

Government of the District of Columbia  
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 736  
Case No. 92-7  
(Map Amendment - Southwest Urban Renewal Area)  
May 10, 1993

Pursuant to notice, a public hearing before the Zoning Commission for the District of Columbia was held on October 1, 1992 to consider a proposal from the Office of Planning (OP) and the Department of Housing and Community Development (DHCD) to amend the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The hearing was conducted in accordance with the provisions of 11 DCMR 3021.

The proposal, which was filed on June 4, 1992, requested a change of zoning from unzoned to R-3, R-4, R-5-C, C-3-C and C-3-A for Project Area B of the Southwest Urban Renewal Area.

This case derives from the expiration date in 1992 of land development controls in Project Area B of the Southwest Plan. The Southwest Redevelopment Area will expire on December 20, 1992, leaving the property unzoned. The proposed map amendments will put zoning controls in place for Project Area B, an 84.4 acre site, and a subarea of the Southwest Urban Renewal Area.

Project Area B occupies 15 percent of the total land area in the Southwest Redevelopment Area. It is bounded by 4th, E, I Streets, Virginia Avenue, South Capitol Street, K Street and Half Street, S.W. Project Area B is located approximately six blocks south of the U.S. Capitol grounds.

Project Area B is developed with several different types of buildings. There are five nine-story apartment buildings, having a total of 1,339 apartment units. Townhouse-type buildings are also extensively developed in four clearly-defined areas and provide a total of 400 residential units. These include two and three-story apartment buildings and single-family dwellings.

The plan for Project Area B limits development to no more than 1,739 dwellings units. The plan states that a minimum of 60 percent of the dwellings other than those in apartment buildings over four stories in height should be in rowhouse structures. The plan permits a maximum of 1,350 units in apartment buildings of eight stories not exceeding 90 feet in height.

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The R-3 District permits matter of right development of single-family residential uses including detached, semi-detached, and row dwellings with a minimum lot area of 2,000 square feet, a minimum lot width of 20 feet, a maximum lot occupancy of 60 percent, and a maximum height of three stories/40 feet.

The R-4 District permits matter of right development of residential uses including detached, semi-detached and row single-family dwellings and flats with a minimum lot area of 1,800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and maximum height limit of three stories/40 feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.

The R-5-C District permits matter of right medium density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum height of 60 feet, a maximum floor area ratio (FAR) of 3.0, and a maximum lot occupancy of 75 percent.

The C-3-A District permits matter of right development for major retail and office uses to a maximum height of 65 feet, a maximum floor area ratio (FAR) of 4.0 for residential and 2.5 for other permitted uses, and a maximum lot occupancy of 75 percent for residential uses.

The C-3-C District permits matter of right major business and employment centers of medium/high, density development, including office, retail, housing, and mixed uses to a maximum height of 90 feet, a maximum floor area ratio (FAR) of 6.5 for residential and other permitted uses, and a maximum lot occupancy of 100 percent.

The Comprehensive Plan Generalized Land Use Map designates medium-high density commercial use for the land area adjacent to E Street S.W., South Capitol Street, and I Street S.W.; and medium density residential use to accommodate the residential section of Project Area B.

The District of Columbia Office of Planning (OP), by memorandum dated September 28, 1992, and by testimony presented at the public hearing indicated that the Project Area "B" Plan of the Southwest Urban Renewal Area will expire on December 20, 1992. OP initiated rezoning of Project Area "B" to guide future land use and development in the public's interest. OP stated that it proposes to amend the District of Columbia Zoning Map from unzoned property in Subarea B of the Southwest Urban Renewal Area to R-3, R-4, R-5-C, C-3-A and C-3-C in the area which is bounded by E Street, the Railroad Row, South Capitol Street, K Street, Half Street and 4th Street, S.W. OP further stated that the area is occupied by

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five nine-story apartment buildings, a two-story and three-story apartment building, about 400 townhouses, some single family dwellings, the large commercial office project at Independence Square, the Market Inn Restaurant and the Best Western Skyline Inn. OP concluded by indicating they were recommending adopting zoning categories that accommodate the existing uses, however, but do not allow for upgraded density.

The Secretary for the Redevelopment Land Agency (RLA) Board and Administrator for the Neighborhood Preservation and Commercial Development in DHCD supported the OP zoning proposal for rezoning Project Area "B", but recommended C-3-B zoning for the Best Western Skyline Inn site. DHCD indicated that the C-3-B District permits a somewhat greater building density and building height (4.0 commercial FAR, 70 feet in height). DHCD further stated these standards would improve the potential design relationship with 90-foot buildings allowed in the surrounding higher density areas.

The Advisory Neighborhood Commission (ANC) 2D by resolution dated September 23, 1992 and by testimony presented at the public hearing supported the OP rezoning proposal, but had some reservations about transient uses at the Capitol Park Condominium. The ANC noted that the residential zones that are proposed, R-3, R-4 and R-5-C would not permit new hotel or inn uses. ANC-2D also related its concern about the area that is owned by the District of Columbia, located beneath the S.W. Freeway and used for parking by the Federal government. The ANC questioned whether a small portion of the Amidon public school playground is outside the scope of this case or should be added to this case, as well as what will happen to the under-freeway parking areas near the Randall Recreation Center under the proposed zoning.

The General Manager of Boston Properties by testimony at the public hearing supported the OP zoning proposal, particularly the C-3-C zone proposed for the area north of the S.W. Freeway. He also provided a corrected lot number for the Independence Square property, which was erroneously advertised as Lot 48 instead of Lot 49.

The President of the Capitol Park Condominium Association through testimony presented at the public hearing supported the advertised rezoning, but emphasized the importance of preserving the area's open space, including the Randall Recreation Center. He also expressed concern about the potential for future redevelopment of the Randall Recreation Center under the proposed R-4 zone district.

Testimony in opposition to the OP zoning proposal or in opposition to the precedents created by such a proposal, was presented by a number of people representing the interests of the Joseph P. Kennedy, Partnership; Florence, Eichbaum, et al.; the General

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Manager of the Best Western Skyline Inn; and the Devlin Lumber Co. (owners of the Post Office site on Lot 21, Square 648). Of these properties, only the Best Western is actually affected by the current zoning proposal. The other opponents believe that the precedents established by this case will affect the zoning of their properties when the relevant urban renewal plan coverage expires in 1995 or 1996. Their testimony included, but was not limited to the following:

- a. The General Manager of the Best Western Motor Inn testified that the OP proposal of C-3-A zoning for the Best Western Motor Inn is not consistent with the potential density of development that is desirable in this part of the city. He further stated that the proposed C-3-A zoning puts the Best Western site at a disadvantage compared to other commercial properties in the general area.
- b. The Senior Vice President of Real Estate for the Joseph F. Kennedy Foundation testified that they own one million square feet in the southwest area, including the Design Center. The Vice President further testified that the foundation does not want a low-density zoning precedent set that will adversely affect its holdings in 1995, when RLA controls expire and zoning is applied.
- c. An architect with the firm of Florence, Eichbaum, Esocoff and King testified that South Capitol Street is designated in the Comprehensive Plan as a "special street" that is to provide a focal point and vistas. He also noted the need for large buildings to accommodate the government agencies interested in locating within 1,000 feet of a metrorail station.
- d. The opponents also testified that they would prefer C-3-C rather than C-3-A for their properties because C-3-C zoning would be the most consistent with future land use developments in the adjacent area east of South Capitol Street.

ANC-2D submitted a post-hearing report dated October 21, 1992, which indicated that its members had voted again to endorse the C-3-A zoning category for Square 646 (Best Western Skyline Inn) as proposed in the Office of Planning's original proposal.

Post-hearing submissions dated October 22, 1992 were received from Fried, Frank, Harris, Shriver and Jacobson, Michael F. Johnson and the Best Western Skyline Inn. These comments basically reiterated their opposition to the OP proposal, as well as their justifications for C-3-C zoning of the Best Western Skyline Inn.

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The OP summary abstract dated November 10, 1992 confirmed that the parking area under the Southwest Freeway is public space that is owned by the D.C. Government and is under the jurisdiction of the Department of Public Works (DPW) and the Public Space Committee. OP further noted that the land is leased to the Architect of the U.S. Capitol and is used for parking.

The OP summary abstract also indicated that a portion of the playground at the Amidon school is technically part of Project Area B. The affected property is located to the west of 4th Street, S.W., which serves as the general boundary between Areas "B" and Area "C". OP recommended that this property be zoned in approximately two years as part of the zoning case for Project Areas "C" and "C1".

A notice of proposed rulemaking was published in the District of Columbia Register on February 26, 1993 (40 DCR 1600). As a result of publication of the notice of proposed rulemaking, the petitioners submitted their comments dated February 1, 1993. OP indicated that proposed amendment number 7 should be changed to read from unzoned to C-3-C in Square 538, Lot 49.

The proposed decision to approve R-3, R-4, R-5-C, C-3-C and C-3-A was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated February 4, 1993, found that the proposed map amendments 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.

In regard to the parking under the Southwest Freeway, the Commission concurs with OP to adopt C-3-C zoning as advertised, and notes that the indicated zoning will have no practical effect on the parking under the freeway.

In regard to the Amidon Public School property, the Zoning Commission concurs with OP in that the two acres of land at the southwest corner of 4th and G Streets S.W. is outside the area noticed for public hearing in this case. The Commission recommends that this property be zoned as a part of the zoning case for Project Areas "C" and "C1".

The Zoning Commission concurs with the recommendations of the petitioners. The Commission believes that zoning the site from unzoned property to R-3, R-4, R-5-C, C-3-C and C-3-A will guide future land use and development in the public interest.

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The Zoning Commission believes that the rezoning is in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital, as amended.

The Zoning Commission has accorded ANC-2D the "great weight" to which it is entitled.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the following amendments to the Zoning Map of the District of Columbia.

**Amend the Zoning Map as follows:**

From unzoned to R-3 in Square 540, Lots 2001-2081;

From unzoned to R-4 in Square 540, Lots 2082-2143, 2144-2176 and 2177-2326;

From unzoned to R-4 in Square E-590, Lot 800;

From unzoned to R-4 in Square 642, Lot 30; Square E-642, Lot 30; Square 643, Lots 73-75, 830; Square E-643, Lots 72, 73, 800 and 803; Square S-643, Lot 801; Square 644, Lots 810 and 812;

From unzoned to R-5-C in Square 540, Lots 106, 109, 110 and 118;

From unzoned to C-3-A in Square 646, Lot 802;

From unzoned to C-3-C in Square 538, Lot 49; and

From unzoned to C-3-C for property within the right-of-way of the Southwest Freeway.

Vote of the Zoning Commission taken at the November 16, 1992 monthly meeting: 3-0 (Maybelle Taylor Bennett, John G. Parsons and Tersh Boasberg, to approve as advertised - William L. Ensign not voting, not having participated in the case, and Lloyd D. Smith not present, not voting).

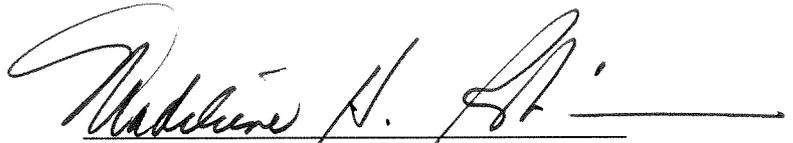
This order was adopted by the Zoning Commission at its monthly meeting on May 10, 1993 by a vote of 3-0: (John G. Parsons, Maybelle Taylor Bennett and Tersh Boasberg to adopt - William L. Ensign not voting, not having participated in the case, and Lloyd D. Smith not present, not voting).

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In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is, on

JUN 11 1993

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
MADELIENE H. ROBINSON  
Director  
Office of Zoning

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