

Government of the District of Columbia

ZONING COMMISSION



**ZONING COMMISSION ORDER NO. 681-F**  
**Case No. 91-15/89-25**  
**(Transferable Development Rights, II)**  
**May 10, 1993**

The Zoning Commission for the District of Columbia initiated this case as a result of a proposal by the Office of Planning (OP) to consider and adopt appropriate amendments to the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning. The proposed amendments would assist in the adaptive reuse of historic buildings in the Downtown Development District (DDD), and assist in the achievement of residential uses and population in downtown.

Amendments to the text of the Zoning Regulations of the District of Columbia are authorized, pursuant to the Zoning Act (Act of June 20, 1938, 52 Stat. 797, as amended, Section 5-413 et seq., D.C. Code, 1981 Ed.). The public hearing was held in accordance with the provisions of 11 DCMR 3021.

On January 14, 1993, the Commission conducted a public hearing in this proceeding. All testimony presented was in support of the proposed amendments. The Office of Planning (OP) by its report dated December 29, 1992, and by oral testimony at the public hearing stated that the proposed amendments would make it possible for a required housing component to be provided in historic buildings that are outside of the three housing priority areas of the Downtown Development District.

OP further testified that when Case No. 89-25 (DDD) was initially before the Commission, it was not anticipated that adaptive reuse of historic buildings for residential purposes would occur or be economically feasible. Consequently, no explicit provisions were adopted for that purpose. OP recommended adoption of the text as advertised, together with any refinements that may occur during the public hearing.

There was no correspondence from any Advisory Neighborhood Commission (ANC) about the proposed amendments nor did any ANC representative appear to testify at the hearing.

Representatives from the Farr Companies and Calvary Baptist Church testified in support of the proposed amendments. These two organizations have determined that they would benefit as partners in a combined lot development pursuant to the proposed amendments.

The Commission believes that its proposed action to approve the proposed amendments to assist in the adaptive reuse of historic

buildings in the DDD is in the best interests of the District of Columbia, is consistent with the intent and purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

A notice of proposed rulemaking was published in the District of Columbia Register on April 2, 1993 (40 DCR 2289). No comments were received as a result of the publication of the notice.

The proposed decision to approve the amendments 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 April 1, 1993, found that the proposed amendments are not inconsistent with the Comprehensive Plan for the National Capital, and that in the absence of actual physical proposals, NCPC is unable to assess the impact that the development requirements may have on the Federal establishment or other Federal interests in the National Capital.

On May 10, 1993 at its regular monthly public meeting, the Zoning Commission for the District of Columbia considered draft Z.C. Order No. 681-F, and the NCPC report before taking final action in this case.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** of the amendments to the Zoning Regulations to assist in the adaptive reuse of historic buildings downtown. The specific amendments to the Zoning Regulations are as follows:

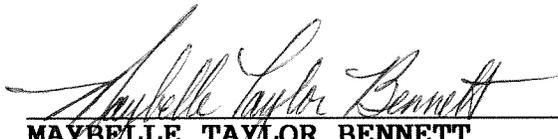
1. Amend paragraph 1708.1(c) by adding "except as provided in paragraph (d) of this subsection;"
2. Renumber existing paragraphs 1708.1(d) through 1708.1(l) to 1708.1(e) through 1708.1(m) and add a new paragraph 1708.1(d) to read as follows:
  - d. Notwithstanding the requirements of paragraph (c) of this subsection and of subsection 1706.9 of this chapter, a historic property that is identified and governed by subsection 1707.4 of this chapter, is eligible to serve as the location of required residential uses within a combined lot development, even if the historic properties are located outside the Housing Priority Area as established in subsection 1706.2.

ZONING COMMISSION ORDER NO. 681-F  
CASE NO. 91-15/89-25  
PAGE NO. 3

Vote of the Zoning Commission taken at the February 8, 1993 monthly meeting: 3-0 (Maybelle Taylor Bennett, Tersh Boasberg and William L. Ensign, to approve - Lloyd D. Smith and John G. Parsons, not voting, not having participated in the case).

This order was adopted by the Zoning Commission at its monthly meeting on May 10, 1993 by a vote of 3-0 (Maybelle Taylor Bennett, Tersh Boasberg and William L. Ensign to adopt; John G. Parsons not voting, not having participated in the case and Lloyd D. Smith not present, not voting.

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is on JUN 11 1993.

  
MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission

  
MADELIENE H. ROBINSON  
Director  
Office of Zoning

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