

Government of the District of Columbia
ZONING COMMISSION



ZONING COMMISSION ORDER NO. 919
Part of Case No. 99-3Z(II)
Downtown Development District (DD) Housing-Related Text Amendments
(Combined Lot Text Amendment)
April 10, 2000

The Zoning Commission for the District of Columbia initiated Case No. 99-3Z in response to a petition from the Office of Planning (OP) requesting the Commission to amend the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. Case No. 99-3Z(II), the subject of this order, is an offshoot of Case No. 99-3Z, both of which involve text amendments to Chapter 17 of the Zoning Regulations. Amendments to the text of the Zoning Regulations are authorized pursuant to the Zoning Act [Act of June 20, 1938, 52 Stat. 797, as amended, D.C. Code Ann. Subsection 5-413 (1981)].

PROCEDURAL HISTORY

On May 20, 1999, the Zoning Commission for the District of Columbia held a public hearing on Case No. 99-3Z concerning three DD housing-related text amendments proposed by the Office of Planning (OP) and based on the 1998 amendments to the Comprehensive Plan. The three amendments advertised for that case were: 1) to allow residential uses in the Woodward and Lothrop Building; 2) to increase the portion of Downtown in which residential development earns transferable development rights (TDRs); and, 3) to ensure that the 2.0 FAR of residential space required for the DOES site in Square 491 is constructed on-site. The Commission also considered a related text amendment (within the scope of the hearing notice) proposed by the law firm of Wilkes, Artis, Hedrick and Lane relative to a potential residential project at 1301 L Street, N.W. in Square 247. This text amendment would modify the transferable development rights amendment originally proposed by OP, clarifying that the 1301 L Street PUD site would be eligible to earn TDRs. At the close of the hearing, the Zoning Commission issued a bench decision to adopt the amendments. Those amendments can be reviewed in Zoning Commission Order No. 908 (revised version), dated September 13, 1999, and published in the D.C. Register at 47 DCR 1958 (March 17, 2000).

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Immediately following the May 20, 1999 hearing on Case No. 99-3Z, the Zoning Commission convened a special meeting to set down a follow-up text amendment provision [99-3Z(I)] that would allow office use within the Woodward and Lothrop department store building in Square 346 on a 1:1 (or like) basis with the combination of retail, entertainment, and residential uses provided. The Commission also acted to set down two additional housing-related DD text amendments for a public hearing. The first would modify the existing requirement that 2.0 FAR of residential uses be generated by the development of the Department of Employment Services (DOES) site and that it be constructed on-site to now require 4.0 FAR of residential uses on the site. The second, which is the subject of this order, would allow additional flexibility in siting the office component permitted on the 1301 L Street PUD site (through combined lot development) if the PUD is constructed as an all-residential project. The proposed text amendments relative to both the DOES and the 1301 L Street sites were combined into one case [Case No. 99-3Z(II)].

Originally scheduled to be heard on September 30, 1999, Case No. 99-3Z(II) was continued to November 4, 1999 at the request of the Office of Planning. Subsequently, the November 4, 1999 hearing was continued to November 18, 1999, again at the request of the Office of Planning. At a regular monthly meeting on September 13, 1999, the Commission further determined that the case would be heard in two parts (i.e., DOES and 1301 L Street) in separate public hearings, the latter being heard first at the November 18, 1999 public hearing and the former being combined with Case No. 99-3Z(I) and heard separately. Because of a number of schedule conflicts among Zoning Commission members, the November 18, 1999 hearing was again continued to November 29, 1999. Accordingly, the public hearing for the 1301 L Street portion of Case No. 99-3Z(II) was conducted on November 29, 1999 in accordance with the provisions of 11 DCMR 3021.

At the November 29, 1999 public hearing for the 1301 L Street portion of this case, the Zoning Commission heard presentations from the Office of Planning and the law firm of Wilkes, Artis, Hedrick and Lane.

By reports dated October 26 and November 22, 1999, and January 4, 2000, and by testimony at the public hearing, the Office of Planning provided the Commission with pertinent information regarding several alternatives in addressing the issues of combined lot provisions. The January 4, 2000 post-hearing OP report to the Commission recommended the approval of a finalized text amendment to Subsection 1706.8(b) of 11 DCMR relative to such combined lot provisions.

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The law firm of Wilkes, Artis, Hedrick and Lane appeared at the November 29, 1999 public hearing on behalf of the owners of the property at 1301 L Street, N.W. That property was approved for the construction of an office building as part of a PUD in 1989. The owners are currently considering whether it is feasible to build an apartment building instead of an office building on the site. The Zoning Commission has already determined to allow that project to earn bonus density. The proposed text amendment in this case would allow an apartment building on the site to be used in combined lot development to serve as required housing for another site in the DD District. The proposed text amendment as advertised and as recommended by OP would apply to more residential development than just that site.

The Zoning Commission took proposed action at a regular monthly meeting on January 10, 2000 to approve the text amendment to Subsection 1706.8(b) as proposed by OP by a vote of 5-0: (Parsons, Holman, Mitten, Franklin, and Hood, to approve).

The adoption of this text amendment allows certain properties in Square 247 to be combined with other properties within the DD District for the purposes of the combined lot development provisions of Sections 1706 and 1708 of 11 DCMR.

The Commission believes that the concerns and views expressed during the public hearing (and in the record of the case) have been thoroughly discussed and considered. The Commission further believes that it has accorded ANC-2F the "great weight" to which it is entitled relative to this case.

A Notice of Proposed Rulemaking was published in the D.C. Register on February 11, 2000 and was referred to the Office of the Corporation Counsel (OCC), the Zoning Administrator (ZA), OP, and the National Capital Planning Commission (NCPC) for review and comment. With this, the Commission received comments from OCC, NCPC, and the law firm of Wilkes, Artis, Hedrick and Lane.

The proposed decision to approve the text amendment in this case was referred to NCPC under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. In a letter dated February 10, 2000, NCPC indicated that the proposed text amendment would not affect the federal establishment or other federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission believes that the text amendment included herein will help to provide a workable mechanism to effectuate the Comprehensive Plan Amendments Act of 1998 as part of the ongoing Zoning Consistency Project begun following the 1994

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amendments to the Comprehensive Plan. Further, the Commission believes that its decision to approve the text amendment set forth in this order is in the best interests of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations, Zoning Map, and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

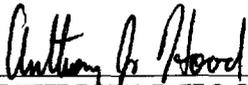
In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia **ORDERS APPROVAL** of the following amendment to the Zoning Regulations:

Amend the current language of Subsection 1706.8(b) to read as follows:

1706.8(b) Housing Priority Area B, the Mount Vernon Square South area, comprises DD/C-2-C and DD/C-3-C zoned properties that are located south of Massachusetts Avenue, including squares and parts of squares numbered 247, 283, 284, 316, 317, 342, 343, 371, 372, 427, 428, 452, 453, 485, 486, 517, and 529, and the commercial and underdeveloped properties in Square 247 with an approved planned unit development on or before January 18, 1991, for so long as the planned unit development approval remains valid.

This Order was adopted by the Zoning Commission at its public meeting on April 10, 2000, by a vote of 5-0: (Holman, Franklin, Mitten, Parsons, and Hood, to approve).

In accordance with 11 DCMR 3028, this Order is final and effective upon publication in the D.C. Register, that is, on APR 21 2000.



ANTHONY J. HOOD
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning