

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 219

JUNE 8, 1978

EMERGENCY ORDER

Whereas, the Zoning Regulations of the District of Columbia concerning the SP District allow an existing building to be converted to office use as a matter-of-right, but the Regulations require that a new building to be constructed for office use be approved by the Board of Zoning Adjustment as a special exception, and

Whereas, the Zoning Commission has received testimony that there are at least two existing apartment buildings, the Boston House at 1711 Massachusetts Avenue, N.W. and the Governor Shepherd Apartment at 2121 Virginia Avenue, N.W., which are located in an SP zone and portions of which are in the process of being converted to office use, and

Whereas, the Zoning Commission has also received testimony that there are other residential buildings in the SP District which may be subject to conversion to office use at any time, and

Whereas, the Zoning Commission believes that the above cited buildings and other potential conversions constitute a trend toward the reduction of the number of dwelling units in the SP District, and

Whereas, the District of Columbia is currently experiencing a severe housing shortage, and

Whereas, the District of Columbia has an overall housing vacancy rate of approximately four per cent, and

Whereas, the Zoning Commission believes that the reduction of the number of units in the housing stock and the conversion of such units to office space should be evaluated in each case before such conversions are allowed, and

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Whereas, the pending conversions of the two cited buildings and other potential conversions pose an immediate threat to the public health, safety and general welfare, and

Whereas, the Zoning Commission currently has pending before it in Case No. 78-2 proposed changes to the SP District which would require that the conversion of residential uses to office uses be approved by the Board of Zoning Adjustment as a special exception, and

Whereas, if the Zoning Commission were not to adopt this amendment to the Regulations on an emergency basis, it is possible that a significant number of buildings would be converted to office use prior to adoption of the amendment under consideration in Case No. 78-2, thus frustrating the Commission's intentions in that case, and

Whereas, the amendment to be adopted herein does not disallow conversions to office use in the SP District but requires that such conversions be reviewed and approved by the Board of Zoning Adjustment, and

Whereas, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, as amended by Act of March 4, 1942, 56 Stat. 122) establishes the authority of the Zoning Commission "to promote the health, safety, morals, convenience, order, prosperity, or general welfare of the District of Columbia," and

Whereas, Section 1-1505 of the District of Columbia Code authorizes the Zoning Commission to take emergency action for a period not to exceed 120 days "for the immediate preservation of the public peace, health, safety, welfare, or morals,"

Now Therefore, the Zoning Commission resolves that an emergency exists and that it is imperative that the Zoning Commission immediately amend the Zoning Regulations to regulate the conversion of buildings from residential use to office use in SP Districts.

Therefore, the Zoning Commission hereby orders for a period not to exceed 120 days from June 8, 1978, the following amendments to the Zoning Regulations:

1. Delete Paragraph 4101.35, to eliminate as a matter-of-right the conversion of existing buildings to offices. Paragraph 4101.35 reads as follows:

4101.35 - Conversion of an existing building into offices for a chancery, nonprofit organization, labor union an architect, dentist, doctor, engineer, lawyer, or similar professional person. (As amended Feb. 19, 1959).

2. Amend Paragraph 4101.42 to require conversion of existing buildings to offices to be approved by BZA. Paragraph 4101.42 would then read as follows:

4101.42 - The construction of new office buildings or the conversion of existing buildings into offices for a chancery, nonprofit organization, labor union, an architect, dentist, doctor, engineer, lawyer or similar professional person, provided that:

- a. The use is in harmony with existing uses on neighboring or adjacent property;
 - b. The use will not create dangerous or other objectionable traffic conditions;
 - c. The Board may require such special treatment in the way of screening of buildings, accessory uses, signs, and other facilities as it shall deem necessary to protect the value of neighboring or adjacent residential property; and,
 - d. Before taking final action on an application for such use the Board shall submit the application to the District of Columbia Department of Transportation for review and report.
3. Add to the table of special exceptions in Sub-section 8207.2 the following:

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conversion to office-chancery, SP District 4101.42
 labor unions, non-profit
 organizations, professional
 persons

This order shall take effect immediately



STEVEN E. SHER
Executive Director

Vote of the Commission taken at the public meeting held on
June 8, 1978: 4-0 (George M. White, John G. Parsons, Ruby
B. McZier and Walter B. Lewis to adopt this order, Theodore
F. Mariani not present, not voting).