

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

BOARD OF ZONING ADJUSTMENT
District of Columbia

CASE NO. 18286
EXHIBIT NO. 27

and

Z.C. ORDER NO. 06-07

Z.C. Case No. 06-07

(Map Amendment – Square 2930, Lots 73 and 74; and
Square 2931, Lots 48, 49, 77, 78, 79, and 94)
September 11, 2006

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, *et seq.*, as amended; D.C. Official Code §§ 6-641.01 and 6-641.03), having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03) and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to 11 DCMR §§ 3025.3 and 3028.1, hereby gives notice of its adoption of an amendment to the Zoning Map of the District of Columbia that rezones Square 2930, Lots 73 and 74, from C-2-A to R-1-B, and Square 2931, Lots 48, 49, 77, 78, 79, and 94, from C-2-A to R-3.

The Commission took final action to adopt the map amendment at a public meeting held on September 11, 2006.

This final rulemaking is effective upon publication in the *D.C. Register*.

The purpose of this rezoning initiative is to adopt a zoning designation for the subject properties that is not inconsistent with the District Elements of the Comprehensive Plan for the National Capital. The map amendment applies to certain properties located on the south side of Ingraham Street, N.W., the north side of Ingraham Street, N.W., and the south side of Jefferson Street, N.W., all between Georgia Avenue, N.W. and 13th Street, N.W.

The subject properties are currently within the C-2-A (low- and medium-density community business center) Zone District, which runs along both sides of Georgia Avenue, N.W. and extends west from Georgia Avenue to include these properties. The subject properties, however, all front on residential side streets and are designated as medium-density residential by the Comprehensive Plan Generalized Land Use Map.

The properties on the south side of Ingraham Street, N.W. are bordered by an R-1-B Zone District to the west and C-2-A Zone Districts to the north, south, and east. The properties

on the north side of Ingraham Street, N.W. and the south side of Jefferson Street, N.W. are bordered by an R-3 Zone District to the west, C-2-A Zone Districts to the north and east, and C-2-A and R-1-B Zone Districts to the south. To the west of the subject properties, along Ingraham Street, N.W. and Jefferson Street, N.W., are predominantly row dwellings.

The case was initiated by Barry Student, Marsha Nickens, Mary Blake, Linda Dowell, Harold Brooks, Robin Wallace, Janita Cunningham, and Anneliese Bruner, who proposed to rezone all the subject properties from C-2-A to R-3 as a zoning consistency map amendment.

The Zoning Map designates the subject properties within the C-2-A Zone District. The C-2-A Zone District is designed to provide facilities for shopping and business needs, housing, and mixed uses outside of the central core and is located in low- and medium-density residential areas with access to main highways that include offices, shopping centers, and medium-bulk mixed-use centers. The C-2-A Zone District permits a maximum floor area ratio (FAR) of 2.5, of which no more than 1.5 FAR may be devoted to non-residential uses; 50-foot maximum building height; and maximum lot occupancy of 60 percent for residential development and 100 percent for non-residential development.

At the public meeting held on February 13, 2006, the Commission set down for a hearing the petition to rezone the subject properties from C-2-A to R-3. The Commission also set down, in the alternative, the rezoning of the subject properties on the south side of Ingraham Street (Square 2930, Lots 73 and 74) to R-1-B. The Commission indicated that the hearing would be conducted as a rulemaking. A notice of public hearing setting forth both alternatives was published in the *D.C. Register* on March 10, 2006, at 53 DCR 1693, with a Corrected¹ Notice of Public Hearing published on March 24, 2006, at 53 DCR 2190.

At the public hearing held on April 24, 2006, witnesses testified both in favor and against the petition. Advisory Neighborhood Commission (ANC) 4C recommended approval of the petition by resolution dated April 11, 2006.

At the hearing, the Office of Planning ("OP") submitted a final report recommending approval of an R-3 Zone District for the subject properties in Square 2931 and an R-1-B Zone District for the subject properties in Square 2930, because this would be consistent with the Land Use Element and Ward 4 Element of the Comprehensive Plan. In particular, OP stated that the proposed map amendment would further Plan objectives regarding non-residential and disruptive uses in residential neighborhoods (§ 1102.1). OP stated that the map amendment would support the land use designation change to moderate-density residential that includes the subject properties (§ 1139.39). OP also testified that the proposed map amendment would not be inconsistent with the Comprehensive Plan Generalized Land Use Map designation of the subject lots as moderate-density residential.

¹The original Notice of Public Hearing listed incorrect lot numbers for Square 2931.

The Commission left the record open until April 28, 2006 for the filing of the Affidavit of Maintenance. The Affidavit of Maintenance was filed on April 28, 2006.

At its regularly scheduled monthly meeting on May 8, 2006, the Commission took proposed action pursuant to 11 DCMR § 3027 to approve the map amendment to R-3 for the subject lots in Square 2931, as advertised, and the map amendment to R-1-B for the subject lots in Square 2930, as advertised in the alternative. A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 30, 2006 at 53 DCR 5281, for a 30-day notice and comment period. No comments were received. By report dated May 25, 2006, the National Capital Planning Commission found that the proposed map amendment would not adversely affect the identified federal interests nor be inconsistent with the Comprehensive Plan for the National Capital.

At its regularly scheduled public meeting on September 11, 2006, the Commission took final action to approve the map amendment as proposed

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **APPROVES** a change of zoning from C-2-A to R-1-B for the subject properties on the south side of Ingraham Street, N.W. (Square 2930, Lots 73 and 74) and a change of zoning from C-2-A to R-3 for the subject properties on the north side of Ingraham Street, N.W. and the south side of Jefferson Street, N.W. (Square 2931, Lots 48, 49, 77, 78, 79, and 94).

Vote of the Zoning Commission taken at its public meeting on May 8, 2006 to **APPROVE** the proposed rulemaking: **5-0-0** (Carol J. Mitten, Gregory N. Jeffries, Anthony J. Hood, John G. Parsons, and Michael G. Turnbull to approve).

This Order and Final Rulemaking were **ADOPTED** by the Zoning Commission at its public meeting on September 11, 2006 by a vote of **5-0-0** (Carol J. Mitten, Gregory Jeffries, Anthony J. Hood, John Parsons, and Michael G. Turnbull to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*, that is, on ~~DEC 1 2006~~.


CAROL J. MITTEN
CHAIRMAN
ZONING COMMISSION


JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING**

and

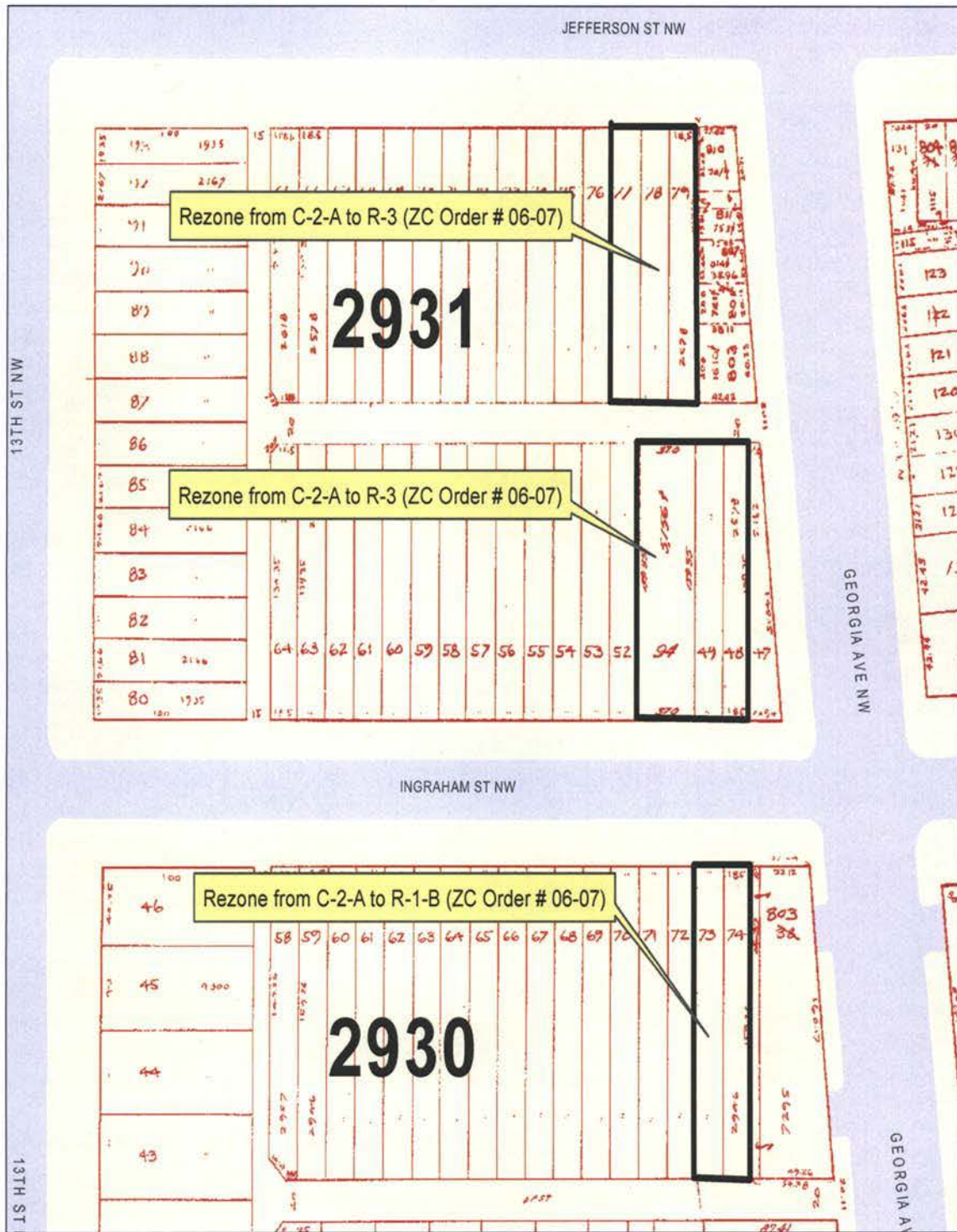
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**(Map Amendment – Square 2930, Lots 73 and 74; and
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September 11, 2006

The full text of this Zoning Commission order is published in the “Final Rulemaking” section of this edition of the *D.C. Register*.



GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



Z.C. CASE NO.: 06-07

DEC 05 2006

As Director of the Office of Zoning, I hereby certify that on _____ copies of this Z.C. Notice of Final Rulemaking & Order No. 06-07 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|---|--|
| 1. D.C. Register | 7. Councilmember Adrian Fenty |
| 2. Harold Brooks
1215 Hamilton Street, N.W.
Washington, D.C. 20011 | 8. Office of Planning (Ellen
McCarthy) |
| 3. Joe Martin, Chair
ANC 4C
P.O. Box 60847
Washington, DC 20039 | 9. Ken Laden, DOT |
| 4. Commissioner Harold Prince
ANC/SMD 4C01
5741 Colorado Ave NW
Washington, DC 20011 | 10. Zoning Administrator (Bill
Crews) |
| 5. ANC/SMD 4C02 - Vacant | 11. Office of the Attorney General
(Alan Bergstein) |
| 6. Gottlieb Simon
ANC
1350 Pennsylvania Ave., N.W.
Washington, D.C. 20004 | 12. Jill Stern, Esq.
General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |

ATTESTED BY:

Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning