

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 246

CASE NO. 78-13

November 9, 1978

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on September 25, 1978, to consider an amendment to the D. C. Zoning Map. This application for a map change was initiated by the D. C. Transit System, Inc.

FINDINGS OF FACT

1. The application requests a change of zoning from C-M-1 to C-3-A and C-2-A, or in the alternative, to R-5-C for all or a portion of Square 1057 containing Lots 800, 801 and 802. The site is bounded by 14th, 15th, East Capitol and "A" Streets, N. E., and comprises 123,930 square feet.
2. The application initially requested that the frontage of the square on East Capitol Street, to a depth of 80 feet, be rezoned from C-M-1 to C-3-A, with the remainder of the square to be zoned C-2-A. Subsequently, by letter dated September 22, 1978, the applicant requested that in the event the Zoning Commission scheduled a public hearing, it advertise in the alternative a change from C-M-1 to R-5-C for all or a portion of the square. The hearing was advertised in that manner.
3. The existing C-M-1 zoning permits low bulk commercial and light manufacturing uses, with a maximum floor area ratio of 3.0 and a forty foot maximum height limit. Residential uses are prohibited in the C-M District.
4. The C-3-A District permits a medium bulk major business and employment center for retail and office uses to serve major shopping and business needs. The maximum floor area ratio is 3.5, with non-residential uses limited to 2.5 FAR. The maximum height is sixty-five feet.

5. The C-2-A District permits a medium density community business center for retail and office uses to serve shopping and business needs. At the time of the hearing, The C-2-A District had a maximum floor area ratio of 2.0, with residential uses limited to 1.8 FAR and a sixty per cent lot occupancy. The maximum height permitted was sixty feet. Subsequent to the hearing the Zoning Commission amended the Zoning Regulations to increase the maximum FAR to 2.5, to limit non-residential uses to 1.5 FAR, and to lower the height limit to fifty feet.
6. The R-5-C District allows for general residential use including apartments, flats, single family dwellings and hotels. It permits a maximum height of ninety feet and a maximum FAR of 3.5.
7. At the hearing, the applicant presented a revised proposal for rezoning of the square, which had been resolved with area citizen groups. The applicant proposed that the East Capitol Street frontage of the square be rezoned C-3-A to a depth of eighty feet, 14th and 15th Street frontages of the square be rezoned C-2-A to a depth of seventy feet excluding those portions zoned C-3-A, and the remainder of the square be rezoned R-5-B. During the course of the hearing the applicant agreed to accept a proposal to rezone the East Capitol Street and 15th Street frontages C-2-A for a depth of 80 and 70 feet, respectively, and to rezone the balance of the square R-5-B.
8. The R-5-B District permits general residential uses, including apartments, flats, single family dwellings and hotels, with a maximum height of sixty feet and a maximum floor area ratio of 1.8.
9. The existing structure located upon the site was erected in 1896 and has been designated as a Category II landmark by the Joint Committee on Landmarks. It is a vacant building originally used as the Executive Offices of the Car Barn for D. C. Transit. A portion of the building on East Capital Street built forty-five to fifty-eight feet deep has a castle-like facade. The site has walls on 14th and 15th Streets leading to the storage sheds located in the interior of the site. The balance of the site, except for the vacant northeast corner, consists of three massive one-story storage sheds forty to fifty feet high with metal grooves and enclosed with brick walls.
10. Under the proposed R-5-B zoning, which will cover approximately sixty-one per cent of the site or 75,000 square feet, the applicant intends to erect approximately sixty townhouse structures intended to be sold in fee simple to

contain no more than two units each. Permitted maximum development under R-5-B zoning within this area would be 135,000 square feet of floor area, which could contain as much as approximately 135 to 150 dwelling units.

11. Under the proposed C-2-A zoning which will cover approximately thirty-nine per cent of the site or 49,000 square feet, the applicant intends to erect approximately twelve new townhouse structures to contain no more than two units each, which would permit the establishment of offices in such units, and to convert the existing historic structure on East Capitol Street into approximately sixteen townhouse units in the wings with the turrets to be used for commercial or residential space. The storage sheds located in the interior of the site and visible from the street would be removed. Permitted maximum development within the C-2-A area would be 122,500 square feet of residential use or 73,500 square feet of commercial space. The applicant intends to create a mixed use area in the C-2-A section of the site with approximately 26,000 square feet to be devoted to commercial uses.
12. Under the existing C-M-1 District, the site could be developed to a maximum of 371,300 square feet of commercial area. Such districts are characterized by heavy truck traffic and loading and unloading operations and permit such uses as light manufacturing, storage yards, incinerators and repair facilities.
13. The site is surrounded by a large area zoned R-4 and is developed for the most part with row houses. A portion of the Square 1070 located immediately to the east across from 15th Street is zoned C-2-A and contains neighborhood type commercial facilities such as a beauty salon and a grocery store. Diagonally across from East Capitol Street on the 14th Street side is located the Holy Comforter Catholic Church and diagonally across the street on the 15th Street side is located the Holy Comforter Church School. There are also some non-conforming uses consisting mainly of neighborhood type facilities in the R-4 District.
14. Now that the existing Car Barn use is no longer operating, the site is inappropriately zoned for heavy commercial-light industrial uses in the middle of a predominantly residential area. In addition to the potential adverse effects from full development under the C-M District, the present zoning does not permit new residential development.
15. Appropriate development of the site would include low density residential uses, with some low-density commercial uses to

serve the project and the area, with height compatible to the surrounding area.

16. The R-5-C District requested as an alternative would be inappropriate, in that it permits a height of ninety feet and more residential development than the applicant needs for its project. The C-3-A District originally requested would be inappropriate, in that it also provides more residential or commercial development than is necessary. The Commission finds that C-2-A zoning along the entire frontage of East Capitol Street for a depth of 80 feet into the subject square and the entire frontage of 15th Street for a depth of 70 feet into the subject square, and R-5-B zoning for the balance of the square, is the most appropriate zoning for the square in that it will meet the needs of the contract purchasers to allow them to develop the square while retaining the important parts of the historic structure, while not providing for more density than is necessary. The C-2-A District along East Capitol Street fit the existing bulk of the historic building there. Along 15th Street, the C-2-A District matches comparably zoned property on the opposite side of the street.
17. The Municipal Planning Office by report, dated September 14, 1978 and by testimony at the hearing, stated that the proposed development will be in harmony with the existing residential character of the surrounding area and will provide much needed housing in the District of Columbia. The Commission so finds. At the hearing, the Municipal Planning Office recommended that the frontage on East Capitol Street, N. E. to a depth of fifty feet be rezoned from C-M-1 to C-3-A, with the balance of the property zoned either C-2-A or R-5-B. The C-3-A zoning would permit the preservation of the historic character of the main existing structure and still allow for its commercial use. In its summary-abstract, filed in the record, the Municipal Planning Office recommended favorably on the C-2-A and R-5-B zoning presented by the applicant at the hearing.
18. The Department of Transportation, via report of the Municipal Planning Office dated September 14, 1978 and by testimony at the hearing, stated that the street system in the area is capable of handling the traffic to be generated by the proposed development. The Department also indicated that it would be desirable to have one parking space for each dwelling unit. The C-3-A and C-2-A Districts require one parking space for each two dwelling units. The R-5-C zoning would require one parking space for each

three dwelling units, while R-5-B requires one space for each two units. The contract purchasers stated that they would work with the Department of Transportation to satisfy it that sufficient parking would be provided.

19. The Department of Housing and Community Development, via report of the Municipal Planning Office dated September 14, 1978, stated that it would have no objections to the technical concept of the proposed development, although it would be desirable to include some low and moderate cost units on the site. The Commission finds that it is not currently possible through the zoning process to require the developer to provide low or moderate income housing in this project.
20. Advisory Neighborhood Commission 6-A, by letter entered September 7, 1978 and by testimony at the hearing, indicated support for the proposed development and the zoning change to implement the project.
21. Advisory Neighborhood Commission 6-B, which includes property located directly across East Capitol Street, by letter dated September 21, 1978 and by testimony at the hearing, recommended that some low and moderate income housing be provided in the Car Barn project, but otherwise stated it supported the project. As to the issue of low and moderate income housing, the Commission finds that although that is an extremely desirable objective, it is not possible through the current zoning process to require the developer to provide such housing in this project.
22. The Capitol Hill Restoration Society voted to support the development subject to conditions that the actual development will be limited to a level as proposed by the applicant and agreed upon by the Capitol Hill Restoration Society.
23. The application was referred to the National Capital Planning Commission under the terms of the District of Columbia Self Government and Governmental Reorganization Act, and the National Capital Planning Commission reported that the proposed amendment would not have a negative impact on the Federal Establishment in the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-2-A and R-5-B is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to stabilize and improve the area.
2. Rezoning to C-2-A and R-5-B will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-2-A and R-5-B will not have an adverse impact on the surrounding neighborhood.
4. The Commission takes note of the position of the Advisory Neighborhood Commission, and in its decision has accorded to the ANC the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders approval of the following action:

Change from C-M-1 to C-2-A and R-5-B all of square 1057 (Lots 800-802) located at and bounded by East Capitol, "A", 14th, and 15th Streets, N. E. C-2-A shall be mapped along the entire frontage of East Capitol Street for a depth of 80 feet into the square and along the entire frontage of 15th Street for a depth of 70 feet into the square. R-5-B shall be mapped for the balance of the square.

Vote of the Commission taken at the public meeting held on October 16, 1978: 3-0 (Walter B. Lewis, John G. Parsons, and Theodore F. Mariani to approve - Ruby B. McZier and George M. White, not voting, not having participated in the case).


WALTER B. LEWIS
Chairman


STEVEN E. SHER
Executive Director

Z. C. Order No. 246
Case No. 78-13
Page 7

This order was adopted by the Zoning Commission at its public meeting held on November 9, 1978, by a vote of 3-0 (Walter B. Lewis and Theodore F. Mariani to adopt, John G. Parsons to adopt by proxy, George M. White not voting, not having participated in the case, Ruby B. McZier not present, not voting).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this amendment to the Zoning Map is effective on
22 NOV 1978.