

Government of the District of Columbia

ZONING COMMISSION



Case 73-23 Dupont Circle Rezoning
Statement of Reasons

June 21, 1974

On November 28, 1973 and January 9, 1974, the Zoning Commission held a public hearing on Case 73-23 sponsored by the Commission. The Zone change proposal applied to:

- (1) the east and west side of 19th Street from Q Street, to S Street, including portions on Corcoran Street, R Street, Riggs Place and S Street to be changed from R-5-C to R-5-B;
- (2) the north side of P Street and both sides of Church Street east of 18th Street, as well as portions of the 1700 block of Q and Corcoran Streets proposed to be changed from S-P to R-5-B.

Pursuant to the Zoning Act, the Zoning Commission considers whether development in accordance with existing zoning will adversely impact residential neighborhoods with traffic congestion, noise, air pollution and other factors affecting health, safety and welfare; the Commission also has a statutory duty to encourage stability of districts and of land values therein. The Commission's duties as established in the Zoning Act at Section 5-414 of the D.C. Code are as follows"

"Such regulations shall be made in accordance with a comprehensive plan and 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, 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 considerations, among other things, of the character of the respective districts and their suitability for the uses provided in the regulations, and with a view of encouraging stability of districts and of land values therein."

After considering all of the testimony, evidence, and claims presented to it, and after careful deliberation in accord with its statutory obligations under the Zoning Act, the Commission has determined that development under the existing zoning of R-5-C and S-P in the northeast quadrant of Dupont Circle area is inimical to the public welfare and poses substantial threats to the preservation of the character of the neighborhood and of property values therein.

The Dupont Circle Area is a unique urban setting close in to downtown Washington. The area was developed in the latter part of the 19th and early part of the 20th centuries. The dominant architectural style is late Victorian, with average heights ranging from 40 to 60 feet.

Many of the residential structures are large row dwellings; some have been converted to multi-family use.

The basic style of existing dwellings is differentiated by size variations in front yards, bay projections, turrets and windows. A large portion of these residential structures front upon narrow tree-lined streets (widths of 22 and 24 feet, curb to curb). Among the row dwellings are a number of older mid-rise and newer high-rise apartment structures, as well as older large mansions which have been converted to non-profit-institutional uses due to the ineconomies of maintaining them as residences.

This residential area, as characterized by the elements discussed above, is made even more unique and is emphasized by comparison to intense movement and activity of the adjacent commercial area to the west and south. A major attraction of this area is its wide choice of housing accommodations.

In view of the proximity of the area to a Metro station now under construction, the Commission believes that intense development of 90 foot apartment buildings will occur in this area unless the zoning is changed. The zone changes made by order of the Commission preserve the values of the Dupont Circle Area in today's context and provide for stability and the preservation of the area's special character and ambience.

Since the zoning of this area in 1958, which established S-P and R-5-C density levels, there has been a significant increase in the conversion of large family row houses to multi-family uses, encompassing two to eight units. These conversions have resulted in increase of population density making this area one of the highest areas of population density in the city. Retention of the existing zoning will only encourage additional density which will exacerbate even more, the critical population density levels now present in the area. The Commission is directed by the Zoning Act to administer the zoning regulations so as to prevent the undue concentration of population and overcrowding of Land which consequences will occur if the existing zoning is maintained.

Traffic congestion, noise and air pollution are also factors to be weighed when considering whether the zoning districts promote the health, safety, and general welfare. The existing zoning of R-5-C and S-P will lead to greater traffic levels, noise and air pollution than currently exist in the area, contrary to the public welfare.

This area experiences high volumes of vehicular traffic because of its close proximity of the central business district and the adjacent commercial corridor of Connecticut Avenue. Moreover, this proximity to the commercial district

has lead to massive intrusion of non-residential parking in this residential area. Testimony indicated that community residents experience difficulty in finding parking spaces near their residences. The increased vehicular traffic and parking demands resulting from high-rise residential development under R-5-C and S-P, will only serve to aggravate the already severe traffic and parking problems and will increase levels of air and noise pollution in the area.

The proposed Metro station must be considered among the factors which will influence the future development of the Dupont Circle Area. The Metro station will have a positive impact on the existing heavy commercial corridor along the Connecticut Avenue corridor north and south of the Dupont Circle Area. Another part of the station's passenger capacity will service residential construction presently under way in the Dupont Circle Area. The Commission believes that it is not inappropriate that there should exist a protected town-house residential community within easy access of a Metro station.

The Commission is aware of the existing and potential density development of the Area. The Area as a whole contains a mixture of urban uses, none of which should predominate so as to destroy the present equilibrium of urban qualities of the Area, which the Commission believes should be preserved.

If development were to occur under the existing zoning, the required increase of recreation space and facilities would over burden existing resources. Such a condition would inhibit the provisions of recreation facilities necessary to insure an adequate level of recreation facilities for the population to be served.

If development were to occur at levels provided for by the existing zoning, there would be demolition of existing low rise structures in favor of high rise office and apartment use utilizing the full zoning envelope. Utilizing the full zoning envelope would appreciably block the light and air from the remaining low rise single family structures, and would, in some instances, diminish market value due to absence of adequate light and air.

The Dupont Circle Area has not developed in accordance with the levels of density permitted by the 1958 zoning regulations. Since this is a fact, the zoning of this specific area should be changed in accordance with what has evolved. The zone changes made by order of this Commission are in conformance with the character of the area and will provide for its stability and proper future growth.

In conclusion, the Commission, having considered aEl of the facts, interests and claims presented to it, and after carefully deliberating upon and balancing them to fulfill.. its statutory responsibilities, as set out above, determines in accordance with the above stated reasons that the public interest requires that the Dupont Circle Area be rezoned as set forth in Order No. 90.

DISSENTING OPINION OF GEORGE M. WHITE

The Zoning Act (52 Stat. 797, as amended) provides, in part, . . . "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."

Thus, a primary purpose as well as a principal legislative intent of zoning is to bring stability to the land use characteristics of an urban community. The concept of "down-zoning", although a legally valid zoning tool, tends, if used without great caution, to instill a measure of instability into districts and land values. This is especially true when "down-zoning" is applied after long periods of stable development in existing use districts.

Therefore, in my judgment, "down-zoning" should be used only when compelling circumstances exist, i.e., circumstances that constitute a clear and imminent danger of detriment to the community. In many hours of testimony offered in this particular case, I found no persuasive weight of evidence presented that supported the allegations that an imminent and future collapse of the neighborhood values would take place

unless the area were down-zoned. The existing zoning, which has been virtually unchanged for 16 years without apparent detriment to the community, should, thus, in my judgment, continue to remain in effect. I, therefore, respectfully dissent from the opinion of the majority of the Commission.