

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 277

Case No. 78-34

June 14, 1979

Pursuant to notice a public hearing of the District of Columbia Zoning Commission was held on April 23, 1979. At this hearing session the Zoning Commission considered an application from the District of Columbia Department of Housing and Community Development (DHCD) to amend the D.C. Zoning Map.

FINDINGS OF FACT

1. The application requests a change of zoning from R-4 to C-2-A for lots 27-34, 804-809, and 829 in Square 2861 or, in the alternative, from R-4 and C-2-A to R-5-C for lots 26-34, 804-810, 825, and 829 in Square 2861.
2. The subject site is located on the east side of Fourteenth Street between Fairmont and Euclid Streets, N.W., and comprises approximately 1.36 acres.
3. The applicant proposes to construct a garden - type apartment development consisting of eighty dwelling units for low/moderate income families. The proposed composition of dwelling units is twenty-four one-bedroom, forty two-bedroom, and sixteen three-bedroom units.
4. The R-4 District permits residential uses (including detached, semi-detached and row dwellings, and flats) with a minimum lot area of 1800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, a maximum height limit of three stories/forty feet, and conversions to apartments with a minimum lot area of 900 square feet per dwelling unit. The C-2-A District permits community business centers, to a maximum floor area ratio (FAR) of 2.5 with non-residential use limited to 1.5 FAR, a maximum height of fifty feet, and a maximum lot occupancy of sixty percent for residential uses. Alternatively, the R-5-C District permits general residential uses (including single family dwellings, flats, apartments, and hotels) to a maximum height of ninety feet and a maximum FAR of 3.5.

5. The site occupies the total frontage on the east side of 14th Street between Fairmont and Euclid Streets, N.W. The site is generally flat and is cleared for development. The remaining portion of the square on Fairmont and Euclid Streets is developed with row house type structures. The frontage of 14th Street in this vicinity on both sides is developed with mid-rise apartment buildings. The area is in the process of being upgraded through rehabilitation and new construction. Across the street from the subject site, two apartment buildings have been rehabilitated and occupied by low and moderate income families. Neighborhood shopping is located in the 14th Street and Park Rd. area. The major stores in the area are a Safeway, a Peoples Drug Store, a Giant Supermarket, and a Woolworth's variety store. The Zoning Commission has approved map changes in this vicinity at Columbia Road, Harvard and Girard Streets to accommodate new housing sponsored by the Department of Housing and Community Development.
6. The frontage of Fourteenth Street from Columbia Road south to Girard Street is zoned C-2-B, from Girard Street south to Chapin Street C-2-A, and from Chapin Street southward C-M-2. Property west of the Fourteenth frontage, as identified above, is zoned R-5-B to Fifteenth Street and R-5-C west of Fifteenth Street. Property east of the Fourteenth Street frontage, as identified above, is zoned R-4 from Euclid Street northward and R-5-B from Euclid Street southward.
7. The subject site is located in the 14th Street Urban Renewal Area and is known as Parcel # 10. Parcel # 10 is designated for acquisition, clearance, and redevelopment as part of a "Special Community Street" which permits apartment buildings, ground floor retail and personal service establishments, and community uses. The Urban Renewal Plan permits an apartment house on the subject site at a maximum density of 120 dwelling units and 200 bedrooms per acre. The Plan controls permit a maximum building height of ninety feet, a maximum lot occupancy of sixty-five percent, a maximum floor area ratio (FAR) of 2.5, and requires on-site parking at a ratio of one space per three dwelling units.
8. The proposed development consists of 152 bedrooms at a density of sixty dwelling units per acre and 113 bedrooms per acre. The FAR is 1.1, the lot occupancy is twenty-eight percent, and the parking is 1.2 spaces per two dwelling units.
9. The applicant, by testimony presented at the public hearing, indicated that the requested C-2-A zoning would impose more restrictive requirements than the Urban Renewal Plan, with respect to height (fifty feet in the C-2-A District as compared to ninety feet under the Plan) and lot occupancy (sixty percent in the C-2-A District compared to 65 percent under the Plan). The C-2-A District would also require more parking (one space for each two units compared to one space for each three units under the Plan). The Plan requires eighty square feet of play and open space for each dwelling unit, amounting to a total of 6,400 square feet. However, under the C-2-A District, twenty percent of the gross floor area devoted to residential use needs to be provided as residential recreation space, in this case amounting to about 13,200 square feet.

10. Even through the C-2-A District is more restrictive in some respects than the Plan controls, the Commission finds that the C-2-A zoning category would accommodate the proposed development and is also consistent with the Plan's "Special Community Street" designation. This proposed zoning would also retain the current C-2-A zoning pattern along this portion of 14th Street. In the alternative, R-5-C zoning has been requested for this site. This would allow the proposed development to proceed but would permit a high density pattern along 14th Street which the Commission finds is inappropriate for the subject site, because it permits a ninety foot building height out of character in this location along 14th Street.
11. The Redevelopment Land Agency had previously designated Faircliff Associates as sponsors for housing to be developed on the site covered by this application. This development team is currently building 112 units for low and moderate income families on two parcels near Parcel # 10.
12. The applicant testified that the U.S. Department of Housing and Urban Development (HUD) had approved an allocation of Section 8 housing assistance for this site. This Section 8 allocation was in response to a HUD Notice of Funding Availability for financial assistance to support development of family housing. Under the current HUD regulations, family housing is not allowed to be located in a high-rise building. As a result, in order to take advantage of the Section 8 financial assistance, walk-up apartments have been proposed for development on Parcel 10.
13. The applicant also testified that high density development on this site would have required housing for the elderly for which financial assistance was unavailable. In addition there was growing community concern about placing additional housing for the elderly in the area. Previous attempts to fund high-rise development on this site have not been successful. As a result, the proposed development on this site -- walk-up apartments for low and moderate income families -- was the most feasible use of the site at this time and was consistent with the objectives of the 14th Street Renewal Plan.
14. The Office of Planning and Development (OPD), by memorandum dated 4-10-79 and by testimony presented at the hearing, recommended approval of C-2-A and denial of the R-5-C alternative. OPD recommended C-2-A because the proposed development met the requirements of the C-2-A District, C-2-A would be consistent with the existing zoning along the 14th Street frontage, and that a portion of the subject site is presently zoned C-2-A. OPD recommended denial of the R-5-C alternative because it would introduce a new zoning district in the area and would permit a density of residential development which would be incompatible with the existing density in the area to the immediate east and west. The Commission so finds.

15. The D.C. Fire Department, by memorandum dated 3-12-79, reported that it had no objections to the proposal. The Fire Department, however, indicated that there was necessity for the developer to maintain close coordination with the Fire Marshall to assure fire safety. This can be done as part of the preparation and review of building plans.
16. The D.C. Department of Environmental Services (DES), by memorandum dated 3-26-79, reported that the water system was adequate and the sewer system, by present standards, was inadequate. DES recommended that a relief sewer system be provided to accommodate anticipated storm and sanitary flows. DES also reported that it expected no significant solid waste or air and noise problems, and anticipated minimum soil erosion and sediment control problems during construction, if the applicant complied with erosion control regulations.
17. Advisory Neighborhood Commission 1-B submitted no report.
18. Persons in support of the application, by testimony presented at the hearing, supported the need for residential development and characterized the project as being a vital part of the planning objectives of the area.
19. A person in opposition to the application, by testimony presented at the hearing, anticipated that the proposal would generate problems in the areas of parking, utility services, population density, the lack of recreation space and municipal services.
20. The Commission finds that the applicant intends to coordinate the project development with the Fire Department and DES in order to eliminate and/or minimize concerns identified by those agencies.
21. The Commission finds that the applicant has adequately addressed the recreational space requirements by directing the developer to coordinate with the Zoning Regulation Division for compliance. The Commission also finds that adequate parking will be provided to conform with the Zoning Regulations and the Plan, and that the anticipated population density is consistent with the Urban Renewal Plan. The Commission finds that the DES has adequately addressed the issue of municipal services, and that the issue of the lack of utility services was not a matter with which the electric power company seemed concerned, in the context of the proposed development.
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 that it conforms to the Urban Renewal Plan for the 14th Street Urban Renewal Area.

CONCLUSIONS OF LAW

1. Rezoning to C-2-A 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. Rezoning to C-2-A 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. Rezoning to C-2-A will not have an adverse impact on the surrounding neighborhood.
4. Rezoning to C-2-A is consistent with the Urban Renewal Plan for Fourteenth Street.

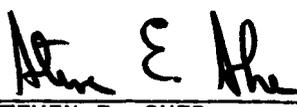
DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby orders APPROVAL of the following action:

Change from R-4 to C-2-A lots 27-34, 804-809, and 829 in Square 2861, located on the east side of 14th Street between Euclid and Fairmont Streets, N.W.

Vote of the Commission taken at the public hearing held on April 23, 1979; 4-0 (George M. White, Theodore F. Mariani, Walter B. Lewis, and Ruby B. McZier, to approve C-2-A - John G. Parsons, not present not voting).


RUBY B. MCZIER
Chair
Zoning Commission


STEVEN E. SHER
Executive Director
Zoning Secretariat

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This order was adopted by the Zoning Commission at its public meeting held on June 14, 1979 by a vote of 4-0 (Walter B. Lewis, George M. White, Theodore F. Mariani and Ruby B. McZier to adopt; John G. Parsons 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, the amendment to the Zoning Map is effective on 22 JUN 1979.