

# Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 197

CASE NO. 77-22

January 12, 1978

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on December 1, 1977. At this hearing session the Zoning Commission considered an application by the District of Columbia Department of Housing and Community Development for an amendment to the Zoning Map of the District of Columbia.

## FINDINGS OF FACT

1. The applicant has requested a Zoning Map change from R-4 to R-5-B for all of Square 39.5, which is bounded by 8th, 9th, "R", and "S" Streets, N.W. The area of this site totals approximately 89,402 square feet or 2.05 acres.
2. The R-4 District permits single-family dwellings, flats, rooming and boarding houses and the conversions of building to apartments as well as other uses. The maximum height permitted is forty feet and the maximum lot area ranges from 1800 square feet for rowhouse or flat to 4000 square feet for other uses. The R-5-B District permits general residential uses, including single-family dwellings, flats, apartments and hotels, as well as other uses. The maximum height permitted is sixty feet and the maximum floor area ratio is 1.8.
3. The proposed amendment to the Zoning Map will change the zoning of the subject property from R-4 to R-5-B to allow the construction of three story walk-up apartments buildings with a total of seventy-two units. The proposed density is forty-eighty units per acre, with an FAR of 1.1, a lot occupancy of forty per cent and parking to be provided at a ratio of 1.66 spaces for every two dwelling units.
4. On Square 395, which lies immediately west of Square 419, are approximately twenty-five to thirty two and three story

townhouses. The majority of the dwellings are vacant and some are boarded up. The Department of Housing and Community Development has indicated that the majority of the property has been acquired by the Redevelopment Land Agency in accordance with the Urban Renewal Plan. A small grocery store is located at the southwest corner of 8th and "S" Streets, N.W. Nearby all of the commercial establishments located along the 9th Street frontage of Square 395 are no longer operating. West and north of Square 395, two and three story row dwellings predominate. Known as the French-Westminster Streets area, a large number of existing dwellings have been rehabilitated and the area is becoming an attractive residential area once again.

5. The Shaw Urban Renewal Area Plan for this site allows a maximum density of sixty dwelling units per acre, a maximum height of ninety feet, a lot occupancy of not more than fifty per cent, a maximum FAR of 1.8, and parking spaces of not less than one for each two units.
6. The floor area ratio and off-street parking requirements are identical in Shaw Urban Renewal Plan and the R-5-B District. The lot occupancy is more restrictive under the Urban Renewal Plan. While eight limitations are more restrictive under R-5-B.
7. The Municipal Planning Office, by report dated November 23, 1977 and by testimony presented at the hearing, recommended that the application be approved, stating that the proposal will result in significant benefit to the city and its residents and is in harmony with the intent and purpose of the Zoning Regulations.
8. The Department of Environmental Services by reporting to MPO dated October 25, 1977, has indicated that water service is adequate to supply the proposed developments. Compliance with the city's erosion control regulations should minimize any adverse effects during and after the construction of the project. The Department does not foresee any long term negative impact on air quality and noise in the surrounding area as a result of the proposed development. Solid waste collection would be handled by private contractors since the Department does not collect from residential buildings with more than three dwelling units. The Department has adequate disposal capacity to accommodate the solid waste generated by the proposed development. The Department also indicates that as a result of the requested alley closings in Square 395, new sewers may have to be installed to service the development. The Department also states that the rezoning will increase storm water runoff in the area. The existing sanitary sewers serving this area are tributary to combined sewers which are deficient in carrying capacity. Because of this condition, the Department strongly recommends that back-

flow valves and on-site storage of storm water be incorporated in the development of these two sites, Such Recommendations Law be coordinating between the applicant, the prospective Developer and the Department.

9. In the area of the proposed project are Seaton Elementary School, Cleveland Elementary School, Banneker Junior High, the new Shaw Junior High and Dunbar Senior High School. The Superintendent of Public Schools has reviewed these applications and by memo to MPO dated November 7, 1977 has reported that there would be no adverse impact upon school facilities in the area as a result of this project.
10. The D.C. Fire Department has reviewed these applications and by memo to MPO dated September 2, 1977, found no conditions that would adversely affect the operation of the Fire Department. The Fire Chief emphasizes the importance of coordinating the proposed developments with the Fire Department to insure ready access to buildings and adequate water supply for fire service.
11. The Municipal Planning Office reported that the D.C. Department of Transportation foresees no adverse impacts on traffic and circulation patterns in the area as a result of the proposed change in zoning.
12. Advisory Neighborhood Commission 2-C did not comment on this matter.
13. The application was referred to the National Capital Planning Commission, under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the National Capital Planning Commission reported that the proposed amendment will not have a negative impact on the interests or Functions of the Federal Establishment within the National Capital and is in accordance with the Urban Renewal Plan for the Shaw School Urban Renewal Area.

#### CONCLUSIONS OF LAW

1. This action 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. This rezoning will promote orderly development in conformity with the entirety of the District of Columbia Zoning Plan as embodied in the Zoning Regulations and Map of the District of Columbia.
3. The requested R-5-B zoning will not have an adverse impact on the surrounding residential neighborhood.
4. There are adequate public facilities to serve development under the proposed zoning.
5. The proposed zoning is consistent with the Shaw Urban Renewal Plan.

DECISION

In consideration of the Findings and Conclusion herein, the Commission therefore hereby Orders the following action:

Change from R-4 to R-5-B lots 2 thru 11,  
14, 15, 19 thru 27, 31 thru 38, 42 thru  
53, and 800 thru 807 in square 395 bounded  
by 8th, 9th, "R", and "S" Streets, N.W.,  
comprising approximately 89,400 square feet.

Vote of the Commission taken at the public hearing on December 15, 1977: 4-0 (Walter B. Lewis, John G. Parsons, Theodore F. Mariani, and George M. White to grant - Ruby B. McZier not voting not present).

  
THEODORE F. MARIANI  
Chairman

  
STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on January 12, 1978 by a vote of 5-0 (Walter B. Lewis, John G. Parsons, Theodore F. Mariani, Ruby B. McZier and George M. White to adopt).

In accordance with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 20 JAN 1978