

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 291

CASE NO. 79-1
August 9, 1979

EMERGENCY ORDER

Whereas, on February 8, 1979, the Zoning Commission considered and discussed whether an emergency existed in the District of Columbia regarding the location of hotels in residential districts, and

Whereas, at that time, the Zoning Commission determined that no such emergency existed but that hearings on the entire issue of the regulation of hotels should be scheduled on an expedited basis; and

Whereas, hearings on the subject were held on April 2, May 7, and June 11, 1979, at which hearings the Zoning Commission heard testimony from many persons on a large variety of issues concerning hotels; and

Whereas, the Zoning Commission could not take proposed action on the case at the public meeting held on July 12, 1979 because only two Commissioner's who heard the case were present; and

Whereas, the Zoning Commission discussed the case at the public meeting held on August 9, 1979, but did not take proposed action at that time because of the highly complicated nature of the case; and

Whereas, the Zoning Commission has been made aware that the Washington Hilton is negotiating to acquire three apartment buildings in an R-5-C District at 1954, 2006 and 2022 Columbia Road, N. W., for the purpose of expanding the present hotel; and

Whereas, there may be other hotels similarly situated in R-5 residential districts which are planning to expand; and

Whereas, under the present Zoning Regulations in an R-5-C

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District, hotels are permitted as a matter-of-right;
and

Whereas, if the Washington Hilton and other hotels are permitted to expand as a matter-of-right, such expansion could effectively pre-empt the options of the Zoning Commission in deciding the case, and preclude the Commission from acting to protect the health safety and general welfare of the District of Columbia; and

Whereas, Section 1 of the Zoning Act (Act of June 20, 1938, 52 Stat. 797, also cited as Section 5-413 of the D. C. Code) 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 necessary to take immediate action to preserve the status quo and to prohibit any new or expanded hotels from locating in residential districts until the Zoning Commission has made a decision on this case. It is therefore ORDERED that Paragraph 3105.34, which permits hotels as a matter-of-right in R-5-B, R-5-C and R-5-D Districts shall be revised as follows:

"Hotel, only in R-5-B, R-5-C, or R-5-D Districts, provided that no residential structures existing upon the effective date of this order may be razed or converted for this purpose."

This amendment shall take effect immediately, and shall remain in effect for 120 days, or until permanent amendments regarding hotels are adopted by the Zoning Commission

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and become effective under the Rules of Procedure, which-
ever comes first.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION


STEVEN E. SHER
Executive Director