

STATEMENT BEFORE ZONING COMMISSION ON CASE 86-26
COUNCILMEMBER JAMES E. NATHANSON
JANUARY 21, 1988

Good evening Chairman Williams and members of the Zoning Commission. I am Jim Nathanson, Councilmember from Ward 3. I am here to stress the importance of rezoning the west side of Connecticut Avenue from Chevy Chase Parkway to Military Road from R-5-C to R-3.

Rezoning to R-3 makes this strip consistent with the "District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984" which states that:

The west side of Connecticut Avenue, N.W., between Chevy Chase Parkway, N.W., and Military Road, N.W., is included in the moderate density residential land use category (Page 34, paragraph 52).

The purpose of the Comprehensive Plan is to provide policy for the planned growth of our city and its neighborhoods and thereby avoid zoning conflicts which often result in lengthy litigation.

The Office of Planning (OP) has presented verbal and written testimony to you that this strip is designated as "medium density". This is absolutely incorrect and an inaccurate reference to the Plan. Moderate and medium density have clearly different levels of permitted development. Section 1104 of the Land Use Elements states that:

ZONING COMMISSION
CASE No. 86-26
EXHIBIT No. 190

ZONING COMMISSION
District of Columbia
CASE NO. 86-26
EXHIBIT NO. 190

PAGE 2

NATHANSON STATEMENT

JANUARY 21, 1988

(2) The moderate density residential land use category includes row houses and garden apartments as the predominant uses and may also include, as appropriate uses, low density housing.

(3) The medium density residential land use category includes multiple-unit housing and mid-rise apartment buildings as the predominant uses and may also include, as appropriate uses, low and moderate density housing areas.

The medium density category introduces mid-rise apartment buildings as opposed to moderate density that allows only row houses and garden apartments which we know are two-level structures. The Office of Planning's designation of this as medium density is clearly in violation of the Comprehensive Plan and an affront to the community.

In the Office of Planning's testimony they engaged in technical "verbal gymnastics". In their submission, OP states that "as a practical matter, the Office of Planning does not want to create a situation where structures are so non-conforming that even the simplest modification may require variances from the Zoning Regulations." They then go on to state that most of the current structures do not conform with an R-3, R-4, or R-5-A zoning designation.

I empathize with this approach from a technocratic viewpoint.

PAGE 3

NATHANSON STATEMENT

JANUARY 21, 1988

However, the Board of Zoning Adjustment, Zoning Commission, and the Office of Planning have consistently allowed variances for projects designed to break zoning caps. OP is now expressing concern for future technical problems. The Board of Zoning Adjustment and the Zoning Commission exist to deal with these technical problems. You often set new zoning to reflect future increased use, why now be so concerned with new zoning projecting decreased use?

The Comprehensive Plan which has been passed by the Council and signed by the Mayor states that the appropriate zoning for this strip is R-3. R-5 zoning is an open invitation to future development well beyond the moderate density stipulated in the Comprehensive Plan and well beyond what currently exists. It is an inducement to place apartment buildings on this strip.

In addition, the R-3 zoning provides a logical transition from the R-5 apartment buildings across the street on the east side of Connecticut Avenue to the R-1 neighborhoods behind this strip--a true buffer zone.

Finally, the area from Chevy Chase Parkway to Military Road and Connecticut Avenue to Belt Road in which this strip is located is protected by a private covenant prohibiting apartment houses. As late as 1986, the Superior Court upheld this covenant in its issuance of a permanent injunction against the building of a 39 unit apartment house

PAGE 4

NATHANSON STATEMENT

JANUARY 21, 1988

on the corner of Connecticut Avenue and Military Road (Fred Ribe et al v. Gilbert Oken (CA No. 07694-85)). The R-3 zoning that I am urging you to support is consistent with this court upheld covenant, as well as the Comprehensive Plan.

In closing, I do give unqualified support for the rezoning of the block bounded by the eastside of Connecticut Avenue, Albemarle, 32nd, and Brandywine Streets from R-1-A to R-5-C. The R-5-C zoning designation there is consistent with the Comprehensive Plan as well as with the existing structures in this block and its adjacent properties.

Thank you.