

**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *J*Jennifer Steingasser, Deputy Director

**DATE:** March 11, 2016

**SUBJECT:** ZC #15-09 – Public Hearing Report for a Proposed Map Amendment  
Re-Map Portions of Lanier Heights From R-5-B to R-4

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**I. SUMMARY RECOMMENDATION**

On December 14, 2015, the Zoning Commission set down for a public hearing a petition submitted by the residents of Lanier Heights and ANC 1C 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.

Prior to setdown, the Office of Planning (OP) met with resident groups and the ANC regarding this downzoning proposal on a number of occasions. 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 petition 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 and effected property owners.

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.

The proposed downzoning to R-4 would have implications on both existing property owners and on some broader District goals and objectives related to housing and land use. The proposal would be not inconsistent with the policies of the Comprehensive Plan that seek to conserve rowhouse neighborhoods. It could, however, limit the ability of the District, in a neighborhood that has been zoned R-5-B for many decades, to accommodate more residents, which is another important policy goal.

At the setdown meeting, Zoning Commission members noted the importance of weighing Comprehensive Plan policies which may seem at odds. As part of the earlier discussions, OP also discussed with the applicants potential options for a custom zone or use of one of the new RF zones recently approved through the ZRR process, which may help to bridge these policy issues. The Office of Planning, has included in this report the outline of such a zone that could be a compromise between the two sets of objectives, but note that this general direction of a compromise zone has not been accepted by the applicant

## II. APPLICATION-IN-BRIEF

<b>Petition to Amend to Zoning Map</b>	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)
<b>Generalized Policy Map Designation</b>	Neighborhood Conservation Area
<b>Future Land Use Map Designation</b>	Moderate Density Residential
<b>Current Zoning</b>	R-5-B
<b>Ward and ANC</b>	Ward 1, ANC 1C

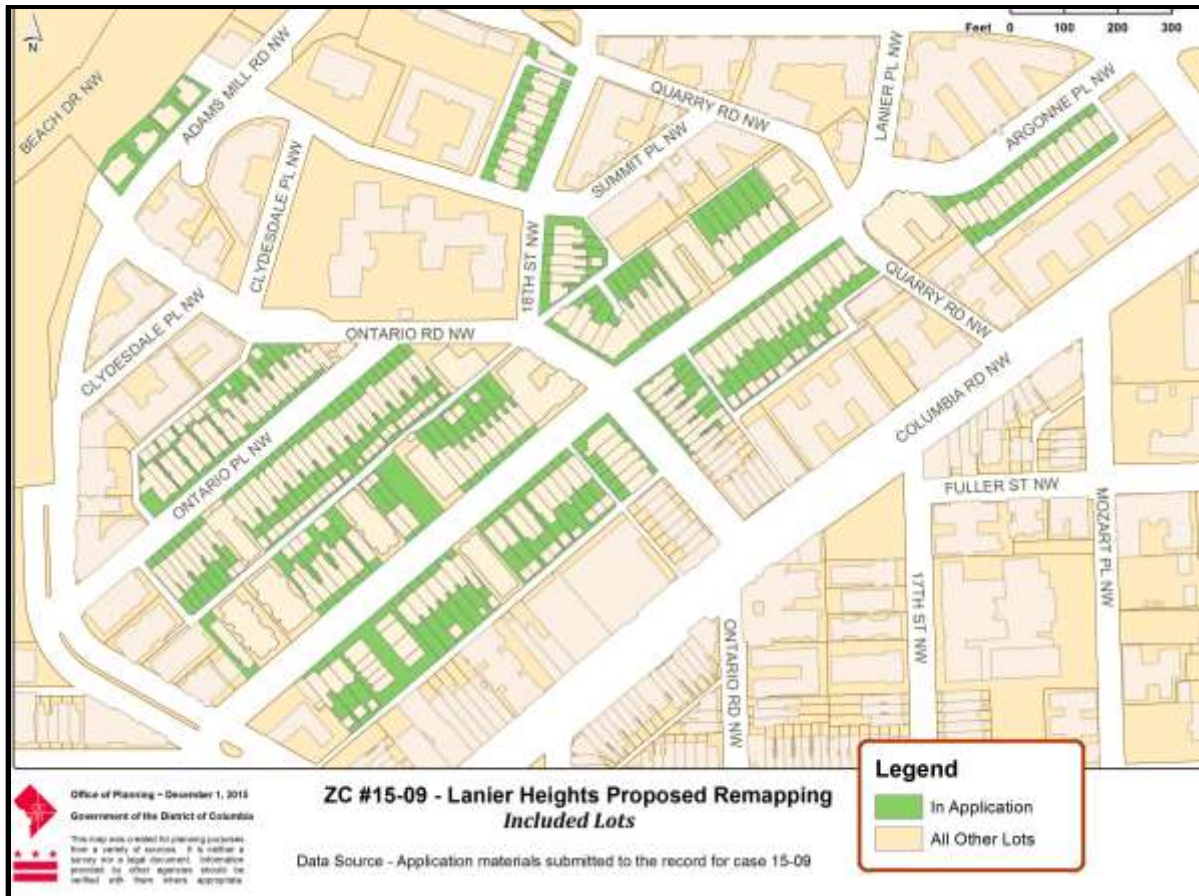
## III. SITE AND AREA DESCRIPTION

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 petition 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. At setdown, the Commission requested sample photographs of typical street frontages in the neighborhood, and those can be found in Attachment 2.



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 18<sup>th</sup> 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.

As noted in the setdown report, OP undertook analysis of the area proposed to be rezoned. This 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 detailed surveys or reviews of actual building plans, should not be construed as a fully accurate representation or “snapshot” of the neighborhood. In all likelihood, current or more accurate survey information could provide a more precise analysis for individual properties.

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

- Many properties in the area would conform to the R-4 zone regulations;
- 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 by special exception, 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 were in the process of being converted to an apartment building at the time the setdown report was drafted, 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 have submitted a petition to rezone certain properties in the Lanier Heights neighborhood from R-5-B to R-4. The petition states concerns about the conversion of rowhouses to apartment buildings, which is a matter-of-right use within the R-5-B district. 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 (Zoning Regulations, §§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 table at the end of this section provides a comparison of some of the parameters of R-5-B and R-4 districts. As seen in the table, in some respects the R-5-B and R-4 districts 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.

At the time of setdown, the Commission asked OP what alternatives could be considered for zoning in the neighborhood instead of R-4. Prior to setdown, OP had discussed with residents alternatives such as a custom zone for Lanier Heights; or one of the new RF zones in the 2016 Zoning Regulations, which allow 3 or 4 units as a matter of right; or a zone that could replicate some of the review criteria of the new R-4 regulations, such as maintaining architectural features and matching the character of the neighborhood while allowing a limited number, but potentially allow for more than two units. After the most recent discussions with the applicants, they reiterated their preference for moving forward with a rezoning to R-4. If the Commission wishes to pursue an alternative zone district other than R-5-B or R-4, the zone could use the principles based on the following, which were derived by combining aspects of the R-5-B, R-4 and RF zones, which were approved by the Commission as part of the 2016 Zoning Regulations:

- Allowing more than two units but establishing a limit on the units allowed as a matter-of-right or through special exception review;
- Establishing an affordable housing requirement for additional units, such as requiring that the fourth and sixth units shall be IZ units;
- Limiting building height to 35 feet, 40 by special exception;
- Establishing criteria to better maintain the physical characteristics of existing buildings, so that any new construction better matches adjacent character, including height, rooftop architecture, porches, and landscaping in an area covered by a Building Restriction Line;
- Establishing a lower lot occupancy limit or rear yard to address “pop-backs”;
- Establishing a clear lot size requirement for any new lots, for example, to reflect the current R-4 requirements of 18’ width and 1,800 sq.ft. area, although new subdivision in the area is not likely given the current lot configuration.

These parameters are compared to the R-4 and R-5-B zones in the table below.

	<b>R-5-B</b>	<b>R-4</b>	<b>OP Comments</b>
Height § 400	50’	35’, 3 stories – matter-of-right  40’, 3 stories – special exception	Based on OP’s initial analysis, 20% to 25% of properties would become nonconforming for height under the proposed R-4 zoning. Please refer to the map at Attachment 1a.
Lot Area § 401	None prescribed	Rowhouse and flat – 1,800 sf	While some existing, developed lots on the 2900 block of 18 <sup>th</sup> Street, NW and the 1600 block of Argonne Place, NW do not meet the 1,800 sq.ft. requirement, most other lots would not be made non-conforming for lot area under the R-4 zone.

	<b>R-5-B</b>	<b>R-4</b>	<b>OP Comments</b>
Lot Width § 401	None prescribed	Rowhouse and flat – 18’	Many lots appear to provide the required R-4 lot width, but many do not, such as some on the 2700 block of Ontario Road and the 1800 block of Ontario Place, and a cluster on the 1700 block of Lanier Place.
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 in R-5-B and R-4, so building footprints would not be affected on that basis. An alternative zone could further limit lot occupancy. Please refer to the lot occupancy map at Attachment 1c.
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 1b.  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 1d.
Parking § 2101	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	-

## 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)

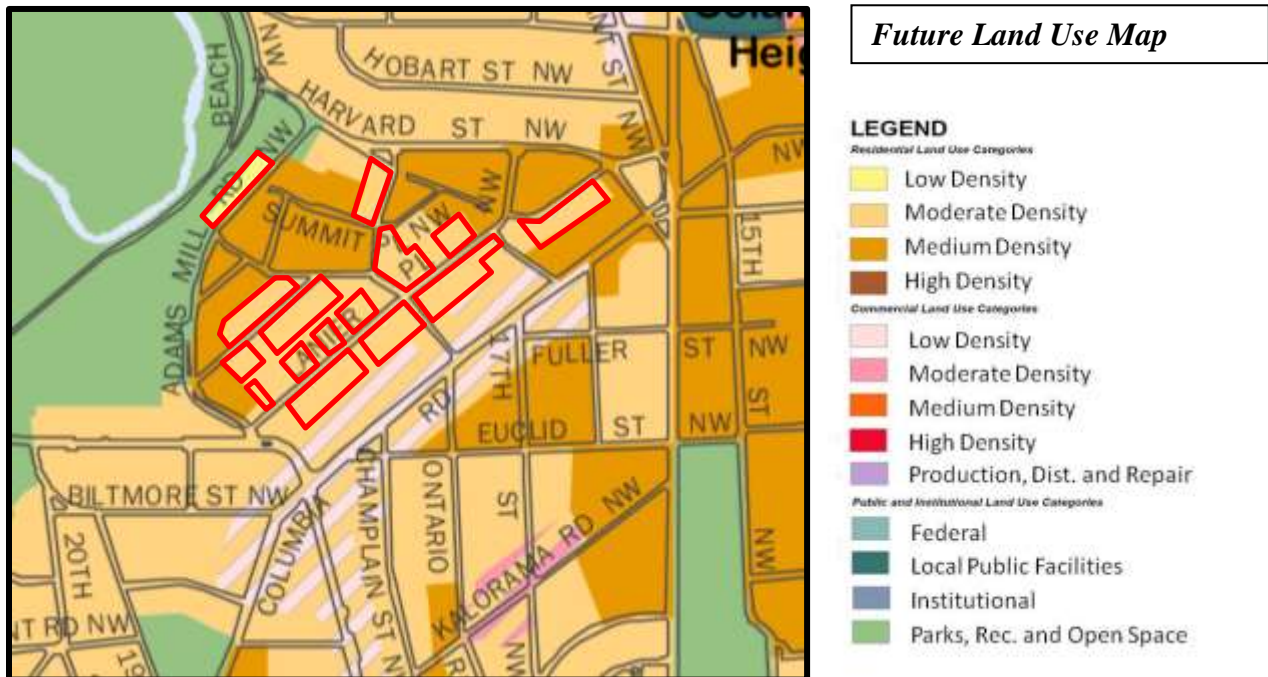
The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods. Limited development and redevelopment opportunities do exist within these areas but they are small in scale. The diversity of land uses and building types in these areas should be maintained 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.



Red Lines Indicate Approximate Boundaries of Subject Properties

## VII. COMMUNITY COMMENTS

ANC 1C is a co-applicant on the petition, 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, as well as letters opposed to the petition. OP has encouraged the applicants to continue to reach out to neighbors and continue dialogue through the ANC.

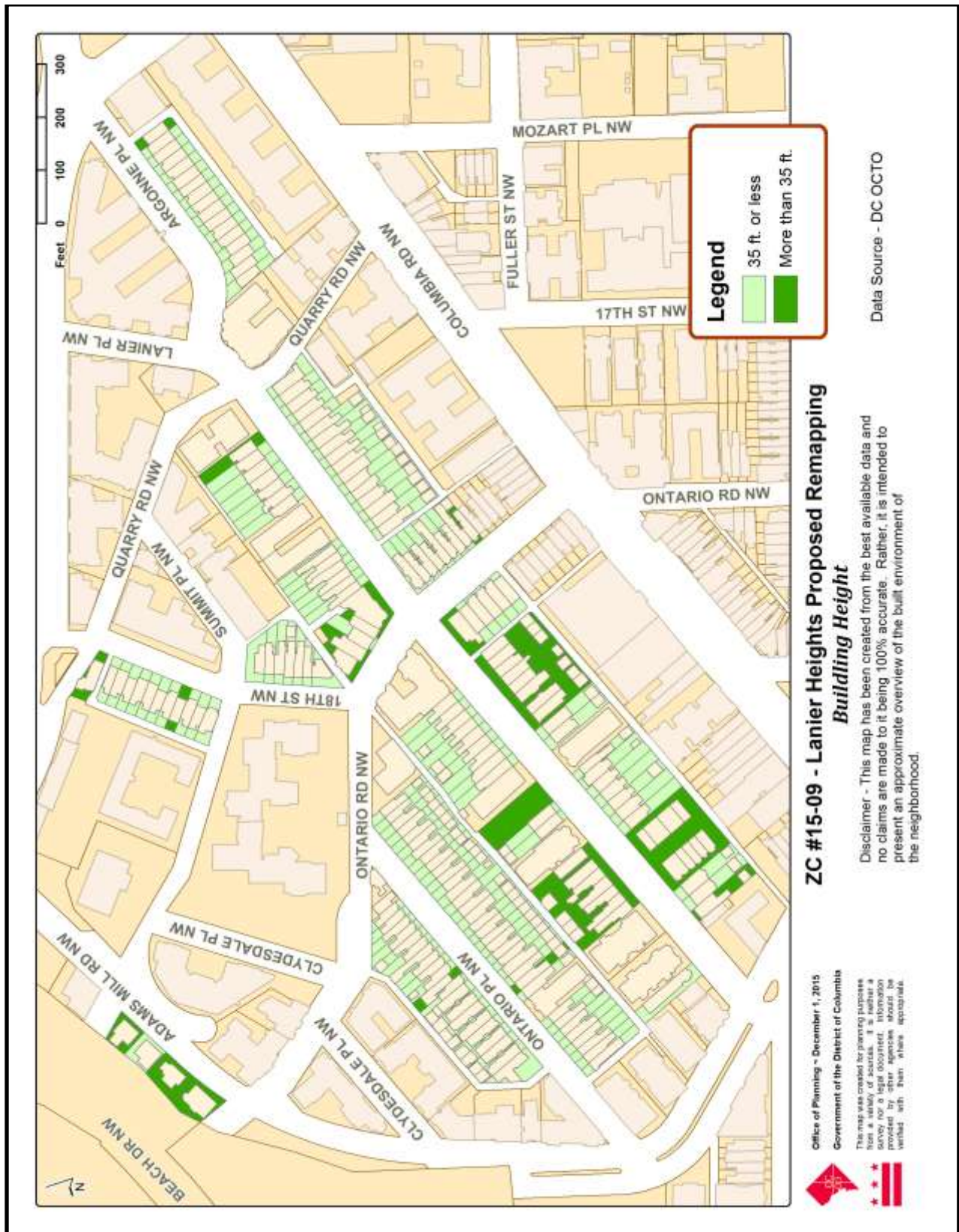
## VIII. ATTACHMENTS

1. Analysis Maps
  - a. Building Height
  - b. Lot Area
  - c. Lot Occupancy
  - d. Uses

2. Example Photos of Block Façades

JS/mrj

**Attachment 1 – Analysis Maps**



**Legend**

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

Data Source - DC OCTO

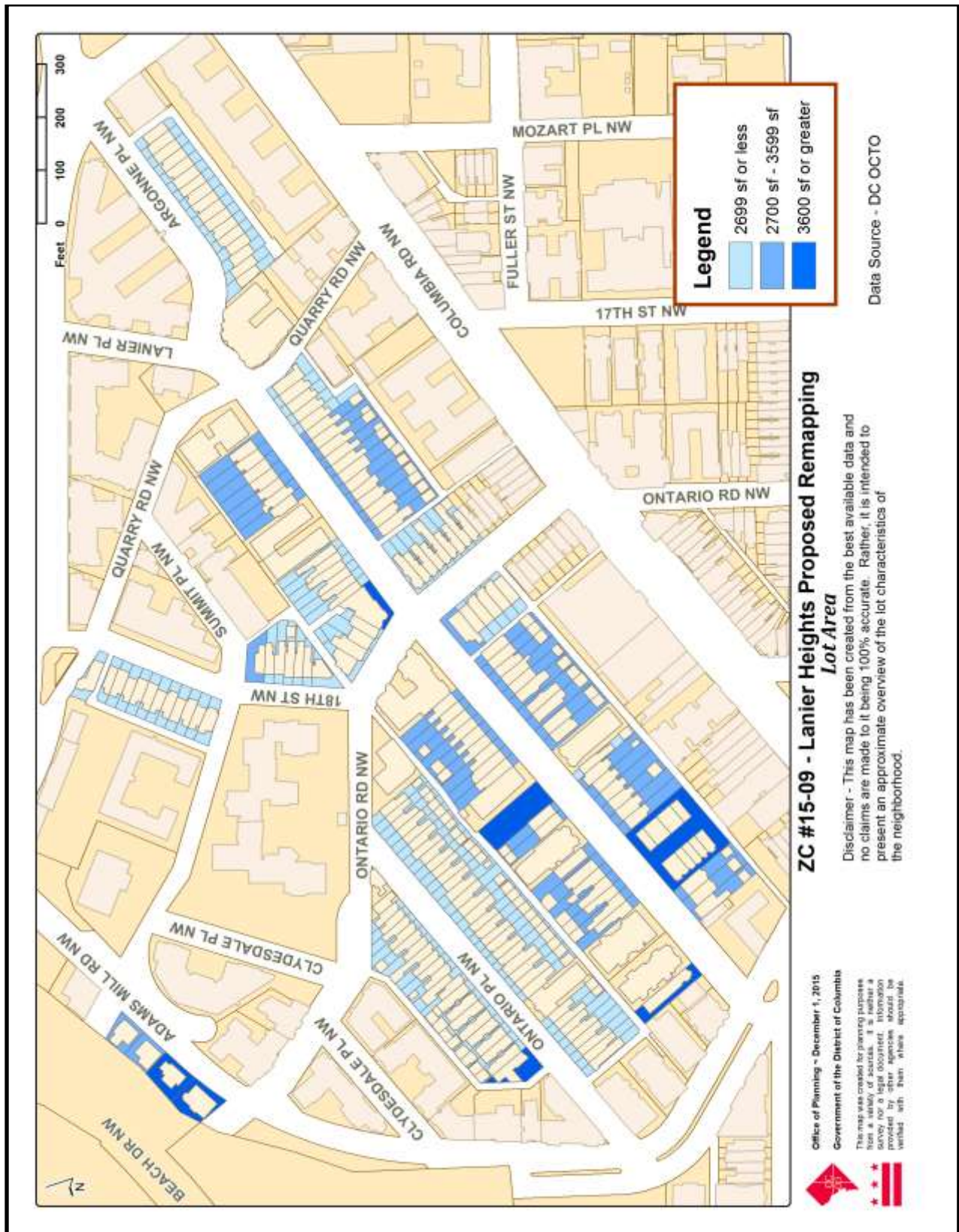
**ZC #15-09 - Lanier Heights Proposed Remapping**  
**Building Height**

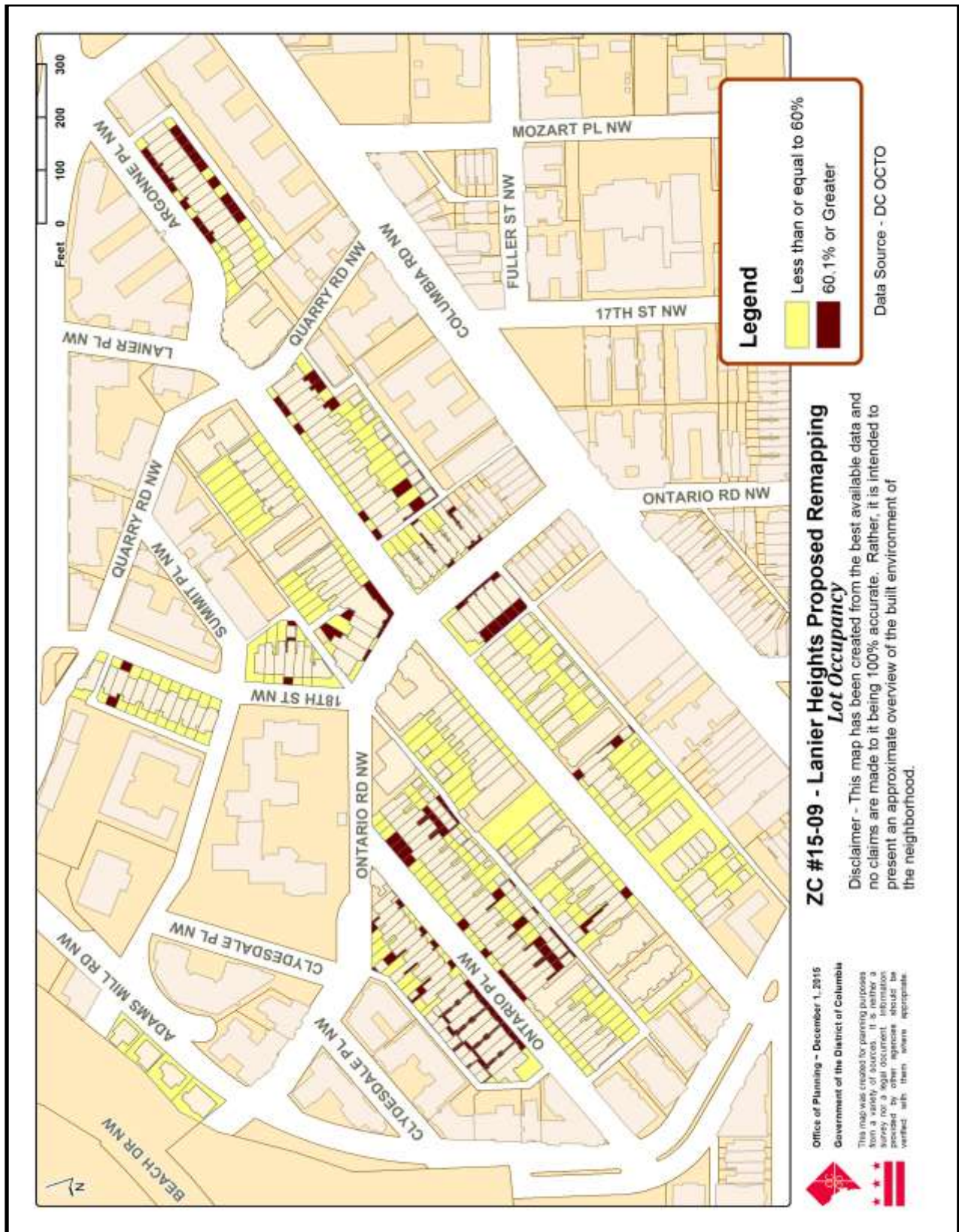
Disclaimer - This map has been created from the best available data and no claims are made to it being 100% accurate. Rather, it is intended to present an approximate overview of the built environment of the neighborhood.

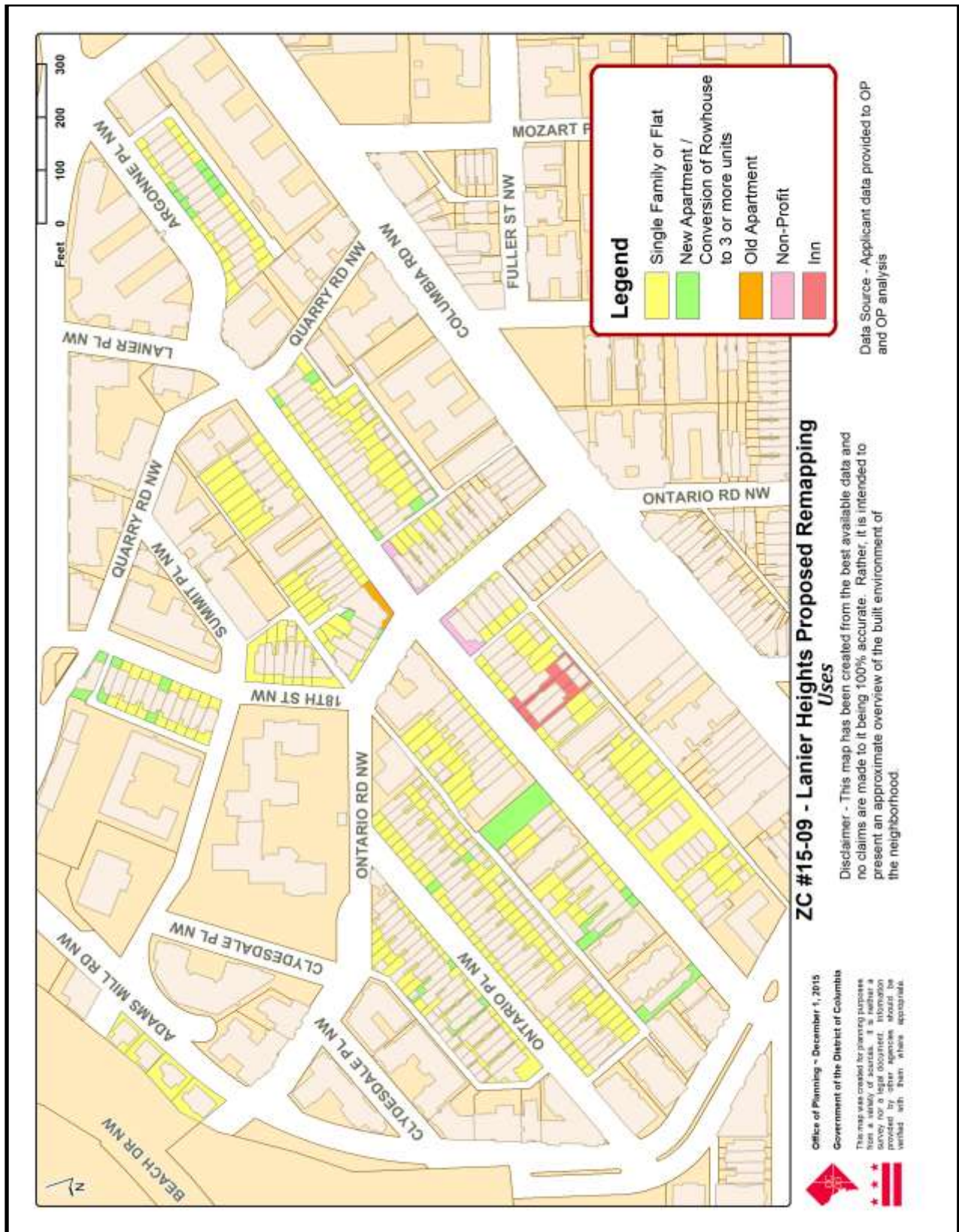
Office of Planning - December 1, 2015  
 Government of the District of Columbia



This map was created for planning purposes and does not constitute a legal document. Information provided by other agencies should be verified with them where appropriate.







**ZC #15-09 - Lanier Heights Proposed Remapping Uses**

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.

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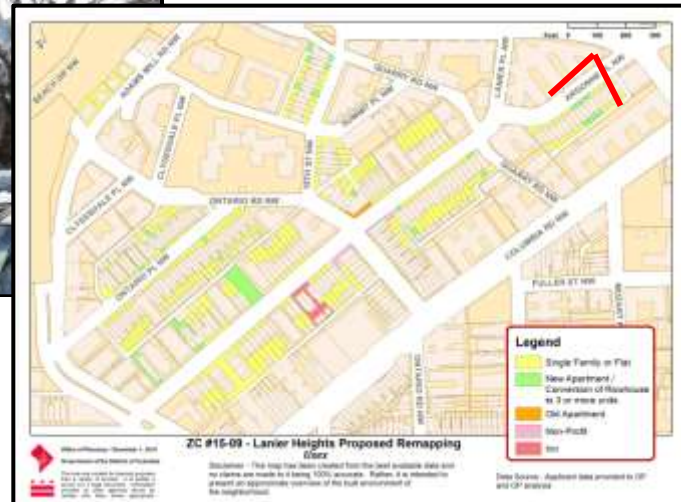
Data Source - Applicant data provided to OP and OP analysis



### Attachment 2 – Example Photos of Block Façades



1600 Block Argonne Place



1700 Block Lanier Place





1700 Block Lanier Place



1730 Block Lanier Place





1800 Block Ontario Place



2900 Block 18<sup>th</sup> Street

