

REPORT TO THE ZONING COMMISSION

**CASE NO. 05-34
SQUARE 895**

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- I. Introduction
- II. Nature of application: zoning map amendment from R-5-D to R-4 or R-5-B
- III. Site location and description
 - A. Square bounded by 7th, 8th and C Streets and Massachusetts and Constitution Avenues, N.E.
 - B. Capitol Hill
 - C. Contains approximately 94,000 square feet of land area
 - D. Existing conditions:
 - 1. Buildings built in 1928, 1956 and 1975 originally devoted to hospital use
 - 2. 4 to 6 stories
 - 3. Overall FAR of 2.4
- IV. Zoning
 - A. Existing zoning: R-5-D
 - 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: 90 feet

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3. Maximum FAR: 3.5
4. Maximum percentage of lot occupancy. 75 percent
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.
 - a) For single family use. 1 space per dwelling unit
 - b) For apartment house use. 1 space for each 3 dwelling units

B. Proposed 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

C. Alternate 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

V. 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)
3. Preserve the historic character of the District (§108)

D. Land Use element

- 1 Generalized Land Use Map: moderate density residential
2. Residential Land Use Categories: "The moderate density residential land use category includes row house and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing " (§1103.2)

3. "The Land Use Element does not identify or fix every use, height, and density on every block in the District. The text and the maps construct a guiding framework within which public and private land use and zoning decisions are to be made " (§1100.11)
4. "The Land Use Element challenge is to accommodate change necessary to enhance the vitality and livability of the District, while protecting and conserving its unique heritage and physical beauty." (§1100.1(c))
5. "Promote the conservation, enhancement, and revitalization of the residential neighborhoods of the District for housing . ." (§1104 1(a))
6. "Conserve and maintain the District's sound established neighborhoods through the strict application and enforcement of housing, building, and zoning codes and the maintenance of the general level of existing residential uses, densities and heights" (§1104 1(b))
7. "Ensure a broad range of residential neighborhood options ranging from quiet, low density park-like neighborhoods to active, high density, mixed use urban neighborhoods" (§1104 1(c))

E. Housing element

1. "A central theme of the Housing Element is that the District must stimulate a wider range of housing choices and strategies through the preservation of sound older stock and the production of new units for a wide variety of household types " (§300 2)
- 2 "The general objectives for housing are 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 all locations." (§302 1)
3. "Encourage housing on suitably located public or private properties that are vacant, surplus, underutilized or unused " (§302 2(e))
- 4 "Encourage the private sector to meet housing needs through the development of infill housing." (§302.2(f))

F. Urban Design element

- 1 "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)
2. "Encourage in-fill development to be complementary to the established character of the areas." (§711 2(a))

G. Historic Preservation element

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." (§805 1)
2. "New construction ... in historic districts should be compatible with the historical architectural character and cultural heritage of the ... district. In design, height, proportion, mass, configuration, building materials, texture, color, and location, new construction should complement these valuable features of the ... district, particularly features in the immediate vicinity to which the new construction will be visually related." (§805.16)

H. Ward 6 Plan element

- 1 "There is little vacant property available for development in Ward 6 Other ways to increase the housing supply include conversions of schools and churches to apartments and condominiums ..." (§1704.4)
2. "Provide new housing in Ward 6 through the conversion of appropriate non-residential structures that have outlived their current use .. " (§1706 1(d))
3. "[E]ncourage new development and renovations of structures that are sensitive to the character of the historic districts in Ward 6" (§1725 1(c))
4. "Reduce the incompatible land uses in residential areas and neighborhoods " (§1734 1)

VI. Conclusions. the Comprehensive Plan and District policies support retaining R-5-D for the following reasons:

- A The Generalized Land Use Map is by its name and nature a generalized map; it is not designed or intended to be an exact complement to the Zoning Map
- B. The Generalized Land Use Map does not dictate or require that the existing zoning be changed, there are many examples of areas in the District which are shown in a single category on the Generalized Land Use Map where the zoning pattern reflects variations and differentiations in permitted height and bulk.
 1. 16th Street between Corcoran and U Streets, N.W., designated moderate density residential on the Map and zoned R-5-D in an area predominantly zoned R-5-B

2. 16th Street between Euclid and Harvard Streets, N W , designated moderate density residential on the Map and zoned R-5-D in an area predominantly zoned R-5-B
 3. 13th Street between M and N Streets, N.W., designated moderate density residential on the Map and zoned R-5-E in an area with a variety of zone categories
 4. Foxhall Village, on Foxhall Road between P Street and Greenwich Parkway, N.W , designated low density residential on the Map and zoned R-3 in an area predominantly zoned R-1-B
- C. The historical fabric of the site, including the height and density of the existing buildings, is an appropriate consideration for the Zoning Commission to take into account when determining what zoning category to apply to the site
- D. There are two major benefits which the District will realize by allowing the project to proceed
1. Housing replacement of nonresidential uses with permanent residential uses
 2. Historic preservation: replacement of structures which do not contribute to the character of the historic district with a well designed project at 65 feet and 3.5 FAR which the Historic Preservation Review Board, in adopting the recommendation of its staff, determined that is consistent with the Capitol Hill Historic District
- E. Achieving these benefits would be a substantial advancement of the goals and policies of the Comprehensive Plan, particularly those related to expansion of housing opportunities and historic preservation
- F. Rezoning to any category lower than R-5-D would prevent the project as proposed and approved by HPRB from moving forward as a matter-of-right
- G. If the achievable density on the site is reduced to the point where retaining the existing building with the existing uses makes more sense for the owner than undertaking an expensive and complicated redevelopment, then the result is the opposite of what is the more appropriate course
- H. The retention of nonconforming and noncontributing buildings on the site is not consistent with the provisions of the Comprehensive Plan
- I. Specific references in the Ward 6 Plan support the project and retention of the R-5-D zoning