

**BEFORE THE ZONING COMMISSION
FOR THE
DISTRICT OF COLUMBIA**

**STATEMENT IN SUPPORT OF
AN APPLICATION FOR A MAP AMENDMENT
FROM THE
R-4 DISTRICT
TO THE
R-5-B DISTRICT
FOR
SQUARE 2848, LOTS 39, 40, 72 AND 838**

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LIST OF EXHIBITS

EXHIBIT	DESCRIPTION
A	Building Plat From the D.C. Surveyor's Office
B	Aerial Photographs Showing the Property and Surrounding Neighborhood
C	Relevant Portion of the Zoning Map
D	Relevant Portion of the Future Land Use Map
E	Relevant Portion of the Generalized Policy Map
F	Names and Mailing Addresses of the Owners of the Property to Be Rezoned
G	List of Names and Addresses of All Owners of Property within 200 Feet of the Subject Property

I.

INTRODUCTION

This statement and the attached exhibits are submitted on behalf of 1900 11th Street, N.W. LLC (the “Applicant”) in support of its application to the District of Columbia Zoning Commission (the “Commission”) to amend the Zoning Map of the District of Columbia (the “Zoning Map”) to rezone Square 2848, Lots 39, 40, 72, and 838 (the “Property”) from the R-4 District to the R-5-B District. The Applicant acquired Lots 39 and 40, which have been vacant for many years, from the District of Columbia in a foreclosure action on March 2013 (“Vacant Lots”).

As discussed more fully in Section V below, the requested map amendment is not inconsistent with the Comprehensive Plan, would not create any adverse impacts on surrounding properties, and would result in a number of important benefits to the surrounding community and the District of Columbia as a whole. The proposed map amendment to the R-5-B District will ensure that the zoning designation for the Property is consistent with the site's designation on the Future Land Use Map of the Comprehensive Plan, which designates the Property for Moderate Density Residential use.

II.

DESCRIPTION OF THE SUBJECT PROPERTY AND SURROUNDING AREA

The Property consists of 19,768 square feet of land area currently configured as four (4) separate lots and is situated between Kenyon and Irving Street, N.W. east of 14th Street and the Columbia Heights Metro Station. (See, Exhibit A and Exhibit B). Lot 72 is improved with a four-story, 16 unit apartment building (Irving Station Condominium) built in 1918 at 1361 Irving Street, N.W. 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, N.W. The Vacant Lots are approximately 800 feet from the Columbia Heights Metro Station and will be subdivided into a single Record Lot of approximately 4,942 square feet for development purposes.

As shown on the Zoning Map attached hereto as Exhibit C, the Property is currently zoned R-4. The Future Land Use Map of the Comprehensive Plan designates the Property for Moderate Density Residential. (See, Exhibit D). The Property was placed in its current land use designation during the 2006 Comprehensive Plan cycle when it was recognized that mixed-use development should be encouraged in such close proximity to the metro station. The Property is designated within a Neighborhood Conservation Area on the Generalized Policy Map. (See, Exhibit E). The Property is also located immediately adjacent to the 14th Street Corridor/Columbia Heights Focus Area within the Mid-City Area Element of the Comprehensive Plan.

The area immediately west of the Property is zoned C-3-A, which permits a 4.0 FAR with a 65 foot height, and is improved with mixed use retail and multi-story residential buildings and the three level DC USA shopping mall (Target, Best Buy, Bed, Bath & Beyond, Staples) above the Columbia Heights Metro Station.

III.

EXISTING AND PROPOSED ZONING

A. Existing Zoning and Proposed Zoning

The Property is currently zoned R-4. (See, Exhibit C). The R-4 Districts are “designed to include those areas now developed primarily with row dwellings, but with very little vacant land.” 11 DCMR §330.1-2. The R-4 District does not permit new multi-family residential

development as a matter of right. The maximum permitted height in the R-4 District is 40 feet/3 stories with a minimum lot area of 1,800 square feet and minimum lot width of 18 feet for a row dwelling or flat. 11 DCMR §400.1, 401.3.

For a row dwelling or flat, lot occupancy is limited to 60%. 11 DCMR §403.2. A rear yard with a minimum depth of 20 feet is required for each structure in the R-4 District. 11 DCMR §404.1.

The Applicant is requesting a map amendment to rezone the Property to the R-5-B District. The R-5-B District, in contrast to the R-4 District, is designed to serve multi-family residential functions with moderate-density residential, which is totally consistent with the Property's designation on the Future Land Use Map of the Comprehensive Plan, 11 DCMR §350.1.

The maximum permitted matter-of-right height in the R-5-B District is 50 feet with no limit on the number of stories. 11 DCMR §400.1. The maximum FAR in the R-5-B District is 1.8, for all other structures, except 2.0 for public libraries. 11 DCMR §402.4. In the R-5-B District, the maximum percentage of lot occupancy is 60% 11 DCMR §403.2. There are no minimum lot area or lot width requirements, except for a public library. 11 DCMR 401.3. A rear yard of 4 inches per foot of vertical distance from the main finished grade at the middle of the rear of the structure to the highest point of main roof or parapet wall, but not less than 15 feet is required. 11 DCMR §404.1. Side yards generally are not required in the R-5-B District. 11 DCMR §405.9. However, if a side yard is provided, it must be at least 3 inches wide per foot of building height, but not less than 8 feet. 11 DCMR §405.6.

The following is a breakdown of the changes resulting from the requested rezoning:

Requirement/Limitation:	Existing: R-4	Proposed: R-5-B
Maximum Height/Stories	40 Feet/3 Stories	50 Feet
Maximum FAR	None	1.8
Minimum Lot Area	1,800 sf.	None
Minimum Lot Width	18 Feet	None
Lot Occupancy	60%	60%
Minimum Rear Yard	20 Feet	15 Feet
Side Yard	None	If provided, 8 Feet minimum
Parking	1 for each 2 dwelling units	1 for each 2 dwelling units

B. Effect of the Proposed Map Amendment

As discussed in more detail below, the proposed map amendment from R-4 to R-5-B is not inconsistent with the Comprehensive Plan and will further the objectives of the Zoning Act, and the objectives of the Council in the adoption of the Comprehensive Plan. The requested rezoning of the Property to R-5-B satisfies each of the statutory standards applicable to map amendments. The proposed map amendment would permit multi-family residential development of the Vacant Lots as a matter-of-right. The proposed map amendment would increase the maximum height on the Vacant Lots from 40 feet to 50 feet with a maximum FAR of 1.8, which is consistent with the developed height and FAR of

the existing properties located to the immediate west of the Property, including specifically the apartment buildings at 1372 Kenyon and 1361 Irving Street, N.W.

In addition, the proposed rezoning would:

- a) Implement the Future Land Use Map's designation of the Property for Moderate: Density Residential uses; and
- b) Permit the matter-of-right development of new residential uses on the Property, which is consistent with the Property's designation within a Neighborhood Conservation Area on the Generalized Policy Map.

IV.

STANDARDS APPLICABLE TO AN APPLICATION FOR A ZONING MAP AMENDMENT

The Zoning Act sets forth a number of criteria that must be applied by the Commission in adopting and amending the Zoning Regulations and Zoning Map. The Zoning Act states that the Zoning Regulations are designed to “promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia and its planning and orderly development as the national capital ...” D.C. Code §6-641.01 (2001). The Zoning Act further provides that:

[z]oning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the national capital, and zoning regulations shall be designed to lessen congestion in the street, to secure safety from fire, panic, and other dangers, to promote health and the general welfare, to provide adequate light and air, to prevent the undue concentration of population and the overcrowding of land, and to promote such distribution of population and of the uses of land as would tend to create conditions favorable to health, safety, transportation, prosperity, protection of property, civic activity, and recreational, educational, and cultural opportunities, and as would tend to further economy and efficiency in the supply of public services. Such regulations shall be made with reasonable consideration, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view to encouraging stability of districts and of land values therein.

D.C. Code §6-641.02 (2001). The Commission must apply those standards and criteria in determining whether to approve a requested map amendment, As set forth below, the proposed rezoning of the Property from the R-4 District to the R-5-B District will promote each of the purposes described above.

V.

EVALUATION OF PROPOSED MAP AMENDMENT AND COMPLIANCE WITH STATUTORY STANDARDS

As described in detail below, the proposed map amendment meets each of the specific requirements set forth in the Zoning Act. The Commission should therefore approve the application.

A. The Comprehensive Plan

The rezoning of the Property to the R-5-B District is “not inconsistent with the Comprehensive Plan” and is in fact consistent with and implements many of the elements of the Comprehensive Plan.

1. The Future Land Use Map

The Future Land Use Map of the Comprehensive Plan designates the Property for Moderate Density Residential uses. (See, Exhibit D). Moderate Density Residential areas are intended to include row house neighborhoods which also include a mix of housing types (2-4 unit buildings, row houses and low rise apartment buildings). In older inner city neighborhoods like Columbia Heights, there are existing multi-story apartments which were built prior to the enactment of the 1958 Regulations. The R-5-B district is specifically included and is in keeping with and consistent with the existing R-5-B zone and appropriate transition to the existing C-3-A zone and improvements. 10 DCMR §225.4, The proposed map amendment to R-5-B will allow the matter-of-right development of a multi-family residential use on the Vacant Lots and

the R-5-B District is specifically listed in Section 225.4 of the Comprehensive Plan. Thus, the proposal is consistent with the Property's designation on the Future Land Use Map.

2. The Generalized Policy Map

The Generalized Policy Map designates the Property within a Neighborhood Conservation Area. (See, Exhibit E). The Comprehensive Plan provides that Neighborhood Conservation Areas “are primarily residential in character... where change occurs, it will be modest in scale and will consist primarily of scattered site in fill housing... 10 DCMR §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 a 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.” 10 DCMR §223.5

3. Compliance with the Citywide Elements of the Comprehensive Plan

The proposed map amendment is consistent with the citywide elements of the Comprehensive Plan and will advance a number of the stated goals and policies.

a. Land Use Element (Chapter 3)

The Comprehensive Plan provides that “[b]ecause the Land Use Element integrates the policies and objectives of all the other District Elements, it should be given greater weight than the other elements as competing policies in different elements are balanced.” 10 DCMR §300.3 The underlying goal of the Land Use Element is to:

[e]nsure the efficient use of land resources to meet the long-term neighborhood, citywide, and regional needs; to help foster other District goals; to protect the health, safety, and welfare of District residents and

businesses; to sustain, restore, or improve the character and stability of neighborhoods in all parts of the city; and to effectively balance the competing demands for land to support the many activities that take place within District boundaries.

10 DCMR §302.1. The proposed map amendment will advance this important goal by complying with the following three policies set forth in the Land Use Element of the Comprehensive Plan.

Policy LU-1.3.2: Development Around Metrorail Stations: Concentrate redevelopment efforts on those Metrorail station areas which offer the greatest opportunities for infill development and growth, particularly stations in areas with weak market demand, or with large amounts of vacant or poorly utilized land in the vicinity of the station entrance. Ensure that development above and around such stations emphasizes land uses and building forms which minimize the necessity of automobile use and maximize transit ridership while reflecting the design capacity of each station and respecting the character and needs of the surrounding areas. 10 DCMR §306.11.

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. 10 DCMR §307.5.

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. 10 DCMR §307.7.

b. Housing Element (Chapter 5)

The stated goal of the Housing Element of the Comprehensive Plan is to “[d]evelop and maintain a safe, decent, and affordable supply of housing for current and future residents of the District of Columbia.” 10 DCMR §501.1. The proposed map amendment is consistent

with the general and specific policies set forth in the Housing Element of the Comprehensive Plan, including the following:

*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. 10 DCMR §503.2.*

Consistent with Policy H-1.1.1, the map amendment will enable the development of up to 1.8 FAR on the Property, for multiple dwellings or apartments on the Vacant Lots which will be entirely consistent with the immediately adjacent apartment buildings, the surrounding zoning and immediate proximity to the Columbia Heights Metro Station.

4. Compliance with the Area Elements of the Comprehensive Plan

In addition to the citywide elements, the Comprehensive Plan includes ten geographically based “area elements.” The Property is located immediately adjacent to the 14th Street Corridor/Columbia Heights Focus Area within the Mid-City Area Element of the Comprehensive Plan. As discussed below, the proposed map amendment is consistent with the following objectives and policies set forth in the Mid-City Area Element:

*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. 10 DCMR §2012.7.*

The proposed map amendment will significantly advance the objectives of Policy MC-2.2.1 since rezoning the Property from an R-4 zone to R-5-B will facilitate moderate density residential development on the Vacant Lots which is consistent with the immediately adjacent apartment buildings and will capitalize on the immediate presence of the Columbia Heights Metrorail station and will enable the development of new transit-oriented housing.

B. Health, Safety, and General Welfare

The proposed map amendment would further the public health, safety, and general welfare of the District of Columbia. The requested rezoning to the R-5-B District will ensure that the Vacant Lots are developed in a consistent manner with its land use designation and the surrounding residential mixed use and commercial uses. By facilitating the redevelopment of the Vacant Lots with a similar apartment building to the neighboring structures and in close proximity to Metro, the proposed map amendment will protect the health and safety of District residents. The map amendment will also promote the general welfare by allowing the redevelopment of the Vacant Lots with a residential use that is appropriate and in furtherance to the existing residential and commercial uses and will generate new jobs for District residents and significant tax revenues for the District government.

C. No Adverse Consequences

The proposed map amendment will not result in the overcrowding of land or the undue concentration of population, nor will it have any significant adverse impacts on traffic congestion in the surrounding area. Although the map amendment will result in an increase in the overall density permitted on the Vacant Lots, the maximum height and density permitted on the Property is consistent with both the Future Land Use Map designation of the Property and the existing zoning to the immediate east of the Property and benefited by the immediate proximity of the Columbia Heights Metro Station. In short, the proposed map amendment will have no adverse effects on other adjacent properties and provide many benefits over the current vacant land.

D. Development under the R-5-B District Would Create Favorable Conditions

As discussed above, the proposed map amendment will further a number of the policies embodied in the District's Comprehensive Plan. The rezoning will allow the redevelopment of the Vacant Lots with a moderate density multiple dwelling residential use on the Property that is consistent with both the Future Land Use Map and the Generalized Policy Map designations for the Property and in keeping with the immediate adjacent apartment buildings and the immediate proximity of the Columbia Heights Metro Station.

VI.

CONCLUSION

For all of the reasons stated herein, the Applicant submits that the proposed rezoning of the Property from R-4 to R-5-B meets all of the requirements for an amendment to the Zoning Map. The proposed map amendment is consistent with the District's policies for this property and for the development of the surrounding area. Furthermore, the proposed rezoning is not inconsistent with the Comprehensive Plan, and in fact aligns the Property's zoning with the Comprehensive Plan. Finally, the requested rezoning will further each of the specific objectives set forth in the Zoning Act. Accordingly, the Applicant respectfully requests that the Commission schedule a public hearing on this application and grant the requested map amendment as expeditiously as possible.

Respectfully submitted:

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