

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 195  
CASE NO. 75-18F/77-16  
DECEMBER 8, 1977

Pursuant to notice, a public hearing was held on October 27, 1977, to consider the final application for a planned unit development and related zone change filed by The W.C. and A.N. Miller Development Company.

### FINDINGS OF FACT

1. This is an application for final approval under Article 75 of the Zoning Regulations for a Planned Unit Development (PUD), which involves a change of zoning from R-1-B to R-4. The site contains 3.52 acres of land, located on the west side of Massachusetts Avenue, N.W. with frontage on 48th Place between Fordham Road and Van Ness Street, N.W. (Square 1530, Lots 800 and 801 and Square 1501, Lot 800).
2. The site is currently vacant and undeveloped and is partially wooded along the Fordham Road and 48th Place sides.
3. The Zoning Commission granted preliminary approval to the PUD by Order No. 152, dated May 5, 1977. The Commission specified guidelines, conditions and standards in that order which governed the use, height, bulk, density and design of the site.
4. The R-1-B District permits single family detached houses on minimum lots of 5,000 square feet with a maximum lot occupancy of forty per cent. The R-4 District permits single family dwellings, flats and other miscellaneous uses, with minimum lots ranging from 1,800 to 4,000 square feet, with a maximum height of forty feet and a maximum lot occupancy of sixty per cent. Under the P.U.D. process, the maximum floor area ratio for an R-4 District is 1.0, the maximum height is sixty feet and the maximum lot occupancy remains at sixty per cent.
5. The applicant seeks permission to erect 35 single-family dwelling units consisting of eight row, fourteen semi-detached and thirteen detached dwelling units.

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6. The maximum height proposed is twenty-one feet, the total lot occupancy is 32.1%, and the proposed floor area ratio is .674.

7. The applicant proposes to provide seventy parking spaces, or a ratio of two parking spaces per dwelling unit.

8. The final application complies in all respects with the guidelines, conditions and standards contained in Order No. 152, and with the other requirements of Section 7501.

9. The character of the specific area includes C-2 commercial development on both sides of Massachusetts Avenue and both sides of 49th Street. To the west of the subject side is a well-established, single-family neighborhood. To the south the neighborhood extends to Ward Circle and includes American University. A group of non-conforming apartment houses are located on 47th Street between Upton and Tilden Streets, N.W. There are numerous uses other than single-family residential along Massachusetts Avenue. Three doctors' offices across the street front the subject property. The existing commercial district provides stores ranging from a department store to a chain food store, several service stations, and assorted small shops. All of these stores are within a short walking distance of the subject site. Friendship Playground is two blocks from the subject site and provides space for active recreation.

10. The District of Columbia Board of Education, by memorandum dated November 7, 1977 reported that there will be no impact upon school facilities in the area caused by the project.

11. The District of Columbia Department of Transportation, by memorandum dated October 21, 1977 reported that there will be no adverse traffic impact or parking problems due to the proposed development.

12. The District of Columbia Fire Department, by memorandum dated September 2, 1977, found that the proposed development would not adversely affect the operations of the Fire Department in the event of a fire emergency.

13. The District of Columbia Department of Environmental Services, by memorandum dated September 26, 1977, reported that an extension to the existing water line in Massachusetts Avenue at Fordham Road to Van Ness Street will be required to service the site. The Department, because of deficiencies in storm water carrying capacity, recommends that the developer consider on-site detention, backwater valves, and other item to minimize storm water runoff. The applicant's land planner has reviewed various solutions and the developer will submit a plan acceptable to the Department of Environmental Services.

14. The Municipal Planning Office, by report dated October 21, 1977 and by testimony at the hearing, recommended approval of the application on the grounds that the proposed PUD would allow for the controlled development of the site in a bulk and density reflecting drafted MPO land use policies and development guidelines so far completed for this area of the city. The MPO recommended that the final application as submitted by approved with conditions.

15. One property owner residing within 200 feet of the subject property appeared at the public hearing primarily in opposition to the R-4 rezoning, which he felt would allow for possible conversion of single family dwellings to apartments at some future date. The PUD process and the covenant executed as part of that process controls the use of the site and will prevent such an action from occurring.

16. Advisory Neighborhood Commission 3D submitted no report on this application.

17. The proposed action was referred to National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the NCPC reported that the PUD and zone change would not have a negative impact on the interests or functions of the Federal establishment within the National Capital and is not inconsistent with the Comprehensive Plan for the National Capital.

#### CONCLUSIONS OF LAW

1. The Planned Unit Development process is an appropriate

means of controlling the development of the subject site.

2. Approval of this final application is appropriate, because it is generally consistent with the present character of the area and because it would encourage stability of the area and land values therein.

3. Approval of this final application and change of zone from R-1-B to R-4 is in harmony with the intent, purposes and integrity of the comprehensive zone plan of the District of Columbia, as embodied in the Zoning Regulations and Map.

4. Approval of this final application for a planned unit development and change of zone from R-1-B to R-4 is in accordance with the Zoning Regulations of the District of Columbia, as amended, and the Zoning Act (Act of June 20, 1938, Stat. 797), as amended.

#### DECISION

In consideration of the Findings of Fact and conclusions of Law herein, the Zoning Commission hereby Orders approval of the final application for a planned unit development and adoption of a change in zoning from R-1-B to R-4 for Lots 800 and 801 in Square 1530, and lot 800 in Square 1501, located on Massachusetts Avenue, N.W. with frontage on 48th Place between Frodham Road and Van Ness Street, N.W., subject to the following guidelines, conditions and standards:

1. The site shall be developed with a maximum of thirty five single family dwelling units, to be either detached, semi-detached or row dwellings. The lot occupancy shall not exceed a maximum of thirty-five percent, and the FAR shall not exceed a maximum of 0.67.

2. The maximum height of all buildings and structures shall be 3 stories and 40 feet.

3. Off-street parking shall be provided at a minimum of 2 spaces per dwelling unit. Such spaces may be grouped in common on the site or be located in individual garages or open spaces.

4. There shall be no direct vehicular access from the site to Massachusetts Avenue, N.W.

5. All retaining walls restricting access to the common open space and off-street parking area shall be provided with a gate opening onto such space.

6. All areas not devoted to buildings, structures, access drives or parking spaces shall be so landscaped as to continue material characteristic of the area.

7. The final design of buildings shall be based on architectural drawing by W.C. and A.N. Miller Development Co, dated March 8, 1977, sheets 4-A through 4-N, marked as Exhibit No. 21 in the record.

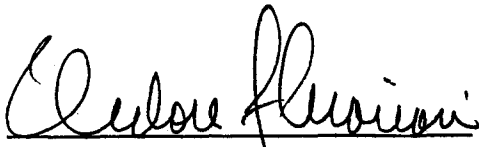
8. The final site plan and subdivision shall be based on the revised site and grading plans, dated March 8, 1977 and revised November 3, 1977, Sheet No. 1, marked as Exhibit No. 28 in the record and the revised plot plan, marked as Exhibit No. 29 in the record. The final site plan shall be designed so as to preserve as many of the existing mature trees located along the western, northern and eastern perimeter of the property as possible. A detailed landscaping plan shall be submitted to the Board of Zoning Adjustment along with the application for further processing of a planned unit development. The applicant should also give special attention to the design of those houses facing the commercial zoning located north of Fordham Road, so as to minimize the impacts of the commercial development on such houses.

9. No site grading or other change in the existing character of the property, including removal of existing trees or vegetation, shall take place prior to approval of the detailed site plan by the Board of Zoning Adjustment.

10. Approval of the application by the Zoning Commission and/or the Board of Zoning Adjustment shall not relieve the applicant of the responsibility of conforming to all other applicable codes and ordinances of the District of Columbia.

11. The change of zoning shall not be effective until the recordation of the covenant required by Sub-section 7501.2 and completion of the planned unit development process. The covenant shall assign all off-street parking spaces to particular dwelling units.

Vote of the Commission taken at the public meeting of November 11, 1977: 3-0 (Theodore F. Mariani, and Walter B. Lewis, to grant the application, Ruby B. McZier, to grant the application by proxy, John G. Parsons not voting, not having participated in the case, and George M. White not present, not voting).



THEODORE F. MARIANI  
Chairman



STEVEN E. SHER  
Executive Director

This order was adopted by the Zoning Commission at its Public meeting held on December 8, 1977 by a vote of 4-0 (George M. White, Ruby B. McZier and Walter B. Lewis to adopt, Theodore F, Mariani to adopt by proxy, John G. Parsons, present, not voting).

In according with Section 2.61 of the Rules of Practice and Procedure before the Zoning Commission, this order is effective on 6 SEP 1978.