

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 260

CASE NO. 77-2

JANUARY 11, 1979

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on November 16, 1978, to consider an application from the D.C. Department of Housing and Community Development to amend the District of Columbia Zoning Map.

FINDINGS OF FACT

1. The application requests a change of zone from C-2-A and R-4 to C-2-B and R-5-C for all of the lots in squares 912 and 934 located at 801 thru 823 - "H" Street, 706 thru 732 9th Street, 800 thru 824 - "G" Street, 713 thru 727 - 8th Street, 901 thru 925 - "H" Street, 700 thru 730 - 10th Street, and 701 thru 729 - 9th Street, N.E. and bounded by 8th, 10th, "G" and "H" Streets, N.E., comprising approximately 216,853 square feet of 4.98 acres. The subject application includes streets and alleys proposed to be closed.
2. The application was filed in March of 1977. The case was originally heard on July 25, 1977 and decided in favor of the applicant under Z.C. Order No. 184, dated November 11, 1977. By Order of the D.C. Court of Appeals, on petition of the Capitol Hill Restoration Society, the case was remanded to the Zoning Commission for further proceedings. In response to the court order, the Zoning Commission vacated previous Order No. 184 and authorized the reopening of the public hearing by Z.C. Order No. 232 dated August 11, 1978.
3. The reopened public hearing in this case was held on November 16, 1978, to consider the District agency reports received after the conclusion of the July 25, 1977 hearing in this case and to receive and consider any other relevant information.

4. The site including all streets and alleys which are to be closed is 4.98 acres or 216,853 square feet in area. The present C-2-A zoned area fronting along H Street between 8th and 10th Streets is approximately 115 feet deep and 580 feet long including the right of way of 9th Street and all alleys, totalling approximately 1.53 acres or 66,700 square feet. Excluding the streets and alleys, the area totals 51,100 square feet. The present R-4 zoned area which comprises the remainder of the site is approximately 3.45 acres or 150,153 square feet. Excluding the streets and alleys, the area totals 115,703 square feet. The site is approximately ninety percent cleared. Several commercial properties remain along H Street and some residential buildings exist on the remainder of the site.
5. The area requested to be rezoned C-2-B is approximately 100,000 square feet or 2.30 acres. The area requested to be rezoned R-5-C is 116,853 square feet or 2.68 acres.
6. The C-2-B District permits a community business center of medium-high to high density with a maximum of 3.5 FAR with commercial uses limited to 1.5 FAR, a sixty-five foot height limit, and a seventy-five per cent lot occupancy for residential use.
7. The C-2-A District permits a community business center of medium density with a maximum of 2.5 FAR with residential uses limited to 1.5 FAR, a fifty foot height limit, and sixty per cent lot occupancy for residential uses.
8. The R-5-C District permits a medium-high density apartment house with seventy-five per cent lot occupancy, a maximum of 3.5 FAR, and a ninety foot height limit.
9. The R-4 District permits row dwellings and flats with an eighteen foot minimum lot width, 1800 square foot minimum lot area, sixty per cent lot occupancy, three story/forty foot height limit, and conversions to multiple dwelling units permitted with 900 square feet of lot area per unit.
10. The site is a part of the "H" Street Urban Renewal Area and is the largest parcel available for development. It is owned by the D.C. Department of Housing and Community Development which intends to construct a high density housing development with retail and office uses.

11. The proposed zoning change to R-5-C at 3.5 FAR, without plan controls could produce a maximum residential development of 408,985 square feet of gross floor area, to a height of ninety feet, seventy-five per cent lot occupancy and would include a unit count ranging from 407 to 453 units. The applicant originally proposed to construct two high rise apartment buildings containing a total of 356 one bedroom and two bedroom units for a total of 358 units.
12. The maximum development in the C-2-B District would be 350,000 square feet of gross floor area, of which no more than 150,000 square feet of gross floor area could be devoted to non-residential uses. This allows for a maximum of approximately 400 dwelling units if no commercial space is provided, and a maximum of approximately 300 units if the full commercial FAR is used. Although the plan controls provide for the maximum development of the C-2-B zone district, the applicant plans at this time only to build a one story commercial building of approximately 35,000 gross square feet with on grade parking spaces.
13. The proposed rezoning is consistent with the H Street Urban Renewal Plan.
14. The developer of the site who would build the residential and commercial development has reached an understanding with area citizens and the Capitol Hill Restoration Society. This understanding indicates that the commercial development on the H Street frontage where C-2-B zoning is proposed will not exceed a 65 foot height. The frontage on 8th and 10th Streets will be developed with 18 to 20 rowhouses. The remaining portion of the site will be developed with a 204 unit high rise apartment building for the elderly.
15. The Municipal Planning Office by report, dated December 7, 1978, and by testimony presented at the public hearing, recommended that the entire frontage along H Street to a depth of 170 feet be rezoned to C-2-B, that the zoning along 8th and 10th Streets to a depth of 81.81 feet not be changed and that the remainder of the site be rezoned to R-5-C. The zoning pattern conforms to the agreement reached between the developer and the citizens.

16. The Department of Housing and Community Development, testified at the public hearing held on November 16, 1978, that the development plan agreed upon by the citizens and the developer meets the provisions of the urban renewal plan and expressed no opposition to map changes that would accomplish this development. The Commission so finds.
17. The Department of Transportation, by testimony presented at the November 16, 1978 public hearing, raised no objection to the zoning map changes that would reflect this level of development, since it represents a less intense development than previously proposed at the time of the first public hearing, which earlier level had been found to not cause the adjacent streets to be overtaxed or cause severe deterioration in traffic service on H Street. The Commission so finds.
18. Several citizen groups in the area, including the Capitol Hill Restoration Society and the Stanton Park Neighborhood Association, continued to oppose the original zoning as proposed. These groups did support the revised zoning pattern as recommended by the Municipal Planning Office and as agreed to by the developer, in that the project would provide much needed housing in the best interest of the community while providing better protection for existing surrounding residents than the earlier proposal. The Commission so finds.
19. Advisory Neighborhood Commission 6A, by letter dated November 22, 1978, stated that the ANC reaffirmed the resolution passed on October 3, 1978, which opposed the original zoning request as put forth by the applicant. Further, the ANC supported the minimal zoning changes required to meet the needs of the developer which would be for the interior of parcel 7 on the "G" Street frontage between 8th and 10th Streets, N.E., to be zoned R-5-C to accommodate the eight story residence for the elderly, and to retain the R-4 zoning along 8th and 10th Streets, N.E., with the commercial C-2-B along "H" Street, N.E.
20. The Commission finds that the change of zone from C-2-A and R-4 to C-2-B and R-5-C for part of Squares 912 and 934, will meet the concerns of the ANC as well as the community in general.

21. The application was referred to the National Capital Planning Commission under 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 interest or function of the Federal Establishment in the nation's capitol and is in accordance with the Urban Renewal Plan for the "H" Street Urban Renewal Area.

CONCLUSIONS OF LAW

1. Rezoning to C-2-B and R-5-C as recommended by the MPO and agreed to by the developer and the community is in accordance with the Zoning (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-B and R-5-C as recommended by the MPO and agreed to by the developer and the community 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-B and R-5-C as recommended by the MPO and agreed to by the developer and the community 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

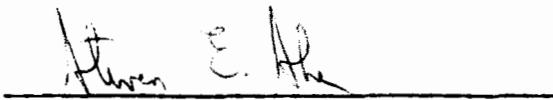
In consideration of the Findings and Conclusions herein, the Commission therefore hereby ORDERS the following actions in Squares 912 and 934 including public streets and alleys to be closed:

1. Change to C-2-B all of that property lying within 170 feet of the right-of-way of "H" Street, N.E.
2. Change to R-5-C all of that property not zoned C-2-B above, except that those portions of the squares currently zoned R-4 lying within 81.81 feet of the right-of-way of 8th and 10th Streets shall remain R-4.

Vote of the Commission taken at the public meeting of December 14, 1978: 4-1 (Commissioners Walter B. Lewis, Ruby B. McZier, George M. White, and John G. Parsons, to ADOPT, Commissioner Theodore F. Mariani, opposed).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on January 11, 1979, by a vote of 3-0 (Ruby B. McZier, Theodore F. Mariani and Walter B. Lewis to adopt, John G. Parsons and George M. White 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

26 JAN 1979