

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 504

Case No. 86-20

October 6, 1986

(DHCD - Map Amendment)

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on September 29, 1986. At that hearing, the Zoning Commission considered an application from Madeline M. Petty, Director of District of Columbia Department of Housing and Community Development, for review and approval of a map amendment, pursuant to Section 9103. of the Zoning Regulations of the District of Columbia. The public hearing was conducted in accordance with the provisions of Chapter 6 of the Rules of Practice and Procedure before the Zoning Commission.

FINDINGS OF FACT

1. The application was filed September 4, 1986, and requested review and approval of a map amendment from C-M-2 to R-5-B for a portion of lot 209 in Square 204. Lot 209 in Square 204 is the location of the Reeves Municipal Center,
2. The specific site which is the subject of the request for a map amendment ("the site") is bounded as follows: beginning at a point which is located on the western boundary of Lot 209 in Square 204 and is 160 feet due south of V Street, due south 24 feet; thence due east 80 feet; thence due north 24 feet; thence due west 80 feet to the point of beginning.
3. The applicant is the District of Columbia Department of Housing and Community Development.
4. The applicant intends to Lease to a private developer, for a term of 99 years, airspace over a portion of the existing Reeves Center building.
5. The private developer, Parcel 13 Associates Limited Partnership, proposes to construct a multi-family residential building with thirty-two dwelling units, nine of which will be reserved for rental to families with low or very Low incomes.

6. The Zoning Commission, at its monthly meeting of September 8, 1986, determined for reasons set forth in the notice of public hearing (Exhibit No, 31; 38 DCR 5763 (1986)) that there was good cause to waive 20 days of the 30-day notice requirement of D.C. Code Section 1-261(b), and granted a motion for expedited hearing on the application.
7. The R-5-B District permits matter-of-right development of general residential uses, including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8, and a maximum height of sixty feet.
8. The C-M-2 District permits medium bulk commercial and light manufacturing uses, to a maximum floor area ratio (FAR) of 4.0 and a maximum height limit of sixty feet, with new residential uses prohibited.
9. The site is located at 1414 V Street, N.W., in a square which is bounded by 14th, 15th, U, and V Streets, N.W., and consists of approximately 1,920 square feet at the rear of the entrance to the Reeves Center garage. The site is vacant and undeveloped.
10. The extant zoning pattern in the area of the site includes significant non-industrial zoning, that is: R-5-B to the immediate north and west, R-5-C farther west in the block, and C-2-A to the southwest.
11. The site is in a mixed-use area recommended for medium-density residential and medium-density commercial development, according to the Land Use Element of the Comprehensive Plan.
12. The District of Columbia government has committed itself, through a policy initiative and contractual arrangements, to residential use of the airspace in the site. The Commission could not responsibly fail to consider this commitment. The practical result of this commitment is that the site is related more to the R-5-B zone category of the adjacent land, than it is to the C-M-2 category. Moreover, the applicant is an agency of the District of Columbia government, the owner of the industrial-zoned property which would be most directly affected by the proposed residential zone.
13. The proposed change in zoning is consistent with the goals, policies, and elements of the Comprehensive Plan for land use housing, and Low-and-moderate housing.
14. The Zoning Commission is in accord with the testimony of Advisory Neighborhood Commission 1B at the public hearing, and with ANC 1B's written statement in support.

15. There were no parties in opposition to the application at the public hearing or of record,
16. Rezoning the site to R-5-B is appropriate.
17. Upon consideration of all of the related elements of the Comprehensive Plan, rezoning the site is consistent with the District of Columbia Comprehensive Plan,
18. The proposed decision of the Zoning Commission in this application was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, by report dated October 2, 1986, found that R-5-B zoning would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.
19. The Zoning Commission finds the applicant has satisfied the criteria of Section 9101 of the Zoning Regulations of the District of Columbia.

CONCLUSIONS OF LAW

1. At the public hearing, the Zoning Commission was urged to deny the application, on the ground that the site is exempt from zoning controls because it is owned by the District of Columbia government, and is used and to be used for a public building and use. The Commission rejects this contention. On the facts of this case, as set forth particularly in Findings numbered 2 and 3, the exemption is inapplicable. Moreover, the applicant is the very entity which is the primary beneficiary of the exemption. As such, the applicant should not be denied relief which it believes is needed, that is, the requested zone map amendment, by the rigid application of a provision which is intended to be beneficial to it.
2. Rezoning to R-5-B as set forth herein is in accordance with the Zoning Act (Act of June 20, 1938, 52 Stat. 797) by furthering the general public welfare and serving to stabilize and improve the area.
3. Rezoning to R-5-B will promote orderly development in conformity with the entirety of the District of Columbia zone plan as set forth in the Zoning Regulations and Map of the District of Columbia.
4. Rezoning to R-5-B will not have an adverse impact on the surrounding neighborhood.
5. Rezoning to R-5-B would not be inconsistent with the Comprehensive Plan of the District of Columbia,

6. The Zoning Commission has accorded ANC-1B the "great weight" to which it is entitled.

DECISION

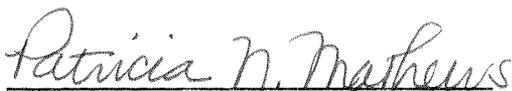
In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the following:

Change from C-M-2 to R-5-B that portion of lot 209 in Square 204 located at 1414 V Street, N.W., as shown on the plat marked as Exhibit No, 5 and Exhibit No. 3% of the record, which is bounded as follows: beginning at a point which is located on the western boundary of Lot 209 in Square 204 and is 160 feet due south of V Street, due south 24 feet; thence due east 80 feet; thence due north 24 feet; thence due west 80 feet to the point of beginning.

Vote of the Zoning Commission at the conclusion of the September 29, 1986 public hearing; 4-0 (Maybelle T. Bennett, Lindsley Williams, John G. Parsons and Patricia N. Mathews, to approve R-5-B - George M. White, not present, not voting).

This order was adopted by the Zoning Commission at its monthly meeting held on October 6, 1986, by a vote of 4-0 (Maybelle T. Bennett, Lindsley Williams, John G. Parsons, and Patricia N. Mathews, to adopt - George M. White, not voting, not having participated in the case.)

In accordance with Section 4.5 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is final and effective upon publication in the D.C. Register, specifically on October 10, 1986.


PATRICIA N. MATHEWS
Chairperson
Zoning Commission


EDWARD L. CURRY
Acting Executive Director
Zoning Secretarit