

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 353
CASES NO. 81-4 & 81-8
OCTOBER 8, 1981

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on Monday, August 24, 1981. At that hearing session, the Zoning Commission considered an application from the D.C. Development of Housing and Community Development (DHCD) and an action on its own initiative to amend the Zoning Map of the District of Columbia, pursuant to Section 9101 of the Zoning Regulations of the District of Columbia. The hearing was conducted under the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT:

1. The application from DHCD (Case No. 81-4) requests a change of zoning from SP-2 to C-2-C for all of Square 562, and from C-2-A to C-2-C for lots 7, 14-21, 800-804, 806, and 811-813 in Square 560, and public streets and alleys to be closed.
2. The action initiated by the Zoning Commission (Case No. 81-8) is to consider a change of zoning from C-2-A to C-2-C for lots 10-13, 805, and 807-809 in Square 560, and a public street and alley to be closed. Such property comprise the remainder of Square 560 not proposed to be rezoned by DHCD in Case No. 81-4.
3. The site for both cases comprises all of Squares 560 and 562, and is bounded by New Jersey Avenue, and 2nd, 3rd, K and H Streets, N.W. The site in Case No. 81-4 is a part of the Northwest One Urban Renewal Plan area and is approximately 214,900 square feet in area. A major portion of the site is an existing two-level concrete deck over a portion of the Center-Leg Freeway. The site in Case No. 81-8 is approximately 19,473 square feet in area, and is the present location of the Mt. Carmel Baptist Church.

4. The C-2-A District permits matter-of-right low density development including office, retail and all kinds of residential uses, to a maximum floor area ratio(FAR) of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, a maximum lot occupancy of sixty percent for residential uses. The SP-2 District permits matter-of-right medium/high density development including all kinds of residential uses, with limited offices for non-profit organizations, trade associations and professionals permitted as a special exception requiring approval of the Board of Zoning Adjustment, to a maximum height of ninety feet, a maximum FAR of 6.0 for residential and 3.5 for other permitted uses, and a maximum lot occupancy of eighty percent. The C-2-C District permits matter-of-right high density development, including office, retail, housing, and mixed uses to a maximum height of ninety feet, a maximum FAR of 6.0 for residential and 2.0 for other permitted uses, and a maximum lot occupancy of eighty percent.
5. On May 14, 1981, the Zoning Commission determined that it would initiate action to consider rezoning the property of the Mt. Carmel Baptist Church to consider a unified zoning pattern for the entire subject square. The Mt. Carmel Baptist Church initiative was considered under Case No. 81-8.
6. In Case No. 81-4, the applicant proposes to construct a mixed-use development including fifty single-family row-houses, 280 apartment units which are located in two high-rise buildings with ground floor retail commercial uses, and 170 parking spaces which are provided on the existing concrete deck. The requested zoning map change to C-2-C is needed from C-2-A in order to permit increased height for one apartment tower, and is needed from SP-2 in order to permit the proposed commercial uses. Under the rezoning consideration in Case No. 81-8, no new development is proposed.
7. To the north of the subject sites is C-2-A and R-4 zoning. To the west is HR/C-2-C and HR/SP-2. To the south is HR/SP-2 and HR/C-3-C. To the east is R-5-C, C-2-A, R-5-B and R-4 zoning.
8. The land uses in the area of the subject sites are assorted and reflective of the zoning pattern. Across New Jersey Avenue to the east of the site is the Golden Rule high-rise apartment building for low and moderate income families. To the north of the site, across K Street is the Bible Way Church with a major expansion of the Church under construction and nearing completion.

To the south, across H Street, a small park has been constructed on a deck over the freeway. Also to the south at the corner of Second and H Streets, a new office building is proposed. Across New Jersey Avenue to the east, the District of Columbia is proposing to build a special pre-vocational high school for the handicapped. To the west, across 3rd Street, are located townhouses and commercial uses in low-rise structures.

9. The site in Case No. 81-4 is designated for multiple use in the Northwest One Urban Renewal Plan which provides for a development density of eighty dwelling units per acre, a maximum building height of ninety feet, a lot occupancy of thirty-five percent, an FAR of 2.0 and at least one parking space for each two dwelling units. In addition, the Plan provides for 10,000 square feet of neighborhood shopping. This provision is the subject of a recommended modification to the Urban Renewal Area Plan now pending before the National Capital Planning Commission (NCPC) that would allow an increase in the amount of neighborhood shopping to about 35,000 square feet to utilize the ground floor of each apartment building and to also provide for increased shopping to alleviate the current scarcity of such facilities in the area. Inasmuch as the site is located in the urban renewal area, the more restrictive provisions of the urban renewal area plan and the Zoning Regulations will apply.
10. The controls of the Northwest One Urban Renewal Plan are now scheduled to expire in 1983. Consideration to extend those controls has been approved by the NCPC, with no objections, and forwarded to the City Council for public hearing. The controls of the renewal plan remain in effect with regard to the property through the covenants or lease agreements entered into between the developer and the Redevelopment Land Agency.
11. With regard to the property at issue in Case No. 81-4, the location, height and bulk of the future development is tightly dictated by the design and construction of the deck over the freeway. The upper deck is capable of supporting apartment buildings at either end and row-houses in the center portions. The lower deck can accommodate parking. There are two ventilating shafts on the site as part of the freeway construction, one located on the corner of H and 2nd Streets and the other located at the corner of K and 3rd Streets, N.W. The ventilating shafts are in excess of ninety feet high and were specifically designed to make apartment development on the deck safe from automobile emissions. The applicant intends to incorporate the existing ventilation shafts into the design of the two high-rise apartment buildings.

12. The proposed development will incorporate the existing deck on the Center-Leg Freeway between H and K Streets and will provide a way to make a maximum use of the available land resources in the area. The Redevelopment Land Agency granted an easement to the D.C. Department of Highways and Traffic (the predecessor of District of Columbia DOT) to enable the DCDOT to complete the Center-Leg Freeway. In return, the DCDOT agreed to construct the deck on which the proposed development could take place. The land is still owned by the RLA. The two-level deck is constructed in a manner that would be capable of supporting the proposed development.
13. The proposed C-2-C zoning will require one parking space for each four dwelling units, one space for each 1,800 square feet of office space and 750 square feet of retail or service establishment use beyond the first 2,000 square feet. The existing C-2-A zoning requires one parking space for each two dwelling units, one space for each 600 square feet of office space and one space for each 200 square feet of retail or service establishment beyond the first 2,000 square feet. The SP-2 zoning requires one parking space for each four dwelling units and one space for each 1,800 square feet of office use beyond the first 2,000 square feet.
14. In Case No. 81-4 the applicant proposes that the development on the entire site will consist of 330 dwelling units--280 units in the two high-rise apartment buildings plus fifty single-family row houses. The north apartment building, located along K Street, is proposed to contain 133 dwelling units in an eight-story building with a height of seventy-five feet from the deck and eighty feet from street grade. The building is proposed to have ninety-eight one-bedroom and thirty-five two-bedroom dwelling units. Approximately 15,000 square feet of commercial space in small shops is proposed for the ground floor. The south apartment building, along H Street, is proposed to contain 147 apartments in one and two-bedroom dwelling units, and approximately 20,000 square feet of commercial space in small establishments. The south building will have the same height as the north building. The exhaust towers, one adjoining and attached to each apartment building, rise and additional sixteen feet above the roof of each apartment building. The fifty townhouses would be placed on the deck between the apartment buildings, and would contain three and four bedroom dwelling units.
15. One hundred seventy parking spaces would be located on the lower level deck immediately above the freeway. Additional parking spaces could be provided, if necessary, on approximately 42,000 square feet of open space located between the deck and 3rd Street. This space is now set aside for open

space and recreation to serve the project and is to be built as the last phase of the development.

16. In Case No. 81-4 the Redevelopment Land Agency has tentatively designated the Mount Carmel Baptist Church Development Corporation and the Bush Construction Company as the sponsors for development to be built on the site. A portion of the housing will be for low-income families. Mount Carmel Baptist Church has recently rebuilt its church along Third Street immediately adjacent to this site.
17. The Office of Planning and Development (OPD), by memorandum received 7-14-81 and by testimony presented at the public hearing, recommended approval of C-2-C for Case No. 81-4. The OPD believed that the proposed development will provide new housing and supportive commercial facilities at the eastern periphery of the Central Employment Area and will ameliorate the need for housing in the District of Columbia. The development is in conformity with the Northwest One Urban Renewal Plan, except that the proposed commercial area is 35,000 square feet instead of 10,000 square feet as provided for in the urban renewal plan. It was the understanding of the OPD staff that the Department of Housing and Community Development is in the process of seeking a plan modification to allow the additional commercial space in the project.
18. The OPD, by memorandum received 8-14-81 and by testimony presented at the public hearing, recommended approval of C-2-C for Case No. 81-8. The OPD believed that the proposed C-2-C mapping on this site would make a more coherent long-term land development pattern and would be preferable to leaving an isolated spot of C-2-A zoning surrounded by other zone districts. The new church is a permitted use in either C-2-A or C-2-C and is likely to remain in use for some time under either zoning.
19. The D.C. Department of Environmental Services, by memorandum dated 7-20-81, reported that the proposal in Case No. 81-4 had no impact on the sewer and water systems, and the DES had no objections to the application.
20. The D.C. Department of Transportation, by its Final Environmental Impact Statement dated July, 1973 and by testimony presented at the public hearing, reported that the proposed development over the Center-Leg Freeway will not create any adverse impact.

21. Subsequent to Zoning Commission inquiry, the Zoning Administrator, by memorandum dated 9-2-81, indicated that his interpretation of the regulations applicable to the development proposed in Case No. 81-4 would require that 191 parking spaces be provided for the project, as in accordance with the requirements of the Urban Renewal Plan and the Zoning Regulations.
22. Advisory Neighborhood Commission - 2C did not submit a written report in either case.
23. The Mt. Carmel Baptist Church, by letter dated 8-24-81 supported the rezoning to C-2-C in Case No. 81-8.
24. There were no other persons in support of either case, and no persons in opposition to either case.
25. The cases were referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self Government and Governmental Reorganization Act. The NCPC reported that the rezoning would further the affordable housing goal of the Comprehensive Plan and not be inconsistent thereto, would allow development consistent with the N.W. Urban Renewal Plan, would not prohibit or conflict with the operations of the Mt. Carmel Baptist Church, and would not adversely affect the Federal Interests in the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to C-2-C 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-C will promote orderly development in conformity with the entirety of the District of Columbia Zoning Map as embodied in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to C-2-C will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to C-2-C is consistent with the Urban Renewal Plan for the Northwest One Project Area.

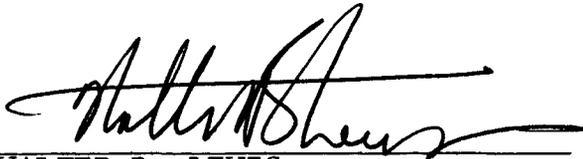
5. The Zoning Commission has no responsibility to establish specific regulations for the property in Case 81-4 as required by the Public Space Utilization Act (Section 7-944 of the D.C. Code), because the freeway was constructed as an easement under land owned by the Redevelopment Land Agency, and there is no lease of airspace for this property.

DECISION

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

Change all of Squares 560 and 562 including public streets and alleys proposed to be closed bounded by New Jersey Avenue, and 2nd, 3rd, H and K Streets, N.W., from SP-2 and/or C-2-A to C-2-C.

Vote of the Zoning Commission taken at its meeting on September 10, 1981: 4-0 (Commissioners Ruby B. McZier, Lindsley Williams, John G. Parsons, and Walter B. Lewis, to approve C-2-C - Commissioner George M. White, not present, not voting).



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on October 8, 1981 by a vote of 4-0 (Lindsley Williams, Ruby B. McZier, John G. Parsons, Walter B. Lewis, to adopt - George M. White, not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission, this order is final and effective on 30 OCT 1981.