

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 361

CASE NO. 81-13

November 12, 1981

Case No. 81-13 is an action that was initiated by the District of Columbia Zoning Commission at its regular monthly meeting on July 9, 1981 to consider a request from Advisory Neighborhood Commission 2A to amend the text of the Zoning Regulation of the District of Columbia.

The request from ANC-2A was a petition dated July 2, 1981 and July 6, 1981, which requested emergency action by the Zoning Commission and proposed several significant changes in the treatment of medical facilities, particularly in the Residential and Special Purpose Districts. The requested amendments included the deletion of medical clinics as a matter-of-right in the R-4, R-5, SP-1 and SP-2 Districts, the deletion of offices of doctors and dentists as special exceptions in the SP-1 and SP-2 Districts, the addition of a spacing requirement for clinics in the CR District, specification of floor area ratio (FAR) apportionment in the C-1 and C-2 Districts, amended parking requirements and clarification of the residency aspect of offices of physicians and dentists who practice in their homes. The ANC's requested the proposed amendments and emergency action based on the belief that medical uses in the Foggy Bottom-West End area are in vast oversupply, are encroaching increasingly on residential zones and are contributing to the area's severe housing crisis.

On July 9, 1981 the Zoning Commission considered the petition from ANC-2A, heard comments from interests opposed to the petition, and denied the request for emergency regulations having determined that there was no basis for an emergency. The Commission, however, determined that the matter was of sufficient substance to warrant its consideration as a new case filed before the Commission.

The Office of Planning and Development (OPD) by memorandum dated November 6, 1981, as presented to the Commission at its regular monthly meeting on November 12, 1981, indicated that the adoption of the suggested changes could have far-reaching effects on certain aspects of the District's

health care delivery system throughout the city. The concerns raised by the ANC must thus be considered in a city-wide context.

Contrary to the ANC petition, the OPD's preliminary review did not indicate that the housing supply in the Foggy Bottom-West End area is being severely impacted at present as a result of medical facilities. The OPD determined that, out of the 373 health practitioners that ANC-2A indicated were in its area, forty practitioners were located in residential zones outside of the boundaries of the George Washington University campus. The OPD uncovered no overwhelming evidence that the present Zoning Regulations regarding the location of medical uses is severely impacting the area's housing supply.

The OPD recognized that the present Zoning Regulations concerning medical and related facilities has remained largely unchanged since adoption in 1958. Significant changes in the health care delivery system in general have occurred since that time. The OPD believed that a comprehensive review of the treatment of medical facilities would be appropriate. The OPD indicated that it will continue to explore this issue with the Department of Human Services, practitioners, ANC-2A and other community interests.

Letters from ANC-1D dated August 17, 1981, ANC-3A dated October 6, 1981, ANC-3F dated September 15, 1981, and ANC-3G dated August 27, 1981 supported the initiatives of the petitioners to strengthen the controls of clinics locating in R-4 and R-5 Districts.

The D.C. Department of Human Services, through the OPD memorandum, opposed the amendments proposed by ANC-2A because DHS believed that the accessibility to medical services is of prime importance in the city's delivery of health care services.

The D.C. Medical Society, through the OPD memorandum, indicated its concern for the reduction of potential locations for medical offices on a city-wide basis, if the proposal of ANC-2A was adopted. The Society believed that the cost of health care would increase with fewer medical offices being able to locate in the city.

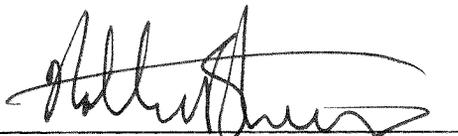
The Commission believes that a change in the Zoning Regulations, as proposed by ANC-2A, would seriously affect health care and medical services, and not be in the best interest of the city.

The Commission also believes that a concentration of medical offices in the ANC-2A area does exist but notes that that concentration evolved reasons that are not zoning

related. The Commission does not find that there is a proliferation of medical offices in the ANC-2A area that is adversely affecting the housing stock. As to the issue of oversupply, the Commission notes that it is neither practical nor desirable for each area of the District of Columbia to have a uniform distillation of all kinds of uses. The number of medical practitioners in the Foggy Bottom-West End area is a direct correlation to the presence of major medical institutions in the area and proximity to the downtown area.

The Commission further believes that there may be a conflict in the Zoning Regulations in permitting medical clinics containing many doctors, in certain residential districts as a matter-of-right and prohibiting the office of a single doctor in that same district, if that doctor does not reside on the subject premises. The Commission notes that a continued and more comprehensive review of this matter should be conducted by the staff of the OPD, to include the participation of all interests for possible considerations to amend the Zoning Regulations in the future.

The Commission has accorded "great weight" to the issues and concerns, raised by the ANC. Based on the foregoing reasons, the Commission therefore orders that no hearing on this case be set and that the case be denied. The Commission further directs the staff of the OPD to continue to review the issues raised by the ANC petition, as part of both the comprehensive plan process and the review of residential districts in general. The Commission requests that specific attention be directed at the opposite treatment afforded clinics and single doctors in certain residential districts.



WALTER B. LEWIS
Chairman
Zoning Commission



STEVEN E. SHER
Executive Director
Zoning Secretariat

Vote of the Commission at the meeting held on November 12, 1981: 4-0 (George M. White, John G. Parsons, Lindsley Williams and Walter B. Lewis, to deny without hearing - Ruby B. McZier, not present not voting).

In accordance with the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective on FEB - 5 1982.