

DC OFFICE OF ZONING

2015 DEC -3 District of Columbia
Office of Planning



MEMORANDUM

TO: District of Columbia Zoning Commission
FROM: *JL fox* Jennifer Steingasser, Deputy Director
DATE: December 4, 2015
SUBJECT: ZC #15-09 – Setdown Report for a Proposed Map Amendment
Re-Map Portions of Lanier Heights From R-5-B to R-4

I. SUMMARY RECOMMENDATION

Residents of Lanier Heights and ANC 1C have submitted an application to amend the zoning map from R-5-B to R-4 for portions of the Lanier Heights neighborhood that are predominantly currently developed with rowhouse one-family dwellings and flats. The main differences between the two zones are that R-5 B allows multi-family buildings by-right, and allows a taller building height than R-4.

The Comprehensive Plan provides policy guidance that both supports and does not support a more restrictive zoning designation. The Plan’s Generalized Policy Map describes the area as a Neighborhood Conservation area, suggesting that any new development should be compatible with the existing character. The Plan’s Future Land Use Map designates the subject properties for Moderate Density Residential, which would not be inconsistent with either an R-4 or an R-5-B zone.

OP has met with resident groups and the ANC regarding this downzoning proposal on a number of occasions since late 2012. OP staff also discussed with the applicants the implications of the recently approved changes to the R-4 zone (ZC Case 14-11), and the applicants indicated a preference to continue with the application as submitted. In addition to support within the neighborhood and from the ANC for this downzoning, OP is aware that there is opposition from some residents.

While the proposed downzoning would have implications on both existing property owners and on some broader District goals and objectives related to housing and land use, it is generally not inconsistent with the Comprehensive Plan. As such, the zoning map amendment application merits being set down for a public hearing, to allow a full public review. If the Commission does so, the new R-4 zoning would be “in effect” at the time of setdown for any building permit filed within the area after the setdown date.

The subject properties are generally developed with large rowhouses, although there are some small apartment buildings and rowhouse conversions. The applicant has attempted to exclude

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WASHINGTON
District of Columbia
CASE NO. 15-09
EXHIBIT NO. 12

older apartment buildings from the rezoning boundaries. If set down for a public hearing, the Zoning Commission may also wish to consider a corresponding text amendment that would designate, within the subject area, any existing multi-family dwellings, or multi-family dwellings in the permit process, as conforming uses.

II. APPLICATION-IN-BRIEF

Proposed Map Amendment	A zoning map amendment from R-5-B to R-4 for portions of the Lanier Heights neighborhood (see map of subject properties on the following page)
Generalized Policy Map Designation	Neighborhood Conservation Area
Future Land Use Map Designation	Moderate Density Residential
Current Zoning	R-5-B
Ward and ANC	Ward 1, ANC 1C

III. SITE AND AREA DESCRIPTION

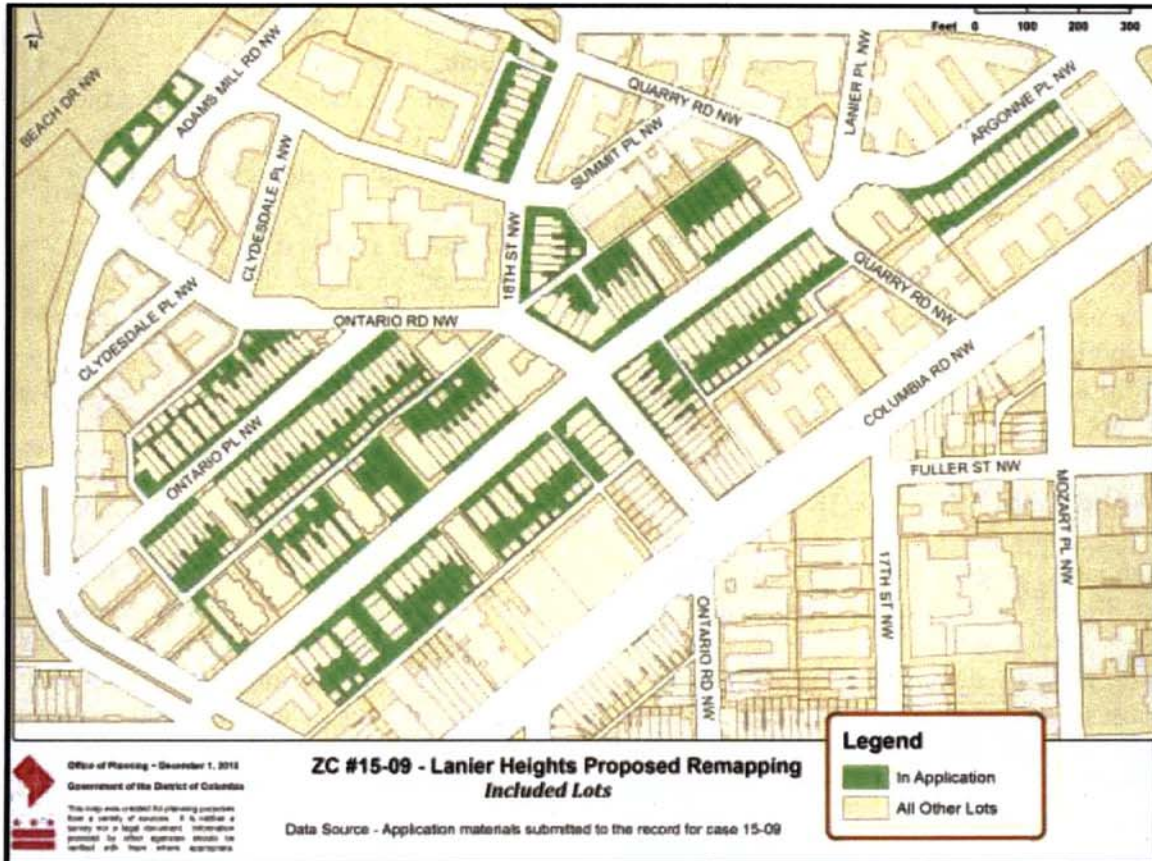
The Lanier Heights neighborhood is located north of Columbia Road, NW and generally between Adams Mill Road on the west and north and Harvard Street on the east and north. Lanier Heights is bordered by the neighborhoods of Mt Pleasant, Columbia Heights, Reed-Cooke and Adams-Morgan, as well as Rock Creek Park. The building stock of Lanier Heights is currently a mix of rowhouses with moderate to medium density apartment buildings. The largest apartment buildings tend to be at the periphery of the neighborhood, along Columbia Road and Harvard Street, or toward the northern end of the neighborhood near Adams Mill Road.

Lanier Place, the spine of the neighborhood, has a mix of structures, though the apartment buildings on that street tend to be more moderately scaled. The mix of structures was developed with an evolution over a number of decades, beginning in 1882, when the land was originally subdivided for suburban style cottages. Beginning around 1900, however, the suburban style homes were razed, and the lots re-subdivided for narrower, urban rowhouses. Around 1920 the construction of apartment buildings began in earnest, with consolidation of rowhouse lots allowing for the construction of larger buildings, resulting in the mixed building stock the neighborhood exhibits today.

In terms of uses, most of the rowhouse structures house single family dwellings or flats, though some have been converted as a matter-of-right to multifamily dwellings. There are four detached single family houses, and there are a few non-residential uses in the interior of the neighborhood, including a fire station, an inn, and a non-profit providing temporary housing.

The properties subject to the current application are a subset of the entire neighborhood and include only rowhouse structures or rowhouse-like apartment buildings that are zoned R-5-B, as well as the detached single family homes on Adams Mill Road. Larger apartment buildings are

not included. See the map below. The subject buildings tend to have similar heights and designs, though there is some variation. Many have English basement entrances, some of which are used for basement apartments. Many also have mansard-like facades above the second story, space that historically was likely used as attic space. Nearly all have alley access with parking at the rear of the property.



Nearby neighborhoods are similar in terms of composition with a mix of rowhouses and older apartment buildings. Some newer apartment buildings have been constructed in Reed-Cooke. Columbia Road and 18th Street are the commercial corridors for the area, and buildings on those streets vary from single story commercial to two or three story rowhouse-type commercial to multi-story apartment buildings.

OP has undertaken preliminary analysis of the area proposed to be rezoned. This has included reviewing property information available through our GIS mapping system, and on-site visual analysis of the existing building stock. Maps indicating the results of this analysis are attached at the back of this report, including ones which show building height, lot area, lot occupancy and uses.

These maps, because they are not the result of accurate surveys or reviews of actual building plans which were not available to OP, should not be construed as a fully accurate representation

or “snapshot” of the neighborhood. In all likelihood, current or more accurate survey information could change the information for individual properties.

Rather, the maps are intended to provide a general sense of the scale and nature of existing and potential development within the subject area. In general, they indicate that

- A large majority of properties would be conforming to the R-4 zone;
- OP estimates that 20 to 25% of buildings are taller than 35 feet,
- OP estimates that about 36% of properties would have enough land area to, under the R-4 regulations, convert to three or more units, if they haven’t already,
- OP estimates that 25 to 30% of properties are and would be non-conforming for lot occupancy;
- Based on data provided to OP by the applicant and on OP’s analysis, approximately 9% of properties in the rezoning area have been converted or are in the process of being converted to an apartment building, or are being developed with a new apartment building,
- Most, if not all, of the structures are subject to building restriction lines and therefore are not built to the front property line

IV. PROPOSED MAP AMENDMENT

The applicants propose to rezone certain properties in the Lanier Heights neighborhood from R-5-B to R-4. The application states concerns about the conversion of rowhouses to apartment buildings, which is a matter-of-right under the R-5-B zoning. It states that the conversions increase parking demand, garbage and noise, impact the structural integrity of adjacent rowhouses, and, because of increased height and depth due to additions to facilitate conversion to apartments, decrease light and air available to neighboring properties. The applicants are also concerned about the loss of family-sized housing and negative impacts to privacy. See Exhibit 2A, page 4 for the applicants’ complete description of the identified impacts.

The primary purpose of the R-4 district is to include predominantly rowhouse neighborhoods, although some properties may have been converted to flats or apartments (§§330.1 and 330.2). The R-5-B district is a general residence district where moderate height and density are permitted (§§350.1 and 350.2) and all residential use types are permitted, including both rowhouse and apartment. The following table provides a comparison of some of the parameters of R-5-B and R-4. As seen in the table, in some respects the R-5-B and R-4 zones are similar, but they also differ in important ways. OP’s preliminary comments on some of the zoning criteria, based on our initial analysis and data from the applicant, is included in the table.

	R-5-B	R-4	OP Comments
Height § 400	50’	35’, 3 stories – matter-of-right 40’, 3 stories – special exception	Based on OP’s initial analysis, 20% to 25% properties would become nonconforming for height under the proposed zoning. Please refer to the map at Attachment 1

	R-5-B	R-4	OP Comments
Lot Area § 401	None prescribed	Rowhouse and flat – 1,800 sf	While some existing, developed lots on the 2900 block of 18 th Street, NW and the 1600 block of Argonne Place, NW do not meet the 1,800 sq ft requirement, most existing lots would not be made non-conforming.
Lot Width § 401	None prescribed	Rowhouse and flat – 18'	Most existing lots would appear to provide the required lot width, with the exception of lots on the 1800 block of Ontario Road, NW
FAR § 402	1.8, 2.16 with inclusionary zoning (IZ)	None prescribed (Effective FAR of 1.8 (60% lot occupancy X 3 floors))	
Lot Occ § 403	60%	Rowhouses – 60% Conversions – Greater of 60% or the lot occupancy as of the date of conversion	Lot occupancy limits are equivalent, so building footprints would not be affected on that basis, but could be impacted by rear yard requirements. Please refer to the lot occupancy map at Attachment 3
Rear Yard § 404	15' min	20' min	The rear yard requirement in R-4 could provide a limit on the extent to which rear additions go back from the original structure
Number of Units	No limit	2 – matter-of-right Conversions to more than 2 permitted by special exception	900 sq. ft per unit is required for a conversion to more than 2 units. Based on OP's preliminary analysis, 67 of 186 properties have lot areas of 2,700 square feet or more. Please refer to the Lot Area map at Attachment 2 Data provided to OP by the applicant, combined with OP's analysis, indicates that conversions to, or new construction of apartments is completed or underway on 17 of the 186 subject properties. Please refer to the map at Attachment 4
Parking	Single Family – 1 per unit Flat – 1 per 2 units Multiple Dwelling – 1 per 2 units	Single Family – 1 per unit Flat – 1 per 2 units Multiple Dwelling – 1 per 3 units	

Associated Text Amendment

The Commission may also wish to set down a text amendment that would designate as a conforming use any multi-family dwelling within the rezoning area that is existing or that is in

the building permit process as of the date of setdown. As has been shown, the older apartment buildings have been excluded from the rezoning area, but some newer, smaller apartment buildings have been included. It can be more difficult for non-conforming uses or properties to obtain bank loans, even for needed repairs and upgrades. Similar text exists in the Regulations for industrial uses in the Capitol Gateway Overlay (§ 1611) and for hotels in R-5 zones (§ 350 4(e)), in both cases dealing with existing uses subjected to a zoning change that would make them non-conforming. The text, which would be reviewed in conjunction with the Office of the Attorney General (OAG) prior to a public hearing, could read as follows:

“§ 330.5 The following uses shall be permitted as a matter of right in an R-4 District:

[]

- (j) A multiple dwelling in Squares 2580, 2581, 2582, 2583, 2584, 2586W, 2587 or 2589, in existence as of December 14, 2015 with a valid Certificate of Occupancy, or under review for a building permit as of December 14, 2015, provided that the multiple dwelling shall not be expanded in floor area or in number of units. Said multiple dwellings, however, may be repaired, renovated, remodeled, or structurally altered.”

V. COMPREHENSIVE PLAN POLICIES

Several Comprehensive Plan Guiding Principles apply when considering the consistency of the remapping request with the Plan. Some of the Guiding Principles cited below seek to guide the type and amount of change in established neighborhoods. Others seek to maximize the ability of the District to accommodate more residents as well as various household sizes, from small to large. The Principles are outlined in Chapter 2 of the Plan, the Framework Element.

- 1 Change in the District of Columbia 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)
- 2 A city must be diverse to thrive, and the District cannot sustain itself by only attracting small, affluent households. To retain residents and attract a diverse population, the city should provide services that support families. A priority must be placed on sustaining and promoting safe neighborhoods offering health care, quality education, transportation, child care, parks, libraries, arts and cultural facilities, and housing for families. (§ 217 2)
- 3 Diversity also means maintaining and enhancing the District’s mix of housing types. Housing should be developed for households of different sizes, including growing families as well as singles and couples. (§ 217 3)
- 6 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)
7. 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)
 8. The residential character of neighborhoods must be protected, maintained and improved. Many District neighborhoods possess social, economic, historic, and physical qualities that make them unique and desirable places in which to live. These qualities can lead to development and redevelopment pressures that threaten the very qualities that make the neighborhoods attractive. These pressures must be controlled through zoning and other means to ensure that neighborhood character is preserved and enhanced. (§ 218 1)
 10. The recent housing boom has triggered a crisis of affordability in the city, creating a hardship for many District residents and changing the character of neighborhoods. The preservation of existing affordable housing and the production of new affordable housing both are essential to avoid a deepening of racial and economic divides in the city. Affordable renter- and owner-occupied housing production and preservation is central to the idea of growing more inclusively (§ 218 3)

The individual elements of the Plan and the policies of the elements also provide important guidelines for the evaluation of the proposed remapping. Following are several relevant policy statements from the Plan, some of which are more supportive of the proposed downzoning than others. Overall, however, the proposed rezoning would not be inconsistent with many of the written Plan policies.

Land Use Element

- § 307.2 Infill development on vacant lots is strongly supported in the District of Columbia, provided that such development is compatible in scale with its surroundings and consistent with environmental protection and public safety objectives. In residential areas, infill sites present some of the best opportunities in the city for “family” housing and low- to moderate-density development.
- § 307 3 In both residential and commercial settings, infill development must be sensitive to neighborhood context. High quality design standards should be required, the privacy of neighboring structures should be respected, and density and scale should reflect the desired character of the surrounding area.

Policy LU-2 1 3 Conserving, Enhancing, and Revitalizing Neighborhoods

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)

Policy LU-2 1 6 Teardowns

Discourage the replacement of quality homes in good physical condition with new homes that are substantially larger, taller, and bulkier than the prevailing building stock. (§ 309 11)

Policy 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)

Policy LU-2 1 9 Addition of Floors and Roof Structures to Row Houses and Apartments

Generally discourage increases in residential density resulting from new floors and roof structures (with additional dwelling units) being added to the tops of existing row houses and apartment buildings, particularly where such additions would be out of character with the other structures on the block. Roof structures should only be permitted if they would not harm the architectural character of the building on which they would be added or other buildings nearby. (§ 309.14)

Action LU-2 1 A Rowhouse Zoning District

Develop a new row house zoning district or divide the existing R-4 district into R-4-A and R-4-B to better recognize the unique nature of row house neighborhoods and conserve their architectural form (including height, mass, setbacks, and design) (§ 309.19)

Action LU-2 1 C Residential Rezoning

Provide a better match between zoning and existing land uses in the city’s residential areas, with a particular focus on

- a Blocks of well-established single family and semi-detached homes that are zoned R-3 or higher,
- b Blocks that consist primarily of row houses that are zoned R-5-B or higher; and
- c Historic districts where the zoning does not match the predominant contributing properties on the block face

In all three of these instances, pursue rezoning to appropriate densities to protect the predominant architectural character and scale of the neighborhood (§ 309 21)

Housing Element

§ 502.2 The District must increase its rate of housing production if it is to meet current and projected needs through 2025 and remain an economically vibrant city

§ 503.1 Expanding the housing supply is a key part of the District’s vision to create successful neighborhoods. Along with improved transportation and shopping, better neighborhood schools and parks, preservation of historic resources, and improved design and identity, the production of housing is essential to the future of our neighborhoods. It is also a key to improving the city’s fiscal health. The District will work to facilitate housing construction and rehabilitation through its planning, building, and housing programs, recognizing and responding to the needs of all segments of the community. The first step toward meeting this goal is to ensure that an adequate supply of appropriately zoned land is available to meet expected housing needs

§ 505.2 During the last five years [2000 – 2005], more than 80 percent of the new housing in the city has consisted of multi-family housing. As this trend continues, the District faces the prospect of a less diverse housing stock, with a growing share of one- and two-bedroom multi-family units and a declining share of housing large enough for families with children. In addition to the newly built housing, the conversion of single family row houses into multi-unit flats may be further eroding the supply of three and four bedroom units in the city.

§§ 505.4 and 505.5 The housing needs of District residents represent a wide spectrum. Students and young professionals may seek studios, small apartments, or shared housing. Young families may seek small condominiums, townhouses, or small homes in emerging neighborhoods. Families with children may seek homes with three or four bedrooms, a yard, and perhaps a rental unit for added income. Singles and couples with no children may seek single-family homes or apartments. The growing population of seniors may seek smaller houses or apartments, retirement communities, assisted living or congregate care facilities. An important part of growing “inclusively” is to maintain a housing stock that can fit the needs of all of these households.

Policy H-1.3.1 Housing for Families

Provide a larger number of housing units for families with children by encouraging new and retaining existing single family homes, duplexes, row houses, and three- and four-bedroom apartments. (§ 505.6)

Mid-City Element

§ 2000.9 ...There are also visible threats to the historic integrity of many of the area’s residential structures, particularly in areas like Adams Morgan, Columbia Heights, Bloomingdale, and Eckington, which are outside of designated historic

districts In some instances, row houses are being converted to multi-family flats; in others, demolitions and poorly designed alterations are diminishing an important part of Washington’s architectural heritage.

§ 2007.2(d) The row house fabric that defines neighborhoods like Adams Morgan, Columbia Heights, Pleasant Plains, Eckington, and Bloomingdale should be conserved Although Mid-City includes six historic districts (Greater U Street, LeDroit Park, Mount Pleasant, Strivers’ Section, Washington Heights and Kalorama Triangle), 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 ..

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)

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)

Action MC-1 1 A Rezoning Of Row House Blocks

Selectively rezone well-established residential areas where the current zoning allows densities that are well beyond the existing development pattern The emphasis should be on row house neighborhoods that are presently zoned R-5-B or higher, which include the areas between 14th and 16th Streets NW, parts of Adams Morgan, areas between S and U Streets NW, and sections of Florida Avenue, Calvert Street, and 16th Street (§ 2008 11)

VI. COMPREHENSIVE PLAN LAND USE MAPS

The Comprehensive Plan’s Generalized Policy Map (see below) shows the area as a Neighborhood Conservation Area, described by the Plan as follows.

Neighborhood Conservation Areas have very little vacant or underutilized land. They are primarily residential in character Maintenance of existing land uses and

community character is anticipated over the next 20 years. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities, and institutional uses. Major changes in density over current (2005) conditions are not expected but some new development and reuse opportunities are anticipated... (§ 223.4)

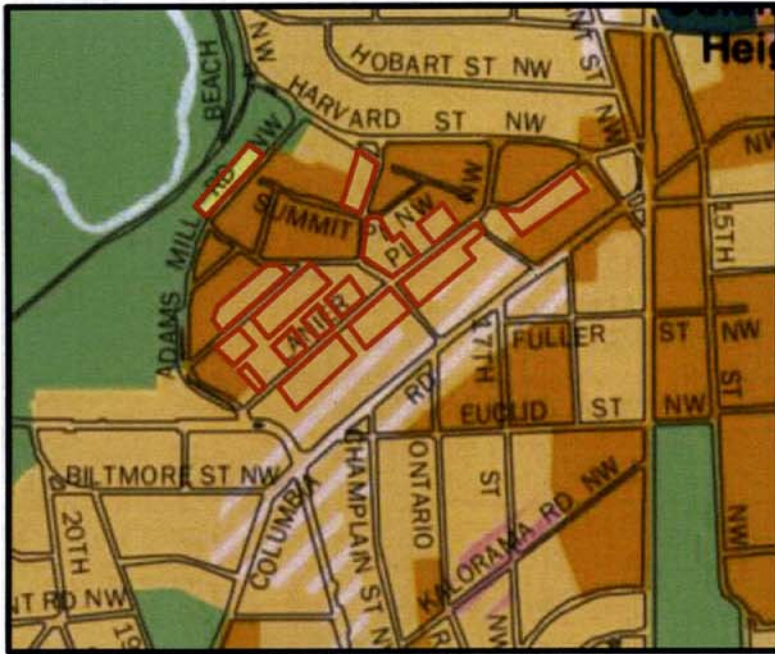
The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained and new development and alterations should be compatible with the existing scale and architectural character of each area. Densities in Neighborhood Conservation Areas are guided by the Future Land Use Map. (§ 223.5)



Generalized Policy Map

Red Lines Indicate Approximate Boundaries of Subject Properties

The Plan's Future Land Use Map designates almost all the subject properties as Moderate Density Residential. Four lots along Adams Mill Road are designated for Low Density Residential. Both the existing zoning, R-5-B, and the proposed zoning, R-4, are not inconsistent with the Moderate Density designation. Other parts of the neighborhood, typically with larger apartment buildings, are shown as Medium Density, and along Columbia Road the Plan calls for a mix of Low Density Commercial and Moderate Density Residential.



Future Land Use Map



Red Lines Indicate Approximate Boundaries of Subject Properties

VII. COMMUNITY COMMENTS

ANC IC is a co-applicant on the application, and their resolution of support has been included in the record.

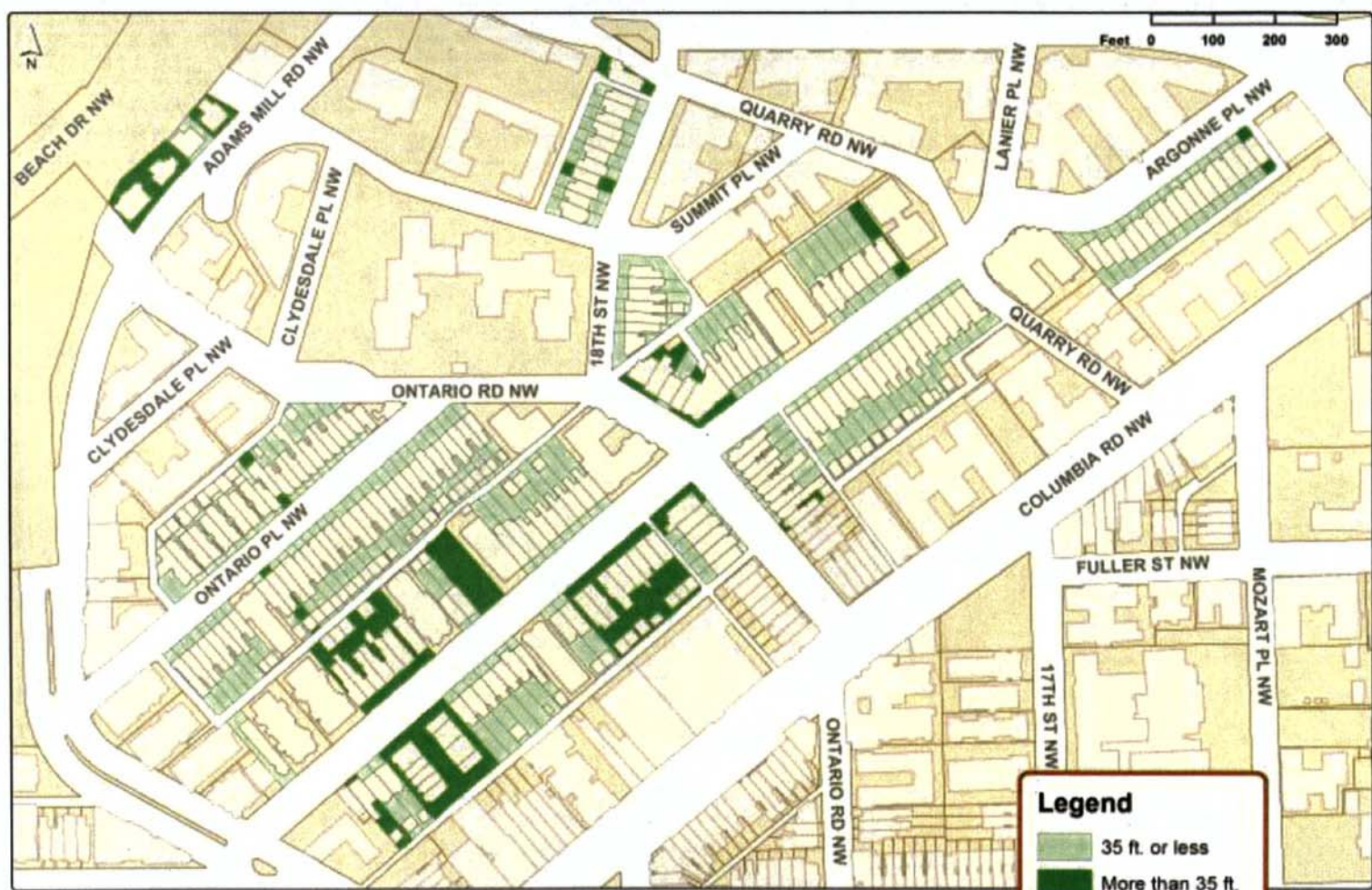
OP has met with area residents at informal meetings and at meetings organized by the ANC. OP has also met with the applicants, and has received feedback from opponents to the case. The record also includes signed petitions indicating support for the rezoning. OP has encouraged the applicants to continue to reach out to neighbors and continue dialogue through the ANC.

VIII. ATTACHMENTS

Maps


1. Building Height
2. Lot Area
3. Lot Occupancy
4. Uses

JS/mrj



Legend

- 35 ft. or less
- More than 35 ft.

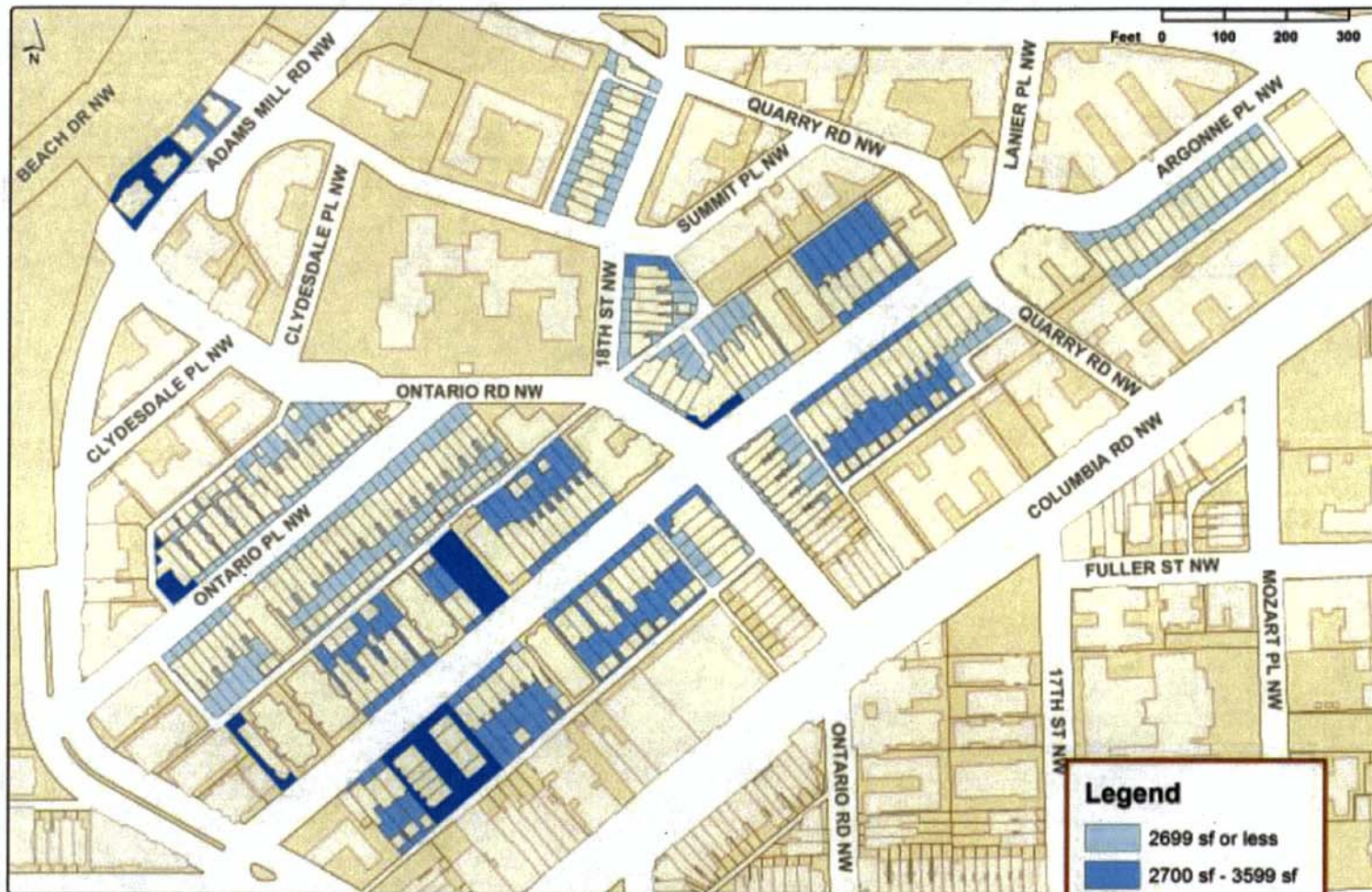
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This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

ZC #15-09 - Lanier Heights Proposed Remapping
Building Height


Disclaimer - This map has been created from the best available data and no claims are made to it being 100% accurate. Rather, it is intended to present an approximate overview of the built environment of the neighborhood.

Data Source - DC OCTO



Legend

- 2699 sf or less
- 2700 sf - 3599 sf
- 3600 sf or greater

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ZC #15-09 - Lanier Heights Proposed Remapping Lot Area

Disclaimer - This map has been created from the best available data and no claims are made to it being 100% accurate. Rather, it is intended to present an approximate overview of the lot characteristics of the neighborhood.


Data Source - DC OCTO



Legend

- Less than or equal to 60%
- 60.1% or Greater

Data Source - DC OCTO


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**ZC #15-09 - Lanier Heights Proposed Remapping
 Lot Occupancy**

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ZC #15-09 - Lanier Heights Proposed Remapping Uses

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Legend

-  Single Family or Flat
-  New Apartment / Conversion of Rowhouse to 3 or more units
-  Old Apartment
-  Non-Profit
-  Inn

Data Source - Applicant data provided to OP and OP analysis