

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
OFFICE OF PLANNING



Office of the Director

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**MEMORANDUM**

**TO:** District of Columbia Zoning Commission

**FROM:** *H. For* Harriet Tregoning, Director

**DATE:** March 2, 2007

**SUBJECT:** Case No. ZC-07-01: Setdown for a petition to amend the Zoning Map regarding Square 755, Lot 3.

**RECOMMENDATION**

The Office of Planning recommends setdown of the proposed map amendment to change the zoning for the portion of Square 755, Lot 3, that is zoned CAP/R-4 to CAP/CHC/C-2-A. The property is located at 208 Massachusetts Avenue, N.E. The proposed map amendment would result in the entire property being similarly zoned, and allow for the zoning to be consistent with the Comprehensive Plan as amended and enacted by the Council of the District of Columbia in the "Comprehensive Plan Amendment Act of 2006".

**BACKGROUND**

The subject property is improved with an eight-story building constructed in 1929 and is a contributing structure in the Capitol Hill Historic District. The zoning boundary line divides the existing building between CAP/CHC/C-2-A and CAP/R-4. This condition has existed since the adoption of the 1958 Zoning Map. The building currently is non-conforming as to height, floor area ratio, lot occupancy, rear yard restrictions, and use.

Since the property is split-zoned, the rear portion of the building is subject to the requirements of the R-4 Zoning District while the front portion of the building is subject to the requirements of the C-2-A Zoning District and the Capitol Hill Commercial Overlay District (CHC). Both the rear and front portions of the building are subject to the Capitol Interest (CAP) Overlay District. Prior to the use of the building by the Heritage Foundation, the split-zoning was not an issue because the building was used as an apartment building with ground floor retail located only in the commercially zoned portion of the property. Since acquiring the property in 2001, the Heritage Foundation (HF) converted the building into apartments for interns, an educational lecture hall, and related offices. Due to the restriction imposed by the split zoning, HF is not permitted to use the back portion of the building for any commercial purposes. The applicant seeks to secure uniform zoning for the property to rationalize use distribution and to enable the use of an entire floor for a single purpose.

ZONING COMMISSION  
District of Columbia

CASE NO. 07-01  
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District of Columbia  
EXHIBIT NO. 10  
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EXHIBIT NO. 10

**Existing Zone Districts:**

*“The CAP/R-4 District is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the dwellings into dwellings for two (2) or more families. §330.1*

*Very little vacant land shall be included within the R-4 District, since its primary purpose shall be the stabilization of remaining one-family dwellings. §330.2*

*The R-4 District shall not be an apartment house district as contemplated under the General Residence (R-5) Districts, since the conversion of existing structures shall be controlled by a minimum lot area per family requirement. § 330.3*

The C-2-A District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside of the central core. It permits matter-of-right low-and medium density development, including office, retail, and residential uses to a maximum lot occupancy of 60 percent (60%); a maximum 2.5 FAR, all of which may consist of residential use and up to 1.5 FAR of which may consist of other permitted uses; and a maximum height of 50 feet. See 11 DCMR §§ 720.2, 770.1, 771.2, 772.1.

*The purposes of the Capitol Hill Commercial Overlay District (CHC) are to: encourage the adaptive use and reuse of existing buildings, many of which are located in the Capitol Hill Historic District, particularly with respect to the portions of the buildings that exceed the commercial floor area ratio permitted in the underlying zone districts (§ 1570.2 (b)); and, concentrate nonresidential uses in Commercial Zone Districts in certain areas of Capitol Hill, thereby enhancing and protecting the residential character of the areas surrounding the Commercial Districts and relieving pressure to use properties zoned residential for commercial uses. §1570.2 (c)*

*The Capitol Interest (CAP) Overlay District is intended to provide particular controls adjacent to properties having an obvious and well-recognized public interest. (§ 1200.4) The CAP Overlay District shall further restrict some of the permitted uses allowed in the existing zone districts and applicable in the area to reduce the possibility of harming the site, district, or building to be protected. (§ 1200.5) The Capitol Interest (CAP) Overlay District shall provide for more control of the height and bulk allowed in existing zone districts now applicable in the area. § 1200.7*

**Proposed Zone District:**

CAP/CHC/C-2-A (see above)

**Policy CH-1.1.3: Upgrading Commercial Districts**

*Reinforce and upgrade the major commercial districts of Capitol Hill, including the H Street and Benning Road corridors, the Pennsylvania Avenue corridor, 7th and 8th Streets SE, and Massachusetts Avenue between Union Station and Stanton Park. Support the further development of these areas with local serving retail services, provided that such uses are compatible with surrounding land uses and the historic architecture and scale of the shopping districts themselves... §1608.4*

**Chapter 25: Implementation**

**Overview**

*The Implementation Element describes how the policies and actions in the Comprehensive Plan should be carried out. The Element provides recommendations on improving the long-range planning process... It also identifies recommended Comprehensive Plan actions with links to Zoning regulations, to highlight the need for changes to ensure that “zoning is not inconsistent with the Comprehensive Plan” as required by the DC Code. §2500.1*

**IM-1.3 Zoning Regulations and Consistency 2504**

*The importance of zoning as a tool for implementing the Comprehensive Plan, particularly the Future Land Use Map, is discussed in several places in the Comprehensive Plan. The Home Rule Charter requires that zoning “shall not be inconsistent” with the Comprehensive Plan. Consequently, revisions to the Comprehensive Plan should be followed by revisions to the Zone Map, with an emphasis on removing clear inconsistencies. §2504.1*

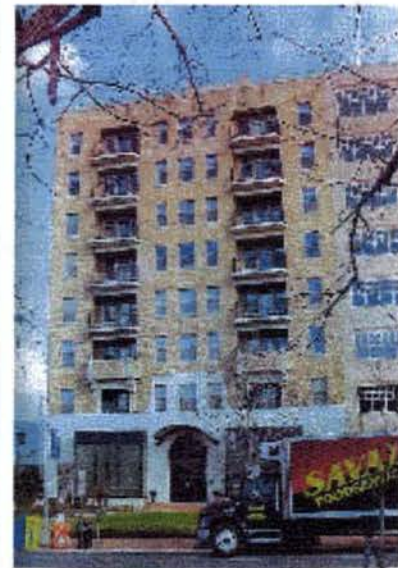
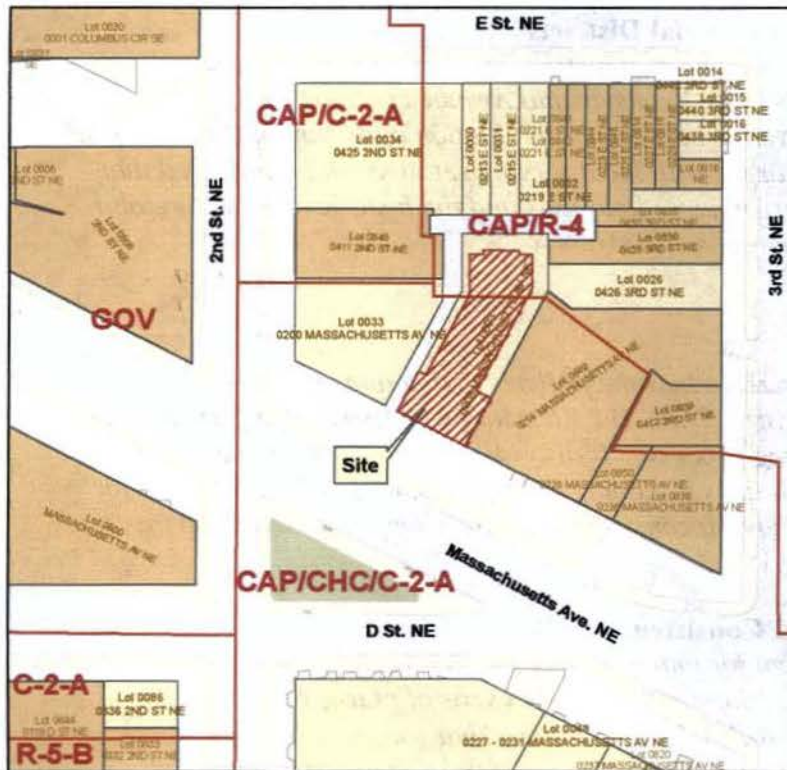
**Policy IM-1.3.2: Zone Map Consistency**

*Consistent with the Home Rule Charter, ensure that the Zone Map is not inconsistent with the Comprehensive Plan Future Land Use Map. Make appropriate revisions to the Zone Map to improve its alignment with the Future Land Use Map and to eliminate clear inconsistencies. §2504.4*

**RECOMMENDATION**

The Office of Planning recommends that the Zoning Commission set down the proposed map amendment to rezone the back portion of the property from CAP/R-4 to CAP/CHC/C-2-A. . The proposed map amendment would allow for the zoning to be consistent with the Comprehensive Plan as amended and enacted by the Council of the District of Columbia in the “Comprehensive Plan Amendment Act of 2006”.

HT/dw



View from Mass. Ave., NE

**Generalized Land Use Map:** Moderate Density Commercial land use category- Shopping and service areas that generally provide a much broader range of goods and services are the predominant uses. Chain drugstores and grocery stores as well as branches of department stores, some specialty shops, and personal service establishments may be present. (Back portion of property - As amended and enacted by the Council of the District of Columbia in the "Comprehensive Plan Amendment Act of 2006.) The proposed zoning is consistent with this land use designation.

#### COMPREHENSIVE PLAN

The following Comprehensive Plan references are also relevant to the subject property.

#### Area Elements of the 2006 Comprehensive Plan

#### Chapter 15: Capitol Hill Area Element

#### CH-1.1 Guiding Growth and Neighborhood Conservation §1608

*The following general policies and actions should guide growth and neighborhood conservation decisions on Capitol Hill.*