Government of the District of Columbia
Office of Zoning

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: October 30, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on November 7, 2003:

1. Z.C. Notice of Final Rulemaking & Order No. 02-35 (Case No. 02-35);
2. Z.C. Notice of Final Rulemaking & Order No. 03-25 (Case No. 03-25);
3. Z.C. Order No. 03-11 (Case No. 03-11); and
4. Z.C. Order No. 03-15 (Case No. 03-15).

I am also providing the two above rulemakings on a 3.5" diskette.

Received By

10/30/03
Date

Attachments

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Tel: (202) 727-6311 • Fax: (202) 727-6072
E-Mail: zoning info@dcoz.dcgov.org • Web Site: http://dcoz.dcgov.org/

ZONING COMMISSION
District of Columbia
Case 03-15
Exhibit 30
ZONING COMMISSION
District of Columbia
CASE NO.03-15
EXHIBIT NO.30

ZONING COMMISSION ORDER NO. 03-15
Case No. 03-15
(Amendment to the Zoning Map for Bennett Career Institute)
August 11, 2003

Pursuant to public notice, the Zoning Commission for the District of Columbia (the "Commission") held a public hearing on June 26, 2003, to consider an application from Studio27 Architecture on behalf of the Bennett Career Institute for review and approval of an amendment to the Zoning Map of the District of Columbia to change the zoning of Lot 827 in Square 3657 from the R-4 District to the C-1 District, pursuant to § 102 of Title 11 of the District of Columbia Municipal Regulations (DCMR) (Zoning). The public hearing was conducted in accordance with the provisions of 11 DCMR § 3022.

PROCEDURAL BACKGROUND

Public Notice. The Office of Zoning ("OZ") published a notice of filing of the application in the *D.C. Register* on April 11, 2003, and a notice of public hearing was published in the *D.C. Register* on May 9, 2003. A copy of the public hearing notice was posted in the Office of Zoning and copies were provided to the District of Columbia public library system.

By letter dated May 7, 2003, the Office of Zoning mailed the notice of public hearing to the owners of all property within 200 feet of the subject property; the District of Columbia Office of Planning ("OP"); the District Department of Transportation; Advisory Neighborhood Commission ("ANC") 5C, the ANC for the area within which the property is located; the single member ANC district for the subject property; the Ward 5 Councilmember; the Zoning Administrator; and the Applicant.

The Applicant submitted an affidavit of posting dated May 7, 2003, indicating that on May 6, 2003, it posted the property with two (2) zoning notices, one (1) on each of its street frontages on Monroe Street, N.E. and Seventh Street, N.E. Office of Planning Report. OP reviewed the Applicant's proposal and, in its April 2, 2003 report, recommended that the application be set down for public hearing. OP opined that the requested map amendment would be consistent with the Ward 5 objectives for Land Use and Zoning set forth in the Comprehensive Plan for the National Capital ("Comprehensive Plan" or "Plan") and concluded that the Applicant's use "would fit into the character of the community and would not be inconsistent with the Generalized Land Use Plan." (Exhibit No. 9, at 4) During the June 26, 2003 public hearing on the application, OP orally recommended approval of the map amendment.

ANC Report. By letter dated June 5, 2003, ANC 5C indicated that, at a regularly scheduled meeting with a quorum present, the ANC voted unanimously to support the application. The letter describes the Applicant's proposal to provide vocational training and childcare within a Neighborhood Shopping District as a "win-win-win" situation.

Public Hearing. On June 26, 2003, the Zoning Commission ("Commission") held a public hearing on the application. Mr. Chet Bennett, of Bennett Corporation and Bennett Career Institute ("BCI") testified

concerning the Applicant's commitment to developing projects that are important to the social fabric of the surrounding communities. He noted the Bennett Corporation's significant contributions to the local community, which are also witnessed by several letters of support for the application in the record. Mr. Todd Ray, of Studio27 Architecture, also testified on behalf of the application. Mr. Ray discussed the need for the map amendment, the proposed C-1 District and the existing zone districts surrounding the subject property. No representative of ANC 5C was present at the hearing.

Proposed Action. At the conclusion of the public hearing on June 26, 2003, the Commission took proposed action to approve the map amendment.

National Capital Planning Commission Review. Pursuant to the District of Columbia Home Rule Act, the Commission referred its proposed decision of approval to the National Capital Planning Commission ("NCPC") for review and comment. By report and letter dated July 28, 2003, NCPC found that the proposed map amendment "would not adversely affect the identified federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan." (Exhibit No. 29)

Final Action. The Commission took final action to approve the map amendment at its regularly scheduled meeting held on July 31, 2003.

FINDINGS OF FACT

1. On March 27, 2003, the Applicant, Studio27 Architecture, on behalf of Bennett Corporation and Bennett Career Institute, filed an application for a map amendment with the OZ requesting that the Commission change the zoning of the subject property from the R-4 District to the C-1 District.

2. The property that is the subject of this application, located at 700 Monroe Street, N.E. (Lot 827 in Square 3657) ("subject property"), is in the R-4 Zone District and is owned by the Bennett Corporation. The subject property consists of approximately 18,567 square feet of land (0.43 acres) and is located one block from the Brookland/Catholic University Metrorail Station. Lot 827 is developed with a three (3) story building with a walkout basement, which has been vacant for several years.

3. The subject property is located in the Brookland neighborhood at the confluence of several different zone districts, allowing for a mix of uses. Just to its north lies property which is zoned C-1 and is designated on the Generalized Land Use Map for Moderate Density Mixed Residential and Commercial Use. Catholic University is located to the north beyond this property and across Michigan Avenue, in an area that is zoned R-5-A. The land immediately to the east of the subject property is zoned C-M-1 and is designated on the Generalized Land Use Map for Industrial, Commercial – Light Manufacturing - Low Bulk uses. The property across Monroe Street, N.E., to the south is open land area zoned R-4 for row dwellings, conversions, and apartments. Trinity Seminary is located on the property immediately across Seventh Street, N.E., to the west of the subject property, which is zoned R-5-A, General Residence Low-Density. There are a variety of residential uses scattered throughout the neighborhood, as well as properties zoned SP-1 (Special Purpose) and C-2-A (Commercial).

4. The R-4 district is designed to include those areas now developed primarily with row dwellings, but within which there have been a substantial number of conversions of the row houses into dwellings for two or more families. The C-1 Zone District promotes shopping and service areas that are generally low in scale, character, and activities and that provide a limited range of retail goods and services.

5. The Commission finds that the proposed map amendment is consistent with and fosters the goals and policies stated in various elements of the Comprehensive Plan, specifically:

   a. Land Use Element -- The proposed map amendment will help to improve the vitality of the neighborhood in which the subject property is located, particularly in that it will help put to use a now vacant building. Further, the proposed map amendment will help provide for the continued growth and vitality of the District's economy, neighborhoods, and its employment base. *See, e.g.,* 10 DCMR §§ 1105.1 and 1108. Section 1134 of Title 10 directs that development efforts be concentrated near Metrorail Station areas that offer the potential for growth. The proximity of the subject property to the Brookland/Catholic University Metro Station thus makes it further compatible with the Land Use Element of the Comprehensive Plan.

   b. Economic Development Element -- The Economic Development Element sets forth policies to encourage the growth and development of small and minority businesses and to focus business activity near Metro stations. Both of these policies are directly fostered by the proposed map amendment. *See,* 10 DCMR §§ 204.2 and 209.6(b)(1).

   c. Ward 5 Element -- Two policies of the Ward 5 Plan are to capitalize on Metro station areas as focal points of commercial activities and community services and to stimulate private renovation of existing residential and commercial properties. 10 DCMR §§ 1601.1(d) & (f). The proposed map amendment is consistent with both of these policies and will not denigrate the stability of the nearby residential neighborhoods, a concern that is evident throughout the Ward 5 Plan.

6. The proposed map amendment is also consistent with the Generalized Land Use Map designation of the subject property as a mixed land use combination of Low-Density Commercial with Production and Technical Employment. This designation, in turn, is consistent with the C-1 zone.

7. The proposed C-1 Zone District will allow for controlled commercial development and permit redevelopment of the existing building consistent with the bulk, height, and character of buildings in the surrounding institutional and commercial neighborhood.

8. The requested map amendment will not produce objectionable traffic conditions. Located one block from the Catholic University/Brookland Metrorail Station, the subject property is adequately served by public transportation. In addition, the Bennett Career Institute will be providing off-street parking and shuttle bus service from the subject property to a commuter parking lot on Rhode Island Avenue, one mile from the property.

CONCLUSIONS OF LAW

1. The Zoning Commission is authorized under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938, (52 Stat. 797, as amended, D.C. Official Code § 6-641.01 *et seq.* (2001)), to amend the Zoning Map.

2. The public notice, public hearing, and NCPC referral requirements for the map amendment, including the requirements in 11 DCMR §§ 102.6 - 102.9, 3015, and 3028, have been met.

3. The Commission concludes that approval of the requested map amendment from the R-4 District to the C-1 District is not inconsistent with the Comprehensive Plan nor with the purposes of the 1938 Zoning Act. In fact, the Commission concludes that the requested map amendment will further the goals of the Comprehensive Plan and will promote orderly development in conformity with the entirety of the District of Columbia Zone Plan as embodied in the Zoning Regulations and Map.

4. The Commission further concludes that the proposed map amendment is consistent with the Generalized Land Use Map's designation of the subject property as a mixed land use combination of Low-Density Commercial with Production and Technical Employment.

5. Based upon the above findings and conclusions, the Commission also concludes that the requested map amendment is in the best interests of the District of Columbia and will benefit the community in which the subject property is located. The property's proximity to the Metro makes it as a suitable site for the proposed map amendment. The requested C-1 zone district is compatible with zone districts in the area and merely requires an extension of a neighboring C-1 zone to include the subject property.

6. The Commission takes note of the recommendations in support of the map amendment of both ANC 5C and OP and has accorded them the "great weight" to which they are entitled.

DECISION

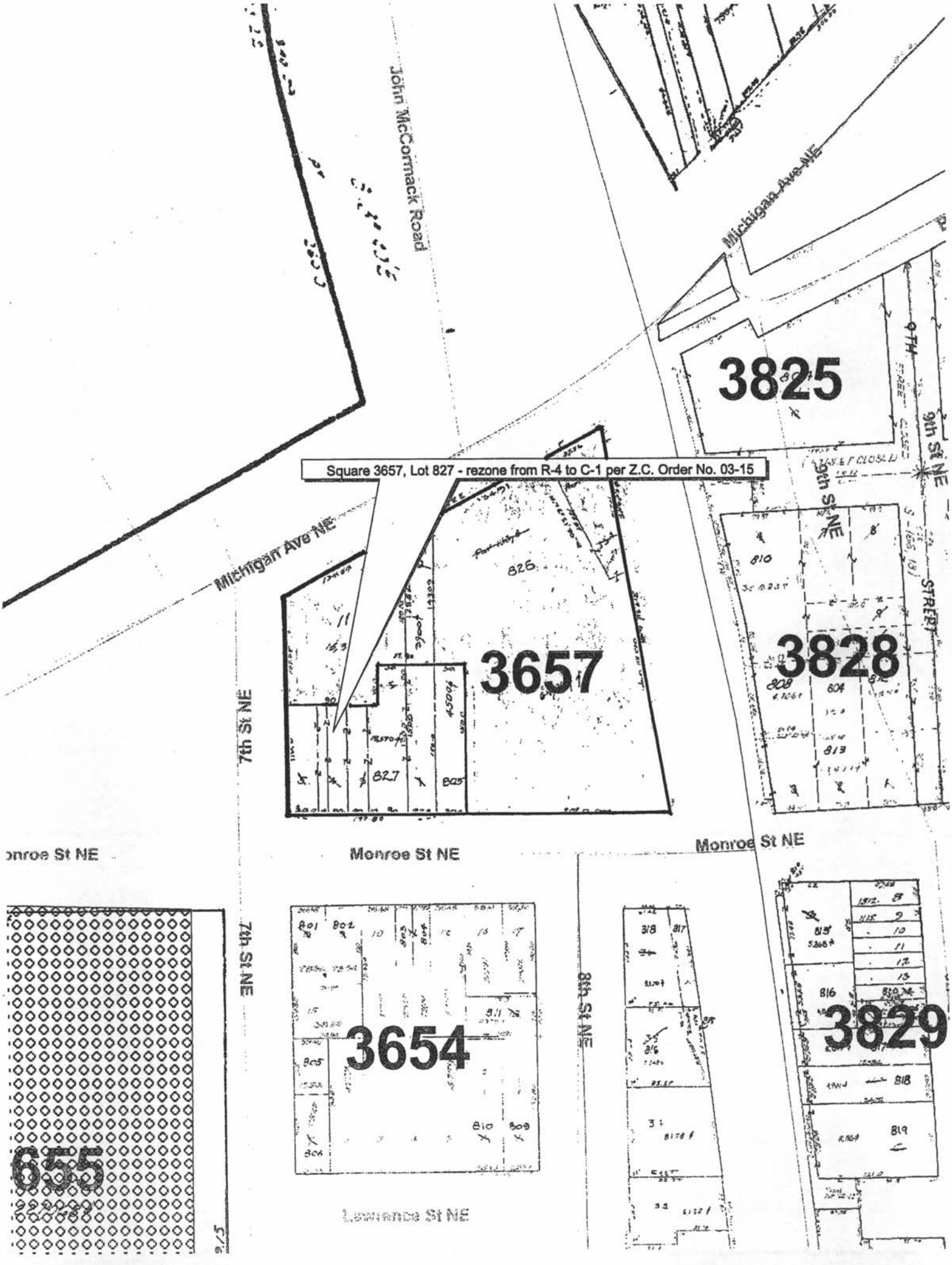
In consideration of the Findings of Fact and Conclusions of Law contained in this Order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the application for an amendment of the Zoning Map to change the zoning for Lot 827 at Square 3657 from the R-4 District to the C-1 District.

The Applicant is required to comply fully with the provisions of the Human Rights Act of 1977, D.C. Law 2-38, as amended, and this order is conditioned upon full compliance with those provisions. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income, or place of residence or business. Sexual harassment is a form of sex discrimination which is also prohibited by the act. In addition, harassment based on any of the above protected categories is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action. The failure or refusal of the Applicant to comply shall furnish grounds for the denial or, if issued, revocation of any building permits or certificates of occupancy issued pursuant to this Order.

At the public hearing on June 26, 2003, the Zoning Commission voted to **APPROVE** the application for proposed action by a vote of **5-0-0**. (Anthony J. Hood, James H. Hannaham, Carol J. Mitten, Peter G. May, and John G. Parsons to **APPROVE**).

The Order was **ADOPTED** by the Zoning Commission at its public meeting on July 31, 2003, by a vote of **5-0-0** (Carol J. Mitten, Peter G. May, Anthony J. Hood, James H. Hannaham, and John G. Parsons to adopt).

In accordance with the provisions of 11 DCMR § 3028, this order shall become final and effective upon publication in the *D.C. Register* on _____.


Square 3657, Lot 827 - rezone from R-4 to C-1 per Z.C. Order No. 03-15
John McCormack Road
Michigan Ave NE
Michigan Ave NE
9th St NE
9th St NE
7th St NE
7th St NE
8th St NE
Monroe St NE
Monroe St NE
Monroe St NE
Lamont St NE
3825
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