GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

★ ★ ★

D.C. OFFICE OF ZONING
2002 MAY 22 PM 1:47

Office of the Director

MEMORANDUM

TO: D. C. Zoning Commission

FROM: Andrew Altman
Director

DATE: May 21, 2002

SUBJECT: Pre-Hearing Statement on Zoning Commission Case Number 00-27, a Proposed Zoning Map Amendment to make lots 810, 811, 831, 836, 837 and 855 on Square 37 consistent with the adopted Comprehensive Plan

---

During a public meeting on November 25, 2001, the Zoning Commission "set down" a map amendment proposed by Office of Planning to rezone the referenced properties from R-5-B to R-5-D with a new High-Density Residential Retail Overlay District. The purpose of the rezoning is to bring these properties into conformance with the Generalized Land Use Map of the District of Columbia Comprehensive Plan.

BACKGROUND

In October 2000, a petition was submitted to the Office of Zoning on behalf of James Pedas, co-owner of referenced lot 855, requesting that the Zoning Commission initiate steps to change the zoning of lots on Square 37 from R-5-B to a classification more consistent with the Generalized Land Use Map of the District of Columbia Comprehensive Plan.

Area Description

The subject six parcels make up the southern half of Square 37. South of the existing alley between 23rd Street and 24th Street N.W. are lot 855, developed with a commercial open parking lot, and lots 810, 811 and 831, developed with two-story row houses and a four-story apartment building. These properties are privately owned. Lots 836 and 837 at the southern end of the square (immediately north of L Street, N.W.) are owned by the District and developed with the West End Public Library and Metropolitan Police Department Special Operations Division buildings (refer to Exhibit 1). These six properties total 58,628 square feet (1.35 acres) and are all zoned R-5-B.

Surrounding development north of the alley consists of three lots zoned C-2-C and developed with the Westin Grand Hotel (2350 M Street, N.W.), 2300 M Street, N.W. (European Union) office building and a condominium apartment building (1140 23rd Street, N.W.). South of L Street, N.W., are six lots on Square 38 developed with two-story row houses and apartments. To the east, across 23rd Street, N.W., is the Millennium Planned Unit Development (1100 23rd

ZONING COMMISSION
District of Columbia
Case 00-27
Exhibit 28

ZONING COMMISSION
District of Columbia
CASE NO.00-27
EXHIBIT NO.28

Street, N.W.) that occupies the entire street frontage. The PUD included a map change to CR for that site. West across 24th Street, N.W., is the Columbia Hospital for Women zoned R-5-B, and the future site of a 142 apartment, 143,287 square foot addition over an existing medical office building at 2450 M Street, N.W. The latter property is zoned C-2-C.

Existing Zoning

The Generalized Land Use Map designates the southern half of the square for the following land-use mix:

- High-Density Residential – characterized by "high-density apartment buildings" as predominant uses, but may also include low, moderate, and medium density housing.

- Medium-Density Commercial – characterized by "Shopping and service areas that generally offer a large concentration and variety of goods and services outside the Central Employment Area" as predominant uses."

The current R-5-B zoning only allows development of low-moderate density housing and commercial development is not allowed as a principal use. Therefore, the petition is correct because the existing zoning does not allow development consistent with the Generalized Land Use Map designation in the Comprehensive Plan. The zoning pattern in the area consists of the following:

District	Predominant Use	FAR	MNR FAR[1]	Height	PUD			
					FAR	Height	Lot Occupancy	Conditions
R-5-B	Moderate density apartment houses	1.8	0	50 ft.	3.0	60 ft.	.60	None
R-5-D	Medium-high density apartment houses	3.5	0	90 ft.	4.5	90 ft.	.75	None
R-5-E	High-density apartment houses	5.0	0	90 ft.	6.0	90 ft.	.75	Apartments up to a 6.0 FAR
C-2-A	Community business Center, low-moderate density	2.5	1.5	50 ft	3.0	65 ft.	.60	MNR FAR[1] <= 2.0

[1] Maximum non-residential floor area ratio (FAR)

District	Predominant Use	FAR	MNR FAR[1]	Height	PUD			
					FAR	Height	Lot Occupancy	Conditions
C-2-B	Community business center, medium density	3.5	1.5	65 ft.	4.5	90 ft.	.80	MNR[1] FAR <=2.0
C-2-C	Community business center, high-density	6.0	2.0	90 ft	6.0	90 ft.	.80	MNR FAR[1] <= 2.5
CR	Mixed residential, retail, office and light industrial uses	6.0	3.0	90 ft.	8.0	110 ft.	.75	MNR FAR[1] <= 4.0

Based in part on this pattern, OP proposed rezoning the subject properties to R-5-D or R-5-E, with the adoption of amendments to the Zoning Regulations to establish a new development model in the medium-high and high-density residential district that would:

- Allow residential developments up to 3.0-4.5 FAR (4.0-5.5 FAR under a planned unit development [PUD]);
- Allow low-moderate density commercial development up to 1.0-1.5 FAR (with no PUD increase) in conjunction with the residential development referenced above (both consistent with the Comprehensive Plan);
- Generally limit the size and types of allowable commercial land uses to community serving retail, service, institutional (library) and accessory office uses; and
- Require a minimum 0.5 FAR be reserved for the aforementioned commercial activity on the ground floor level.

In a letter to the Commission, Mr. Pedas requested that the range of possible zoning options also include C-2-C and CR. At the close of the set-down public hearing, the Commission directed that publication of the potential zoning options for the subject property inlcude: R-5-D, R-5-E, C-2-C, CR, and the proposed commercial overlay.

ANALYSIS

OP supports zoning consistency, but thinks that strict consistency would potentially result in excessive commercial development that would be inconsistent with planning goals articulated by the community for this area, including:

- Supporting developments that provide long-term residential opportunities;
- Encouraging more small-scale neighborhood-serving commercial establishments;
- Limiting future office development as a principal use; and
- Encouraging future construction that is sensitive to the scale and massing of existing structures in this close urban setting.

There are also a number of related issues that must be addressed:

- Community concerns about increased zoning intensity: Differing opinions have been expressed about the level and types of development that should be allowed south of the alley.
- Traffic impact analysis: A consultant is analyzing the current and projected transportation impacts of existing, planned and approved development on the larger community. This consultant also considered the impact of redeveloping the subject property to the maximum extent allowed under several of the referenced zoning classifications.
- Future development controls: Staff is working on suggested design standards that could be utilized to protect the two-story apartment buildings across L Street, N.W. from the District-owned properties from the scale of future development at the southern end of Square 37.
- Additional adjustments to zoning text required by the proposed amendments: These are outlined in a separate companion pre-hearing statement.

Work is continuing in these areas, however this pre-hearing statement is being submitted at the request of Mr. Pedas to allow this rezoning to be considered prior to the Commission's summer request. Staff deliberations so far have considered a number of issues:

- Historical context for rezoning: "A Plan for the West End" prepared by the Planning Division of OPM in 1973 identified this area's potential to provide housing opportunities for moderate-income families. These opportunities were needed to address an "extreme" housing shortage in the District at that time. The plan also sought to limit the expansion of Downtown principal office uses west of New Hampshire Avenue, N.W. Specifically, the plan for Square 37 was for high-density residential development with first floor retail on the northern half (along M Street) and moderate-density apartments on the subject property. *It should be noted that this plan did not anticipate any changes to the existing land use pattern on the subject properties.* High-density apartments or hotels were proposed to the east (across 23rd Street) and south of the two-story apartment buildings across L Street, N.W.

  Overtime, the northern half of this square has been redeveloped predominantly with high-intensity office and hotel uses (although there are residential condominiums along 23rd Street, N.W.). The subject properties represent the remaining opportunity to provide housing opportunities on this square. Based on this fact, staff recommends any rezoning be to a classification that is primarily residential.

- Impact of rezoning on the existing residential opportunities: Tenants of the existing apartment building at 1121 24th Street (lot 831) expressed concern that the proposed rezoning not encourage redevelopment that would result in elimination of the existing "affordable" residential opportunity. The property is currently developed to a 3.47 FAR. Rezoning the property to R-5-D would allow medium-high density residential development up to a 3.50 FAR as a matter of right, and a 4.5 FAR under an approved PUD. The difference between the existing and potential matter-of-right floor areas appears insufficient to encourage redevelopment of this site, and the lot does not meet the minimum 15,000 square feet required for PUD.

  However, R-5-E would increase the allowable FAR to 5.0 as a matter of right, making redevelopment more economically feasible. Rezoning to C-2-C and CR would probably increase the potential for predominantly non-residential mixed-use redevelopment.

- Impact of development potential on properties to the south: Development under R-5-D zoning would be less intense that under R-5-E. However, R-5-D and R-5-E have the same height limit of 90 feet. As a result, there are no controls under the current Zoning regulations that would limit building height along this frontage.

- Impact of development potential on existing housing opportunities: The best way to insure that future development on this half of the square is predominantly residential is to rezone these properties to a predominantly residential district.

- Impact on existing traffic circulation: Preliminary results of the traffic study indicate that predominantly commercial projects this site would have unacceptable traffic impacts. More detailed information will be provided in the supplemental hearing report.

The development potential on the subject property under R-5-D and R-5-E, based on the proposed text amendments, are outlined below:

District	Predominant Uses	FAR	Max. NR[1] FAR	Height	PUD			
					FAR	Height	Lot Occupancy	Conditions
R-5-D/ HRR	Mixed Medium-high density Residential with Retail ...	4.0	1.0	90 ft.	5.0	90 ft.	.75 (.80 ncomm[2])	Requires a minimum of 0.5 FAR of first floor commercial uses under Section 1302.2 (as per proposed amendments)
R-5-E/ HRR	Mixed High-density Residential with Retail ...	5.5	1.5	90 ft.	6.5	90 ft.	.75 (.80 ncomm)	Apartments up to a 6.0 FAR, requires a minimum 0.5 FAR of first floor commercial uses under Section 1302.2 (as per proposed amendments)

[2] Neighborhood serving retail and service commercial

COMPREHENSIVE PLAN
Major Themes of the Comprehensive Plan in Section 101 include:

"... (a) Stabilizing and improving the District's neighborhoods;
(b) Increasing the quantity and quality of employment opportunities in the District;
...
(e) Respecting and improving the physical character of the District;
(f) Preserving and ensuring community input;
...
(h) Reaffirming and strengthening the District's role as the economic hub of the National Capital Region; ..."

The Comprehensive Plan, which is the legal basis for zoning in the District, enunciates, as its first principle, the importance of stability for residential neighborhoods. Under Section 101, Major Themes, the plan states:

> "The successful and creative functioning of neighborhoods is a fundamental concern. Citizen participation in civic improvement starts from the interest that people have in their neighborhood blocks and the day-to-day relationships therein. District services are primarily directed to homes and their environs. ...
>
> The District elements of the Plan propose that the residential character of neighborhoods be maintained and improved. ...
>
> Ensuring good quality neighborhoods is of utmost importance to the District."

In Title 11, the Land Use Element, the Plan gets quite specific in Section 1102, Objectives for Residential Neighborhoods, that states the residential neighborhood objectives are as follows:

"(a) To conserve the essentially satisfactory qualities of the District's many stable residential neighborhoods;
(b) To enhance other neighborhoods to improve and achieve stability;
(c) To redirect public and private initiatives to neighborhoods most in need of improvement and stability;
(d) To encourage development of adequate neighborhood shopping and support services in all sections of the District;
(e) To protect residential neighborhoods from disruptive uses; and
(f) To prevent concentrations of non-residential uses in residential neighborhoods."

Policies in support of these objectives under Section 1104.1 include several that are directly relevant to this case:

"(a) Promote the conservation, enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses;
(b) Conserve and maintain the District's sound, established neighborhoods through the strict application and enforcement of housing, building, and zoning codes and the maintenance of the general level of existing residential uses, densities, and heights;
...
(c) Encourage the retention and expansion of residential areas in mixed use neighborhoods to help maintain the residential character of these areas, through modification of land use and related regulations when necessary;
...
(i) Protect low and moderate density residential neighborhoods that are also designated for commercial uses from uses that are incompatible with residential neighborhoods, and from activities, particularly those of a commercial nature, that generate excessive traffic, late night activity, noise, litter, and other damaging environment impacts;
...
(l) Upgrade deficient neighborhood and multi-neighborhood shopping and service areas, ... and assist in the establishment of new commercial areas to ensure that all neighborhoods have ready access to a suitable range of retail goods and services in the District. ..."

Ward 2 Objectives for Economic Development in Section 1301.1 include:

"(a) Enhance the image of Ward 2 as a place to do business and to reside;
(b) Maintain sound areas of the ward and rebuild and develop other areas of the ward where economic development actions are needed;
(c) Increase total employment in the ward, especially in the Central Employment Area, and at appropriate locations and levels in other areas of the ward; ...
(g) Increase District tax revenues from expanded economic development activity in Ward 2 but not at the expense of residential communities in the Ward that are critical providers of revenues to the District, especially in the form of income and property taxes, and that are a source of employees to the Central Employment Area."

Ward 2 Objectives for Housing under Section 1304.1 include:

"(a) Stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations;
(b) Provide for the housing needs of low- and moderate-income households;
(c) Encourage home ownership; ..."

Ward 2 Objectives for Transportation under Section 1310.1 include: ...

"(b) Improve mobility within Ward 2 for residents, employees, and visitors, while minimizing the adverse transportation impacts on commercial areas and residential neighborhoods. ..."

RECOMMENDATION

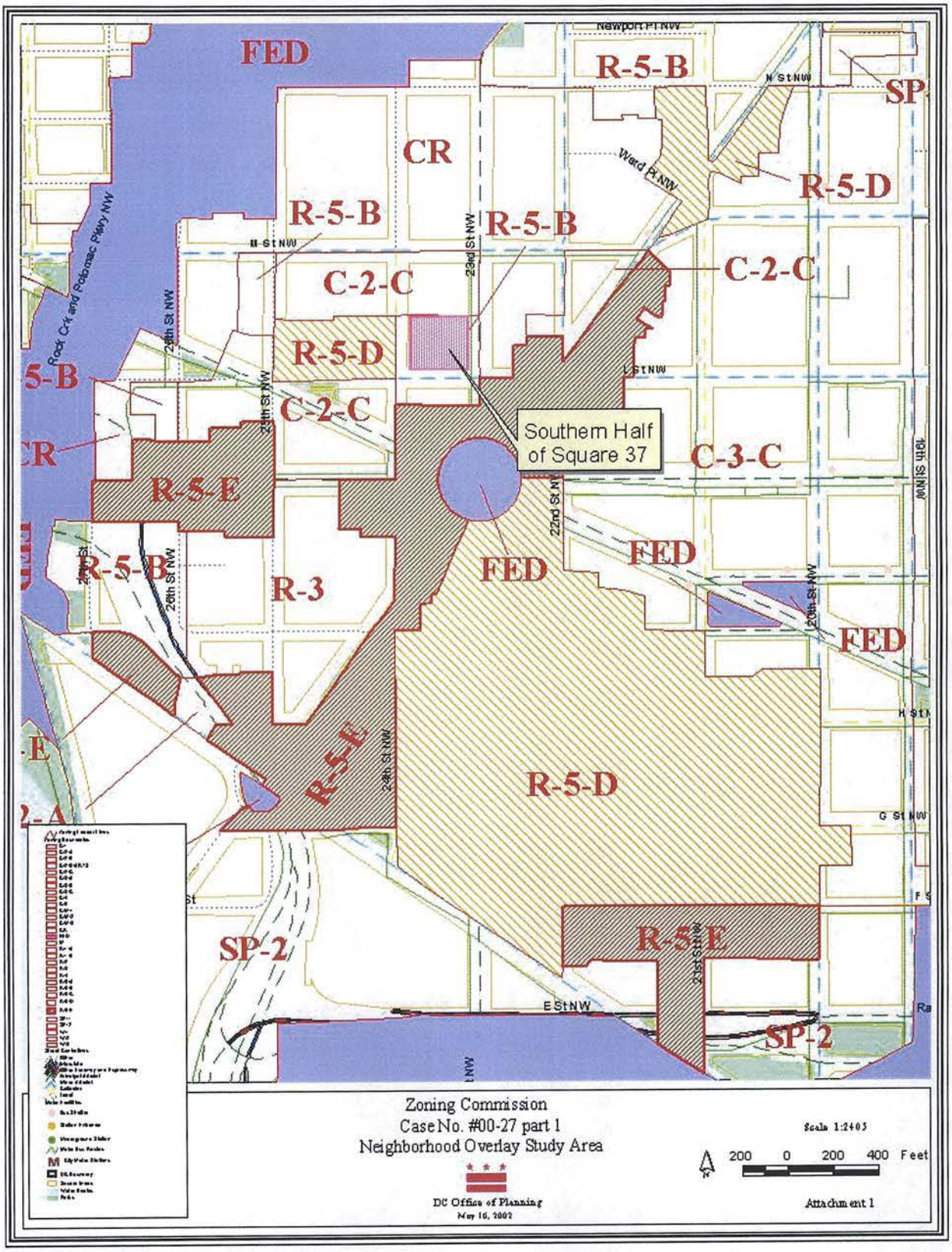
The Office of Planning recommends rezoning the subject properties from R-5-B to R-5-D with the proposed High-Density Residential Retail Overlay, or to R-5-E with the proposed High-Density Residential Retail Overlay, in the alternative. OP will submit a supplemental report to the Commission prior to the public hearing with final recommendations reflecting the results of the traffic study and other analysis referenced above.

Amendments to the R-5 District and Neighborhood Commercial Overlay District (NC) provisions of the Zoning Regulations (Chapters 3 and 13, respectively) required in accordance with this recommendation are set forth a separate pre-hearing statement.

Attachments:	Exhibit 1	Aerial Map with Zoning
	Exhibit 2	Section 350 of "R-2, R-3, R-4 and R-5 District Use Regulations" under Title 11 of the District of Columbia Municipal Regulations (DCMR), Zoning

AA/afj

Exhibit 1


FED
R-5-B
SP
CR
R-5-D
R-5-B
R-5-B
C-2-C
C-2-C
R-5-D
C-2-C
Southern Half of Square 37
C-3-C
R-5-E
R-5-B
R-3
FED
FED
FED
R-5-E
R-5-D
SP-2
R-5-E
SP-2
Newport Pl NW
N St NW
Ward Pl NW
H St NW
23rd St NW
26th St NW
Rock Crk and Potomac Pkwy NW
25th St NW
L St NW
22nd St NW
19th St NW
20th St NW
24th St NW
G St NW
E St NW
23rd St NW
Zoning Commission
Case No. #00-27 part 1
Neighborhood Overlay Study Area
DC Office of Planning
May 16, 2002
Scale 1:2400
200 0 200 400 Feet
Attachment 1

Proposed Amendments to allow the Establishment of the High Residential Retail Overlay in R-5-D and R-5-E Zoning Districts

Add new Sections 350.7, 1310, 1310.1, 1310.2, 1310.3, 1310.4, 1310.5 and 1310.6 to Title 11 of the District of Columbia Municipal Regulations, "Zoning" as follows.

350.7 Residential developments located in R-5-D and R-5-E districts within High-Density Residential Retail ("HDRR") Overlay Districts established in accordance with § 1310 of this title shall be required to incorporate neighborhood-serving commercial uses as a component of new construction, and renovations of existing structures that meet certain criteria.

Non-residential uses allowed within the HDRR Overlay District under the provisions of § 1310 of this title shall only be permitted as part of predominantly residential projects that achieve a minimum 2:1 ratio of the total residential floor area to the total floor area devoted to non-residential uses.

...

1302 DESIGNATED AND RESTRICTED USES

1302.1 Any building that occupies or is constructed on a lot in a designated use area within an NC Overlay District shall provide designated retail and service establishments on the ground level according to the requirements of this section and any additional requirements of the particular overlay district.

1302.2 The designated uses for purposes of this section are the following:

(a) Any use that is permitted as a matter of right in the C-1 district pursuant to §§701.1 or 701.4, of this title *(refer to Exhibit 2 for the complete list of permitted uses under these sections)*;
(b) Library;
(c) Blueprinting or similar reproduction service;
(d) Film exchange;
(e) Interior decorating shop;
(f) Laundry, self service;
(g) Photographic studio;
(h) Picture framing studio or shop;
(i) Tailor shop or valet shop;
(j) Telegraph office;
(k) Antique store or shop;
(l) Auction house;
(m) Department store
(n) Display stand or store for mail order sales;
(o) Dry goods store;
(p) Furniture store;
(q) Home furnishings sales;

(r) Leather goods store;
(s) Musical instruments and accessories sales;
(t) Office supplies and equipment sales;
(u) Optical goods store;
(v) Pet shop;
(w) Precision instrument sales; and
(x) Theater, including motion picture theater.

...

1310 HIGH-DENSITY RESIDENTIAL RETAIL OVERLAY DISTRICT

1310.1 The High-Density Residential Retail ("HDRR") Overlay District is applied to a compact geographic area that includes lots 810, 811, 831, 836, 837 and 855 on square 37, and other areas so designated in the future, zoned R-5-D and R-5-E.

1310.2 In addition to the purposes that are set forth in § 1300 of this chapter, the purposes of the HDRR Overlay District are as follows:

(a) To allow high-intensity residential development in the interest of economic development;
(b) To allow low-moderate intensity neighborhood-service commercial uses in conjunction with such development that would support, not only the referenced development, but the local community;
(c) To limit the size and types of allowable commercial development primarily to community-serving retail, service and accessory office uses; and
(d) To require that a minimum amount of neighborhood serving use be provided on the ground and upper floors of any future development or existing buildings subject to major renovation or rehabilitation.

1310.3 For the purposes of § 1302.1 of this chapter, the designated overlay area shall include any lot within the HDRR Overlay District that is:

(a) located on Square 37 south of the existing east-west alley and that fronts on L Street, 23rd Street and 24th Street, N.W.; and
(b) located in other areas so designated in the future.

1310.4 For the purposes of § 1302.2 of this chapter, the designated allowable uses shall not include the following:

(a) Gasoline service station as an accessory use to a parking garage, or public storage garage;
(b) Off-premise alcoholic beverage sales; and
(c) Department Stores.

1310.5 In addition to the requirements of § 1302.4, the designated retail and service uses within an HDRR Overlay District that are listed in § 1302.2 of this section shall

occupy not less than a 0.5 FAR and no more than a 1.0 FAR or 1.5 FAR, in R-5-D and R-5-E, respectively, of new construction or any existing building that experiences additions, alterations and repairs within a twelve (12) month period with a cumulative cost equal or exceeding 100% of its assessed value. At least 0.5 FAR of the designated retail and service uses shall be located on the ground level.

1310.6 Projects shall be eligible for residential floor area bonus of 0.5 square foot for every square foot of floor designated retail and service uses provided in excess of the 0.5 FAR requirement. To be eligible for this bonus, the additional dedication must be continuous from the ground floor to upper floors.

1310.7 The maximum permitted gross floor area for permitted commercial and residential uses in the HDRR Overlay District shall be 5.O FAR in R-5-D and 8.0 FAR in R-5-E under an approved planned unit development.

1310.8 The maximum lot occupancy for construction and renovation projects in the HDRR that are subject to the requirements §1310.1-1310.7 shall be 0.8.

1310.9 There shall be no additional parking requirements for designated retail and service uses in the HDRR provided subject to the requirements §1310.1-1310.7.

1310.10 The loading and docking requirements for construction and renovation projects in the HDRR, that are subject to the requirements §1310.1-1310.7, shall be the greater requirement under §2201.1 for the component residential and non-residential uses.

1310.11 The following land uses shall be exempt from these provisions:

(a) Single-family detached
(b) Single-family semi-detached
(c) Flats

1310.12 The provisions of §1310.1 shall be optional for the following land uses. However, if §1310.1 is implemented, than all provisions of the HDRR shall apply:

(a) Hotel
(b) Motel
(c) Inn
(d) Buildings wherein at least 50% of the first floor square footage is designated for residential use(s).

Exhibit 3

Sections 701.1 & 701.4 of the Zoning Regulations

701 USES AS A MATTER OF RIGHT (C-l)

701.1 The following service establishments shall be permitted in a C-l district as a matter of right:

(a) Bank or other financial institution;
(b) Bar or cocktail lounge:
(c) Barber or beauty shop;
(d) Cobbler or shoe repair shop;
(e) Collection station for dry cleaning, dying, or laundry;
(f) Dressmaking shop or establishment;
(g) Frozen food locker for family or individual use only;
(h) Gasoline service station existing on May 12, 1958;
(i) Gasoline service station as an accessory use to a parking garage, or public storage garage, subject to the special provisions of Chapter 23; Provided, that the following requirements shall be met:
    (1) All portions of the gasoline service station shall be located entirely within the garage;
    (2) No part of the accessory use shall be visible from a sidewalk; and
    (3) Signs or displays indicating the existence of the accessory use shall not be visible from the outside of the garage;
(j) Laundry, self service, not exceeding twenty-five hundred square feet (2,500 ft.^{2}) of gross floor area;
(k) Laundry or dry cleaning establishment, not exceeding twenty-five hundred square feet (2,500 ft.^{2}) of gross floor area;
(l) Locksmith;
(m) Newspaper distribution station;
(n) Optician and optometrist;
(o) Radio or television repairs;
(p) Shoeshine parlor;
(q) Tailor shop or valet shop not exceeding twenty-five hundred square feet (2,500 ft.^{2}) of gross floor area; and
(r) Watch repair shop.

...

701.4 The following retail establishments shall be permitted in a C-l district as a matter of right:

(a) Art supplies store;
(b) Automatic ice delivery station;
(c) Automobile accessories sales, excluding installation;
(d) Bakery; Provided, that any manufacture of bakery goods shall be limited to goods retailed on the premises;
(e) Bicycle sales and repair;
(f) Book store;
(g) Camera or photographic supplies store;

(h) Cosmetics or toiletries store;
(i) Drug store or pharmacy;
(j) Electric appliance store, including television and radio sales;
(k) Flower stand or florist shop;
(l) Food or grocery store;
(m) Gift shop;
(n) Hardware store;
(o) Hobby shop, including the sale of toys;
(p) Jewelry store;
(q) Restaurant, but not including a fast food restaurant, drive-in restaurant, or a food delivery service;
(r) Music store;
(s) Newsstand;
(t) Notions or novelty store;
(u) Off-premises alcoholic beverages sales:
(v) Paint store;
(w) Sporting goods store;
(x) Stationery store;
(y) Tobacco products store; and
(z) Variety store. ...