

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 838
CASE NO. 97-4
(Map Amendment at 2035 2nd Street, N.W.)
February 9, 1998

Pursuant to notice, the Zoning Commission for the District of Columbia held a public hearing on September 25, 1997. At that hearing session, the Zoning Commission considered an application from the Peoples Involvement Corporation (PIC), with permission from the District of Columbia, Department of Administrative Services (Owner), 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 3022.

FINDINGS OF FACT

1. The application, which was filed on March 3, 1997, requested a change of zoning from R-4 to R-5-B for Lot 800, in Square 3115.
2. The applicant requested that the Zoning Commission grant the rezoning of the subject property from R-4 to R-5-B. The proposed rezoning would allow for the renovation of the Gage School building consistent with the covenant between the City and the applicant. The covenant provides that the property will be developed with affordable, elderly and moderate income housing, and meeting and community services space for residents of the property and community.
3. On May 12, 1997, the Zoning Commission, at its regularly scheduled public meeting granted the scheduling of a public hearing on this application. The Office of Planning (OP) by report dated May 1, 1997, stated that the application had sufficient merit to be scheduled for a public hearing.
4. The subject application is a request for a map amendment. For the Commission's information, the applicant proffered its development plan, which involves the construction of a new addition to the existing Gage School building to accommodate senior citizen apartment units on the site. New construction of an apartment house is not permitted in the existing R-4 District.

5. The subject property is located in the Bloomingdale neighborhood area of Ward 5 in Square 3115, and is known as Lot 800. The subject property is L-shaped, and consists of 42,118 square feet (.96 acres) of land area. The subject property has 159 feet of frontage on V Street, N.W. to the north, 120 feet of frontage on Flagler Place, N.W. to the east, and 221 feet of frontage on 2nd Street, N.W. to the west. The subject property is developed with the N.P. Gage School building, a small metal classroom building and playground. The three-story Gage School building is constructed of masonry and has been vacant for several years.
6. The applicant testified that the proposed map amendment to R-5-B is supported by the existing zoning and development patterns in the area. Currently, there is R-5-B zoned and developed property located approximately 200 feet from the subject property. There is a good representation of multi-family dwellings and dormitory uses found in both the R-4 and R-5-B Districts. The subject property is also located 500 feet from a C-2-A zoned neighborhood commercial area, and Rhode Island Avenue which is a major arterial road and bus route.
7. The applicant testified that the Mayor through the Office of Planning recently submitted proposed amendments to the Comprehensive Plan which make the following observations relevant to a request from the applicant to amend the Comprehensive Plan so as to allow for the use of the Gage School property for a senior citizen apartment house:

This change in land use would reflect the city's desire to have the Gage School building, vacant for many years, redeveloped into elderly housing (multiple-unit housing and mid-rise apartment buildings) and a community center and would increase the District government's ability to achieve the goals and objectives of the Comprehensive Plan. The proposed amendment would address the following Plan goals and objectives: Section 1101 and 1101.1 Land Use Goal: subsections 1102.1(b) and (c), Objectives for Residential Neighborhood; and subsection 1104.1(e), Policies in Support of the Residential Neighborhood Objectives. The adaptive reuse of the school for elderly housing will enhance and further stabilize the neighborhood in which it is located, result in significant public and private investment in the area and address the District's need for affordable housing for the elderly.

8. The applicant's land planner testified that the R-5-B zone district being sought to accommodate the proposed development is considered (by the Office of Planning in its Zoning Consistency Project) to be consistent with either the existing moderate density residential or the proposed medium density residential land use category, and that any zone change needed to accommodate the project can occur under the existing moderate density residential classification of the site.

9. The applicant's land planner noted that several Comprehensive Plan goals and objectives support the map amendment to R-5-B. These goals and objectives include those contained on the Land Use Map, in Land Use Element and the Ward 5 Element.
10. The applicant, in its testimony and written statement in support, stated that the R-5-B District permits matter-of-right development of general residential uses including single family dwellings, flats and apartments to a maximum lot occupancy of 60 percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of 50 feet.
11. The applicant noted that the proposed R-5-B zoning is consistent with the land use patterns in the surrounding area. R-5-B and C-2-A zoned and developed properties located within a few blocks of the subject property.
12. The applicant also noted that the rezoning to R-5-B would not create any adverse impacts on the surrounding area, and would be advantageous to the District of Columbia by creating housing opportunities for its senior population. The proposal would preserve the old Gage School building, which has stood as a neighborhood landmark since the early 1900s.
13. The applicant in its written statement noted that the proposed map amendment to R-5-B would allow a presently untaxed public property to be placed on the inventory of taxable private property, generating needed tax revenue for the City.
14. The applicant, through its traffic consultant, presented testimony and submitted a written traffic analysis, which concluded that the proposed zoning to the R-5-B District would not have any adverse impact on street traffic and intersections in the vicinity of the site. The traffic analysis took into consideration the potential of the site being built to its maximum development envelope under the R-5-B District.
15. Several neighbors to the subject property testified about their interests and concerns relevant to the applicant's proffered plans to develop the subject property as a senior citizens' apartment house. All of the witnesses stated their support for the application.
16. The LeDroit Park Civic Association by letter dated September 22, 1997, requested that the Zoning Commission grant PIC's request for a zoning change.
17. The Bloomingdale Civic Association by letter dated September 15, 1997, requested that the Zoning Commission grant the zoning change expeditiously and allow the applicant to go forward with this project.
18. Advisory Neighborhood Commission 5C, by letter dated September 19, 1997, stated that it voted unanimously to support the application. The ANC requested that "great weight" be given to their position of support of this application.

19. The District of Columbia Office of Planning (OP) by memorandum dated September 15, 1997, and by testimony presented at the public hearing, recommended that the application be approved. OP stated, in part, the following:

The proposed rezoning from R-4 to R-5-B is not inconsistent with the Comprehensive Plan. The proposed map amendment to R-5-B would permit the development of this presently vacant and unproductive property. It would further the goals of the City by providing affordable housing for the elderly. It would allow a presently untaxed public property to be placed on the inventory of taxable private property, generating needed tax revenue for the City. In fact, the rezoning and existing covenant with the City would only slightly increase the potential density of the site and would have a net positive impact on the area.

20. The Commission concurs with the position of the applicant, the ANC and OP and believes that the requested zoning of the subject property to R-5-B is appropriate.
21. The Commission having considered all of the testimony presented at the public hearing and the written record voted at the conclusion of the public hearing to approve this application.
22. 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 Reorganizations Act. NCPC, by report dated December 4, 1997 found that the proposed map amendment would not adversely affect the federal establishment or other federal interest in the National Capital or be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Rezoning to R-5-B 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 R-5-B will promote orderly development in conformity with the entirety of the District of Columbia zone plan as stated in the Zoning Regulations and Map of the District of Columbia.
3. Rezoning to R-5-B is not inconsistent with the Comprehensive Plan for the National Capital.
4. Rezoning to R-5-B will not have an adverse impact on the surrounding neighborhood.
5. Pursuant to D.C. Code Sec. 1-2531 (1987), Section 267 of D.C. Law 2-38, the Human Rights Act of 1977, the applicant is required to comply with the provisions of D.C. Code Title 1, Chapter 25 (1987), and this order is conditioned upon full compliance with those

provisions. The failure or refusal of the applicant to comply with any provisions of D.C. Law 2-38, as amended, shall be a proper basis for the revocation of this order.

DECISION

In consideration of the Findings of Fact and Conclusions of Law set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of a change of zoning from R-4 to R-5-B for Lot 800 in Square 3115.

Vote of the Zoning Commission taken at the public hearing on September 25, 1997, 3-0: (Jerrily R. Kress, Herbert M. Franklin and John G. Parsons, to approve; Maybelle Taylor Bennett, not present, not voting, having recused herself).

The Zoning Commission at its public meeting held on February 9, 1998 adopted this order by a vote of 3-0: (John G. Parsons, Herbert M. Franklin and Jerrily R. Kress to adopt, Maybelle Taylor Bennett, not voting having recused herself).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is, on FEB 27 1998.



MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission



MADELIENE H. DOBBINS
Director
Office of Zoning