

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 927 Case No. 00-19M (Map Amendment - 5th and Massachusetts Ave. N.W.) September 21, 2000

Pursuant to notice, a public hearing was held on an expedited basis by the Zoning Commission for the District of Columbia on September 21, 2000. At that hearing session, the Zoning Commission considered an application from Fidelity Limited Liability Company 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, and the Commission took action to approve the rezoning application.

The application requested that the subject property, Lot 50 in Square 517, be rezoned from HR/SP-2 to DD/C-2-C.

FINDINGS OF FACTS

1. The contract purchaser of the subject property has submitted plans to the Board of Zoning Adjustment in Application No. 16603 to construct a high-rise apartment building on the subject property containing approximately 440 to 450 residential units.
2. The successful completion of this residential project is contingent on the contract purchaser receiving housing incentives provided by Combined Lot Development and Transferable Development Rights (TDR) provisions in the Downtown Development District.
3. The subject property is zoned HR/SP-2, and the applicant requests that the subject property be rezoned to DD/C-2-C to enable the developer of the site to construct a residential building on the subject property.
4. The HR/SP-2 District permits matter-of-right medium/high-density development including residential uses and hotels, as well as office use, with a maximum permitted floor area ratio (FAR) of 8.5 for hotel and apartment use and a maximum height permitted equal to that allowed under the Act of 1910 in a building with a minimum of 2.0 FAR devoted to hotel or residential use.

5. The DD/C-2-C District, Housing Priority Area B, permits all types of residential uses, institutional uses, hotels and inns, as well as retail, service and office uses with a maximum FAR of 8.5, 4.5 of which is required residential, and the maximum height permitted is that permitted under the Act of 1910.
6. By Z.C. Order No. 639 dated February 12, 1990, the Zoning Commission approved a consolidated PUD and map amendment for the subject property which rezoned the subject property from HR/SP-2 to HR/C-3-C.
7. By Z.C. Order No. 681 dated December 17, 1990, the Zoning Commission adopted amendments to the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, and the Zoning Map of the District of Columbia to create and map the Downtown Development District Overlay.
8. Z.C. Order No. 639 was in effect at the time that Order No. 681, establishing the Downtown Development District Overlay, was adopted.
9. Z.C. Order No. 639 expired in February, 1998, at which time the zoning on the subject property reverted to HR/SP-2, pursuant to 11 DCMR 2400.7.
10. The majority of the immediately surrounding area was included in the Downtown Development District and rezoned to DD/C-2-C pursuant to Z.C. Order No. 681.
11. If not for the PUD in effect on the subject property pursuant to Z.C. Order No. 639, the subject property would have been rezoned DD/C-2-C as a result of the adoption of Z.C. Order No. 681 (see pg. 44, Item C.6.) establishing the Downtown Development District Overlay.
12. The Office of Planning (OP), by report dated September 13, 2000, recommended approval of the application stating that, in the past, OP has expressed its sense that when the Zoning Commission has made a change in the surrounding zoning and a PUD is terminated, the zoning of the PUD site should revert to the revised zoning that is around the site.
13. The OP reported that Square 517 is an important hinge or connector location between the housing south of Massachusetts Avenue and housing north of Massachusetts Avenue, and housing development on Square 517 should be encouraged.
14. The Commission concurs with the OP findings.
15. One of the major policy objectives and goals of the Downtown Development District Overlay is to produce housing in the downtown area through Combined Lot Development and TDRs.

16. The Zoning Commission believes that the best interest of the District of Columbia is served by facilitating, whenever possible, the production of downtown housing units.
17. The subject property is in a location where residential development is difficult to achieve and is accorded a high priority in the City's adopted plans and policies.
18. Advisory Neighborhood Commission 2C, by letter dated September 7, 2000, recommended that the application be approved.
19. The Zoning Commission, at the September 21, 2000 hearing, took proposed action to approve the rezoning requested in this application.
20. The National Capital Planning Commission (NCPC) considered the application at its October 5, 2000 public meeting and has reported to the Commission that there will be no adverse impact to the federal interest by the granting of the requested rezoning.
21. This application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated October 12, 2000, found that the proposed map amendment would not adversely affect the federal interests in the property, and would not adversely affect other federal establishments or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan.

CONCLUSIONS OF LAW

1. Section 5-413 of the D.C. Code establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia".
2. At the conclusion of the September 21, 2000 public hearing, the Commission took proposed action to grant the rezoning and took final actions to approve the application at its October 16th public meeting.
3. The Commission has accorded to the Advisory Neighborhood Commission 2C the "great weight" to which it is entitled.
4. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
5. The approval of the application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map.

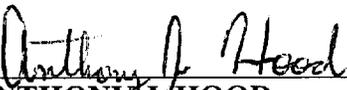
DECISION

In consideration of the Findings of Facts and Conclusion of Law herein, the Commission hereby orders **APPROVAL** of a change of zoning from HR/SP-2 to DD/C-2-C for Lot 50 in Square 517.

Vote of the Commission at the public hearing held on September 21, 2000, by a vote 4-0: (Anthony J. Hood, Herbert M. Franklin, Carol J. Mitten and Kwasi Holman to approve; John G. Parsons not present, not voting).

This order was adopted by the Zoning Commission at its public meeting on October 16, 2000, by a vote of 4 to 0: (Carol J. Mitten, Kwasi Holman, Anthony J Hood, Herbert M. Franklin, to adopt; John G. Parsons not present, not voting)

In accordance with 11 DCMR 3028 this Order is final and effective upon publication in the D.C. Register; that is, on NOV 16 2000



ANTHONY J. HOOD
Chairman
Zoning Commission



JERRILY R. KREES, FAIA
Director
Office of Zoning