

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



Office of the Director

MEMORANDUM

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TO: District of Columbia Zoning Commission
H.S.PV
FROM: Harriet Tregoning, Director
DATE: April 20, 2007
SUBJECT: ZC 06-47 – Supplemental Report – Comments
Text Amendment: minimum lot area and lot occupancy requirements
for apartment houses in the R-4 Zone District.

BACKGROUND

At April 5, 2007 Zoning Commission hearing, the Office of Planning recommended adoption of the proposed text amendments to the following sections of the Zoning Regulations:

- § 330.5 (c),
- § 401.3,
- § 403.2 and
- New text § 401.11

The proposed amendments and new text seek to clarify that within the R-4 District, the number of units in apartment houses existing prior to May 12, 1958 may be expanded, provided there is:

- At least 900 square feet of lot area for each unit; and
- A lot occupancy limit of 60 % or the existing lot occupancy, whichever is greater (to provide for renovation) for the conversion of a row dwelling to an apartment use.

Existing apartments or other structures in the R-4 District would remain controlled by a 40% lot occupancy limit, as prescribed by § 403.2.

The Commission requested OP's comments on the opposition's recommendations that:

1. Propose a special exception provision should be included to provide a ratio of 600-899 square feet of lot area per unit (not to exceed a lot occupancy of 70%) to avoid the burden of a variance in the R-4, which would be next to impossible to pursue because the circumstances would not be unique; and

ZONING COMMISSION
District of Columbia

CASE NO.

EXHIBIT NO.

ZONING COMMISSION
District of Columbia
CASE NO.06-47
EXHIBIT NO.13

2. Include apartment houses existing prior to May 12, 1958 as conforming matter-of-right uses in the R-4 District, with increases to the floor area limited by §§ 401.3 and 403.2.
3. Control the conversion of structures existing prior to May 12, 1958 to apartment houses, as limited by §§ 401.3 and 403.2

OP's RESPONSE

1. Opposition Recommendation

Include a special exception provision to provide a ratio of 600-899 square feet of lot area per unit to avoid the burden of a variance in the R-4, which would be next to impossible to pursue because the circumstances would not be unique.

Response

The recommendation would introduce a new ratio of 600-899 square feet per unit which would permit conversions to apartments of lots between 1,800 and 2,700 square feet through special exception relief. The proposal contends that this ratio would increase the number of affordable housing units in the District, in keeping with the District's policy of providing affordable housing.

Introducing a special exception requirement to allow conversions at a reduced ratio, instead of a variance is counter-intuitive to the intent of stabilizing the rowhouse and single-family aspects of the R-4 District's character.

OP does not support this scenario, as introduction of additional apartment units into the R-4 District tips the R-4 into a de facto R-5 zone, which is not the intent of the Zone Regulations and is not supported by the current Comprehensive Plan or Draft Comprehensive Plan and Future Land Use Map. The R-4 District's primary purpose shall be the stabilization of remaining one-family dwellings (§330.2) and it shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion shall be controlled by a minimum lot area per family requirement (§ 330.3). Reduction in the lot area/unit ratio erodes the rowhouse stock and threatens their stability. The new Comprehensive Plan addresses this as follows:

Policy MC-1.1.5: Conservation of Row House Neighborhoods

Recognize the value and importance of Mid-City's row house neighborhoods as an essential part of the fabric of the local community. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect the desire to retain the row house pattern. Land use controls should discourage the subdivision of single family row houses into multi-unit apartment buildings but should encourage the use of English basements as separate dwelling units, in order to retain and increase the rental housing supply. 2008.6

In addition, the recommendation is also contrary to the recent Zoning Commission's action to rezone already congested rowhouse neighborhoods zoned R-5-B to R-4. The Office of Planning will in the near future conduct a study of the R-4 District to examine the possibility of a revised category in the zone district as it relates to density and height of the rowhouse structures, in an effort to conserve the District's rowhouse neighborhoods, as required by the existing and new Comprehensive Plan.

Therefore, OP does not support this recommendation.

2. Opposition Recommendation

Include apartment houses existing prior to May 12, 1958 as conforming matter-of-right uses in the R-4 District, with increases to the floor area limited by §§ 401.3 and 403.2 .

Response

It was explained that this provision would recognize that there are existing structures and their uses should be grandfathered even if they are not to be expanded. This recognition would permit renovation or upgrades as conforming structures.

There is no provision in the Regulations which prevent maintenance or modernization of pre-existing 1958 apartment structures within the limits prescribed. § 2002.4 contemplated this situation as it provides that "structural alterations shall be permitted to a lawfully existing, nonconforming flat or apartment house located within a Residence District. However, increases to the floor area, which may increase the number of units is not contemplated since it increases density contrary to § 330.3. Permitting apartment uses to be conforming matter-of-right would not remove the expansion limits but could encourage renovation of structures not in character with the existing row district.

The existing Comprehensive Plan reflects this commitment to the row house Districts and is strongly reinforced by recent neighborhood comments and policy in the DRAFT Comprehensive Plan and Future Land Use Map (2006) as follows:

The row house fabric that defines neighborhoods like Adams Morgan, Columbia Heights, Pleasant Plains, Eckington, and Bloomingdale should be conserved. most of the row houses in Mid-City are not protected by historic district designations.A variety of problems have resulted, including demolition and replacement with much larger buildings, the subdivision of row houses into multi-unit flats, and top story additions that disrupt architectural balance. Intact blocks of well-kept row houses should be zoned for row houses, and not for tall apartment buildings, and additional historic districts and/or conservation districts should be considered to protect architectural character. 2007.2(d)

Therefore, while restoration and upgrading of apartment houses are encouraged within their prescribed limits, the R-4 areas are diverse and unique row house neighborhoods which are currently under pressure of inappropriate renovation. OP's proposed text changes would clarify that conversions are intended to maintain a row house's character, through its density and bulk.

3. Opposition Recommendation

Control the conversion of structures existing prior to May 12, 1958 to apartment houses, as limited by §§ 401.3 and 403.2

Response

The current Zone Regulations and OP's proposed amendments would provide control for conversion of all other structures to apartment houses.

OP RECOMMENDATION

As stated in OP's original report of March 26, 2007, the amended language is intended to clarify the existing regulation and to include new language to protect against adverse impacts that could result from the conversion of row structures and expansion of apartment buildings in the R-4 District.

The amended §§ 330.5, 401.3 and 403.2 would permit continued conversion of structures in the R-4 District, within the limit of a minimum lot area of 900 square feet per apartment and the 60% lot occupancy upon expansion in conformance with the matter-of-right provisions of the zone district, the existing and future Comprehensive Plan, as well as Zoning Commission Order 211.