

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 515

Case No. 86-16

January 12, 1987

(Ward Circle Associates Limited Partnership - Map Amendment)

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on December 4, 1986. At that hearing, the Zoning Commission considered an application from Robert S. Brandt, on behalf of the Ward Circle Associates Limited Partnership, "or **review and approval of a map** amendment, pursuant to Sections 2201 and 9101 of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application was filed June 24, 1986 and requested **review and approval of a** map amendment from unzoned property to R-5-B for Lot 802 in Square 171.7,
2. The subject site is located on the northeast side of Massachusetts Avenue, approximately 350 feet southeast of Ward Circle. The site is a small, triangular shaped site which is wooded and undeveloped. The site abuts the Naval Telecommunications Command property to the north and northwest, Massachusetts Avenue to the south and southwest, and the Greenbriar Condominium to the east. The total area of the subject site is 13,939, square feet, or 0.31 acres.
3. The applicant purchased the subject property in July, 1986 from the General Services Administration in an auction of surplus federal property. The site was formerly part of the Naval Telecommunications Command property located on Nebraska Avenue adjacent to the subject site, and was known as "Parcel C."
4. The applicant proposes to develop the subject site as a matter-of-right for residential use, pursuant to the regulations applicable in the R-5-B District.
5. The subject site, as presently unzoned, cannot be used

for any development until zoned in accordance with Section 2201.2 of the Zoning Regulations.

6. The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8, and a maximum height of sixty feet.
7. The Generalized Land Use Map of the Comprehensive Plan shows the site as appropriate for a medium density residential designation, The Generalized Land Use Map also designates the neighborhood surrounding the subject site for medium density residential use. The only designation for privately held land along Massachusetts Avenue between Ward Circle and Glover-Archbold Parkway, other than institutional (American University), is medium density residential.
8. The zoning pattern in the area includes: to the east, south and west, the R-5-B District with the R-5-A District beyond, and to the north and northwest, unzoned governmental property. All of the privately owned property on both sides of Massachusetts Avenue, from Nebraska Avenue to Glover-Archbold Parkway, is zoned R-5-B. The depth of R-5-B zoning on the northeast side of Massachusetts is approximately 400 feet, and 200 feet on the southwest side.
9. The applicant, subsequent to mediation activities with the community, entered into an agreement and covenant to be recorded with the Land Records of the District of Columbia, with regard to the following:
 - a. The number of residential units. The Zoning Regulations provide no limit on the number of units for a residential development in the R-5-B District. The applicant has agreed to limit the development to a maximum of 24 residential units;
 - b. The number of parking spaces, The parking requirements in the R-5-B District is one space for each two units, for multiple dwellings. The applicant has agreed to include a minimum of one parking space for each residential unit;
 - c. The use of the site for dormitories. The applicant has agreed that the site will not be developed with dormitories;
 - d. The height of the proposed development. The R-5-B regulations permit a maximum height of 60 feet on the site. The applicant has agreed to limit the maximum height of development on the site to 40

feet from the point of measurement along
Massachusetts Avenue; and

- e. The use of the site for towers and antenna, The sale of the property by GSA was conditioned on the fact that the site not be used for radio, television, or microwave transmission towers and antennas. The applicant has agreed that no such "towers or antennas will be placed on the site.
10. There is no zoning history For the subject site, as it has been owned by the Federal Government. However, recent zoning actions in the area included approvals for construction of residential projects, including Westover Place, the Foxhall building and Embassy Park.
11. The applicant proposes 24 dwelling units for 0.31 acres of land or 72 units per acre, contends that the area and bulk requirements of the R-5-B District provide sufficient control. to assure that development of the subject site will not adversely affect surrounding properties, and that designation of R-5-F zoning would be compatible with both the existing zoning and other development in the area.
12. The District of Columbia Office of Planning (OP), by memorandum dated November 18, 1986, and by testimony presented at the public hearing, recommended approval of the application. OP contends that the **primary effects of mapping the** presently unzoned site to the R-5-B District are two-fold; returning the property to the City's tax rolls and making the property eligible **for private development consistent with the** standards of the R-5-B District. The proposed change in zoning is justified by the existence of abutting and surrounding R-5-B properties and is **consistent with the** Generalized Land Use Map and housing **objectives** of the Comprehensive Plan.
13. Advisory Neighborhood Commission (ANC) 3E, a party in the proceeding, by letter dated November 18, 1986, and by report dated November 25, 1986, supports the proposed R-5-B zoning for the site and believes that the R-5-B category is most compatible with the neighboring property. The ANC expressed its concern about parking in the area and stated that R-5-B zoning for the subject site would be an appropriate designation to avoid packing problems in the area. ANC 3E further recommended that the development of the site include ingress and egress plans that have a minimal impact on the traffic flow on Massachusetts Avenue,
14. By letter dated November 26, 1986, the Greenbriar

supported the application provided the Agreement between the applicant and the Greenbriar, and the Covenant are conditions to the approval of the requested map amendment,

15. There were no other parties or persons in support of or opposition to the application.
16. As to the concerns of ANC-3E, the Commission finds that plans for ingress and egress as set out in Finding No. 13 will be reviewed by the District of Columbia Department of Public Works before **any** curb cuts can be made to ensure that traffic generated from the proposed development will not adversely affect the area .
17. As to the concerns of the Greenbriar, the Commission takes note of the executed Agreement and Declaration of Covenant between the applicant and the Greenbriar, However, the Commission finds that for zoning purposes, the executed Agreement and Covenant have no relevance to the decision of the Commission.
18. Zoning the site to R-5-B is appropriate.
19. Upon consideration of all of the related elements of the Comprehensive Plan, the Commission finds that R-5-B zoning for the site is not inconsistent with the Comprehensive Plan for the National Capital.
20. The proposed decision of the Zoning Commission in this application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act, The NCPC, by report dated January 8, 1987 found that the map amendment would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor due inconsistent with the Comprehensive Plan for the National Capital.
21. The Zoning Commission finds the applicant has satisfied the criteria of Sections 2201 and 9101 of the Zoning Regulations of the District of Columbia.

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 Mousing Element of the Comprehensive Plan.
7. The Zoning Commission has accorded ANC-3E 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 on the following:

Change from unzoned property to R-5-B lot 802 in Square 1717, as shown on the plat marked as Exhibit No. 8 of the record, which is located on the northeast side of Massachusetts Avenue, approximately 350 feet southeast of Ward Circle; and abutting the Naval Telecommunications Command property to the north and northwest, Massachusetts Avenue to the south and southwest and the Greenbriar Condominium to the east.

Vote of the Zoning Commission at the conclusion of the public hearing held December 4, 1986; 4-0 (Commissioners John G. Parsons, Lindsley Williams, Maybelle T. Bennett and Patricia N. Mathews, to approve R-5-B - George M. White, not present not voting) .

This order was adopted by the Zoning Commission at its monthly meeting held on January 12, 1987, by a vote of 4-0 (Commissioners Parsons, Williams, Bennett and Mathews, to adopt, Commissioner White - not voting not having participated in the case).

In accordance with Section 4.5 of the Z.C. Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on
13 FEB 1987, 1987.

Patricia N. Mathews
PATRICIA N. MATHEWS
Chairperson
Zoning Commission

Edward L. Curry
EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

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