

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director

DATE: January 17, 2014

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

I. SUMMARY RECOMMENDATION

Oxbridge Development has submitted a request for a zoning map amendment on 9th Street, NE in the Brookland neighborhood. The request proposes changing the zoning on the subject properties from C-M-1 to R-4. The Comprehensive Plan designates this site for low density residential development and recommends compatible residential infill on sites like this. The Brookland / CUA Metro Station Small Area Plan suggests that rowhouse residential would be a development type compatible with the immediate surroundings. Development permitted in the R-4 zone would achieve those policy objectives. The Office of Planning, therefore, recommends that the application be set down for a public hearing.

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)

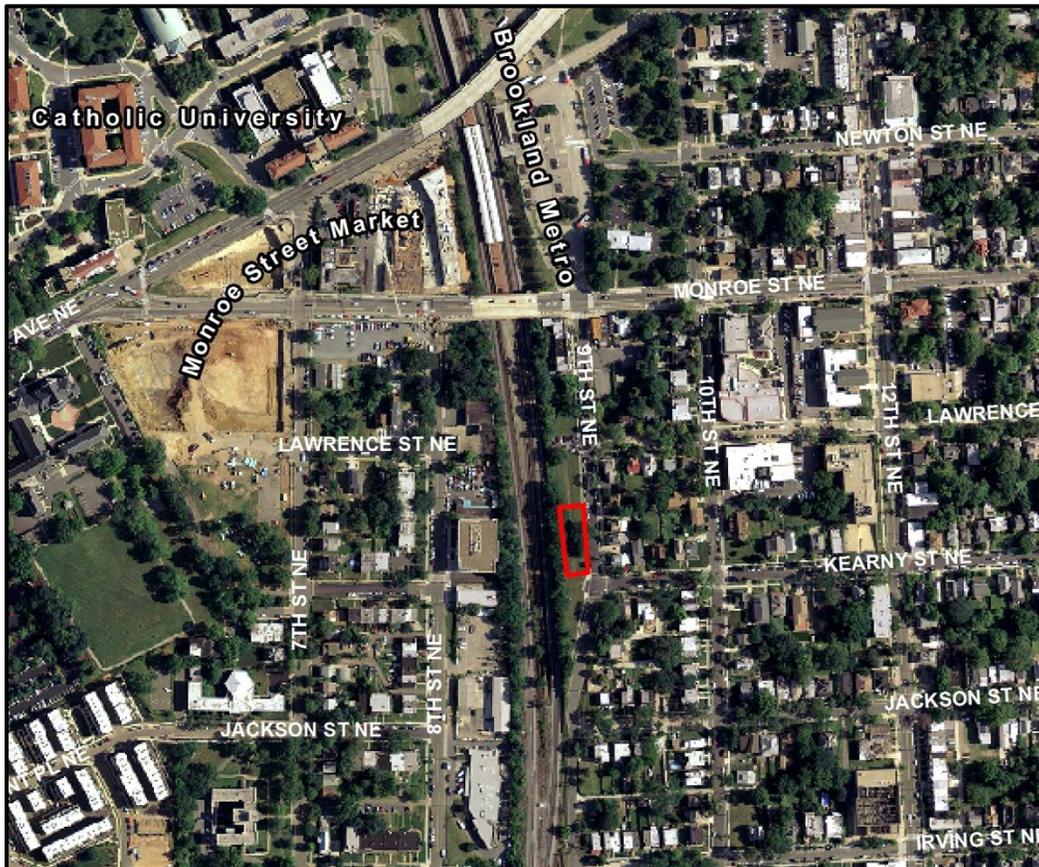
Proposal: A zoning map amendment to R-4 for the entire property.

III. SITE AND AREA DESCRIPTION

The subject site is located on 9th Street, NE north of Kearny Street. Please refer to the vicinity map below. 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 residential, semi-detached residential, and a few rowhouses. Two blocks to the east is 12th Street, which is zoned C-1 and serves as a main street for the neighborhood. One block to the north, 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. In the same block, on the west side of the street and directly north of the subject site, are residential rowhouses which are located in the C-M-1 zone. The Monroe Street Market project is currently under construction northwest of the subject site, and the Brookland metro station is slightly more than two blocks north of the proposed rezoning. Immediately across the tracks is a mix of cultural, educational and light industrial uses, with a residential neighborhood beyond. In case #09-08 the Commission approved a PUD and related map amendment to C-2-B for the Artspace Lofts and Dance Place at the intersection of Kearny and 8th Streets.



Vicinity Map (2012 Aerial Photo)

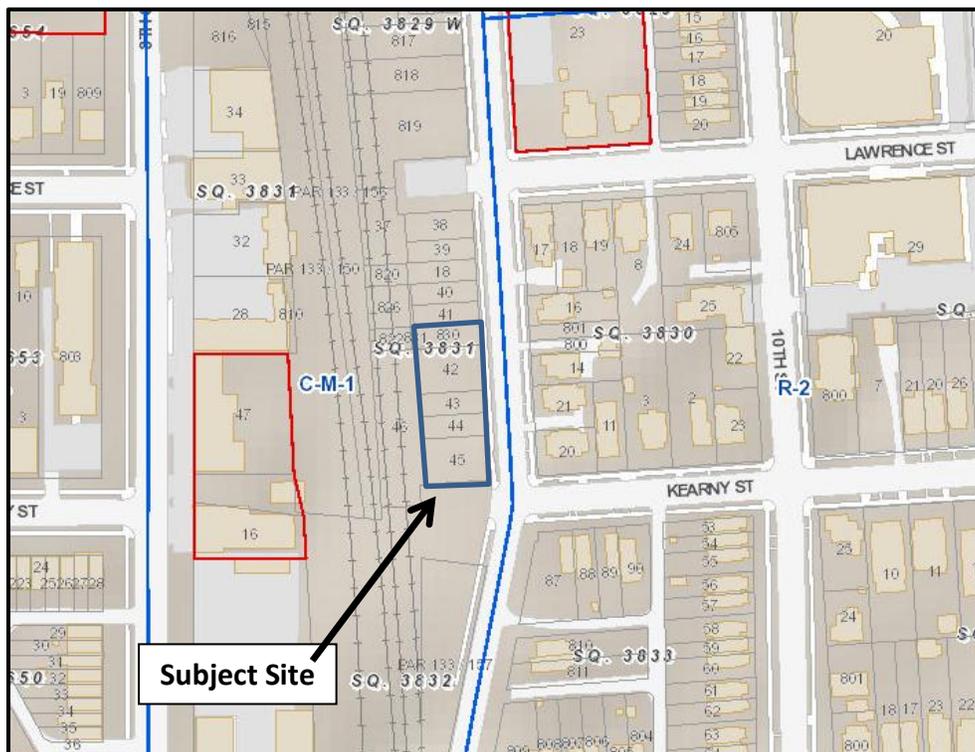
IV. EXISTING AND POTENTIAL DEVELOPMENT CAPACITY

The existing C-M-1 zoning permits a range of uses including office, retail, service and light industrial, but does not permit residential uses. The most prevalent uses in the R-4 zone are single family residential and flats, though other uses are also permitted, such as schools, churches, hospitals, museums, private clubs, rooming or boarding houses, and child or elderly

development centers, among others. Should residential uses be developed, six conforming rowhouse lots of at least 1,800 square feet could be created (based on the 12,402 square foot area of the site), resulting in a maximum of 12 units. A comparison of the matter-of-right height and bulk regulations of the two zones is contained in the table below.

	C-M-1 MOR	R-4 MOR
Height	40', 3 stories	40', 3 stories
FAR	3.0	"1.8" *
Lot Occupancy	No limit	60%
Side Yard	Not required	Not required
Rear Yard	Not req'd below 20' of ht.	20'

*The R-4 zone has no limit on FAR, but the 60% lot occupancy and 3-story limits effectively create a 1.8 FAR maximum.



Current Zoning

V. COMPREHENSIVE PLAN POLICIES

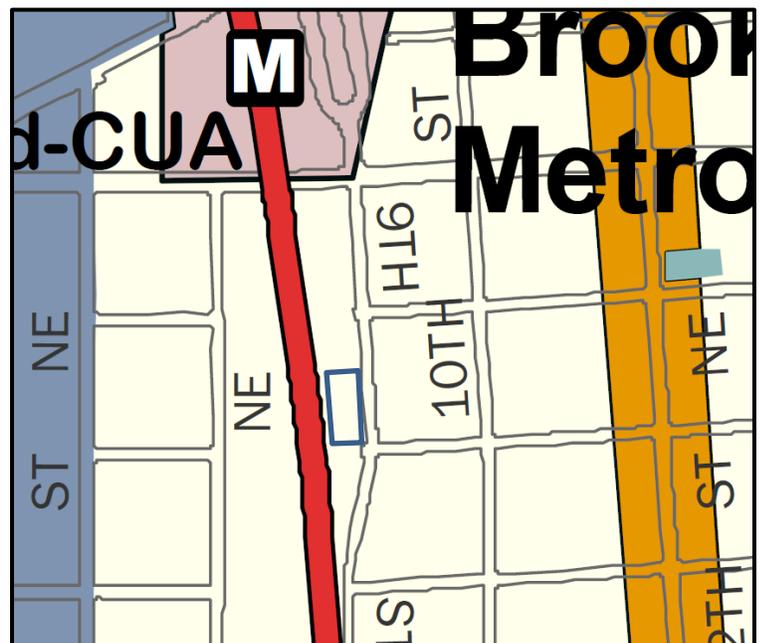
The proposal would further the following Guiding Principles of the Comprehensive Plan, as outlined and detailed in Chapter 2, the Framework Element:

- (1) Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. (§ 217.1)
- (6) Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. (§ 217.6)
- (7) Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. (§ 217.7)
- (8) The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced. (§ 218.1)

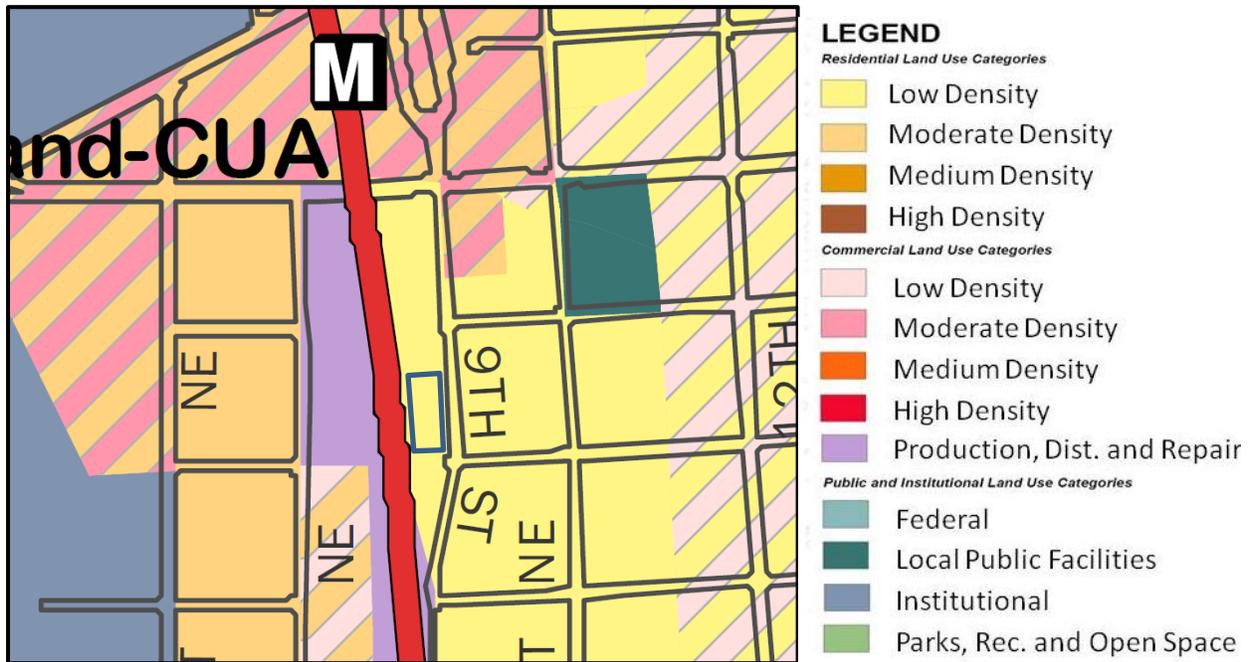
The application is also consistent with major policies from the Land Use and Upper Northeast elements of the Plan. Please refer to Attachment 1 for a summary of applicable policies from those elements of the Plan.

VI. COMPREHENSIVE PLAN LAND USE MAPS

The Comprehensive Plan's Generalized Policy Map describes the subject site as a Neighborhood Conservation Area, shown as the light-shaded area in the map excerpt to the right. 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 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 proposed zoning map amendment is not inconsistent with these map designations.



VII. BROOKLAND / CUA METRO STATION SMALL AREA PLAN

The site is also subject to the Brookland / CUA Metro Station Small Area Plan (the Brookland Plan), adopted by Council in 2009. Five sub-areas within the Brookland Plan were examined in more detail and given more policy direction. The subject site falls within the area known as the “Commercial Area South of Metro Station” sub-area, which, despite its name, includes both residential and commercial areas. Policy guidance for this sub-area recommends new residential infill that integrates with the existing neighborhood fabric; improved streetscape, landscape and lighting; and buffering and screening from the railroad tracks. (Brookland Plan, p. 52) In addition, although not addressed specifically in writing, the concept drawings throughout the plan suggest that rowhouse residential would be an appropriate infill development type in the area of the subject site. Please refer to “Figure 5.26”, excerpted from the Brookland Plan, at right. The proposed rezoning to R-4 is not inconsistent with the direction given by the Brookland Plan, and R-4 would more successfully meet the goals of the plan than other potential zones such as R-1 and R-2.



Fig 5.26 - Illustrative plan of Commercial South sub-area

VIII. 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 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 by the Mayor in the coming months, but is not expected to provide specific direction for individual industrially zoned sites.

IX. AGENCY REFERRALS

If this application is set down for a public hearing, the Office of Planning will refer it to the following government agencies for review and comment:

- Department of the Environment (DDOE);
- Department of Transportation (DDOT);
- Department of Housing and Community Development (DHCD);
- Department of Parks and Recreation (DPR);
- Department of Public Works (DPW);
- DC Public Schools (DCPS);
- Fire and Emergency Medical Services Department (FEMS);
- Metropolitan Police Department (MPD);
- Washington Metropolitan Area Transit Authority (WMATA); and
- DC Water.

X. COMMUNITY COMMENTS

The site is located in ANC 5B. The applicant has held an informational meeting with the community, and is scheduled to appear before the ANC on January 22nd. OP encourages the applicant to continue its community outreach efforts.

XI. ATTACHMENTS

1. Comprehensive Plan Policies

Attachment 1 Comprehensive Plan Policies

Land Use Element

Rezoning of the subject site would likely result in infill development. The Land Use Element calls for infill development near metro stations, and redevelopment of underutilized or vacant land (Policy LU-1.3.2). It also calls for infill development where gaps exist in the urban fabric, and says that any such development should complement the existing neighborhood character (LU-1.4.1). The Comprehensive Plan also states that the zoning of infill sites should be compatible with the neighborhood, especially in lower density residential areas (LU-1.4.3). Policy LU-3.1.4 also allows for the rezoning of industrially zoned land located near transit stations or on small sites within stable residential neighborhoods.

Upper Northeast Area Element

The Upper Northeast Area Element calls for the conservation of established residential areas and compatible infill on vacant lots in existing neighborhoods (UNE-1.1.1 and 1.1.2). It also encourages development near metro stations (UNE-1.1.3). Policy UNE-2.6.3 also envisions changing industrially zoned land in close proximity to the Brookland metro to other uses, including housing.