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: November 21, 2002

SUBJECT: Final 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.

CASE NO: **Zoning Commission Case No. 02-22**:

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) finds that the application to rezone the above-referenced lots is not inconsistent with the Comprehensive Plan and recommends that the application be **APPROVED**.

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 area has been identified for office, small retail businesses and residential uses while preserving the historic character of the area. The Generalized Land Use Policy Map identifies the subject area as mixed use for moderate density commercial and moderate density residential. The C-2-A zone district is consistent with these densities and uses.

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.

ZONING COMMISSION
District of Columbia
Case 02-22
Exhibit 33

ZONING COMMISSION
District of Columbia
CASE NO.02-22
EXHIBIT NO.33

The 1994 amendments changed the land use designation to allow for office development, mixed residential/commercial development, institutional, industrial, 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.

SITE AND AREA DESCRIPTION

The properties under consideration are located two blocks east of Union Station and cumulatively 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 from F Street to H Street for a depth of one lot. The remainder of Square 753 is zoned R-4. 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.

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.

PLANNING AND POLICY ISSUES

OP offers the following comments for the consideration by 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.

Chapter 17, Ward 6 Plan, of the Comprehensive Plan identifies the subject area as one of a number of "important commercial areas" within the Capitol Interest Overlay Zone in;

> **1700 WARD 6 ECONOMIC DEVELOPMENT**
>
> 1700.3 Much of the economic activity throughout the ward has specialized characteristics which need to be assessed in developing the planning, land use, parking, and loading regulations necessary to promote businesses. ***The area encompassed by the Capitol Interest Overlay Zone extends from the Capitol grounds to 6th Street, S.E., and N.E. from the Freeway on the south to F Street on the north***. ***Within that zone are a number of important commercial areas***: Pennsylvania Avenue, S.E., 2nd Street, S.E., from Massachusetts Avenue north to H Street, N.E., Massachusetts Avenue, N.E., around Stanton Park ***and 2nd Street, N.E., from Massachusetts Avenue to F Street.*** This area serves, both the large daytime populations working in and visiting the Capitol as well as the immediately adjacent residential neighborhoods. The key issue is to provide a variety of retail services and to resist the trend toward bars and restaurants, exclusively. (Emphasis added)

The identification of the 2nd Street, NE does not specifically identify both the east and west side of 2nd Street but when viewed in conjunction with the Generalized Land Use Map, it appears that the description in intended to include both sides of the street.

The proposed map amendment is also consistent with the Land Use objectives relative to moderate density commercial and residential:

1734 WARD 6 POLICIES IN SUPPORT OF LAND USE OBJECTIVES

1734.1 The policies in support of land use objectives are as follows:

(a) Stabilize and improve residential and commercial areas throughout Ward 6;
(b) Ensure that the integrity of the Capitol Hill and Anacostia Historic Districts that are located in Ward 6 is maintained;
(c) ***Monitor new developments to ensure that they are consistent with the moderate density residential and low-to-moderate density commercial character of Ward 6***;
(emphasis added)
(d) Reduce the incompatible land uses in residential areas and neighborhoods and enforce regulatory tools to reduce the potential change in the overall character of the Ward 6 area;
(e) Fully implement the regulations of the Capitol Interest Districts and work with the Architect of the Capitol to ensure that the development of federal buildings in the future is compatible with adjacent residential areas located in Ward 6;

OP recognizes that are also sections of the Ward 6 Plan that call for the preservation of residential buildings, and that four of the petitioning properties are in residential use:

1703 WARD 6 ACTIONS TO IMPLEMENT THE PLAN: ECONOMIC DEVELOPMENT

1703.1 The actions to implement economic development are as follows:

(m) Protect adjacent residential neighborhoods in Northeast against pressures for conversion to retail and office uses generated by Union Station development;

However, OP again considered the combined relationship of the Comprehensive Plan text and the Generalized Land Use Map to conclude that the proposed map amendment is not inconsistent with the Comprehensive Plan.

The maintenance of the CAP overlay zone maintains the Historic Preservation goals of the overlay and the Ward 6 Plan:

1725 WARD 6 OBJECTIVES FOR PRESERVATION AND HISTORIC FEATURES

1725.1 The objectives for the preservation and historic features are as follows:
(a) To develop programs and activities that recognizes and promotes the valuable historic resources in Ward 6 and to increase awareness of and access to those facilities, activities and places;
(b) To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill and Anacostia Historic District, including Congressional Cemetery;
(c) To encourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6; and
(d) To monitor the use, modifications, and proposed demolitions of buildings to ensure preservation and compatibility with historic districts in the Ward 6 area.

1727 WARD 6 ACTIONS TO IMPLEMENT THE PLAN: PRESERVATION AND HISTORIC FEATURES

1727.1 The actions to implement preservation and historic features are as follows:

(a) Monitor and enforce stringently rehabilitation, new construction and public space uses to assure compliance with historic district guidelines;

(e) Prohibit unpermitted demolitions and exterior alterations in the Capitol Hill and Anacostia Historic Districts;

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 to the Union Station metro station.

AGENCY REFERRALS AND COMMENTS

OP has referred the case 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; and
3. Metropolitan Police Department.

By report dated November 5, 2002, the District Division of Transportation finds that no adverse traffic impact will result from the rezoning and has no objection to the proposal.

OP has not received reports from Fire and Emergency Medical Services Department or the Metropolitan Police Department.

COMMUNITY COMMENTS

The site is located within Advisory Neighborhood Commission (ANC) 6A. On November 7, 2002, the ANC voted to oppose the application, expressing concerns about commercial zone expansion and the rezoning of the residentially developed lots. OP understands that the ANC will be filing a statement explaining their position.

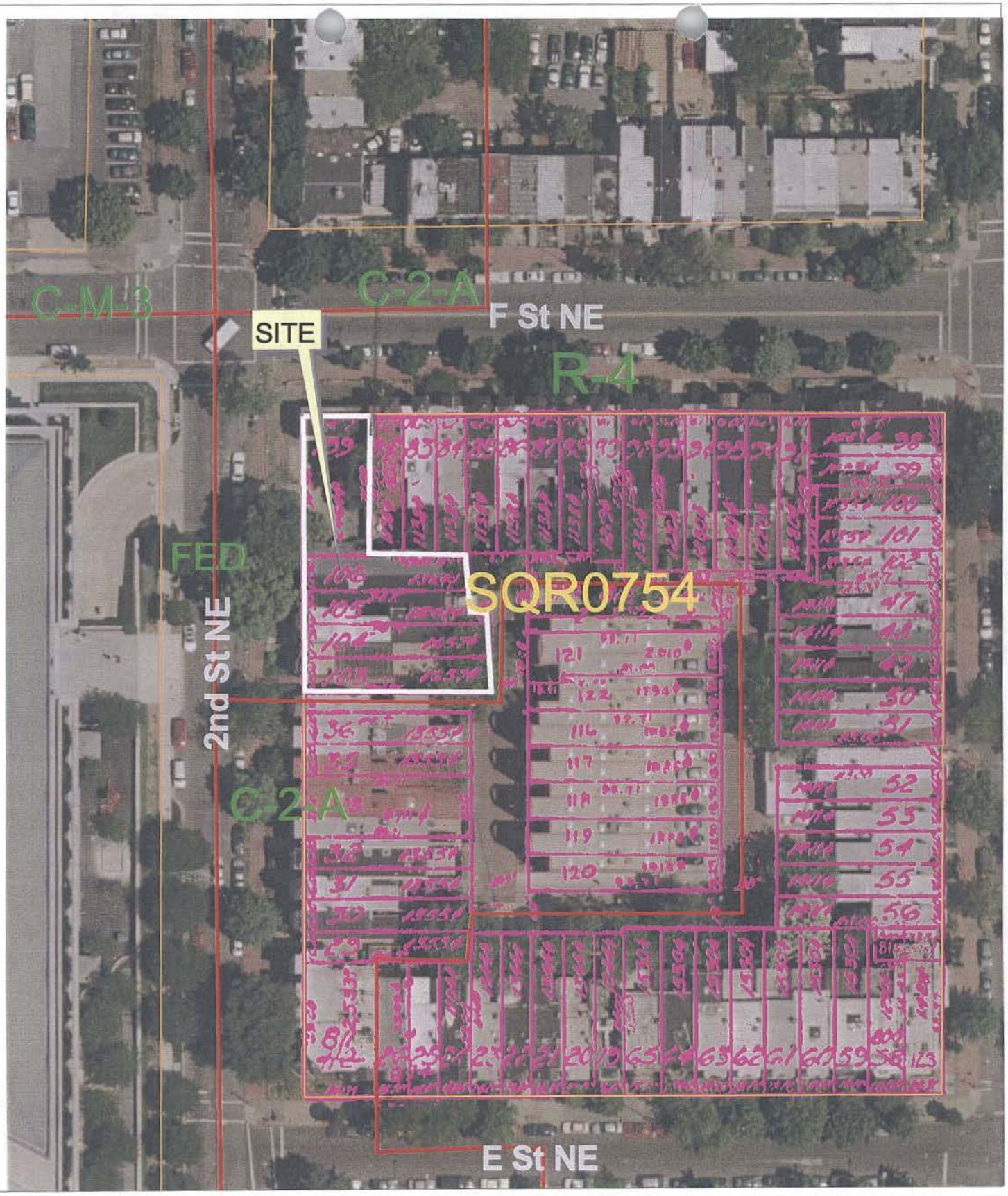
OP is aware that there is strong community opposition to the application. OP understands that the community's primary concern is that the map amendment will reduce residential uses in the Capital Hill neighborhood. OP notes that housing is not precluded by the rezoning and residential uses receive a .3 FAR density bonus.

RECOMMENDATION

The Office of Planning recognizes that the lots are developed by both residential structures and a decaying commercial building. OP also recognizes that the proposed CAP/C-2-A zone allows for both the mixed-use, moderate density residential/ moderate density commercial as anticipated by the Generalized Land Use Map, thereby making the requested action "not inconsistent with the Comprehensive Plan. OP therefore recommends that the application be **APPROVED.**

Attachments
Aerial Photo
Photographs

AA/vr



Feature Key

Zoning Boundaries
Square Index

Zoning Commission 02-22
Case No. #02-22

DC Office of Planning
November 15, 2002

Scale 1:829

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Attachment 1



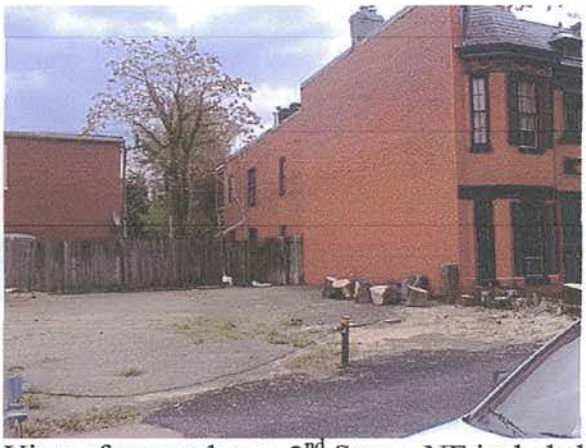
View of 2nd & E Street, NE from east side of 2nd Street, NE.



View of rowhouses in rezoning from east side of 2nd Street, NE.



Another view of rowhouses in rezoning from east side of 2nd Street, NE.



View of vacant lot on 2nd Street, NE included in rezoning from east side of 2nd Street, NE.



Another view of vacant lot at intersection of 2nd St. & F St., NE.



View of Capitol Court from east side of 2nd Street, NE.



Capitol Court office buildings.



View of Thurgood Marshall Building from north east corner of 2nd & F Street, NE.



View of Balduccis restaurant from south east corner of 2nd & F Street, NE.



View of Station Place development from south east corner of 2nd & F Street, NE.