

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 220

CASE NO. 77-21

June 8, 1978

Pursuant to notice, a public hearing of the District of Columbia Zoning Commission was held on March 20, 1978 to consider an amendment to the D.C. Zoning Map. This application for a map change was initiated by Gordon W. Bonnette, Jr., President of the Old Colony Laundry Co., Inc.

FINDINGS OF FACT

1. The application requests a change of zoning from C-M-1 to C-2-B (3.5 floor area ratio) in Square 3280 for that portion of Lot 818 presently zoned C-M-1. The remaining portion of Lot 818 is presently zoned R-1-B and is not under consideration for rezoning. The site is bounded by Blair Road, Aspen, Butternut and Fourth Streets, N.W. and comprises approximately 35,700 square feet.
2. The existing C-M-1 zoning permits low-bulk commercial and light manufacturing facilities with a maximum FAR of 3.0 and a three story and forty foot maximum height limit. It also prohibits the construction of new residential uses and requires that performance standards be met and site plans be reviewed for an industrial use.
3. The proposed C-2-B zoning permits medium and high density community business centers with an FAR of 3.5, a ninety foot maximum height limit, and commercial uses restricted to the first two floors with the third floor and floors above restricted to residential uses.
4. The applicant requests a change of zoning to permit the construction of an apartment house containing 100 to 200 apartment units to be used as a moderate - income housing development for the elderly. The building will have retail uses on the first floor, office uses on the second floor, and residential uses on the third floor and above.

5. The site is unimproved land presently used for parking under lease to an automobile dealer, as permitted in the C-M-1 zone. The site is located in the Takoma area of the District of Columbia. To the northeast and east of the site is an elevated B & O Railroad and Metrorail right-of-way with a retaining wall along Blair Road ranging in height from 19'-6" to 22'-8". To the south and southwest of the site is single-family detached housing zoned R-1-B. To the west and north of the site is a neighborhood business district zoned C-2-A including a theater, a closed grocery store, a closed drug store, and some small stores, many of which are in need of rehabilitation and revitalization.
6. The Takoma, D.C. neighborhood is predominantly low-density residential in character with the exception of the business district along Carroll and Cedar Streets from the District line east to Blair Road, and also south along 4th Street to Aspen Street, N.W.
7. The opening of the Metrorail Station in the Takoma area generated a need to insure neighborhood stability through planning. Consequently, a plan was prepared for the area by the Municipal Planning Office working in conjunction with area residents and property owners. The goals and objectives of the draft Takoma Plan are to encourage revitalization and redevelopment of the existing business district by establishing a mixture of residential and commercial uses to a level consistent with the maintenance of transportation service. New development is proposed to occur principally on land in close proximity to the metro station that was vacant or occupied by economically or physically obsolete structures. The Plan also attempts to minimize environmental impact and traffic on residential streets, and to maximize transit patronage by proposing to widen major roadways such as Eastern Avenue, and Blair and Piney Branch Roads.
8. The Municipal Planning Office in its memorandum dated 11-16-77 reported that the proposal was consistent with the objectives of the draft Takoma Plan with the exception of the height limit and the FAR. The plan proposes a maximum height of sixty feet and a maximum FAR of 3.0 for the subject site. The C-2-B zone permits a maximum height of 90 feet and a maximum floor area ratio of 3.5. The

applicant has proposed a building with a height of sixty-five feet, to be limited by covenant. The MPO recommended that the application be approved because it would help meet city-wide and Takoma planning objectives regarding housing, neighborhood commercial revitalization and relationship of land, and building uses to the Metro-rail system.

9. The Municipal Planning Office reported that the D.C. School System and the Fire Department anticipated no problems with the proposal, and that the D.C. Department of Environmental Services indicated that there was adequate water and sewer services for the area.
10. The D.C. Department of Transportation, by testimony presented at the hearing, reported on traffic, loading, parking, and access problems that would be created by the proposal. D.C. Department of Transportation reported and the Commission finds that the proposal could generate up to ninety trips during the peak hour period and could adversely impact the intersection of Aspen Street and Blair Road, reducing the level of service from C to E with as few as thirty additional vehicles. Access to loading and on-site parking areas would be limited to Blair Road because of the physical limitations of the site and adjacent streets. The right-of-way of Blair Road adjacent to the site consists of two lanes of roadway and no sidewalks. There are no plans under consideration to widen Blair Road at this point. There is, therefore, no public space within which the Commission finds that the lack of sidewalks is a serious detriment to the proposed project.
11. The applicant, by testimony presented at the hearing, stated that a Declaration of Covenant which would limit the height of the building to 65 feet would be recorded. Such a covenant was later recorded on April 4, 1978.
12. The only reasonable driveway access to the site would be from Blair Road. The Department of Transportation reported that it would ban left turns into that driveway during peak hours to avoid interrupting northbound traffic flow on Blair Road. The Commission finds that this is likely to cause cars destined for the site to use surrounding neighborhood streets to reach the development, thus adversely affecting those streets as well.

13. Parties in opposition to the application, by testimony presented at the hearing, withdrew their opposition subject to the filing of the Declaration of Covenant, which limits the height to sixty-five feet.
14. Persons in opposition to the application, by testimony presented at the hearing, indicated that, even though a covenant had been recorded, problems regarding the visual perception and scale of the project would remain particularly as the project related to a pedestrian's reaction to the overpowering and canyon-like effect that the proposal would have because of the narrow width of Blair Road and the high retaining wall opposite the site. Other problems were identified regarding enforcement and validity of the covenant, height, and environmental stability and impact, as it related to the exposure of the tenants of a six story building to the noise that would be generated by the passing of freight and commuter trains. The Commission finds such problems to be of great concern and such problems are a serious liability to the project, and make it unreasonable to approve the use and density as proposed for this site. Objections were also raised on the grounds that a building of sixty-five feet in height would be substantially higher than immediately surrounding single family dwellings and would have an adverse visual impact.
15. Advisory Neighborhood Commission 4B did not comment on this application.

CONCLUSIONS OF LAW

1. The proposed change would not be consistent with the purpose of the Zoning Act (Act of June 20, 1938, 52 Stat. 797) in that it would not promote a favorable distribution of land uses.
2. The change of zone to C-2-B would not promote orderly development in conformity with the entirety of the District of Columbia zone plan, as embodied in the Zoning Regulations and Map of the District of Columbia.
3. The proposed change would result in an unwarranted increase of population density for a property which fronts on and requires access from Blair Road, which is of substandard street dimensions for vehicles and pedestrians and presently is a major conductor of through traffic in the Takoma area.

4. The proposed change would allow the development of a height that would exceed the height of the B & O / metrorail right-of-way allowing direct exposure to high levels of noise generated by passing freight and commuter trains.
5. The proposed change would allow a development of a scale that would impose an unwarranted visual and physical impact on abutting and neighboring single-family residents.
6. The proposed change would generate traffic that would congest adjacent intersections and disrupt neighboring streets with detouring vehicles.

DECISION

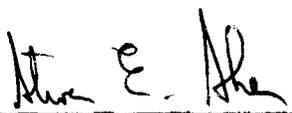
In consideration of the Findings of Fact and the Conclusions of Law herein, the Zoning Commission orders DENIAL of the following amendment to the Zoning Map:

Change from C-M-1 to C-2-B (3.5 FAR) that portion of Lot 818, presently zoned C-M-1, in Square 3280 located at and bounded by Blair Road, Aspen, Butternut, and Fourth Streets, N.W.

Vote of the Commission taken at the public meeting of May 11, 1978: 3-0 (Walter B. Lewis, John G. Parsons, George M. White, to Deny - Ruby B. McZier, not voting, not having participated in the case and Theodore F. Mariani, not present not voting).



WALTER B. LEWIS, Chairman
D.C. Zoning Commission



STEVEN E. SHER
Executive Director

Z.C. ORDER NO. 220
CASE NO. 77-21
PAGE 6

This order was adopted by the Zoning Commission at its public meeting held on June 8, 1978 by a vote of 4-0 (George M. White, John G. Parsons and Walter B. Lewis to adopt, Theodore F. Mariani to adopt by proxy, Ruby B. McZier not voting, not having participated in the case).

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 9 JUN 1978.