

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**Zoning Commission**



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

**AND**

**Z.C. ORDER NO. 11-23**

**Z.C. Case No. 11-23**

**(ANC 8B -- Map Amendment @ Squares 5729 & 5729W)**

**June 11, 2012**

The Zoning Commission for the District of Columbia, (Commission) pursuant to its authority under § 1 of the Zoning Act of 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2008 Repl.)), hereby gives notice of its adoption of amendments to the Zoning Map to rezone Squares 5729 and 5729W from the R-3 Zone District to the R-5-A Zone District. Pursuant to 11 DCMR § 106.10, the official Zoning Map and all explanatory material on the map is incorporated by reference and made a part of title 11 of the DCMR, ZONING.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 27, 2012, at 59 DCR 3713. The amendments shall become effective upon publication of this notice in the *D.C. Register*.

In a petition dated November 17, 2011, ANC 8B requested the Commission to rezone Squares 5729 and 5729W from the R-3 Zone District to the R-5-A Zone District. These properties were among the R-5-A zoned properties in Ward 8 rezoned to R-3 in Z.C. Case No, 08-12. The rezonings became effective through the publication of a notice of final rulemaking and Z.C. Order No. 08-12 on November 14, 2008.

In its report to the Commission dated December 2, 2011, the Office of Planning (OP) indicated that although the rezoning of Squares 5729 and 5729W to R-3 was not inconsistent with the Comprehensive Plan's policies, ANC 8B was concerned that the intent of those policies would not be achieved for properties within those squares. The ANC was particularly concerned that the new R-3 zoning would no longer permit new multi-family dwellings, leaving one-family dwellings as the only residential use permitted. The ANC believed that the development of such dwellings on existing vacant parcels within the two squares would not be in character with the neighborhood. In addition, the ANC believed that the new R-3 designation for the two squares could have the unintended consequences of rendering vacant lots undevelopable and leaving improved properties with minimal redevelopment opportunities.

OP noted that it strongly supported the development of infill lots and the reuse of vacant buildings and properties and was supportive of measures to ensure that new development would be more consistent with the prevailing neighborhood character.

At its regular public meeting held December 12, 2011, the Commission set down this case for a public hearing.

A public hearing was scheduled for and held on April 12, 2012. At the close of the hearing, the Commission authorized the publication of a notice of proposed rulemaking in the *D.C. Register* and a referral to the National Capital Planning Commission (NCPC) for the thirty (30)-day period of review required under § 492 of the District Charter.

The NCPC Executive Director, through a delegated action dated May 7, 2012, found that the proposed map amendments would not adversely affect the identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital.

As noted, a Notice of Proposed Rulemaking was published in the *D.C. Register* on April 27, 2012, at 59 DCR 3717, for a thirty (30)-day notice and comment period. No comments were received.

At a properly noticed public meeting held on June 11, 2012, the Commission took final action to adopt the map amendments.

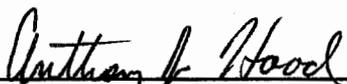
The Zoning Map of the District of Columbia is amended as follows:

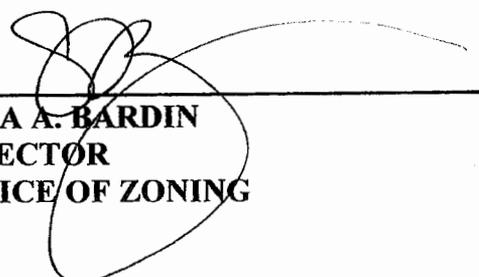
Square	Map Amendment
5729	R-3 to R-5-A
5729W	R-3 to R-5-A

On April 12, 2012, at the conclusion of the public hearing and upon a motion of Commissioner May, and seconded by Commissioner Cohen, the Zoning Commission **APPROVED** the petition by a vote of **5-0-0** (Anthony J. Hood, Konrad W. Schlater, Marcie Cohen, Peter G. May, and Michael G. Turnbull to approve).

On June 11, 2012, upon motion of Vice Chairman Cohen as seconded by Chairman Hood, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Marcie Cohen, Peter G. May, and Michael G. Turnbull to approve; Third Mayoral Appointee position vacant, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is on June 29, 2012.

  
\_\_\_\_\_  
ANTHONY J. HOOD  
CHAIRMAN  
ZONING COMMISSION

  
\_\_\_\_\_  
SARA A. BARDIN  
DIRECTOR  
OFFICE OF ZONING

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
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The full text of this Zoning Commission Order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



Z.C. CASE NO.: 11-23

JUN 28 2012

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this Z.C. Order No. 11-23 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |    |   |     |   |
|----|---|-----|---|
| 1. | <i>D.C. Register</i>  | 7.  | Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004   |
| 2. | Darrel Gaston Chair<br>ANC 8B<br>1809 Savannah Street, S.E., Suite A<br>Washington, D.C. 20020  | 8.  | Councilmember Yvette Alexander  |
| 3. | ANC 8B<br>1809 Savannah Street S.E., Suite A<br>Washington, DC 20020                            | 9.  | DDOT (Jamie Henson)   |
| 4. | Commissioner Betty Scippio<br>ANC/SMD 8B02<br>2740 Knox Terrace, S.E.<br>Washington, D.C. 20020 | 10. | Melinda Bolling, Acting General Counsel<br>DCRA<br>1100 4 <sup>th</sup> Street, S.W.<br>Washington, DC 20024  |
| 5. | ANC 7B<br>3200 S Street, S.E.<br>Washington, D.C. 20020   | 11. | Office of the Attorney General (Alan Bergstein)   |
| 6. | Commissioner Robin Marlin<br>ANC/SMD 7B05<br>3350 Erie Street, S.E.<br>Washington, D.C. 20020   | 12. | Robert Farr, Director<br>for Real Property Taxes<br>D.C. Assessor's Office<br>1100 4 <sup>th</sup> Street, S.W. 5 <sup>th</sup> Floor<br>Washington, DC 20024 |

ATTESTED BY:

A handwritten signature in black ink, appearing to read "S. S. Schellin", is written over a horizontal line.

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