**PETITION FOR MAP AMENDMENT**

**OF SQUARE 754, LOTS 103-106 & 109**

# STATEMENT IN SUPPORT

OF THE
PETITION OF THE F STREET PRESERVATION ASSOCIATION
TO THE
DISTRICT OF COLUMBIA ZONING COMMISSION
FOR THE
APPROVAL OF A MAP AMENDMENT

ZONING COMMISSION
District of Columbia
Case 02-22
Exhibit 10

**May 22, 2002**

**(*Revised June 12, 2002)**

ZONING COMMISSION
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## I. INTRODUCTION

This statement and the attached documents are in support of the petition of the F Street Preservation Association (hereinafter "Petitioners") for an amendment to the Zoning Map of the District of Columbia to change the zoning of Lots 103-106 & 109 in Square 754 ("Subject Lots"). Specifically, the Applicant requests that the Subject Lots be rezoned from the CAP/R-4 District to the C-2-A District, with the Capitol Overlay ("CAP") District (See Exhibits A, B, and C).

The Subject Lots are bounded by F Street, N.E. to the north; 2nd Street, N.E. to the west; and Capitol Court to the south and to the east. The Subject Lots contain a total of approximately 8,684 square feet of land area. Rezoning to CAP/C-2-A would not be inconsistent with the Comprehensive Plan, including the recent Comprehensive Plan Amendment Act of 1998, D.C. Law 12-275, 10 DCMR (1998) ("Comprehensive Plan"). The CAP/C-2-A District provides a control limiting the height of any future development to forty (40) feet or three (3) stories; would create no adverse impacts on the surrounding property; and would be advantageous to the District of Columbia. The surrounding area north and south on 2nd Street is primarily zoned CAP/C-2-A. Further, the Subject Lots have been identified as part of a preferred mixed use district of residential and commercial in the Comprehensive Plan for the District of Columbia and on the Generalized Land Use Map (See Exhibit F). In particular, Lot 109, was constructed in 1908 as a commercial property and has historically been commercial in use.

## II.
## EXHIBITS IN SUPPORT

The Petitioners submit the following exhibits in support of the application and this statement:

A. Surveyor's plats for the subject lots;

B. A copy of a portion of the Baist Atlas and Sanborn Atlas showing the subject lots;

C. A copy of a portion of the Zoning Map, dated April 1, 1996, showing the Subject Lots and the surrounding area;

D. A land use survey for the lots;

E. Photographs of the Subject Lots and the surrounding area;

F. A portion of the Generalized Land Use Map, dated May 1995, adopted as part of the Comprehensive Plan;

G. Zoning Commission Order No. 456, dated May 13, 1985, establishing the Capitol Interest District;

H. Zoning Commission Order No. 821, dated August 4, 1997, establishing the Union Station re-zoning;

I. Zoning Commission Order No. 955, dated February 11, 2002, establishing a consolidated Planned Unit Development and Zoning Map Amendment for the Station Place Development on Lots 178 and 179 in Square 720.

## III.
## DESCRIPTION OF THE SUBJECT LOTS

The Subject Lots, five (5) total, are currently zoned CAP/R-4. They are adjacent to one another, forming a rectangle along 2nd Street, N.E. and consist of approximately 8,684 square feet of land area. The Lots are bound by 2nd Street, N.E. to the west; F Street, N.E. to the north; a public alley and several commercial establishments to the east; and Capitol Court, N.E. to the south. Lots 103-106 are each currently improved with historic row house flat dwellings with two (2) units per structure. Lot 109 is currently improved with a small one-story vacant commercial building which was constructed in 1908. All lots are in the Capitol Interest District Overlay and the Capitol Hill Historic District.

## IV.
## DESCRIPTION OF THE SURROUNDING AREA

### A. North

Lot 109 has frontage on F Street, N.E. which carries two-way traffic and has a right-of-way width of 100 feet. Immediately north of Lot 109 is Square 753 which is zoned C-2-A along 2nd Street, to the depth of one row house, and R-4 for the remainder of the Square. The Square is improved with a school; a police substation facility; various commercial establishments including Banducci's Restaurant (the corner lot opposite Lot 109), offices and the Capitol Hill Branch of the Dupont Veterinary Clinic; and two and three story row houses.

### B. North West

To the North West of Square 754 is the 1.4 million square foot Station Place Development, currently under construction. The Zoning on this Square was recently

amended to C-3-C at the Zoning Commission's public meeting of February 11, 2002. (See Exhibit I.)

C. **South**

The Subject Lots are bound to the south by Capitol Court, a public alley with a right-of-way of 12', which provides access to the interior of the Square; to the rear entrances of the private and commercial row houses in Square 754; and to the office development at the interior of the Square. The C-2-A District continues south of the alley and turns east to include Massachusetts Avenue.

D. **East**

The Public Alley (Capitol Court) continues from the south to the east, behind the Subject Lots, and has a right-of-way which varies between 25 and 32 feet. Directly to the East of the alley, at the interior of the square, is a three story office development consisting of a lot of approximately 10,724 square feet and is zoned CAP/C-2-A.

E. **West**

The Subject Lots comprise approximately 135 feet of frontage on 2nd Street, N.E which has a right-of-way of 90 feet. Immediately west of 2nd Street is the Thurgood Marshall Federal Judiciary Building. The Square is not in a zone district in accordance the District of Columbia Regulations for federally owned property. (D.C. Code § 1-2004 (1981))

## V.
## EXISTING AND PROPOSED ZONING

A. **Subject Lots**

The Subject Lots are currently zoned CAP/R-4. The R-4 District permits matter-of-right development of single family residential uses (including detached, semi-

detached, row dwellings and flats), churches and public schools with a minimum lot width of eighteen (18) feet, a minimum lot area of 1,800 square feet, a maximum lot occupancy of 60%, and a maximum height of three (3) stories or forty (40) feet. The Capitol Overlay ("CAP") District was established to promote and protect the public health, safety and general welfare of the U.S. Capitol precinct and the area adjacent to this jurisdiction, in a manner consistent with the goals and mandates of the United Sates Congress as set forth in the Act, Master Plan for Future Development of Capitol Grounds and Related Areas (Public Law 94-59, July 25, 1975; 89 Stat. 288) and in accordance with the plan submitted to the Congress in accordance with the Act. (11 DCMR §1200.1) The CAP District is intended to provide particular controls adjacent to properties having an obvious and well-recognized general public interest. (11 DCMR §1200.4) In the CAP/R-4 District, a building may be built to the maximum height not to exceed forty (40) feet or three (3) stories. The maximum lot occupancy is 60 percent and the maximum floor area ratio (FAR) is not to exceed one and eight-tenths (1.8) for all uses permitted in the CAP/R-4 District.

The proposed zoning is CAP/C-2-A, which permits low density development, including office, retail, and all kinds of residential uses to a maximum lot occupancy of 60 percent. In the CAP/C-2-A District, the maximum FAR is 1.8, of which no more than 1.5 FAR is permitted for uses other than residential. (11 DCMR §§ 1203.1, 1203.3)

The maximum height in a CAP/C-2-A District is forty (40) feet (11 DCMR § 1203.1) and the maximum lot occupancy is 60 percent, in accordance with the underlying C-2-A District. (11 DCMR §772.1) Therefore, the total maximum height and bulk permitted on the Subject Lots under the existing zoning, 40 feet and 1.8 FAR, is exactly

the same as would be permitted on the Subject Lots pursuant to the requested CAP/C-2-A zoning and subject to the uses on the Subject Lots. (See FAR in chart below.) Thus, if the zoning in Square 754 is changed from CAP/R-4 to CAP/C-2-A, the proposed change in zoning would:

A. Allow retail or service uses.

B. Not increase the maximum permitted height of 40 feet.

C. Not change the maximum permitted lot occupancy of 60 percent.

D. Not change the overall permitted maximum FAR.

The following table compares the height and density provisions of the current and proposed zoning:

| | | |
|---|---|---|
| **HEIGHT** | 40' | 40' |
| **FAR** | 1.8 total | 1.8 maximum, of which no more than 1.5 may be permitted uses other than residential |
| **LOT OCCUPANCY** | 60% | 60% |

**B. Surrounding Area**

The area within which the Subject Lots are located is included in the CAP Overlay and is predominately zoned C-2-A and R-4. As shown on the official Zoning Map, the Subject Lots are surrounded by CAP/C-2-A, CAP/R-4, C-3-C and un-zoned federal property, and are bordered by F Street, N.E. to the north, 2nd Street, N.E. to the west, Capitol Court to the south and to the east.

## VI.
## ZONING AND PLANNING HISTORY

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The Subject Lots were made part of the Capitol Interest (CAP) District in 1985. The CAP District was adopted to provide a transition zone between the monumental U.S. Capitol precinct and the historic residential sector. The CAP District further sought to retain the existing historic and aesthetic context while establishing a sense of "limit" to prevent the massive encroachment of either public or private development into the area. As noted above, the CAP/R-4 District permits a maximum FAR of 1.8 and a maximum of 40 feet for residential uses.

The surrounding area was then the focus of the Union Station Rezoning in 1997. The rezoning was undertaken to eliminate inconsistencies between zoning and the Comprehensive Plan, as mandated by the Home Rule Act. While much of the area was rezoned to the more appropriate CAP/C-2-A zoning, including Square 753 to the north of the Subject Lots, the Subject Lots remained R-4, creating an interruption in the C-2-A District along 2nd Street.

## VII.
## STANDARDS APPLICABLE TO A PETITION FOR A ZONING MAP AMENDMENT

The Zoning Act (D.C. Code, Sections 5-412 et seq., 1994) sets forth the criteria which the Zoning Commission must apply in adopting zoning regulations. As set forth in Section 5-413, the underlying purposes of the regulations are to "promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital." Section 5-414 directs the Zoning Commission to make its regulations "not inconsistent with the

comprehensive plan for the national capital." Section 5-414 sets forth further standards directed at supporting the general well-being of the District of Columbia. The Commission must apply these standards and criteria determining whether to approve a requested amendment. The proposed zoning of the Subject Lots to CAP/C-2-A meets the standards for approval.

**A. Health, Safety and General Welfare**

The proposed map amendment from CAP/R-4 to CAP/C-2-A would further health, safety and general welfare of the District of Columbia by facilitating the development potential of the Subject Lots thereby providing much-encouraged uses in the area of the CAP District. The map amendment would bring the Subject Lots in line with the surrounding CAP/C-2-A District and would be compatible with the Comprehensive Plan for the area. (Lot 109 has been vacant for nearly 30 years, although originally constructed and used commercially, because of the R-4 zone presently attached to it.)

**B. No Overcrowding of Land**

Rezoning the Subject Property to CAP/C-2-A would result in neither the overcrowding of land nor the undue concentration of population, nor would it result in greater congestion in the streets. The maximum FAR permitted for commercial use in a CAP/C-2-A zone and that is permitted by the current CAP/R-4 zoning is the same at 1.8.

**C. The Requested Zoning Will Not Produce Objectionable Traffic Conditions**

A Zoning Map amendment to allow for CAP/C-2-A zoning in Square 754 will not produce objectionable traffic conditions and would mainly serve local residents and those

using public transportation. Located within a block of Union Station, as well as bus lines, the Subject Lots are adequately served by public transportation.

**D. Comprehensive Plan**

Zoning Commission Order No. 821 (See Exhibit H), stated that the Commission's task in the case was to "insure that the proposed map amendments [would not be] inconsistent with the Comprehensive Plan and [would be] appropriate for the area of the city in which they [were] to be located." Six goals were presented by the office of planning during the Union Station Rezoning Case. Three of those goals are particularly relevant to the Subject Lots: 1) encourage a mixture of residential and commercial uses at moderate to medium density at various locations; 2) maintain the existing scale of the residential neighborhood and of the building stock in most of the area; and 3) establish suitable intermediate step-down building heights at the edges of the intensive commercial development. The petitioners believe that it is appropriate to institute this map amendment expeditiously so as to ensure the safety, welfare and economic development of our neighborhood.

Section 5-414 of the District of Columbia Code requires that the Zoning Commission's decision "shall not be inconsistent with the Comprehensive Plan for the Nation's Capital." This rezoning is consistent with the Comprehensive Plan and implements many of the themes and elements set for the in the Comprehensive Plan.

**1. Themes of the Comprehensive Plan**

Several themes of the Comprehensive Plan are supported by this rezoning: 1) stabilizing and improving the District's neighborhoods; 2) increasing the quantity and quality of employment opportunities in the

District; 3) respecting and improving the physical character of the District; 4) preserving the historic character of the District, and 5) reaffirming the District's role as the economic hub of the National Capital Region. The CAP/C-2-A zone allows for commercial uses while regulating height, bulk and density. Thus, rezoning the Subject Lots to CAP/C-2-A will ensure and encourage an appropriate level of development in this historic area.

2. **Elements of the Comprehensive Plan**

The proposed rezoning of Square 754 to CAP/C-2-A is also supported by the different elements of the Comprehensive Plan.

The Comprehensive Plan Generalized Land Use Maps and Land Use Element are served by this rezoning. The District of Columbia Land Use Map designates Lots 103-106 & 109 in Square 754 to be included in the moderate-density residential/commercial mixed-use category. (See Exhibit F) The CAP/C-2-A District is consistent with this low-density residential/commercial mixed-use land use designation.

The proposed rezoning is consistent with the Ward 6 Element of the Comprehensive Plan, particularly the "Ward 6 Objectives for Economic Development" (10 DCMR §1701 et. seq). The Ward 6 Plan specifically provides the objectives to encourage a range of commercial services and facilities (10 DCMR §1701.1(a)) and to stimulate activity and employment opportunities and growth consistent with the respective needs of the various neighborhoods (10 DCMR §1701.1(b).) The proposed

rezoning to CAP/C-2-A is an action which will stimulate commercial development for the underused Subject Lots.

## VIII.
## CONCLUSION

For the reasons stated herein, the Petitioners request approval of the subject application to amend the Zoning Map from CAP/R-4 to CAP/C-2-A. The rezoning is consistent with existing and proposed land uses and will encourage desired new development within this area of the District of Colombia. The rezoning will promote and improve the orderly development of land in conformity with the District of Columbia zone plan as embodied in the Zoning Regulations, the Zoning Map and the Comprehensive Plan. The development of Square 754, encouraged by CAP/C-2-A zoning, will make a substantial contribution to the District's economy and to the health, welfare and prosperity of its citizens. Accordingly, the Petitioners urge the Zoning Commission to act favorably on this application and to approve the proposed rezoning to CAP/C-2-A.

Respectfully submitted,

The F Street Preservation Association

By: _____
Gerald N. Forsburg

GERALD N. FORSBURG

## FACSIMILE TRANSMITTAL SHEET

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|---|---|
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| RE: ZC Case No. 02-22P | REFERENCE NUMBER: |

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