

**MEMORANDUM**

**TO:** D.C. Zoning Commission  
**FROM:**  Jennifer Steingasser, Deputy Director Development Review & Historical Preservation  
**DATE:** March 24, 2014  
**SUBJECT:** Zoning Commission Case No. 13-07, Supplement II

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**I. BACKGROUND**

On February 20, 2014, the Zoning Commission held a public hearing to consider a rezoning application which, as advertised, would rezone lots 14, 15, 22, 804, 805 and 806 in Square 5081 to R-5-B District, and lot 52 to R-5-C District. During the public hearing, the Zoning Commission requested the following from the Office of Planning (OP):

1. Submission of a corrected final report to the case record;
2. Review of the range of zone districts within areas designated Moderate Density Residential on the Comprehensive Plan Future Lane Use Map; and
3. Review of the range of map designations and zone districts generally found around Fort Circle Parks and other major parks in the District.

The Commission also requested OP convene a meeting between the property owners, the developers and the Advisory Neighborhood Commission (ANC) 7F, if they are agreeable, to discuss zoning options for the seven subject properties.

**II. OFFICE OF PLANNING RESPONSES****Meeting on Possible Zoning Solutions for the Subject Properties**

After several attempts, this meeting was scheduled for 2:00 to 4:00 PM on Thursday, March 20, 2014, and was held at the Marshall Heights Community Development Organization which is located across Benning Road from the subject properties. All but one of the subject property owners or a representative attended, including Pastor Steve Young of The House of Praise and Sam Vouldrie of Four Points LLC, co-developers of the proposed affordable housing development on lot 52, along with Single Member District Representative Evie L. Washington representing ANC 7F, and three OP staff.

The property owners and developers engaged in a wide-ranging discussion of issues raised by the advertised zoning changes and the referenced affordable housing proposal. The resident property owners continued to put forth the R-5-B District as the appropriate compromise zone for all seven properties, as it would allow residential development but not permit commercial uses. The owner of the large site intended for the affordable housing development stated a preference for retaining the current C-3-A zoning, but opposed any change from the recommended R-5-C District for lot 52 that would not allow the planned housing development to proceed as a matter-of-right. The owners of lot 804, which is currently used for non-residential purposes, also stated a preference for retaining the current C-3-A zoning, but strongly indicated that all of the properties should be dealt with equitably. The ANC representative indicated that she intended to support the position of the long term residents.

However, there was a consensus from all parties around the table that all of the subject properties should be treated consistently, rather than adopting two different zone districts for



lots on the site. As such, while it appeared to be the preferred solution of no participant, everyone stated that they could accept R-5-C zoning for the entire area as preferable to the advertised proposal of R-5-B and R-5-C. This appeared to be a compromise based on both equity of treatment, and protecting long term interests of all property owners.

OP very much appreciated the candid discussion and the ability of the residents to reach a consensus. While OP would continue to support the current advertised zoning as an appropriate solution, given the unique circumstances associated with this site, OP is not opposed to the resident/community led compromise of R-5-C for the entire subject area.

R-5-C is not a common zone in the District, mapped in only a few specific locations (refer to the map of zoning at the end of this report). While it is considered a zone that is more typically associated with a medium density designation on the Comprehensive Plan Future Land Use Map (FLUM), the Comprehensive Plan states that “The Future Land Use Map is not a zoning map. . . . By definition, the FLUM is intended to be interpreted broadly.” (226). As such, it is intended to provide generalized guidance for development, to be read in concert with other Comprehensive Plan policies and objectives, as noted in the previous OP report which recommended R-5-C zoning for the affordable housing site.

This site presents unique circumstances which also support the proposed R-5-C zoning:

- R-5-C zoning allows somewhat more development than R-5-B, but represents a reduction in development potential compared to the current C-3-A zone.
- R-5-C does not permit new office / retail development, unlike the current C-3-A zone, consistent with both the FLUM designation of residential land use and the wishes of the community (there are not significant use differences between R-5-B and R-5-C).
- The site is proximate to metro and major bus corridors, and R-5-C is typically located in areas with public transit options whereas this is not always the case with R-5-B zoning.
- Across Benning Road NE is the East River Shopping Center which is on property that would continue to be zoned C-3-A.
- The site is located within the Minnesota Avenue/Benning Road Great Streets area, one of 11 corridors in the District targeted by this initiative to transform emerging corridors into thriving and inviting neighborhood centers by utilizing public actions and resources to leverage private investment in retail, office space, housing, and cultural facilities.
- The Benning Road Corridor Redevelopment Plan (2008), stemming from the Great Streets Initiative, provides guidance for development along this street, encouraging new infill residential and mixed use development at key opportunity sites including the East River Shopping Center, located across the street. This plan did not provide specific guidance for the subject properties, either for level of density or type of use, other than to note the current C-3-A zoning.
- The Deanwood Strategic Development Plan (2008) is intended to promote the enhancement of Deanwood with a complimentary mix of housing, employment, retail, open space, recreational, and institutional facilities, particularly at focus nodes. The subject site is located within the Minnesota Avenue / Benning Road NE “Downtown Ward 7” focus node, designated as a destination civic, shopping, entertainment, and housing hub. Goals include encouraging the development of infill lots, placing a priority on the development of new affordable housing, and promoting new employment, shopping, education, and recreation opportunities for residents of the area. The Deanwood Plan did not specifically call out the subject site for specific action, and did not propose changes to zoning or land use from the C-3-A zoning.

OP also committed to follow up on various other issues, not related to zoning, raised by residents at the meeting.

**1. Corrected Report Submission:** Filed with the Office of Zoning on March 17, 2014.

**2. Range of Zone Districts within Areas Designated for Moderate Density Residential**

In reviewing the Comprehensive Plan Future Land Use Map (FLUM) and the Zoning Map, the R-4, R-5-A, and R-5-B Districts were the most prevalent zones located in areas designated for Moderate Density Residential on the FLUM, although R-3, R-5-C and R-5-D Districts were also found. C-2-A and C-2-B were the most common zones for areas designated on the Future Land Use Map for mixed use development including moderate density residential.

OP also reviewed final Zoning Commission actions for 19 “consistency” rezoning cases since 1975 where Commission’s decisions were based, in part, on Moderate Density Residential designations on the subject properties under the then-current FLUM designation. Typically, the Commission looked for additional guidance from the Comprehensive Plan objectives and policies, and to applicable urban renewal plans in force at that time. Over this period, the Zoning Commission rezoned lands to an R-5-C District in two cases (11% of the total). Both were prior to 1985 and in both cases the Commission adopted this zone to facilitate a planned or anticipated multiple-unit development on the affected property.

Finally, OP reviewed recent Planned Unit Developments (PUDs), and found two relatively recent instances that included a PUD-related map amendment to R-5-C: Case 02-17 located within an area designated on the FLUM for Medium Density Residential and Institutional development; and ZC Case 03-30, designated for Mixed Medium to High Density Mixed Use development. An older PUD from 1996 (ZC Case 96-13) included a PUD-related map amendment from R-5-B to R-5-C on lands designated on the FLUM for Moderate Density Residential development.

**3. Range of Comprehensive Plan Map Designations and Zone Districts around Fort Circle and Other Major Parks<sup>1</sup>**

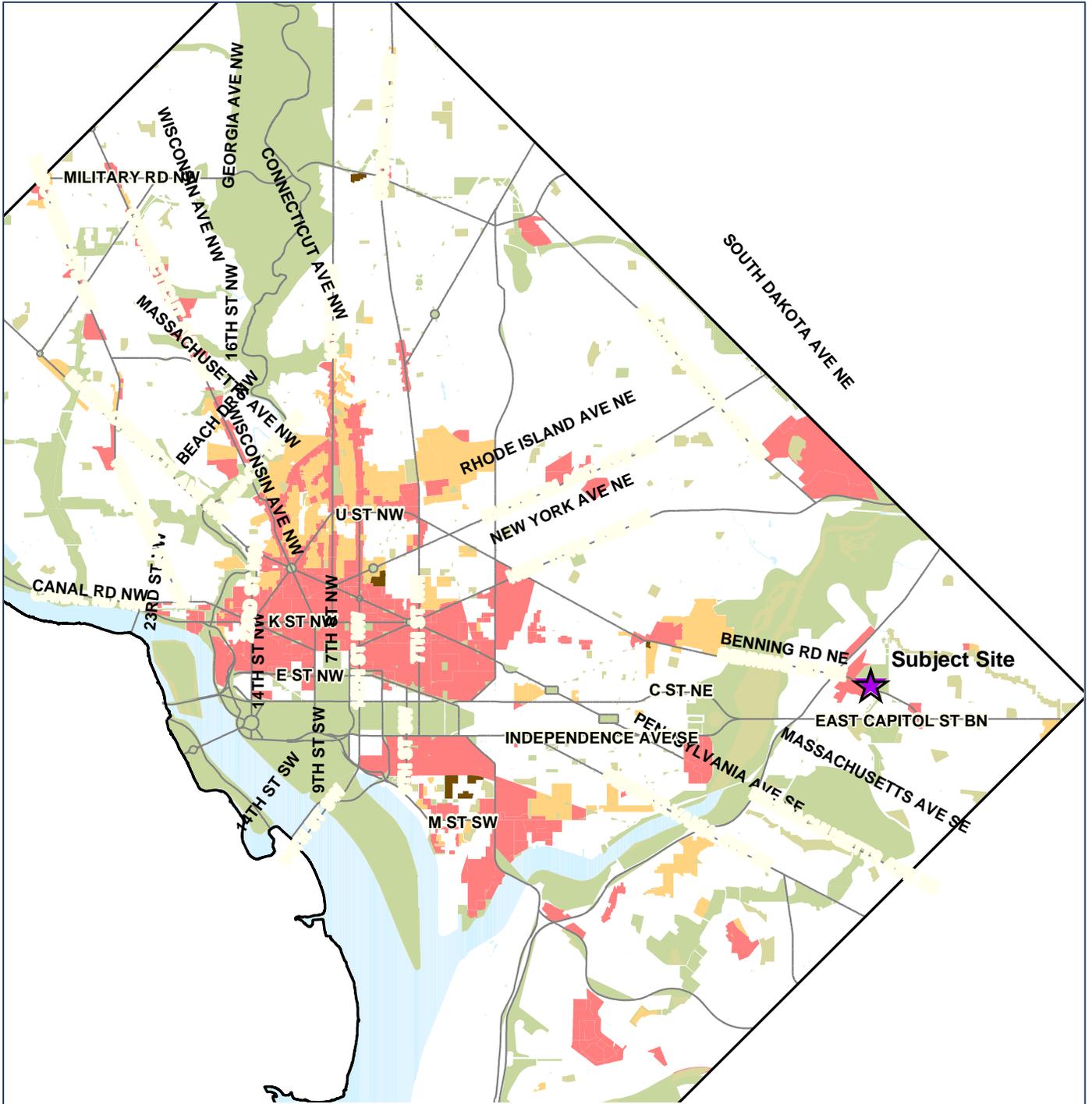
This analysis looked at all Fort Circle Parks and other “major” parks in the District that are larger than 10 acres (40,468 square meters), a total of 186 parks, some of which also included recreation centers and other facilities. Overall:

- These parks were found to most frequently be bordered by areas designated for Parks, Recreation and Open Space, Low Density Residential and Moderate Density Residential on the FLUM. However, Institutional, Medium and High Density Residential, and Low to Medium Density Mixed Use designations were also found.
- Zoning adjacent to large parks was predominantly low to moderate density residential zones - R-1 through R-5-A. However, higher density residential zones (R-5-B and R-5-D) and mixed use zones (CR, C-2-C, C-3-A, SP-1 and W-1 through W-3, and portions of the more recently adopted special Hill East and St. Elizabeths zones) are also found. Many of these zones would permit a height and/or density similar to or greater than R-5-C. Since there is so little R-5-C zoning currently in DC, OP did not find another instance of R-5-C zoning directly adjacent to a major park space.

A map showing existing parks, R-5-B and R-5-C zoning, and areas zoned for residential development at a density generally equivalent to or greater than R-5-C, is below.

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<sup>1</sup> Note that park sites often can be surrounded by multiple land use designations and zone districts.



JS/afj  
Arthur Jackson, Case Manager