

# Government of the District of Columbia

## ZONING COMMISSION



ZONING COMMISSION ORDER NO. 568  
Case No. 86-26  
(Map Amendment - Conn. Ave. - Sq. 2039)  
March 14, 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.

During the course of the public hearing session on January 21, 1988, the Zoning Commission determined that it had considered all of the comments and testimony that was timely submitted about the proposed rezoning of a portion of Square 2039. The Zoning Commission took proposed action on Square 2039 at that time, with the intention of taking proposed action on the remaining portion of Case No. 86-26 at a later time.

The District of Columbia Generalized Land Use Element Map of the Comprehensive Plan for the National Capital depicts Square 2039 in a category labeled "high density residential land use".

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-1-A to R-5-C for those lots in Square 2039 that were currently zoned R-1-A.

The R-1-A District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 7,500 square feet, a minimum lot width of 75 feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.

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

Square 2039 is split-zoned R-1-A and R-5-C, comprises lots 1 and 804, and is bounded by Connecticut Avenue, and 32nd, Albemarle and Brandywine Streets, N.W.

Lots 1 and 804 in Square 2039 are each improved with a high-rise (approximately ninety feet) multi-family residential structure. The Albemarle Apartments (lot 804) was built in 1958 and the Brandywine Apartments (lot 1) was built in 1954. A portion of each building is located in the R-1-A zone district, thereby rendering each structure "non-conforming."

The existing R-5-C zone in Square 2039 extends to a depth of 150 feet east of, and parallel to, Connecticut Avenue. The remainder of the Square is zoned R-1-A. Approximately one-fourth of the Brandywine apartment building and slightly less than one-half of the Albermarle apartment building are within the R-5-C zone. The same proportions are true for the lot areas of each of the buildings. The Brandywine (lot 1) has a lot area of 132,710 square feet and The Albermarle (lot 804) has a lot area of 106,565 square feet. In each case, the buildings far exceed the allowable FAR under existing zoning, and approximately three-fourths of the Brandywine and one-half of the Albermarle are located in the single-family, detached, R-1-A zone.

The R-5-C District in which the two apartment buildings are partly located extends from Fessenden Street to Albermarle Street on both sides of Connecticut Avenue. North of Fessenden Street is the small C-1 zone (Nebraska Avenue). To the south of the R-5-C District is the C-3-A commercial zone. East of the R-5-C and C-3-A Districts is a large R-1-A zone which extends to Rock Creek Park. West of the R-5-C and C-3-A Districts are R-1-B and R-2 zones which extend to the commercial zones along Wisconsin Avenue.

The District of Columbia Office of Planning (OP), by memorandum dated January 11, 1988, and by testimony presented at the public hearing, supported the proposal to rezone from R-1-A to R-5-C those portions of Square 2039 that are presently zoned R-1-A. OP indicated that the amendment is

not inconsistent with the land-use element of the Comprehensive Plan and stated the following:

"The effect of rezoning the R-1-A portion of Square 2039 to R-5-C would essentially reduce the non-conformity (both use and area, height and bulk) of the two existing apartment buildings. As the Commission is aware, it was in conjunction with a proposed Planned Unit Development just north of Square 2039 that the anomalous situation concerning the Brandywine Apartments and Albermarle House came to light. They were constructed prior to the adoption of the 1958 Zoning Regulations. The Office of Planning believes that the proposed rezoning is an appropriate one designed to conform the underlying zoning to a legitimate existing condition.

Both the Albermarle and the Brandywine buildings have parking garages unlike many pre-1958 apartment buildings in the Corridor. The proposed re-zoning would have no immediate impact on this situation. In the event of redevelopment of either property, parking would be required based upon the regulations in effect at that time."

At the public hearing, Councilmember James E. Nathanson, who represents Ward 3, and a representative of the Forest Hills Citizens Association supported the rezoning proposal for Square 2039.

The Zoning Commission received no letters or testimony in opposition to the rezoning proposal for Square 2039.

Advisory Neighborhood Commission - 3F, the ANC within which Square 2039 is located, filed no comments into the record regarding this square.

The Zoning Commission concurs with the recommendation of OP and the positions of Councilmember Nathanson and the Forest Hills Citizens Association.

The Zoning Commission believes that the proposed amendment to the Zoning Map is 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 the National Capital.

A notice of proposed rulemaking was published in the District of Columbia Register on February 5, 1988 (35 DCR 872). No comments were received as a result of the publication of the notice of proposed rulemaking.

On January 28, 1988, the proposed action of the Zoning Commission to rezone Square 2039, 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 March 3, 1988 found that the proposed 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.

In consideration of the reasons set forth herein, the Zoning Commission hereby orders APPROVAL of the following amendment to the Zoning Map of the District of Columbia:

Change from R-1-A to R-5-C that portion of Square 2039 that is presently zoned R-1-A.

Vote of the Zoning Commission taken at the public hearing on January 21, 1988: 4-0 (John G. Parsons, Maybelle T. Bennett, George M. White and Lindsley Williams, to approve R-5-C Patricia N. Mathews, not present not voting).

This order was adopted by the Zoning Commission at its regular monthly meeting on March 14, 1988 by a vote of 5-0 (Patricia N. Mathews, John G. Parsons, George M. White, Lindsley Williams, and Maybelle T. Bennett, to adopt).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on 25 MAR 1988.

  
MAYBELLE T. BENNETT  
Chairperson  
Zoning Commission

  
EDWARD L. CURRY  
Executive Director  
Zoning Secretariat