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**REPORT TO THE ZONING COMMISSION**

**CASE NO. 04-13**
**1200 R STREET, NW**

**STEVEN E. SHER,**
**DIRECTOR OF ZONING AND LAND USE SERVICES**
**HOLLAND & KNIGHT LLP**

**DECEMBER 2, 2004**

I. Introduction

II. Nature of applications

A. Consolidated review of planned unit development

B. Map amendment from R-4 to R-5-B

III. Site location

A. South side of R Street between Vermont Avenue and 13th Street, N.W.

B. Shaw/Logan Circle area

IV. Site description

A. Trapezoidal shaped property with an overall length of approximately 250 feet in the east-west direction and approximately 100 feet in the north-south direction (Square 277, Lots 14-23 and 45)

B. Contains approximately 23,251 square feet (approximately 0.53 acres) of land area

C. Has frontage of approximately 250 feet on R Street, 14 feet on 12th Street and 95 feet on Vermont Avenue

D. Bounded by 10 foot alley on the south

E. Existing conditions:

1. 1200 R Street – vacant lot

ZONING COMMISSION
District of Columbia
Case 04-13
Exhibit 29

ZONING COMMISSION
District of Columbia
CASE NO.04-13
EXHIBIT NO.29

2. 1202 R Street (1642 Vermont Avenue) – 1 story nonconforming retail use

3. 1204 R Street – 2 story residential use

4. 1206 R Street – 2 story residential use

5. 1208 R Street – 3 story apartment house

6. 1214 R Street – 2 story building, currently vacant, formerly used for social service program use by the Metropolitan Baptist Church

7. 1218 R Street – 2 story social service program use by the Metropolitan Baptist Church

8. 1220 R Street – 2 story building, currently vacant, formerly used for social service program use by the Metropolitan Baptist Church

9. 1222 R Street – vacant lot

10. 1224 R Street – 2 story plus basement residential use

F. Abutting streets:

1. R Street – 90 feet wide

2. 12th Street – 85 feet wide

3. Vermont Avenue – 130 feet wide

V. Description of the surrounding area (see aerial photograph, c. 2002, attached)

A. General area: Shaw/Logan Circle

B. Remainder of Square 277

1. Vermont Avenue Baptist Church at 1630-1634 Vermont Avenue (across alley to the south)

2. Predominantly 3 story residential buildings and Mount Gilead Baptist Church along east side of 13th Street

3. Predominantly 3 story residential buildings along north side of Q Street

C. To the north (across R Street):

1. Garrison Elementary School outdoor area at the northwest corner of R Street and Vermont Avenue

2. Metropolitan Baptist Church at 1225 R Street

3. 3 story flats at NE corner of 13th and R Streets

4. Mazique Parent and Child Center at 1721 13th Street

5. Garrison Elementary School on the south side of S Street between Vermont Avenue and 13th Street

D. To the east (across Vermont Avenue):

1. Vacant lot at southeast corner of R Street and Vermont Avenue

2. Predominantly mixed single and multi-family mid-rise residential, including churches

3. Mixed office, retail and residential uses along 11th St

4. Shaw Junior High School in the block bounded by R, 9th and 11th Streets and Rhode Island Avenue

5. Phyllis Wheatley YWCA at 901 Rhode Island Avenue, NW

E. To the south:

1 4 story apartment house at 1201 Q Street, filling up entire lot bounded by 12th and Q Streets and Vermont Avenue

2. Predominantly mixed single and multi-family mid-rise residential

3. Logan Circle

F. To the west:

1. Predominantly mixed single and multi-family mid-rise residential

2. Mixed-use medium to medium high density residential and commercial uses along 14th Street corridor

VI. Zoning (see excerpt of Zoning Map, 2004, attached)

A. Existing zoning: R-4

1. Uses:

a) Single family detached, semi-detached and row dwellings

b) Two family dwellings (flats)

c) Conversion of buildings existing prior to 1958 to apartments

d) Other institutional uses (churches, hospitals, museums, etc.)

2. Minimum lot size:

a) Area:

(1) Semi-detached dwellings: 3,000 square feet

(2) Row dwellings and flats: 1,800 square feet

(3) Conversion to apartments: 900 square feet per unit

(4) Detached dwellings and all other uses: 4,000 square feet

b) Width:

(1) Semi-detached dwellings: 30 feet

(2) Row dwellings and flats: 18 feet

(3) Conversion to apartments: not prescribed

(4) Detached dwellings and all other uses: 40 feet

3. Maximum percentage of lot occupancy:

a) Row dwellings and flats: 60%

b) Conversion to apartments: not prescribed

c) Detached and semi-detached dwellings and all other structures: 40%

4. Minimum rear yard: 20 feet

5. Minimum side yard: none required in most circumstances

6. Minimum required parking: one space for each dwelling unit

B. History: property was zoned R-4 in 1958 (no change since then)

C. Proposed zoning: R-5-B

1. General residential district permitting single family, two family and multi-family dwellings, as well as a broad range of institutional uses (e.g., clinic, hospital, museum) as a matter-of-right

2. Maximum height: 50 feet

3. Maximum FAR: 1.8

4. Maximum percentage of lot occupancy: 60%

5. Minimum required rear yard – 4 inches per foot of height at the rear, minimum of 15 feet

6. Side yard – not required

7. Minimum required parking for apartment house use: 1 space for each 2 dwelling units

8. PUD guidelines

a) Height: 60 feet

b) FAR: 3.0

c) Yards and courts: as otherwise provided, subject to the Zoning Commission's discretion to approve greater or lesser

d) Parking and loading: as otherwise provided, subject to the

Zoning Commission's discretion to approve greater or lesser

D. Zoning of the area (see map, attached)

1. To the north: R-4

2. To the east:

a) R-4

b) C-2-A along 11th Street corridor

3. To the south:

a) R-4

b) R-5-B south of Q Street

4. To the west: R-4

5. Zoning history

a) 11th Street corridor zoned C-2 in 1958, redesignated C-2-A in 1968

b) 14th Street corridor zoned C-M-2 and C-M-3 in 1958, redesignated to ARTS/C-3-A in 1990

VII. Description of the proposed project

A. Uses:

1. 63 apartment units

a) 60 condominium units in new four story building

b) 3 units in existing row structure at 1224 R Street

2. Community/multi purpose room controlled by Metropolitan Baptist Church

B. Height: maximum of 50 feet, 6 inches for new building, with top floor setback

C. Floor area ratio: 2.71

D. Parking·

1. 84 spaces in two level underground garage with access from the alley

2. 5 spaces on surface at southwest corner of new building adjacent to alley

E. Loading: 30 foot berth and service delivery loading space located on the south side of the building adjacent to the alley

F. Comparison to matter-of-right and PUD standards for R-5-B

1. Use:

a) multi-family residential use permitted as a matter-of-right

b) Community center permitted with approval of the Board of Zoning Adjustment

2. Height:

a) Matter-of-right: 40 feet

b) PUD guideline: 60 feet

c) Proposed: maximum of 50 feet, 6 inches for new building

3. FAR:

a) Matter-of-right: 1.8

b) PUD guideline: 3.0

c) Proposed: 2.71

VIII. Compliance with PUD evaluation standards of §2403

A. Impact of project shall be favorable, capable of being mitigated or acceptable (§2403.3)

1. Replacing mix of older, undistinguished buildings, some devoted to nonconforming uses and other nonresidential uses, with a well-designed multi-family residential building, a favored use under the Comprehensive Plan and city policies

2. Proposed height is within character of mid-rise height of the area, especially considering height of surrounding churches

3. Proposed density is about 50% more square footage than now permitted but not out of scale with area

B. Project is not inconsistent with the Comprehensive Plan and with other adopted public policies and active programs related to the subject site (§2403.4): see section IX, below

C. Commission shall "judge, balance, and reconcile the relative value of project amenities and public benefits offered, the degree of development incentives requested and any potential adverse effects" (§2403.8)

D. Public benefits and project amenities

1. On-site benefits and amenities

a) Residential use (approximately 39 units more than current matter-o-fright and approximately 20 units more than matter-of-right under R-5-B)

b) Affordable housing (five units, 5,293 square feet, equal to approximately 25% of increase in floor area)

c) Community/multi purpose room (3,479 square feet)

d) Green roof

e) Enhanced streetscape/landscaping

2. Community benefits:

   a) Historic District signage

   b) Contribution to DDOT's 11th Street Streetscape plan ($20,000)

   c) 20 additional parking spaces for community residents

balanced against

E. Development incentives:

   1. 6" increase in height over proposed matter-of-right

   2. 0.91 increase in FAR over proposed matter-of-right

F. Areas of flexibility from R-5-B or PUD standards:

   1. Side yard

      a) 12.63 feet required

      b) 9.67 feet provided at southeast corner of property along Vermont Avenue

      c) Building designed to hold street line along Vermont Avenue

   2. Lot occupancy

      a) 13,951 square feet permitted

      b) 17,116 square feet proposed

      c) Trade-off for keeping height at 5 stories with setback

   3. Loading dock size

      a) 55 foot berth required

      b) 30 foot berth provided

      c) No need for larger berth for apartments averaging less than 1,100 square feet in size

4. Permission for community/multi purpose room

a) Normal standards under §216

(1) §216.2 The church program shall not be organized for profit, but shall be organized exclusively for the promotion of the social welfare of the community.

(2) 216.3 The part of the church program conducted on the property shall be carried on within the existing church building(s) or structure(s).

(3) 216.4 The staff conducting, the program shall be composed of persons, at least seventy-five percent (75%) of whom volunteer their time and services.

(4) 216.5 The operation of the program shall be such that it is not likely to become objectionable in the Residence District because of noise and traffic.

(5) 216.6 No signs or display indicating the location of the church program shall be located on the outside of the building or the grounds.

(6) 216.7 Any authorization by the Board shall be limited to a period of three (3) years, but may be renewed at the discretion of the Board.

b) Church response to standards:

(1) Will not be organized for profit

(2) Will be for promotion of the social welfare of the community (continuing programs already run by the Church in the area once the Church itself relocates out of the District)

(3) Programs will operate out of 3,479 square feet of space on the ground level with separate entrance from Vermont Avenue side and will continue to offer services after the Church has left the area

(4) Number of volunteers not known, but Church will operate program

(5) Not likely to become objectionable because of indoor location and focus on service to neighborhood residents

(6) Small sign proposed

(7) Approval proposed without time limit

G. Waiver of minimum area requirements

1. 1 acre (43,560 square feet) required

2. 23,251 square feet provided (20,309 less than normal minimum)

3. Waiver up to 50% authorized by §2401.2

a) Development is of exceptional merit and in the best interest of the city or country

b) At least 80% of the gross floor area is to be used exclusively for dwelling units

4. Response to waiver standards

a) Waiver requested is 46.62% of area required

b) Project is exceptional because of:

(1) Opportunity to replace nondescript collection of buildings including nonconforming uses with new, well designed apartment units

(2) Degree/amount of benefits and amenities

c) Best interests of city served by use of PUD process to limit and condition approval rather than granting R-5-C zoning, which would allow more height or density

d) 100% of gross floor area is devoted to dwelling units

IX. Consistency with the Comprehensive Plan

A. The District Elements

1. The District of Columbia Comprehensive Plan Act of 1984 (D.C. Law 5-76, March 9, 1984)

2. The District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984 (D.C. Law 5-187, February 15, 1985)

3. The Comprehensive Plan Amendments Act of 1989 (D.C. Law 8-129, January 5, 1990)

4. The Comprehensive Plan Amendments Act of 1994 (D.C. Law 10-193, October 19, 1994)

5. Comprehensive Plan Land Use Maps Approval Resolution of 1996 (Resolution 11-313, May 7, 1996)

6. The Comprehensive Plan Amendments Acts of 1998 (D.C. Law 12-275, April 27, 1999)

B. Interpretation of the District elements

1. "The primary dynamic of the District elements of the Plan is the overlapping of its elements' goals. This overlapping is intentional." (§112 1)

2 "District elements of the Plan should be studied and executed in concert with each other and should be interpreted broadly." (§111.(a))

3. "The interpretation and implementation of any element should necessarily rely upon, and be respectful of, the objectives and policies of other elements." (§112.1(b))

4. "An element may be tempered, even defined, by one (1) or more of the other elements. This may occur within one (1) element and between elements. Since the Land Use element integrates the policies and objectives of all other District elements, it should be given greater weight than the other elements." (§112.1(c))

5. "The interpretation of the District elements of the Plan should also be guided by the major themes set forth in §101.1, which establish the overall priorities of the District elements of the Plan." (§112.2)

C. Major Themes

1. Stabilize and Improve the District's neighborhoods (§102)

2. Respect and improve the physical character of the District (§106)

D. Land Use element

1. Generalized Land Use Map: moderate density residential

2. Objectives/Policies for Residential Neighborhoods (§1102)

a) "Conserve and enhance the essentially satisfactory qualities of the District's many stable residential neighborhoods" (§1102.1(a))

b) "Protect residential neighborhoods from disruptive uses" (§1102.1(e))

c) "Promote the conservation , enhancement and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses" (§1104.1(a))

E. Housing element

1. Major policies

a) Central theme to "stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units" (§300.2)

b) Housing viewed as "key part of total urban living system that includes access to transportation and shopping centers, the availability of employment and training for suitable employment, neighborhood schools, libraries, recreational facilities, playgrounds, and other public amenities" (§300.4)

2. "Encourage the private sector to meet housing needs through the development of infill housing" (§302.2(f))

3. "Provide zoning incentives, as appropriate, to developers prepared to build low- and moderate-income housing, such as permitting additional densities in exchange for incorporating low- and moderate-income housing in development projects ... " (§303.2(d))

4. "Use Planned Unit Developments ... to encourage the construction or rehabilitation of additional single and multi-family housing at suitable locations" (§306 2(i))

5. "Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing and neighborhood-related uses" (§1104.1(a))

F. Environmental Protection element. policy to promote improvement of air quality by "promot[ing] land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips" (§403.2(c))

G. Transportation element:

1. "Support land use arrangements that simplify and economize transportation services ..." (§502.2(a)).

2. "Require major developments to demonstrate that adequate parking will exist for occupants and other users" (§505.2(e))

H. Urban design element:

1. "Preserve and enhance the outstanding physical qualities of District neighborhoods" (§702.1(b))

2. "Design residential, commercial, and all other buildings to complement or enhance the physical character of the District;" (§708.2(a))

3. "Design buildings to include the use of appropriate arrangements of building materials, height, scale, massing, and buffering to complement the immediate region." (§708.2(b))

4. Areas of Stable Character (§711):

   a) Objective to "maintain those areas of the District that have a positive physical image and to provide that new development and renovation within or adjacent to these areas is complementary in scale and character." (§711.1)

   b) "Encourage infill development to be complementary to the established character of the area. In-fill development in stable areas should not create sharp changes in physical pattern which might lead to deterioration" (§711.2(a))

   c) "Use landscaping in areas without strong building character to present a more positive physical image" (§711.2(c))

I. Ward 2 element

1. Housing

   a) Objective to "stimulate production of new and rehabilitated housing to meet all levels of need and demand and to provide incentives for the types of housing needed at desired locations" (§1304.1(a))

   b) "Encourage the private sector to provide new housing to meets the needs of present and future District residents at locations consistent with District land-use policies and objectives" (§1305.1(a))

   c) "provide for the hosing needs of low and moderate income households" (§1304.1(b))

2. Land Use:

   a) Objective "to conserve and enhance the existing residential neighborhoods in Ward 2" (§1326.1(a))

   b) "A substantial part of the amenities provided in proposed planned unit developments (PUDs) shall accrue to the community in which the PUD would have an impact." (§1327.1(j))

X. Compatibility with the area

A. Adjoining residential area is developed with mix of single and multi-family buildings are various heights and densities

B. Immediate context is framed by institutional buildings (churches and school)

C. Use:

1. New residential use replacing marginal mixed uses

2. Compatible with neighborhood as a whole

D. Height and bulk: proposed building is 5 stories with top floor setback, compatible with existing character the immediate context of which is defined by large institutional buildings

XI. Conclusions

A. Project is not inconsistent with the Comprehensive Plan

B. Project is within the applicable height and bulk standards of the Zoning Regulations for the R-5-B District and is consistent with the surrounding development

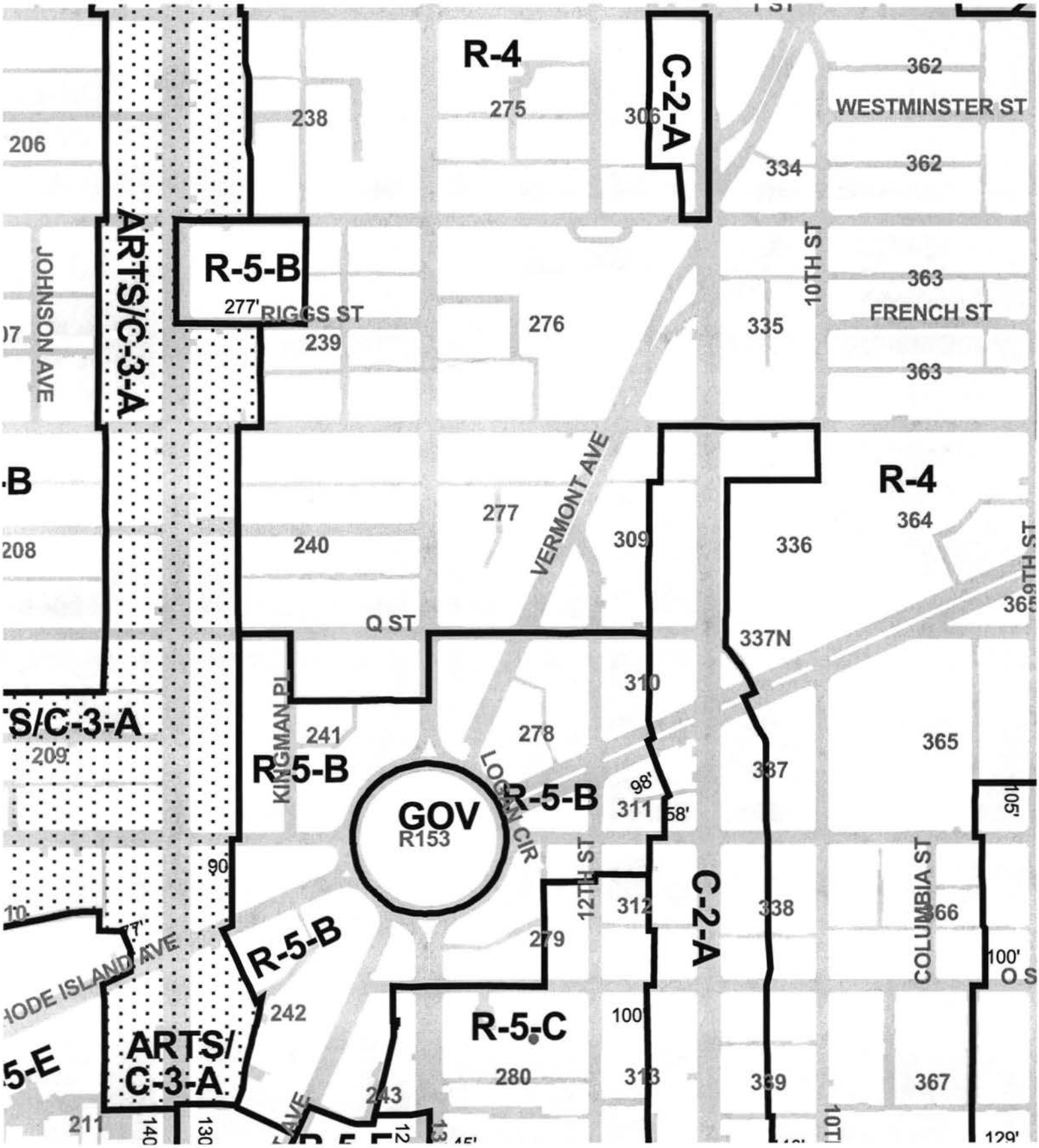
C. Project provides an appropriate balance between the development proposed, the flexibility requested and the benefits and amenities provided

D. Project meets the criteria for approval (exceptional merit in the best interest of the city) even though it has less than the normally required minimum area

E. PUD allows the Zoning Commission to condition approval to what is specifically proposed, without allowing more density or uncontrolled development

F. Project should be approved


13th St NW
R St NW
Vermont Ave NW
R St NW


R-4
C-2-A
362
WESTMINSTER ST
238
275
306
206
334
362
ARTS/C-3-A
R-5-B
277'
RIGGS ST
JOHNSON AVE
10TH ST
363
FRENCH ST
276
335
239
363
VERMONT AVE
R-4
277
364
240
309
336
208
Q ST
337N
310
KINGMAN PL
241
278
365
209'
R-5-B
LOGAN CIR
387
R-5-B
GOV
R153
311
58'
105'
90'
12TH ST
312
C-2-A
338
COLUMBIA ST
366
279
R-5-B
100'
RHODE ISLAND AVE
242
R-5-C
100'
ARTS/
C-3-A
280
313
369
367
243
211
10TH
129'