

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: *JL for* Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: November 25, 2015

SUBJECT: ZC 14-24: Map Amendment from the R-4 to R-5-B Zone for Square 2848, Lots 39, 40, 72 and 838

I. APPLICATION AND SUMMARY RECOMMENDATION

On December 23, 2014 1900 11th Street N.W., LLC (“Applicant”) filed a petition requesting the Zoning Commission rezone Square 2848, Lots 39, 40, 72, and 838 from the R-4 zone to the R-5-B zone. The property is within ANC-1A. At its February 9, 2015 public meeting, the Zoning Commission set down the proposed text amendment for a public hearing.

If the map amendment is granted, the Applicant would construct an eight (8) unit apartment building on Square 2848, Lots 39 and 40. On July 13, 2015, the Applicant submitted a request for variance relief from the requirements of § 2115.1, parking space dimension. The four required parking spaces would have dimensions of 8.16 feet by 19 feet instead of the required 9 feet by 19 feet. At its July 27, 2015 public meeting, the Zoning Commission recommended setting down the requested variance along with the map amendment for public hearing.

The proposed map amendment from the R-4 to the R-5-B zone is not inconsistent with the Comprehensive Plan designation for moderate density residential and as being within a Neighborhood Conservation Area. The proposed development meets all the requirements of the R-5-B zone except for a small reduction in the parking space dimension which should have no impact of the surrounding neighborhood. The design of the building would not be incompatible with the surrounding neighborhood and would not substantially negatively impact the light, air and privacy of the adjacent properties. The Office of Planning (OP) therefore recommends **approval** of the proposed map amendment from the R-4 zone to the R-5-B zone and variance relief from the requirements of § 2115.1, the required dimensions of four parking spaces.

II. SITE AND PROJECT DESCRIPTION

The properties proposed for rezoning are Lots 39, 40, 72, and 838 in Square 2848 which combine for a total of 19,768 square feet of land area. Lots 39 and 40 are vacant; Lot 72 is improved with a four story, 16 unit apartment building (Irving Station Condominiums), built in 1910 at 1361 Irving Street; and Lot 838 is improved with a four-story, 18 unit apartment building (The Kenyon Street Yes We Can Cooperative), built in 1910 at 1372 Kenyon Street, NW. The properties are all within the R-4 zone and the apartment buildings are currently occupied.

The Applicant intends to combine Lots 39 and 40 into a single Record Lot of approximately 4,942 for development purposes. The R-5-B zoning would bring the existing buildings into greater zoning conformity while accommodating a small multifamily building on the now vacant lots.

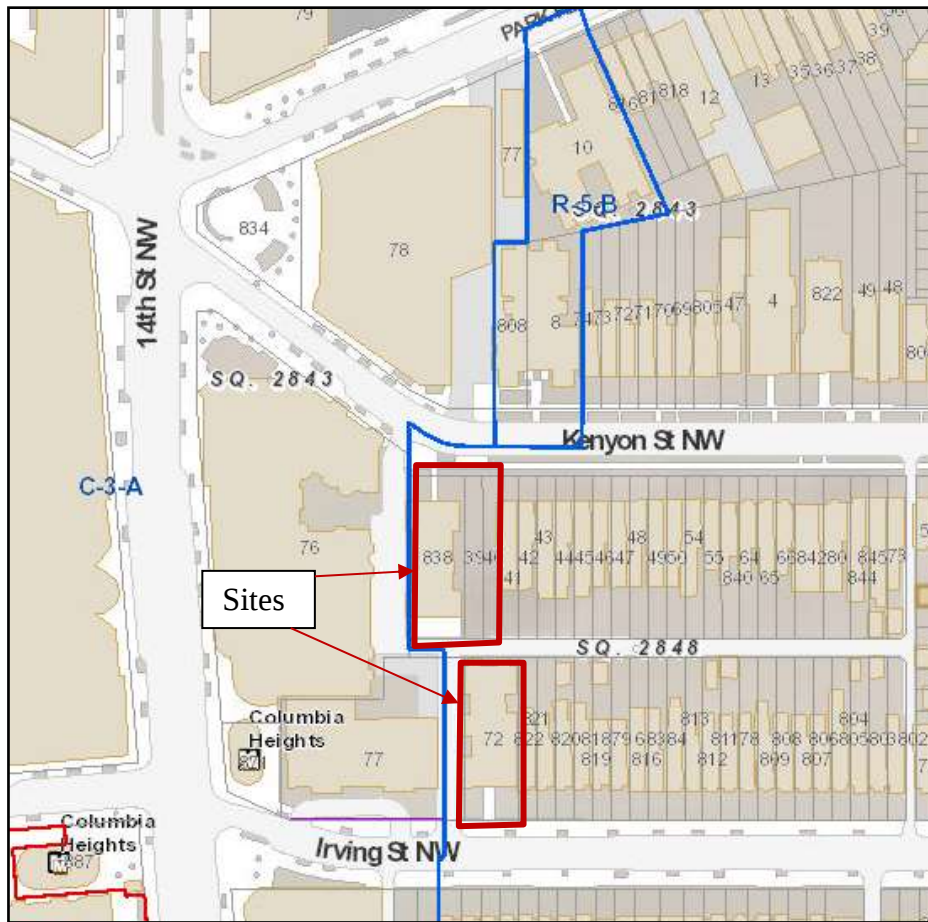


III. AREA DESCRIPTION

The area around the properties is improved with a range of commercial and residential uses. The 14th Street commercial corridor is half a block to the west and the Columbia Heights Metro Station entrance is approximately 800 feet west of Lot 72. Directly west of the site is a seven story, apartment building, and a second seven story apartment building with ground floor retail fronting on 14th Street in the C-3-A zone. To the north is a six-story residential building with ground floor retail opening onto a public plaza along 14th Street and zoned C-3-A. The property is across from a four-story apartment building in the R-5-B zone. To the east of the site, along Kenyon Street, are single-family and multi-family residences, three and four-stories in height and sprinkled with a few retail uses, in the R-4 zone. The properties which border Lots 39 and 40 directly to the east are three and four-story residential row dwellings.



Aerial View



Site Location and Zoning

IV. ZONING

The Applicant has requested R-5-B zoning for these properties. The R-4 zone is designed to include areas developed primarily with row dwellings, but it also permits the conversion or expansion of existing buildings provided there is a minimum of 900 square feet of lot area for each dwelling unit. The R-5-B zone is designed to provide flexibility of residential building types, including multi-family residential buildings of moderate height and density. The R-5 zones are multifamily residential zones and density is calculated by Floor Area Ratio (FAR) with no minimum lot size requirement for each dwelling. A comparison of certain existing characteristics of the subject buildings, and the corresponding bulk requirements for the existing and proposed zoning districts is provided below:

	Lot 72 (Existing)	Lots 838 (Existing)	Lots 39 & 40 (Vacant)	R-4 (Existing)	R-5-B (Proposed)
Height / Stories	50 ft./4 stories	50 ft./4 stories	N/A	40 ft. max./3 stories max.	50 ft. max., no story limit
FAR	2.7	2.9	N/A	N/A	1.8 max.
Units	16	18	N/A	900 sf/apartment min.	Not regulated
Lot Occupancy	70%	74%	N/A	60% Row dwelling or flat	60%

Under the existing R-4 zoning, for the highlighted features, the buildings on Lots 72 and 832 are currently non-conforming to the zone standards. Under the proposed R-5-B zoning, both buildings would remain non-conforming to FAR and lot occupancy; they would be allowed to be retained as existing non-conforming structures although any future building changes or additions may require some form of zoning relief, as is the case with the current R-4 zoning. However, the proposed R-5-B zone would make this building less non-conforming, especially for “use”, and would allow a conforming building, except for the parking space dimensions, to be constructed on Lots 39 and 40. The R-5-B zone is on properties directly north across from the site and covers lower scale apartment buildings providing a transitional area between the higher density development along 14th Street to the west, and the rowhouse development to the east. The proposed R-5-B zone on the subject properties would serve a similar function.

V. COMPREHENSIVE PLAN

The Comprehensive Plan (Attachment 1 and 1A) designates the properties for a mix of moderate density residential and medium density commercial. The proposed R-5-B zone is not inconsistent with this designation. C-3-A is also located adjacent to the subject sites and within this Comprehensive Plan designation. However, given the context and existing zoning pattern, the use and density permitted by R-5-B is considered a more appropriate zone. The Comprehensive Plan states:

Moderate Density Residential: This designation is used to define the District’s row house neighborhoods, as well as its low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single family homes, 2-4 unit buildings, row houses, and low-rise apartment buildings. In some of the older inner city neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). The R-3, R-4, R-5-A Zone districts are generally consistent with the Moderate Density Residential category; the R-5-B district and other zones may also apply in some locations. 225.4

The existing multistory apartment buildings within the site area were constructed prior to the 1958 zoning designation and are recognized as appropriate for the Moderate Density Residential designation. The vacant parcels could be constructed to meet the proposed R-5-B zone and the moderate density residential standards. OP estimates that nearly half of all R-5-B zones in the District have a Residential Moderate Density designation and therefore R-5-B zone is appropriate for this location

The Generalized Policy Map (Attachment 2 and 2A) designates the property as being within a Neighborhood Conservation Area. The proposal would be consistent with this recommendation as the existing buildings are a part of the existing neighborhood character and R-5-B zone would allow the vacant lots to be developed at a complementary scale and character.

The Comprehensive Plan also provides the following policy guidance with which the proposal would not be inconsistent:

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.*

The vacant parcels within the application create a gap in the street frontage along Kenyon Street. The proposed development submitted within the map amendment would fill the gap with a building that would complement and be compatible to the building type, height and architecture of other buildings along Kenyon

Street. The R-5-B zone would also provide a transition between the lower density rowhouses to the east and the high density residential and commercial uses to the west.

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 R-5-B zone on the property would allow for a development that would complement the rowhouses to the east and the multifamily building on the other three sides of the property. The developed lots are currently in a rowhouse zone and the proposed R-5-B zone for multifamily building would be more reflective of the existing development and would be more in conformance with its zoning.

Policy LU-2.1.8: Zoning of Low and Moderate Density Neighborhoods

“Discourage the zoning of areas currently developed with single family homes, duplexes, and rowhouses (e.g., R-1 through R-4) for multi-family apartments (e.g., R-5) where such action would likely result in demolition of housing in good condition and its replacement with structures that are potentially out of character with the existing neighborhood. 309.13

The proposed rezoning would enable the development of two vacant parcels with a building that would be complementary to the existing character of the area. The existing multifamily buildings would be retained in their current conditions with no changes proposed.

Policy H-1.1.1: Private Sector Support: *Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives. 503.2*

The proposed zoning change would allow for the private development of the vacant parcels with an eight unit apartment building. The units would be of vary sizes to cater to differing family sizes and incomes.

Policy MC-1.1.1: Neighborhood Conservation: *Retain and reinforce the historic character of Mid-City neighborhoods, particularly its row houses, older apartment houses, historic districts, and walkable neighborhood shopping districts. The area’s rich architectural heritage and cultural history should be protected and enhanced. 2008.2*

The subject property is not within a historic district. However, it’s an established neighborhood in Columbia Heights and the property is within walking distance of the Columbia Heights Metro Station. The proposed development would protect and enhance the character, architecture, density and heights of building in the area.

Policy MC-1.1.2: Directing Growth: *Stimulate high-quality transit-oriented development around the Columbia Heights, Shaw/Howard University, and U St./African American Civil War Memorial/Cardozo Metrorail station areas, as well as along the Georgia Avenue corridor and the North Capitol Street/Florida Avenue business district. Opportunities for new mixed income housing, neighborhood retail, local-serving offices, and community services should be supported in these areas, as shown on the Comprehensive Plan Policy-Map and Future Land Use Map. 2008.3*

The subject property is in close proximity to the Columbia Heights Metro Station and the vacant parcels offers an opportunity to be developed with residences for families sizes and incomes at a density they is not inconsistent with the Comprehensive Plan Policy Map and Future Land Use Map.

Policy MC-2.2.1: Columbia Heights Metro Station Area Development: *Develop the Columbia Heights Metro Station area as a thriving mixed use community center, anchored by mixed income housing, community-serving retail, offices, civic uses, and public plazas. Strive to retain the neighborhood's extraordinary cultural diversity as development takes place, and place a priority on development and services that meet the needs of local residents. 2012.7*

The subject property is within the Columbia Heights Metro Station Area. The rezoning would allow the development of vacant parcels which would add to the housing stock in the area, provide housing for families of different sizes and incomes.

VI. VARIANCE ANALYSIS

If the R-5-B zone is granted for the property, an apartment building would be developed on Lots 39 and 40 combined. The proposed development would have 8 units of varying sizes, seven of which would be 2 bedrooms while one unit would be a 3-bedroom unit sufficient to accommodate a family. The units on the ground floor would have patios while the upper units would have terraces roof decks. The unit breakdown would be as follows:

Unit	Size	Bedrooms/Bathrooms
1	1,537 sq. ft.	2 bedrooms/2.5 bathrooms
2	955 sq. ft.	2 bedrooms/2.5 bathrooms
3	667 sq. ft.	2 bedrooms/2.5 bathrooms
5	667sq.ft.	2 bedrooms/2 bathrooms
6	1,643 sq. ft.	3 bedrooms/3.5 bathrooms
7	667 sq. ft.	2 bedrooms/2 bathrooms
8	1,017 sq. ft.	2 bedrooms/2.5 bathrooms

The following table shows how the proposed development would meet the zoning requirements and the relief requested.

	R-4	R-5-B	Proposal	Relief
Height, § 400	35 ft. max/3 stories ft.	50 ft. max/no story limit	50 ft./5 stories	No
Lot Width, § 401	40 ft.	None Prescribed	33.33 ft.	No
Lot Area § 401	4,000 sq. ft.	None Prescribed	4,942 sq. ft.	No
FAR, § 402 Roof structure FAR	None Prescribed	1.8 maximum 0.37 maximum	1.8 0.1	No
Lot Occupancy, § 403	60% Row Dwelling or flat	60%	50.5%	No
Rear Yard, § 404	20 ft. minimum	15 ft. minimum	23.16 ft.	No
Side Yard, § 405	None	None, but if provided, 8 ft. minimum	N/A	No
Open Court, § 406	Width: 10 ft. minimum	Width: 10 ft. minimum	Width: 20.5 ft.	No

Parking, § 2101.1	1 per 2 dwelling units	1 per 2 dwelling units	4 spaces	No
Parking Space Dimension, § 2115	9 ft. width 19 ft. length	9 ft. width 19 ft. length	8.16 ft. width 19 ft. length	Yes
Green Area Ratio, § 3400	N/A	0.40	0.40	No

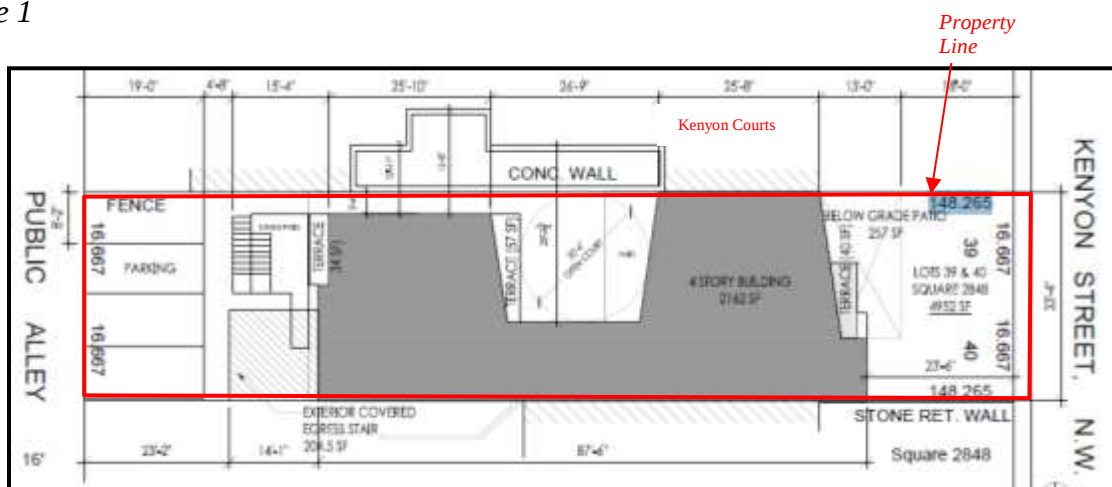
Building Design

The building has been designed to respect and integrate into the community and particularly along Kenyon Street. Buildings on the western portion of Kenyon Street are larger multifamily buildings on both sides of the street while there are rowhouse going east from the site. Some of the rowhouses have been converted to multiunit, multifamily buildings. The architecture and colors of the buildings along Kenyon Street varies and does not present a consistent theme. However, the Applicant would integrate elements from buildings along the street as well as introduce the use of modern elements. The building would be compatible in height and density and has been setback from the property line to maintain the rhythm along Kenyon Street.

Light and Privacy

The Applicant has carved out an open area on the west side of the building similar to that on the building to the west, Kenyon Street Yes We Can Cooperative (*Figure 1 below*) to provide additional light and between the buildings. The Kenyon Street Yes We Can Cooperative building has a setback of between 7.41 feet and 13.12 feet from the property line and the proposed building would be setback an additional 3.5 feet to 24.66 feet from the property line. The setbacks combined would reduce clear sight views from the proposed development through to the windows on the Kenyon Street Yes We Can Cooperative building. Additionally, the terraces off the units which are in the court area are angled so that direct views to the windows on the adjacent building are minimized. Other terraces on the rear and the front of the units would not significantly impact the light to adjacent buildings to the east and south of the development.

Figure 1



The Applicant has provided light studies which show that the loss of light to the lower units on the Kenyon Street Yes We Can Cooperative building could be more affected by a matter-of-right R-4

development than the proposed development. To minimize the impact on the Kenyon Street Yes We Can Cooperative, the southern portion of the proposed building would be setback 3.5 feet from the property line as well as providing the court area adjacent to the existing court area on the Kenyon Street Yes We Can Cooperative building.

With the southern portion of the building setback from the property line, there have been concerns regarding the security of the units on the ground floor of the Kenyon Street Yes We Can Cooperative. Similarly, there is a concern for privacy of Kenyon Street Yes We Can Cooperative lower level units which would be adjacent to the open patios on the ground of the proposed building. To address both the privacy and the security issues, the applicant would build a fence along the Kenyon Street Yes We Can Cooperative open area. At the time of this report, the Applicant states that they are still in discussions with the Kenyon Street Yes We Can Cooperative as to their preference in the type, materials and height of the fence. The privacy of adjacent buildings to the east and south of the development would not be significantly impacted by due to the distance between the buildings.

Parking Space Dimension Relief

The applicant has requested variance relief from § 2115 which results in parking spaces which do not meet the width requirements.

i. Exceptional Situation Resulting in a Practical Difficulty

The width of the lots combine for a total of 33.33 feet. The narrowness of the lots presents an exceptional situation as it cannot be enlarged to a minimum of 36 feet to accommodate the required width of nine feet for each of the four required spaces. To rearrange the spaces at their required sizes and have direct access from the alley would require a drive aisle and a turnaround to area to provide each space with direct access form the alley. Additionally, no curb cut from Kenyon Street would be granted to access the parking spaces. For all these reasons, the narrow width of the property would make it practically difficult for each space to have the required width.

ii. No Substantial Detriment to the Public Good

The small reduction of the parking space width would not adversely affect neighboring property, and facilitates the provision of the four required spaces. The proximity to the Metro Station and multiple busses will also help to reduce the need for parking.

iii. No Substantial Harm to the Zoning Regulations

The reduction in the width of the parking spaces would not cause any substantial harm to the Zoning Regulations as the required number of spaces would be provided on-site. Further, the spaces provided at a dimension of 8.16 feet x 19 feet are larger than the minimum dimensions of 8 feet by 16 feet for compact spaces.

VII. COMMENTS OF OTHER DISTRICT AGENCIES

District Department of Transportation will provide a report under separate cover.

VIII. COMMUNITY COMMENTS

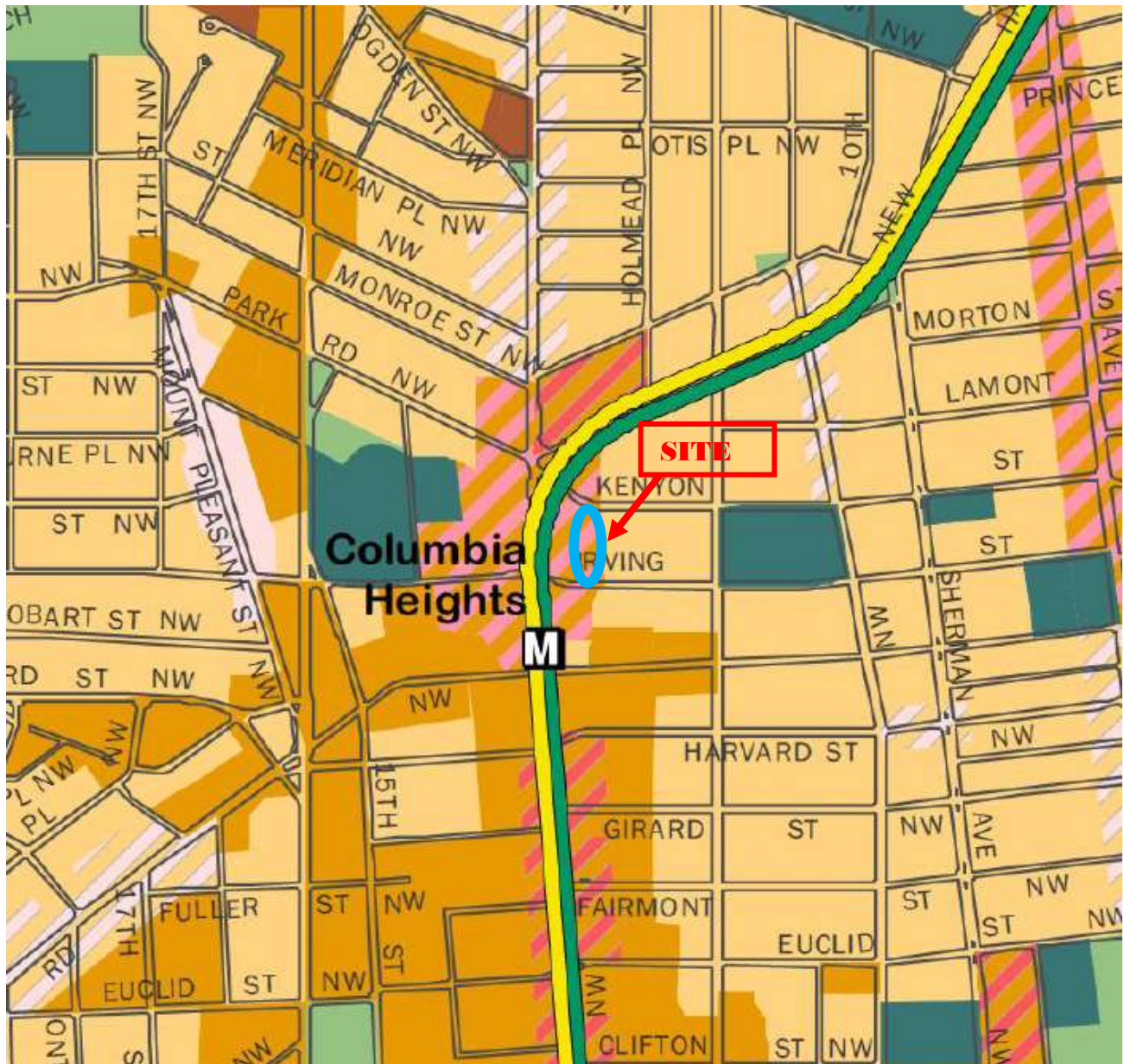
The property is within ANC 1A. At its November 12, 2015 meeting the ANC reviewed the proposal but did not take a position on the proposal.

Attachments:

ATTACHMENT 1 – Future Land Use Map
ATTACHMENT 1A – Future Land Use Map With Buildings
ATTACHMENT 2 – Generalized Policy Map
ATTACHMENT 2A – Generalized Policy Map With Buildings

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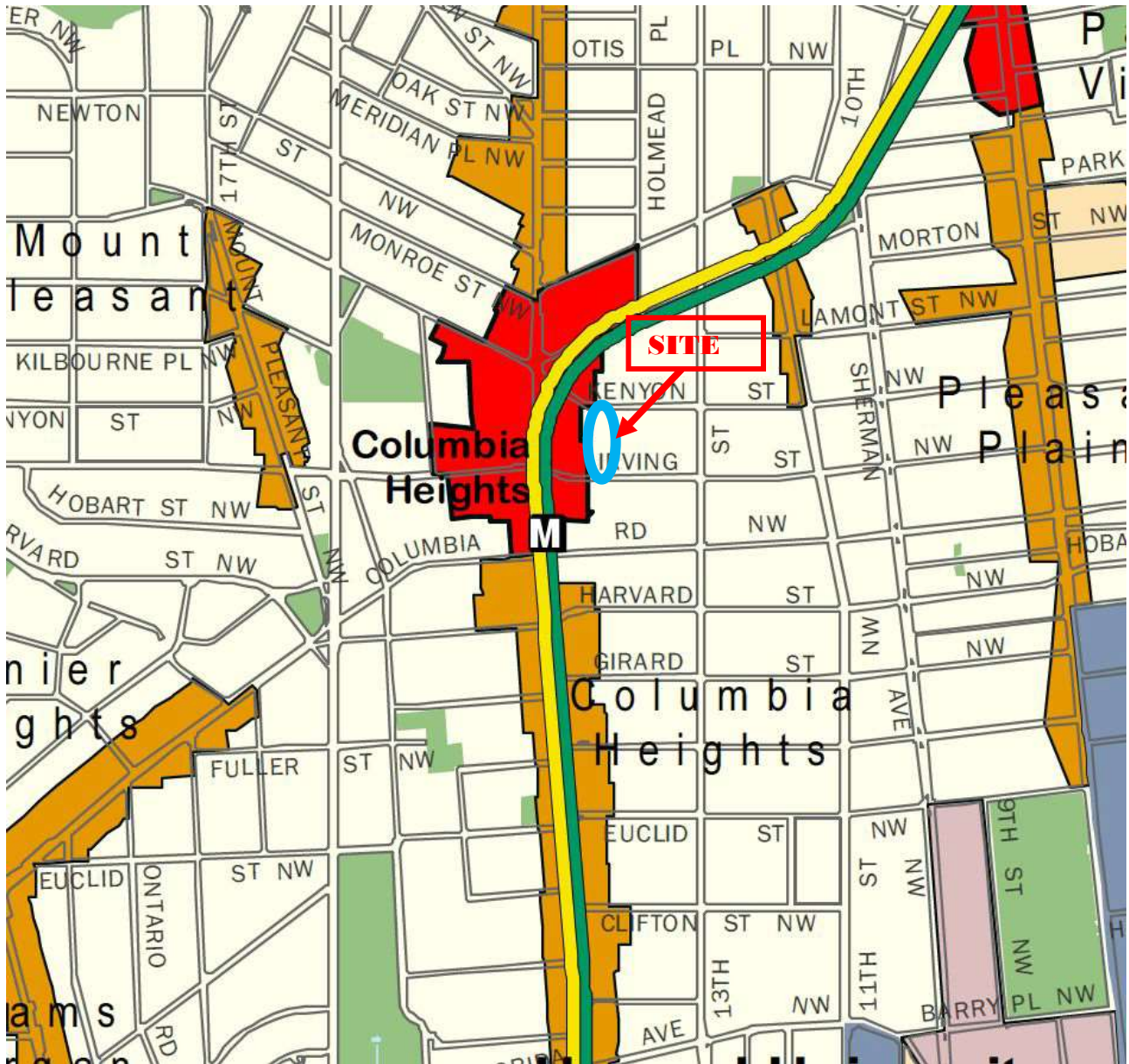
ATTACHMENT 1 – Future Land Use Map



ATTACHMENT 1A – Future Land Use Map With Buildings



ATTACHMENT 2 – Generalized Policy Map



ATTACHMENT 2A – Generalized Policy Map With Buildings

