

REPORT TO THE ZONING COMMISSION

**CASE NO. 09-12
1622 Q STREET, N.W.**

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DECEMBER 7, 2009

- I. Introduction
- II. Nature of application: map amendment
- III. Site location
 - A. South side of Q Street between 16th and 17th Streets, N.W.
 - B. Dupont Circle area
 - C. In the Dupont Circle Historic District
- IV. Site description
 - A. Rectangular lot 20.33 feet wide by 100 feet deep
 - B. Contains approximately 2,033 square feet of land area
 - C. Existing condition: improved with 2 story plus mezzanine row structure
 - 1. Built c. 1877
 - 2. Ground floor and mezzanine last formally used for artist studio (history of nonresidential use since late 1920s)
 - 3. Top floor used for apartment unit
 - 4. Overall existing density of approximately 1.7 FAR
 - D. Abutting street: Q Street (90 feet wide)
 - E. 10 foot wide public alley at the rear

ZONING COMMISSION

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EXHIBIT No. 23

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V. Description of the surrounding area (see aerial photo, following)

A. Subject square:

1. To the west:
 - a) Restaurant immediately abutting at 1624 Q Street
 - b) Other restaurants at the southeast corner of the intersection of 17th and Q Streets
2. To the east:
 - a) Mixed moderate to medium density (2 to 5 stories) apartment houses on the south side of Q Street
 - b) Medium to high density apartment houses on the west side of 16th Street
 - c) Foundry United Methodist Church on the west side of 16th Street between Church and P Streets
3. To the south:
 - a) Other restaurants and retail and service uses on the east side of 17th Street between P and Q Streets
 - b) Stead Park and Recreation Center on the north side of P Street extending into the center of the Square

B. General area: Dupont Circle

1. Commercial uses along Connecticut Avenue and 17th Street
2. Higher density residential and office buildings extending south of P Street to Massachusetts Avenue
3. Medium density residential buildings (with some higher density apartment houses mixed in) along the east-west cross streets
4. Higher density residential along 16th Street



VI. Zoning

A. Existing: DC/R-5-B

1. Existing zoning: R-5-B

- a) 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
- b) Maximum height: 50 feet
- c) Maximum FAR: 1.8
- d) Maximum percentage of lot occupancy: 60%
- e) Minimum required rear yard: 4 inches per foot of height at the rear, minimum of 15 feet
- f) Side yard: not required
- g) Minimum required parking for apartment house use: 1 space for each 2 dwelling units

2. Proposed zoning: C-2-B

- a) General commercial district, permitting a broad range of retail, service and office uses, hotels, residential uses (single and multi-family) and many institutional uses
- b) Maximum height: 65 feet
- c) Maximum FAR: 3.5, of which no more than 1.5 may be for other than residential purposes
- d) Maximum percentage of lot occupancy: 80%
- e) Side yard: not required
- f) Minimum rear yard: 15 feet
- g) Off-street parking:
 - (1) For retail or service use: 1 space for each 750 square feet of gross floor area in excess of 3,000 square feet

(2) For residential use: 1 space for each 3 dwelling units

3. Dupont Circle (DC) Overlay

- a) Special requirements applicable to PUDs
- b) Limitation on driveways from Connecticut Avenue
- c) Prohibition on drive-throughs

B. History:

- 1. Property was zoned R-5-B in 1958
- 2. Dupont Circle (DC) Overlay added in 1992

C. Effect of the proposed change:

- 1. Commercial uses allowed
- 2. Maximum permitted height increases by 15 feet
- 3. Maximum permitted FAR increases by 1.7
- 4. Commercial FAR (within the maximum) increases by 1.5

D. Zoning of the area (see excerpt of the Zoning Map, following)

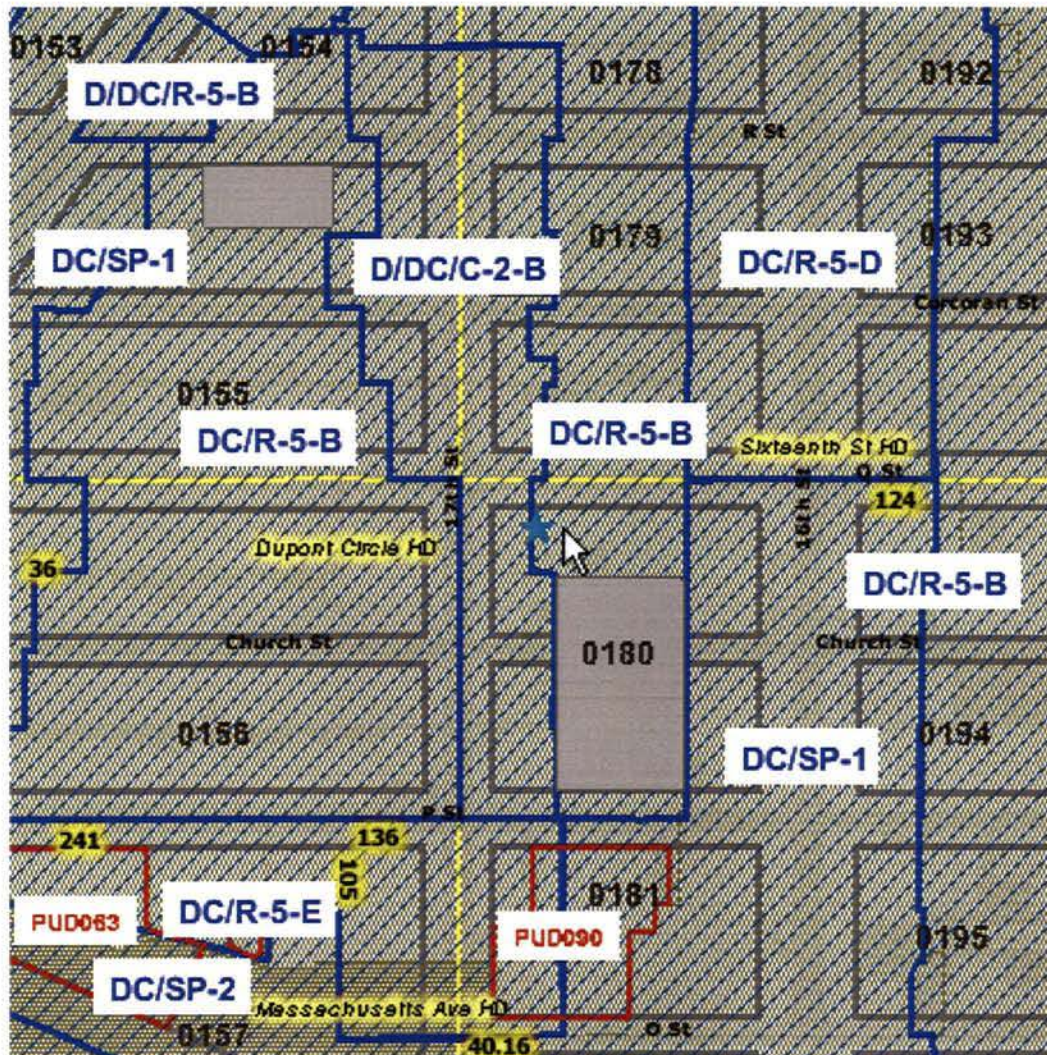
- 1. DC/C-2-B along the 17th Street strip from P Street to north of R Street
- 2. DC/R-5-B along the east west cross streets
- 3. DC/SP-1 and DC/R-5-D along the 16th Street corridor
- 4. DC/SP-1 and DC/R-5-D along the 18th Street and New Hampshire Avenue corridor

VII. Standards applicable to Zoning Map amendment (D.C. Code, Section 5-414)

A. Zoning regulations and maps shall be "not inconsistent with the comprehensive plan for the national capital"

B. Regulations shall be designed to:

- 1. Lessen congestion



2. Secure safety from fire, panic and other dangers
 3. Promote health and general welfare
 4. Provide adequate light and air
 5. Prevent undue concentration of population and overcrowding of land
 6. Promote conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity and recreational, cultural and educational opportunities
 7. Further economy and efficiency of public services
- C. Regulations shall consider character of districts and their suitability for uses

D. Regulations shall encourage stability of districts and land values

VIII. Consistency with the Comprehensive Plan - The District Elements - The Comprehensive Plan Amendment Act of 2006 (D.C. Law 16-300, March 8, 2007)

A. Framework element – guiding principles

1. Managing growth and change

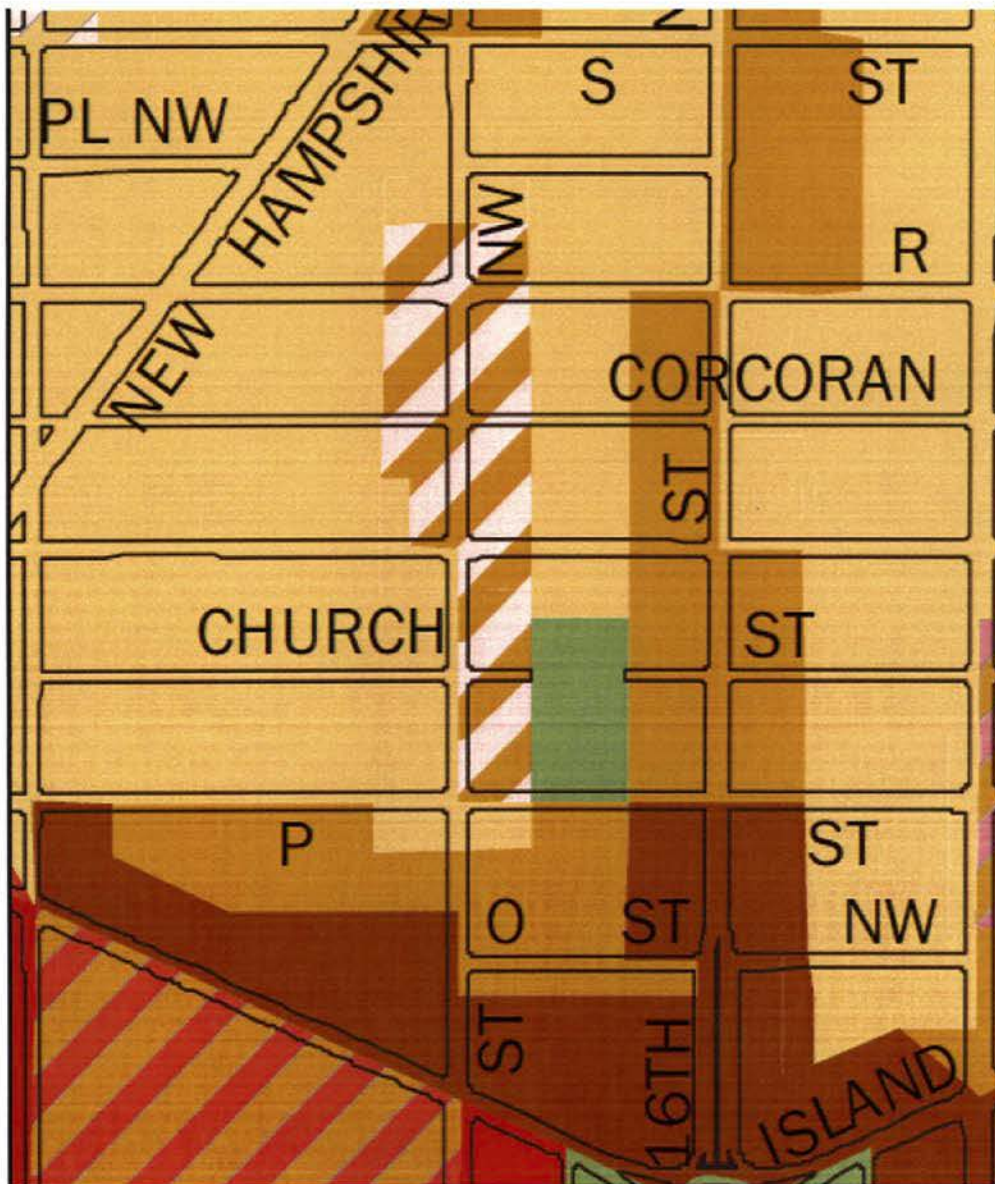
- a) "Change in the District is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness." (§217.1)
- b) "The District needs both residential and non-residential growth to survive. Non-residential growth benefits residents by creating jobs and opportunities for less affluent households to increase their income." (§217.4)
- c) "Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs." (§217.6)
- d) "Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality." (§217.7)

2. Increasing access to education and employment

"An economically strong and viable District of Columbia is essential to the economic health and well being of the region. Thus, a broad spectrum of private and public growth (with an appropriate level of supporting infrastructure) should be encouraged. The District's economic development strategies must capitalize on the city's location at the center of the region's transportation and communication systems." (§219.2)

B. Framework element – the Land Use Maps

1. The Generalized Policy Map purpose "is to categorize how different parts of the District may change between 2005 and 2025" (§223.1)
2. The Future Land Use Map (see excerpt of the Map, below) – includes property in mixed use low density commercial and medium density residential category, described as follows:



a) Low density commercial:

"This designation is used to define shopping and service areas that are generally low in scale and character. Retail, office, and service businesses are the predominant uses. Areas with this designation range from small business districts that draw primarily from the surrounding neighborhoods to larger business districts uses that draw from a broader market area. Their common feature is that they are comprised primarily of one- to three-story commercial buildings. The corresponding Zone districts are generally C-1 and C-2-A, although other districts may apply." (§224.11)

b) Medium density residential:

"This designation is used to define neighborhoods or areas where mid-rise (4-7 stories) apartment buildings are the predominant use. Pockets of low and moderate density housing may exist within these areas. The Medium Density Residential designation also may apply to taller residential buildings surrounded by large areas of permanent open space. The R-5-B and R-5-C Zone districts are generally consistent with the Medium Density designation, although other zones may apply." (§224.8)

C. Land Use element

1. Overall goal:

"Ensure the efficient use of land resources to meet long-term neighborhood, city-wide, and regional needs: to help foster other District goals, to protect the health, safety, and welfare of District residents and businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries." (§302.1)

2. Policies and Actions

- a) "Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources, and restore the environment. The overarching goal to "create successful neighborhoods" in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others." (§309.8)

- b) "Promote the vitality of the District's commercial centers and provide for the continued growth of commercial land uses to meet the needs of District residents, expand employment opportunities for District residents, and sustain the city's role as the center of the metropolitan area. Commercial centers should be inviting and attractive places, and should support social interaction and ease of access for nearby residents." (§312.5)

D. Economic Development element

1. Overall goal

"Strengthen the District's economy by sustaining its core industries, attracting new and diverse industries, accommodating future job growth, fostering the success of small businesses, revitalizing neighborhood commercial centers, improving resident job skills, and helping a greater number of District residents find and keep jobs in the Washington regional economy." (§701.1)

2. Policy ED-2.2.1: Expanding the Retail Sector

"Pursue a retail strategy that will allow the District to fully capitalize on the spending power of residents, workers and visitors, and that will meet the retail needs of underserved areas." (§708.5)

3. Policy ED-2.2.3: Neighborhood Shopping

"Create additional shopping opportunities in Washington's neighborhood commercial districts to better meet the demand for basic goods and services. Reuse of vacant buildings in these districts should be encouraged, along with appropriately-scaled retail infill development on vacant and underutilized sites. Promote the creation of locally-owned, non-chain establishments because of their role in creating unique shopping experiences." (§708.7)

4. Policy ED-3.1.1: Neighborhood Commercial Vitality

"Promote the vitality and diversity of Washington's neighborhood commercial areas by retaining existing businesses, attracting new businesses, and improving the mix of goods and services available to residents." (§713.5)

E. Historic Preservation element

1. Overall goal:

"Preserve and enhance the unique cultural heritage, beauty, and identity of the District of Columbia by respecting the historic physical form of the city and the enduring value of its historic structures and places, recognizing their importance to the citizens of the District and the nation, and sharing mutual responsibilities for their protection and stewardship." (§1001.1)

2. Policy HP-2.4.1: Rehabilitation of Historic Structures

"Promote appropriate preservation of historic buildings through an effective design review process. Apply design guidelines without stifling creativity, and strive for an appropriate balance between restoration and adaptation as suitable for the particular historic environment." (§1011.4)

3. Policy HP-2.4.2: Adaptation of Historic Properties for Current Use

"Maintain historic properties in their original use to the greatest extent possible. If this is no longer feasible, encourage appropriate adaptive uses consistent with the character of the property." (§1011.5)

4. Policy HP-2.4.3: Compatible Development

"Preserve the important historic features of the District while permitting compatible new infill development. Within historic districts, preserve the established form of development as evidenced by lot coverage limitations, yard requirements open space, and other standards that contribute to the character and attractiveness of those areas. Ensure that new construction, repair, maintenance, and improvements are in scale with and respect historic context through sensitive siting and design and the appropriate use of materials and architectural detail." (§1011.6)

F. Near Northwest Area element

1. General Policies

a) Policy NNW-1.1.3: Enhancing Stable Commercial Areas

"Sustain and enhance the neighborhood, community, and regional shopping areas of Near Northwest, including M Street, P Street, Wisconsin Avenue, Connecticut Avenue, Florida Avenue, 18th Street NW, 17th Street NW, and 14th Street NW. Sustain these areas as diverse, unique, pedestrian-oriented shopping streets that meet the needs of area residents, workers, and visitors." (§2108.4)

2. Policy focus area – Dupont Circle

a) Policy NNW-2.2.1: Maintaining Dupont Circle's Residential Character

"Maintain the Dupont Circle neighborhood as a primarily residential area and discourage the expansion of commercial uses into currently residential areas." (§2112.3)

b) Policy NNW-2.2.2: Dupont Circle Area Policies

"Use the following standards in evaluating new buildings and alterations in the Dupont Circle area:

- (a) Require a scale of development consistent with the nature and character of the Dupont Circle area in height and bulk;**
- (b) Ensure a general compatibility in the scale of new buildings with older low-scale buildings by restricting the maximum permitted height and floor area ratio of the new buildings to that of the underlying zone;**
- (c) Preclude demolitions or partial demolitions that would lead to an increase in height and floor area ratio inappropriate to the area;**
- (d) Enhance the residential character of the area by maintaining existing residential uses and controlling the scale, location, and density of commercial and residential development; and**

- (e) Ensure compatibility of development with the Comprehensive Plan." (§2112.4)

IX. Other standards applicable to change of zoning

- A. Health, safety and general welfare: use, height and bulk of permitted development under C-2-B would not be out of scale with existing and permitted use, height and bulk on adjacent and nearby property
- B. Adverse consequences
 - 1. Height and bulk are not out of scale on 90 foot wide streets and in consideration of development permitted under surrounding existing zoning
 - 2. Because site is only 2,033 square feet, development under proposed zoning would not create adverse traffic conditions or congestion
- C. Creation of favorable conditions
 - 1. Proposed zoning extends existing commercial pattern to a comparable depth from 17th Street
 - 2. Stability of values assured by applying zoning that is already found immediately adjacent to the west and directly across on the south and north

X. Compatibility with the area

- A. 1600 block of Q Street has a substantial variety of existing height and density
- B. Existence of regulatory controls through the historic district act and procedures make it extremely unlikely that the present character of the site would change significantly

XI. Conclusions

- A. Application for rezoning meets tests under Zoning Act
- B. Change in zoning is not inconsistent with the Comprehensive Plan
- C. Height and bulk will not be obtrusive nor will it cause any adverse affect on any nearby properties
- D. Application for rezoning should be approved



View of the subject property looking west (with restaurant uses adjacent)



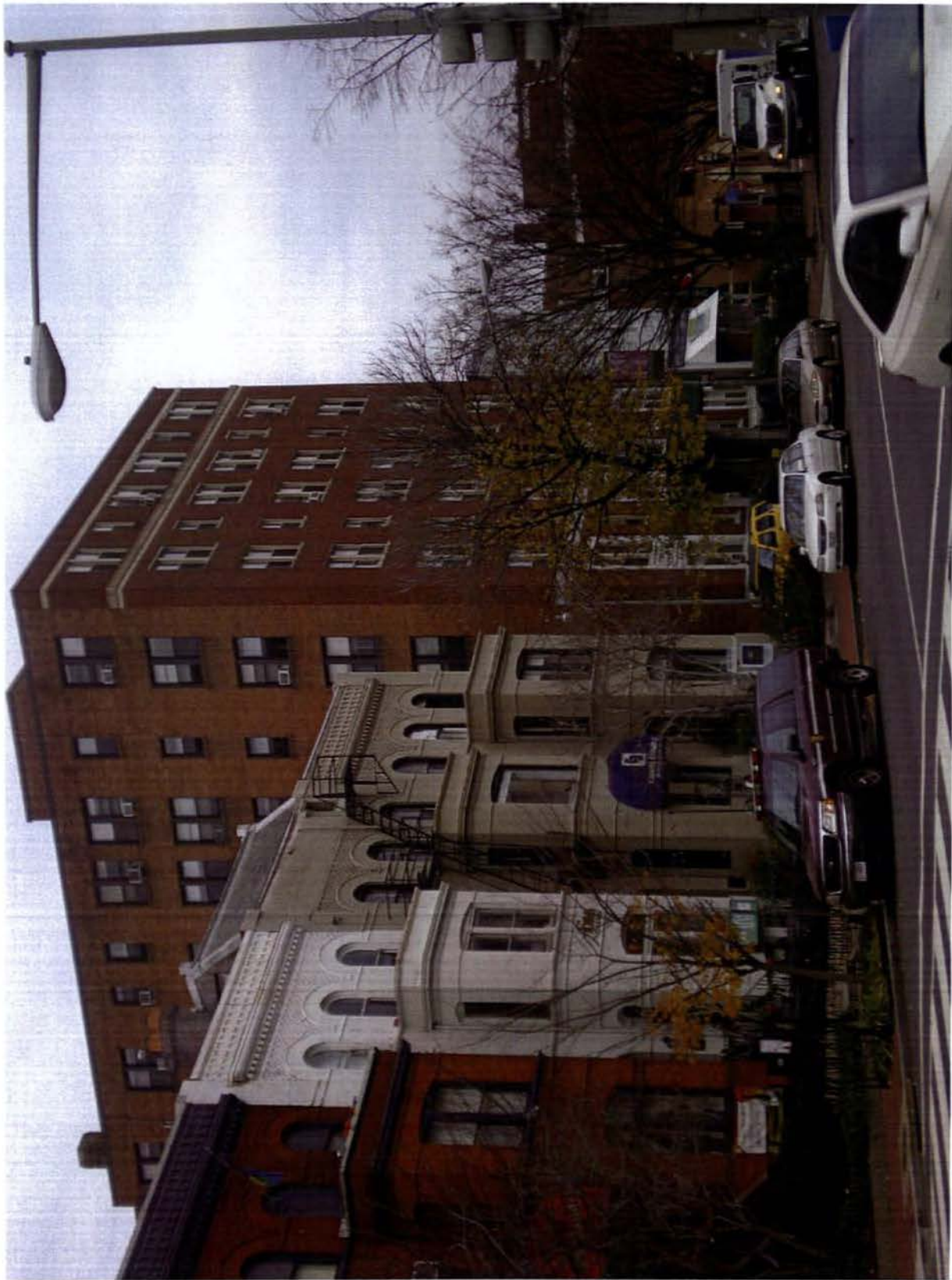
View of the subject property looking east (with existing residential adjacent)



View of the north side of Q Street directly opposite the subject property



View of 1615 Q Street (the Cairo) on the north side of Q Street just east of the subject site



View of 1614 17th Street, on the west side of 17th Street between Q and Corcoran Streets