

Government of the District of Columbia  
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 281  
Case No. 78-31  
June 14, 1979

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on April 19, 1979. At this hearing session the Zoning Commission considered an application from Children's Hospital and Thompson's Dairy, Inc. to amend the Zoning Map of the District of Columbia.

FINDINGS OF FACT

1. The application requests a change of zoning from C-M-1 and C-M-2 to R-5-B for lots 18-20, 819, 821 and 822 in Square 304. On March 8, 1979 the applicant requested the Zoning Commission to permit the advertisement of alternative rezoning considerations of C-3-A or any other commercial district of lesser density for hearing. The Commission granted the applicant's request.
2. The subject site includes all of Square 304, with the exception of lots 27, 30, and 31, and is located at and bounded by 11th, 12th, U, and V Streets, N.W. The site comprises approximately 57,650 square feet.
3. The application presented three possible alternatives for rezoning:
  - a. The entire tract of land will be rezoned C-3-A.
  - b. The tract will be split-zoned C-3-A and R-5-B;
  - c. The entire tract will be rezoned R-5-B.

At the hearing, the applicants presented a fourth alternative for rezoning of the square. The applicants proposed that the entire tract of land be rezoned C-2-B.

4. The C-M-1 District permits low bulk commercial and light manufacturing uses, to a maximum floor area ratio (FAR) of 3.0, and a maximum three story/forty foot height limit, with new residential uses prohibited. The C-M-2 District permits medium bulk commercial and light manufacturing uses, to a maximum FAR of 4.0 and a maximum height of sixty feet, with new residential uses prohibited. The R-5-B District permits general residential uses including single family dwellings, flats, and apartments, to a maximum lot occupancy of sixty percent, a maximum FAR of 1.8, and a maximum height of sixty feet. The C-3-A District permits office, retail and service, and residential uses, to a maximum FAR of 4.0 for residential uses and 2.5 for hotels or other permitted uses, a maximum lot occupancy of seventy-five percent and a maximum height of sixty-five feet. The C-2-B District permits a medium density community business center for retail and service, office, and residential uses, to a maximum FAR of 3.5 with non-residential uses limited to 1.5 FAR, and a maximum height of sixty-five feet.
5. The subject site is the former location of Thompson's Dairy and an annex facility of the old Children's Hospital. The site is surrounded by streets on all sides with the exception of the corner at U and 11th Streets where the Industrial Bank of Washington and the Washington Afro American Mutual are located. The existing development on both sides of U Street is commercial uses and consists of neighborhood-type facilities. The site is developed with two rowhouse-type structures at the corner of U and 12th Streets. At the corner of 12th and V Streets is located a vacant parking lot. The remaining structures on the site are vacant. The area can be generally characterized as blighted, and in need of revitalization. There are many abandoned structures of various former uses in the area.
6. The site is located in the immediate vicinity of a proposed metro station. This metro station of the Greenbelt line will become operational in the mid 1980's. The metro entrances are planned on U Street at 10th and 13th Streets N.W., and the site will be at a distance of one block from either entrance.

7. The general zoning of the immediate area is industrial, and medium density commercial and residential. The frontage along the north side of U street at this location is zoned C-M-1 and the frontage along the south side of U Street is zoned C-2-A. The predominate zoning south of the U Street frontage is R-4 and north of the U Street frontage is C-M-2, C-2-A, and R-5-B.
8. The site is located in the Shaw Urban Renewal Area and is designated as an Employment Center area on the land use map of the Urban Renewal Area Plan. The principal uses designated within Employment Centers are commercial, business service, light manufacturing, and automotive. The Plan also indicated that new residential uses in Employment Centers should be prohibited.
9. Under the proposed alternative one, C-3-A zoning for the entire tract, the applicants proposed three development possibilities. One, the U Street frontage of the property would be developed with retail and office space while the remainder of the property would be devoted to residential use comprised of approximately sixty-five to 100 townhouses units. Two, the U Street frontage would be developed for greater commercial use, with approximately 120,675 square feet devoted to retail and office use, and the remainder of the property would be residential, comprised of approximately 104 dwelling units, including both townhouses and a mid-rise apartment building. Three, the U Street frontage would be developed with limited retail and office use and the major portion of the property would be devoted to residential use, with approximately 125 dwelling units. Any one of these development possibilities would permit the option of professional office/home use along V Street.
10. Under the proposed alternative two, split-zoning the property, the applicants proposed that the U Street frontage of the property be rezoned C-3-A to a depth of 170 feet, and the remainder of the property be rezoned R-5-B. Under this alternative, the C-3-A portion of the site would be developed with a five-story residential building on top, containing approximately fifty-five dwelling units. The R-5-B portion of the site would be developed with forty-four townhouse units, piggyback style.

11. Under the proposed alternative three, rezoning the entire tract R-5-B, the entire site would be developed for residential use, with approximately eighty townhouse units, piggyback style.
12. Under the proposed alternative four, rezoning the entire tract C-2-B, the site would be developed with the same kind of mixed-uses as the C-3-A alternative, but with a lower FAR for non-residential uses.
13. The Office of Planning and Development (OPD), by memorandum dated April 13, 1979 and by testimony presented at the public hearing, identified the following possibilities for zoning the site.

a. Alternative I

The site would be developed entirely with residential units under R-5-B zoning as originally requested. These units will be attached houses containing two units of which one unit will be for rental. This alternative will accommodate eighty to 100 dwelling units on the site.

b. Alternative II

This alternative is based on C-3-A zoning on the total site and would allow 110,000 to 150,000 square feet of commercial space in addition to approximately 110 to 120 dwellings units in mid-rise apartment buildings. This level of development anticipates that there will be a possibility for pre-leasing arrangements of office space with the District or Federal Governments.

c. Alternative III

This alternative is based on a combination of Alternatives I and II. There will be residential development of the type indicated in alternative one toward the V Street side containing approximately fifty units and there will be commercial development on the U Street side containing approximately 30,000 square feet of commercial space under a deck. There will be ten to thirty dwelling units built on the top of the deck for a total of sixty to eighty dwelling units and 30,000 square feet in commercial space on the site. Fifty percent of the commercial space will be in retail and fifty percent will be offices. This alternative anticipates C-3-A zoning along U Street and R-5-B zoning along the V Street side.

OPD recommended approval of its Alternative III because it would provide an additional opportunity for residential and commercial development, and would permit substantial home ownership-type residential uses.

14. The D.C. Fire Department, by memorandum dated March 13, 1979 reported that, for the proposed development density, it had no objections to the proposal. The Fire Department, however, indicated that there was a necessity for the developer to maintain close coordination with the Fire Marshal to assure fire safety. This can be done as part of the preparation and review of building plans.
15. The D.C. Department of Environmental Services (DES), by memorandum dated March 23, 1979 reported that for the proposed development density, the water system should be adequate. However, the sewer system, by present standards, is not adequate. The DES recommended that a relief sewer system be provided to accommodate anticipated storm and sanitary flows. The DES also reported that it expected no significant solid waste or air and noise problems, and anticipated minimum soil erosion and sediment control problems during construction if the applicant complied with erosion control regulations.
16. The D.C. Department of Transportation (DCDOT), by memorandum dated April 19, 1979, reported that it supported the recommendation of the OPD and indicated that a mixed use zoning would lead to better, more efficient use of transportation facilities and service, promote higher transit use, reduce vehicle miles of travel, shorten trip lengths, and support air quality and fuel conservation objectives.
17. The D.C. Department of Housing and Community Development (DHCD), by testimony presented at the hearing, indicated that the proposed development was not inconsistent with the Plan because the subject site was not an "action area" site. The DHCD indicated that "action areas" are the only areas for which the controls of the Urban Renewal Plan are mandatory. The Commission so finds.
18. The Commission finds that C-3-A zoning is inappropriate for the site development because it would permit a density too great to

be compatible with that of the immediate area. The Commission further believes that C-3-A/R-5-B zoning is inappropriate because, although it would permit the kinds of uses necessary for revitalization, it too permits a density of development too great to be compatible with that of the U Street frontage and unnecessarily restricts the flexibility of the developer in actually developing and marketing the site. The Commission also believes that R-5-B zoning is inappropriate because it does not permit the kinds of uses or density necessary for revitalization of the area.

19. Persons, by testimony presented at the hearing, supported the intent of the application because it would generate revitalization and provide new residential uses in the area.
20. Advisory Neighborhood Commission-1B submitted no report on the application.
21. 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 will not have a negative impact on the interest or functions of the Federal Establishment within the National Capital and that it is in part inconsistent with the Urban Renewal Plan for the Shaw School Urban Renewal Area.
22. As to the report of the NCPC related to the consistency with the Urban Renewal Plan, as noted in finding of fact No. 17. the controls of the Urban Renewal Plan are not mandatory as applied to this site. The Commission notes further that at the time the plan was prepared, it anticipated that the private market would develop the site, and that it did not appear likely that private residential development would occur. The Commission finds that residential development is occurring all over the District of Columbia, that new housing is necessary in all parts of the city and that new privately sponsor housing in the Shaw area would be a substantial asset for the city.

CONCLUSIONS OF LAW

1. Rezoning to C-2-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-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-B will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to C-2-B is not inconsistent with the Urban Renewal Plan for the Shaw area, because the controls of this Plan are not mandatory as applied to this site.

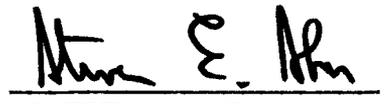
DECISION

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

Change from C-M-1 and C-M-2 to C-2-B lots 18-20, 819, 821, and 822 in Square 304 bounded by 11th, 12th, U, and V Streets, N.W.

Vote of the Commission taken at the public meeting on May 10, 1979: 3-0 (Walter B. Lewis, John G. Parsons, and Ruby B. McZier, to approve-Theodore F. Mariani and George M. White, not present not voting.

  
RUBY B. McZIER  
Chair  
Zoning Commission

  
STEVEN E. SHER  
Executive Director  
Zoning Secretariat

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This order was adopted by the Zoning Commission at its public meeting held on June 14, 1979 by a vote of 4-0 (Theodore F. Mariani, Walter B. Lewis, Ruby B. McZier and John G. Parsons to adopt, 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, the amendment to the Zoning Map is effective on

22 JUN 1979.