

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jonathan Kirschenbaum, AICP, Development Review Specialist
JLS
 Jennifer Steingasser, AICP
 Deputy Director, Development Review & Historic Preservation

DATE: March 7, 2022

SUBJECT: ZC Case 21-11 – Set down report for an application to rezone 1.1 acres from R-2 (residential house zone) to RA-2 (apartment house zone).

I. BACKGROUND

At its November 18, 2021 public meeting, the Zoning Commission (“Commission”) set down for a public hearing zoning map amendment case 21-11 to rezone Lot 9 in Square 1663 (“property”).

The applicant originally requested to rezone 5.4 acres of the property from R-2 to RA-2. However, after the case was set down the applicant revised the proposal to limit the area to be rezoned to only 1.1 acres of the subject property from R-2 to RA-2.

II. RECOMMENDATION

The Office of Planning (“OP”) recommends that the Commission **approve** this application, as amended in [Exhibit 26](#). The petition would **not be inconsistent** with the Comprehensive Plan and **would be appropriate** for IZ Plus.

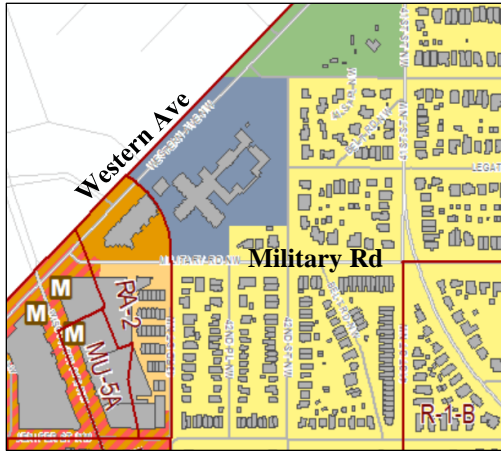
Should the Commission approve this application, the final order should state that the existing R-2 zone shall have a **FAR equivalent to 0.4** pursuant to Subtitle X § 502.4. The portion of the property subject to this map amendment shall be indicated with a “IZ+” symbol on the Zoning Map pursuant to Subtitle X § 502.5.

III. APPLICATION-IN-BRIEF

Applicant:	Abraham and Laura Lisner Home for Aged Women
Proposed rezoning:	From R-2 to RA-2
Address:	5425 Western Avenue, NW
Ward and ANC:	3/3E
Legal description:	Square 1663, Lots 9
Property size:	236,590 square feet (5.4 acres)
Area of rezoning:	49,281 square feet (1.1 acres)

Future land use map designation:	Moderate Density Residential and Institutional
Generalized policy map designation:	Institutional Uses

IV. SITE AND AREA DESCRIPTION

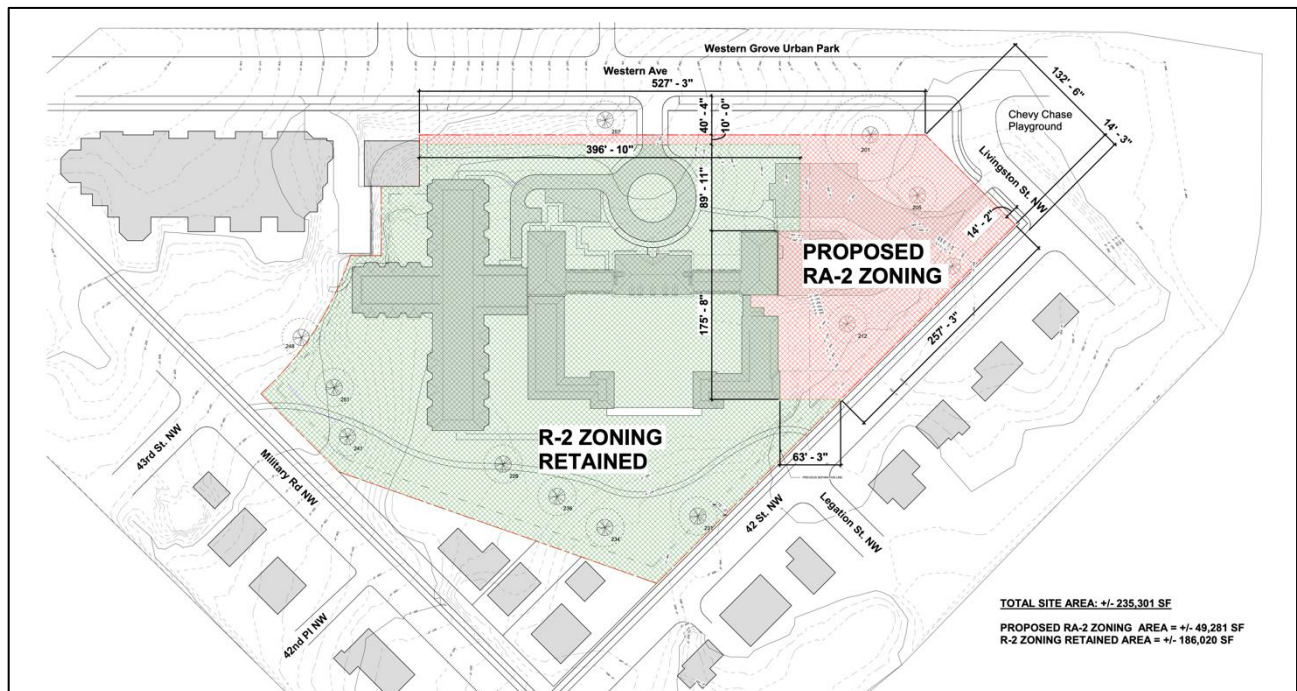


The property (shown in blue) is an irregularly shaped corner lot that is generally bounded by Western Avenue, NW to the north, 42nd Street, NW to the east, Military Road, NW and three detached homes to the south, and an eight-story condominium building to the west. One block to the west is the Friendship Heights Metro Station and the Friendship Heights commercial corridor along Wisconsin Avenue, NW. One block to the east is the Chevy Chase Recreation Center.

The property is currently improved with a three-story building that is used as a community residential facility, an assisted living residence, and a nursing facility serving primarily low-income or very low-income senior residents.

V. PROPOSED REZONING AREA

The applicant has reduced the size of the proposed rezoning area to respond to community concerns about the potential level of density available if the entire property were to be rezoned RA-2. The applicant’s revised proposal would only rezone a portion of the property (1.1 acres) to the RA-2 zone. The proposed rezoning area is tailored to meet the applicant’s immediate future needs for potential development. Below is the applicant’s revised proposal for rezoning the property:



The northeast portion of the property and a 10-foot wide area along the front of the property is proposed to be rezoned to RA-2 (shown in red). The rest of the property would retain the exiting R-2 zoning (shown in green). The applicant states that the proposed 10-foot wide area along Western Avenue, NW would serve as a logical planning connection between the proposed RA-2 zone at the subject property and the existing RA-2 zone at the property to the immediate west.

VI. DEVELOPMENT CAPACITY OF EXISTING AND PROPOSED ZONES

The general purpose and intent of the existing R-2 zone and the proposed RA-2 zone is described below:

Existing R-2 Zone:

- The purpose of the R-2 zone is to:
 - (a) Provide for areas with semi-detached dwellings; and
 - (b) Protect these areas from invasion by denser types of residential development (Subtitle D § 300.4).
- The R-2 is intended to provide for area predominately developed with semi-detached houses on moderately sized lots that also contain some detached dwellings (Subtitle D § 300.5).

Proposed RA-2 Zone:

- The purposes of the RA-1, RA-2, RA-3, RA-4, RA-5 zones are to:
 - (a) Permit flexibility of design by permitting all types of urban residential development if they conform to the height, density, and area requirements established for these districts;
 - (b) Permit the construction of those institutional and semi-public buildings that would be compatible with adjoining residential uses and that are excluded from the more restrictive zones (Subtitle F § 300.1).
- The RA-2 zone provides for areas developed with predominately moderate-density residential (Subtitle F § 300.3).

The following table compares the existing R-2 zone to the proposed RA-2 zone:

	Existing Zone: R-2	Proposed Zone: RA-2
Permitted Uses:	Detached and Semi-detached Single Household Dwellings ¹	Single Household Dwellings, Flats, and Apartment Houses ²
Lot Area:	4,000 sq. ft. min. (all other structures) 3,200 sq. ft. min. (IZ detached)	None prescribed

¹ These are general residential uses permitted in the R-2 zone. For a complete list of permitted uses please refer to Subtitle U § 200.

² These are general residential uses permitted in the RA-2 zone. For a complete list of permitted uses please refer to Subtitle U § 400.

	Existing Zone: R-2	Proposed Zone: RA-2
	3,000 sq. ft. min. (semi-detached) 2,500 sq. ft. min. (IZ semi-detached)	
Lot Width:	40 ft. min. (all other structures) 32 ft. min. (IZ detached) 30 ft. min. (semi-detached) 25 ft. min. (IZ semi-detached)	None prescribed
Height:	40 ft. max./3 stories	50 ft. max./No story limit
Density:	1 dwelling unit per lot	None prescribed
FAR (floor-area-ratio):	None prescribed 0.4 equivalent for determining IZ Plus set-aside requirement	1.8 max. 2.16 max. with IZ
Penthouse Height:	10 ft max.	12 ft. max./1 story max. 15 ft. mechanical max./2 story max.
Lot Occupancy:	60% max. (places of worship) 40% max. (all other structures)	60% max.
Rear Yard:	20 ft min.	4 in. per 1 ft. of principal building height but not less than 15 ft.
Side Yard:	8 ft min.	8 ft. min. for detached or semi-detached buildings with one or two dwelling units
Vehicle Parking:	1 space per single household dwelling	1 space per single household dwelling 1 space per 2 dwelling units (flat) 1 space per 3 dwelling units in excess of 4 dwelling units (apartment house)
Bike Parking:	None prescribed for single family houses or flats 1 space per 3 dwelling units for long-term parking (apartment house) 1 space per 20 dwelling units for short-term parking (apartment house)	
Pervious Surface:	30% min.	None prescribed
GAR:	None prescribed	0.3 min.

VII. IZ PLUS

As discussed in more detail in Section V of OP’s set down report in [Exhibit 14](#), an IZ Plus set-aside requirement is appropriate pursuant to Subtitle X § 502 because;

- 1) The map amendment would rezone the property to a zone that permits higher density residential use;
- 2) The subject property is located in ANC 3E, which only had 0.4 percent of the District’s total number of affordable housing units as of 2018; and
- 3) The 2019 Housing Equity Report identified the Planning Area as having an affordable housing production goal of 1,990 units by 2025. At the time of this application, the planning area only had 80 units in the affordable housing pipeline, 1,910 short of the affordable housing goal.

Rezoning applications only consider consistency with the Comprehensive Plan and not a specific development proposal. For illustrative purposes, below are two examples demonstrating possible IZ Plus set-aside requirements pursuant to Subtitle C § 1003.3 if a new residential development was built

under the RA-2 zone at the subject property based on the revised rezoning area. The examples are based on an apartment house that is stick-built (non-Type I construction) on the subject property based on 49,281 square feet of land area.

Example 1 – Utilizes IZ Bonus Density

FAR Built:	2.16 IZ FAR
Regular IZ Set-Aside Requirement:	12.5% or 13,305 sq. ft.
Regular IZ Dwelling Units ³ :	13 units
Percent Increase in Total FAR Built ⁴ :	440%
IZ Plus Set-Aside Requirement:	20% or 21,289 sq. ft.
IZ Plus Dwelling units:	21 units

Example 2 – Does Not Utilize IZ Bonus Density

FAR Built:	1.8 FAR
Regular IZ Set-Aside Requirement:	10% or 8,870 sq. ft.
Regular IZ Dwelling Units:	9 units
Percent Increase in Total FAR Built:	350%
IZ Plus Set-Aside Requirement:	20% or 17,741 sq. ft.
IZ Plus Dwelling units:	18 units

In both examples above, the set-aside requirement would be 20 percent, which is the maximum IZ Plus set-aside requirement. The amount of residential floor area built in any future development under the RA-2 zone would determine the actual IZ Plus set-aside requirement. However, given the large increase in maximum FAR permitted by the zone change, it is likely that under the majority of development scenarios that the set-side requirement could be (or close) to 20 percent.

VIII. PLANNING CONTEXT

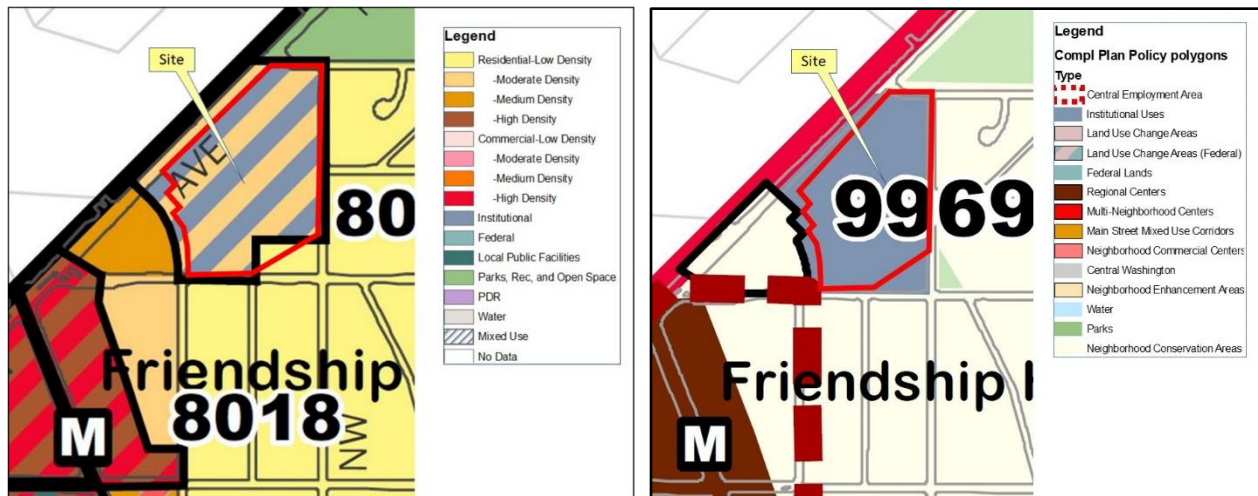
Subtitle X § 500.3 of Title 11 requires that the Zoning Commission determine that a proposed zoning map amendment “*is not inconsistent with the Comprehensive Plan and other adopted policies and active programs related to the subject site.*” A full and detailed analysis is fully discussed in Section VI of the OP set down report ([Exhibit 14](#) page 9) and summarized below.

Though the size of the proposed rezoning area has been reduced, the proposal does not change OP’s detailed Comprehensive Plan analysis. The proposed map amendment, as amended, would be not inconsistent with the Comprehensive Plan when analyzed through a racial equity lens. The rezoning advances policies within the Land Use, Transportation and the Housing elements, as well as the rock Creek West Area element.

³ The OP typically uses a density factor 1,000 sq. ft. to estimate number of dwelling units.

⁴ The percent increase between the maximum permitted FAR of the existing/prior zone (R-2), not including IZ bonus density, and the total FAR built in the IZ Plus Development. Under IZ Plus regulations, the R-2 zones are prescribed a FAR of 0.4.

Generalized Future Land Use Map (“FLUM”) and Generalized Policy Map



The FLUM indicates that the site is generally appropriate for Moderate Density Residential and Institutional uses. According to the Framework Element, the RA-2 zone is not inconsistent with this designation.

The Generalized Policy Map indicates that the site is designated Institutional uses. According to the Framework Element, the RA-2 zone is not inconsistent with this designation.

Citywide Elements

The map amendment proposal is not inconsistent with the Citywide Element of the Comprehensive Plan and would further the policies of the Land Use, Transportation, and Housing Citywide Elements. These policies work together to support increasing density to permit more housing, including affordable housing, in proximity to transit and services in a high-opportunity area. The RA-2 zone will help the applicant further these important policies. A compilation of relevant policies can be found in Appendix II of the OP set down report ([Exhibit 14](#)).

Equity

Equity is conveyed throughout the Comprehensive Plan, particularly in the context of zoning, where certain priorities such as affordable housing, displacement, and access to opportunity are emphasized.

A key piece of this map amendment is the potential to create additional affordable housing through an IZ Plus set-aside requirement. It is likely that the RA-2 zone could require a 20 percent set-aside requirement resulting in approximately 18 to 21 affordable housing units. The IZ program requires affordable housing units to be available to households earning either no more than 60 percent MFI for rental housing or 80 percent MFI for ownership housing. The potential affordable housing units that could be created under the requested RA-2 zone is substantially higher than if the property was not rezoned. Making room for affordable housing has the potential to benefit non-white populations who on average have lower incomes than white residents. A detailed analysis was provided in the OP set down report starting on page 7 ([Exhibit 14](#)).

Balancing of Policies: Summary

The Comprehensive Plans contains several differing policies about low-density residential uses and zoning. LU-2.1.5 describes the need to support and maintain “the District’s established low-density neighborhoods and related low-density zoning” while Policy LU-2.1.8 describes the need to “explore approaches, including rezoning, to accommodate a modest increase in density and more diverse housing types.” This policy predicates any rezoning proposal on detailed neighborhood planning.

Though LU-2.1.5 supports the retention of low-density zoning, LU-2.1.8 acknowledges that there is also a need to increase density in low-density neighborhoods to help effectuate many other policies of the Comprehensive Plan, including the development of more market-rate and affordable housing. The change in zoning from low-density to moderate-density is supported by LU-2.1.8 because the subject property’s FLUM designation was specifically changed to support moderate-density zoning.

Though the proposed map amendment would change the zoning from low-density to moderate-density residential, on balance, the proposal would not be inconsistent with the Comprehensive Plan. The policies cited in Appendix II of the OP set down report support increasing density to permit more housing, including affordable housing, in proximity to transit and services in a high-opportunity area.

IX. AGENCY COMMENTS

The District Department of Transportation has filed a memorandum stating “no objection to the approval of the requested Map Amendment” and recommending future coordination on issues such as public space, urban forestry and signage ([DDOT Exhibit 27](#)).

X. COMMUNITY COMMENTS

To date, two letters have been filed to the case record in opposition to the initial proposal to rezone the entire property.