Government of the District of Columbia

ZONING COMMISSION

ZONING COMMISSION ORDER NO. 655
CASE NO. 89-33
(MAP AMENDMENT @ 1836½ - 6th STREET, N.W.)
MARCH 12, 1990

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on February 5, 1990. At that hearing session, the Zoning Commission considered an initiative of the Commission to amend the District of Columbia Zoning Map, 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 11 DCMR 3022.

FINDINGS OF FACT

1. On October 16, 1989, the Zoning Commission authorized the scheduling of a public hearing for Z.C. Case No. 89-30 (Map Amendment from R-4 to C-2-A for lot 37 in Square 441 @ 1838 - 6th Street, N.W.). Subsequent to authorizing that hearing for Case No. 89-30, the Zoning Commission initiated action to consider a map amendment from C-2-A to R-4 for property contiguous to the property in Case No. 89-30.

2. The subject site in this case; that is, Case No. 89-33 is lot 820 (part of former lot 38) in Square 441. Lot 820 is immediately to the south of lot 37, in Square 441.

3. The action in Case No. 89-33 is being considered in conjunction with a request to rezone a portion of the neighboring property contiguous to and north of lot 820; that is, lot 37 in Square 441.

4. The subject site is improved with a two-story residential structure, and is located at 1836½ Sixth Street, N.W. Approximately one and one half (1½) square feet of lot 820 is affected by this initiative.

5. There are no known plans to redevelop this site.

6. 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.

7. The R-4 District permits matter-of-right development of residential uses (including detached, semi-detached and row single-family dwellings and flats) with a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and a maximum height limit of three stories/forty feet. Conversions of existing building to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit .

8. The District of Columbia Generalized Land Use Element Map of the Comprehenive Plan for the National Capital depicts the subject site in an area that includes "a moderate density residential category".

9. The existing zoning pattern in the subject square contains three mapped zones; C-M-1, C-2-A and R-4. C-M-1 is the largest of these and is generally located to the west of the subject site. C-2-A District is mapped to the north, and the R-4 District is mapped to the south and east of the subject site.

10. Existing land uses in the area include the neighborhood shopping area, the Howard Theatre, LeDroit Park, Historic District, Howard University, Howard University Hospital and residential uses.

11. In connection with the Zoning Commission's consideration of Z.C. Case No. 89-30, which appears to show an anomaly for the zone boundary line between the R-4 and C-2-A Districts at lot 37, the Commission determined that said anomaly similarly affects lot 820, the subject lot of this case; that is, Case No. 89-33.

12. If the zone boundary line between the R-4 and C-2-A Districts is perpendicular to Sixth Street as graphically shown, on the Zoning Map of the District of Columbia, then one or both of the expressed measurements for the zone boundary lines is incorrect. However, if the two expressed measurements for the zone boundary lines are correct, then the zone boundary line should not be graphically shown as being perpendicular to Sixth Street.

13. The aforementioned anomaly also affects lot 820 in that, approximately one and one half (1½) square feet of lot 820 appears to be zoned C-2-A.

14. The Zoning Commission received no comments from the owner of lot 820 in Square 441.

15. The District of Columbia Office of Planning (OP), by memorandum dated January 26, 1990 and by testimony presented at the public hearing, recommended that the case be approved. OP indicated that the Comprehensive Plan identifies the sites as appropriate for "moderate density residential development". Rezoning lot 820 to residential use would be consistent with a policy of the Comprehensive Plan, to support the appropriate development of the Howard Gateway area.

16. The District of Columbia Fire Department, by memorandum, dated January 29, 1990, concluded that development would have no impact affecting emergency operations and thereby has no objection to the request.

17. The District of Columbia Department of Public Works (DPW), by memorandum dated January 26, 1990, concluded that the request to down zone 1½ square feet of lot 820 from C-2-A to R-4 will have no impact on the present use of property and no impact on the transportation system in this area.

18. The District of Columbia Police Department, by letter dated January 24, 1990, concluded that the proposed map amendment will neither adversely affect the public safety in the area nor create a demand for additional police services.

19. The District of Columbia Department of Recreation by memorandum dated December 21, 1989, offered no comment on the proposed map amendment since this case has no impact on recreational facilities or programs.

20. The District of Columbia Department of Business and Economic Development, by memorandum dated January 2, 1990, offered no comment in reference to the subject application.

21. Advisory Neighborhood Commission (ANC) 2C, by letter dated February 2, 1990, voted to take no formal action regarding the application.

22. The Zoning Commission concurs with the recommendation and positions taking by OP and others, and finds that rezoning the C-2-A portion of the subject lot to R-4 will correct the anomaly associated with the site.

23. The Zoning Commission finds that the rezoning to R-4 is in best interest of the District of Columbia and is consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

24. The proposed decision to approve R-4 rezoning was referred to the National Capital Planning Commission (NCPC) under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC report dated March 9, 1990, found that the proposed zoning map 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.

CONCLUSIONS OF LAW

1. Rezoning to R-4 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.

2. Rezoning to R-4 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.

3. Rezoning to R-4 will not have an adverse impact on the surrounding neighborhood.

4. Rezoning to R-4 is appropriate for the site.

5. Rezoning to R-4 would not be inconsistent with the Comprehensive Plan for the National Capital.

6. Approval of this application is consistent with the Declaration of Major Policies of the Housing Element of the Comprehensive Plan.

7. Rezoning to R-4 would be consistent with the Shaw Urban Renewal Plan.

8. The Zoning Commission has accorded ANC 2C the "great weight" to which it is entitled.

9. This rezoning is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.

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 amendment to the District of Columbia Zoning Map:

Change from C-2-A to R-4 that portion of lot 820 in

Square 441 that is presently zoned C-2-A and located at 1836½ Sixth Street, N.W.

Vote of the Commission taken at the conclusion of the public hearing on February 5, 1990: 5-0 (Maybelle Taylor Bennett, Tersh Boasberg, Lloyd D. Smith, William L. Ensign, and John G. Parsons, to approve R-4).

This order was adopted by the Zoning Commission at the public meeting on March 12, 1990 by a vote of 5-0 (John G. Parsons, Maybelle Taylor Bennett, William L. Ensign, Lloyd D. Smith, and Tersh Boasberg, to adopt as amended).

In accordance with 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is, on MAR 23 1990.

TERSH BOASBERG
Chairman
Zoning Commission

EDWARD L. CURRY
Executive Director
Zoning Secretariat

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