



MEMORANDUM

TO: District Board of Zoning Adjustment

FROM:  Paul Goldstein, Case Manager
Joel Lawson, Associate Director Development Review

DATE: July 19, 2012

SUBJECT: BZA No. 18375 – Supplemental Submission

I. BACKGROUND

During a hearing on July 10, 2012 concerning Case No. 18375 (710 Florida Avenue NW), the Board of Zoning Adjustment requested the Office of Planning (OP), among others, to address an issue raised by the Board. Specifically, the BZA questioned the impact of a Small Area Plan (SAP), namely the “DUKE Framework for a Cultural Destination for Greater Shaw U Street” Plan, on the Board’s evaluation of the subject application. As background, the Council of the District of Columbia approved the DUKE plan on June 21, 2005 pursuant to Resolution 16-0209.

II. OP ANALYSIS

OP consulted with the Office of Attorney General regarding this issue. The Applicant appropriately applied for zoning relief from specific standards in the ARTS/C-2-B zone and is not required to satisfy elements of the DUKE Plan as part of the BZA analysis. As a general matter, the Zoning Commission is the agency vested with the responsibility for assuring that the zoning regulations are not inconsistent with the Comprehensive Plan (“Comp Plan”). There is no authority for the BZA to implement the Comp Plan, but rather must assure that the regulations adopted by the Zoning Commission are followed.

Concerning the DUKE Plan, SAPs “supplement the Comprehensive Plan by providing detailed direction for areas ranging in size from a few city blocks to entire neighborhoods or corridors.”¹ SAPs are approved by the DC Council by resolution, whereas the Comp Plan is adopted by legislation and reviewed by NCPC and becomes part of the DC Municipal Regulations.² SAPs, and the Comp Plan more broadly, are not self-enforcing documents and require implementation actions. As part of the Comp Plan 2010 Amendment process, a number of text and Future Land Use Map amendments were advanced, many in response to SAPs including the DUKE Plan. The Council recently held a hearing on the proposed changes. Such updating processes occur to ensure that the Zoning Regulations are not inconsistent with the Comp Plan.

BOARD OF ZONING ADJUSTMENT
District of Columbia
CASE NO. 18375
EXHIBIT NO. 42

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¹ See Comp Plan, 1-9. The Council’s Resolution (12-209, Jun 21, 2005) stated that the “Plan [DUKE Plan] will provide supplemental guidance to the Zoning Commission and other District agencies in carrying out the policies of the District of Columbia Comprehensive Plan.”

² See Id.