

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 204  
CASE NO. 77-20  
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 R-5-B, for Parcel 243/62, located on the south side of Savannah Street and the west side of 4th Street, S.E., adjoining the property of Ballou High School.
2. 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 property shall be zoned after public hearing.
3. The R-5-B District is a general residential district, permitting single family detached, semi-detached and row dwellings, flats, apartments, hotels and other institutional uses. The maximum height is sixty feet and the maximum floor area ratio is 1.8. The R-4 District 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 fifty feet, and the minimum required lot size for row houses and flats is 1,800 square feet.
4. The requested change to R-5-B is to permit the development of a mid-rise, elevator apartment house for the elderly and handicapped. There would be approximately 150 to 200 units of such housing and an additional twelve townhouses on the subject property.

In the event the applicant is unable to locate a non-profit sponsor for the elderly and handicapped housing development, he has indicated that he will construct approximately twenty-eight townhouses on the subject property. Approximately twenty-five of these dwellings would be new units with the remaining three consisting of rebuilt and enlarged existing remblers.

5. The subject property is presently improved with five vacant structures (seven dwelling units) constructed approximately twenty-five to thirty years ago which previously served as housing for Bolling Air Force Base personnel.

6. The zoning districts surrounding the subject property are R-2 to the east, R-5-A to the southeast, south and southwest, the two other unzoned parcels of land to the southwest, west, and north, and the C-2-A zone which extends down from Portland Street along Martin Luther King Jr., Avenue to Fourth Street.

7. There are seven churches, one Fire Station and six Schools in the neighborhood. Convenience neighborhood shopping establishments are periodically spotted along Martin Luther King Jr. Avenue to the southwest and northeast. These commercial uses include a grocery, frozen custard stand, cleaning establishment and pub. A larger variety of commercial uses can be found three to four blocks further northeast at the intersection of Martin Luther King Jr. Avenue and Portland Street.

8. Recreational open space activities are amply available to and within walking distance of the subject property.

9. The subject property is within 400 feet of and has access to several bus routes which travel along Martin Luther King Jr. Avenue.

10. Mr. Reginald W. Griffith, the applicant's land planner, testified and the Zoning Commission finds that no adverse impacts would be generated by the development of the subject property under the R-5-B zone. Development of the subject property in the R-5-B zone would have no adverse impact on water, sewage, traffic, or such community services as fire, police, schools, libraries and recreational facilities. The R-5-B 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-5-B zone.

11. The applicant's architect and site designer, Mr. Thomas W. Wright, AIA, testified and the Zoning Commission finds that R-5-B 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-5-B 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 zoning requested is 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, reported and the Zoning Commission finds that either alternative residential development of the subject property will create no adverse impact upon school facilities in the area.

15. The Department of Environmental Services, by memorandum dated November 9, 1977, stated, and the Zoning Commission finds that there is adequate availability of water and sanitary and storm sewer capacity to serve the proposed development.

16. The Fire Department, by memorandum dated September 2, 1977, reported and the Zoning Commission finds that either residential development of the subject property would create no conditions that will adversely affect the operations of the Fire Department.

17. 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 the proposed development of the subject property in the R-5-B zone.

18. Advisory Neighborhood Commission - 8C, and Advisory Neighborhood Commission - 8D testified in support of the applicant's request for R-5-B zoning and proposed development of housing facility for the elderly and handicapped and twelve townhouses on the subject property.

19. The Congress Heights Civic Association testified in support of the applicant's request for R-5-B 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 conditions 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 twelve townhouses proposed by the applicant along Savannah Place would conform to the requirements of the R-4 District. The standards of the R-5-B District provide excessive levels of height and density beyond that necessary to execute the project.

22. 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 and R-5-B zones would result in a greater density, 114 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.

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CONCLUSIONS OF LAW

1. The R-5-B District proposed for that portion of the site to be developed with townhouses is inappropriate because it provides a level of development in excess of what is necessary to build the project as proposed.
2. The R-4 District does provide the appropriate level of development requested by the applicant for that portion of the site to be developed with townhouses.
3. Rezoning to R-4 and R-5-B 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.
4. 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.
5. R-4 and R-5-B Districts will not have an adverse impact on the surrounding neighborhood.
6. There are adequate public facilities to serve development under the proposed R-4 and R-5-B Zoning.

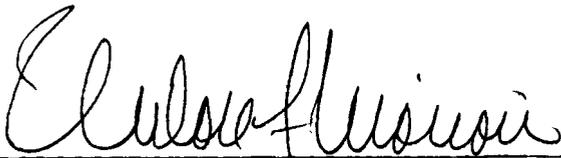
DECISION

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

1. Change from unzoned to R-4 the following portion of parcel 243/62: Beginning at a point on the property line along Savannah Place a distance of 292 feet from the intersection of Savannah Place and Fourth Street, proceeding ninety-five feet in the direction S55° 21'E, then proceeding 290 feet in the direction S38° 38'W, then proceeding ninety-five feet in the direction N51° 22'W, then proceeding 290 feet in the direction N38° 38'E to the point of beginning, all as shown on the site plan marked as Exhibit No. 25 of the record.

2. Change from unzoned to R-5-B that portion of parcel 243/62 not designated R-4 above.

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. MARDANI  
Chairman



STEVEN E. SHER  
Executive Director

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 15 FEB 1978.