

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 933

Case No. 00-22TA

(Text Amendment of Chapter 19 -1400 Block of Church Street, N.W.)

November 13, 2000

DISMISSAL ORDER

On June 24, 2000, the Office of Zoning received a petition from Mr. David Stephens, Vice-chair of ANC 2F. The petition requested the Zoning Commission for the District of Columbia to review and adopt proposed changes to Title 11 DCMR Chapter 19, "Uptown Arts Mixed Use Overlay (Arts) District", § 1902 (Height and Bulk) and § 1904 (Bonuses), which would specifically affect the 1400 block of Church Street, N.W.

This case relates to the area generally bounded by 14th Street, N.W. to the east, 15th Street, N.W. to the west, Rhode Island Avenue, N.W. to the south, and the alley between Church and Q Streets, N.W. to the north.

The proposal would limit development north and south on Church Street to a height of fifty (50) feet, including roof structures. Under the existing Arts/C-3-A zoning, a maximum height of (seventy-five) 75 feet is allowed.

The petition set forth the following proposed text amendments:

1902 **Height and Bulk**

1902.1 no change

1902.2 no change

1902.3 no change

1902.4 Notwithstanding the provisions set forth in this subchapter, if a building is located on a lot that abuts a street that is adjacent to a residential zone and the street is less than sixty feet (60 ft.) in width, then no part of the building, including roof structures, may be constructed to a height in excess of the measured width of that abutting street. Properties subject to this paragraph shall not be eligible for bonuses as set forth in section 1904.

1904.5 (Former 1902.4)

1904 Bonuses

1904.1 no change

- (a) no change
- (b) no change
- (c) Properties subject to Section 1902.4 shall not be eligible for Bonuses as set forth in this subchapter.

Reasons For Dismissal

Pursuant to 11 DCMR § 3011.1, and by memorandum dated August 22, 2000, the Office of Zoning referred the petition to the District of Columbia Office of Planning for a preliminary report and for recommendation as to whether the application had sufficient merit to warrant authorization of a public hearing.

By memorandum (preliminary report) dated November 6, 2000, the Office of Planning recommended that the application not be set down for further review. The Office of Planning, in summary, stated that the issue of limiting building heights along Church Street to 50 feet was considered at the time of the creation of the Uptown Arts-Mixed Use Overlay zone and was not adopted. Since that time, there has been no change to the situation on Church Street that would alter the Commission's reasoning behind its original rejection of this proposal for a fifty-foot height limit. The proposed development of the area today is proceeding as envisioned by the Overlay Arts-Mixed Use district.

Furthermore, the Historic Preservation Review Board (HPRB) has jurisdiction to review proposed developments along Church Street and to date has reviewed and approved several projects along Church Street. As a part of its review, the issue of appropriate building heights along Church Street was extensively examined (HPRB) in order to protect the historic character of the area as well as to consider the impact on houses that front on Q Street. Therefore, the Office of Planning concluded that an amendment to the Zoning Regulations is not warranted.

On November 13, 2000, at its regular monthly meeting, the Zoning Commission for the District of Columbia considered the application to determine whether to authorize the scheduling of a public hearing. The Commission concurs with the rationale of the Office of Planning that the issue has already been considered at great length and the current regulations governing this district are appropriate.

The Commission concurs with the findings of the Office of Planning that the application does not warrant a public hearing.

DECISION

Upon consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia, pursuant to 11 DCMR § 3011.3 hereby **DISMISSES** the petition in Z.C. Case No. 00-22TA without a public hearing.

Vote of the Zoning Commission taken at its regular monthly meeting on November 13, 2000: **5-0-0** (John G. Parsons, Kwasi Holman, Anthony J. Hood, Carol J. Mitten and Herbert M. Franklin to dismiss the petition without a public hearing).

In accordance with 11 DCMR § 3028, this order is final and effective upon publication in the DC Register on AUG 10 2001.



CAROL J. MITTEN
Chairman
Zoning Commission



JERRILY R. KRESS, FAIA
Director
Office of Zoning