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MEMORANDUM

Date: March 14, 2006

To: Board of Zoning Adjustment

From: Christopher H. Collins
Thomas J. Carroll T.J.C.

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Re: BZA Application No. 17431 of Kings Creek LLC – Inclusion of Properties in RC/R-5-B Zone

As requested by the Board, the following is an explanation of why the Applicant believes that the property is located in the RC/R-5-B zone.

A review of the zoning map from 1987 indicates that the King's Creek property (Square 2563, Lots 103 & 816) was located in the C-M-2 at that time. (*See* attached Zoning Map dated January 1, 1987). On May 29, 1987, Zoning Commission Order No. 523 became effective. In ZC Order No. 523, the Commission approved a map amendment to rezone Lots 74, 75, 82-85, 834, 858, and 888 in Square 2563 from C-M-2 to R-5-B. (*See* attached Order No. 523, at p.6). The entire Square 2563 was not rezoned to R-5-B. Several properties, including the King's Creek lots, remained C-M-2.

On April 26, 1991, Zoning Commission Order No. 523-A became effective. In ZC Order No. 523-A, the Commission approved text and map amendments creating the Reed-Cooke Overlay District. The text amendment indicated that "the Reed-Cooke Overlay District is applied to the portions of Squares … 2563 … that are zoned non-residentially as of January 1, 1989". (*See* ZC Order No. 523-A at p. 4). In that Order, the Commission specifically rezoned Lots 73, 79-81, 97, 98, 101, 816, 862, 879, 880, 883-885, and 887 in Square 2563 from C-M-2 to RC/R-5-B. (Id. at p. 9). The Commission also rezoned to RC/R-5-B "any lot in Square 2558 or 2563 that is now zoned C-M-2 and is not specifically listed in this paragraph." This applied to Lot 103.

The King's Creek property consists of Lots 103 and 816 in Square 2563. Both of these lots were zoned C-M-2 as of January 1, 1989. (*See* attached Zoning Map, 1987). Neither lot was rezoned to R-5-B in ZC Order No. 523. The DCOZ website indicates no other map amendments affecting these lots during that time. As shown on the current Zoning Map, both lots are now zoned RC/R-5-B. (*See* attached Zoning Map, 2003).

Therefore, we believe that both Lots 816 and 103 of Square 2563 are now located in the RC/R-5-B District.

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BZA
CASE No. 17431
EXHIBIT No. 50

Board of Zoning Adjustment
District of Columbia
CASE NO. 17431
EXHIBIT NO. 50

(corrected 2-16-88)

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER NO. 523
Case No. 86-12
(Reed-Cooke Map Amendment)
April 13, 1987

Pursuant to notice, a public hearing was held by the Zoning Commission for the District of Columbia on October 20, 1986. At that hearing session, the Zoning Commission considered proposed amendments to the Zoning Map of the District of Columbia. The public hearing was conducted in accordance with the provisions of Section 3021 of the Zoning Regulations.

On May 12, 1986, the Zoning Commission initiated action to consider the review of various text and/or map amendments that, among other issues and areas of the city, included the Reed-Cooke neighborhood.

During the following months, the Zoning Commission received letters or comments from Councilmembers Clarke and Smith, the 18th and Columbia Road Business Association, Hoskinson and Davis, Inc., Advisory Neighborhood Commission (ANC) 1C, the Reed-Cooke Neighborhood Association (RAM), the Legal Aid Society and Andrew Wechsler, that addressed various issues in the Reed-Cooke area, which included, but was not limited to, conformance with the Comprehensive Plan, a moratorium on demolition permits, the retention of housing, and the loss of jobs in connection with the loss of commercial property.

On September 8, 1986, at its regular monthly meeting, the Zoning Commission considered a memorandum dated September 2, 1986, from the Office of Planning (OP) requesting the expedited processing of Case No. 86-12 so that certain residential uses would be retained. The Commission determined that it would expedite the process and authorized the scheduling of a public hearing for the case.

For the purpose of advertising for hearing, the Commission approved a proposal, which was intended to provide for land use control over future development of the area, and to make the zoning not inconsistent with the Comprehensive Plan.

The Land-Use Element of the Comprehensive Plan for the National Capital designates the Reed-Cooke area as a "Special Treatment Area", and defines it as a pocket of C-M-2 in the Adams Morgan Community.

The notice of public hearing, which was published in the District of Columbia Register on September 19, 1986, includes a proposal to change the zoning of various lots in Squares 2560, 2562, 2563, 2566, 2567, and 2571 from C-M-2 to R-5-B.

The C-M-2 District permits medium bulk commercial and light manufacturing uses, to a maximum floor area ratio (FAR) of 4.0 and a maximum height limit of sixty feet, with new residential uses prohibited.

The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.

The District of Columbia Office of Planning (OP), by memorandum dated October 10, 1986, and by testimony presented at the public hearing, supports R-5-B rezoning, particularly for major clusters of existing housing. The OP believes that this is consistent with the Comprehensive Plan, with the surrounding zoning and with the medium density goal. Zoning options would apply to the remainder of the area. Mixed use or commercial-industrial zoning applied to existing residences would be an encouragement for redevelopment and in conflict with city goals.

The OP further believes that rezoning to R-5-B would fulfill the Comprehensive Plan designation of the residential component as medium density. This zone district is also moderate enough in permitted FAR (1.8) to serve as a conservation zone for row dwellings. The R-5-B is the predominate surrounding residential zone. It should be noted that 1.8 FAR is only three stories at 60 percent lot coverage. Many older row dwellings exceed 60 percent coverage, so that many row dwellings of only two stories are not far below a 1.8 FAR. This margin leaves little incentive for land assembly and new development under R-5-B controls. The R-5-B leaves the smaller row houses with some opportunity for construction of additions without going to the Board of Zoning Adjustment (BZA) for approval. The alternative of mapping R-4 (0.9 FAR) or R-5-A (1.0 FAR) would make most of the existing row dwellings nonconforming structures, thereby requiring BZA approval of an addition to a nonconforming structure.

Advisory Neighborhood Commission (ANC) 1C, by testimony presented at the public hearing supported the proposal.

ANC-1C, by letter dated November 21, 1986, supports the OP and the Reed-Cooke Neighborhood Ass'n. (RAM), with the exception of the Colortone Press property, for which it took no position at this time. The submission by ANC-1C did not comply with the requirements of Title 11, DCMR 3011.7 (c), (d), and (e) in that it did not state that the ANC gave proper notice of its meeting, did not state the number of members of the ANC that constitute a quorum, and did not set forth the ANC's issues and concerns, other than very general support of the rezoning proposal.

Councilmembers Betty Ann Kane, Hilda H. Mason, Frank Smith, and John Ray, by testimony presented at the public hearing and/or by letters, supported the proposal or the position of the residential community groups.

The Commission heard testimony and received letters from many persons in support of the proposal or modification thereto. Issues associated with support for the proposal included the following:

1. Retention and potential increase of residential uses;

2. Conformance with the Comprehensive Plan;

3. Less commercial-related traffic; and

4. Help provide for a good racial mix of people.

The Commission also head testimony and received letters from many persons, that represented the business community, in opposition to the proposal for the following reasons:

1. The proposal had no planning basis and lacked adequate economic and fiscal impact studies;

2. That certain properties were proposed for rezoning in error; that their exterior appearance read residential but their uses were conforming commercial uses;

3. The economic loss to affected business and property owners;

4. The adverse social impact on the quality of life for resident/business persons in the area;

5. Loss of tax revenues and jobs to the city; and

6. The adverse affect on the Whitman Walker Clinic.

With the exception of one affected property, the Zoning Commission concurs with the position of the Office of Planning, ANC-1C, and others.

The Commission is mindful of the fact that in all area-wide rezoning actions, some properties will become non-conforming in some manner. The Commission, however, believes that the issues related to retention and preservation of housing and non-inconsistency with the Comprehensive Plan over-shadows the concerns of various business interests.

The Commission believes that the Whitman Walker Clinic, which is a medical facility, should not be adversely affected because of its value and service to the neighborhood and the city. The Commission is mindful that the owner of the clinic is completing a comprehensive renovation of the interior space of the existing conforming structure and use. The Commission believes that rezoning said property to render the structure and use as non-conforming would be inappropriate and unwarranted.

A notice of proposed rulemaking was published in the D.C. Register on February 6, 1987 (34 DCR 1055). As a result of that notice, the Commission received comments from the Citadel Corporation Pension Plan, Albert Ceccone, the 18th and Columbia Road Business Association, Linowes and Blocher, the Reed-Cooke Neighborhood Association, and Devres, Inc.

On March 9, 1987, at its regular monthly meeting, the Commission considered the comments of the aforementioned persons and determined that it needed additional information relative to actual use of various properties vis-a-vis the exterior appearance of the use of those properties. The Commission requested the OP to submit an inventory of uses chart. The Commission also provided an opportunity for the above-mentioned persons to comment on the chart.

On April 13, 1987, at its regular monthly meeting, the Commission considered a memorandum dated March 25, 1987 from the OP regarding the inventory of uses, a letter dated April 2, 1987 from the 18th and Columbia Road Business Association, a letter dated April 3, 1987 from the Reed-Cooke Neighborhood Association, and a letter dated April 3, 1987 from the law firm of Linowes and Blocher.

At that same meeting and subsequent to discussion of the aforementioned submissions, the Commission determined that it would not rezone lots 73, 79, 80, and 81 in Square 2563, because it was inappropriate to do so. The Commission, also determined that it needed additional information to consider the disposition of lot 880 in Square 2563. Consequently, the Commission requested the OP to provide it with photographs and additional material that would help the

Commission to better understand the use and improvement on lot 880 in Square 2563.

On April 20, 1987 at a special meeting, the Commission considered two memoranda dated April 17, 1987 from the OP. Subsequent to discussion, the Commission voted 2-1 not to rezone lot 880 in Square 2563. Because the Commission did not have a majority vote to carry the motion, the Chairman left the record open for a member of the Commission, who was not in attendance, to cast an absentee vote. On April 27, 1987, said member of the Commission voted not to rezone lot 880 in Square 2563.

The Zoning Commission believes that the proposed amendments to the Zoning Map of the District of Columbia are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for the National Capital.

The proposed action of the Zoning Commission to rezone various properties in the Reed-Cooke area was referred to the National Capital Planning Commission, pursuant to the District of Columbia Self-Government and Governmental Reorganization Act. The NCPC, through its Executive Director and by report dated February 4, 1987, found that the proposed action of the Zoning Commission 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.

The submission by Advisory Neighborhood Commission - 1C did not satisfy the Zoning Commission's procedural requirements for an ANC to be accorded the "great weight" to which it would be entitled. The Zoning Commission notes that the special statutory role of ANCs also entails specific procedural responsibilities. The Zoning Commission is therefore of the view that the "great weight" requirement does not apply to the submission of ANC-1C. Nonetheless, the Zoning Commission has considered that submission in its decision.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the following amendments to the Zoning Map of the District of Columbia:

1. CHANGE FROM C-M-2 TO C-2-B

   SQUARE 2560 - lot 838; and

2. CHANGE FROM C-M-2 TO R-5-B

a. SQUARE 2560 - lots 32, 41, 42, 43, 44, 809, 817, 827, 852, 853, 854, 855, 856, 857, 858, and 859;

b. SQUARE 2562 - lots 66, 67, 68, 69, 70, 71, 72, 73, and 825;

c. SQUARE 2563 - lots 74, 75, 82, 83, 84, 85, 834, 858, and 888;

d. SQUARE 2566 - lots 9 and 822;

e. SQUARE 2567 - lots 49, 50, 51, 52, 53, and 54; and

f. SQUARE 2571 - lots 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 919, 924, and 959.

Vote of the Zoning Commission taken at the public meeting on December 8, 1986: 4-0 (John G. Parsons, George M. White, Lindsley Williams, and Patricia N. Mathews, to approve C-2-B and R-5-B - Maybelle T. Bennett, not voting, not having participated in the case).

This order, exclusive of one property, was adopted by the Zoning Commission at its public meeting on April 13, 1987, by a vote of 4-0 (Patricia N. Mathews, George M. White, John G. Parsons and Lindsley Williams, to adopt as amended - Maybelle T. Bennett, not voting not having participated in the case).

On April 20 and 27, 1987, the Commission voted the disposition of that one remaining property by a vote of 3-1 (Patricia N. Mathews, John G. Parsons, and George M. White, not to rezone lot 880 in Square 2563 - Lindsley Williams, opposed and Maybelle T. Bennett, not voting not having participated in the case).

In accordance with the provisions of Section 3028 of the Zoning Regulations, this order is final and effective upon publication in the D.C. Register, that is on 29 MAY 1987.

LINDSLEY WILLIAMS
Chairman
Zoning Commission

EDWARD L. CURRY
Acting Executive Director
Zoning Secretariat

zco523/EB17

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION ORDER 523-A
Case No. 88-19
(Reed-Cooke Special Treatment Area:
Text and Map Amendment)
February 11, 1991

The Zoning Commission initiated this case to consider amendments of the text and map of the Zoning Regulations that would implement the Comprehensive Plan for the National Capital, and in particular, Section 1128 of the Land Use Element, which reads as follows:

Section 1128. Reed-Cooke Special Treatment Area

(a) The Reed-Cooke area is designated as a special treatment area.

(b) The policies established for the Reed-Cooke special treatment area are as follows:

(1) Protect current housing in the area, and provide for the development of new housing.

(2) Maintain heights and densities at appropriate levels; and

(3) Encourage small-scale business development that will not adversely affect the residential community.

D.C. Law 8-129, the District of Columbia Comprehensive Plan Amendments Act of 1989, became effective on May 23, 1990. Law 8-129 did not amend Sec. 1128; however, Sec. 2(a)(10)(L) of Law 8-129 adopted Sec. 1136(b)(42) to provide that the Generalized Land Use Map, as revised, would generally depict the Reed-Cooke Special Treatment area as "included in the moderate density residential land use category."

The Zoning Commission believes that the action that it effects by this order harmonizes Sec. 1128 and Sec. 1136(b)(42) of the Land Use Element. The rezoning action protects current housing and provides for the development of new housing, by rezoning the C-M-2 zoned portions to R-5-B, C-2-A, or C-2-B, within the Reed-Cooke (RC) Overlay. These zoning map changes provide a favorable zoning environment for continued residential and new residential development.

This contrasts sharply with the previous C-M-2 zoning, under which no new dwelling would be allowed. See 11 DCMR 800.4.

Consideration of this case has been long and has presented the Commission with the need to make a difficult choice. The amendment to the Land Use Element reflects the same difficulty. Existing residential, commercial, and industrial uses are juxtaposed in the area. All are thriving, at least sufficiently to deserve protection. These uses are not easily made compatible, and their proximity causes problems that detract from the reasonable enjoyment of the residential uses. The difficulties are compounded by narrow, crowded streets, and sharply-angled and dog-leg intersections.

The Office of Planning conscientiously crafted a proposal that undertook to resolve these issues. The OP proposal clearly established the correct direction and included the essential elements of the decision that the Commission has reached. That proposal was to rezone the area to C-2-B within the RC Overlay. OP concluded that a C-2-B base zone would protect and encourage residential uses consistently with the Comprehensive Plan, and at the same time provide a greater measure of viability for the established commercial and industrial uses, again consistent with the plan, than would an R-5-B base.

The Commission's conclusion is different in several ways from the OP recommendation, but is essentially based on the OP analysis. The Commission has decided that a substantial area of R-5-B base zoning is reasonable and necessary to protect current housing and provide for the development of new housing, and that a lower height limit is necessary to effect the same policies.

The final action that the Commission effects by this Order is based upon two notices of proposed rulemaking, which appeared in the D.C. Register on August 3, 1990, and November 9, 1990 (37 DCMR 5106 and 7139, respectively). The second notice followed a public hearing on September 13, 1990, at which the Commission considered several issues that were not within the scope of the earlier public hearing. The comments on the proposed rules are set forth below.

RAM, the Reed-Cooke Neighborhood Association, urged that special exceptions not be allowed as a means of relief from the RC Overlay provisions; that access to and from parking uses be limited to streets wider than sixty feet; and that assembly halls, auditoriums, and public halls, be added as prohibited uses. RAM also observed that the Citadel Soundstage had stopped operating.

assembly halls, auditoriums, and public halls, be added as prohibited uses. RAM also observed that the Citadel Soundstage had stopped operating.

ANC 1-C continued to urge the Zoning Commission to set a hearing on pure residential zoning; limit height to 50 feet, including roof structures within the 50-foot limit; and provide linkage for housing for low and moderate income families, with the benefits linked to the Reed-Cooke area. ANC 1-C also supported proposed 11 DCMR 1400.5(c) and (d), and 11 DCMR 1401.1(u) through (x).

The 18th & Columbia Road Business Association supported the 50-foot height limit; parking uses, with ANC review, rather than as a special exception; and flexibility for the height and floor area of PUDS.

A number of property owners or their counsel requested particular exemptions or changes to accommodate various specific properties, including the Security Storage Site at 1701 Florida Ave., the site leased by C&P Telephone Co. at 1711 Florida Ave., and the former National Geographic warehouse at 1707 Kalorama Road.

The Zoning Commission referred both notices of proposed rulemaking to NCPC, the National Capital Planning Commission. By comments dated October 4, 1990, and December 14, 1990, NCPC reported that the proposed amendments would not adversely affect the federal establishment or other federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan.

At its meeting on February 11, 1991, the Zoning Commission considered the written comments, and determined:

1. Deletion of proposed sub-sections 1401.2 and 1401.3 is appropriate, because of the termination of the particular use that the provisions would have protected;

2. The preferred version of proposed sub-section 1402.1 is the version that includes an incentive to provide low and moderate income household units;

3. It would not be practical to prohibit access to parking uses from streets that are not wider than sixty feet; and

4. Other recommended changes have been considered, but do not require explicit discussion.

The Zoning Commission believes that the proposed amendments to the Zoning Regulations are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, are not

inconsistent with the Comprehensive Plan for the National Capital, and will appropriately implement and advance the objectives and policies established in the Comprehensive Plan.

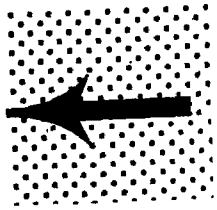
In consideration of the reasons set further herein, the Zoning Commission hereby orders APPROVAL of amendments to the Zoning Regulations to establish and map a Reed-Cooke Overlay Zone District, and make related amendments to the Zoning Map. The specific amendments to the Zoning Regulations are as follows:

1. Amend the text of the Zoning Regulations by adopting a new Chapter 14 of Title 11, to read as follows:

CHAPTER 14 REED-COOKE OVERLAY DISTRICT

1400 GENERAL PROVISIONS

1400.1 The Reed-Cooke Overlay District is applied to the portions of Squares 150, 2557, 2558, 2560, 2562, 2563, 2566, 2567, and 2572 in the Reed-Cooke Special Treatment Area, as defined in the Comprehensive Plan, that are zoned non-residentially as of January 1, 1989.



1400.2 The purposes of the District are as follows:

(a) To implement the objectives of the Reed-Cooke Special Treatment Area (Section 1128 of the Comprehensive Plan as adopted), which are to:

(1) Protect current housing in the area, and provide for the development of new housing;

(2) Maintain heights and densities at appropriate levels; and

(3) Encourage small-scale business development that will not adversely affect the residential community.

(b) To ensure that new non-residential uses serve the local community by providing retail goods, personal services, and other activities that contribute to the satisfaction of unmet social, service, and employment needs in the Reed-Cooke and Adams-Morgan community; and

(c) To protect adjacent and nearby residences from damaging traffic, parking, environmental, social, and aesthetic impacts.

1400.3 The Reed-Cooke Overlay District and the underlying commercial and residential zone districts shall together constitute the Zoning Regulations for the geographic area identified in sub-section 1400.1.

1400.4 Where there are conflicts between this chapter and the underlying zoning district, the more restrictive regulations shall govern.

1400.5 In addition to other applicable provisions of this title, the requirements of this chapter shall apply to the following:

(a) All new construction;

(b) All additions, alterations, or repairs that, within any 18 month period exceed in cost 50 percent (50%) of the assessed value of the structure as set forth in the records of the Office of Property Assessment on the date of the application for a building permit;

(c) Any use that requires a change in the use listed on the owner's or lessee's certificate of occupancy; and

(d) Any existing use that requires a new permit from the Alcoholic Beverage Control Board.

1400.6 If there is a dispute between the property owner and the Zoning Administrator about the cost pursuant to sub-section 1400.5(b), the cost shall be determined by the average of the estimates furnished by three independent qualified contractors, the first of whom shall be selected by the owner, the second of whom shall be selected by the Zoning Administrator, and the third of whom shall be selected by the first two contractors.

1400.7 The estimates provided for by sub-section 1400.6 shall be prepared and submitted according to a standard procedure and format established by the Zoning Administrator, and the cost of estimates shall be at the expense of the property owner.

1401 USE PROVISIONS

1401.1 The following uses are prohibited in the Reed-Cooke Overlay District:

(a) Bar or cocktail lounge;
(b) Off-premises alcoholic beverage sales;
(c) Restaurant or fast food restaurant;
(d) Hotel or inn;
(e) Transient accommodations that are not home occupations;
(f) Movie theater;
(g) Gasoline service station or repair garage;
(h) Automobile laundry;
(i) Drive-through;
(j) Automobile or truck sales;
(k) Boat or other marine sales;
(l) Motorcycle sales or repair;
(m) Automobile rental agency that stores or services automobiles within the Overlay District;
(n) Billiard parlor or pool hall;
(o) Video game parlor;
(p) Bowling alley;
(q) Funeral mortuary or other similar establishment;
(r) Parcel delivery service establishment other than one that is exclusively dedicated to serving a sound stage or a movie, video, or television production facility that existed on the effective date of this chapter;
(s) Veterinary hospital;
(t) On-premises dry cleaning establishment;
(u) Assembly hall, auditorium, or public hall;
(v) Bus passenger depot;
(w) Antenna tower in excess of twenty (20) feet in height;
(x) Satellite reception dish that is greater than fifteen (15) feet in diameter; and
(y) Any use prohibited in the CR District by sub-section 602.1 of this title, except a parking lot as permitted by sub-section 1403.2 of this chapter.

1402 HEIGHT AND BULK PROVISIONS

1402.1 The maximum height permitted in the Reed-Cooke Overlay District shall not exceed forty (40) feet plus roof structure as defined in this title; provided that in the RC/C-2-B District the Board of Zoning Adjustment may approve a maximum height of fifty (50) feet with appropriate set-backs from the street, plus roof structures, subject to

determination by the Board that the project will provide for the on-site construction or substantial rehabilitation of low and moderate income household units, as defined by the regulations of the Department of Housing and Community Development of the District of Columbia, of a total gross floor area equal to fifty percent (50%) of the additional gross floor area made possible by this exception.

1402.2 For the purpose of this chapter, no Planned Unit Development shall exceed the matter-of-right height, bulk, and area requirements of the underlying district.

1403 EXCEPTIONS

1403.1 An exception from the requirements of this chapter shall be permitted only if granted by the Board of Zoning Adjustment as a special exception after a public hearing, and subject to the following criteria:

(a) The use, building, or feature at the size, intensity, and location proposed will substantially advance the stated purposes of the Reed-Cooke Overlay District;

(b) Vehicular access and egress shall be designed and located so as to minimize conflict with pedestrian ways, to function efficiently, and to create no dangerous or otherwise objectionable traffic condition;

(c) Adequate off-street parking shall be provided for employees, trucks, and other service vehicles;

(d) If located within a C-2-B zone, the use shall not be within 25 feet of a Residence District, unless separated therefrom by a street or alley;

(e) Noise associated with the operation of a proposed use will not adversely affect adjacent or nearby residences;

(f) No outdoor storage of materials, nor outdoor processing, fabricating, or repair shall be permitted; and

(g) The use, building, or feature at the size, intensity, and location proposed will not adversely affect adjacent and nearby property or be detrimental to the health, safety, convenience, or general welfare of persons living, working, or visiting in the area.

1403.2 A parking lot or parking garage shall be permitted if approved by the Board of Zoning Adjustment as a special exception, subject to the following:

(a) The parking lot or garage shall meet the conditions specified in sub-sections 214.4 through 214.8 of chapter 2 of this title;

(b) The parking lot or garage shall meet the conditions set forth in sub-section 1403.1 of this section; and

(c) The Board may require that all or a portion of the parking spaces be reserved for residential parking, unrestricted commercial parking, accessory parking for uses within 800 feet, and shared parking for different uses by time of day.

2. Rezone from C-M-2 to RC/C-2-B the following lots and squares:

a. In Square 2560, Lots 64, 125, 875, and 882;

b. In Square 2572, Lot 36;

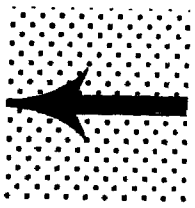
c. In Square 2562, all lots now zoned C-M-2 and not occupied by the Marie Reed School, including Lots 95, 97, and 824;

d. In Square 2567, Lots 58 through 60, 81, and 851;

e. In Square 2566, all lots now zoned C-M-2 and not rezoned to RC/R-5-B in the following paragraph numbered 3; and

f. Any lot in Square 2560, 2567, or 2572 that is now zoned C-M-2 and not specifically listed in this paragraph.

3. Rezone from C-M-2 to RC/R-5-B the following lots and squares:

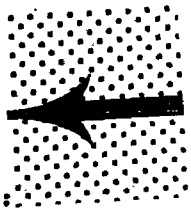


a. In Square 2563, Lots 73, 79 through 81, 97, 98, 101, 816, 862, 879, 880, 883 through 885, and 887;

b. In Square 2558, the portion of the Square that is now zoned C-M-2;

c. In Square 2562, the portion of the Square that is now zoned C-M-2 and occupied by the Marie Reed School;

d. In Square 2566, Lot 36; Lot 55 (or 95) (occupied by Colortone Press); and Lots 839 and 841 from Ontario Road to a line parallel to and 70 feet east of Ontario Road; and



e. Any lot in Square 2558 or 2563 that is now zoned C-M-2 and is not specifically listed in this paragraph.

4. Rezone from C-M-2 to RC/C-2-A following lots and squares:

a. In Square 2557, Lot 800;

b. In Square 150, Lot 800; and

c. Any lot in Square 150 or 2557 now zoned C-M-2, and not specifically listed in this paragraph.

Vote of the Zoning Commission on proposed action on April 16, 1990: 4-0, in part; 5-0, in part; and 3-1, in part (Maybelle Taylor Bennett, John G. Parsons, Tersh Boasberg, and William Ensign to approve proposed amendments to the text of Title 11; and, except as specified herein, to approve proposed amendments to the Zoning Map; Lloyd D. Smith not voting, not present; Maybelle Taylor Bennett, John G. Parsons, Tersh Boasberg, William Ensign, and Lloyd D. Smith to approve proposed rezoning in Square 2562; John G. Parsons, Maybelle Taylor Bennett, and Tersh Boasberg to approve proposed rezoning in Square 2566; William Ensign, opposed; Lloyd D. Smith not present, not voting).

Vote of the Zoning Commission on proposed action on October 15, 1990: 4-1 in part, and 5-0 in part (Lloyd D. Smith, John G. Parsons, Maybelle Taylor Bennett, and William Ensign to approve an alternative text of 11 DCMR 1402.1; Tersh Boasberg, opposed; and Lloyd D. Smith, John G. Parsons, Maybelle Taylor Bennett, William Ensign, and Tersh Boasberg to approve proposed 11 DCMR 1400.5(c) and (d), and 11 DCMR 1401.1(u) through (y).

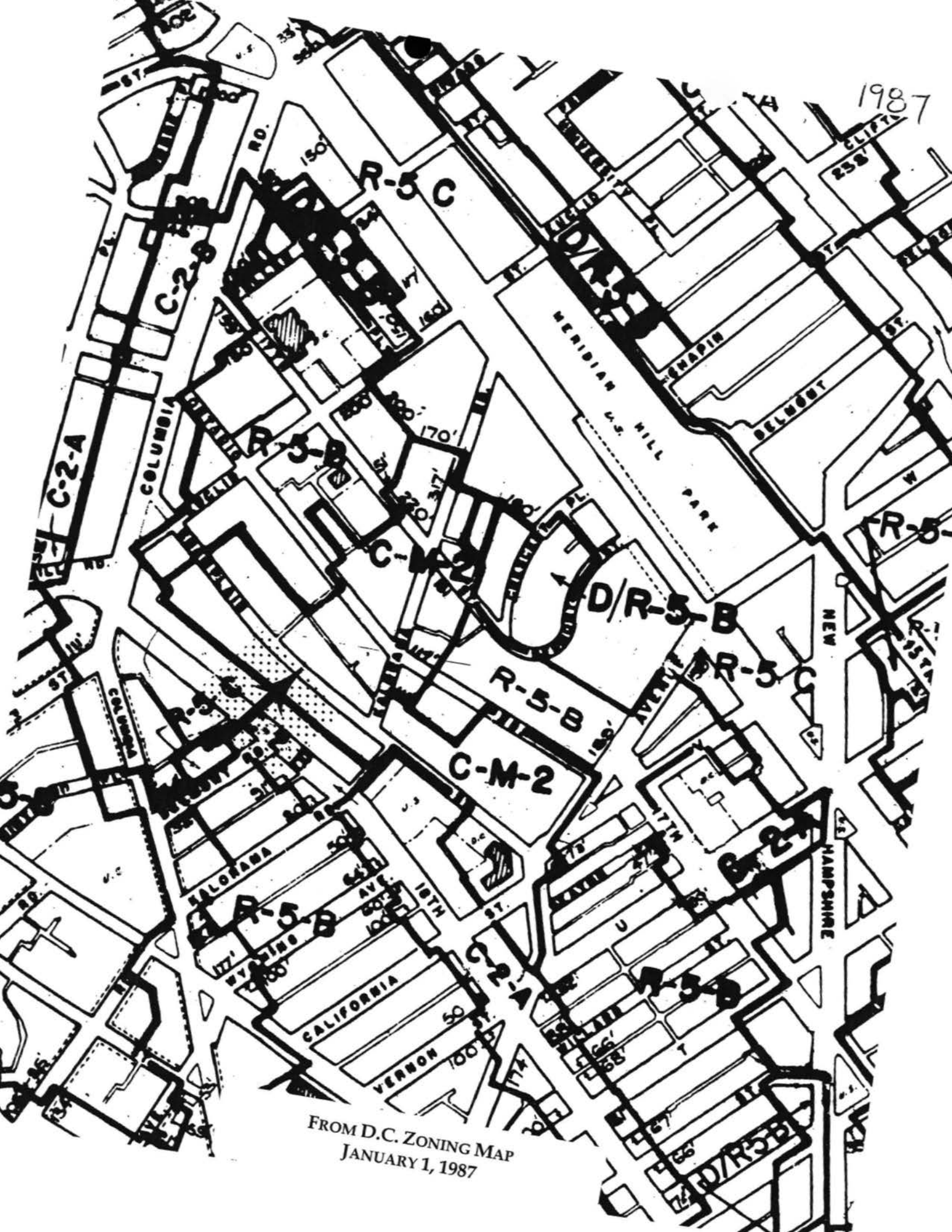
This order and amendments to Title 11, DCMR, and to the zoning map, were revised and adopted by the Zoning Commission at its meeting on February 11, 1991, by a vote of 5-0 (Maybelle Taylor Bennett, William L. Ensign, Tersh Boasberg, Lloyd D. Smith, and John G. Parsons to approve.

Pursuant to 11 DCMR 3028, this Order shall be final and effective when it is published in the D.C. Register, that is, on APR 26 1991.

TERSH BOASBERG
Chairman
Zoning Commission

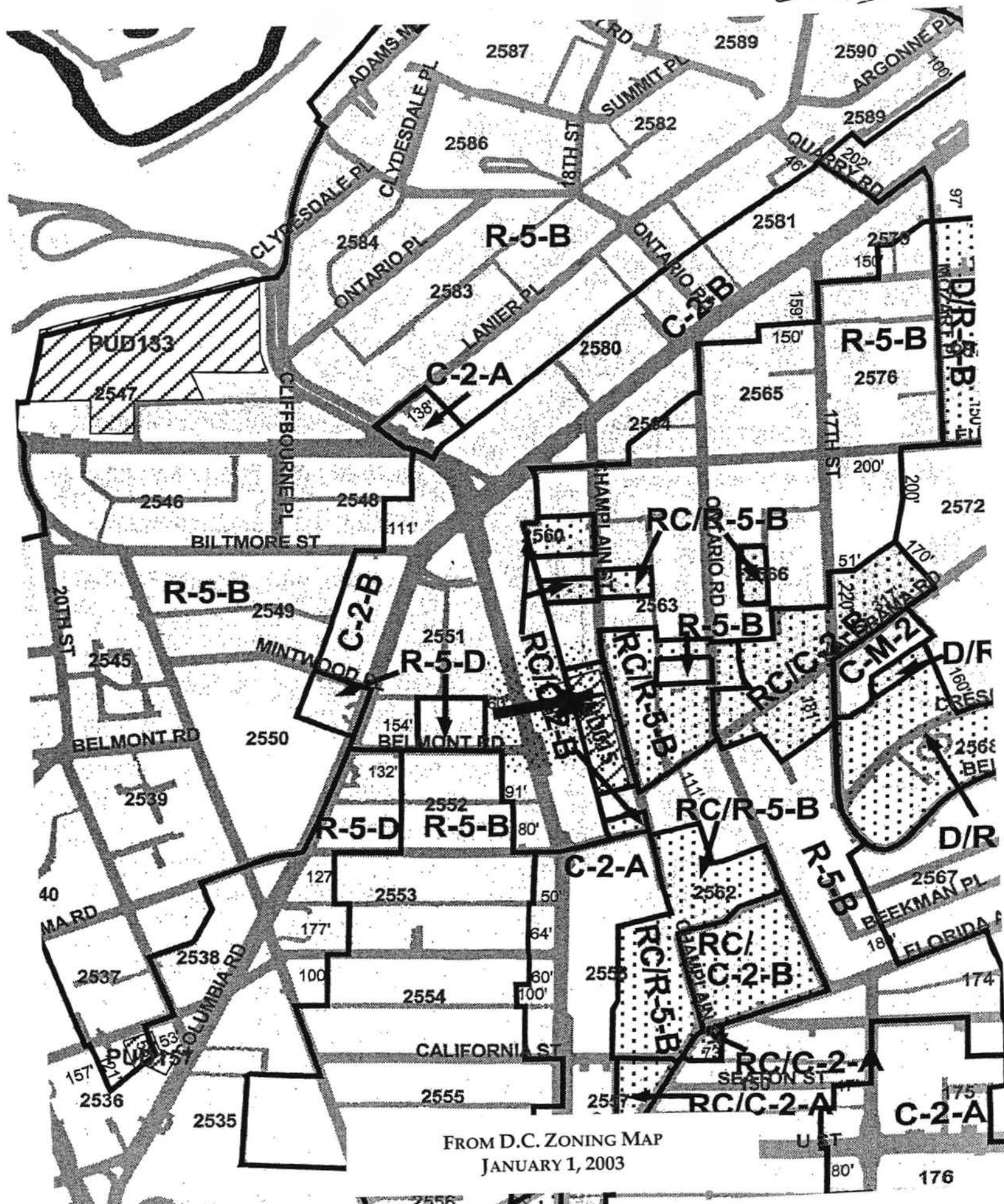
EDWARD L. CURRY
Executive Director
Zoning Secretariat

nopr88-19/LJP63



FROM D.C. ZONING MAP
JANUARY 1, 1987

2003



FROM D.C. ZONING MAP
JANUARY 1, 2003