

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 202  
CASE NO. 77-18  
FEBRUARY 9, 1978

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on November 14, 1977 and continued on November 28, 1977. At these hearing sessions the Zoning Commission considered an application by the William Cafritz Development Corporation, 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 unzoned property to C-1 and/or R-4, for parcel 243/48, located on the east side of Martin Luther King Jr., Avenue, between Savannah and 4th Streets, S.E., comprising approximately 6.55 acres.
2. The Commission advertized for alternatives to permit C-1 zoning on the entire site or in the alternative 4 acres to be zoned C-1, and the remainder R-4. However, the applicant testified at the public hearing that the alternatives containing C-1 zoning were no longer being pursued because the community did not favor C-1 zoning on the site and because the applicant has not succeeded in attracting any chain food store that could serve as an anchor to the proposed commercial development on the site. The applicant therefore limited the rezoning request to R-4 zoning for the entire parcel 243/48.
3. The R-4 zone allows single family detached, semi-detached and row dwellings, as well as flats, conversions to apartments, hospitals and other institutional uses. The maximum height is forty feet, and the minimum lot size for row houses or flats is eighteen hundred square feet.
4. The requested change to R-4 would allow approximately fifty-six rebuilt and newly-constructed single family dwellings to be located on the subject property. Of the fifty-six dwellings, eleven would be rebuilt large ramblers, eighteen would be rebuilt and expanded small ramblers, ten would be rebuilt detached split-foyer homes, and seventeen would be new two-story in-fill townhouses. In the alternative, the site may be developed entirely with new single family dwellings.

5. The subject property is presently improved with approximately fifty-two boarded-up vacant dwellings, constructed approximately twenty-five or thirty years ago, which previously served as housing for personnel of Bolling Air Force Base.

6. The subject site was owned by the Federal Government, and as such was not included in any district. The property was transferred to private ownership on November 30, 1977. Sub-section 2201.1 of the Zoning Regulations provides that such properties shall be zoned after public hearing.

7. The neighborhood consists primarily of a variety of residential dwellings on land zoned R-2 and R-5-A. The frontage along Martin Luther King, Jr. Avenue is developed with a mixture of residential, institutional and commercial uses on land zoned R-2, C-1 and C-2-A.

8. To the north and east of the subject property, along both sides of Martin Luther King, Jr. Avenue, is an extended area of strip commercial zoning containing an automobile filling station, restaurants, small grocery store, cleaners, beauty parlor, laundry, custard shop and a number of institutional uses. Directly across from the subject property on Martin Luther King, Jr. Avenue are apartments, single family dwellings and churches on land which is zoned R-2. Further to the south along Martin Luther King, Jr. Avenue, south of Upsal Street is an additional area of C-1 zoned land.

9. Mr. Reginald W. Griffith, the applicant's Land Planner, testified and the Zoning Commission finds that no adverse impact would be generated by the development of the subject property under the R-4 zone. Development of the subject property in the R-4 zone would have no adverse impact on water, sewage, traffic, or such community services as fire, police schools, libraries and recreational facilities. The R-4 density is compatible with the surrounding environs and those surrounding environs would have no adverse impact on the residential development of the subject property in the R-4 zone.

10. The subject property has immediate access to several bus routes which travel along Martin Luther King, Jr. Avenue and a bus stop is located in front of the subject property.

11. The applicant's architect and site designer, Mr. Thomas W. Wright, AIA, testified and the Zoning Commission finds that R-4 zoning and the applicant's proposed development of the subject property would result in a form of development which would preserve the character, stability and economic value of the surrounding community. The applicant's proposed development on the subject property would result in large front and rear yards for each residence and an over-all density of less than nine units to the acre for the townhouse areas. At this density, there would be substantial open space on the subject property and a park-like setting for the dwelling units proposed thereon.

12. The Municipal Planning Office recommended that R-4 zoning for the subject property would not have a negative impact on the surrounding neighborhood and will provide needed housing for the District of Columbia.

13. The Department of Housing and Community Development, by memorandum dated November 9, 1977 reported, and the Zoning Commission finds that the residential development, as proposed on the site, would be appropriate in that it will increase the availability of needed housing in the District of Columbia.

14. The Board of Education by memorandum dated November 7, 1977 stated, and the Zoning Commission finds that the proposed residential development of the subject property will create no adverse impact upon school facilities in the area.

15. The Fire Department, by memorandum dated September 2, 1977, stated and the Zoning Commission finds that the proposed residential development of the subject property would create no conditions that will adversely affect the operation of the Fire Department.

16. The District of Columbia Department of Transportation, by memorandum dated November 9, 1977, reported and the Zoning Commission finds that the surrounding street system could readily accommodate the additional traffic generated by up to 500 dwelling units on the entire Wilburn Tract.

17. The Department of Environmental Services by letter dated November 9, 1977, stated and the Zoning Commission finds that there are adequate water, sanitary and storm sewer capacities to serve the proposed development.

18. Advisory Neighborhood Commission 8C, and Advisory Neighborhood Commission 8D testified in support of the applicant's request for R-4 zoning and the applicant's proposed residential development of the subject property.

19. The Congress Heights Civic Association testified in support of the applicant's request for R-4 zoning of the subject property and the development program outlined to the Commission by the applicant.

20. The Far Southeast Community Organization, Inc., was a party in opposition to the application and was represented at the hearing by Mrs. Theresa Jones. The Far Southeast Community Organization, Inc., expressed concern about the soil conditions of the subject property and expressed concern about the pricing of the townhouses to be developed by the applicant on the subject property. The Commission finds that the testimony on soil condition was unsubstantiated, and further notes that these conditions will be analyzed as part of the building permit process. The Commission finds that the issue of price of the townhouses is not directly a zoning matter and that it is not reasonable to expect a private developer to price houses in a manner which would amount to a private subsidy.

21. 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 would not have a negative impact on the interests or functions of the Federal Establishment within the National Capital, and the allowable density of the R-4 zone would result in a lesser density, 24 dwelling units per net acre, than 30-60 dwelling units per net acre proposed in the "General Land Use Objectives: 1970/1985" element of the Comprehensive Plan for the National Capital, which element, as it relates to the proposed amendment to the Zoning Map, is determined to be a District element of the Comprehensive Plan pursuant to the National Capital Planning Act of 1952, as amended by the District of Columbia Self-Government and Governmental Reorganization Act.

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-4 zone will not have an adverse impact on the surrounding neighborhood.
4. There are adequate public facilities to serve development under the proposed zoning.

DECISION

In consideration of the findings and conclusion herein, the Commission therefore hereby orders the following action:

Change from unzoned property to R-4, Parcel 243/48 located on the east side of Martin Luther King Jr. Avenue, between Savannah and 4th Streets, S.E., comprising approximately 6.55 acres.

VOTE of the Commission taken at the public meeting on January 12, 1978: 5-0 (Theodore F. Mariani, Walter B. Lewis, Ruby B. McZier, George M. White and John G. Parsons to grant).

  
\_\_\_\_\_  
THEODORE F. MARIANI  
Chairman

  
\_\_\_\_\_  
STEVEN E. SHER  
Executive Director

Order No. 202  
Case No. 77-18  
Page 6

This Order was adopted by the Zoning Commission at its public meeting held on February 9, 1978, by a vote of 3-0 (Walter B. Lewis, John G. Parsons and Theodore F. Mariani to ADOPT, Ruby B. McZier and George M. White not present, not voting).

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 February 15 FEB 1978.