

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 648  
Case No. 88-28  
(First & N Streets, N.E. - Map)  
January 8, 1990

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 14, 1989. At that hearing, the Zoning Commission considered an application of Edward R. Webster, Margaret J. Webster, 51 N Associates and 50 Patterson Associates to amend the Zoning Map of the District of Columbia, pursuant to Section 102.1 of the Zoning Regulations of the District of Columbia. The hearing was conducted in accordance with the provisions of Section 3022 of the Zoning Regulations.

### FINDINGS OF FACT

1. The application, which was filed on October 4, 1988, requested a change of zoning from C-M-3 to C-3-C for Lot 30 in Square 671 and Lots 246, 247 and 254 in Square 672.
2. The subject site is located at premises 1300 1st Street, N.E., 50 Patterson Street, N.E., and 33 and 51 N Street, N.E. The subject site is located in a C-M-3 zone, and is generally bounded by North Capitol Street on the west, First Street, N.E. on the east, Patterson Street, N.E. on the south and New York Avenue on the north.
3. The subject site contains approximately 115,496 square feet of land area. All of the subject lots in Square 672 are located in the northern portion of the Northeast No. I Urban Renewal Area; however, Lot 30 in Square 671 is just outside the Urban Renewal area.
4. The subject site is currently improved with three office buildings and two surface parking lots.
5. 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.

6. 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.
7. The subject site is located 6 1/2 blocks from Union Station and 6 1/2 blocks from the U.S. Post Office building. The Greyhound/Trailways bus station is located approximately 4 blocks south of the subject site. The site is located 1 1/2 blocks from the D.C. Department of Public and Assisted Housing (DPAH), located on North Capitol Street between Pierce and M Streets. The Department of Housing and Community Development which was located in the same building as DPAH, has since moved to 51 N Street, part of the subject site.
8. The site is 4 1/2 blocks north of Union Center Plaza, a 1.4 million square foot office project located on the former RLA parcel rezoned to C-3-C in 1985. The first of many office buildings to be built as a part of the Union Center Plaza complex, was recently completed at 1st and H Street, N.E. Two 90 foot high-rise office buildings are located on North Capitol Street between H and K Streets which are primarily occupied by the Veteran's Administration, the Government Printing Office and the Federal Energy Regulatory Commission.
9. A portion of the subject site abuts a McDonald's fast food restaurant, located to the north along New York Avenue. To the east are railroad properties, and vacant warehouse buildings are located near the subject site along Patterson Street to the south. Further south, along North Capitol Street, are the Smithsonian Service Center and the Kaiser Permanente Health Maintenance Clinic. Further west, across North Capitol Street is a D.C. Public Housing high-rise.
10. The subject site is located directly north of an area zoned C-M-3. To the south of that is a large area recently rezoned to C-3-C. Another site, abutting the west side of the subject site, was also recently zoned to C-3-C. Beyond that site are R-5-C and R-4 zones. To the north is a C-M-3 zone, and to the east is C-M-3, M, C-M-2 and unzoned D.C. property. Further to the east is C-M-1, and R-4 zoning. There is no residentially zoned property in close proximity to the subject site and no residents are adversely affected by this application.
11. The subject site is subject to two development

controls, those of the Northeast No. 1 Urban Renewal Plan and the Zoning Regulations. The more restrictive of the two controls would govern any proposed development. If the Urban Renewal Plan affects the three lots of the subject site which are within its boundaries, then it will be applicable to any specific proposed development of those lots.

12. The subject site is designated "Industrial and Commercial" on the Land Use map of the Northeast No. 1 Urban Renewal Plan, except for Lot 30, Square 671, which is not in the Urban Renewal Area.
13. The Comprehensive Plan designates the subject site for "Mixed Medium Density Commercial/Production and Technical Employment Use".
14. The development patterns in the area indicate growth in the commercial office use, rather than the industrial uses originally anticipated in the Urban Renewal Plan.
15. The applicants are requesting the zoning change to allow eventual redevelopment and expansion of the site. Presently the D.C. Government occupies all of the available office space at 51 N Street and 33 N Street, N.E. It also occupies nearly all of the office space at 1300 First Street, N.E. The applicants have plans to build a 2 story office addition to 33 N Street (Lot 254 in Square 672), and a 3-story with partial 4th floor office addition to 1300 1st Street (Lot 30 in Square 671). The D.C. Government, by letter dated May 1, 1989, has expressed an interest in leasing from the applicant additional space in the subject buildings. 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 immediate area, and would have an adverse impact on development because of the parking requirements for C-M-3 zoned property.
16. 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 predominant 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 area, the site is particularly appropriate for commercial rather than industrial use and that the zoning should reflect that use.

17. The expert land planner testified that the applicant was willing to work with the District of Columbia on landscape and streetscape improvements pursuant to recommendations in the Office of Planning's Preliminary Report on the North Capitol Street area. He noted that the applicant had already expended a significant amount for improvements to grading, curbs, gutters, driveways, sidewalks and grass.
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 No. 1 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 No. 1 Urban Renewal Area can be affordable to some of the displaced businesses. In addition, the real estate appraiser testified that land prices in the area have already priced it out of the market for light industrial and production and technical employment types of uses.
19. The applicant's expert market and economic planning consultant, by report dated April, 1989, stated that the North Capitol Street area is ripe for good quality office space from a market, economic, planning and fiscal perspective. He noted that the success of Union Station and the publicity for the area has resulted in an image of the North Capitol Street area as an office location from both a developer and tenant's perspective. He additionally testified that allowing more office space in this area of the City is not a question of detracting from another area of the city, but rather, an opportunity for allowing the City to capture office space which might otherwise not be built in the City.
20. The traffic engineer testified at the public hearing that rezoning the subject site to C-3-C would cause no adverse impact on the traffic flow in the area. He noted that regarding the overall area, the transportation systems already in place would greatly help to alleviate any traffic concerns and create an ideal environment for the rezoning from a transportation viewpoint. He stated further that any traffic issues, which may exist on some streets, could be controlled through traffic management measures and through the use of a shuttle bus system in the subject

environs. He noted that a costly grade separation at New York and Florida Avenues would not be necessary, would take years to construct, and would not solve any traffic problems at that location.

21. The applicant's traffic engineer, by report dated July, 1989, stated and testified that a rezoning to C-3-C would significantly reduce the number of parking spaces required to be provided for the site thereby reducing the overall potential for increased traffic. He noted that from a traffic engineering viewpoint, the proposed rezoning for the subject site would be appropriate.
22. The District of Columbia Office of Planning (OP), by final report dated September 5, 1989, recommended that the application be approved. The OP reported that the emphasis in the subject area has changed from industrial to commercial uses because of market forces and the accessibility to public transportation, notes OP, reduces the necessity of parking thereby making it more compatible with the C-3-C requirements. OP also noted that the subject application is consistent with the direction of their Small Area Study for the Union Station/North Capitol area.
23. The summary abstract report dated October 6, 1989 stated that the applicant's proposal is responsive to commercial uses for this area of the city. And further reported that the proposed map change would encourage a better and more homogenous development of this section of the city between Union Station and New York Avenue.
24. The District of Columbia Department of Administrative Services, Real Property Administration, by letter dated May 1, 1989, stated that it would be interested in leasing property on the subject site from the applicants.
25. The District of Columbia Metropolitan Police Department, by letter dated August 22, 1989, stated that the current map amendment would "have little impact on the [police] department at this time." The Police Department also stated that it will not oppose the applicant's map amendment.
26. The District of Columbia Department of Finance and Revenue, by memorandum dated August 18, 1989, noted as a general matter, that zoning should be used as a guideline for development in a way which benefits the City as a whole.
27. The District of Columbia Department of Public Works (DPW), by memorandum dated September 5, 1989, noted that the subject site is influenced by North Capitol

Street and Florida and New York Avenues which are major commuter thoroughfares. DPW stated further that a long range solution to traffic problems must soon be found. DPW also implied that the water and sewer facilities in the subject area are sufficient to serve the subject site. DPW recommended that any plans for the future development of the site incorporate stormwater management measures or runoff controls coordinated by the D.C. Department of Consumer and Regulatory Affairs.

28. The District of Columbia Department of Housing and Community Development (DHCD), by memorandum dated August 30, 1989, noted its support for the current map amendment. DHCD stated that the existing C-M-3 zone is incompatible with the developing character of the subject area. DHCD stated further that "the C-3-C Zone would better facilitate the calibre of office development sought for the area and would better promote the type of development"... "now being built within the Northeast No. 1 Urban Renewal Area."
29. The District of Columbia Department of Public Works (DPW), by memorandum dated October 18, 1989 submitted a report at the request of OP, commenting on the applicant's traffic report entitled "Traffic Analysis of the Northeast Area", done in May 1989 by Robert L. Morris, Inc. DPW stated that there are 16 planned developments in the study area between North Capitol and Third Streets, N.E., from Mass. Ave., on the south and New York Avenue on the north. "These developments, if they fully materialize, would provide 15,000,000 square of office and retail space and would bring nearly 60,000 additional people into this area on a daily basis. The Robert L. Morris study indicates that only 6,257 additional trips will be generated during the evening peak hour, a number significantly lower than the 17,699 trips projected by COG. We do not consider this result to be valid. We further believe that the minor street improvement recommended by the report will be insufficient to address the potential traffic problems."
30. The District of Columbia Public Schools by memorandum dated September 15, 1989, stated no opposition to the proposed map amendment.
31. Advisory Neighborhood Commission 2C (ANC 2C) voted unanimously to support the application. By letter dated July 7, 1989, ANC 2C stated that it "believes that the change in zoning is compatible with development trends in the area"... and that "C-M-3 type uses are not likely to develop in the area." The ANC also stated in its letter that "utilization of these properties would be more rapid under a C-3-C zone"...

and further that "C-3-C uses of these properties will be less offensive to residents and churches of the immediate area."

32. There were no parties or persons in opposition to the application.
33. The Commission concurs with the conclusions and recommendations of the OP. The Commission finds that the requested C-3-C zoning is fully consistent with the Comprehensive Plan. The Commission also finds that the requested rezoning will be in furtherance of the goals of the Comprehensive Plan which targets the area for a new, secondary office district.
34. The Commission further finds that reclassification of the property to C-3-C zoning would be compatible with the existing zoning since C-3-C zoning currently exists both south and immediately west and adjacent to the site.
35. The Commission finds that the existing C-M-3 zoning for the subject site has proven to be inappropriate in terms of the emerging development trends in the area for office use. The Commission finds that the preponderance of new and proposed development in the Union Station/North Capitol Street area, is for office use and not industrial use.
36. The Zoning Commission finds that the rezoning of this site will not cause adverse traffic impacts. The Commission particularly agrees with the finding that traffic in the subject area can be efficiently controlled through the use of traffic management and public transportation systems under the management of DPW. The Commission notes that an overall traffic analysis of the area is currently being prepared to further evaluate any potential impact of future development of the area's traffic and circulation.
37. The proposed action of the Zoning Commission to approve this application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated January 5, 1990, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. Approval of this application is in consistent with the

Zoning Act (Act of June 20, 1938, 52 Stat. 797) because it will further the general public welfare and will serve to stabilize and improve the area.

2. Rezoning from C-M-3 to C-3-C as set forth herein will promote orderly use of the site in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
4. The application is consistent with the Northeast I Urban Renewal Plan.
5. The rezoning of this site to C-3-C is compatible with the city-wide goals and programs and is sensitive to environmental protection and energy conservation.
6. Rezoning from C-M-3 to C-3-C as set forth herein will not have an adverse impact on the surrounding neighborhood.
7. The Commission takes note of the position of Advisory Neighborhood Commission 2C and in its decision has accorded the ANC the "great weight" to which it is entitled.
8. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply fully with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those provisions. The failure or refusal of applicant to comply with any provisions of D.C. Law 2038, as amended, shall be a proper basis for the revocation of this order.

#### 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:

change from C-M-3 to C-3-C for Lot 30 in Square 671 and Lots 246, 247 and 254 in Square 672. The subject site is located at premises 1300 1st Street, N.E., 50 Patterson Street, N.E. and 33 and 51 N Street, N.E.

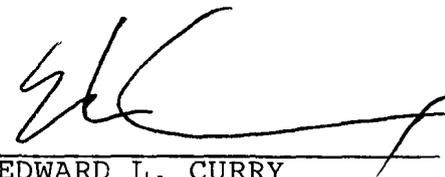
Vote of the Zoning Commission at its regular public meeting held on November 13, 1989: 3-2 (Lloyd D. Smith, William L. Ensign and Maybelle Taylor Bennett to approve - John G. Parsons and Tersh Boasberg, opposed).

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This order was adopted by the Zoning Commission at its regular monthly meeting held on January 8, 1990, by a vote of 3-2 (Lloyd D. Smith, and Maybelle Taylor Bennett to approve, William Ensign to approve by proxy, John G. Parsons and Tersh Boasberg to opposed.

In accordance with 11 DCMR 3028, this amendment to the Zoning Map is effective upon publication in the D.C. Register; that is, on FEB - 2 1990.

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
EDWARD L. CURRY  
Executive Director  
Zoning Secretariat

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