

GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF PLANNING



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MEMORANDUM

TO: District of Columbia Zoning Commission

FROM:  Jennifer Steingasser, Deputy Director

Development Review and Historic Preservation

DATE: February 22, 2008

SUBJECT: Final Report – ZC Case No. 07-30: a petition to amend the Zoning Map in the Marshall Heights Area to rezone certain R-5-A zoned parcels to R-2 or R-3.

I. RECOMMENDATION

The Comprehensive Plan for the District of Columbia, adopted in 2006, recommends that the zoning in Wards 7 and 8 be made more consistent with the low density designation on the Future Land Use Map. This is to better ensure that the zoning, and therefore future development, better reflects the prevailing development pattern in the neighborhood. In accordance with this policy, the Office of Planning submitted this zoning consistency case for the Marshall Heights neighborhood, and recommends that the Zoning Commission approve the proposed amendments to the Zoning Map to change the zoning from R-5-A to R-2 or R-3 on the squares and lots on listed in Table 1 below:

Table 1

Squares, or portions of squares zoned R-5-A	Proposed Rezoning
5350, 5351, 5352, 5341, 5341E, 5342, 5342E, 5359 and 5362.	R-2
5322, 5330, 5331, 5332, 5333, 5334, 5335, 5336, 5337, 5338, 5328, 5327, 5326, 5325, 5324, 5323, 5321, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5316, 5317, 5304, 5303, 5302, 5301, 5300, 5299, 5298, 5297, 5293, 5294, 5295, 5296 and 5287.	R-3

II. AREA DESCRIPTION

The subject area includes much of the Marshall Heights neighborhood in Ward 7, as shown on map below. The area is currently developed with a mixture of one and two-story detached and semi-detached houses and row dwellings. Most of the area's housing stock was built prior to the adoption of the current zoning regulations in 1958. Since the early 1960's, a number of

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Over the past two years, the Board of Zoning Adjustment (BZA) has received a number of applications from developers proposing to construct new apartment buildings in the R-5-A districts located in Wards 7 and 8. Infill development sites in the Marshall Heights area have been targeted for this type of development. Advisory Neighborhood Commissioners from both wards have expressed concern about the impact of new apartment construction in areas which are characterized by single-family and duplex dwellings. The community is concerned that if new apartment buildings continue to be allowed, they would not contribute to neighborhood stabilization or improvements to area character.

Over the past summer, the Office of Planning conducted a study of every property in Wards 7 and 8 with R-5-A zoning. One of the findings indicated that there were many areas where new

apartment buildings in the existing R-5-A zone would not be consistent with the most common housing type, or with the Comprehensive Plan.

Based on the results of the study, on November 9, 2007, OP submitted a map amendment application to the Zoning Commission recommending changing the zoning of some R-5-A areas in Ward 7 to a lower density zone. The intent is to ensure that new residential development is not inconsistent with the policies and objectives of the adopted Comprehensive Plan or with the prevailing low density pattern of existing development.

IV. 2006 COMPREHENSIVE PLAN

The District of Columbia 2006 Comprehensive Plan Future Land Use map depicts the subject areas as low and moderate density residential. Single-family detached and semi-detached dwellings with front, back, and side yards are the predominant uses in low density areas. Row houses and garden apartment are also common uses in moderate density areas. Moderate density areas may also include low density dwellings. The proposed zone amendments would allow development of single family homes and duplexes to match the existing neighborhood character, as well as row houses in any R-3 District, but not allow new apartment buildings. Existing apartment buildings would be allowed to continue to operate as nonconforming but would not be permitted to expand.

The following policies and action items in the Comprehensive Plan support the proposed rezoning:

Far Northeast and Southeast Area Element

Policy FNS-1.1.1: Conservation of Low Density Neighborhoods

Recognize the value and importance of Far Northeast and Southeast's stable single family neighborhoods to the character of the local community and to the entire District of Columbia. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect and protect the existing low density land use pattern while allowing for infill development that is compatible with neighborhood character. 1708.2

Action FNS-2.5-B: Marshall Heights Zoning Study

Conduct a zoning study of the Marshall Heights and Benning Ridge neighborhoods to ensure that areas that are predominantly single family in character are appropriately zoned. Presently, much of this area is zoned for multi-family housing, despite the fact that one and two-family homes are prevalent. 1715.5

These policy and action items directly instruct the appropriate rezoning of R-5-A areas (moderate density zone) to low density designations where appropriate. As noted in the Planning and Development Priorities Section (1707), this highly specific action was one of the results of a series of Comprehensive Plan workshops that took place in 2005 and 2006. The community delivered several key messages during these meetings, including:

- a. The low density character that typifies most Far Northeast and Southeast neighborhoods should be maintained. While it is recognized that the area contains much vacant land with the*

potential for infill development, this development should generally be similar in density to what exists today. This is one of the few areas in the city with opportunities to build three- and four bedroom homes suitable for families with children. Whereas the neighborhood lost families to Prince George's County and elsewhere in the past, it may gain families from these areas in the future if it builds appropriately designed housing, provides quality schools, and improves public services. 1707.2

The following objectives from the Land Use Element of the Comprehensive Plan are relevant to the proposed rezoning:

Policy LU-1.4.1: Infill Development

Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. 307.5

Policy LU-1.4.3: Zoning of Infill Sites

Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods. This is particularly important in single family and row house neighborhoods that are currently zoned for multi-family development. 307.7

The proposed map amendment is not inconsistent with Comprehensive Plan themes, goals, objectives, and policies. The above referenced Comprehensive Plan policies, actions and priorities present a clear theme of stabilizing the Marshall Heights area by ensuring that the low density character is matched by low density zoning.

V. ANALYSIS

The recently approved Comprehensive Plan for the National Capitol called for the examination of the R-5-A zone areas in Wards 7 and 8 to determine if other zones might be more appropriate and more consistent with the existing character of residential neighborhoods. The study conducted by OP in 2007 revealed that there were many areas in both wards 7 and 8 where the existing R-5-A zoning is not consistent with the existing housing types.

Based on the result of the study, OP is examining map amendments for R-5-A properties throughout portions of Wards 7 and 8, starting with this application for the Marshall Heights neighborhood. Much of the recent development in this neighborhood has consisted of multi-family structures on vacant or abandon parcels located in low density areas. There are many such parcels still available for development or redevelopment, and under current zoning, more multi-family structures are likely to be proposed and constructed. The proposed zoning map amendments for Marshall Heights would allow development of single-family homes, duplexes and, in areas proposed to be zoned R-3, row houses consistent with existing neighborhoods character, but would restrict new apartment buildings.

VI. COMMUNITY COMMENTS

On October 27, 2007, Advisory Neighborhood Commission (ANC) 7E passed a resolution recommending that the Zoning Commission approve this application to rezone properties within their ANC boundaries from R-5-A to R-2 or R-3. In their resolution, the ANC stated that the changes are necessary to stem the tide of apartment structures most frequently being constructed in the community. Although the community has expressed support for the development of vacant infill parcels, community representatives have testified at BZA Hearings in opposition to more apartment construction in the community, citing that such structures are not compatible with the low density character that typifies most of the community and result in adverse impacts on neighboring properties, such as increased noise, vehicular pollution, and a lack of recreation space.

VII. RECOMMENDATION

The Office of Planning recommends **approval** of the proposed map amendment to rezone specified properties in the Marshall Heights area from **R-5-A to the R-2 or R-3 District**. The proposed map amendment would allow for the zoning to be consistent with the Comprehensive Plan as amended and enacted by the Council of the District of Columbia in the “Comprehensive Plan Amendment Act of 2006”.

JS/jm