

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 753

Case No. 93-10Z

(Map Amendment from Commercial-to-Commercial or Residential -
Zoning Consistency Project II)

February 14, 1994

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on October 14, 1993. At that hearing session, the Zoning Commission considered a proposal of the District of Columbia Office of Planning (OP) 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 public hearing was conducted in accordance with the provisions of 11 DCMR 3021.

OP, by preliminary report to the Zoning Commission, dated July 21, 1993, proposed to rezone certain areas of the city from various commercial zone districts to other commercial or residential zone districts.

The instant proposal is the second of a series of city-wide rezoning initiatives presented to implement the provisions of the Comprehensive Plan for the National Capital that require that zoning not be inconsistent with the Comprehensive Plan. The first city-wide rezoning initiative is contained in Case No. 93-2Z (Map Amendment from residential to residential - Zoning Consistency Project I).

On August 2, 1993 at its regular monthly meeting, the Zoning Commission authorized the scheduling of a public hearing on Case No. 93-10Z (Map Amendment from commercial-to-commercial or residential zone districts - Zoning Consistency Project II).

The specific areas in the city that were targeted for rezoning are as follows:

1. FOURTEENTH STREET, N.W.
 - a. (West side of 14th Street between Oak Street and Otis Place) Rezone Lot 43 in Square 2688 from C-2-A to R-5-E.

- b. (Both sides of 14th Street between Chapin and Girard Streets) Rezone all of the properties presently zoned C-2-A including, but not limited to, Lot 205 in Square 2662; Lot 53 in Square 2664; Lot 43 and a portion of Lot 42 in Square 2665; Lot 849 and a portion of Lot 62 in Square 2667; lots 59, 828 and 831 in Square 2860; a portion of Lot 78 in Square 2861; lots 809, 836 and 837 in Square 2866; and lots 106, 812 and 813 in Square 2868 from C-2-A to C-2-B, or in the alternative, rezone all of the aforementioned properties from C-2-A to R-5-C, except that Lot 43 in Square 2665, and lots 812 and 813 in Square 2868 would be rezoned from C-2-A to C-2-B.
- c. (Northeast corner of 14th and Harvard Streets) Rezone that portion of Lot 96 in Square 2854 presently zoned C-2-A to C-2-B.
- d. (South side of the 1400 block of Columbia Road) Rezone Lot 835 in Square 2670 from C-2-A to C-2-B.

2. ELEVENTH STREET, N.W.

(West side of 11th Street between Irving and Kenyon Streets) Rezone that portion of Lot 866 in Square 2847 presently zoned C-2-A to R-4.

3. TWELFTH STREET, AND FLORIDA AND MONTELLO AVENUES, N.E.

- a. (North side of the 1100 block of Florida Avenue) Rezone lots 73-81, 97 and 98 in Square 4070 from C-2-A to R-4.
- b. (Northeast corner of Florida and Montello Avenues) Rezone lots 805 and 89-97 in Square 4069 from C-2-A to R-4.
- c. (South side of the 1100 block of Florida Avenue and the north side of the 1100 block of K Street) Rezone lots 4-8, 800 and 801, and a portion of Lot 18 in Square N-980 from C-2-A to R-4.
- d. (Southeast corner of 12th and K Streets) Rezone all of the properties presently zoned C-2-A in Square 1002 including, but not limited to, lots 49, 58, 73, 74, 87, 94, 801-804, 806-808, 817-819, and 825 to R-4.

4. EIGHTEENTH STREET, N.E.

- a. (East side of 18th Street between Monroe and Newton Streets) Rezone that portion of Lot 800 in Square 4203 presently zoned C-1 to R-1-B.
- b. (Northeast corner of 18th and Lawrence Streets) Rezone lots 26 and 27 in Square 4204 from C-1 to R-1-B.

5. SAVANNAH STREET, S.E.

(South side of the 1300 block of Savannah Street between 13th and Congress Streets) Rezone Lot 8 in Square 5915 from C-2-A to R-5-A.

The R-1-B District permits matter of right low density development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet.

The R-4 District permits matter of right moderate density 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 to 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-A District permits matter of right single-family detached and semi-detached dwellings, and with the approval of the Board of Zoning Adjustment, moderate density development of general residential uses including rowhouses, flats, and apartments to a maximum floor area ratio (FAR) of 0.9, a maximum lot occupancy of 40 percent, and a maximum height of three stories/40 feet.

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 FAR of 3.0, and a maximum lot occupancy of 75 percent.

The R-5-E District permits matter of right high density development of general residential uses, including single-family dwellings, flats, and apartments to a maximum height of 90 feet, a maximum FAR of 6.0 for apartment houses and 5.0 for other structures and a maximum lot occupancy of 75 percent.

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The C-1 District permits matter of right low density development including office, retail, service, and residential uses to a maximum height of 40 feet/three stories, a maximum FAR of 1.0 and a maximum lot occupancy of 60 percent for residential uses.

The C-2-A District permits matter of right low/moderate density development, including office, retail, service, housing, and mixed uses to a maximum height of 65 feet, a maximum FAR of 2.5 for residential and 1.5 for other permitted uses, and a maximum lot occupancy of 60 percent for residential uses.

The C-2-B District permits matter of right moderate density development, including office, retail, service, housing, and mixed uses to a maximum height of 65 feet, a maximum FAR of 3.5 for residential and 1.5 for other permitted uses, and a maximum lot occupancy of 80 percent for residential uses.

The Zoning Commission indicated that it would receive testimony and written submissions about, and would consider adoption of, other alternative proposals that were reasonably related to the scope of the proposed amendments that were set forth in the notice of public hearing.

OP, by final report to the Zoning Commission dated October 1, 1993, recommended that the Commission approve the rezoning initiative, as advertised in the notice of public hearing. OP abandoned the R-5-C rezoning alternative that it previously proposed for a portion of 14th Street between Chapin and Girard Streets, N.W., and in lieu thereof, proposed C-2-B rezoning.

The Zoning Commission heard testimony at the public hearing in support of the proposal from OP, and owners or residents of properties at 1800 and 1802 Lawrence Street, N.E., and 1108, 1110 and 1124 K Street, N.E. The rationale in support of the proposal included, but was not limited to, preserving and maintaining the residential character of a neighborhood, minimizing spillover parking and traffic because the cumulative adverse affect of churches, preventing the establishment of new uses that are incompatible with other existing area uses, and helping to facilitate the goals and policy objectives of the Comprehensive Plan.

The Zoning Commission also heard testimony at the public hearing from various property owners and their representatives or supporters in opposition to rezoning Square 1002 from C-2-A to R-4. The rationale in opposition to the proposal included, but was not limited to, the adverse economic development impact of the rezoning on existing, thriving, and conforming commercial

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businesses in Square 1002 located in the vicinity of 12th and K Streets, N.E.; and how taxes, jobs, and commercial retail and service uses would be loss to the city.

The Zoning Commission received no letters or testimony from any Advisory Neighborhood Commissions in this case.

The District of Columbia Public Schools (DCPS), Superintendent, by letter dated February 18, 1992, did not object to the R-4 rezoning as it affected Square 2847 on the west side of 11th Street between Irving and Kenyon Streets, N.W.

The District of Columbia Department of Housing and Community Development (DHCD), by letter dated October 1, 1993, supported the C-2-B rezoning, as it affected 14th Street between Chapin and Girard Streets, N.W.

OP, by summary/abstract report to the Zoning Commission dated November 5, 1993, revised its recommendation for rezoning Square 1002. OP indicated the following:

"Based on the testimony of several businesspersons at the public hearing to the effect that actual business use is greater in scope than OP realized from field work, OP recommends leaving this sector (the northwest corner of Square 1002) in the existing C-2-A zone."

The Zoning Commission concurs with the OP, DCPS, DHCD, and others and believes that the rezoning of the targeted areas, as revised, is appropriate.

The Zoning Commission also believes that, after balancing all of the issues associated with the rezoning of Square 1002, the economic viability of the city is better served by retaining the existing C-2-A zoning. The concerns about traffic and spillover parking can be addressed through the permit process and enforced through the Department of Public Works and the Metropolitan Police Department.

The Zoning Commission further believes that its decision in this case 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.

The proposed decision of the Zoning Commission 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 January 6, 1994, found that the proposed amendments would not adversely affect the Federal

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Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission did not accord "great weight" consideration to any Advisory Neighborhood Commission because no ANC participated in the case.

A notice of proposed rulemaking was referred to the Zoning Administrator, OP, and DHCD, and was published in the D.C. Register on December 17, 1993 (40 DCR 8637) for review and comment. As a result of the referrals and the publication, no comments were received about the proposed rulemaking.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of amendments to the Zoning Map of the District of Columbia. The specific amendments are as follows:

1. **FOURTEENTH STREET, N.W.**

- a. (West side of 14th Street between Oak Street and Otis Place) Rezone Lot 43 in Square 2688 from C-2-A to R-5-E.
- b. (Both sides of 14th Street between Chapin and Girard Streets) Rezone all of the properties presently zoned C-2-A including, but not limited to, Lot 205 in Square 2662; Lot 53 in Square 2664; Lot 43 and a portion of Lot 42 in Square 2665; Lot 849 and a portion of Lot 62 in Square 2667; lots 59, 828 and 831 in Square 2860; a portion of Lot 78 in Square 2861; lots 809, 836 and 837 in Square 2866; and lots 106, 812 and 813 in Square 2868 from C-2-A to C-2-B.
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(South side of the 1300 block of Savannah Street between 13th and Congress Streets) Rezone Lot 8 in Square 5915 from C-2-A to R-5-A.

Vote of the Zoning Commission taken at the regular monthly meeting on November 15, 1993: 5-0 (Jerrily R. Kress, William B. Johnson, William L. Ensign, John G. Parsons, and Maybelle Taylor Bennett, to approve).

This order was adopted by the Zoning Commission at its regular monthly meeting on February 14, 1994 by a vote of 5-0: (William B. Johnson, John G. Parsons, William L. Ensign, Jerrily R. Kress and Maybelle Taylor Bennett, to adopt).

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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

MAR 11 1994



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



MADELIENE H. ROBINSON
Director
Office of Zoning

ZCO753/CBT/bhs