

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 579

Case No. 88-1

(North Capital, First, H & K Streets - Map)

July 11, 1988

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on May 19, 1988. At that hearing session, the Zoning Commission considered an application from Baker Protective Services, Inc., Capitol 801 Corporation, Capitol Hill Associates Limited Partnership, 25 K Street Associates L.P., 65 K Street Associated L.P., and 15 K Street Associates L.P., pursuant to section 102 of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning. The public hearing was conducted in accordance with the provisions of section 3022 of that title.

FINDINGS OF FACT

1. The application, which was filed on January 6, 1988, requested a change of zoning from C-M-3 to C-3-C for Lots 294, 832, 834, 838 and part of Lot 297 (formerly Lot 295) in Square 675 and Lot 114 in Square 676. The subject site is located at premises 15, 25, 35 and 65 K Street, N.E. and 801 North Capitol Street, N.E. Lot 297 in Square 675, at present, has no address. The subject site is located in a C-M-3 zone.
2. The subject site, located between North Capitol, First, H, and K Streets, N.E., is approximately 163,147 square feet in land area, and is located in the southeast corner of the Northeast I - Urban Renewal Area.
3. The subject site is currently improved with four lowrise commercial buildings, one surface parking lot and a nine-story office building along North Capitol Street.
4. The C-M-3 District permits high bulk commercial light manufacturing, to a maximum floor area ratio (FAR) of 6.0 and a maximum height of ninety feet with new residential uses prohibited.
5. The C-3-C District permits major business and employment centers of medium/high density development,

including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.5 for residential and other permitted uses, and a maximum lot occupancy of one-hundred percent.

6. The subject site is located less than two blocks from Union Station and less than one block from the U.S. Post Office Building. It abuts the Union Center Plaza, a 1.4 million square foot office project currently in the first phase of construction, located in the middle of the subject block, with the Union Station and railroad properties further to the south; some light industrial buildings along K Street to the north; and the 8-story Federal Regulatory building and the Veterans Administration Government Printing Office along North Capitol Street to the west and north. Further south, property between G Place and G Street is occupied by the U.S. Government Printing Office warehouse and parking lots. Across North Capitol Street at this location is the U.S. Government Printing Office. Proceeding north are located a parking garage structure, a playfield, Gonzaga High School and St. Aloysius Church.
7. The subject site is located adjacent to a significant, large area zoned C-3-C to the south, east and west of the site. Further west is a C-2-A zone. To the north is a C-M-3 zone, and to the east is unzoned Federal property (the location of Union Station). Further to the east is C-M-1, C-2-A, C-1 and R-4 zoning.
8. In 1985, in Case No. 84-6, Z.C. Order No. 450, the Zoning Commission granted a similar rezoning request made by the Redevelopment Land Agency ("RLA") for property contiguous to the subject site, located in Square 675, 676 and 677. Part of the land rezoned to C-3-C as a result of Case No. 84-6, abuts the subject property substantially to the south and is located to the east of Lot 114 in Square 676. The property is known as Union Center Plaza.
9. The subject site is subject to two development controls, those of the Northeast I-Urban Renewal Plan and the Zoning Regulations. The more restrictive of the two controls will be applicable to any specific proposed development.
10. The subject site is designated "industrial and Commercial" on the Land Use Map of the Northeast I-Urban Renewal Plan.
11. The Comprehensive Plan designates the subject site for "Mixed Medium Density Commercial/Production and Technical Employment Use".

12. The applicant stated that the development patterns in the area indicate growth in the commercial office/hotel use, rather than the industrial uses originally anticipated in the Urban Renewal Plan. Consequently, the applicants believe that the C-M-3 zoning on the property no longer is appropriate for industrial uses.
13. The parking requirements for the Northeast I-Urban Renewal Area Plan were amended in July, 1983, from one parking space for each 900 square feet to one space for each 1,800 square feet to bring the Urban Renewal Plan standards in line with the emerging needs of the area. The Urban Renewal Plan permits a maximum FAR of 6.0, which is more restrictive than the 6.5 FAR permitted under C-3-C zoning.
14. The applicants do not propose any specific development plans but have determined that the area is more suited for commercial/office/hotel use rather than industrial use, as was previously determined for contiguous property in Case No. 84-6, Z.C. Order No. 450. The change of zoning is requested to allow for eventual development to proceed on the site and for an appropriate zoning classification to be in place at this time. The applicants believe that the existing C-M-3 zoning of the property would not permit development to be in conformance with other development in the square, and would have an adverse impact on development because of the parking requirements for C-M-3 zoned property.
15. The applicant's land planning expert testified at the public hearing that the orderly development and use of the subject site is hindered by the existing zoning which permits industrial uses which are of questionable compatibility with surrounding development. He testified that office activities have become the dominant land use surrounding the subject site, rather than certain of the industrial uses originally permitted for the area. He further stated that with the eastward expansion of the City's downtown and the recent development of the area as an office/hotel area, the site is particularly appropriate for commercial rather than industrial use and that the zoning should reflect that use. He stated that the requested rezoning is a logical extension of the prevailing land use trends in the area.
16. The expert land planner also testified that the requested map amendment would be in conformance with the Comprehensive Plan which designates the subject site for mixed commercial/production and technical employment use. In so doing, it recognizes the growing commercial character of the surrounding neighborhood. He also stated that the subject site is located in a "Special Treatment

Area." Section 1122 of the Comprehensive Plan designates the Northeast Number I and Eckington Yards as a Special Treatment Area. One of the policies of the Northeast Number I Special Treatment Area is to "target the area for a new, secondary lower rent office district." The land planner testified that the site is perfect for commercial office use in keeping with the development opportunity aims of the Comprehensive Plan, and that C-3-C zoning will assure that the goals of the special treatment area are met. He further testified that the requested rezoning would also further the objectives of the Urban Renewal Plan which encourage office and hotel use.

17. The expert land planner testified that a rezoning of the subject property would be in conformance with contiguous property, and the property immediately south of the subject site, which was rezoned to C-3-C zoning in 1985 and is currently being developed for office use by one of the applicants consistent with C-3-C zoning. He noted that this case is one of merely extending the existing C-3-C zoning to other portions of the square.
18. The applicant's expert real estate appraiser testified at the public hearing that the highest and best use of the subject site is office use. He stated that market trends indicate that the preponderance of new and proposed development in and around the Northeast I-Urban Renewal Area is for office use, not warehouse, industrial or manufacturing use. He testified that surrounding properties in the area, located on or near North Capitol Street, to New York Avenue are similarly affected. He further stated that many of the low rent office buildings downtown have been removed from the market and that, at present, land costs in and near the Northeast I-Urban Renewal Area can be affordable to some of the displaced businesses.
19. The applicant's traffic engineer, by report dated January, 1988, stated that there would be no traffic impact as a result of the requested rezoning, and that trip generation would be no greater than with matter-of-right development under the existing C-M-3 zone. Moreover, because of the site is located in a highly accessible area of the city with the Union Station, metro station and bus terminals in close proximity, the parking requirements for the C-M-3 zone are unnecessary and inappropriate. The traffic report also noted that to support the Union Station metro stop, the highest density commercial use is needed for property surrounding the station, and that, therefore, office use should be encouraged.

20. Advisory neighborhood Commission (ANC) 2C voted unanimously to support the application. By letter dated March 25, 1988, ANC - 2C stated that its support "was based on the conclusion that the requested change is appropriate in relationship to other development in the area and that the change would have little effect on building height."
21. St. Phillips Baptist Church, which is located on the northeast corner of North Capitol and K Streets, N.E., immediately north of the subject site, by letter dated March 21, 1988, expressed its support for the application.
22. The District of Columbia Office of Planning (OP), by memorandum dated May 6, 1988 and by testimony presented at the public hearing recommended that the application be approved.
 - a. The development trends in the area have changed from commercial/light industrial to commercial/office/hotel in response to the improved accessibility of the area and the availability of suitable commercial sites;
 - b. The Comprehensive Plan designates the subject site as a special treatment area, and that the requested rezoning would be in accordance with the goals of the special treatment area which target the area for a secondary office district;
 - c. The subject properties are located in close proximity of the union station which has become more accessible recently because of the addition of a Metrorail Station. Availability of suitable commercial sites in the Downtown area is decreasing and the union station area is becoming a viable option for development. Therefore, OP believes that the proposed map amendment in this case would reinforce this trend.
23. The OP noted that for the principal use encouraged by the Urban Renewal Plan, namely offices, the parking significantly different. For offices, the OP was of the opinion that the higher parking ratio required in the C-M-3 District is unnecessary for this location adjacent to Downtown and within walking distance of the Union Station Metrorail stop. The difference between the parking requirements in the C-M-3 and C-3-C zones are as follows:

C-M-3

C-3-C

Office:	Exclude 2,000 square feet, then 1 space per 800 square feet of gross floor area and cellar floor area	Excludes 2,000 square feet, then 1 space for 1,800 square feet of gross floor area
---------	---	--

24. The District of Columbia Department of Housing and Community Development (DHCD) by memorandum dated May 4, 1988, stated that it supported this application. DHCD concluded that the proposed zoning change from C-M-3 to C-3-C "would encourage a continuation of the current patterns of development in the area", to meet the growing demand for office space.
25. The District of Columbia Fire Department (FD), by memorandum dated April 20, 1988, stated that to ensure fire and life safety, the Fire Chief may at some time in the future require additional fire protection features for the subject site over and above the requirements of the applicable construction codes. These requirements, in addition to full sprinkler protection, may include fire lanes or Fire Department easement access, fire hydrants, or set-back limitations.
26. The Department of Public Works (DPW) did not file a report in this case.
27. There were no parties or persons in opposition to the application.
28. The Commission concurs with the conclusions and recommendations of the OP that the requested C-3-C zoning is fully consistent with the Comprehensive plan.
29. The Commission finds that rezoning of the property to C-3-C would be compatible with the existing zoning in the area since C-3-C currently exists directly south, east, and west of the site. The Commission further finds that the existing C-M-3 zoning is more in harmony with the uses permitted on the subject site by the northeast I Urban Renewal Plan.
30. The Commission finds that the criteria of Chapter 1 and 30 of DCMR, Title 11, Zoning has been satisfied.
31. The proposed decision of the Zoning Commission to approve the application was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government Reorganization Act. The NCPC by report dated July 7, 1988 indicated that the proposed action of the Zoning

Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital, not be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-3-C is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-3-C will promote orderly development in conformity with the entirety of the District of Columbia zone plan as stated in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-3-C is not inconsistent with the Northeast I-Urban Renewal Plan.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the following amendment to the District of Columbia Zoning Map:

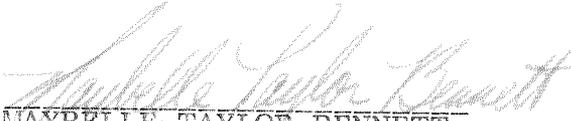
Change from C-M-3 to C-3-C for Lots 294, 832, 834, 838 and part of Lot 297 in Square 675, and Lot 114 in Square 676, located between North Capitol, First, H and K Streets, N.E., and as shown on Exhibit No. 9 in the record of this case.

Vote of the Commission taken at the public hearing on May 19, 1988 (Lindsley Williams, Elliott Carroll and Maybelle Taylor Bennett, to approve - John G. Parsons and Patricia N. Mathews not voting, not present).

This Order was adopted by the Zoning Commission at its regular public meeting on July 11, 1988, by a vote of 3-0 (Elliott Carroll, and Lindsley Williams to approve; Maybelle Taylor Bennett to approve by absentee vote; John G. Parsons and Patricia N. Mathews not voting, not having heard the case).

In accordance with Title 11 DCMR Section 3028, this Order is final and effective upon publication in the D.C. Register, that is on, 05 AUG 1988.

Z.C. ORDER NO. 579
CASE NO. 88-1
PAGE 8


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

zcorder579/LJP40