GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

MEMORANDUM

TO: D.C. Zoning Commission

FROM: Andrew Altman, Director

DATE: June 28, 2002

SUBJECT: **Zoning Commission Case No. 02-22**: Preliminary Report – Petition to Rezone the Lots 103-106 & 109 in Square 754 located on the east side of 2nd Street, N.E. between E & F Streets, N.E, from CAR/R-4 to CAP/C-2-A.

APPLICATION

The F Street Preservation Association has filed a request for a map amendment to re-zone the above referenced lots bounded by 2nd Street, N.E. (west); F Street, N.E. (north); a public alley and several commercial establishments (east); and Capitol Court, N.E. (south) from CAP/R-4 to CAP/C-2-A.

SUMMARY RECOMMENDATION

The Office of Planning (OP) recommends the application be set down for public hearing.

BACKGROUND

The Capitol Hill area in which the Subject lots are located has been the focus of significant development activity in recent years. Beginning with the 1994 amendments to the Comprehensive Plan, which changed the land use from purely residential to mixed use, the City has sought to attract office and small retail businesses while preserving the historic character of the area.

In the Union Station Area Rezoning case, Zoning Commission Order No. 821, August 4, 1997, this Commission approved a map amendment to rezone significant portions of the surrounding areas to eliminate inconsistencies created by the 1994 amendments to the Comprehensive Plan and zoning. The 1994 amendments changed the land use designation to allow for office development, mixed residential/commercial development, institutional development, industrial development and other appropriate development for the area. The Commission approved rezoning for portions of Square 753 from R-4 to C-2-A and portions of Square 752 from C-1 to C-2-A. See Zoning Commission Order No. 821, Case No. 95-4, August 4, 1997.

ZONING COMMISSION
District of Columbia
Case 02-22
Exhibit 11

ZONING COMMISSION
District of Columbia
CASE NO.02-22
EXHIBIT NO.11

SITE AND AREA DESCRIPTION
Square 754: Lots 103, 104, 105, 106 & 109

The properties under consideration are located two blocks east of Union Station and consist of approximately 8,684 square feet of land. The lots are bounded 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. The Subject lots are adjacent to one another with frontage on both 2nd Street, NE and F Street, NE. Lots 103-106 are each improved with historic row house flat dwellings with two units per structure; Lot 109 is improved with a one story vacant commercial building. All lots are located in the Capitol Interest District Overlay and the Capitol Hill Historic District.

North
On the north, Lot 109 has frontage on F Street, NE. Immediately north of Lot 109 is Square 753 which is zoned C-2-A along 2nd Street, to the depth of one lot, and R-4 for the remainder of the square. The square is improved with a school; a police substation; various commercial establishments, offices and a veterinary clinic; and two and three story row houses.

Diagonally across 2nd Street is the 1.4 million square feet Station Place Development currently under construction. The zoning map amendment and planned unit development was approved by the Commission in the Consolidated Planned Unit Development and Zoning Map Amendment for Station Place, Zoning Commission Order No. 955, Case No. 01-09C, dated February 11, 2002. The zoning was changed from C-M-3 to C-3-C.

South
The Subject lots are bounded by Capitol Court and a public alley on the south. The public alley provides access to the rear entrances of the residential and commercial properties that face 2nd Street in square 754. The southwest portion, the entire 2nd Street frontage and a portion of E Street is zoned CAP/C-2-A. The CAP/C-2-A District continues along 2nd Street and turns east to include Massachusetts Avenue.

East
The public alley adjacent to Capitol Court continues from the south to the east behind the Subject lots. East of the alley, at the interior of the square, is a three story office development on a lot of approximately 10,724 square feet and is zoned CAP/C-2-A.

West
The Subject lots consist of approximately 135 feet of frontage on 2nd Street, NE. Immediately west of 2nd Street is the Thurgood Marshall Federal Judiciary Building, which is federally owned and unzoned.

EXISTING AND PROPOSED ZONING

A summary of development standards is provided in the following table:

	Height Max. (feet)	Lot Occupancy	Floor Area Ratio	Min. Lot Occupancy
CAP/R-4	40	60 %	1.8 total	60%
CAP/C-2-A	40	60 %	1.8 maximum of which no more than 1.5 may be permitted uses other than residential	60%

The Subject lots were made part of the Capitol Interest District (CAP) 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 was further 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 States 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. 299 and in accordance with the plans submitted to 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. The predominant zoning for the surrounding area is C-2-A and R-4.

The CAP/R-4 zone permits any matter of right uses allowed in an R-4 District that include single family detached and semi-detached units, row dwellings, churches, embassies, certain community based residential facilities and public schools with a minimum lot width of eighteen (18) feet, minimum lot area of 1,800 square feet, minimum lot occupancy requirement of 60% and maximum height of three (3) stories or forty (40) feet. 11 DCMR §§ 400.1, 401.3, 1201.2 (a), 1203.1, 1203.3.

The CAP/C-2-A zone permits the same matter of right uses as C-2-A. The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses outside of the central core. 11 DCMR § 720. C-2-A Districts are located in low and medium density residential areas with access to main highways and shall include offices, shopping centers and medium-bulk mixed use centers. 11 DCMR §§ 720.2, 720.3. The CAP/C-2-A zone allows the same height, bulk, lot occupancy, and FAR as allowed in the existing CAP/R-4 District.

PLANNING AND POLICY ISSUES

The Office of Planning offers the following comments for the consideration of the Zoning Commission relative to this case:

Comprehensive Plan and the Generalized Land Use Map:
The Generalized Land Use Map identifies the area under consideration for mixed use: moderate-density commercial and moderate density residential use. The proposed C-2-A District permits low density uses that are generally low in scale, character and activity. The surrounding area is predominately zoned CAP/C-2-A and CAP/R-4.

Non-conforming Uses and Structures:
Chapter 20, 11 DCMR, regulates non-conformities in the following categories:

- Non-conforming use of land;
- Non-conforming structures devoted to conforming use; and
- Non-conforming use with a structure ,whether the structure is conforming or non-conforming

Non-conformities may not be expanded. If a non-conforming structure is damaged to an extent of more than seventy-five percent (75%) of the cost of reconstructing the entire structure, it must be brought into conformance with current code conditions.

Recent zoning cases have sought to make existing zoning consistent with land use designations identified in the Comprehensive Plan and accompanying amendments. The 1994 amendments changed the land use from a restricted designation for residential use to a more inclusive designation for mixed use. It appears from early analysis that there would be no non-conforming uses if the Subject lots are classified as CAP/C-2-A. Currently, the lots are occupied by four residential buildings and one vacant commercial building. Since C-2-A is a more inclusive and less restrictive zone which allows all types of residential uses and low density commercial, no non-conformity would result from the change.

Traffic and Parking:
The area of the proposed rezoning is located within one block of Union Station, is adequately served by public transportation, and has pedestrian access.

AGENCY REFERRALS AND COMMENTS

If the case is set down for public hearing, it will be referred to the following government agencies for review and comment:

1. Department of Public Works (alley use, transportation parking and street cuts);
2. Fire and Emergency Medical Services Department;
3. Metropolitan Police Department;
4. Department of Housing and Community Development
5. National Capitol Planning Commission
6. Architect of the Capitol

COMMUNITY COMMENTS

The site is located within the jurisdictional boundaries of Advisory Neighborhood Commission (ANC) 6A. Although the ANC has not voted to take an official position on the petition, there is some community support for the petition. Residents are concerned with whether the change in zoning will

result in an increase in property taxes.

RECOMMENDATION

The Office of Planning believes the issues raised by the proposed map amendment have merit and would benefit from a public hearing. Therefore, OP recommends that Zoning Case Number 02-22 be set down for public hearing.

Attachments
AA/vr

District of Columbia Generalized Land Use Map

Legend

residential land use categories



low density

Single-family detached and semi-detached housing are the predominant uses.



moderate density

Row houses and garden apartments are the predominant uses;
may also include low density housing.



medium density

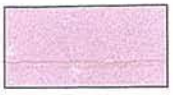
Multiple-unit housing and mid-rise apartment buildings are the predominant uses;
may also include low and moderate density housing.



high density

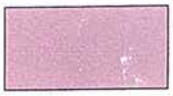
High-rise apartment buildings are the predominant uses; may also include low, moderate, and medium density housing.

commercial land use categories



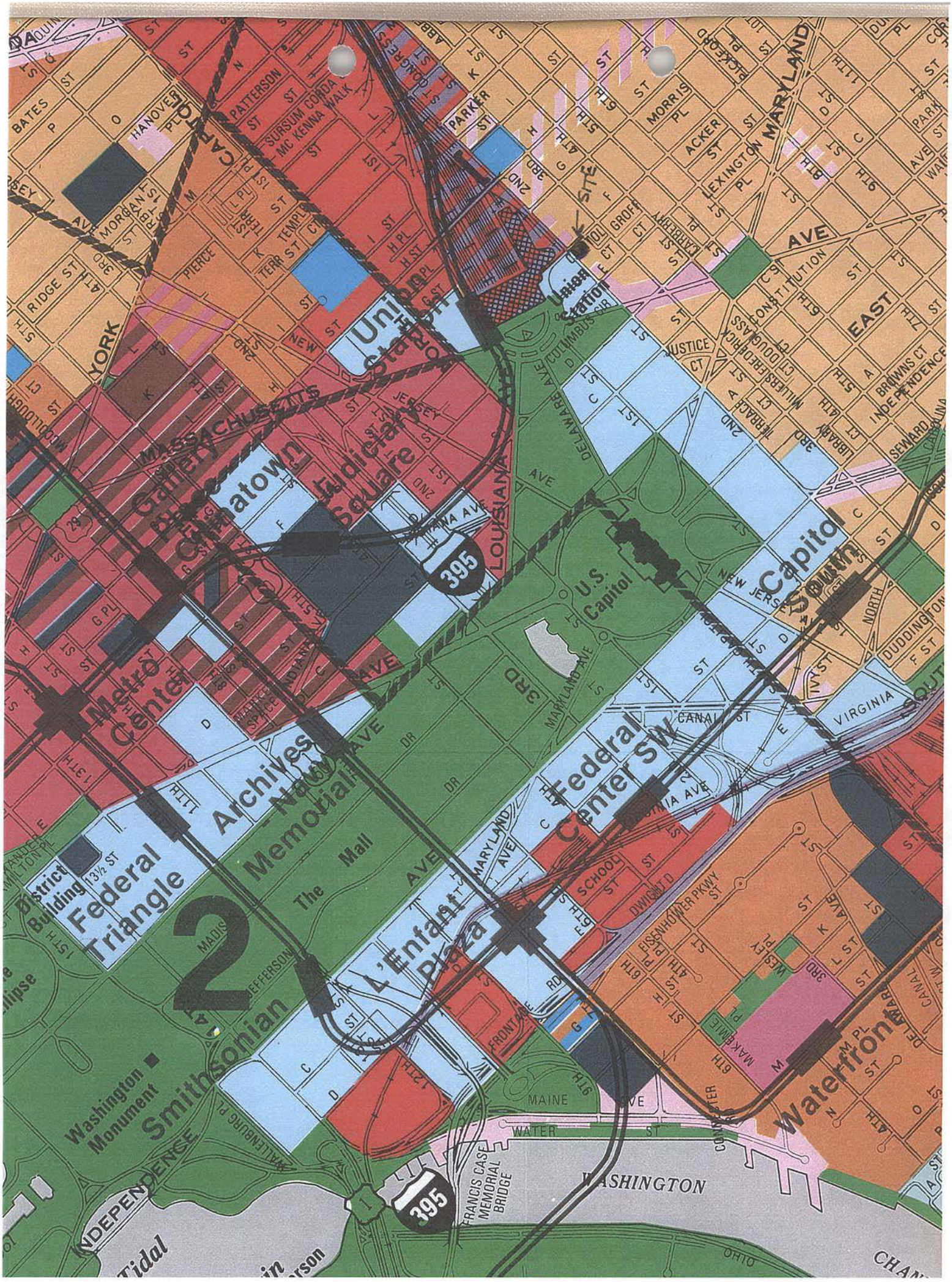
low density

Shopping and service areas that are generally low in scale, character and activity and that provide a limited range of retail goods and services are the predominant uses.



moderate density

Shopping and service areas that generally provide a much broader range of goods and services are the predominant uses. Chain drug stores and grocery stores as well as branches of department stores, some specialty shops, and personal service establishments may be present


Union Station
Chinatown
Judiciary Square
Gallery PLACE
Metro Center
Archives - Navy Memorial
Federal Triangle
District Building
The Mall
Smithsonian
Washington Monument
L'Enfant Plaza
Federal Center SW
U.S. Capitol
Capitol South
Waterfront
SITE
MASSACHUSETTS AVE
LOUISIANA AVE
CONSTITUTION AVE
INDEPENDENCE AVE
MARYLAND AVE
NEW JERSEY AVE
3RD ST
4TH ST
7TH ST
9TH ST
12TH ST
14TH ST
15TH ST
395
WASHINGTON
FRANCIS CASE MEMORIAL BRIDGE
WATER ST
MAINE AVE
CANAL ST
VIRGINIA AVE
INDEPENDENCE AVE
PARKER ST
MORRIS PL
ACKER ST
LEXINGTON PL
MARYLAND AVE
EAST CAPITOL ST
NORTH CAPITOL ST
SOUTH CAPITOL ST
YORK ST
PATTERSON ST
SURSUM CORDA WALK
MC KENNA WALK
HANOVER PL
BATES ST
RIDGE ST
PIERCE ST
TERR ST
TEMPLE CT
MORGAN ST
JERSEY AVE
DELAWARE AVE
COLUMBUS CIR
GROFF CT
CARBERRY CT
JUSTICE CT
MILLERS ALLEY
DOUGLASS CT
BROWNS CT
INDEPENDENCE
SEWARD SQ
DUDDINGTON PL
SCHOOL ST
DWIGHT D EISENHOWER PKWY
MAKEMIE PL
WESLEY PL
MADISON DR
JEFFERSON DR
INDEPENDENCE AVE
OHIO

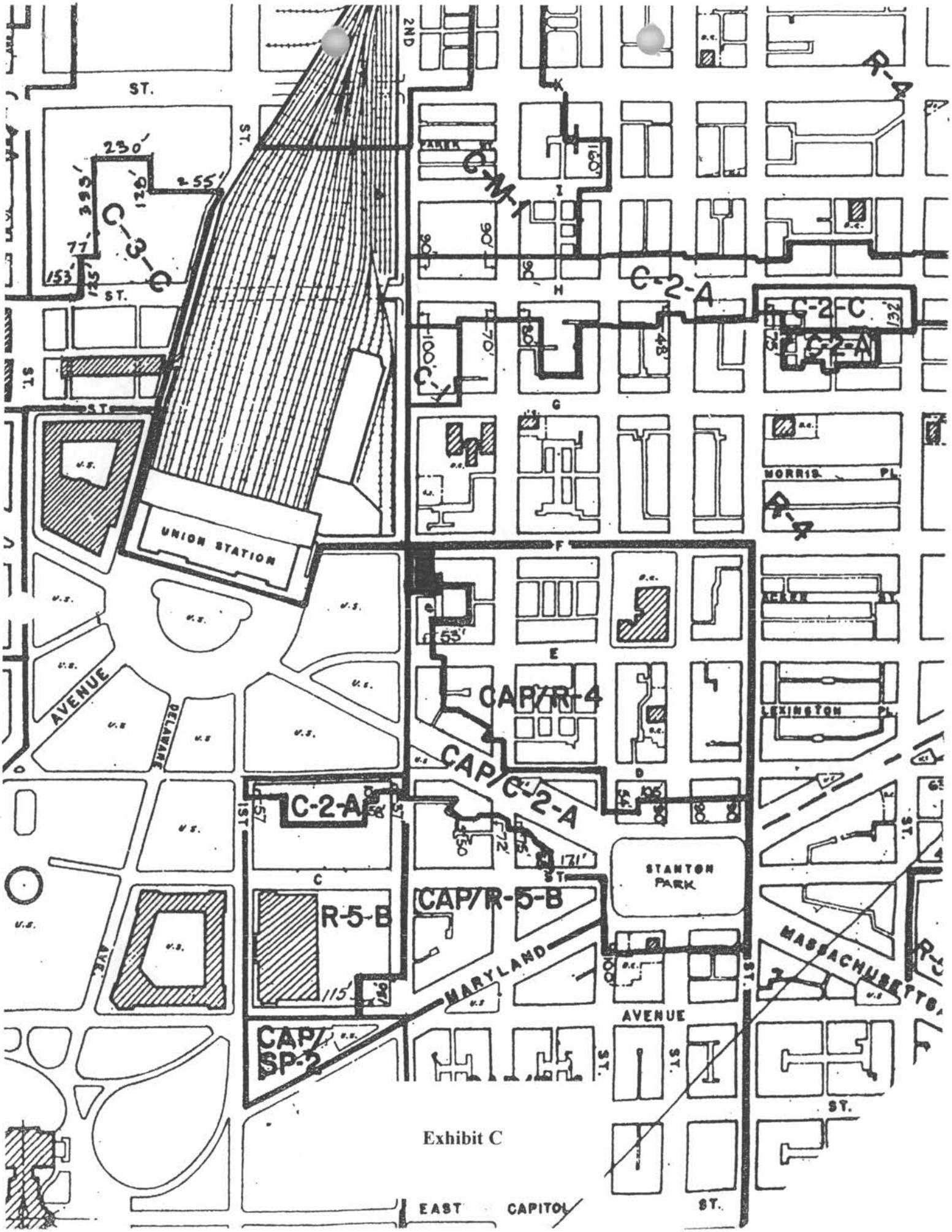
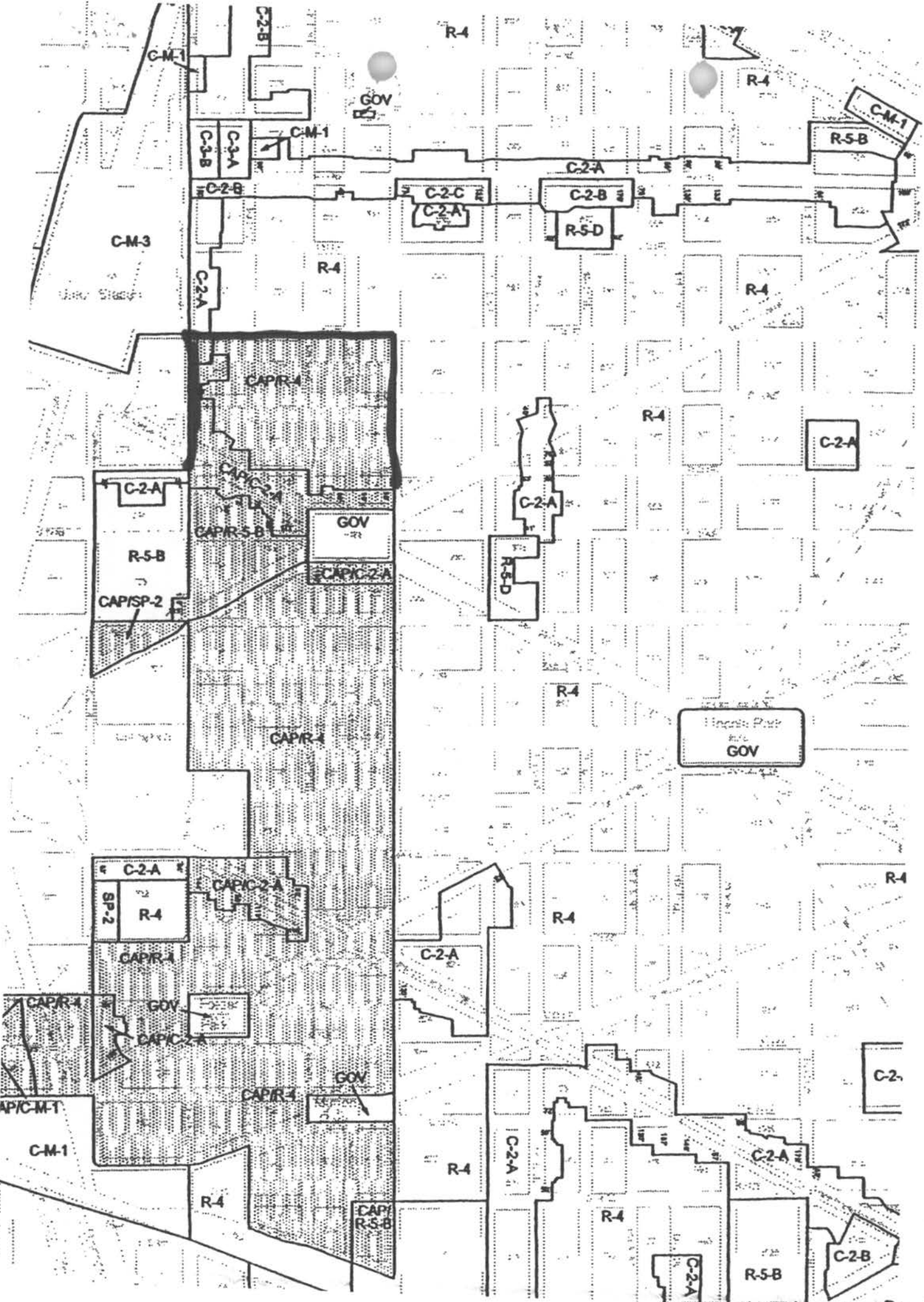

C-3-C
C-M-1
C-2-A
C-2-C
R-4
CAP/R-4
CAP/C-2-A
C-2-A
R-5-B
CAP/R-5-B
CAP/SP-2
UNION STATION
STANTON PARK
AVENUE
MARYLAND
MASSACHUSETTS
EAST CAPITOL
NORRIS PL.
LEXINGTON PL.
DELAWARE AVE.
2ND ST.
1ST ST.
ST.

Exhibit C


C-M-1
C-2-B
R-4
GOV
C-M-1
C-3-B
C-3-A
C-M-1
R-4
C-M-1
R-5-B
C-2-A
C-2-B
C-2-C
C-2-A
C-2-B
R-5-D
C-M-3
C-2-A
R-4
R-4
CAP/R-4
R-4
C-2-A
C-2-A
CAP/C-2-A
C-2-A
GOV
R-5-B
CAP/C-2-A
R-5-D
CAP/SP-2
R-4
CAP/R-4
GOV
C-2-A
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CAP/C-2-A
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C-2-A
CAP/R-4
CAP/R-4
GOV
CAP/C-2-A
C-2-
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GOV
CAP/R-4
C-M-1
R-4
C-2-A
C-2-A
R-4
R-4
CAP/R-5-B
C-2-B
R-5-B
C-2-A