

# Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 459  
Case No, 85-1  
April 8, 1985  
(Map Amendment - MacArthur Blvd.)

The application in Case No. 85-1 is a request from Raymond Regan and Robert and Anne Cadeaux to amend the Zoning Map of the District of Columbia from R-1-B to C-1 for lots 37, 821, and 822 in Square 1417. The subject site is located on the south side of the 5200 block of MacArthur Boulevard, N.W., and comprises approximately 10,350 square feet of land area. Lots 821 and 822 are vacant and unimproved property. Lot 37 is improved with a single-family detached dwelling,

The applicants seek the change in zoning in order to construct a general office and retail commercial building. The proposed building would have a gross floor area of 10,000 square feet, a floor area ratio (FAR) of 1.0, a height of thirty-four feet/two-stories,, parking to accommodate nineteen cars, a lot occupancy of forty-eight percent, and a rear yard of forty-seven feet.

The R-1-B District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 5000 square feet, a minimum lot width of fifty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.

The C-1 District permits matter-of-right low density development including office, retail, and all kinds of residential uses to a maximum floor area ratio (FAR) of 1.0 a maximum height of three stories/forty feet, and a maximum lot occupancy of sixty percent for residential uses.

On April 8, 1985, at its regular monthly meeting, the District of Columbia Zoning Commission considered the application to determine whether to authorize the scheduling of a public hearing.

The District of Columbia Office of Planning (OP), by preliminary report dated March 29, 1985, recommended that the Commission not schedule a public hearing for the application. The OP believed that the following were major issues of concern:

1. Need for additional commercial facilities on MacArthur Boulevard;
2. Residential development;
3. Design;
4. Buffering;
5. Circulation:
6. Control of uses and design; and
7. Consistency with the Comprehensive Plan.

The OP stated that:

The subject application requires evaluation in light of both the land use and economic development goals and policies of the City's Comprehensive Plan. Specifically, the evaluation must weigh the encroachment of commercial development upon a stable residential neighborhood and the demolition of a viable housing unit against the economic benefits accruing to the neighborhood and the City from the contract purchaser's proposal. In the absence of a PUD or a covenant controlling specific uses and design, OP believes the residential protection goals of the plan must govern here.

The OP further noted that "the net effect of the application is the demolition of an existing residential structure and the extension of a C-1 District into a viable strip of residential development. No controls over specific uses or a site plan are available to mitigate the impacts or to permit evaluation of the need or desirability of specific uses."

Advisory Neighborhood Commission (ANC) 3D, by letter dated March 25, 1935, requested the Zoning Commission to deny the application for the lack of merit. The ANC believed that:

1. Sufficient C-1 commercial facilities are available in the area;
2. The proposal would have a negative and destabilizing impact on the surrounding residential properties;
3. The proposal would result in the destruction of good single-family housing;
4. Previous zoning cases on MacArthur Boulevard prohibited expansion of existing commercial zones;

5. Traffic and particularly parking problems would be compounded; and
6. There is strong justifiable opposition in the neighborhood to the proposal.

A letter from the Palisades Citizens Association dated March 26, 1985, in addition to thirteen letters from individuals, opposed the application and the applicants' request to schedule a public hearing.

In response to the report and recommendation of the Office of Planning, the applicants submitted an additional letter dated April 3, 1985. In that submission, the applicants stated their belief that they are entitled to a public hearing. They argued that there is not an overabundance of existing commercial space on MacArthur Boulevard. They argued that residential development is not feasible, and cited a decision of the Zoning Commission rezoning the adjoining property to C-1. They argued that a public hearing should not be denied because the site is too small to qualify as a planned unit development. They argued that the proposed rezoning is totally consistent with the Comprehensive Plan, citing the Generalized Land Use Nap.

The Zoning Commission concurs with the recommendation of the Office of Planning and the ANC and believes that there is insufficient merit to warrant a public hearing on the application.

The Commission believes that there is sufficient existing C-1 zoning in the area to accommodate the commercial needs of the immediate area. Whether any of the existing C-1 properties are vacant or underdeveloped is not the issue.

The Commission further believes that the proposed application is not consistent with the Comprehensive Plan. The Comprehensive Plan consists of eleven elements, and the Land-Use Element consists of both generalized map and text. The Commission concurs with the position of the Office of Planning and the ANC. The Commission must evaluate fully all the elements of the Comprehensive Plan. Given the existing residential uses in the MacArthur Boulevard frontage of the block and the potential for adverse impact resulting from unknown potential development if the site were zoned C-1, the Commission believes that the neighborhood preservation factors must take precedence.

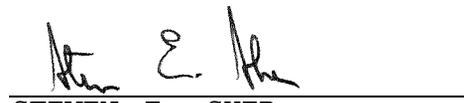
The Commission notes that each application must be decided on its own merits. Accordingly, the reliance by both the applicant and the ANC on previous decisions of the Commission to support their respective positions is unfounded. There are significant differences between both of the cited cases and the subject case. Neither case cited can serve as a

binding precedent. The key factor in the rezoning of the adjoining property to C-1 was that it had frontage on two arterial streets. The property near Cathedral Avenue had a different topographical situation, was surrounded by different uses, and was vacant.

Upon consideration, it is the opinion of the Zoning Commission that the subject application lacks sufficient merit to be set down for hearing. Based on the foregoing reasons, the Zoning Commission therefore orders that Case No, 85-1 be DENIED without hearing.

Vote of the Commission taken at its public meeting of April 8, 1985: 4-1 (John G. Parsons, Patricia N. Mathews, and Lindsley Williams, to deny - Maybelle T. Bennett, to deny by absentee vote - George M. White, opposed to denial without a hearing) .

  
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MAYBELLE T. BENNETT  
Chairperson  
Zoning Commission

  
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STEVEN E. SHER  
Executive Director  
Zoning Secretariat

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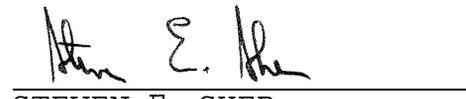
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STEVEN E. SHER  
Executive Director  
Zoning Secretariat

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