

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Ellen McCarthy *ELM*
Director

DATE: March 6, 2006

SUBJECT: Case No **ZC-05-34** **Final Report** for a petition to amend the Zoning Map regarding Square 895, Lot 76, filed by ANC 6C

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On December 9, 2006 the Commission set down the subject application in the R-4 Zone District, and also set the application down in the alternative in the R-5-B

BACKGROUND

The subject property was placed within the R-5-D (medium-high density general residence) Zone District as a result of Case No 72-1 That case rezoned the subject property from the R-4 and C-2-A zone districts to the R-5-D on April 27, 1973 to allow a hospital on the site to expand

In September 2005 ANC 6C, the affected ANC, passed a resolution which was filed with the Office of Zoning on November 1, 2005 requesting a map amendment to rezone the subject property from the R-5-D Zone District to the R-4, consistent with the moderate density residential designation on the Generalized Land Use Map

The site is within the Capitol Hill Historic District and the part of the hospital built in 1928 is a contributing structure to the historic district. The property owner is aware of the ANC petition and has chosen to continue working with the Historic Preservation staff on a redevelopment proposal. Most recently the Historic Preservation Review Board reviewed the property owner's latest design for the subject property on February 23, 2006 At that meeting the HPRB

- Found the concept to be compatible with the character of the historic district,
- Requested final review of the project at the end of the design development stage,
- Notified the property owner that their action is valid for a period of two years; and
- Informed the property owner that their action should not be construed as an endorsement of any needed zoning relief

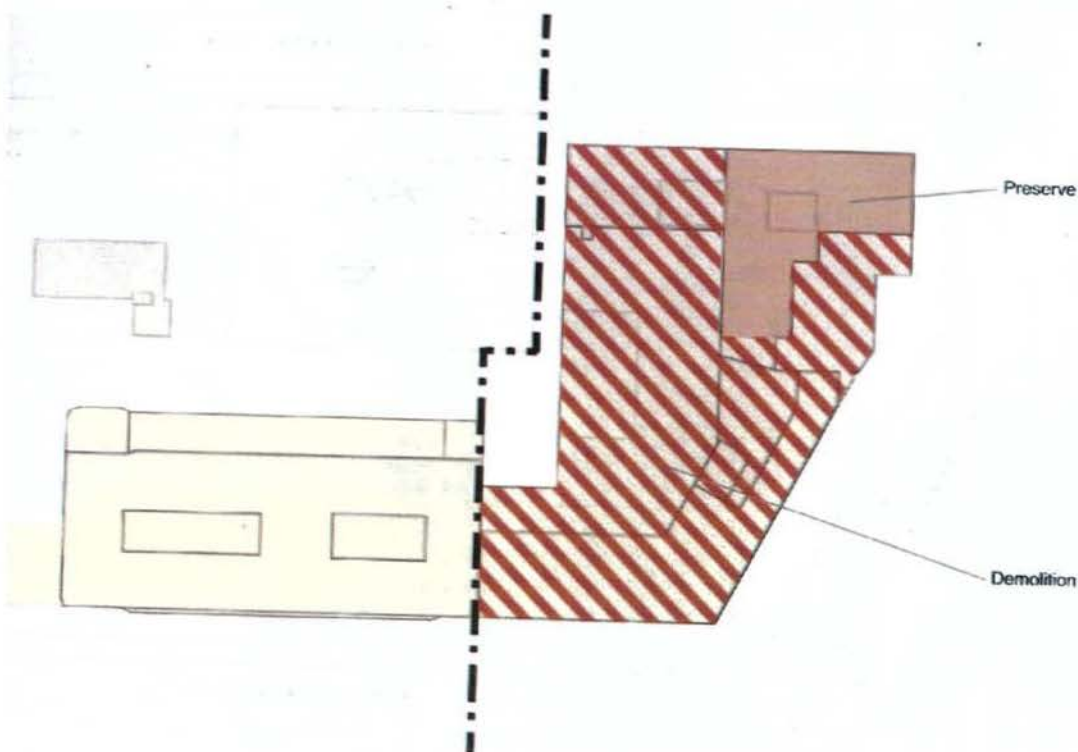
ZONING COMMISSION
District of Columbia

ZONING COMMISSION
District of Columbia
CASE NO. 05-34
EXHIBIT NO. 31

PROPOSAL REVIEWED BY HPRB

The property owner proposes to subdivide the property and convert the southern portion of the square to residential use. The 1928 hospital building is to be retained, with the remainder of the improvements on the southern portion of the site to be removed and replaced with a residential building up to 65 feet in height. The maximum R-5-D FAR of 3.5 is proposed.

The northern portion of the property is currently developed with a six story building used as a nursing home and an underground parking garage. The tenant of the building has a 10 year lease on the building with an option to extend it for an additional five years. As a result it may not be available for redevelopment for another 15 years.



HPRB CONCEPT SUBMISSION

The latest proposal by the applicant is not consistent with a moderate density designation, but is in conformance with the provisions of the R-5-D, a medium-high density residence zone district. Although the Historic Preservation Review Board recommended approval of the design, that Board also indicated in their recommendation that their approval does not imply zoning approval.

COMPREHENSIVE PLAN

The Generalized Land Use Map of the Comprehensive Plan designates the subject property for moderate density residential. This land use category recommends that the predominant uses be row houses and garden apartments, but also includes low density housing. Moderate density residential zone districts are the R-3, R-4, R-5-A and R-5-B. The R-5-D, the existing zone district, is a high density residential land zone district. As such, this designation is not consistent with the recommendation of the Generalized Land Use Map.

The following are Comprehensive Plan references that are relevant to the subject property.

403 IMPROVING AIR QUALITY

403.2 The policies established in support of the improving air quality objective are as follows.

- (c) *Promote land use patterns and transportation services which decrease reliance on automobiles for commuting and other routine trips. (Measures which reduce dependence on automobiles for a significant number of trips are essential to a reduction of regional air pollution. Clustering of residences, shopping, and work places where they can be served efficiently by Metrorail or frequent bus service promotes this essential independence.),*

1702 WARD POLICIES IN SUPPORT OF ECONOMIC DEVELOPMENT OBJECTIVES

1702.1 The policies in support of economic development objectives are as follows:

“Where development opportunities exist, the City and the Ward 6 community should work to ensure that they are consistent with neighborhood city objectives;” (§ 1702.1(d))

“In the Capitol Hill Historic District of Ward 6 there shall be no matter of right uses for private clubs, apartment houses, rooming houses, single room occupancy homes, museums, colleges, universities, or dormitories.” (§ 1702.1(f))

1706 WARD 6 POLICIES IN SUPPORT OF HOUSING OBJECTIVES

1706.1 The policies in support of housing objectives are as follows:

“Provide new housing in Ward 6 area through the conversion of appropriate non-residential structures that have outlived their current use, such as churches, warehouses, schools and other public facilities.” (§ 1706.1(d))

The continuation of the subject property within a R-5 Zone District will allow for the conversion of the existing building into residential use.

1719 WARD 6 ACTIONS TO IMPLEMENT THE PLAN: PUBLIC FACILITIES

1719.1 The actions to implement the public facilities objectives are as follows

“Future use, including adaptive reuse of public facilities, including schools, shall conform with existing uses and neighborhood objectives as stated in the Ward Plan. The proposals shall be considered as actions subject to the advice of the affected ANC,” (§ 1719.1(d))

1721 WARD 6 OBJECTIVES FOR URBAN DESIGN

1721.1 The objectives for urban design are as follows:

“To acknowledge and protect the unique architectural character of Ward 6 and preserve the continuity of the well established, essential historic areas,” (§ 1721.1(a))

“To ensure that new development that occurs in Ward 6 complements and translates land uses into compatible, physical settings and preserves and enhances the outstanding qualities of the natural park areas,” (§ 1721 1(b))

“To encourage a high quality of architecture consistent with the styles and characteristics of buildings in Ward 6.” (§ 1721.1(c))

1725 WARD 6 OBJECTIVES FOR PRESERVATION AND HISTORIC FEATURES

1725.1 The objectives for the preservation and historic features are as follows.

“To protect and preserve the historic character of the residential neighborhoods in the Capitol Hill and Anacostia Historic District, including Congressional Cemetery,” (§ 1725.1(b))

“To encourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6,” (§ 1725.1(c))

1726 WARD 6 POLICIES IN SUPPORT OF PRESERVATION AND HISTORIC FEATURES OBJECTIVES

1726.1 The policies in support of preservation and historic features objectives are as follows:

“Encourage new development throughout Ward 6 to respect the character of adjacent landmarks through appropriate use of public art, landscaping, materials, building scale, and architectural design,” (§ 1726.1(b))

1733 WARD 6 OBJECTIVES FOR LAND USE

1733.1 The objectives for land use are as follows:

“To maintain the general level of the existing Ward 6 residential uses, densities and heights, .. ” (§ 1733.1(a))

“To locate the more intensive and active land uses in areas of Ward 6 that, by virtue of existing and planned infrastructures, can accommodate and support those types of uses and...” (§ 1733.1(c))

1734 WARD 6 POLICIES IN SUPPORT OF LAND USE OBJECTIVES

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

“Stabilize and improve residential and commercial areas throughout Ward 6,” (§ 1734.1(a))

“Ensure that the integrity of the Capitol Hill and Anacostia Historic Districts that are located within Ward 6 is maintained,” (§ 1734.1(b))

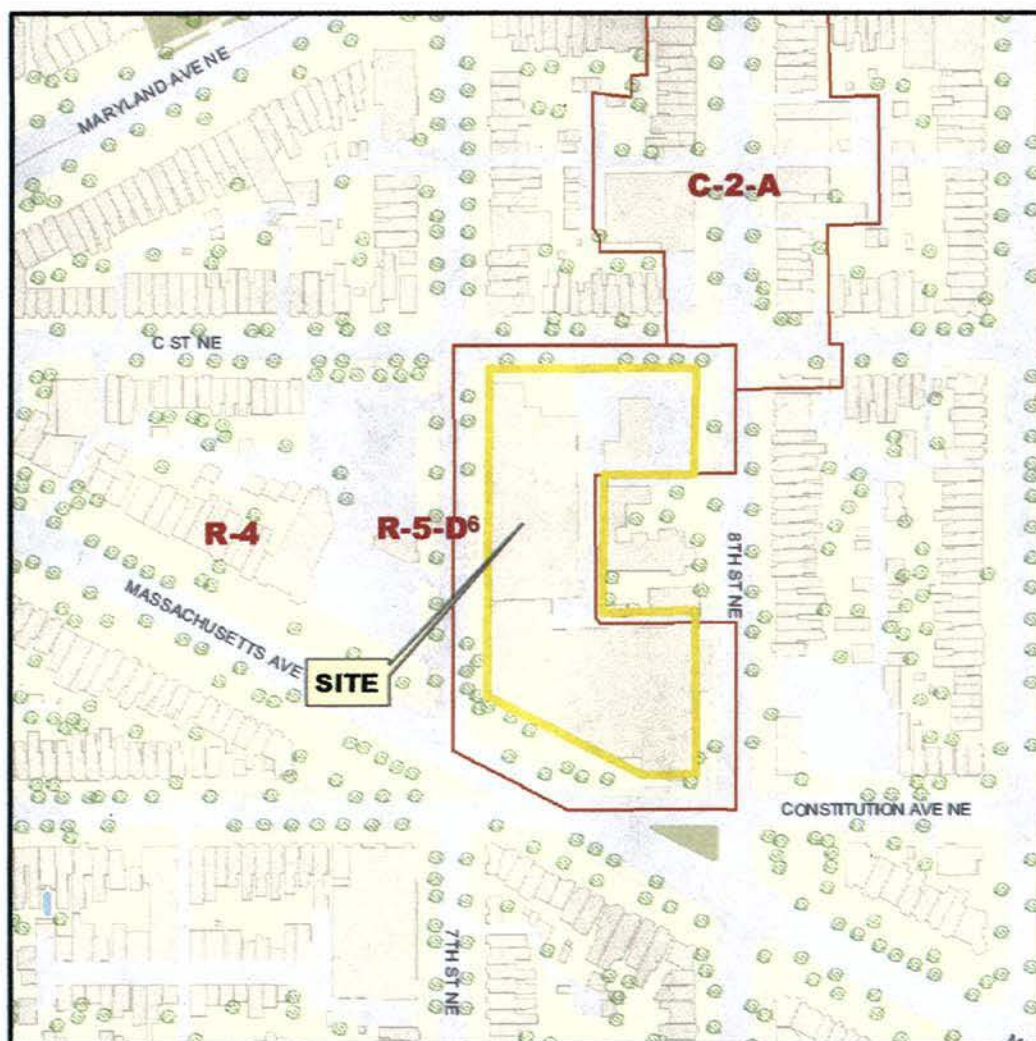
“Monitor new developments to ensure that they are consistent with the moderate-density residential and low-to-moderate density commercial character of Ward 6,” (§ 1734.1(c))

The Comprehensive Plan states that “.. zoning shall not be inconsistent with the Comprehensive Plan ” (§ 305 10) The rezoning of the subject property to either the R-4, as requested in the application, or the R-5-B, as set down in the alternative by the Commission, would be consistent with the provisions of the Comprehensive Plan, as

these are moderate density zone districts. In addition, the Comprehensive Plan recommends as an objective to “[m]onitor new developments to ensure that they are consistent with the moderate-density residential and low-to-moderate density commercial character of Ward 6;” (§ 1734.1(c)). Any new construction under the provisions of the R-5-D Zone District could be inconsistent with the moderate density residential use, depending on the design of the development.

ZONING

Most surrounding properties are located within the R-4 Zone District, although there is some C-2-A located to the northeast. Any new or infill development within the R-4 Zone District must conform to the provisions of that district. Conformance with the



MAP OF VICINITY WITH ZONING

provisions of the R-4 ensures that the any development will be moderate density in nature. The C-2-A Zone District, which also permits residential use, restricts building height to no more than 50 feet and FAR to no more than 2.5, not inconsistent with moderate density residential development. However, any buildings constructed to the maximum bulk requirements of the R-5-D would not “*maintain the general level of the existing Ward 6 residential uses, densities and heights,...*” (§1733.1(a)).

The most recent proposal by the applicant for the southern portion of the site would not conform to either the R-4 or the R-5-B zone districts, even if approved as a R-5-B PUD, for building height (60 feet versus 65 feet) and FAR (3.0 versus 3.5)

	Existing FAR	Existing Building Height	Existing Number of Stories	Existing Lot Occupancy
Buildings A & B	2.4	55 feet*	4*	88 %
	Maximum FAR	Maximum Building Height	Maximum Number of Stories	Maximum Lot Occupancy
R-4	None prescribed	40 feet	3	60 %
R-5-A	0.9	40 feet	3	40 %
R-5-B	1.8	50 feet	No limit	60 %
R-5-B with PUD	3.0	60 feet	No limit	60 %
R-5-D	3.5	90 feet	No limit	75 %
February 23, 2006 Proposal	3.5*	65 feet*	6*	65%*

*Indicates data received from property owner’s architect

The current zoning on the subject property is R-5-D, a medium-high density residence zone district (§ 105.1(a)(5)(D)), within which a “*relatively high height and a medium-high density shall be permitted.*” (§ 350.2). Because the property is zoned R-5-D and the Generalized Land Use Map recommends moderate density residential, the proposal is not consistent with the Generalized Land Use Map.

The existing zoning on the property is the result of a map amendment in 1973 (Case No. 72-1), which rezoned the property from the R-4 and C-2-A zone districts to allow for an expansion of the hospital. This map amendment was found to be in harmony with the intent, purpose and integrity of the Comprehensive Plan and under Conclusions of Law. The hospital expansion was cited in Zoning Commission Order No. 63, which rezoned the subject property from the R-4 and C-2-A zone districts, as one that would “*promote health, safety and general welfare of the City of Washington.*” (See Attachment 1)

COMMUNITY COMMENTS

On November 1, 2005 ANC 6C petitioned the Zoning Commission to amend the zoning on the subject property from the R-5-D Zone District to the R-4 Zone District

ANC 6C informed the Office of Planning by telephone that they voted to recommend the R-4 Zone District for the subject property, but to also support the R-5-A or the R-5-B in the alternative at their regularly scheduled meeting of February 8, 2006.

RECOMMENDATION

The Generalized Land Use Map recommends moderate density residential land use for the subject property. The text of the Comprehensive Plan states that zoning shall not be inconsistent with the Comprehensive Plan and that new developments be consistent with moderate density residential development. R-5-D zoning is inconsistent with this.

Both R-4 and R-5-B are moderate density residential zone districts. As moderate density residential zone districts they are consistent with the provisions of the Comprehensive Plan. However, rezoning of the subject property to the R-4 Zone District will result in significant nonconformities to the site due to the existing improvements. Therefore, based on the existing conditions of the site and the potential for nonconformities, the Office of Planning recommends the Commission amend the zoning map amendment to change the zoning on Square 875, Lot 76, from the R-5-D Zone District to the R-5-B.

The R-5-B Zone District allows for apartments and hospitals and could accommodate the reuse of the historic 1928 building. Through a R-5-B PUD the site could achieve up to 85 percent of the potential density of allowed under the R-5-D Zone District (3.0 FAR / 3.5 FAR = 85.7 %), and any needed flexibility could also be requested as a part of the PUD application.

Government of the District of Columbia
ZONING COMMISSION



Zoning Commission Order No. 63
Case No. 72-1
April 27, 1973

Pursuant to notice, a public hearing of the Zoning Commission was held on February 28, 1973, to consider an application by Rogers Memorial Hospital, a nonprofit corporation, for an amendment to the Zoning Map of the District of Columbia as follows:

Change from R-4 and C-Z-A to R-5-C, lots 841 and 67 in Square 895, and all alleys therein, closed on July 6, 1972, recorded in the office of the sut-veyor in book 159 at page 154, located at 708 Massachusetts Avenue, N. E.

FINDINGS OF FACT

1. The site of the proposed amendment to the Zoning Map is located on the north side of Massachusetts Avenue between 7th and 8th Streets, N.E.
2. The area of the site of the proposed amendment of the Zoning Map is approximately 94,027 square feet.
3. The proposed amendment of the Zoning Map would establish zoning for medium-high density apartment houses. The allowable density would be more than doubled and the allowable height would increase from 40 to 90 feet. The proposed amendment would allow Rogers Memorial Hospital to expand its existing facilities.
4. There was no opposition to the proposed amendment at the public hearing.

CONCLUSIONS OF LAW

1. The expansion of Rogers Memorial Hospital, a nonprofit corporation, permitted by the proposed amendment of the Zoning Map of the District of Columbia will promote health, safety and general welfare of the City of Washington.

2. The proposed amendment would not adversely affect the character and uses of adjacent or neighboring districts.

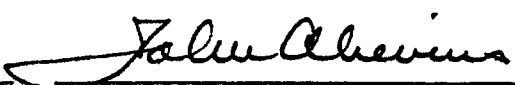
3. The proposed amendment is in harmony with the intent, purpose, and integrity of the comprehensive zoning plan as embodied in the Zoning Regulations and Map.

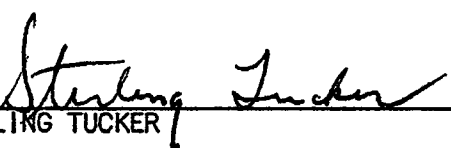
DECISION

In consideration of its findings and conclusions herein, the Commission **ORDERS ADOPTION** of the following amendment of the Zoning Map:

Change from R-4 and C-2-A to R-5-C, lots 841 and 67 in Square 895, and all alleys therein, closed on July 6, 1972, recorded in the office of the surveyor in book 159 at page 154, located at 708 Massachusetts Avenue, N. E.

WALTER E. WASHINGTON


JOHN A. NEVIUS


STERLING TUCKER

GEORGE M. WHITE


RICHARD L. STANTON

ATTEST:


Martin Klauber, Secretary
Zoning Commission