

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission**



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

AND

Z.C. ORDER NO. 08-22

Z.C. Case No. 08-22

(Map Amendment – 11 DCMR)

**(Zoning Consistency Map Amendments Rezoning Portions of Ward 7 from R-5-A to R-1-B,
R-2, R-3, or R-4)**

December 8, 2008

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended: D.C. Official Code § 6-641.01); 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 (“NCPC”) for a 30-day period of review pursuant to § 492 of the District of Columbia Charter; hereby gives notice of the adoption of the following amendments to the Zoning Map of the District of Columbia.

These map amendments will protect low- and moderate-density neighborhoods in Ward 7. Many of these neighborhoods, although currently zoned R-5-A, contain a majority of one-family detached and semi-detached dwellings, with interspersed low-rise garden apartments or areas of row dwellings.

A Notice of Proposed Rulemaking was published in the *D. C. Register* (“DCR”) on October 17, 2008, at 55 DCR 10979. The Commission took final action to adopt the amendments at a public meeting on December 8, 2008, making no changes to the proposed rezonings. This final rulemaking is effective upon publication in the *D.C. Register*.

Existing Zoning

These map amendments cover over 100 squares or portions of squares and six parcels (i.e., portions of lots) within Ward 7, all currently zoned R-5-A. The R-5-A zone designation, however, is not consistent with the existing housing types found in the neighborhoods where the squares and parcels are located. The map amendments will change the zoning of these squares and parcels to lower-density residential zones and are intended to ensure that new development, particularly infill development, will be consistent with the prevailing neighborhood character.

Description of Map Amendments

The map amendments will change the zoning of all the affected squares and parcels from R-5-A to either R-1-B, R-2, R-3, or R-4. Two of the squares covered by the proposed map amendments are currently split-zoned R-5 and R-1-B, and will be zoned wholly R-1-B. Of the other squares affected by the map amendment, 47 will be re-zoned R-2; 37 will be re-zoned R-3; and 20 will be re-zoned R-4.

Relationship to the Comprehensive Plan

Specific language in the 2006 Comprehensive Plan for the National Capital (“Plan”) attempted to ensure that zoning in Ward 7 would become more consistent with the current low- to moderate-density of existing neighborhoods. The Plan’s Future Land Use Map (“Plan Map”) designates the squares and parcels covered by these map amendments as within low- and moderate-density residential areas. In low-density areas, one-family detached and semi-detached dwellings with front, back, and side yards are the predominant uses. In moderate-density areas, row dwellings, flats, and low-rise garden apartments are the predominant uses, but such areas may also contain one-family detached and semi-detached dwellings. In neither type of area are new multiple dwellings permitted, although R-4 zones permit new multiple dwellings if created out of a conversion of a pre-1958 building. This restriction limits the number of new multiple dwellings that can be built within an R-4 Zone District, helping to maintain its moderate-density character.

All the neighborhoods within which the affected squares and parcels are located, although currently zoned R-5-A, exhibit the housing types characteristic of low- to moderate-density neighborhoods. But, these neighborhoods also provide many opportunities for new, particularly infill, development. Therefore, the map amendment is necessary to ensure that the zoning of these squares and parcels, and therefore, any new development on them, corresponds with the real-life low- to moderate-density characters of their surrounding neighborhoods.

The map amendments also further specific elements of the Plan. They are instrumental in implementing several policies of the Land Use Element of the Plan encouraging infill development. Policy LU-1.4 (Neighborhood Infill Development) states that “such development [must be] compatible in scale with its surroundings.” Policies LU-1.4.1 (Infill Development) and LU-1.4.3 (Zoning of Infill Sites) similarly state, respectively, that “infill development ... [s]hould complement the established character of the area,” not creating any “sharp changes in the physical development pattern” and that “zoning of infill sites [must be] compatible with the prevailing development pattern in surrounding neighborhoods.” Without these map amendments, it is easily conceivable that development at a much higher density – up to that permitted in an R-5-A Zone District – could be added on infill sites within neighborhoods with much lower-density characteristics.

The map amendments also encourage increased housing supply in keeping with current neighborhood characteristics, which, in turn, protects overall neighborhood character. (Plan

Policy H-1.3.1 (Housing for Families) and LU-2.1.3 (Creating and Maintaining Successful Neighborhoods).) As the squares and parcels covered by the map amendments are located in Far Northeast and Southeast, the amendments also foster the goals of the Plan's Far Northeast and Southeast Area Element. Policy FNS-1.1.1 (Conservation of Low Density Neighborhoods) specifically states that zoning designations for Far Northeast's and Southeast's stable single-family neighborhoods should "reflect and protect the existing low-density land use pattern while allowing infill development that is compatible with neighborhood character" – precisely the goal of these map amendments.

Set Down Proceeding

In response to the clear Comprehensive Plan direction, the Office of Planning ("OP") conducted a detailed study of Ward 7 R-5-A-zoned areas and confirmed that there are many areas in Ward 7 where the current R-5-A zoning is not consistent with the existing housing types and densities. OP then determined which areas currently zoned R-5-A would be appropriate to re-zone to a lower-density zone district and initiated these map amendments by filing a set down report with the Commission on July 3, 2008. The Commission agreed and set down the case for a public hearing at its July 14, 2008 public meeting.¹

Public Hearing

The Zoning Commission held a public hearing on the map amendments on September 15, 2008, at which the OP representative testified in favor of the re-zonings. The representative pointed out that OP had carefully studied the areas within ANCs 7A, 7B, 7C, and 7D, and had recommended for re-zoning only those squares and portions of squares where lower-density zoning was appropriate. Therefore, areas now zoned R-5-A where R-5-A zoning is appropriate will remain unchanged. The OP representative also noted that this was the last in a trilogy of map amendments proposed by OP to bring greater consistency between Wards 7 and 8 zoning and the Plan.

There was no opposition to the map amendments expressed at the hearing and no other government agencies filed reports with the Commission.

Great Weight

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to issues and concerns raised in the affected ANCs' written recommendation. The squares and parcels covered by the map amendments fall within the boundaries of one of the following

¹ At OP's request, at a Special Public Meeting on July 28, 2008, the Commission waived the street frontage posting requirements of 11 DCMR § 3014.3. Other required forms of notification had been met by OP, including meeting with the impacted Advisory Neighborhood Commissions ("ANC") and residents.

ANCs: 7A, 7B, 7C, or 7D. Prior to the hearing, representatives of each of these ANCs had met with OP concerning the map amendments and each ANC was notified of the public hearing. None of the ANCs, however, filed a report in the case, therefore, there is nothing to which the Commission can accord “great weight.”

Proposed Action

The Commission took proposed action to adopt the map amendments at the conclusion of the September 15, 2008 hearing. The Notice of Proposed Rulemaking was published in the *D. C. Register* on October 17, 2008 at 55 DCR 10979, for a 30-day notice and comment period.

The proposed rulemaking was referred to NCPC under the terms of § 492 of the District of Columbia Charter. NCPC, through a delegated action dated September 25, 2008, and a letter to the Commission dated October 6, 2008, found that the proposed map amendments would not adversely affect any identified federal interests, nor be inconsistent with the Comprehensive Plan for the National Capital.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency.

Final Action

No comments were received on the Notice of Proposed Rulemaking, and at its properly-noticed December 8, 2008 public meeting, the Commission took final action to approve the proposed map amendments. No changes were made to the map amendments set forth in the Notice of Proposed Rulemaking.

Based on the above, the Commission finds that the proposed amendments to the Zoning Map are in the best interests of the District of Columbia, consistent with the purposes of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the following rulemaking action is hereby taken:

The Zoning Map of the District of Columbia is amended as depicted in the following table, with all squares, lots, and parts of lots listed being changed from R-5-A zoning to the “New Zone” listed in the table.

NEW ZONE	SQUARE	LOTS
R-1-B	5546	part of 5, part of 6, part of 800, and part of 806.
R-1-B	5547	part of 833, and part of 852.

NEW ZONE	SQUARE	LOTS
R-2	5048 W	802, 804, 812, 814, 816, 818, 820, 822, and 824.
R-2	5087	58-60, 67, 847, 924, 930, 932, 936-944, 946, 947, and 951.
R-2	5088	4, 5, 10-15, 20-23, 45-50, 53, 54, 57, 58, 70-72, 78, 79, 84, 87-90, 103-111, 114, 117-120, 123-126, 131-138, 143-146, 148, 149, 806, 807, 810-817, 820, 821, 825-831, 834-836, 838-851, and 853.
R-2	5089	7-13, 17-19, 22, 25, 26, 34, 35, 38-42, 45, 46, 51, 52, 55-58, 62, 63, 65, 66, 70-75, 802, 803, 805, 807-811, 813, 815-817, and 819-821.
R-2	5090	2-8, 16-19, 32, 54-57, 70-79, 81, 800, 808-814, 817-821, 823-831, 833-835, 837, and 838.
R-2	5091	1, 2, 5-8, 19-24, 26-36, 39-44, 49-52, 55-57, 65, 67, 69, 70, 800, 803, 806, 808, 810, 812, 816, 820, 824, 826-835, 837, 839-842, and 2001-2018.
R-2	5092	1, 9, 22-27, 31, 34-41, 50, 52-59, 61-63, 800-808, 816, 818-822, 824-831, and 2001-2011.
R-2	5093	15, 21-26, 203, 808, 817, and 2001-2012.
R-2	5159	part of 802.
R-2	5160	35, 36, 39, 41, 68-70, 802, and 803.
R-2	5178	23-28, 48-51, and 800.
R-2	5179	44-49, 54-63, 72, 73, 78, 82, 83, 88, and 89.
R-2	5201	23-25, 119-122, 807, and 809.
R-2	5202	27-29.
R-2	5232	1-5, and 800-802.
R-2	5246	3, 4, 7, 79, and 81.
R-2	5252	31-34, 44, 72-79, 113-116, 140, 141, 146-199, 811-820, and 823-825.
R-2	5258	24, 25, 28-32, 41-53, 800, and 804.
R-2	5259	7-9, 14-22, 25, 38, 39, part of 40, part of 41, part of 42, 43, part of 800, part of 808, 809-811, and 814.
R-2	5264	part of 7, 54, 57, and 59-61.
R-2	5265	1-3, 47-50, and 53.
R-2	5266	1-6, 11, 12, 15-17, 20-22, 42-44, 50, 55, 800, 802-804, and 2001-2008.
R-2	5267	4-10, 20, 35, 36, 39, 42-45, 54-60, 804, 805, 810, and 811.
R-2	5268	9-13, 22-25, 28, 41, 42, and 809.
R-2	5271	1-3, 6, 7, 18-33, and 803-805.
R-2	5272	17, 25, 26, 32-34, 37, 38, 41-45, 52, 53, 55, and 805.
R-2	5273	15, 16, 36-40, 43, 46, 64, part of 801, and 2001-2009.
R-2	5278	part of 7, 10, 20, 21, 23, and 24.
R-2	5397 S	814, 816, and 818.
R-2	5397	803.
R-2	5410 N	4-10.

NEW ZONE	SQUARE	LOTS
R-2	5410	19-22, 25-40, 43, and 44.
R-2	5463	800, 808, and 809.
R-2	5464	41-44.
R-2	5465	9-12, 43, and 44.
R-2	5466	43-46.
R-2	5467	1-6, and 807.
R-2	5480	1, 7, 8, 11, 12, 26, 29, 36-48, 800, 802, and 804-809.
R-2	5481	10, 802, and 804.
R-2	5482	23-25, 801, and 802.
R-2	5483	1, 2, 5, 12, 13, 16-18, 20-24, 28-35, 800, and 802-807.
R-2	5484	1, 2, 8-13, 19, 20, 27-30, 34, 35, 40-43, 46, 800, 801, and 803-807.
R-2	5485	1, 2, 7, 8, 11-19, 22, 26-37, and 800-804.
R-2	5486	10, 11, 15-17, 33, 34, and 802.
R-2	5498	84-88, and 95-97.
R-2	5500	1, 2, 5, 6, 8, and 800-802.
R-2	5501	6-15.
R-3	5000 S	60-71.
R-3	5138	135, 809, 810, and 812-819.
R-3	5140	76, 77, 88, and 810.
R-3	5190	5-12, 27-30, 32-35, 37-39, and 806-808.
R-3	5199	73-79.
R-3	5203	24, 25, 29-42, 45, 820, 824, 851, 861, 863, 866, and 878-895.
R-3	5204	part of 18, 19, and 23-36.
R-3	5409	1-5, and 808.
R-3	5414	20-40, 801, 803, and 807.
R-3	5417	53, and 62-97.
R-3	5418	33-44, 51-57, 62-64, 800, and 803-809.
R-3	5419	1-4, 11-15, 21-23, 28, and 29.
R-3	5420	800.
R-3	5421	1-4, 22-27, 802, 805, and 806.
R-3	5425	1, and 5-7.
R-3	5426	8, 9, and 28-31.
R-3	5427	67-76, and 78-97.
R-3	5429	20-24, 800, 805, and 806.
R-3	5430	33-41, 802-807, 809, 810, and 812.
R-3	5431	13, 53-61, 65-81, 805-808, and 811.
R-3	5432	57, 65, and 800-809.
R-3	5434	5-10, 813, and Parcel 203-0009.
R-3	5440	31, 32, 39-41, 803, 804, 806, and 2001-2006.
R-3	5443	800.

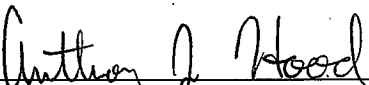
NEW ZONE	SQUARE	LOTS
R-3	5444	18-21, 58, 59, 61-69, 800-803, 805-811, and 813-817.
R-3	5445	48, 49, 52-54, 800-811, and 813-817.
R-3	5446	42-48, 805-808, 810-814, and 2001-2006.
R-3	5447	39-45, 800-803, 805-807, 809-811, 813, and 814.
R-3	5448	800-802, and 804.
R-3	5449	20, 21, 800, 803, and 807-812.
R-3	5450	35, 39, 40, 803, 805, and 807-813.
R-3	5451	39-43, 801, 803-805, and 807-809.
R-3	5452	8, 9, 12-14, 17, 26, 27, 29, 30, 800-803, and 805-809.
R-3	5546	7-9, and 13.
R-3	5547	800-809, 823, 825, 827, 829, and 831.
R-3	5548	13, 14, 91, 92, 100, 101, 114, 115, 803, and 810.
R-3	5627	2, 3, 6, 7, 11-13, 17-21, 38, 41-47, 52-56, 100-111, 800, 809-812, and 2001-2006.
R-4	5076	52-57, 801, and 803-806.
R-4	5077	11-17, 20-25, 31-33, 36-41, 44-46, 49-55, 65-71, 76-80, 94-102, 113-117, 121-132, 134, 804-807, and 809.
R-4	5078	part of 28, 43-45, 49, 50, 53-56, 59-70, 83, 85-89, 813, and 816.
R-4	5086	2, 3, 800-802, 804-806, 808, 810-812, 814-822, 829-833, 842, 844, and 845.
R-4	5172	3-10, 49, 55, 73-88, 92-97, 802-808, 811, and Parcels 184-0042, 184-0046, 184-0046, and 184-0049.
R-4	5173	18, 19, 36, 41-43, 69, 70, 73-75, 86-88, 814, 817, and 820.
R-4	5176	1, 194-207, part of 208, part of 304, 372-374, 801, 803, 805, 807, 837, 839-844, 852, 853, 862, 863, 867, 869, 871, 872, 874-879, 881, 882, 884-886, 890, 891, 895-900, 902, 904, 907-910, 913-915, 918-920, 923-926, 928, 931-934, 937-989, and 994-1029.
R-4	5202	8, 9, 53, and part of 803.
R-4	5552	43-70, 801-803, and 810-816.
R-4	5553	16, 29-38, 805, and 811.
R-4	5554	11-14.
R-4	5555	29-44, 805, 806, and 808.
R-4	5556	11-13, 43-45, 47-60, 806, 814, 821, and 822.
R-4	5581	part of 19, 20-23, 26-29, 38, and 805.
R-4	5582	2-9, and 805.
R-4	5584	37-41, 68, 72-75, 82-84, 90-93, 97, 105, 112, 113, 117-119, 802, 804, 805, 810-815, 818-823, 825, 826, and 829.
R-4	5585	34-43, and 809.
R-4	5586	40, 41, 58, 60-76, 809, and 815.

NEW ZONE	SQUARE	LOTS
R-4	5636	5-8, 43-46, 49-51, 57, 61, 64, 66-68, 70, 77, 800, 801, 804-807, 815, 817, and 2001-2020.
R-4	5637	63, 64, 77-83, 90-104, 818, 819, 839, 840, 844, 850, and 852.

On September 14, 2008, upon the motion of Commissioner May, as seconded by Commissioner Etherly, the Zoning Commission **APPROVED** the proposed map amendments at the conclusion of its public hearing by a vote of 5-0-0 (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., Peter G. May, and Michael G. Turnbull to approve).

On December 8, 2008, on a motion made by Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** this Order at its public meeting by a vote of 4-0-1 (Anthony J. Hood, Gregory N. Jeffries, Peter G. May, and Michael G. Turnbull to adopt; the third Mayoral appointee position vacant, not voting).

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 June 26, 2009.



ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

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

Z.C. ORDER NO. 08-22

Z.C. Case No. 08-22

(Map Amendment – 11 DCMR)

**(Zoning Consistency Map Amendments Rezoning Portions of Ward 7 from R-5-A to R-1-B,
R-2, R-3, or R-4)
December 8, 2008**

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
Office of Zoning



Z.C. CASE NO.: 08-22

JUN 26 2009

As Secretary to the Commission, I hereby certify that on _____ copies of this Z.C. Order No. 08-22 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- | | |
|--|---|
| 1. D.C. Register | 7. Gottlieb Simon
ANC
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004 |
| 2. Pride Hiatt, Chair
ANC 7A
4201 D Street, SE
Washington, D.C. 20019 | 8. Councilmember Yvette Alexander |
| 3. L. Yvonne Moore, Chair
ANC 7B
3200 S Street, SE
Washington, DC 20020 | 9. Office of Planning (Harriet Tregoning) |
| 4. Khaliq Elhillali, Chair
ANC 7C
4651 Nannie Helen Burroughs Rd.,
NE
Washington, DC 20019 | 10. DDOT (Karina Ricks) |
| 5. Rick Tingling-Clemmons, Chair
ANC 7D
3939 Benning Road, N.E.
Washington, DC 20002 | 11. General Counsel - DCRA
941 North Capitol Street, N.E.
Suite 9400
Washington, D.C. 20002 |
| 6. ANC/SMDs 7A01-7A07, 7B01-7B07,
7C01-7C07, and 7D01-7D07 (see
attached list) | 12. Office of the Attorney General
(Alan Bergstein) |
| | 13. Phillip Appelbaum, Chief Assessor
D.C. Assessor's Office
941 N. Capitol St. - 4 th Floor |

ATTESTED BY: _____

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