

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 597-A
Case No. 88-15
(Map Amendment Component - Deanwood)
February 13, 1989

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on November 21 & 28, 1988 to consider a proposal of the District of Columbia Office of Planning. The proposal is to amend the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, and/or amend the Zoning Map of the District of Columbia, pursuant to 11 DCMR 102. The public hearing was conducted in accordance with the provisions of 11 DCMR 3021.

Case No. 88-15 is an initiative of the Zoning Commission resulting from a letter dated March 7, 1988 from Ms. Dorothy Douglas, block captain of the Homeowners of the 4400 block of Minnesota Avenue, N.E. and Kane Place, N.E., requesting the Commission to rezone various properties in the Deanwood neighborhood. The Zoning Commission referred the matter to OP for its review and recommendation.

On August 8, 1988, at its regular monthly meeting, the Zoning Commission authorized a public hearing for a proposal of OP in Case No. 88-15. OP indicated that the purpose of its proposed amendments was to help establish development policies which would allow for further implementation of the Comprehensive Plan for the National Capital and/or discontinue the establishment of new uses that are incompatible with the Deanwood residential neighborhood.

The proposed OP amendments would create and map a new zone district known as the "Deanwood Commercial/Light Manufacturing Overlay District". The area within which the Deanwood Overlay District (DOD) would be mapped, includes the existing non-residentially zoned properties in Squares 5076, 5094, 5096, 5097, 5118, 5123, 5125, 5157, 5163, 5164, 5165, 5167, and 5170. OP proposed to rezone all of the above-mentioned properties from C-M-1 to C-2-B/DOD.

The Zoning Commission determined that it would also consider the following alternatives:

- a. Rezone all of the non-residentially zoned properties from C-M-1 to R-2 located east of the railroad tracks and including but not limited to Squares 5097, 5125, 5157, 5123 and 5170; and
- b. Rezone all of the non-residentially zoned properties from C-M-1 to C-2-A/DOD located east of the railroad tracks and including but not limited to Squares 5076, 5094 and 5096.

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 C-2-A District permits matter-of-right low density development, including office, retail and all kinds of residential uses, to a maximum floor area ratio (FAR) of 2.5 with non-residential uses limited to 1.5 FAR, a maximum height of fifty feet, and a maximum lot occupancy of sixty percent for residential uses.

The C-2-B District permits matter-of-right medium density development, including office, retail, housing, and mixed uses to a maximum height of sixty-five feet, a maximum FAR of 3.5 for residential and 1.5 for other permitted uses, and a maximum lot occupancy of eighty percent for residential uses.

The C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 3.0, and a maximum height of three stories/forty feet, with new residential uses prohibited.

The properties that were directly affected by the OP proposal are the properties that are presently zoned C-M-1 and are located within the area generally bounded by Kenilworth, Eastern & Minnesota Avenues, 44th Street, Hunt Place, and Jay Street, N.E.

The Office of Planning, by memorandum dated November 15, 1988 and by testimony presented at the public hearing, supported the DOD Overlay and the related rezoning, as modified. Subsequent to further study and with certain exceptions as contained in the OP memorandum, OP believes that C-2-A rezoning is an appropriate zone for the subject area. OP stated the following:

"Unlike the industrial area in Reed-Cooke for example, the C-M zoned area near Burroughs and Minnesota Avenues has, historically, not developed as a manufacturing center. This is not to say that C-M uses were not and are not present, for they are. But this area functions

as a local neighborhood commercial center, as opposed to a manufacturing center.

The nearby Kenilworth area west of the rail lines, did, in fact, develop as a manufacturing/industrial center with the attendant rail spurs and sidings, as well as providing access for large trucks. This has not been the case in the Burroughs/Minnesota area where most of the uses are those which are found in the C-1 and C-2-A districts elsewhere in the city.

OP observes that the Generalized Land Use Policies Map of the Comprehensive Plan (Map No. 1) designates this area as Low Density Commercial. C-2-A zoning is not inconsistent with this designation and supports OP's conclusions regarding the future of this area".

Advisory Neighborhood Commission - 7C, by testimony presented at the public hearing, indicated that ANC-7C voted to oppose the proposal. The ANC believed that the OP proposal failed to address the immediate problem of what would happen to a neighboring junkyard.

Advisory Neighborhood Commission - 7D, by letter dated November 20, 1988 and by testimony presented at the public hearing, opposed the inclusion of Squares 5076 and 5094 in the Deanwood Overlay District.

The Zoning Commission heard and received letters from various persons in support of and in opposition to the proposal, including but not limited to Councilmember John Ray, the Marshall Heights Community Development Organization, the Northeast Homeowners Ass'n., and the Deanwood Citizens Association. The Commission subsequently determined the further planning studies by OP and community interests were needed before the Commission could further consider the DOD component of the proposal.

By Z.C. Order No. 597 dated December 12, 1988, the Zoning Commission denied the OP text and map amendment proposal, with the exception of that C-M-1 zone district immediately east of the railroad tracks between Sheriff Road and Meade Street, N.E.

The Commission concurred with OP and determined that it would consider the above-mentioned rezoning.

A notice of proposed rulemaking was published in the D.C. Register on January 6, 1989 (36 DCR 200). That notice contained a proposed rezoning from C-M-1 to R-2 for the property east of the railroad tracks, including but not limited to Squares 5097, 5125, and 5157. The Commission received no comments in response to the notice of proposed rulemaking.

In the particular circumstances that affect the area that is rezoned by this Order, R-2 zoning is reasonable, albeit in proximity to a railroad line. The area includes a significant thriving residential neighborhood that should be protected from the further encroachment of industrial uses, including the expansion of at least one existing use that is incompatible with the existing residential uses, and which is in uncertain compliance with existing regulations,

The proposed action of the Zoning Commission 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 January 9, 1989, found that the proposed map amendments 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.

The Commission believes that the proposed amendments to the Zoning Map are in the best interest of the District of Columbia, are consistent with the purpose of the Zoning Regulations and Zoning Act, and are not 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 from C-M-1 to R-2 the property immediately east of the railroad between Sheriff Road and Meade Street N.E., including the existing C-M-1 zoned property in Squares 5097, 5125 and 5157.

Vote of the Zoning Commission taken at the public meeting on December 12, 1988 by a vote of 4-0 (Elliott Carroll, Lindsley Williams, Maybelle Taylor Bennett, and John G. Parsons, to approve R-2; Lloyd D. Smith, not voting, having recused himself).

This order was adopted by the Zoning Commission at the public meeting on February 13, 1989 by a vote of 4-0 (Elliott Carroll, Lindsley Williams, Maybelle Taylor Bennett, and John G. Parsons, to approve R-2; Lloyd D. Smith, not voting, having recused himself),

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In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is on NOV 03 1989


MAYBELLE TAYLOR BENNETT

Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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