

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 302

CASE NO. 79-1

DECEMBER 3, 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 has been considering the case since the close of the hearing, but has not taken proposed action because of the highly complicated nature of the case; and

Whereas, the Zoning Commission was made aware that the Washington Hilton was 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, it was and still is likely that there are other hotels similarly situated in R-5 residential districts which are planning to locate or expand into buildings containing existing apartments; and

Whereas, if the Washington Hilton and other hotels were 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, on August 9, 1979, the Zoning Commission adopted Order No. 291, which amended the Zoning Regulations on an emergency basis to preserve the status quo and prevent any new or expanded hotel from razing or converting existing residential structures; and

Whereas, the amendments contained in Order No. 291 can remain in effect for no longer than 120 days, and will thus expire on December 7, 1979; and

Whereas, the Zoning Commission has requested further staff work from the Office of Planning and Development in order to understand the implications of the case; and

Whereas, the Zoning Commission requires additional time to complete its deliberations on the case, and then will require additional time to refer the matter to the National Capital Planning Commission and complete a rule-making process as required by the District of Columbia Administrative Procedures Act; and

Whereas, the same conditions exist today to threaten the public welfare which existed on August 9, 1979, and if the emergency amendment expires without permanent regulations in effect, the location or expansion of hotels in residential districts could effectively pre-empt the options of the Zoning Commission in deciding the case; 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 continue to preserve the status quo and to prohibit any new or expanded hotels from displacing existing residential structures 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 in R-5 Districts, shall be revised to read 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 and become effective under the Rules of Procedure, whichever comes first.

BY ORDER OF THE DISTRICT OF COLUMBIA ZONING COMMISSION



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on December 3, 1979 by a vote of 3-0 (Walter B. Lewis, Theodore F. Mariani and Ruby B. McZier to adopt, John G. Parsons not voting, not having heard the previous case, George M. White not present, not voting).