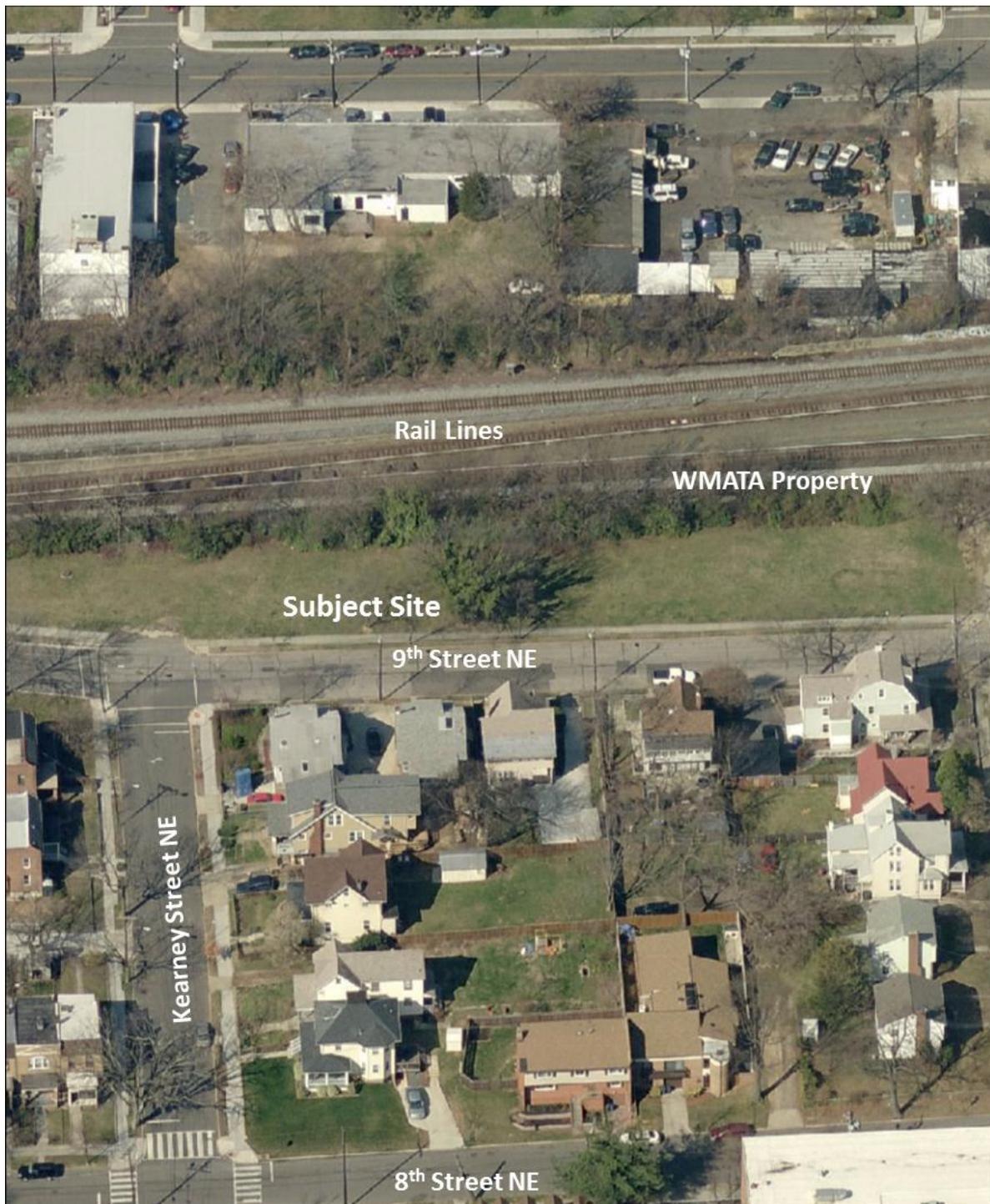
1. Aerial Photo:



2. Context Map

Legend

- Zoning Districts
- Planned Unit Development (PUD)
- Railroads
- 2013 ANCs



3. Photo of the site and immediate context