

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO, 198  
CASE NO. 77-23  
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-C for Lots 13-22 inclusive, 24, 801-818 inclusive, 820,821,822,837,840 and 841, in Square 419, bounded by a public alley, 8th, R and S Streets, N.W. The site is approximately 42,750 square feet, or 0.98 acres, in area,
2. The requested change from R-4 zoning to R-5-C would, increase the allowable height from forty feet (three stories) to ninety feet with no limitation on stories, A maximum floor area ratio of 3.5 would be permitted and an increase in the maximum percentage of lot occupancy from sixty per cent to seventy-five per cent would be possible. Off-street parking spaces would be required at a ratio of one for every three dwelling units, which is the same for flats and multiple dwellings in the R-4 District, In general, the R-5-C District allows for the construction of all types of residential units, including apartment buildings at a medium-high density. The R-4 District is primarily designed to accommodate row dwellings and flats which results in a lower unit density.
3. The development proposed for this site consists of three and four story walk-up apartment buildings with a total of fifty units. Proposed density is sixty units per acre,

with an FAR of 1.2, a lot occupancy of forty per cent and parking is to be provided at a ratio of 1.9 spaces for every three dwelling units,

4. The Lincoln-Westmoreland apartment building, with 108 units, occupies the eastern half of the subject square and was the first new housing constructed in the Shaw Area after 1968. The Watha T. Daniels Public Library is located between R Street and Rhode Island Avenue to the south of Square 419. Between 9th and 10th Streets, south of R Street, N.W., is the new Shaw Junior High School. At 10th and Rhode Island Avenue, N.W. is Foster-House, a seventy-five unit apartment building.

5. The Shaw Urban Renewal Area Plan for this site allows a maximum density of 135 dwelling units per acre, a maximum height of ninety feet, a lot occupancy of not more than seventy five per cent, a maximum FAR of 3.5, and parking spaces of not less than one for each three units. The proposed development for Square 395 consists of three and four story apartment buildings with a total of fifty units. Density is sixty dwelling units per acre with an FAR of 1.2, a lot occupancy of forty per cent, and 1.25 parking spaces for every two dwelling units, far below the maximum limits of the plan and the R-5-C District,

6. The FAR, height lot occupancy and off-street parking requirements are identical in the Shaw Urban Renewal Plan and the R-5-C District.

7. The Municipal Planning Office, by report dated November 23, 1977 and by testimony presented at the hearing, recommended that the application be approved, citing 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 report 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 constructors 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 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 backflow valves and on-site storage of storm water be incorporated in the development of these two sites. Such recommendations can be coordinated 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 Dumbar 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 project.,

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-C 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,

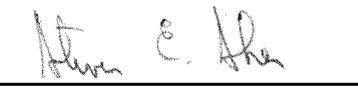
DECISION

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

Change from R-4 to R-5-C lots 13 thru 22, 24, 801 thru 818, 820, 821, 822, 837, 840, and 841 in square 419 bounded by a public alley, 8th, R, and S Streets, N.W. comprising approximately 42,700 square feet,

Vote of the Commission taken at the public hearing on December 1, 1977: 3-1 (Theodore F. Mariani, George M. White, John G. Parsons to grant, Walter B. Lewis opposed, Ruby B. McZier not voting, not present),

  
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THEODORE F. MARIANI  
Chairman

  
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STEVEN E. SHER  
Executive Director

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