GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING

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Office of the Director

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MEMORANDUM

DATE: February 27, 2003

TO: District of Columbia Zoning Commission

FROM: Andrew Altman, Director
Office of Planning

CASE NO.: ZC 03-

SUBJECT: **Setdown and Supplemental** Report for a text amendment to expand §217, NON-PROFIT ORGANIZATIONS (R-1) to public school buildings and to include District Government Agencies as an eligible use.

RECOMMENDATION

The Office of Planning recommends that the Zoning Commission set the proposed text amendment down for public hearing.

PROPOSAL

The proposed text amendment would expand Section 217, 11DCMR to include public school buildings and their land. The text amendment also proposes to include District of Columbia government agencies as eligible applicants to occupy existing residential and school buildings and the land on which they are located if the building is listed in the District of Columbia's Inventory of Historic Sites and the gross floor area of the building in question is at least ten thousand square feet (10,000 ft.^{2}) in size

The purpose of the text amendment is to create a provision that:

1) Encourages the preservation and designation of many of the city's surplus and neglected public school buildings and allows for their adaptive reuse; and
2) Allows District government agencies to use such buildings in the same manner and with the same limitation as non-profits.

Section 217 currently allows for the use of large historically-designated residential building by non-profit organizations. The land use impact of extending the eligibility to District government agencies would be comparable to use by a non-profit organization and the

ZONING COMMISSION
District of Columbia
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Exhibit 1

ZONING COMMISSION
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EXHIBIT NO.1

and the special exception criteria is the same. A new subsection 217.7 is proposed to clarify that the amended §217 would be used in conjunction with any other related special exception as may be applicable elsewhere in Chapter 11, but not in lieu of any other special exception. For example, if a Child/Elderly Care Facility proposes to occupy a landmarked and unused public school building both §205 and §217 would apply.

The proposed text will encourage new investment in the preservation of surplus and outdated public school buildings and create the opportunity for the adaptive re-use of large historic residential buildings and schools. It will couple that opportunity with the city's effort to locate city services in the District neighborhoods.

Located in many residential zones are surplus schools of historic significance that could be reused by community service agencies and District offices. The proposed text amendment would encourage the preservation and improvement of the buildings and their surrounding neighborhoods. It would provide the District with the same opportunities that exist for non-profit organizations and hold it to the same special exception standards and public review process.

COMPREHENSIVE PLAN

The proposed text is not inconsistent with the Major Themes of the Comprehensive Plan:

(a) Stabilizing and improving the District's neighborhoods;

(b) Increasing the quantity and quality of employment opportunities in the District;

(d) Preserving and promoting cultural and natural amenities;

(e) Respecting and improving the physical character of the District;

(f) Preserving and ensuring community input;

(g) Preserving the historic character of the District;

(h) Reaffirming and strengthening the District's role as the economic hub of the National Capital Region;

(i) Promoting enhanced public safety; and

(j) Providing for diversity and overall social responsibilities.

In particular the proposal is consistent with the following:

102 STABILIZING AND IMPROVING THE DISTRICT'S NEIGHBORHOODS

102.1 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 in their day-to-day relationships. District services are primarily directed to homes and their environs.

102.3 Many city neighborhoods also include integral commercial and institutional uses that contribute to their character. Neighborhood businesses, schools, park and recreational facilities, churches, and other public facilities all add to the livability of our communities. These uses too must be protected, stabilized, and improved.

601 PUBLIC FACILITIES GOAL

601 It is the goal of the District to provide adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services, and to support economic development and neighborhood improvement objectives.

606 LOCATION OF PUBLIC FACILITIES

606.1 The location of public facilities objective is to locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement objectives.

804 GENERAL POLICIES FOR PROTECTION AND ENHANCEMENT OF HISTORIC PROPERTIES

804.1 The federal and District governments should cooperatively do each of the following:

(a) Provide leadership in the protection and enhancement of the important historic resources of the National Capital;

(b) Establish and sustain exemplary standards of property stewardship, design, and maintenance of all historic property under their ownership or control;

(c) ***Use, to the maximum extent feasible, historic properties available to them when acquiring, constructing, or leasing space for carrying out government responsibilities;***

(d) Undertake whatever measures are necessary before disposing of historic properties to ensure their continued preservation;

(f) ***Provide sufficient administrative flexibility in building codes and other related codes and regulations to permit maximum preservation and protection of historic resources while still ensuring the health and safety of the public;***

(o) Promote public education in the value of, and process for, preserving historic resources; and

805 SPECIFIC POLICIES FOR PROTECTION AND ENHANCEMENT OF HISTORIC PROPERTIES

805.1 **Every effort should be made to provide for the continued, appropriate use of all historic properties. If the original use or a reasonable intensification of the original use is no longer feasible, appropriate adaptive uses consistent with applicable land use regulations should be encouraged.** (emphasis added)

All of the Ward Plans call for increased efforts to encourage the preservation and awareness of historic buildings. In particular the Ward 1, 3 and 4 Plans call for the consideration of legislative remedies and administrative flexibility in efforts to encourage maximum preservation of historic resources:

1226 WARD 1 POLICIES IN SUPPORT OF PRESERVATION AND HISTORIC FEATURES OBJECTIVES

(b) To provide sufficient administrative flexibility throughout Ward 1 in building codes and other related codes and regulations to permit maximum preservation and protection of historic resources while still ensuring the health and safety of the public;

(f) To prevent demolition by neglect of historic landmarks or contributing buildings in historic districts by applying existing programs and creating additional legislative remedies.

1407 WARD 3 PRESERVATION AND HISTORIC FEATURES

(4) Seek ways and means to provide regulatory, technical, and financial support and encouragement to owners of historic properties to ensure the retention and maintenance of such properties and sites; seek to make changes in regulations or public policies which may impede historic preservation efforts;

1522 WARD 4 PRESERVATION AND HISTORIC FEATURES

1522.6 Every effort should be made to provide for the continued, appropriate use of all historic properties. If the original use or a reasonable intensification of the original use is no longer feasible, appropriate adaptive reuses consistent with applicable land use regulations should be encouraged.

RECOMMENDATION

The Office of Planning concludes that the proposed text amendment is not inconsistent with the Comprehensive Plan, and will benefit from a public hearing. The Office of Planning recommends that the Zoning Commission set the proposed text amendment down for public hearing.

AA/jls$_{AICP}$

PROPOSED TEXT AMENDMENT TO SECTION 217, 11DCMR:

217 NON-PROFIT ORGANIZATIONS (R-1)

217.1 The use of existing residential **and public school** buildings, and the land on which they are located by a nonprofit organization **or a District government agency** for the purposes of the nonprofit organization **or District government agency** shall be permitted as a special exception in an R-1 District in the following instances if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section:

(a) If the building is listed in the District of Columbia's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to § 101(a) of the National Historic Preservation Act, approved October 15, 1966 (80 Stat. 915, as amended; 16 U.S.C. § 470a), or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites; and

(b) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 $ft.^2$) or greater;

217.2 Use of existing residential **and public school** buildings and land by a nonprofit organization **or a District government agency** shall not adversely affect the use of the neighboring properties.

217.3 The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.

217.4 No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential **or public school** buildings or on the land by a nonprofit organization **or a District government agency**, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization **or the District government agency**.

217.5 Any additions to the building or any major modifications to the exterior of the building or to the site shall require the prior approval of the Board. The Board shall refer any proposed additions or modifications to the State Historic Preservation Officer, who, acting with the advice of the D.C. Professional Review Committee for nominations to the National Register of Historic Places, shall provide the Board with a report to determine possible detrimental consequences that the proposed addition or modification may have on the architectural or

historical significance of the building or site or district in which the building is located.

217.6 This section shall work in combination with any other special exceptions criteria as may be regulated elsewhere in this chapter.

[end]