

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 581  
Case No. 88-3  
(4th & Trenton Streets, S.E. - Map)  
September 15, 1988

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held June 27, 1988. At that hearing session, the Zoning Commission considered an application from Wilma Durham, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Section 3022 of that title.

### FINDINGS OF FACT

1. The application was filed on February 5, 1988, and requests zoning from unzoned property to R-4 for a portion of parcel 243/75.
2. The subject site is located at the southeast corner of the intersection of 4th Street and Trenton Street, S.E., and contains approximately 1.31 acres of land area.
3. The applicant intends to use the site for a child development center or school. Some zoning designation, however, is required to be applied to this parcel before it may be developed.
4. The subject site, which is also known as GSA Parcel I, was acquired by the applicant from General Services Administration (GSA) of the U.S. Government on December 7, 1987.
5. The subject site is roughly triangular in shape and is improved with two dilapidated one-story structures and two antennas. The subject site is covered with a few trees, shrubs and undergrowth and is fairly level. At the south end of the property, there is a hill which drops off to the south, which continues quite steeply on the neighboring property to the south. The site is located in the Congress Heights neighborhood of the southeast sector of the city. The site has 51 feet of frontage on Trenton Street and 520 feet on 4th Street.

6. 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 1800 square feet, a minimum lot width of 18 feet, a maximum lot occupancy of 60 percent, and maximum height limit of three-stories/40 feet. Conversions of existing buildings to apartments are permitted for lots of a minimum lot area of 900 square feet per dwelling unit. The R-4 District also includes as matter-of-right development certain institutional uses, including hospitals, clinics and child development centers of up to fifteen children. Child development centers with more than fifteen children require Board of Zoning Adjustment (BZA) approval.
7. To the north of the subject site, across Trenton Street, is R-2 zoned land. To the east is an R-5-A zoned district, and to the west, across 4th Street, is Ballou High School, which is in an R-5-A zoned district. To the south is a parcel of land to which the Zoning Commission has given preliminary approval as R-4 zoning (Zoning Commission Case No. 87-35). Farther south of the site, fronting on Mississippi Avenue, is a parcel of land zoned R-4, recently designated as such by the Zoning Commission (Zoning Commission Order No. 543, Z.C. Case No. 87-5, September 21, 1987).
8. There is a large expanse of R-2 and R-4 zoned and developed property located approximately 200 feet to the north of the site along Savannah Street and Martin Luther King, Jr. Avenue. There are two small C-1 zoned sites located several blocks east and west of the site and a pocket of R-5-B zoned property located approximately 200 feet north of the site.
9. The District of Columbia generalized land use element of the Comprehensive Plan for the National Capital includes the subject site in the moderate density residential land use category.
10. The applicant indicated that R-4 development of the site would be in harmony with the indigenous construction in the area. She indicated that a child development center or school would not intrude into the character of the neighborhood.
11. The applicant's land planning expert testified that this property was defined in the Land Use Element of the Comprehensive Plan as appropriate for moderate density residential development. Section 1104(a)(2) defines the moderate density residential land use category as including row houses and garden apartments as the predominant uses, and also including,

low-density housing as appropriate uses. The land planning expert also testified that Section 1103 states that the plans also prescribe the goal of enhancing neighborhoods in order to improve and achieve stability. He contended that this section also encourages development of adequate neighborhood shopping and support services in all sections of the District of Columbia. The applicant's land planning expert testified that Section 1105 seeks to promote conservation, enhancement and revitalization of residential neighborhoods; encourages new non-residential uses to provide sufficient parking, loading and drop-off areas; and seeks to protect residential neighborhoods from incompatible uses by promoting buffering and other techniques to provide for appropriate separation of uses. The land planning expert testified that the applicant's proposed development was not inconsistent with these elements of the Comprehensive Plan.

12. The Office of Planning ("OP"), by memorandum dated June 16, 1988 and by testimony presented at the public hearing, recommended that the application be approved. OP stated the following:

First and foremost the property is unzoned and its classification within an appropriate zone district is required before it can be developed. Second, the site is located adjacent to an R-4 zone and is within close proximity to higher density residential districts. (R-5-A, R-5-B). The proposed R-4 District is supported by the Comprehensive Plan Generalized Land Use Map which designates the site as appropriate for moderate density residential use. In conclusion, OP recommends that this application be approved.

13. OP also compared the subject site to the Comprehensive Plan. It stated that land use in the R-4 district may be considered a moderate density residential zone. OP contended that the Housing Element of the Comprehensive Plan declares that the private sector should be involved in the provision of housing. The general policy set forth in Section 304 of this element includes facilitating the private sector provision of new housing, and providing appropriate zoning to meet housing needs through development of in-fill housing. The OP concluded that it appears that the proposal for the subject site is not inconsistent with the above policies.
14. Other agencies did not file reports in this case.
15. Advisory Neighborhood Commission (ANC)-8C filed no report in the proceeding.

16. There were several persons that testified in opposition to the application. One person who opposed the application was an ANC official; however, this person testified on her own behalf, not on behalf of the ANC. Also, several people from the neighborhood testified in opposition to the proposed R-4 zoning.
17. The Commission believes that zoning should be applied to the site and concurs with the position of OP.
18. As to the concerns raised by the citizens of the community regarding the preference for single family detached housing, design issues and concerns about intruding uses into the residential character of the neighborhood, the Commission finds that these are not appropriate questions for the Commission to address, but rather, are issues that are relevant in the special exception process before the BZA.
19. The proposed actions of the Commission to approve the application is referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government Reorganization Act. The NCPC by report dated September 12, 1988, indicated that the proposed map amendment from unzoned to R-4 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.
20. The Commission finds that the applicant has satisfied the criteria of 11 DCMR 102.

#### CONCLUSIONS OF LAW

1. The rezoning of the site to R-4 is compatible with city-wide goals and programs.
2. Approval of this application is not inconsistent with the Comprehensive Plan for the National Capital.
3. Approval of this application is consistent with the purposes of the Zoning Act (active June 20, 1938, 52 stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
4. Rezoning the site to R-4, as set forth herein, will not have an adverse impact on the surrounding community.
5. The approval of this application 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.
6. The Zoning Commission did not accord "great weight"

consideration to ANC-8C because the ANC did not express its concerns to the Zoning Commission.

DECISION

In consideration of the Findings of Fact and Conclusions of Law herein, the Zoning Commission of the District of Columbia hereby orders APPROVAL of the following amendment to the District of Columbia Zoning Map:

Change from unzoned property to R-4 that portion of parcel 243/75 (aka GSA parcel I) located at the southeast corner of the intersection of 4th Street and Trenton Street, S.E. and as shown on Exhibit No. 4 of the record of this case.

Vote of the Commission taken at the regular public meeting on July 11, 1988: (John G. Parsons, Elliott Carroll and Patricia N. Mathews to approve; Maybelle Taylor Bennett to approve by proxy; Lindsley Williams, not voting not having participated in the case).

This Order was adopted by the Zoning Commission at its regular public meeting on September 15, 1988, by a vote of 4-0 (Elliott Carroll, John G. Parsons, and Maybelle Taylor Bennett to adopt as amended; Patricia N. Mathews to adopt by proxy; and Lindsley Williams, not voting not having participated in the case).

In accordance with Title 11 DCMR Section 3028, this Order is final and effective upon publication in the D.C. Register, that is on, 14 OCT 1988.

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
EDWARD L. CURRY  
Executive Director  
Zoning Secretariat