

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 250
CASE NO. 75-6
December 14, 1978

On February 12, 1974, the Zoning Commission, by Order No. 87, adopted changes of zoning for portions of that area of the District of Columbia known as Friendship Heights, bounded by Western Avenue on the north, Fessenden Street on the south, 41st Street on the east and 47th Street on the west. At that time, the Commission directed that additional hearings be scheduled on the proposed sectional development plan for the area. However, that action had to await formal adoption by the Commission of Zoning Regulations governing the preparation, processing and adoption of all sectional development plans. Such regulations were adopted by the Commission by Order No. 97, dated September 27, 1974.

On July 1, 1974, Section 203 of the District of Columbia Self Government and Governmental Reorganization Act (the Home Rule Act) transferred to the Mayor the central planning authority of the District to coordinate planning activities and to prepare the District elements of the Comprehensive Plan. On January 2, 1975, the Home Rule Act altered the composition of the Zoning Commission, to replace the Mayor, and Chairman and Vice-Chairman of the City Council with three citizen members nominated by the Mayor and confirmed by the Council.

On June 12, 1975, the Zoning Commission reviewed the circumstances which had transpired regarding Friendship Heights, and directed that a public hearing on the proposed Sectional Development Plan be held. Such a hearing was held on December 10 and 11, 1975. Following the close of the hearing, and after extensive input from the Municipal Planning Office, the Friendship Neighborhood Coalition, affected owners of commercial and residential property in the area and many other interested individuals and groups, the Commission held a series of workshops on the proposed plan. After preparation of a proposed order by the staff, the Commission held another public hearing on January 26, 1978 to receive public comment on that proposed order.

After having given extensive consideration to all of the testimony and evidence, the Zoning Commission has determined that it is not appropriate to adopt the proposed Sectional Development Plan for the following reasons:

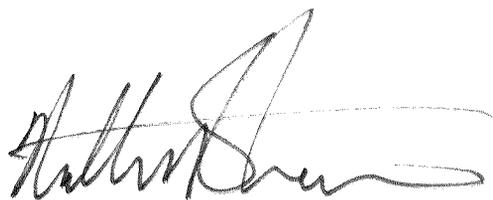
1. The Sectional Development Plan proposed is essentially a planning document, not a zoning document. Overall zoning changes prompted by the Friendship Heights planning process have already been made. The proposed sectional development plan contains provisions which are beyond the authority of the Zoning Commission to act upon, including proposals for street and alley closings, and capital improvements.
2. There is no specific case before the Zoning Commission which the proposed plan would effect. It would be inappropriate for the Commission to adopt guidelines for potential future zoning cases when the complete record of specific facts concerning those cases is not before the Commission.
3. The proposed plan would not be binding upon property owners, area residents or a future Zoning Commission, but would be purely advisory. The Commission will not render advisory opinions in advance of specific cases being presented.
4. At the time the entire concept of Sectional Development Plan was originally initiated, the District had no authority to do local planning, and the SDP regulation was seen as a method to provide an orderly local process for land use planning. Adoption of the Home Rule Act has given to the District, and specifically to the Mayor and the City Council, the authority to prepare and adopt a comprehensive plan and all its elements. The Zoning Commission will not interfere with the prerogatives of the Mayor and Council to do local planning. The Commission further believes that it would be presumptive of the powers of the Mayor and Council for the Zoning Commission to recommend plans to those bodies.

The Zoning Commission notes specifically that in its decision on this matter, the Commission takes no position on the merits of the proposals contained in the particular plan. The plan was presented to the Zoning Commission in connection with the rezoning accomplished in 1974, and served as a proper basis for the decision made in the specific case at issue at that time.

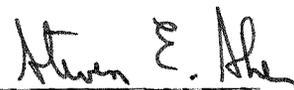
The Commission believes that the plan for Friendship Heights is a valuable document which has received considerable public and private input and comment. The Commission would be pleased for the Municipal Planning Office to submit the plan to the Commission or the Board of Zoning Adjustment for appropriate consideration on any specific case pending before either one of those bodies.

In consideration of the reasons set forth herein, it is therefore ordered that Case No. 75-6 is hereby DISMISSED.

Vote of the Commission taken at the public meeting held on November 9, 1978: 4-0 (Walter B. Lewis, Theodore F. Mariani, John G. Parsons and George M. White to dismiss, Ruby B. McZier not present, not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on December 14, 1978 by a vote of 5-0 (Theodore F. Mariani, Ruby B. McZier, Walter B. Lewis, John G. Parsons and George M. White to adopt).

In accordance with Section 3.6 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 15 DEC 1978.