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District of Columbia
Office of Planning



MEMORANDUM

TO: District of Columbia Zoning Commission
JLS
FROM: Jennifer Steingasser, Deputy Director
DATE: March 19, 2015
SUBJECT: Public Hearing Report for ZC #14-20, Lots in Square 1070 (38, 39, 73-76, 80-86 and 94) Zoning Map Amendment

I. SUMMARY RECOMMENDATION

At its December 8, 2014 public meeting, the Zoning Commission set down for a public hearing ANC 6A's request for a zoning map amendment for fourteen (14) lots (Lots 38, 39, 73-76, 80-86 and 94) within Square 1070, generally at the intersection of 15th St NE and A Streets NE (the "Property") in the Capitol Hill neighborhood. The Applicant requests to change the zoning of the Property from the C-2-A District to the R-4 District. The proposed map amendment would not be inconsistent with the Comprehensive Plan and directly responds to policies for the area. As such, the Office of Planning recommends approval of the request.

II. APPLICATION-IN-BRIEF

Location: Square 1070, Lots 38, 39, 73-76, 80-86 and 94. Generally, the north western quadrant of Square 1070, bounded by A Street NE to the north, 15th Street to the west, and a public alley to the east. (Addresses are as follows: 1505, 1507, 1509, 1511 A Street NE, 15, 17, 19, 21, 23, 25, 27, 29 and 31 15th Street NE), Ward 6, ANC 6A.

Applicant: ANC 6A

Current Zoning: C-2-A

Comprehensive Plan Future Land Use Map Designation: Moderate Density Residential

Property Size: 23,408 square feet (0.5373 acres)

Proposal: A zoning map amendment from the C-2-A District to the R-4 District

III. SITE AND AREA DESCRIPTION

Square 1070 is split-zoned to the C-2-A District and the R-4 District. The western half of the

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EXHIBIT NO. 20



block along 15th Street SE is zoned to the C-2-A District and the eastern half, the R-4 District. The Property is located within the northwestern quadrant of Square 1070, zoned to the C-2-A District, generally bounded by A Street NE, 15th Street NE and a public alley. Please refer to the aerial vicinity map below. It consists of 13 row home lots and one alley lot (Lot 73). There are rowhouse residential uses on the 13 lots and one alley lot with garage structure.

There are 10 lots within the C-2-A District (southwestern quadrant of Square 1070) that are not included in the map amendment petition. There is a mix of uses within these lots that include apartments, a small office building, low-scale stores, a corner store and row homes.

The surrounding Squares to the north, south and east are zoned to the R-4 District, which extends for blocks in each direction, and primarily consists of row home residences. To the immediate west across 15th Street NE on Square 1057, there exists what was a street car barn (a National Landmark), converted to condominiums.

1511 A Street NE/Lot 94

Within the area proposed to be rezoned is Lot 94, (1511 A Street NE), outlined in yellow on the aerial map on page 4. An application for a building permit (B1307755) was submitted in June 2013 for a multi-unit residential development on Lot 94 under the C-2-A regulations. According to the Department of Consumer and Regulatory Affairs (DCRA), the permit and associated plans are currently under review. Please see Section IV of this report for more information in this regard.

Per § 3202 of the Zoning Regulations, the permit application shall continue to be processed under the C-2-A zone provisions, until the Zoning Commission issues a notice of Final Rulemaking regarding the Applicant's request. Should the Property be rezoned prior to the issuance of a building permit, the Property will be subject to the provisions of the R-4 zone.

Sections 3202.5 and 3202.4 below establish how review of a building permit application can proceed while a map amendment request is being considered for the same property. As with Lot 94, if an application for a building permit is in process, but is not yet issued when the Zoning Commission has issued a notice of Final Rulemaking, § 3202.4 below applies and the application for a building permit must comply with the R-4 regulations.

3202.5 *If an application for a building permit is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed construction, the processing of the application and the completion of work pursuant to the permit shall be governed as follows:*

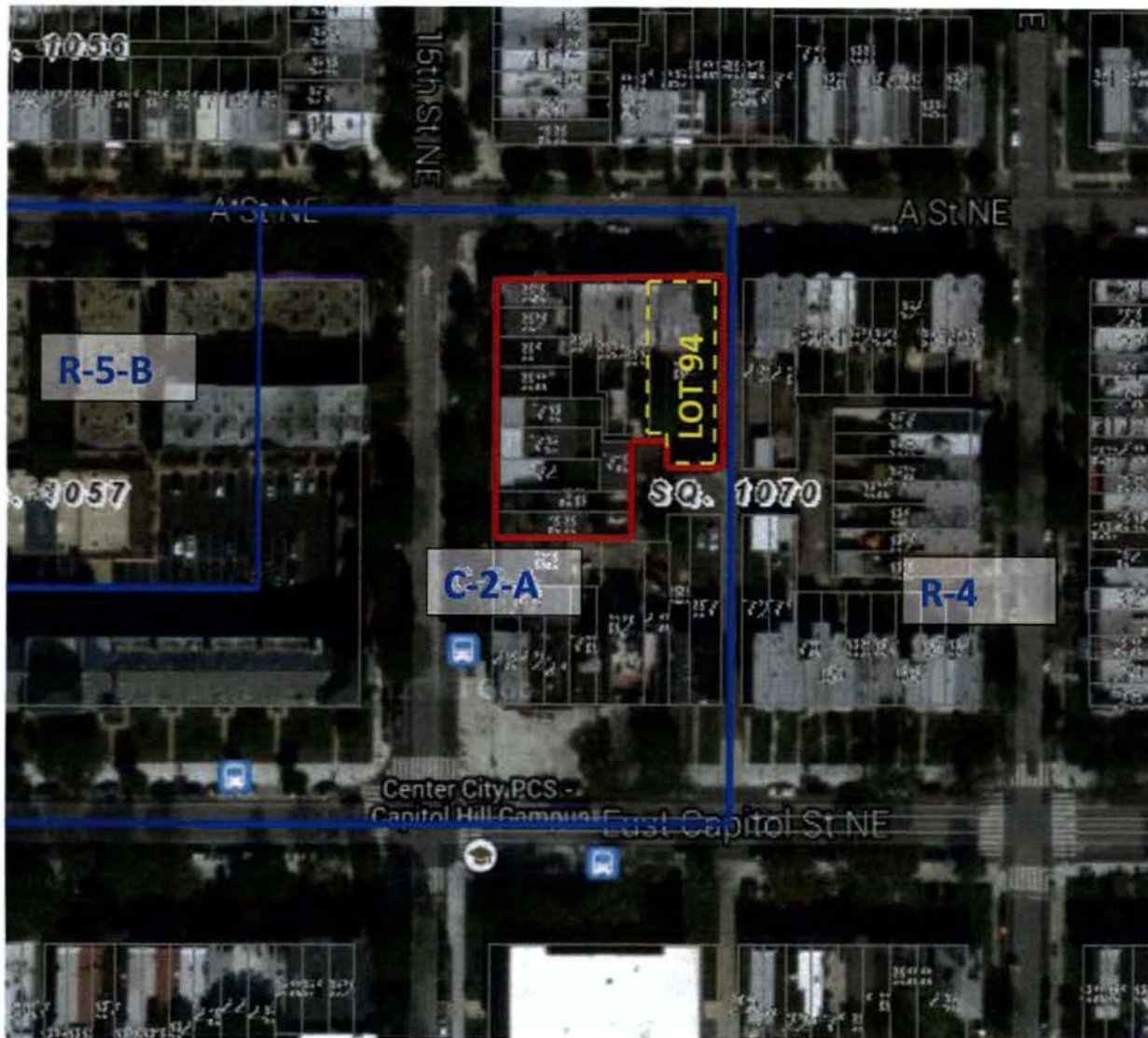
- (a) If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3202.4. The application shall be accompanied by any fee that is required, and by the plans and other information required by § 3202.2, which shall be sufficiently complete to permit processing without substantial change or deviation, and by any other plans and information that are required to permit*

complete review of the entire application under any applicable District of Columbia regulations,

- (b) If the application is filed after the date on which the Zoning Commission has made a decision to hold a hearing on the amendment, the application may be processed, and any work authorized by the permit may be carried to completion, only in accordance with the zone district classification of the site pursuant to the final decision of the Zoning Commission in the proceeding, or in accordance with the most restrictive zone district classification being considered for the site,*

3202 4 *Any construction authorized by a permit may be carried to completion pursuant to the provisions of this title in effect on the date that the permit is issued, subject to the following conditions*

- (a) The permit holder shall begin construction work within two (2) years of the date on which the permit is issued, and*
- (b) Any amendment of the permit shall comply with the provisions of this title in effect on the date the permit is amended*



Vicinity Map/ Aerial Photo. Approximate bounds of the Property to be rezoned in red. 2014 Google.

IV. EXISTING AND POTENTIAL DEVELOPMENT CAPACITY AND SETDOWN COMMENTS

The existing C-2-A zoning permits low-to-medium density commercial and residential uses. The purpose of the C-2-A District is to provide facilities for shopping and business needs, allows a mix of uses including residential, and is to accommodate commercial developments, serving local residential areas. The proposed R-4 District primarily allows for moderate-density residential development on lots of 1,800 sf. It does not permit apartments, commercial uses or mixed-use development. A comparison of the matter-of-right height and bulk regulations of the two zones is contained in the table below.

	C-2-A	R-4
Height	50', no story limit	40', 3 stories
FAR	2.5 FAR (of which 1.5 FAR max. can be a use other than residential) (3.0 with IZ)	none
Lot Occupancy	60% res./100% use other than residential	60%
Rear Yard	15' min.	20' min.
Use	Commercial, residential or mixed-use	Primarily residential row homes, flats and conversions (@ 900 sf per unit)



Current Zoning Map of the Property (in red) and surrounding area.

At the setdown meeting, the Zoning Commission asked the following questions: 1) What is the current status of the building permit for the development underway on Lot 94; 2) What is the permit process history for the development of Lot 94; 3) What is the current status of communication with unresponsive lot owners included in this request, 4) Did the Applicant consider a zoning district other than R-4 or C-2-A for any of the lots associated with the request, specifically R-5-B for Lot 94. The following information and analysis aims to answer these questions and concerns.

Building Permit Status and History

The Zoning Commission inquired about the status of the building permit related to a multi-family development associated with Lot 94. After multiple disciplines within DCRA had proceeded with permit plan reviews (including the zoning review, which was complete), the Zoning Administrator discovered a deficiency in the submitted plans in October 2014. Since that time, the Applicant has been in discussions with the Zoning Administrator regarding responsive project revisions. As of February 24, 2015, zoning and structural reviews were still ongoing.

Status/Summary of Communication

The Applicant provided OP with a recent summary of communication with the affected lot owners, which included meetings, letters to neighbors and verbal conversations. It appears several properties (Lot 82 and Lot 74) may have been acquired by new owners recently. The ANC said they have had verbal discussions with the owner of Lot 74, and renters within Lot 82. With regard to Lot 94, it appears the Applicant last engaged in communications with the owner's agent in May 2014.

Consideration of Other Zones

According to the Applicant, density, height and neighborhood character drive their request for an R-4 designation, not necessarily the threat of commercial use permitted via the C-2-A District. The Applicant said they did not consider another zone district and believe the C-2-A designation for the Property is an outdated, unintentional mistake. Additionally, the R-4 district surrounds the Property in almost every direction, which is also the basis for their request. The Applicant also feels strongly about allowing for established, neighborhood serving commercial uses along East Capitol Street and as such, did not include those properties in the map amendment request.

The Zoning Commission questioned if Lot 94 were zoned to the R-5-B District how could it potentially be redeveloped. The following chart compares potential development on Lot 94 under the applicable, current R-4, R-5-B and C-2-A District regulations, as well as the zoning information of the development per B1307755. Please note the lot size of Lot 94 is unusually large at 5,936 sf (based on tax records) and is used in the calculations below.

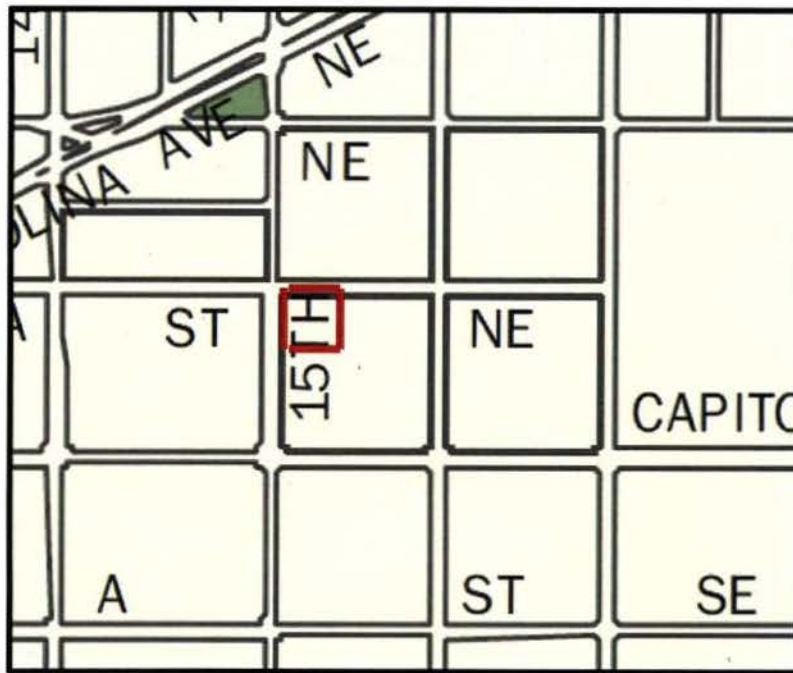
Zone	Height	Maximum or Proposed Density	Parking (Regulation is 1 space per 4 units)	Lot Occupancy	Rear Yard
R-4	40'/3 stories	6 units (via apt. conversion)	2 spaces	60%	20'
R-5-B	50'/no story limit	1.8 FAR (10,684 sf) or 2.16 FAR with IZ (12,821 sf)	4 to 5 spaces (based on estimated 12-14 units)	60%	≥ 15'
C-2-A	50'/no story limit	2.5 FAR (14,840 sf) or 3.0 FAR with IZ (17,808 sf)	6 to 8 spaces (based on estimated 16 to 22 units)	75%	15'
B1307755 under C-2-A	49'-9"	3.0 FAR	5 spaces for 18 units	72%	18.08'

Both the R-4 and the R-5-B zones are consistent with a moderate density residential designation. In analyzing the chart above, the proposed development under review per B1307755 would not meet the regulations of the R-4 district with regard to density, height, lot occupancy or rear yard, nor would it meet the regulations of the R-5-B district with regard to density and lot occupancy. With regard to height, both the C-2-A and R-5-B districts would result in 10' greater height than R-4 would permit. Height is a stated concern of the Applicant.

There is R-5-B to the west of the site in square 1057 however it covers a development of multiple apartment buildings. OP will continue to work with DCRA and will report at the public hearing on the status of the building permit relative to this case.

At the setdown hearing, the Zoning Commission raised the issue of predictability for developers, in that the developers of Lot 94 should be able to predict the development potential of a property. While a fairly high-degree of predictability is essential to economic growth through development, the Comprehensive Plan language was in place in 2006 and it directly calls for a rezoning of the 15th St corridor commercial zone to the a moderate density residential zone. Additionally, the Future Land Use Map of the Comprehensive Plan supports a moderate density residential zone. While a discrepancy in the Comprehensive Plan and zoning designation of a property occurs occasionally, such a discrepancy could signal that there could be concern with development inconsistent with Comprehensive Plan designation and other policy guidance.

The Comprehensive Plan Generalized Policy Map describes the Property as within a Neighborhood Conservation Area, shown in the map below. Neighborhood Conservation Areas are primarily residential in character and have little vacant land. Where infill does occur, it should be modest in scale, primarily housing, public facilities or institutional uses. New development should be compatible with the scale and the architectural character of the existing neighborhood. (Comprehensive Plan, §§ 223.4 and 223.5)



The proposed zoning map amendment is not inconsistent with these map designations.

VI. COMPREHENSIVE PLAN POLICIES

The Property is located in the Capitol Hill Area Element of the Comprehensive Plan. There are several policies and actions within the Capitol Hill Area Element, as well as policies in the Land Use Element of the Citywide Framework, which support a map amendment as requested. This guidance is detailed below. A rezoning of the Property to the R-4 District would help achieve the applicable policies and actions; solidify the residential character of the northwestern part of the Square; allow for the established, historically commercial and apartment uses of the southwestern part of the Square (primarily along E. Capitol Street) to remain without creating new nonconformities (if zoned to the R-4 District); and further the Comprehensive Plan Map designations of moderate-density residential use and neighborhood conservation on the Property. Please note bold text was added for emphasis.

Citywide Guiding Principles:

- LU-2.1.7 Conservation of Row House Neighborhoods: **“Protect the character of row house neighborhoods** by requiring the height and scale of structures to be consistent with the existing pattern, considering additional row house neighborhoods for ‘historic

district' designation, and regulating the subdivision of row houses into multiple dwellings. Upward and outward extension of row houses which compromise their design and scale should be discouraged " (§309 12)

- Action-LU-2.1.C Residential Rezoning. "Provide a better match between zoning and existing land uses in the city's residential areas, with particular focus on a) blocks of well-established single family and semi-detached homes that are zoned R-3 or higher In all three of these instances, pursue rezoning to appropriate densities to protect the predominant architectural character and scale of the neighborhood " (§309.21)
- Policy LU-2.3.8 Non-Conforming Commercial and Industrial Uses "Reduce the number of nonconforming uses in residential areas ... Consistent with the zoning regulations, limit the expansion of such uses and fully enforce regulations regarding their operation to avoid harmful impacts on their surroundings. (§311.10)

Capitol Hill Area Element ("CH"):

- Overview: "The major business districts in the Capitol Hill Planning Area located along the east-west avenues .Historically, some of the north-south streets also supported neighborhood commercial districts, including 8th St , 11th St. and 15th St Among these, only the 7th St /8th St SE (Barracks Row) business district remains active today, the others have declined or been replaced by housing, as shopping patterns and transportation conditions have changed .there continues to be small neighborhood commercial uses such as drycleaners, beauty salons and corner stores (§1500 5)
- Planning and Development Priorities, Key Message from Comprehensive Plan Workshops (2005-2006) f [A] related issue has emerged along 11th Street and 15th Street In the early 20th century, these streets were active neighborhood commercial districts, with many small shops and businesses These districts are now primarily residential in character, with only a few small businesses and corner stores remaining There is some interest among the ANCs and residents in rezoning these areas from commercial to residential use This would provide assurance that future development is compatible with surrounding uses, but it could also create non-conforming commercial uses As the future of these commercial areas is considered, however, attention should also be given to preserving the small businesses and corner stores that now serve the community (§1507 2)
- CH-1 1 1 Conserving Residential Uses "Maintain the integrity and quality of Capitol Hill's residential uses, and recognize the importance of its historic architecture and housing stock to the entire District of Columbia Ensure that Comprehensive Plan and zoning designations for Capitol Hill neighborhoods sustain its moderate density land use pattern." (§1508.2)

- **CH-1.1.11. 15th Street Commercial District.** “Discourage the further expansion of commercial uses along 15th Street SE. This corridor should gradually transition to predominately residential uses, compatible in density with adjacent row house blocks. As this transition occurs, efforts should be made to retain the existing corner stores and small businesses which serve the community.” (§1508.12)
- **Action CH-1.1.B: 15th Street Rezoning:** “Rezone the 15th Street commercial district for residential uses, consistent with the corridor’s designation on the Comprehensive Plan.” (§ 1508.18)

VII. HISTORIC USES ON SQUARE 1070

Likely due to the adjacency to the car barn, commercial uses have taken place along 15th Street NE since the 1920’s. The car barn likely would have generated a critical mass of people needing certain commercial services as they came to or departed from it, as well as by those who worked within it, during the day and early evening hours. Original building permits for homes on the western side of Square 1070 show the structures were built primarily between 1909 and the early 1920s. Three “stores” were listed in the original permit records on Lots 44, 42, and 41, all built in 1921. Sanborn maps from 1928 show eight stores on the western half of Square 1070, on Lots 76, 38, 39, 44, 43 (two stores shown on this lot), 42, and 41. “Stores” were shown on the same lots on the 1959 Sanborn map. The 1959 zoning map reflects these commercial uses by the C-2 designation for the western half of Square 1070. By 1984, real estate assessment records list six stores, a conversion, a small office building and a flat on the western half of Square 1070. Finally, real estate records from 1998 show the dwindling of commercial uses as there were four stores and a church located on the western half of Square

As detailed above, over time, the commercial use pattern on Square 1070 diminished, especially within northwestern quadrant. One contributor may be the car barn conversion to residential condominiums. However, especially along E Capitol Street at the corner of 15th St. NE, there has historically been a neighborhood-serving commercial presence that continues today.

VIII. AGENCY REFERRALS

At the time of the writing of this report, the status of other agencies’ reports is unknown.

IX. COMMUNITY COMMENTS

The site is located in ANC 6A, who filed the petition for the map amendment request and thus supports it. OP continues to encourage the ANC 6A to continue its community outreach efforts to all property owners affected by the petition.