

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 742

Case No. 92-9

(Map Amendment - Anacostia Metrorail Station Area)

August 2, 1993

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on April 19, 1993. At that hearing session, the Zoning Commission considered a proposal of the District of Columbia Office of Planning (OP) to amend the Zoning Map of the District of Columbia, 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 11 DCMR 3021.

The Comprehensive Plan for the National Capital was adopted in April 1984 and March 1985 and was amended in December 1989. The Home Rule Act requires that zoning be "not inconsistent" with the Comprehensive Plan so that the policies of the plan may be implemented over time as buildings are constructed and uses change. The Land Use Element of the Plan is particularly applicable to zoning actions and has several significant policies that apply to physical development in the Anacostia Metrorail Station area.

OP, by memorandum (preliminary report) to the Zoning Commission dated September 4, 1992, indicated the following:

"This report represents a planning and zoning analysis based on a study of the area surrounding the Anacostia Metrorail Station and recommends that a public hearing be scheduled for the rezoning of portions of Squares 5860 and 5961. The Metrorail station area includes large parcels of federal land as well as privately-owned land. The privately-owned land has previously been recommended by the Office of Planning (OP) for rezoning consistent with the Comprehensive Plan as part of the Ward 8 zoning consistency actions. However, the public hearing on the Ward 8 zoning consistency project will not be scheduled for a number of months; probably not until next year.

The purpose of this study is to accelerate the public hearings on rezoning of the land near the Metrorail station. This is being done for two reasons. First, the station is now operating and represents a major new stimulus for growth and development. Any deve-

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lopment that might occur should be governed by zoning that is consistent with the Comprehensive Plan and therefore in the community's interest. Second, the existing C-M-1 zoning is quite clearly inconsistent with the Comprehensive Plan, and because of the range of industrial uses permitted in this zone, would allow uses and buildings to become established that could impede and delay more beneficial economic development projects on adjacent and nearby parcels."

That portion of the Anacostia River planning and zoning study that is east of the river and near the area of the Anacostia Metrorail Station, was subdivided by OP into four subareas; that is, Subareas "A", "B", "C" and "D".

Subarea "A" is an unzoned 47-acre tract that is owned by the National Park Service (NPS) and includes a ball field, the NPS Administration Police facilities (helicopter pad and service area), the U.S. Botanic Garden, greenhouses and nurseries, and the D.C. Tree Farm.

Subarea "B" is a C-M-1 zoned 4-acre area of land in Square 5864 and 5865, and is developed with four one-story buildings. The area is located between I-295, Firth Sterling Avenue and the I-295 exit ramp to Stanton Road. This area is separated from the Howard Road properties and Anacostia Metrorail Station entrances by Suitland Parkway, the railroad spur and constant, heavy traffic between I-295 and Firth Sterling Avenue. Square 5864 contains District and privately-owned land. The city has a one-story building housing a sewage screening station on a 9,764 square foot site. The other site, with 11,270 square feet, is used as a newspaper publication-distribution center and is privately-owned. The C & P Telephone Company owns a 94,289 square foot site in Square 5865, and the remaining 7,534 square feet in this square is privately-owned. A CSX Railroad right-of-way is also located in this area, east of Square 5865. Area "B" is designated as Parks, Open Space and Recreation on the D.C. Comprehensive Plan map. OP acknowledges this designation to be a land use mapping error and proposes the High Density Residential/Medium-high Density Commercial/Institutional designation for Area "B", consistent with the surrounding map designation.

Subarea "C" is a C-M-1 zoned 9.26-acre area of land located along Howard Road between I-295, Suitland Parkway, the NPS tract and access arterials to South Capitol Street and Suitland Parkway. The area includes a duplex apartment building which is only partially occupied, as well as auto service operations and a fuel supply business currently operating in the area. Most of this area is vacant and the demolition of the existing apartment building is anticipated because there is little or no maintenance.

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Access to the U.S. Botanical Gardens and Tree Nursery is provided from Howard Road by way of the alley adjacent to the apartment structure.

Subarea "D" is a C-2-A and R-5-A zoned 3.89-acre area of land located in Square 5861 between Martin Luther King, Jr. Avenue, Firth Sterling Avenue, Howard Road and Suitland Parkway. This area includes the local entrance to the Anacostia Metrorail Station, and the United House of Prayer Church. The church is located on Howard Road, contiguous to the local subway entrance facility. The local subway entrance area includes the station facility, eleven bus bays and a landscaped area. The Washington Metropolitan Area Transit Authority (WMATA) considers it a potential joint development site.

OP indicated that the Generalized Land Use Map of the Comprehensive Plan designated two ("C" and "D") of the three subareas subject to rezoning as Mixed Use: High Density Residential/ Medium-High Density Commercial/Institutional. The third subarea ("B") designation is in error and should be the same as the designation of the other two sites. OP's zoning consistency chart considers a range of zones to be generally consistent with the Generalized Land Use Map of the Comprehensive Plan. Which specific zone would be most suitable depends upon other planning policies and an analysis of local conditions.

The Comprehensive Plan also designates the Anacostia Metrorail Station area as a "Development Opportunity Area." Such locations are defined in the Plan as, "areas that offer opportunities to accommodate new growth and development." According to Subsection 1118.3 of the plan, Development Opportunity Areas may be designated for housing, commercial development, employment, employment centers, or for a mixture of uses. Subsection 1118.4 states that Development Opportunity Areas are usually at Metrorail stations or major transportation hubs, and are areas with substantial amounts of underutilized land having economic development potential and possibly joint development potential by public and private entities. The foregoing factors are directly applicable to this location. The Development Opportunity Area designation suggests a somewhat greater intensity of development than would otherwise apply.

The proposed Ward 8 Plan was completed in March 1991. It is anticipated that Council hearings will be held in November 1993. The plan describes development of the Anacostia Metrorail Station area as the potential catalyst for economic development throughout Ward 8. This development potential stems primarily from the area's excellent highway and public transit access and from the large size of the property (122 acres of waterfront land, 105 of which are federally-owned).

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The proposed Ward 8 Plan also recommends the development of a Small Area Plan for the area to guide new development there in a way that will complement the existing character of the surrounding neighborhoods and minimize potential negative impacts on those neighborhoods. While the Ward 8 Plan does not specify what type of housing is to be constructed at the Anacostia Metrorail Station area, it does call for an increase in the level of homeownership in Ward 8.

The East of the River Development Zones were designated in October 1986. The Development Zones, which include Ward 8 and a portion of Wards 6 and 7, are intended to provide a mechanism for physically improving the targeted areas, creating jobs, increasing home ownership, and generally stabilizing the community. The stated objectives for the Development Zones initiatives are:

- a. To attract commercial, residential and industrial development;
- b. To increase the supply of quality-built affordable housing units;
- c. To provide homeownership opportunities for low- and moderate-income first-time purchasers;
- d. To increase the number of jobs and job-training opportunities;
- e. To improve and increase the supply of child care centers and adult training opportunities; and
- f. To address the Mayor's objectives for setting economic development priorities which target the sports, entertainment and recycling industries.

The R-5-A District permits matter-of-right single-family detached and semi-detached dwellings and, with the approval of the Board of Zoning Adjustment, moderate density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of three-stories/40 feet.

The C-2-A District permits matter-of-right low/moderate density development, including office, retail, housing, and mixed uses to a maximum height of 50 feet, a maximum FAR of 2.5 with nonresidential uses limited to 1.5 FAR, and a maximum lot occupancy of 60 percent for residential uses.

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The CR District permits matter-of-right medium/high density residential, commercial, and certain light industrial development to a maximum height of 90 feet, a maximum FAR of 6.0 for residential and 3.0 for all other permitted uses, and a maximum lot occupancy of 75 percent for residential uses.

The W-3 District permits medium/high density residential, commercial, and certain light industrial development in waterfront areas to a maximum height of 90 feet, a maximum FAR of 6.0 for residential and 5.0 for other permitted uses, and a maximum lot occupancy of 75 percent for residential uses.

The C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 3.0, and a maximum height of three stories/40 feet with new residential uses prohibited.

The C-3-A District permits matter-of-right moderate/medium density development for major retail and office uses to a maximum height of 65 feet, and a maximum FAR of 4.0 for residential and 2.5 for other permitted uses, and a maximum lot occupancy of 75 percent for residential uses.

On September 14, 1992 at its regular monthly meeting, the Zoning Commission authorized a public hearing to rezone portions of Squares 5860, 5861 and 5862 that were affected by Subareas "C" and "D". OP proposed to rezone Subarea "C" from C-M-1 to W-3 or CR, and to rezone Subarea "D" from R-5-A and C-2-A to C-3-A, W-3, or CR.

OP, by memorandum (final report) dated April 9, 1993 and by testimony presented at the public hearing, recommended that after balancing all of the issues, both subareas be rezoned to W-3. OP indicated that the key to the economic well-being of this area is to overcome the market timing issue by working with the land owners and community representatives to bring about short-term development that will benefit the community and begin to build the market for more intensive future uses.

The District of Columbia Department of Public Works (DPW), by memorandum dated January 25, 1993, indicated that the freeway, and arterial street systems in the immediate area of Subareas "C" and "D" are operating at capacity during peak periods. DPW recommended low to medium density residential, and local retail rezoning consideration. DPW believes that rezoning to higher density levels would require some type of traffic management plan to reduce vehicle trips.

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The District of Columbia Department of Housing and Community Development, by memorandum dated January 6, 1993, supported CR rezoning for Subarea "C", and C-3-A rezoning for Subarea "D".

The District of Columbia Department of Recreation and Parks (DRP), by memorandum dated December 29, 1992, did not oppose the rezoning initiative. DRP believed that the open space and recreation center at Barry Farms would not be directly affected by the rezoning.

The District of Columbia Office of Business and Economic Development (OBED), by memorandum dated December 30, 1992, supported the rezoning from C-M-1 to a zoning that would allow for residential development. OBED emphasized its support for commercial development along Martin Luther King, Jr. Avenue.

The District of Columbia Metropolitan Police Department (MPD), by letter dated March 29, 1993, had no objection to the rezoning proposal. MPD supported the use of crime prevention and public safety features for any development that might result from the rezoning.

The Ward 8 representative on the District of Columbia Board of Education, by letter (undated) supported the rezoning proposal.

The Ward 8 representative on the Council of the District of Columbia, by letter dated April 19, 1993, supported W-3 rezoning because it would help improve economic development and job opportunities.

Advisory Neighborhood Commission - ANC 8A, by letter dated April 6, 1993 and by testimony presented at the public hearing, supported W-3 rezoning for Subareas "C" and "D".

Advisory Neighborhood Commission - ANC 8D, by letter dated April 19, 1993, supported W-3 rezoning because it would allow for the improvement of clean air quality development, better attraction for potential development, and would be compatible to other proposed development in the area of the Metrorail station.

The Anacostia Coordinating Council (ACC), by letter dated April 19, 1993 and by testimony presented at the public hearing, supported W-3 rezoning for Subarea "C" because of the potential for economic development and job opportunities. ACC opposed C-3-A rezoning and believed that W-3 and CR are inappropriate for Subarea "D". ACC requested that the Commission defer action on Subarea "D" until after the City Council holds hearings on the proposal.

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Several letters in support of W-3 rezoning were received including, but not limited to the East of the River Community Development Corporation dated April 7, 1993, and the Anacostia Economic Development Corporation dated April 15, 1993.

Several directly affected property owners and representatives, and one land planner testified in support of W-3 rezoning for Subarea "C" because of the economic development and job opportunity benefits to the Ward and city, and because the W-3 rezoning was consistent with the goals and policy objectives of the Comprehensive Plan.

The Zoning Commission concurs with the position and recommendation of OP, ANCs-8A and 8D, DRP, MPD, and others, and believes that W-3 rezoning would provide for the type and level of development that would help to revitalize the area and provide economic growth potential.

The Zoning Commission does not concur with the position of DHCD nor in part with ACC, but believes that the concerns of DPW can be addressed through the Large Tract Review Process for projects that exceed 50,000 square feet of floor area.

The Zoning Commission also believes that, after considering and balancing all of the issues and concerns for and against the proposal, its decision to rezone to W-3 is appropriate.

The Zoning Commission further believes that W-3 rezoning is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

The proposed decision of the Zoning Commission to rezone Subareas "C" and "D" to W-3 was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated July 15, 1993, found that the proposed map amendments 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.

The Zoning Commission has accorded ANCs 8A and 8D the "great weight" consideration to which they are entitled.

A notice of proposed rulemaking was published in the District of Columbia Register on June 11, 1993 (40 DCR 3763). As a result of the publication of that notice, no comments were received.

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On August 2, 1993 at its regular monthly meeting, the Zoning Commission considered the NCPC report and draft Z.C. Order No. 742 for final action.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of amendments to the Zoning Map of the District of Columbia. The specific amendments are as follows:

- a. Change from R-5-A and C-2-A to W-3 that portion of Squares 5861 and 5862 that is bounded by Martin Luther King Jr. and Firth Sterling Avenues, Howard Road, and Suitland Parkway; and
- b. Change from C-M-1 to W-3 that portion of Squares 5860, 5861 and 5862 that is west of I-295 and bounded by I-295, the westbound Suitland Parkway exit ramp to the Frederick Douglass Memorial Bridge, and the Lanham and U.S. Botanic Garden Nurseries.

Vote of the Zoning Commission taken at the regular monthly meeting on May 10, 1993: 4-0 (William L. Ensign, Tersh Boasberg, John G. Parsons, and Maybelle Taylor Bennett, to approve W-3 - Lloyd D. Smith, not present, not voting).

This order was adopted by the Zoning Commission at its regular monthly meeting on August 2, 1993, by a vote of 3-0 (John G. Parsons, William L. Ensign and Maybelle Taylor Bennett, to adopt as amended - Jerrily R. Kress and William B. Johnson, not voting, not having participated in the case).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is on SEP - 3 1993.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. ROBINSON
Director
Office of Zoning