Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 336
CASE NO. 79-15P
MARCH 12, 1981

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on March 24, April 14, April 24, September 13, October 23, and December 15, 1980. At these hearing sessions, the Zoning Commission considered an application from the Ruppert Home for the Aged, pursuant to Section 7501 of the Zoning Regulations of the District of Columbia. The hearings were conducted under the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application originally requested consolidated review and approval of a Planned Unit Development (PUD) and change of zoning from R-2 to R-4 for parcel 219/28 located east of Square 5621 and north of Square 5619. The applicant, by letter dated December 11, 1979, amended its application to request rezoning to R-5-A, in lieu of R-4. At its regular monthly meeting on January 10, 1980, the Zoning Commission authorized the scheduling of a public hearing for the application. At that meeting the Commission determined to hear the case under the Two-step PUD process, in lieu of the consolidated PUD process, as originally sought by the applicant.

2. The subject site is located adjacent to the intersection of 22nd Street and T Place, S.E., and consists of approximately 164,750 square feet.

3. The R-2 District permits, as a matter-of-right, development of single-family detached and semi-detached dwelling units with a minimum lot area of 3000 square feet, a minimum lot width of thirty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet. The R-5-A District permits development of general residential uses including detached, semi-detached and row dwellings, flats, and apartments with a maximum lot occupancy of forty percent, a maximum floor area ratio (FAR) of 0.9, and a maximum height of three stories/forty feet.

4. The applicant originally proposed to construct a residential development of 115 dwelling units, including forty-one flats, six apartment houses of three units each, and fifteen single-family townhouses. At its regular monthly meeting on June 12, 1980, subsequent to the public hearings conducted in March and April of 1980, the Zoning Commission could not reach a decision to grant or deny the application. The Commission determined to reopen the record in the case and conduct a further hearing to permit the applicant to present, the opposition to comment on, and the Commission to consider a revised development plan. The revised plan would take into account the following points raised and issues discussed by the Commission at that meeting.

    a. The site plan should be more compatible with the surrounding community;

    b. The applicant should provide a more detailed landscape plan;

    c. There should be a minimum of 15,000 square feet of usable, open recreation space on the site;

    d. There should be maximum number of dwelling units in the range from 90 to 100;

    e. All dwelling units should be either single family dwellings or flats, in any combination including detached, semi-detached or row structures;

    f. Parking should be provided at the minimum ratio of 1.25 spaces per dwelling units; and

    g. The applicant should address access and maneuverability along T Place.

5. The applicant revised his proposal to seek approval to construct 100 condominium owned houses consisting of twenty-two two bedroom townhouses and seventy-eight two bedroom terraced townhouses, with 125 on-site parking spaces, a rate of 1.25 parking spaces per house. The gross floor area proposed is 110,416 square feet, which results in a floor area ratio of 0.6337. The lot occupancy proposed is 31,592 square feet or about eighteen percent. Approximately thirty-one percent of the site will be paved and fifty-one percent will be landscaped green space. The maximum height proposed is thirty feet, eight inches, which is the height of the terraced townhouses. The townhouses will be seventeen feet, eight inches in height.

6. The site is located in the Fairlawn Neighborhood of the District of Columbia, elevated above the immediate lower density residential community. The site is unimproved land and sparsely wooded. There are two large plateaus on the site with moderate slopes on three sides of each plateau. The site was the location of the former Ruppert Home for the Aged, which was destroyed by fire in 1975.

7. The Fairlawn community,in general, is characterized as being a low/medium density residential neighborhood and is bounded by Good Hope Road, Fairlawn Avenue, Pennsylvania Avenue, 25th Street, and Naylor Road, S.E.

8. To the northeast of the site is R-5-A and R-2 zoning. To the immediate north and west of the site is R-2 and R-5-B zoning. To the immediate southwest of the site is R-2 zoning with C-2-A and R-5-B zoning further beyond. To the immediate south and southeast of the site is R-5-B zoning. To the east of the site is R-5-A zoning.

9. The uses in the immediate area of the site are residential, and are generally consistent with the zoning pattern for the area. Good Hope Road which is two blocks south of the site is the main commercial area near the site. Most of the retail and service uses that were thriving businesses along Good Hope Road twenty years ago, no longer exist. The closest major food shopping facility is a Safeway food store which is many blocks southeast of the site, access to which by walking is a long distance away up a steep incline. There are also a Sears Department Store and a Peoples Drugs Store near the Safeway. The residential uses surrounding more than half of the site are single-family dwellings including "community houses" and semi-detached houses. The balance of the area surrounding, the eastern side of the site consists of garden-type and high-rise type apartments.

10. The applicant, by testimony presented at the public hearing, testified that two-thirds of all households in the city consist of only one or two persons, and that the average household size in Ward 6, the Ward in which the site is located, declined from 3.15 persons in 1970 to 2.66 in 1980 and is expected to continue to decline. Consequently, housing market studies showed that two-bedroom housing, rather than three-bedroom housing, would best respond to the City's housing needs.

11. The applicant indicated that the finished land costs, which included the cost of the property plus the site preparation costs, amounted to $1.5 million. The most efficient and economical use of the land would require the construction of no less than 100 dwelling units. The average cost per dwelling unit would be approximately $75,000, which the applicant contends is a cost within the economic range of those persons who would be purchasing the units.

12. The applicant, by testimony presented at the public hearing, testified that the most important amenity offered by this project was good affordable housing. The applicant testified that the house plans were confortable and attractive with each terraced townhouse (piggy-back type) having a separate entrance, through ventilation, and direct access to an outdoor terrace or balcony. The height and lot occupancy are offered as amenities in the project since the twelve-story Marbury Plaza high-rise apartment buildings are adjacent and to the east of the site. The lot occupancy is one-third of the permitted lot occupancy of sixty percent. The green space comprising fifty-one percent of the site will be devoted to common recreational area and made available to residents of the community.

13. The applicant further indicated that the natural topography is utilized with minimum adjustments. The clustering of houses and the use of the piggy-back type unit to take advantage of topography, natural ventilation, and view were utilized where possible. With respect to site vegetation, eight of the twenty-five trees of sixteen inches or more in size, would be retained. Numerous new trees and shrubs would be planted.

14. The applicant, testified that the 1.25 parking spaces per unit was an adequate parking ratio, would avoid spill-over parking onto neighboring streets, and would be low enough to encourage mass transit usage. The applicant indicated that Metro had improved service on the #V-5 route and would improve service on the #90 bus route along Good Hope Road. The applicant proposed to improve T Place by widening it to a twenty-seven foot roadway, which would permit vehicular access to the eastern portion of the site where one of two parking lots was located. The parking lot at the western portion of the site was accessable from 22nd Street at T Place. The two parking lots are separated by a cluster of housing.

15. The Office of Planning and Development (OPD) by memorandum received September 3, 1980, January 8 and February 6, 1981, by report dated October 23, 1980, and by testimony presented at the public hearing indicated that the height of the flats along the alley to the west of the site was not compatible with the height of the existing community houses across the alley. The OPD recommended that the developer evaluate the feasibility of removing one level of upper units to develop a flat of lesser height. As a second alternative, the OPD recommended that the flats along the alley to the west be replaced with fourteen three-story single-family dwellings. Such a modification would result in the reduction of the height at this location. Additionally, this alternative would reduce the number of units to a total of eighty-six, provide for larger families, and reduce the required number of parking spaces. The land area so saved from parking could be utilized for additional green area and recreational space.

16. The D .C. Department of Transportation (DCDOT), by report dated September 12, 1980 and by testimony presented at the public hearing, testified that the revised plans were in compliance with its recommendation to widen and improve T Place. However, instead of providing a turnaround facility at the east end of T Place, the applicant provided an access driveway to the parking area on the east side of the site. The DCDOT recommended that the applicant provide only the turnaround facility at the east end of T Place and preclude access to that parking area through T Place. The DCDOT indicated that additional traffic along T Place would be unwarranted. The Commission so finds.

17. The D.C. Fire Department, by memorandum dated October 24, 1980, reviewed the revised plans and indicated an on-site concern for the lack of a turn-around or drive-through for fire apparatus. Either feature would accommodate the Fire Department's need to serve the development with optimum effect. In response to the filing of the memorandum from the Fire Department, the applicant revised its vehicular circulation plans to provide for a fire apparatus turn-around.

18. The D.C. Department of Environmental Services (DES), by memorandum received October 23, 1980, and by testimony presented at the public hearing, reported that the water and sewer systems were adequate for existing conditions and the proposed development. The DES indicated that the applicant would have to conform to the Soil Erosion and Sediment Control Regulations. In the absence of having that information, the DES would defer comments.

19. The D.C. Department of Housing and Community Development (DHCD), by report received October 23, 1980 and by testimony presented at the public hearing, recommended that the site be developed with eighty-two to eighty-six two and three bedroom housing units which would minimize traffic congestion, lower unit density, lower people density, minimize parking problems, and provide for more open spaces.

20. The D.C. Public Schools and D.C. Departments of Recreation, Finance and Revenue, and Business and Economic Development submitted reports on the original proposal, but did not submit reports on the revised proposal.

21. There were no persons in support of the applicant.

22. The Advisory Neighborhood Commission - 6C, by letter dated December 31, 1980 and by testimony presented at the public hearing, opposed the application. The ANC and the other parties in opposition identified the following issues and concerns:

    a. Rezoning from R-2 to R-5-A

       The predominant orientation of the site is toward the area now zoned R-2. One of the objections of the PUD process, is to help preserve existing neighborhoods. The opposing parties believed that the site can and should be developed as a matter-of-right or under PUD with no zone change.

    b. Density

       It was the consensus of the parties that the proposed development was too dense to be compatible with the existing neighborhood.

    c. Heights and Building Types

The parties indicated that development of detached and semi-detached housing would be more compatible with the existing community. They questioned the proposed heights of the buildings and indicated that they were too high for existing immediately adjacent housing.

d. Inadequate Parking

The existing neighborhood already experiences a saturation of parked cars, caused by spill-over parking from Marbury Plaza and the ownership of more than one car per dwelling unit in the existing community. These problems would be exacerbated by the lack of adequate parking in the proposed development.

e. Proposed Traffic Patterns

The use of T Place for vehicular access to the site would increase traffic on 22nd Street and other residential streets, would reduce existing on-street parking, and would generate more safety problems for pedestrians and property.

f. Amenities

The parties question "affordable housing" as being an amenity since "affordable" is relative to the financial capabilities of property purchasers. The external orientation of the placing of the trash dumpsters was considered to be a distraction, rather than an amenity, by the parties.

g. Impact on Existing Conditions

The impact of the proposed development on the public transportation, public recreation, the water and sewer systems and electricity would exacerbate existing inadequate conditions.

h. Environmental Impact

The parties believed that the developer had not proposed solid plans to halt or slow-down soil erosion, or water run-off. The ANC further was not convienced that an adequate landscaping plan to enhance the site had been prepared.

i. Inadequate Recreational Facilities

There are inadequate recreational facilities to serve the existing community. The additional population, as proposed, would further strain the few existing facilities. The external orientation of the small recreation space provided by the developer, raised objections because of potential adverse impacts on adjoining properties.

23. Three persons in opposition to the application, by testimony presented at the public hearing, conducted two separate personal surveys relative to car ownership. The surveys revealed that in a sample area of the immediate single-family community, car ownership was 2.12 and 1.68 cars per dwelling unit.

24. Other persons in opposition, by testimony presented at the public hearing, gave testimony about existing inadequate police and fire protection, the obstruction of the panoramic view of some existing property owners, electrical "brown-outs" during the summer months, the potential for increased crime, the applicant's repeated unwillingnest to earnestly compromise with the community and its concerns, the poor and inadequate existing bus service, the high cost of units with no basements, inadequate commerce, the size of families in the existing community, and the incompatible piggy-back housing type.

25. The Commission finds that the economics of the case, and the proposed site development costs as presented by the applicant, are excessive and unrealistic, particularly since the natural topography is utilized with minimum adjustments, the existing vegetation is sparce, and the excavation would be minimal because none of the units have basements.

26. The Commission finds that the proposed piggy-back building type, is incompatible with the existing single-family community. The Commission finds that the incompatibility is reinforced by the excessive number, height, and density of the proposed units.

27. The Commission finds that the predominance of the two bedroom unit does not best reflect the needs of the family profile of the residents in the area. The Commission finds that the family profile of anticipated buyers should not significantly change from the profile of existing families.

28. The Commission finds that the through-access along T Place, and the proposed configuration of the two separate parking lots fail to address private and emergency circulation needs relative to vehicular and pedestrian safety.

29. The Commission finds that the amenities offered by the applicant are lacking. The "affordable housing" proffered by the applicant is relative only to the prospective buyers. The open space and panoramic view presently exist, and the proposed lot occupancy and building heights are, at best, difficult to be construed as amenities, where open space and unimproved land presently exist.

30. The Commission finds that the external orientation of the trash dumpsters and the small recreation space fail to contribute to the tranquility, safety, and security of the surrounding community.

31. The Commission finds that public and private supportive services in the subject community are lacking and inadequate, and believes that until some of those services are improved, additional housing in that area at this time would exacerbate the existing problems.

32. The Commission finds that the subject development team after three hearing sessions on each of two development proposals, failed to demonstrate, in earnest, that it had the willingness to meet the intent of the PUD process and compromise with the concerns of the affected community. By failing to do so, the Commission finds that no constructive purpose would be served by granting preliminary approval of the application, subject to very stringent conditions, guidelines, and standards.

CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate means of controlling development of the subject site, since control of the use and site plan is essential to insure compatibility with the neighborhood. However, the Commission concludes that the specific proposal before the Commission in this application fails to meet the objectives of the PUD process.

2. Approval of the application would not be consistent with the purpose of the Zoning Act and would not further the general public welfare or serve to stabilize or improve the area.

3. Approval of the application would not promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Maps of the District of Columbia.

4. Approval of the application will have an adverse impact on the surrounding neighborhood.

5. The Commission takes note of the position of the Advisory Neighborhood Commission, and in its decision has accorded, the ANC the "great weight" to which it is entitled.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Commission hereby ORDERS DENIAL of the application for Preliminary approval of a Planned Unit Development and Map Amenement from R-2 to R-5-A for parcel 219/28 @ 22nd and T Place, S.E., - Ruppert Home.

Vote of the Commission taken at the public meeting on February 12, 1981: 4-1 (Walter B. Lewis, John G. Parsons, Ruby B. McZier, and George M. White, in favor of Denial - Theodore F. Mariani, Opposed).

WALTER B. LEWIS
Chairman
Zoning Commission

STEVEN E. SHER
Executive Director
Zoning Secretariat

This order was adopted by the Zoning Commission at its public meeting held on March 12, 1981 by a vote of 4-0(Ruby B. McZier, George M. White, John G. Parsons, and Walter B. Lewis, to adopt as amended - Theodore F. Mariani not present not voting).

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective on 27 MAR 1981.