BEFORE THE
ZONING COMMISSION
FOR THE DISTRICT OF COLUMBIA

APPLICATION OF
HIGH STREET COLUMBIA, LLC
FOR A

ZONING MAP AMENDMENT

FROM THE
R-5-D TO THE C -2-C DISTRICT
SQUARE 25
LOT 806

Site of the Former
Columbia Hospital for Women

SUBMITTED BY:

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February 28, 2003

ZONING COMMISSION
District of Columbia
Case 03-11
Exhibit 3

ZONING COMMISSION
District of Columbia
CASE NO.03-11
EXHIBIT NO.3

STATEMENT HIGH STREET COLUMBIA, LLC, LLC,
IN SUPPORT OF ITS APPLICATION TO AMEND THE
ZONING MAP FROM R-5-D TO C-2-C

I.
INTRODUCTION

This statement and the attached documents support the application of High Street Columbia, LLC, (sometimes referred to herein as "Applicant") to amend the Zoning Map for the District of Columbia to rezone the property at Lot 806 in Square 25 (the "Subject Property") from the R-5-D to the C-2-C District. High Street Columbia, LLC is the owner of the Subject Property, which is the site of the former Columbia Hospital for Women at 2425 L Street, N.W. As set forth in greater detail below, the proposed map amendment is consistent with the zoning and land uses within Square 25, and the surrounding area, and is necessary to establish commercial retail and service uses to support the proposed residential redevelopment of the former hospital and the residential community in the Foggy Bottom/West End neighborhood. The map amendment also fosters several of the goals and objectives the Comprehensive Plan for the District of Columbia as described herein.

II.
SITE DESCRIPTION AND THE SURROUNDING AREA

A. The Subject Property.

The Subject Property is located in the city block bounded by L Street on the south, 24th Street on the east, 25th Street on the west and M Street on the North, in the northwest quadrant of the city. The site fronts on L Street and spans the width of the block between 24th and 25th streets. A private alley abuts the property to the rear. The site is rectangular in shape and contains approximately 100,052 square feet of land area. *See* Surveyor's Plat and portions of real estate plats attached hereto as Exhibit B and C, respectively.

Currently zoned R-5-D, the property is presently improved with the former Columbia Hospital for Women, which had been located on the site since 1873. In June 2002, the hospital closed and last September High Street Columbia, LLC purchased the property for redevelopment as a condominium building with ground floor retail and service uses.

In December 2002, the District of Columbia Historic Preservation Review Board ("HPRB") designated the hospital and its site an historic landmark, which now affords the property the protections of the D.C. Historic Landmark and Historic District Protection Act. Any proposed redevelopment at the site must first be reviewed by the HPRB and approved by the Mayor's Agent for historic preservation.

B. The Surrounding Area

The Subject Property is situated in the Foggy Bottom/West End neighborhood area, in the northwest quadrant of the city. The area is characterized by a mixture of land uses, including predominantly high rise office buildings, hotels and apartment houses and a broad range of institutional uses. Retail uses for the most part are contained within the first floor of high-rise buildings devoted to other uses. Photographs of the Subject Property and the surrounding area are attached hereto as Exhibit E.

The remainder of the subject square includes two parcels, one of which is currently improved with a nine-story medical office building at the southeast corner of the intersection of 25th and M Street, having the address 2440 M Street. A nine-story addition consisting of 141 residential units and ground floor retail is being developed at the rear of this building. The second parcel at the southwest corner of the intersection of 24th and M Streets, known as 2400 M Street, currently used as a parking lot, is being developed with a 334-unit apartment house with

ground floor retail, which will be constructed to a height of ninety feet. Both parcels are located in the C-2-C District.

Immediately south of the Subject Site across L Street, also in the C-2-C District, is a mixed use development, ninety feet in height, consisting of office, retail and residential uses, known as 2401 Pennsylvania Avenue. To the southwest, the area along Pennsylvania Avenue is devoted to a mix of hotel, residential, office and retail uses. The northwest corner of 25th Street and Pennsylvania Avenue is currently improved with a vacant apartment building slated for redevelopment. West of the subject site, the property corner along the west side of 25th Street is improved with occupied rowhouses and low-rise apartment buildings.

To the east across 24th Street, Square 37 includes apartment houses, an office building the Westin Hotel, the West End Branch of the D.C. Public Library, the Metropolitan Police Department Special Operations Division and a parking lot. Further to the east are the recently developed Ritz Carlton Hotel, residences and sports club, as well as the Carriage House apartments. This square is zoned R-5-B on the southern half and C-2-C on the northern half.

III.
EXISTING AND PROPOSED ZONING

A. Existing R-5-D Zoning

As shown on the copy of the Zoning Map attached as Exhibit D, the Subject Property is located in the R-5-D District. This zone classification is a relatively high height and medium-high density residential category that permits all types of urban residential development. Buildings may be constructed to a maximum height of ninety feet, with no limitation on the number of stories, and a maximum density of 3.5 floor area ratio ("FAR"). Lot occupancy is restricted to no more than seventy-five percent of the lot area.

B. Proposed C-2-C Zoning

The C-2-C zoning proposed for the site is a community business center area designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the city outside of the central core. Buildings may be entirely residential, or may be a mixture of commercial and residential uses. 11 DCMR §§ 720.1, 720.9, 720.12. The C-2-C District permits a maximum building height of ninety feet, with no limit on the number of stories. Residential uses may be constructed to a density of 6.0 FAR, while other uses may be built to a maximum density of 2.0 FAR. Mixed-use buildings may not exceed a total density of 6.0 FAR, and lot occupancy may not exceed eighty percent. As discussed in greater detail below, by restrictive covenant entered into with the community, the Applicant is limited to develop the site to the R-5-D height and density levels. A copy of the covenant, and its recent amendment, are attached hereto as Exhibits G and H, respectively.

C. Zoning History of the Site.

The Subject Property and the surrounding area have been rezoned several times over the years in response to the changing character and needs of the Foggy Bottom/West End community. From 1958 to 1987, the Columbia Hospital site and the northwest portion of Square 25 were zoned R-5-B. In 1974, major portions of the surrounding area were rezoned to the C-2-B District, including the northwest portion of Square 25, the property immediately west of the Subject Property fronting on Pennsylvania Avenue in Square 14, all of Square 26 located immediately south of the Subject Property across L Street, and other properties along the M Street corridor between 21st and 24th Streets.

By Zoning Commission Order No. 540 dated August 3, 1987, the Subject Property was rezoned to the R-5-C District. The community supported the rezoning in conjunction with a

restrictive covenant that was placed on the property at that time. Thereafter, by virtue of the creation of a new R-5-C category under Zoning Commission Order No. 721 dated October 19, 1992, then-existing R-5-C properties, including the Subject Property, were reclassified as R-5-D.

D. Effect of Rezoning on the Property.

The proposed C-2-C District is consistent with the C-2-C designation of the surrounding properties to the north, south and west. By virtue of a restrictive covenant on the Subject Property, however, the proposed rezoning will have no effect on the height or density on the property. Similarly, the restrictive covenant will maintain the primary use of the property for residential purposes, consistent with the R-5-B zoning of other neighboring sites. Thus, the rezoning will have only a limited effect on the property. Its sole purpose is to permit neighborhood commercial retail and personal service uses in the new residential redevelopment as specifically requested by the community to support the Foggy Bottom/West End neighborhood. Letters of support from Advisory Neighborhood Commission 2A and the Foggy Bottom Association are attached hereto as Exhibit I.

The restrictive covenant was originally recorded among the land records on September 2, 1987 and amended on December 30, 2002, by High Street Columbia, LLC, Advisory Neighborhood Commission 2A, and the Foggy Bottom Association. Under the 2002 amendment, any redevelopment at the former Columbia Hospital building will be limited to a height of ninety feet and a density of 3.5 FAR, or 350,000 square feet of gross floor area, and thus will not exceed the R-5-D limitations. This original covenant had previously limited development on the site to 2.2 FAR, or 230,000 square feet of gross floor area. In addition to increasing the density for the Subject Property, the 2002 amendment supports the rezoning of the site to C-2-C, but restricts commercial uses to those retail and service uses listed in sections 701

and 721 of the zoning regulations. The amount of space devoted to these commercial uses is further limited to 28,000 square feet of gross floor area. The amendment specifically prohibits commercial office or hotel space on the site. Consequently, the purpose of the rezoning to the C-2-C District is to allow a limited amount of retail and service uses not permitted under the existing residential zoning.

IV.
STANDARDS APPLICABLE TO AN APPLICATION FOR A ZONING MAP AMENDMENT

A. Standard of Review

The Zoning Act sets forth the criteria which the Zoning Commission must apply in adopting zoning regulations. Section 6-421.01 states that the 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." D.C. Code § 6-641.01 (2001 ed.). Further, the regulations may not be "inconsistent with the comprehensive plan for the national capital" and must be promulgated to support the general well-being of the District of Columbia. D.C. Code § 6-641.02. The Commission must apply these standards and criteria in determining whether to approve a requested amendment. As set forth below, the proposed zoning of the Subject Property to C-2-C meets the standards for approval.

B. Health, Safety and General Welfare

The proposed map amendment from R-5-D to C-2-C would further the health, safety and general welfare of the District of Columbia by facilitating the development of retail and services uses to support the residential development of the Subject Property and surrounding area, consistent with the adjacent land uses. The map amendment would bring the Subject Property in conformance with the zoning classifications of the two other properties in the same square and in

the squares to the south and west along Pennsylvania Avenue. It would further enable the establishment of mixed retail and services uses that help stabilize residential communities.

C. No Overcrowding of Land

Rezoning of the Subject Property to C-2-C would result in neither the overcrowding of land nor the undue concentration of population. The intensity of use and population at the site would actually decrease from its prior use as a hospital, as the number of overnight patients, ambulatory care patients, and health care professionals is replaced with a fixed number permanent residents and retail customers from the neighborhood. Further, by virtue of the restrictive covenant, the property would be developed to a density of 3.5 FAR as permitted under the existing zoning, instead of the 6.0 FAR allowed under the requested C-2-C District.

D. No Objectionable Traffic Conditions

The proposed map amendment likewise will not create any objectionable traffic conditions. The residential and neighborhood-serving commercial uses permitted under the C-2-C District will generate fewer trips to and from the site than its previous institutional use, which included the hospital's ambulatory care services, in-patient services, and daily visitors. Moreover, the proposed development at the site will provide a ratio of 1.4 parking spaces for each residential unit, thus exceeding the requirements for the proposed C-2-C District. Finally, the site is adequately served by several bus lines and is located within five blocks of the Foggy Bottom Metrorail Station.

E. Comprehensive Plan

The proposed rezoning to C-2-C is also consistent with the Comprehensive Plan and implements many of its themes and elements as set forth below.

1. Theme of the Comprehensive Plan

The requested map amendment supports the theme of the Comprehensive Plan to stabilize and improve the District's neighborhoods. 10 DCMR §§ 101.1(a) and 102. In particular, the plan recognizes that many city neighborhoods include integral commercial uses and that neighborhood commercial facilities promote and ensure good quality residential communities. *See* 10 DCMR §§ 102.3 and 102.4. The neighborhood commercial retail and services uses that would be permitted at the Subject Site under the C-2-C zoning fosters this major them of the Comprehensive Plan.

2. Elements of the Comprehensive Plan

The Comprehensive Plan recognizes that the Foggy Bottom/West End area has experienced a diminishment of housing and the expansion of large scale commercial development. 10 DCMR § 1358. It further acknowledges that many residential communities in Ward 2 do not have adequate service establishments. 10 DCMR § 1343.1. Consequently, the land use element and Ward 2 plan both encourage new residential development and the establishment of neighborhood shopping services in areas that are underserved to ensure that all neighborhoods have ready access to a suitable range of retail goods and services. 10 DCMR § 1108.1; 1344.1(b). The proposed rezoning from R-5-B to C-2-C will fulfill these objectives by allowing the construction of a new residential development with retail and service uses necessary to support the on-site residents and those in surrounding Foggy Bottom/West End neighborhood.

3. Generalized Land Use Map

The Comprehensive Plan Generalized Land Use Map designates the Subject Site for institutional use in recognition of its long-standing association with the former Columbia

Hospital for Women. The remainder of the property in Square 25 and the area immediately surrounding the site, however, are designated for high-density residential and medium-density commercial mixed uses. Consistent with this designation, the C-2-C District permits high-density residential and medium-density commercial mixed uses, and thus the proposed map amendment would conform with the land use map designations for this area. A copy of a portion of the Generalized Land Use Map is attached hereto as Exhibit F.

V.
EXHIBITS IN SUPPORT

The Applicant submits the following exhibits in support of the application and this statement:

A. Map amendment application form;

B. Surveyor's plat for the Subject Property;

C. A copy of a portion of the Baist Atlas and Sanborn Atlas showing the Subject Property;

D. A copy of a portion of the Zoning Map showing the Subject Property and the surrounding area;

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

F. A portion of the Generalized Land Use Map, dated February 2001, adopted as part of the Comprehensive Plan;

G. Restrictive Covenant on Lot 806 in Square 25, dated September 2, 1987;

H. Amendment to Restrictive Covenant dated December 30, 2002; and

I. Letters of Support for Map Amendment and Redevelopment Project from ANC 2A and the Foggy Bottom Association.

VI.
CONCLUSION

For the reasons stated herein, the Applicant requests approval of the subject application to amend the Zoning Map from R-5-D to C-2-C. The rezoning is consistent with existing and proposed land uses and will allow desired new residential development with supporting neighborhood retail and services uses in the Foggy Bottom/West End community. 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 residential development of the former Columbia Hospital for Women, encouraged by C-2-C zoning, will make a substantial contribution to the District's economy and to the health, welfare and prosperity of its citizens. Accordingly, the Applicant respectfully requests the Zoning Commission to act favorably on this application and to approve the proposed map amendment.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: _____
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DATE: February 28, 2003

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