

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 566

Case No. 87-32

February 8, 1988

(NCSC & DHCD Map Amendment at 1300 block of Upshur Street)

Pursuant to notice a public hearing of the Zoning Commission of the District of Columbia was held on January 19, 1988. At that hearing session, the Zoning Commission considered an application from the National Council of Senior Citizens (NCSC) and the District of Columbia Department of Housing and Community Development (DHCD) for an amendment to the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with 11 DCMR 3022.

FINDINGS OF FACT

1. The application was filed on October 27, 1987 and requested a change of zoning from R-4 to R-5-B for Lot 2 (a portion of former Lot 1) in Square 2820.
2. The site is a trapezoid shaped piece of property, which is located on the north side of the 1300 block of Upshur Street, N.W. The site is undeveloped land and contains approximately 40,772 square feet of land area.
3. The applicants propose to construct a multi-family residential structure for senior citizens.
4. The R-4 District permits matter-of-right development of residential uses (including detached, semi-detached, and row single-family dwellings and flats) with a minimum lot area of 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and maximum height limit of three stories/forty feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.
5. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum of lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.

6. The District of Columbia Generalized Land Use Element Map of the Comprehensive Plan for the National Capital depicts the subject site in an area that includes "moderate and medium residential", and "park, recreation and open space - public and institutional" land use categories.
7. The existing zoning pattern in the area of the subject site includes R-4 zoning in all directions, immediate and distant, except to the distant southeast of the site is C-M-1 zoning.
8. Existing land uses in the area of the subject site include the C. Melvin Sharpe Health School and Anna Burdick Vocational High School to the north; Roosevelt Senior High School, McFarland Junior High School, and the Petworth Public Library to the east; some one-to-three story structures including office, printing, book binding, storage, plant and auto sales, and auto body repair to the southeast; Powell Elementary School and seven row dwellings fronting on Upshur Street to the south; and the Roosevelt Recreation Center play ground and ball field to the west.
9. The multi-family residential structure will include fifty-five (55) dwelling units at five (5) stories in height, will accommodate on-site parking for nineteen (19) cars, and will be developed with Section 202 financing by the U.S. Department of Housing and Urban Development.
10. The subject site is owned by the Government of the District of Columbia. The NCSC is the contract purchaser and has proffered to enter into a restrictive covenant that would bind the NCSC or any successor owner in title to develop the property, pursuant to Findings No. 9 of this order.
11. The DHCD, as co-applicant, is largely acting as a facilitator through which the subject site can convey ownership and the development objectives can be met.
12. The District of Columbia Office of Planning (OP), by memorandum dated January 6, 1988 and by testimony presented at the public hearing, recommended that the application be approved. OP indicated that the Comprehensive Plan Residential Policies Map include the subject site in a "Housing Opportunity Area", and the Sections 307 and 308 of the Plan states objectives and policies associated with providing housing for the elderly.

13. The District of Columbia Department of Public Works (DPW), by memorandum, dated January 11, 1988, concluded that the development would have minimal impact on the level of service of the adjacent intersections. DPW indicated that the proposed senior citizen apartment building would require a minimum of seven (7) on-site parking spaces, pursuant to 11 DCMR 2101.1.
14. The District of Columbia Office on Aging (OOA), by memorandum dated December 17, 1987, urged the Zoning Commission to look favorably upon the application.
15. The District of Columbia Office of Business and Economic Development (OBED), by memorandum dated December 28, 1987, has no objections to the application.
16. The District of Columbia Metropolitan Police Department (MPD), by letter dated December 20, 1987, is not opposed to the development. The MPD included comments regarding security measures that the developer should consider.
17. The District of Columbia Public Schools, (DCPS) by memorandum received on January 15, 1988, indicated that the proposed would have no direct impact on the operations or facilities of the public schools.
18. Advisory Neighborhood Commission - 4C, by letter dated January 11, 1988, supports the proposal. ANC 4C included the following issues and concerns:
 - a. The subject site is vacant and the proposal to building housing for the elderly appears to be compatible with the draft Ward 4 plan and the Land Use Element of the City's Comprehensive Plan.
 - b. The proposed land use is not objectionable to the residents in the area and the application is more compatible with the residential character of the neighborhood than some of the current development uses in the adjoining area.
 - c. The D.C. Department of Housing and Community Development has indicated that the land purchased by the NCSC will be used for housing and care for th elderly. The land include a covenant which is transmitted with the sale of the land which we hope will preserve and protect the residential use.
 - d. The National Council of Senior Citizens indicated in their presentation that the architectural style would be esthetically in harmony with the

neighborhood and the housing is not designed to be low income public housing. They further indicated that there would be sufficient off-street parking to accommodate the residents, staff and visitors that are likely to have automobiles.

- e. Of primary importance to the residents who live in the area is that the uses of the land are compatible with adjacent residential use and the upkeep is maintained. Residents expressed concern as to whether improved transportation, landscaping or other street improvements would occur as a result of the change in zoning, i.e., ample sidewalks and street crossing accommodations.
 - f. Although public safety was not considered an issue in the request to amend the zoning map, residents were concerned about the potential for increase in crime or criminal activity against the elderly. The desire is to maintain the existing neighborhood stability and ambiance.
19. Letters in support of the application were received from the National Caucus and Center on Black Aged, Inc. dated November 1, 1987; the Ward 4 representative on the D.C. Board of Education, Linda W. Cropp, dated November 2, 1987, and the Carter Barron East Neighborhood Ass'n., dated January 14, 1988.
 20. One person in opposition testified at the public hearing and expressed concern regarding the potential adverse impact that the project would have on area traffic and parking.
 21. The Zoning Commission concurs with the recommendation and positions taken by OP, DPW, OOA, OBED, MPD, DCPS, and ANC - 4C.
 22. As to the concern of ANC-4C regarding compatibility with the Comprehensive Plan, the Commission finds that upon considering all of the relevant elements of the Plan, the proposal is not incompatible with the Plan. The Commission further finds that the vast majority of residents in the area do not object to the project.
 23. As to the concern of ANC-4C regarding compatibility with neighboring residential uses, the Commission finds that the proposal is compatible because of the medium height and type of tenant.
 24. The Commission mindful that it has no authority to condition the terms of approval of a map amendment application. Consequently, issues related to architectural design, crime, and the like are beyond

the control of this process. The Commission hopeful that the appropriate agencies which are responsible for these matters will adequately address them.

25. As to the concerns regarding traffic and parking problems, the Commission notes that the applicants propose nineteen (19) on-site parking spaces which exceeds the minimum number required by the Zoning Regulations. The Commission concurs with the DPW regarding traffic impact.
26. The DHCD, by letter dated January 29, 1988, filed a copy of a supplemental agreement between the NCSC and DHCD requiring the site to be developed with fifty-five (55) housing units for senior citizens and with nineteen (19) on-site parking spaces.
27. The Zoning Commission takes note of the supplemental agreement between the NCSC and the DHCD.
28. The Commission finds that the applicants have satisfied the criteria of Chapters 1 and 30 of DCMR, Title 11, Zoning.
29. The proposed decision to approve R-5-B rezoning was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC by report dated February 5, 1988, found that the proposed zoning map amendment would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.

CONCLUSIONS OF LAW

1. Zoning to R-5-B as set forth herein 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. Zoning to R-5-B will promote orderly development in conformity with the entirety of the District of Columbia zone plan as set forth in the Zoning Regulations and Map of the District of Columbia.
3. Zoning to R-5-B will not have an adverse impact on the surrounding neighborhood.
4. Zoning to R-5-B is appropriate for the site.
5. Zoning to R-5-B would not be inconsistent with the Comprehensive Plan for the National Capital.

6. Approval of this application is consistent with the Declaration of Major Policies of the Housing Element of the Comprehensive Plan.
7. The Zoning Commission has accorded ANC - 4C the "great weight" to which it is entitled.

DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the following amendment to the District of Columbia Zoning Map:

Change from R-4 to R-5-B Lot 2 (a portion of former Lot 1) in Square 2820 located on the north side of the 1300 block of Upshur Street, N.W., and as shown on Exhibit No. 5 in the record of this case.

Vote of the Commission taken at the conclusion of the public hearing on January 19, 1988: 4-0 (Patricia N. Mathews, Elliott Carroll, John G. Parsons, and Lindsley Williams, to approve R-5-B rezoning - Maybelle T. Bennett, not present, not voting).

This order was adopted by the Zoning Commission at its regular monthly meeting on February 8, 1988 by a vote of 4-0: (Patricia N. Mathews, John G. Parsons, Lindsley Williams and Elliott Carroll, to adopt - Maybelle T. Bennett, not voting not having participated in the case).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is on

19 FEB 1988



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat