

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

and

Z.C. ORDER NO. 06-36

Z.C. Case No. 06-36

(Map Amendment – 11 DCMR)

(Portions of Squares 2676, 2677, 2683 through 2690 from R-5-B to R-4)

April 9, 2007

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission (“NCPC”) for a 30-day period of review pursuant to § 492 of the District Charter, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia:

Amend the Zoning Map of the District of Columbia to zone the following lots from R-5-B to R-4:

Square	Lots
2676	290-291, 343-345, 326-329, 452-463, 477-480, 745, 746, 806, 782-784
2677	218, 368-370, 379-384, 536-538, 546-548, 561-565, 569-573, 577-584, 627-632, 642-645, 653-660, 670-671, 702-707, 673-675, 691-692, 706-707, 801, 803, 805, 807, 814, 838-839, 843-844
2683	248-250, 627, 628
2684	82, 504-508, 513-518, 526-538, 540-551, 554, 821, 824
2685	427-433, 534-545
2686	599-615, 803, 805, 806, 810, 811, 816
2687	802-811
2688	26-39, 44-53, 55-73, 74-82
2689	16-21, 53-64, 69-70, 74-87, 90-92, 863, 865
2690	29-30, 33-37, 40-63, 65-71, 75, 862-864

Hereafter, these properties shall be referred to as the “Subject Properties.”

The purpose of this rezoning is to adopt a zoning designation for the Subject Properties that is not inconsistent with the District Elements of the Comprehensive Plan for the National Capital (“Comprehensive Plan”).

This rulemaking case was initiated by a petition filed by Advisory Neighborhood Commission (“ANC”) 1A. The Subject Properties are located in the Columbia Heights neighborhood in an area bounded by 14th Street and 16th Streets N.W., and Monroe Street and Spring Road, N.W. The Subject Properties are developed with row dwellings, but zoned R-5-B.

The R-5-B District allows all types of urban residential development, including apartment houses, of moderate density. The R-4 District is designed to include those areas now developed primarily with row dwellings.

In its July 14, 2006 report, the Office of Planning (“OP”) recommended that the Commission schedule a public hearing to decide the case. The Commission set the case down for a public hearing at its July 24, 2006 public meeting.

At a properly noticed public hearing held on February 8, 2007, Anne Theisen testified on behalf of ANC 1A. She testified the map amendment was intended to prevent conversion of row dwellings to apartment houses. She testified that the Subject Properties were developed with row houses, and were similarly situated with respect to the Columbia Heights Metro Station as other parts of the neighborhood zoned R-4, and that the R-4 designation was more appropriate. She further testified that several existing row houses located in the R-5-B Zone District had recently been converted to apartment houses, and that these conversions had negative effects on the neighborhood. Finally, she testified that the Comprehensive Plan supported the petition.

OP testified in support of the petition, stating that rezoning the Subject Properties to the R-4 District would limit the conversion of row houses to apartment buildings. OP further testified that the proposed map amendments were not inconsistent with the Comprehensive Plan, and that specific provisions of the Comprehensive Plan supported the rezoning because of the policies expressed in the Comprehensive Plan discouraging the subdivision of row dwellings. OP also submitted a report citing provisions of the Comprehensive Plan in effect at the time of the hearing, as well as a provision of what was then the draft Comprehensive Plan supporting the rezoning, Policy MC-1.1.5: Conservation of Row House Neighborhoods, which reads as follows:

Recognize the value and importance of Mid-City’s row house neighborhoods as an essential part of the fabric of the local community. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect the desire to retain the row house pattern. Land use controls should discourage the subdivision of single family row houses into multi-unit apartment buildings but should encourage the use of English basements as separate dwelling units, in order to retain and increase the rental housing supply.

At the conclusion of the public hearing, the Commission took proposed action pursuant to 11 DCMR § 3027 to approve the proposed map amendments.

A Notice of Proposed Rulemaking was published in the *D.C. Register* ("DCR") on March 9, 2007 at 54 DCR 2241, for a 30-day notice and comment period. No comments were received. By report dated February 23, 2007, NCPC found that the proposed map amendments would neither adversely affect federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

At its regularly scheduled public meeting of April 9, 2007, the Commission took final action to approve these amendments to the Zoning Map.

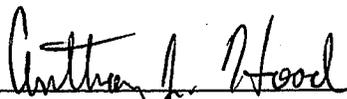
The Office of the Attorney General reviewed this Order and found it met its standards of legal sufficiency.

Based on the above, the Commission finds that the proposed amendments to the Zoning Map are in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and Zoning Regulations, and not inconsistent with the Comprehensive Plan for the Nation's Capital.

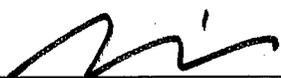
Vote of the Zoning Commission taken at the conclusion of the public hearing on February 8, 2007 to **APPROVE** the proposed rulemaking: **5-0-0** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to approve).

This Order and final rulemaking was **ADOPTED** by the Zoning Commission at its public meeting on April 9, 2007 by a vote of: **5-0-0** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the D.C. Register, on ~~JAN - 4 2008~~



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING 

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

and

Z.C. ORDER NO. 06-36

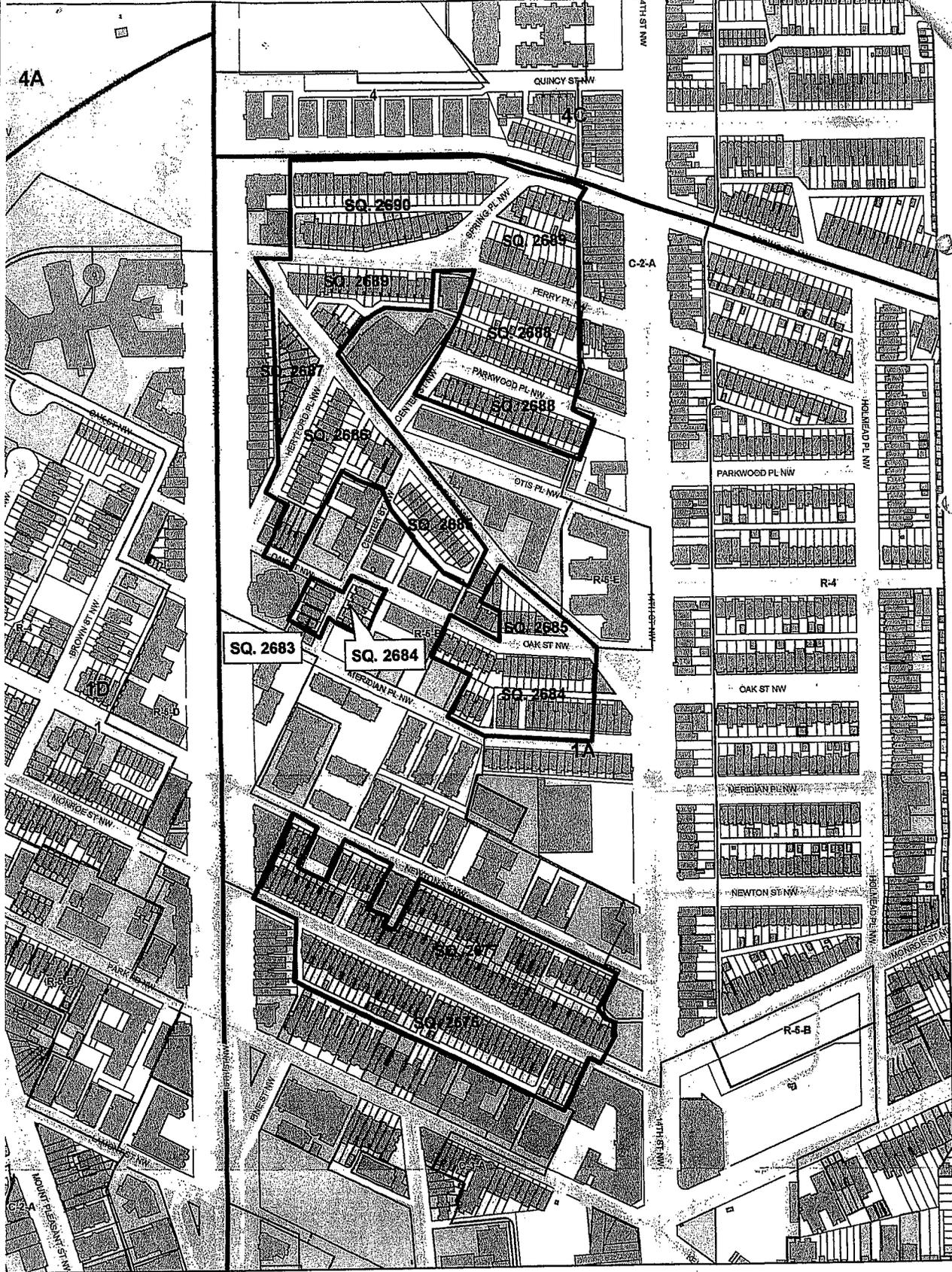
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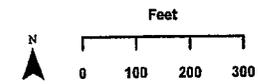
April 9, 2007

The full text of this Zoning Commission Order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.



Part of ANC-1A
Proposed Areas to be Rezoned from R-5-B to R-4

-  Zoning Districts
-  2002 Wards
-  Buildings
-  Major Roads
-  Roads
-  Street Centerlines
-  2002 ANCs



*** Government of the
 District of Columbia
 Anthony A. Williams, Mayor.

Office of Planning - June 22, 2006

This map was created for planning purposes from a variety of sources. It is neither a survey nor a legal document. Information provided by other agencies should be verified with them where appropriate.

N.C. Case 06-36

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

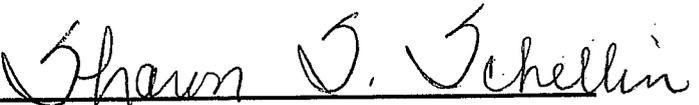


Z.C. CASE NO.: 06-36

As Secretary to the Commission, I hereby certify that on JAN 14 2008 copies of this Z.C. Notice of Final Rulemaking & Order No. 06-36 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|--|
| 1. D.C. Register | 6. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Dotti Love Wade, Chair
ANC 1A
2905 11 th Street, N.W.
Washington, DC 20001 | 7. Councilmember Jim Graham |
| 3. Commissioner Jacqueline Arguelles
1A01
1424 Perry Place, NW
Washington, DC 20009 | 8. Office of Planning (Harriet Tregoning) |
| 4. Commissioner Calvin Woodland
1A02
1477 Newton Street NW #207
Washington, DC 20010 | 9. DDOT (Ken Laden) |
| 5. Anne Theisen, Vice Chair
ANC 1A05
1514 Monroe Street, N.W.
Washington, D.C. 20010 | 10. Zoning Administrator (Matt LeGrant) |
| | 11. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| | 12. Office of the Attorney General (Alan Bergstein) |

ATTESTED BY:



Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning