

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 568A
Case No. 86-26
(Map Amendment - Connecticut Ave.)
August 8, 1988

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on January 14, 21, 25 & 28, 1988. At those hearing sessions, the Zoning Commission considered petitions from the Chevy Chase Citizens Association, the Cleveland Park Historical Society, and the Woodley Park Community Association, together with a recommendation by the Office of Planning to amend the text of the District of Columbia Municipal Regulations (DCMR) Title 11, Zoning, and the Zoning Map of the District of Columbia, that would affect certain areas along the Connecticut Avenue corridor. The public hearing was conducted in accordance with the provisions of 11 DCMR 3021.

The purpose of the zoning hearings is to further the implementation of the Comprehensive Plan for the National Capital. The Plan, in part, requires that zoning not be inconsistent with the Plan.

At its regular monthly meeting held on March 14, 1988 the Zoning Commission proposed to amend the D.C. Zoning Map as follows:

1. Change from R-5-C to R-3 those portions of Squares 1872, 1875, and 1876 which are currently zoned R-5-C.

Squares 1872, 1875, and 1876 are bounded by Connecticut Avenue, Harrison Street, 38th Street, and Military Road, N.W.
2. Change from C-2-B to R-4 Lots 137 and 138 in Square 2204.

Square 2204 is bounded by Calvert Street, Connecticut Avenue, Woodley Road, and Woodley Place, N.W.

The Commission took proposed action on this portion of Case No. 86-26 on March 14, 1988, with the intention of taking proposed action of the remaining portion of Case No. 86-26 at a later date. The Commission had already taken proposed

action on one other portion of Case No. 86-26 involving Square 2039, at the public hearing on January 21, 1988. By Z.C. Order No. 568 dated March 14, 1988, the Commission approved the rezoning of a portion of Square 2039 from R-1-A to R-5-C.

A notice of public hearing was published in the D.C. Register on December 4, 1987 (34 DCR 7784). That notice, in part, included a proposed rezoning from R-5-C to R-3 for those lots in Squares 1872, 1875 and 1876 that are currently zoned R-5-C; and from C-2-B to R-4 for lots 137 and 138 in Square 2204.

The R-5-C District permits matter-of-right medium/high density development of general residential uses, including single-family dwellings, flats, and apartment buildings, to a maximum height of ninety feet, a maximum floor area ratio (FAR) of 3.5, and a maximum lot occupancy of seventy-five percent.

The R-3 District permits matter-of-right development of single-family residential uses including detached, semi-detached, and row dwellings with a minimum lot area of 2,000 square feet, a minimum lot width of twenty feet, a maximum lot occupancy of sixty percent, and a maximum height of three stories/forty feet.

The C-2-B District permits matter-of-right medium density development, including office, retail, housing, and mixed uses to a maximum height of sixty-five feet, a maximum floor area ratio (FAR) of 3.5 for residential and 1.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.

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.

The existing R-5-C district in which the three squares 1872, 1875 and 1876 located extends from Nebraska Avenue (one block south of square 1872) to Livingston Street (two blocks of square 1872) on both sides of Connecticut Avenue. C-1 districts adjoin the R-5-C district south of Nebraska Avenue and north of Livingston Street to Chevy Chase Circle at the District line.

East and west of the R-5-C zoning along the avenue are R-1-B density and R-2 districts. This pattern - higher density apartment districts flanking Connecticut Avenue with low

density, single family districts beyond - is typical of the Connecticut Avenue corridor.

The West frontage of Connecticut Avenue, from Harrison Street to Military Road and the area in which squares 1872, and 1875 and 1876 are located shows a development pattern which is predominantly cluster, single family townhouses to relatively recent construction within the past 10 to 15 years.

Square 2204 is zoned C-2-B on its Connecticut Avenue frontage from Calvert Street to Woodley Road and around the southern part of the block frontage on Calvert Street. Across a 15 foot-wide alley from the commercial district the remaining eastern and northern portion of the square is zoned R-4.

The existing R-4 zone in square 2204 is developed with townhouses. The commercial frontage on Connecticut Avenue and on Calvert Street is a mixture of two, three and four story converted townhouses. Commercial uses include a significant concentration of restaurants plus a few commercial service establishments.

The District of Columbia Generalized Land Use Element of the Comprehensive Plan for the national capital includes squares 1872, 1875 and 1876 in the moderate density residential Land Use category. The subject lots in square 2204 are located in the vicinity of an area categorized as low density commercial land use and moderate density residential land use.

The District of Columbia Office of Planning (OP), by memorandum dated January 11, 1988, and by testimony presented at the public hearing recommended an alternative rezoning of R-5-B to the advertised R-3 rezoning for those portions of squares 1872, 1875 and 1876 which are currently zoned R-5-C. The OP indicated that R-5-B zone is recommended "because it provides the best fit in terms of the existing conditions and interms of the area requirements, that is, the lot dimensions". The OP believes that "in the context of Connecticut Avenue, the R-5-B zone is not inappropriate".

OP, by memorandum dated January 11, 1988 indicated that they would support R-3 zoning for the area "provided that the Commission can resolve the issue of degree of non-conformity which is acceptable to achieve the objectives of this case".

OP, by that same memorandum and by testimony presented at the hearing, supported the proposal to rezone from C-2-B to R-4 Lots 137 and 138 in Square 2204. OP indicated that the amendment is not inconsistent with the land-use element of the Comprehensive Plan and stated the following:

"The existing zone boundary does follow an alley between the subject townhouses and the main row in the R-4 District. However, there is another alley between the two houses and the commercial buildings fronting on Calvert Street. Accordingly, the Office of Planning believes that these two properties should be rezoned to R-4."

"The Office of Planning believes that the strong and attractive cohesiveness of the commercial row along this frontage should generally be conserved rather than redeveloped, and that the narrowness of the alley separating the commercial area from adjacent townhouses (15 feet) is an additional constraint upon the scale of commercial development that should be permitted."

The Department of Public Works, by a memorandum dated January 7, 1988 and by testimony presented at the public hearing, reported that DPW had no objections to the proposal to rezone Squares 1872, 1875, 1876 and 2204.

At the public hearing, Councilmember James E. Nathanson, who represents Ward 3, testified in support of the rezoning proposal for Squares 1872, 1875 and 1876.

Advisory Neighborhood Commission - 3G, by a written testimony dated January 21, 1988 and by testimony presented at the public hearing, requested the rezoning of the west side of Connecticut Avenue from Chevy Chase Parkway to Military Road from R-5-C to R-3. The ANC stated the following reasons for its support of the rezoning:

1. To bring land use controls into conformity with the Comprehensive Plan;
2. To bring land use controls into harmony with the detached house residential character of the neighborhood to the immediate west of the area proposed for R-3 rezoning; and
3. To avoid the possibility of local citizens having to bring costly private law-suits to enforce a covenant allowing only single-family structures.

The ANC indicated that they strongly oppose the OP recommendation for R-5-B rezoning and stated the following:

"The problem of non-conforming structures raised by the Office of Planning is not a problem in the real world. It is a theoretical problem only. All of the existing structures will be "grandfathered in" even if they do not meet the density requirements of R-3. None of the existing townhouses are more than 20 years old. Some

are as new as two years old. It is very unusual for owners to substantially renovate or add to structures that are so new".

The Chevy Chase Citizens Association and the Chevy Chase Defense Committee, both of whom are petitioners in the case, presented testimony at the public hearing in favor of the proposal for rezoning from Chevy Chase Parkway to Military Road from R-5-C to R-3. Both organizations opposed the OP recommendation for R-5-B rezoning of the area.

The Zoning Commission received no letters or testimony in opposition to the rezoning proposal for Squares 1872, 1875 and 1876.

The Woodley Park Community Association (WPCA), one of the petitioners in the case, testified in favor of the proposal for rezoning lots 137 and 138 in Square 2204 from C-2-B to R-4. WPCA testified that the existing C-2-B zoning is inconsistent with the low density commercial local neighborhood center.

The Zoning Commission concurs with the position of ANC-3G and others, and does not concur with the recommendation of OP for R-5-B rezoning for those portions of Squares 1872, 1875, and 1876 which are currently zoned R-5-C. The Commission is mindful of the OP's concern about creating substantial non-conformity if the area is zoned R-3. The Commission, however, believes that the R-3 zoning is not inconsistent with the Comprehensive Plan and that retention and preservation of housing in the area should be given the utmost consideration.

The Zoning Commission concurs with the conclusion and recommendations of the OP that lots 137 and 138 in Square 2204 should be rezoned R-4.

The Zoning Commission believes that the proposed amendments to the zoning map with regard to Squares 1872, 1875, 1876 and 2204 are in the best interest of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for National Capital.

A notice of proposed rulemaking was published in the District of Columbia Register on July 1, 1988 (35 DCR 5143). No comments were received as a result of that publication of the notice of proposed rulemaking.

On June 27, 1988, the proposed action of the Zoning Commission to rezone portions of Squares 1872, 1875, 1876 and 2204, as advertised, 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 August 3, 1988 indicated that the proposed action of the Zoning Commission 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.

In consideration of the reasons set forth herein, and the reasons set forth in Z.C Order No. 568, the Zoning Commission hereby orders APPROVAL of the following amendments to the Zoning Map of the District of Columbia.

1. Change from R-5-C to R-3 those portions of Squares 1872, 1875 and 1876 which are currently zoned R-5-C.

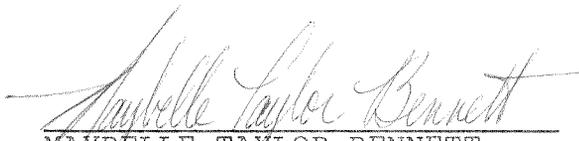
Vote of the Zoning Commission taken at the regular public meeting on March 14, 1988: 3-2 (John G. Parsons, Patricia N. Mathews and Maybelle Taylor Bennett, to approve R-3; George M. White and Lindsley Williams opposed).

2. Change from C-2-B to R-4 Lots 137 and 138 in Square 2204.

Vote of the Zoning Commission taken at the regular public meeting on March 14, 1988: 4-0 (Lindsley Williams, John G. Parsons, Patricia N. Mathews, and Maybelle Taylor Bennett, to approve R-4; George M. White, not present not voting).

This order was adopted by the Zoning Commission at its regular public meeting on August 8, 1988. The votes of the Zoning Commission were 3-2: (Patricia N. Mathews, Maybelle Taylor Bennett, to approve R-3 for those portions of Squares 1872, 1875 and 1876 which are currently zoned R-5-C; John G. Parsons to approve by absentee vote; George M. White and Lindsley Williams opposed); and 4-1: (Patricia N. Mathews, Lindsley Williams and Maybelle Taylor Bennett to approve R-4 for Lots 137 and 138 in Square 2204; John G. Parsons to approve by absentee vote; and George M. White opposed).

In accordance with Title 11 DCMR section 3028, this Order is final and effective upon publication in the D.C. Register, that is on 16 SEP 1988.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat