

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
ZONING COMMISSION CORRECTED¹ ORDER NO. 08-12A

Z.C. Case No. 08-12

(Map Amendment – 11 DCMR)

(Ward 8 Rezoning from R-5-A to the R-2, R-3, and R-4 Zone Districts)

October 20, 2008

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 and 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 incorporated in the Zoning Regulations (11 DCMR).

The Zoning Map of the District of Columbia is amended to rezone the following lots presently zoned R-5-A to the following Zone Districts:

Square		Lots	New Zone
5724	(all)	801	R-2
5761	(part)	15, 16, 40, 41, 800-803	R-2
5763	(part)	806-840, and parcel 219/0142	R-2
5898	(part)	33-42, 45-48, and 55-95	R-2
5899	(all)	16-20, and 24-87	R-2
5900	(part)	30-61, 64-120, and 807	R-2

¹ This is a corrected version of the Zoning Commission Order (the “Order”) published in the November 14, 2008 edition of the *D.C. Register*. This corrected version deletes references to several lots that do not exist or were not rezoned, but were listed in the original Order. Square 5920, Lot 115; Square 5938, Lot 850; Square 5727, Lots 183, 184, 813, and 814; Square 5730, Lots 47 and 48; Square 5734, Lot 812; Square 5984, Lot 803; Square 6159, Lot 959 were listed in the original Order but do not exist, and are deleted from this Corrected Order. Square 5957, Lot 67 was listed in the original Order as being rezoned from R-5-A to R-2, but was already zoned R-2. Square 5892, Lots 120 and 125 were listed as being rezoned from R-5-A to R-3 in the original Order, but were not zoned R-5-A, and therefore retain their C-1 zoning. Square 5920, lots 70-92 were listed twice in the original order, the first time rezoning the properties to the R-2 District, the second time rezoning the same properties to the R-3 Zone District. The properties should not have been listed in the R-2 Zone District section, and those references are deleted from this corrected order, leaving the correct listing that rezones the properties to the R-3 Zone District. The changes are shown in the chart above with deletions shown in strikethrough text and additions in bold text. The Commission authorized issuance of this Corrected Order at its March 22, 2010 public meeting. At that same meeting the Commission set down Case Number 10-05 to correct other oversights discovered in the original Order No. 08-12. An errata notice will be published in the *D.C. Register* correcting the errors shown in this Corrected Order. This Corrected Order will be published on the Office of Zoning web site and placed in the case file.

Square		Lots	New Zone
5920	(part)	70-92, 106-144, 106-114, 116-144, and 146-195	R-2
5928	(part)	43-63, 65-90, and 92-119	R-2
5935	(all)	10-21	R-2
5936	(part)	26-48	R-2
5937	(part)	27, 29-34, 38-49, 53-58, 800, 805-808, 810, 811, 822, and 825-826	R-2
5938	(all)	66-78, 86-96, 804, 814, 831-833, 836-838, 840, 842-846, and 848-860 848, 849, and 851-860	R-2
5939	(all)	13, 14, 75, and 801-804	R-2
5941	(all)	10, and 801-805	R-2
5942	(all)	31, 33, 36, 816-822, and 824-826	R-2
5943	(all)	11, 31-35, 812, 814, 816, 819-821, and 823-828	R-2
5944	(all)	7, 30-37, and 810-813	R-2
5945	(all)	4-7, 25-31, 804, 806, 808, 810, 812, and 813	R-2
5946	(all)	2-9, 16-43, 48-77, 803, 805, 826, 827, and 832	R-2
5957	(part)	16-26, 40-42, 45-63, 67, and 70-98	R-2
5973	(part)	17, and R5A portions of lots 18-20 (these properties are split zoned)	R-2
6093	(part)	1-3, 57-59, 61, 62, 803, 808, and 812	R-2
6094	(part)	3, 4, 31-33, 37-42, 44, and 803	R-2
6118	(part)	5-7, 44, and 9-21	R-2
6119	(part)	2, and 17-20	R-2
6149	(part)	18-27, 40-45, 49, 50, 801, and 802	R-2
6162	(all)	810 and 811	R-2
6163	(all)	32-41, 45, 46, 54-90, 126, 127, 802, 806, 808-817, 828, and 829	R-2
6164	(all)	42-78, 88-97, 124, 823, and 824	R-2
6165	(all)	21-30, 37-40, 43-51, 57, 59, 804-809, and 2001-2008	R-2
6166	(all)	1-4, 11-20, 39, 40, 42-46, 800, and 802-806	R-2
6167	(part)	12-21, 34-42, 52, 53, 800, 801, and 804-806	R-2
6168	(part)	3, 34-36, 41-44, 821, 825-830, 833, 834, 840, and 842-844	R-2
6239	(part)	57-68, 70-72, 74-76, 78-94, 803, 804, 2005-2014	R-2
6239S	(part)	1-4, 6, 9-13, 15, 16, 19-24, 27-29, 34-36, 2001-2008, and 2019-2028	R-2
6240	(part)	65-69, 54-63, and 815	R-2
5726	(part)	27-42	R-3
5727	(all)	4, 5, 43-49, 64-70, 73, 74, 78-83, 92-97, 136, 149- 182, 185- 198, 806, 811, 813, 814, and 816	R-3
5728	(part)	17-46, and 50-57	R-3
5729	(all)	39-43, 47, 48, 50-59, and 2001-2004	R-3
5729W	(all)	1-8, 12, and 800-805	R-3

Square	Lots	New Zone
5730 (part)	47, 48, 150, 175-185, 196-199, 200, 201, and 920	R-3
5734 (part)	4-8, 33-36, 803, 811-813, 811, 813, 815, 819, and 820	R-3
5740 (part)	193-197, 201-207, 215-218, 224-231, 235-244, 247-248, 250-253, 256-269, 272, 277-294, 298-304, 309-333, 335-348, 829, 833, 842, and 852	R-3
5755 (part)	26, 27, 38-43, 46-57, 121, 128-137, 140-151, 817, 826, and 835	R-3
5777 (part)	533, 534, 628-630, 711, 805, 806, 809, 810, 824, and 1024	R-3
5778 (part)	82-86, 160, 816, 819, 820, 822, 824, 825, 831-834, 836, 838, and 842	R-3
5824 (all)	51-60, 803, and 804	R-3
5842 (part)	15-21	R-3
5844 (part)	6, 7, 20, and 24-35	R-3
5892 (all)	2-21, and 42-114, 120, and 125	R-3
5895 (part)	1-20, 35-46, and 49-56	R-3
5901 (part)	26-29	R-3
5920 (part)	70-92	R-3
5921 (part)	802-833, 835-906, and 919-936	R-3
5922 (all)	92-154	R-3
5923 (all)	12-58	R-3
5981 (all)	1-8	R3
5982 (all)	1-9, 20, and 22-38	R-3
5983 (part)	12, 22-31, 40, 41, 43-50, 808, 811, 815, 816, and 2001-2004	R-3
5984 (part)	11-19, 23, 31-38, 41-50, and 800-804 800-802, and 804	R-3
5985 (all)	15-26, 35-50, 812, 813, 815, 817, 818, 820, 821, 823, and 824	R-3
5994 (all)	4-48, and 801	R-3
5995 (all)	1, 4, 5, 23-27, 32, 33, 37-70, and 802-805	R-3
5996 (all)	1, 2, 5-12, 23-26, 34-48, 50-54 802, 805, and 806	R-3
5997 (all)	2, 9, 23-36, 39-50 and 801-803, and 805-811	R-3
5998 (all)	801-850	R-3
5999 (all)	2-5, 14, 15, 19-26, 28, 30-41, 805, and 806	R-3
6000 (all)	5-8, 10-24, and 810	R-3
6001 (part)	2-32, 36-45, 50-57, 59, 803, 806, 808-810, 819, and 820	R-3
6116 (all)	1-3, 8, 26-29, 37, 38, 44-52, 55-65, 806, 809, 801, 811, and 813-820	R-3
6117 (part)	1-10, 40-50, 53-57, 809, 812, and 813	R-3
6125 (part)	1-18, and 2001-2005	R-3
6126 (part)	1-29, 31-62, 65, 803, and 2001-2005	R-3
6128 (part)	25, 26, 53-55, 63, 64, 70-73, 77, 808, 813, 815, 816, 818, 822-824, 825-829, and 832-834	R-3
6128N (part)	36, 37, 42-52, 54, 55, 803, 804, and 807	R-3

Square		Lots	New Zone
6129	(part)	60-63, 71, 83, 84, 800-802, 814-818, 821, 823, 824, and 2001-2005	R-3
6151	(part)	10, 11, 23, 36-41, 803-806, 809, and 811-814	R-3
6153	(all)	3-6, 19, 22-25, 34-40, 60, 63, 64, 70, 72, 73, 78, 79, 802, 804-809, 815, and 2001-2005	R-3
6154	(all)	27, 38-43, 46-49, 64, 69, 803, 805, 809, 811-817, 2001-2028	R-3
6208	(part)	36-44, 47-58, 806, 830, and 831	R-3
6209	(all)	1-18, and 28-31	R-3
6210	(part)	824, 825, 837, and 838	R-3
6211	(all)	1-49	R-3
6212	(all)	1-61	R-3
6213	(all)	1-20	R-3
6249	(part)	801-815, and 887	R-3
6250	(all)	1-16, 19-41, and 803	R-3
6254	(part)	4-27	R-3
6271	(part)	17-26	R-3
6277	(all)	1-36	R-3
5786	(all)	21-24, 28-36, 800, and 801	R-4
5787	(all)	30-41, 808, 812, and parcel 231/0019	R-4
5788	(part)	8-15, 69, and 817	R-4
5790	(part)	15, 16, 21-24, 29-31, 36-38, 801, 802, 821, and 822	R-4
5812	(part)	9, 10, 13-22, 105-116, 800, 805-807, and 2001-2024	R-4
5905	(all)	1-99	R-4
5924	(part)	2-10, 106-112, 125-128, and 133-140	R-4
6123	(part)	1, 2, 13-19, 59-66, 68-73, and 801	R-4
6157	(part)	52, 74, 806, 821, 834-836, and 838-844	R-4
6158	(part)	2-9, 64-79, 81-92, 805, 808, 809, and 810	R-4
6159	(all)	99, 112-122, 128, 129, 805-808, 810-813, 815-899, 932-991 , 932-958 , 960-991 and 993	R-4
6160	(all)	72-83, 86, 87, 89, 872, and 873	R-4

Hereafter, these properties shall be referred to as the “Subject Properties.” They are located in Ward 8, south of the Anacostia River, east of the Potomac River, north of Southern Avenue, and generally west of Good Hope Road / 25th Street, S.E.

The purpose of this rezoning is to adopt zoning designations for the Subject Properties that are not inconsistent with the Comprehensive Plan for the National Capital: District Elements (“Comprehensive Plan”), adopted through the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300), and more consistent with prevailing neighborhood character.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 19, 2008, at 55 DCR 9873. The Commission took final action to adopt the amendments at a public meeting on October 20, 2008. This final rulemaking is effective upon publication in the *D.C. Register*.

Setdown Proceeding

The Office of Planning (“OP”) initiated this rulemaking by filing a report dated May 2, 2008 with the Commission. The OP report recommended rezoning certain properties in Ward 8 from R-5-A to the R-2, R-3, and R-4 Zone Districts to better ensure that new development is more consistent with the prevailing character of surrounding neighborhoods.

At its regularly scheduled public meeting on May 12, 2008, the Commission considered the petition, and set the case down for a public hearing as a rulemaking case. The Commission published a notice of public hearing in the *D.C. Register* on June 13, 2008 at 55 DCR 6445.

Public Hearing

The Commission held a properly noticed public hearing on July 28, 2008 to consider the case.

OP, through a written report submitted into the record and verbal testimony at the hearing, testified in support of the map amendments. OP stated that it studied the areas in Ward 8 currently zoned R-5-A, and found areas where the existing housing types were not consistent with the zoning. OP noted that the R-5-A zoning in these areas could result in development that is inconsistent with Comprehensive Plan policies, and different from the prevailing character and development patterns of the neighborhood. OP stated that it recommended rezoning the Subject Properties to the R-2, R-3, or R-4 Zone District, depending on the prevailing character of the neighborhood and to be consistent with the Comprehensive Plan.

Relationship to the Comprehensive Plan

The map amendments are not inconsistent with the Comprehensive Plan. The Comprehensive Plan includes specific references to changing the R-5-A zoning in Wards 7 and 8 where that would permit new development that is inconsistent with prevailing development patterns. The Future Land-Use Map of the Comprehensive Plan designates the Subject Properties for low- to moderate-density residential development, and the proposed map amendments from R-5-A zoning to the R-2, R-3, or R-4 Zone Districts conform with those designations.

Great Weight to the Advisory Neighborhood Commission (“ANC”)

The Commission is required under D.C. Official Code § 1-309.10(d) to give great weight to the affected ANCs' written recommendation. None of the affected ANCs were represented at the public hearing, and none provided a written recommendation.

Proposed Action

Immediately following the public hearing on July 28, 2008, the Commission unanimously took proposed action to approve the map amendment.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on September 19, 2008 at 55 DCR 9873 for a 30-day notice and comment period. No comments were received.

The proposed rulemaking also was referred to NCPC under the terms of § 492 of the District of Columbia Charter. NCPC by report dated August 29, 2008, commented that the proposed text amendment would not adversely affect the identified federal interests.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency.

Final Action

At its regularly scheduled public meeting of October 20, 2008, the Commission took final action to approve this amendment to the Zoning Map.

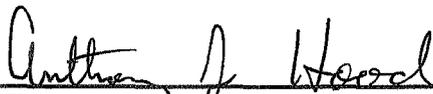
Based on the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and Zoning Regulations, and not inconsistent with the Comprehensive Plan.

Vote of the Zoning Commission taken at the conclusion of the public hearing on July 28, 2008 to **APPROVE** the proposed rulemaking: **5-0-0** (Anthony J. Hood, Michael G. Turnbull, Gregory N. Jeffries, Curtis L. Etherly, Jr., and Peter G. May to approve).

Vote of the Zoning Commission taken at a regularly scheduled public meeting on October 20, 2008 to **ADOPT** the final rulemaking: **4-0-0** (Anthony J. Hood, Michael G. Turnbull, Gregory N. Jeffries, and Peter G. May to adopt; Curtis L. Etherly, Jr., not present, not voting).

Vote of the Zoning Commission taken at a regularly scheduled public meeting on March 22, 2010 to **ADOPT** the technical corrections to Order No. 08-12A: **5-0-0** (Anthony J. Hood, Michael G. Turnbull, William W. Keating III, Konrad W. Schlater, and Peter G. May to adopt).

In accordance with the provisions of 11 DCMR § 3028, this Corrected Order became final and effective upon its publication in the *D.C. Register* on November 14, 2008.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



JAMISON L. WEINBAUM
DIRECTOR
OFFICE OF ZONING

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-12

JUL 30 2010

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Corrected Order No. 08-12A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. ANC 8A
2100-D M.L.K. Jr. Avenue, SE
Washington, DC 20019
2. ANC 8B
1809 Savannah St., SE, Suite A
Washington, DC 20020
3. ANC 8C
3125 MLK Jr., Avenue, SE
Washington, DC 20032
4. ANC 8D
4601 M.L.K. Jr. Avenue, SW
Washington, DC 20032
5. ANC 8E
1107 Savannah St. SE
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7. Councilmember Marion Barry
8. DDOT (Karina Ricks)
9. Zoning Administrator (Matthew LeGrant)
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12. Office of the Attorney General (Alan Bergstein)
13. Phillip Appelbuam, Chief Assessor
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ATTESTED BY:


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