

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

2007 DEC 21 PM 12:20

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Documents and
Administrative
Issuances

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin *SS*
Secretary to the Zoning Commission

Date: December 20, 2007

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on January 4, 2008:

1. Z.C. Order No. 06-31A;
2. Z.C. Notice of Final Rulemaking & Order No. 06-36;
3. ~~Z.C. Notice of Final Rulemaking & Order No. 06-36A; and~~
4. Z.C. Notice of Final Rulemaking & Order No. 968A (also provided on the attached disk).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 06-36

EXHIBIT NO. 20

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ZONING COMMISSION
District of Columbia
CASE NO.06-36
EXHIBIT NO.20

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☒ FINAL RULES ☐ PROPOSED RULES ☐ COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: 727-0340

TITLE AND DESCRIPTION OF RULES: Zoning Commission Order No. 06-36: Map Amendment – 11
DCMR: Portions of Squares 2676, 2677, 2683 through 2690 from R-5-B to R-4

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Zoning Map of the District of Columbia (not codified)

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 54 DCR 2241 DATE: March 9, 2007

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

LEGAL CERTIFICATION: I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.

DATE: NOVEMBER 26, 2007

SIGNED: *Alan Bayon*

PHONE: (202) 442-9777

☒ FINAL

☐ CONDITIONAL

NAME: LINDA SINGER

TITLE: ATTORNEY GENERAL

PROMULGATOR: Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)

Zoning Commission For The District Of Columbia

Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules. Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE:

4-9-07

APPROVAL OF ATTEST:

Sharon J. Schellin
Secretary to the Zoning

TITLE: Commission

PHONE: (202) 727-0340

Office of Documents use only:

THIS NOTICE PUBLISHED AT:

VOL:

DCR:

DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 06-36
Z.C. Case No. 06-36
(Map Amendment – 11 DCMR)
(Portions of Squares 2676, 2677, 2683 through 2690 from R-5-B to R-4)
April 9, 2007

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 Charter, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia:

Amend the Zoning Map of the District of Columbia to zone the following lots from R-5-B to R-4:

Square	Lots
2676	290-291, 343-345, 326-329, 452-463, 477-480, 745, 746, 806, 782-784
2677	218, 368-370, 379-384, 536-538, 546-548, 561-565, 569-573, 577-584, 627-632, 642-645, 653-660, 670-671, 702-707, 673-675, 691-692, 706-707, 801, 803, 805, 807, 814, 838-839, 843-844
2683	248-250, 627, 628
2684	82, 504-508, 513-518, 526-538, 540-551, 554, 821, 824
2685	427-433, 534-545
2686	599-615, 803, 805, 806, 810, 811, 816
2687	802-811
2688	26-39, 44-53, 55-73, 74-82
2689	16-21, 53-64, 69-70, 74-87, 90-92, 863, 865
2690	29-30, 33-37, 40-63, 65-71, 75, 862-864

Hereafter, these properties shall be referred to as the "Subject Properties."

The purpose of this rezoning 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 ("Comprehensive Plan").

This rulemaking case was initiated by a petition filed by Advisory Neighborhood Commission ("ANC") 1A. The Subject Properties are located in the Columbia Heights neighborhood in an area bounded by 14th Street and 16th Streets N.W., and Monroe Street and Spring Road, N.W. The Subject Properties are developed with row dwellings, but zoned R-5-B.

The R-5-B District allows all types of urban residential development, including apartment houses, of moderate density. The R-4 District is designed to include those areas now developed primarily with row dwellings.

In its July 14, 2006 report, the Office of Planning ("OP") recommended that the Commission schedule a public hearing to decide the case. The Commission set the case down for a public hearing at its July 24, 2006 public meeting.

At a properly noticed public hearing held on February 8, 2007, Anne Theisen testified on behalf of ANC 1A. She testified the map amendment was intended to prevent conversion of row dwellings to apartment houses. She testified that the Subject Properties were developed with row houses, and were similarly situated with respect to the Columbia Heights Metro Station as other parts of the neighborhood zoned R-4, and that the R-4 designation was more appropriate. She further testified that several existing row houses located in the R-5-B Zone District had recently been converted to apartment houses, and that these conversions had negative effects on the neighborhood. Finally, she testified that the Comprehensive Plan supported the petition.

OP testified in support of the petition, stating that rezoning the Subject Properties to the R-4 District would limit the conversion of row houses to apartment buildings. OP further testified that the proposed map amendments were not inconsistent with the Comprehensive Plan, and that specific provisions of the Comprehensive Plan supported the rezoning because of the policies expressed in the Comprehensive Plan discouraging the subdivision of row dwellings. OP also submitted a report citing provisions of the Comprehensive Plan in effect at the time of the hearing, as well as a provision of what was then the draft Comprehensive Plan supporting the rezoning, Policy MC-1.1.5: Conservation of Row House Neighborhoods, which reads as follows:

Recognize the value and importance of Mid-City's row house neighborhoods as an essential part of the fabric of the local community. Ensure that the Comprehensive Plan and zoning designations for these neighborhoods reflect the desire to retain the row house pattern. Land use controls should discourage the subdivision of single family row houses into multi-unit apartment buildings but should encourage the use of English basements as separate dwelling units, in order to retain and increase the rental housing supply.

At the conclusion of the public hearing, the Commission took proposed action pursuant to 11 DCMR § 3027 to approve the proposed map amendments.

A Notice of Proposed Rulemaking was published in the *D.C. Register* ("DCR") on March 9, 2007 at 54 DCR 2241, for a 30-day notice and comment period. No comments were received. By report dated February 23, 2007, NCPC found that the proposed map amendments would neither adversely affect federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

At its regularly scheduled public meeting of April 9, 2007, the Commission took final action to approve these amendments to the Zoning Map.

The Office of the Attorney General reviewed this Order and found it met its standards of legal sufficiency.

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 intent and purpose of the Zoning Act and Zoning Regulations, and not inconsistent with the Comprehensive Plan for the Nation's Capital.

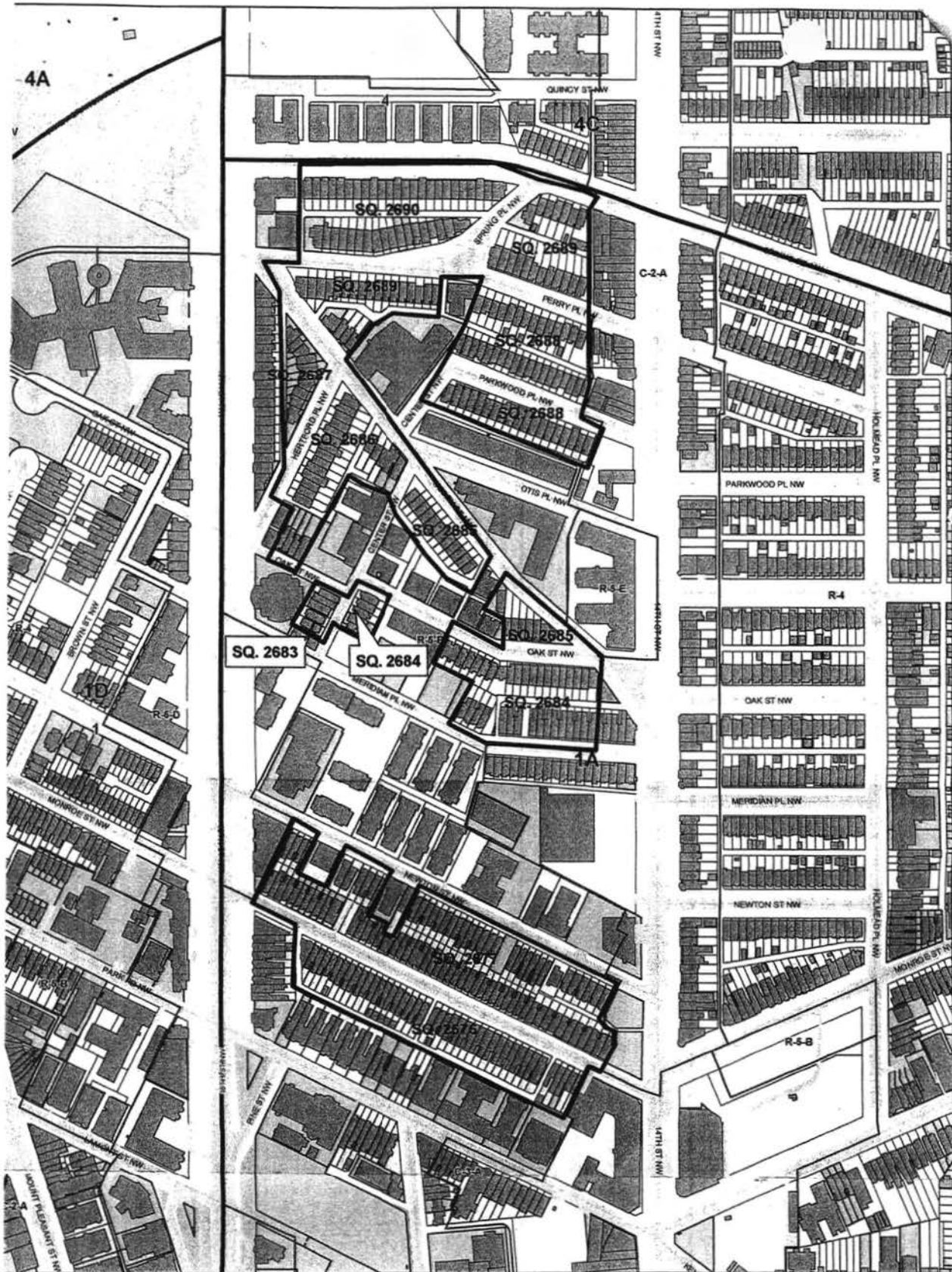
Vote of the Zoning Commission taken at the conclusion of the public hearing on February 8, 2007 to **APPROVE** the proposed rulemaking: **5-0-0** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to approve).

This Order and final rulemaking was **ADOPTED** by the Zoning Commission at its public meeting on April 9, 2007 by a vote of: **5-0-0** (Carol J. Mitten, Anthony J. Hood, Gregory N. Jeffries, John G. Parsons, and Michael G. Turnbull to adopt).

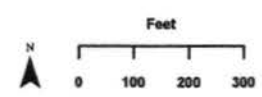
In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the D.C. Register, on ~~—'JAN—4 2008—~~

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 06-36
Z.C. Case No. 06-36
(Map Amendment – 11 DCMR)
(Portions of Squares 2676, 2677, 2683 through 2690 from R-5-B to R-4)
April 9, 2007**

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



Part of ANC-1A
Proposed Areas to be Rezoned from R-5-B to R-4



*** Government of the
District of Columbia
Anthony A. Williams, Mayor

Office of Planning - June 22, 2006

This map was created for planning
purposes from a variety of sources.
It is neither a survey nor a legal document.
Information provided by other agencies
should be verified with them where appropriate.

- Zoning Districts
- 2002 Wards
- Buildings
- Major Roads
- Roads
- Street Centerlines
- 2002 ANC

N.C. Case 06-36