

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 520
Case No. 86-25
(Foreign Missions Map Amendment)
February 9, 1987

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on January 15, 1987. At that hearing session, the Zoning Commission considered proposed amendments to the Zoning Map of the District of Columbia, pursuant to Section 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The public hearing was conducted in accordance with the provisions of Section 3021 of the Zoning Regulations.

On August 24, 1982, the President of the United States approved the Foreign Missions Act; (Title II, Public Law 97-241, 96 Stat. 282, August 24, 1982). Among its provisions, the Act regulates the location, replacement or expansion of chanceries and international organizations in the District of Columbia. The Foreign Missions Act became effective on October 1, 1982.

Pursuant to a public hearing process, the Zoning Commission for the District of Columbia, by Z.C. Order No. 400 dated May 16, 1983, adopted amendments to the Zoning Regulations, the Zoning Map, and the Supplemental Rules of Practice and Procedure before the Board of Zoning Adjustment (BZA) to allow for the implementation of related key provisions of the Foreign Missions Act, so that the District of Columbia zoning process would not be in conflict with the Act.

Pursuant to a second public hearing process, on November 3, 1986, the Zoning Commission, by Z.C. Order No. 509, adopted additional amendments to the Zoning Regulations and Map to allow for the implementation of additional provisions of the Act.

Pursuant to the terms of the Home Rule Act, the National Capital Planning Commission (NCPC), by report dated October 2, 1986 to the Zoning Commission, requested the Zoning Commission to include three squares that were inadvertently omitted in the rezoning consideration that was associated with Z.C. Order No. 509. The Zoning Commission determined that the inclusion of those squares in the rezoning

consideration associated with Z.C. Order No. 509 was unlawful and would require a new public hearing process.

Consequently, the Zoning Commission has authorized and set a public hearing to consider a proposal to amend the Zoning Map of the District of Columbia to allow for the implementation of the Act. The specific proposal to amend the Zoning Map is as follows:

- a. Square 2711 = Change from R-1-B to D/R-1-B;
- b. Square 2712 = Change from R-1-B to D/R-1-B; and
- c. Square 5329 = Change from R-2 to D/R-2.

Squares 2711 and 2712 are bounded generally by Piney Branch Road, Iowa Avenue, and Gallatin, Emerson and 14th Streets, N.W. Square 5329 is bounded by Central Avenue, Ayers Place, and 50th and 51st Streets, S.E.

The R-1-B District permits matter-of-right development of single-family residential uses for detached dwellings with a minimum lot area of 5,000 square feet, a minimum lot width of 50 feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.

The R-2 District permits, matter-of-right development of single-family detached and semi-detached dwellings units with a minimum lot area of 3,000 square feet, a minimum lot width of thirty feet, a maximum lot occupancy of forty percent, and a maximum height of three stories/forty feet.

The Diplomatic (D) Overlay District, pursuant to the Foreign Missions Act, permits chanceries of Foreign Missions to locate, expand, or be replaced, subject to disapproval by the Board of Zoning Adjustment.

The District of Columbia Office of Planning (OP), by testimony presented at the public hearing and by memoranda dated November 6, 1986 and January 14, 1987 supported the proposal, with the exception of rezoning Square 2712. OP determined that Square 2712 is improved with a single-family residential use and should not have been included for rezoning consideration. OP recommended rezoning Squares 2711 and 5329, as advertised.

Advisory Neighborhood Commission 4C, by letter dated January 7, 1987, requested the Zoning Commission to delete the inclusion of Square 2712, and retain the existing R-1-B zoning because Square 2712 did not qualify for the D Overlay District mapping.

The Carter Barron East Neighborhood Association (CBENA), by letter dated January 14, 1987, opposed the rezoning of

Square 2712 from R-1-B to D/R-1-B. CBENA also believed that Square 2712 did not qualify for the D District rezoning.

Advisory Neighborhood Commission - 7E did not participate in the proceedings.

Subsequent to a ruling by the Chairperson that the Zoning Commission would not consider rezoning Square 2712, no persons testified at the public hearing in support or opposition to the remainder of the proposal before the Zoning Commission.

A notice of proposed rulemaking was published in the District of Columbia Register on January 2, 1987 (34 DCR 119). Other than the aforementioned letters, no additional comments were received as a result of the publication of the notice of proposed rulemaking.

The Zoning Commission concurs with the recommendation of the Office of Planning, and the position of ANC-4C and the CBENA.

The Zoning Commission believes that the proposed amendments to the Zoning Map are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for the National Capital.

The proposed action of the Zoning Commission to rezone Squares 2711 and 5329, as advertised, was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated February 5, 1987, found that the proposed amendment 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.

In consideration of the reasons set forth herein, the Zoning Commission hereby orders APPROVAL of the following amendments to the Zoning Map of the District of Columbia:

Change Square 2711 from R-1-B to D/R-1-B and Square 5329 from R-2 to D/R-2.

Vote of the Zoning Commission taken at the public hearing on January 15, 1987: 4-0 (George M. White, John G. Parsons, Maybelle T. Bennett and Patricia N. Mathews, to approve rezoning - Lindsley Williams, not present not voting).

This order was adopted by the Zoning Commission at its regular public meeting on February 9, 1987 by a vote of 3-0

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(Patricia N. Mathews, John G. Parsons, and Maybelle T. Bennett, to adopt - Lindsley Williams, not voting not having participated in the case, and George M. White, not present not voting).

In accordance with the provisions of Section 3028 of the Zoning Regulations, this order is final upon publication in the D.C. Register, that is on 27 FEB 1987.



LINDSLEY WILLIAMS
Chairman
Zoning Commission



EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

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