

# Government of the District of Columbia

## ZONING COMMISSION



### ZONING COMMISSION ORDER NO. 540

Case No. 87-3

(Columbia Hospital - Map)

August 3, 1987

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on June 25, 1987. At that hearing session, the Zoning Commission considered an application from the Columbia Hospital for Women Medical Center, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Section 3022 of that title.

#### FINDINGS OF FACT

1. The application, which was filed on February 11, 1987, requests a change of zoning from R-5-B to R-5-C for the southern portion of lot 19 in Square 25. The subject square is bounded by 24th, 25th, L, and M Streets, N.W. and is located in the West End area of the District of Columbia.
2. Lot 19 is "L-shaped" and split-zoned with R-5-B and C-2-C zoning. It contains approximately 153,250 square feet of land area, and is improved with the Columbia Hospital for Women Medical Center (the "Hospital"). The R-5-B portion of lot 19, which is the subject of this rezoning application, is approximately 100,700 square feet in land area, and is located at 2425 L Street, N.W.
3. The applicant requests the rezoning in order to renovate and expand the existing hospital facilities.
4. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats and apartments, as well as hospitals and certain other limited non-residential uses to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.

5. The R-5-C District permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats and apartment buildings, as well as hospitals and certain other limited non-residential uses to a maximum height of ninety feet, a maximum FAR of 3.5, and a maximum lot occupancy of seventy-five percent.
6. The District of Columbia Generalized Land Use Element of the Comprehensive Plan for the National Capital includes the subject site in the mixed-use area for high density residential and medium density commercial uses.
7. The area around the Hospital has a variety of zone districts and uses. The northeastern portion of the square is Federal property, formerly occupied by the U.S. Weather Bureau, and is unzoned. C-2-C zoning is on the northern portion of lot 19 and is also found to the south, across L Street, to the west, across 25th Street, and the properties to the northeast across 24th Street. The Westbridge development, at 26th and Pennsylvania Avenue and M Street, is zoned CR. Additional R-5-B zoning is located to the east, across 24th Street, and to the northwest across 25th Street, where a narrow strip of townhouses are located. R-5-D zoning is found one block removed, along the New Hampshire Avenue Corridor.
8. The Columbia Hospital for Women Medical Center was chartered by the United States Congress in 1866. The Hospital is a private, non-profit, obstetric-gynecological specialty hospital. The Hospital provides surgical services, prenatal care, adult special care, and an ambulatory care center. In addition, the Hospital houses the Betty Ford Breast Diagnostic Center, a reproductive endocrinology center, and is home to the only infertility toxicology center in the United States. The Hospital also sponsors various community education programs and currently has capacity for 154 beds and eighty-three (83) bassinets, and employs 805 people.
9. The subject site has been the location of the Hospital since 1873. The building was constructed in 1916. The Hospital is a six (6) story brick, non-conforming structure devoted to a conforming

use, and is approximately seventy-six (76) feet tall. The building has exceeded the sixty (60) foot height limit since it was established. The structure contains a total gross floor area of approximately 100,671 square feet.

10. The District of Columbia Board of Zoning Adjustment (BZA) has previously granted several zoning variances for the subject property. In Application No. 10469, the BZA entered an order allowing the erection of an enclosed fireproof stairway. The BZA also approved Application No. 12863, allowing an addition to the east and west wings of the Hospital, as well as to the stair tower. The BZA noted that, if the application was denied, the applicant would have lost its accreditation and been forced to relocate. Finally, the BZA approved Application No. 13808, allowing an addition above the then-existing one-story west wing of the Hospital. These variances were necessary under the previous Zoning Regulations because of the building's non-conforming status.
11. The applicant proffered that the map amendment would provide for the continued delivery of high-quality health care services to the citizens of the District of Columbia. The map amendment will allow the hospital to eliminate undesirable three (3) and four (4) bed wards, and will enable the Hospital to expand and renovate its ambulatory care facilities. This will allow it to serve a higher volume of the public health care needs in a more economic manner, and will allow the correction of serious electrical and cooling deficiencies which jeopardize the Hospital's accreditation.
12. The Hospital, through its Chief Executive Officer, testified that the proposed expansion and renovation that would be possible with the requested map amendment, are necessary to permit the development of additional space for the delivery of clinical services. He stressed the need to expand the Hospital's capacity to handle ambulatory patients, which would be met under the proposal, in part, by expansion of existing ambulatory surgical recovery centers. He also testified that the proposed expansion would result in the addition of approximately sixteen (16) new labor delivery rooms. In all, he testified that the Hospital anticipated an additional 15,000 visits per year.
13. The applicant proposes to construct, in three (3) stages, three (3) additions to the existing Hospital building, including expansion and

renovation of the main entrance, lobby, gift shop, and central utilities plant. The proposal further includes construction of a new information and security booth, elevator, chapel, and central patient registration office. The proposed additions will also expand the Hospital's Ambulatory Care, Labor and Delivery, and Ambulatory Surgery Centers, as well as expanding the third and fourth floor bed wards.

14. Pursuant to the Hospital's charter, in the event that the subject site is no longer used for the chartered purposes of the Hospital, the land and buildings will revert to the United States government. As such, the subject site would not be subject to District of Columbia Zoning Regulations.
15. Rezoning of the subject site will eliminate the nonconforming structure devoted to a conforming use status of the present structure, and will enhance the applicant's flexibility to adapt to the changing health care needs of the District.
16. The applicant indicated that it filed a copy of a agreement reached with the Advisory Neighborhood Commission 2A and the Foggy Bottom Association. Under the terms of the agreement, the applicant has agreed to enter into a covenant, to be recorded in the Land Records of the District of Columbia upon approval of the pending application, that will limit the development of the subject site as follows:
  - a. The gross floor area, as defined in Section 199 of the Zoning Regulations, October 1986, as amended, will not exceed 230,000 square feet; and
  - b. The maximum height of the improvements on the subject property shall not exceed ninety (90) feet.
17. The applicant's land planner testified that the subject site has been zoned R-5-B since 1958, and that the surrounding zoning district permitted structures with greater density and height than that of the R-5-B District. The expert noted that there are various structures in the immediate vicinity that exceed the sixty (60) foot height limitation imposed on the R-5-B District, including the Columbia Hospital Doctor's Building at ninety (90) feet, and the adjacent property owned by the United States government with a height of six (6) floors. He also noted the presence of

hotels in the immediate area, with a height of nine (9) floors.

18. The applicant's land planner indicated that the requested map amendment would be compatible with the neighborhood, because there would be no change in the permitted uses of the subject site. He further testified that the building was already a nonconforming structure because of its height, and that buildings to the north, west, and east already existed at the requested ninety (90) foot height limit. In addition, he noted that a voluntary agreement to limit development to an FAR of 2.2 had been agreed upon by the applicant and the Advisory Neighborhood Commission 2A and the Foggy Bottom Association. He further noted that a certificate of need, as required under the District's Health Planning process, had already been obtained.
19. The land planner also indicated that the requested map amendment would not be inconsistent with the Comprehensive Plan. He testified that the Generalized Land Use Map provided for mixed use, including high density residential development and medium density commercial development. Section 1103 of the Land Use Element sets out the objectives for residential neighborhoods, with one of the primary objectives stated being the need for the development of adequate neighborhood services.
20. The applicant's traffic consultant testified that the proposed rezoning would not result in any adverse impact on the existing volume of traffic, noting that the proposed additions will not increase the number of beds or employees of the Hospital. He also indicated that the existing parking was adequate, that the proposed rezoning and expansion would not create any additional peak traffic demand, and that the estimated projected 15,000 additional visits per year would have a negligible impact on traffic conditions.
21. The District of Columbia Office of Planning (OP), by memorandum dated June 15, 1987 and by testimony presented at the public hearing, recommended that the application be approved. OP stated that in its opinion, "..... this application seems to be compatible with the goals of the Comprehensive Plan. Also, the proposal seems to be consistent with other goals and policies of the Executive Branch of the District of Columbia such as the State Health Planning and Development Agency."

22. The District of Columbia Department of Public Works, by memorandum dated June 15, 1987, indicated that the proposal will have a negligible impact on the surrounding street system.
23. The District of Columbia Department of Housing and Community Development (DHCD), by memorandum dated June 11, 1987, stated that DHCD has no reason to expect any adverse results if the application was approved.
24. The District of Columbia Department of Finance and Revenue (DFR), by memorandum dated June 4, 1987, stated that DFR has no objection to the application.
25. The District of Columbia Fire Department (DCFD), by memorandum dated June 1, 1987, stated that DCFD had no objection to the proposal, provided the following conditions are met:
  - a. The existing building be fully protected by an automatic sprinkler system designed and installed per NFPA Pamphlet 13, 1987; and
  - b. All additions to the existing structure and all new sections constructed, shall be fully protected by an automatic sprinkler system designed and installed per NFPA Pamphlet 13, 1987 Edition.
26. The District of Columbia Metropolitan Police Department (MPD), by letter dated June 3, 1987, indicated that the MPD is not opposed to the proposal.
27. The District of Columbia Office of Business and Economic development (OBED), by memorandum dated June 12, 1987, stated that OBED anticipates no detrimental economic impact resulting from the rezoning and has no objection to its approval.
28. The District of Columbia Public Schools (DCPS), by memorandum dated May 29, 1987, indicated that the proposal should have no impact on the operations or facilities of the DCPS.
29. The District of Columbia Department of Recreation (DOR), by memorandum dated June 2, 1987, indicated that the proposal would have little or no impact on DOR facilities and programs.
30. The District of Columbia Department of Human Services, by certificate signed May 20, 1987 and identified in the record as Exhibit No. 30, issued Certificate of Need #87-2-1 to the Hospital.

31. Advisory Neighborhood Commission (ANC) 2A did not appear at the public hearing nor file a statement of its concerns in the record.
32. The Residential Action Coalition (RAC), by testimony presented at the public hearing, opposed the proposed map amendment. RAC testified that the applicant had failed to consult the RAC and the Dupont Circle Citizens Association (DCCA) in assessing neighborhood concerns, and indicated that the change was not justified by any community need. RAC also testified that the traffic conditions on L Street already presented a problem, and that the streets were incapable of handling the additional expansion. RAC testified that that approval of the application would encourage additional commercial development, and would ultimately result in the loss of the remaining R-5-B zoning in this area, as well as the supporting public facilities.
33. There were no parties or persons in support of the application, either of record or appearing at the hearing.
34. There were no parties in opposition to the application, either of record or appearing at the hearing.
35. The Commission concurs with the recommendation of OP and the position of DPW, DHCD, DFR, DCFD, MPD, OBED, DCPS, and DOR.
36. The Commission takes notes of the Hospital's charter, and the agreement between the Hospital and ANC - 2A and the Foggy Bottom Association, each of which affect the development of the site. The Commission finds that the applicant has adequately interacted with citizens groups in the area in order to address the concerns of the community.
37. The Commission finds that the proposed map amendment is appropriate, has no direct effect on the amount of residential housing provided in the areas adjacent to the Hospital, and will strengthen the support of public and semi-public accommodations provided for existing community residents.
38. The Commission finds that the proposed map amendment will enable expansion and renovation that will help ensure that the Hospital will be able to maintain its accreditation and adapt to the rapidly changing environment faced by our health care providers.

39. The Commission finds that the applicant has satisfied the criteria of 11 DCMR 102.
40. The proposed action of the Zoning Commission to approve the application was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government Reorganization Act. The NCPC, by report dated July 30, 1987, indicated that the proposed action of the Zoning Commission would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. The rezoning of this site to R-5-C is compatible with city-wide goals, and programs, and is sensitive to environmental protection and energy conservation.
2. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
3. Approval of this application is consistent with the purposes of 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.
4. Rezoning the site to R-5-C, as set forth herein, will not have an adverse impact on the surrounding community.
5. The approval of this application will promote orderly development and conformity with the entirety of the District of Columbia Zoning Plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
6. The covenant controlling development of the subject property under the R-5-C District can be recognized by the Commission, and will help ensure appropriate development of the site.
7. The Commission did not accord "great weight" consideration to ANC - 2A because the ANC did not express its concerns to the Commission.

#### DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission for the District of

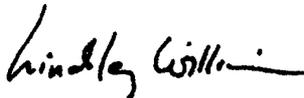
Columbia hereby orders APPROVAL of this application as follows:

Change from R-5-B to R-5-C that portion of lot 19 in Square 25 at 2425 L Street, N.W. that is presently zoned R-5-B.

Vote of the Commission taken at the regular public meeting on July 13, 1987: 3-0 (Patricia N. Mathews, Maybelle T. Bennett and John G. Parsons, to approve R-5-C rezoning - George M. White and Lindsley Williams, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its regular public meeting on August 3, 1987 by a vote of 3-0: (Patricia N. Mathews, John G. Parsons, and Maybelle T. Bennett to adopt - George M. White and Lindsley Williams, not voting not having participated in the case).

In accordance with Title 11 DCMR, Section 3028, this order is final and effective upon publication in the D.C. Register; that is on 28 AUG 1987.



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LINDSLEY WILLIAMS  
Chairman  
Zoning Commission



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EDWARD L. CURRY  
Acting Executive Director  
Zoning Secretariat