

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



MEMORANDUM

Office of  
Documents and  
Administrative  
Issuances

2007 DEC 2 PM 12:21

To: Office of Documents and Administrative Issuance  
From: Sharon S. Schellin  
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. 06-36A

EXHIBIT NO. 17

## RULEMAKING TRANSMITTAL FORM

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

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS: 441 4<sup>th</sup> Street, N.W., Suite 210 South TELEPHONE: 727-0340

TITLE AND DESCRIPTION OF RULES: Zoning Commission Order No. 06-36A: Map Amendment 11  
DCMR: (Portions of Squares 2676, Square 2677, and Square 2684 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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Zoning Map of the District of Columbia (not codified)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 6100 DATE: June 22, 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: *Sharon S. Schellin* 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 *7-30-07* APPROVAL OF ATTEST: *Sharon S. Schellin*  
OF VOTE: TITLE: Secretary to the Zoning  
Office of Documents THIS NOTICE VOL: DCR: PHONE: (202) 727-0340  
use only: PUBLISHED AT: DATE:

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF FINAL RULEMAKING**  
**and**  
**Z.C. COMMISSION ORDER NO. 06-36A**  
**Z.C. Case No. 06-36A**  
**(Map Amendment 11 DCMR)**  
**(Portions of Squares 2676, Square 2677, and Square 2684 from R-5-B to R-4)**  
**July 30, 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:

<b>Square</b>	<b>Lots</b>
2676	781, 785-794
2677	371-373, 427-432, 623-625, 646-652
2684	489-491, 553

Hereafter these lots 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”).

The Office of Planning (“OP”) initiated this rulemaking case by filing a report on January 17, 2007. The report stated that the Subject Properties were inadvertently omitted from consideration in a pending case, Z.C. Case No. 06-36. OP therefore initiated this companion case to rectify that inadvertent omission. The Subject Properties are located in the Columbia Heights neighborhood in an area bounded by 14<sup>th</sup> Street and 16<sup>th</sup> 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.

The Commission set down this case for a public hearing at its January 17, 2007 public meeting, and instructed that the public hearing notice indicate that the Commission would incorporate all comments made at the public hearing held on the Case 06-36 to avoid needless repetition of testimony.

At the public hearing held in Z.C. Case 06-36, Advisory Neighborhood Commission (“ANC”) 1A testified that the map amendment was intended to prevent further conversion of row dwellings to apartment houses. ANC 1A further 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. 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, ANC 1A testified that the Comprehensive Plan supported the petition.

At a properly noticed public hearing held on May 3, 2007, OP testified as the Petitioner in support of the proposed map amendment. OP testified that the change in zoning was not inconsistent with the Comprehensive Plan, and that several provisions of the Plan directly supported it. The Office of Planning also submitted a report citing the relevant provisions of the Comprehensive Plan including 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 amendment.

A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on June 22, 2007 at 54 DCR 6100, for a 30-day notice and comment period. No comments were received. By report dated June 15, 2007, NCPC found that the proposed map amendment would neither adversely affect federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

**Z.C. ORDER No. 06-36A**

**Z.C. CASE No. 06-36A**

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At its regularly scheduled public meeting of July 30, 2007, the Commission took final action to approve these amendments to the Zoning Map.

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 its public hearing on May 3, 2007 to **APPROVE** the proposed rulemaking: **3-0-2** (Carol J. Mitten, Anthony J. Hood, and John G. Parsons to approve; Gregory N. Jeffries and Michael G. Turnbull not present, not voting).

This Order and final rulemaking was **ADOPTED** by the Zoning Commission at its public meeting on July 30, 2007, by a vote of **3-0-2** (Carol J. Mitten, Anthony J. Hood, and John G. Parsons to adopt; Gregory N. Jeffries and Michael G. Turnbull not participating, not voting).

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. 06-36A**

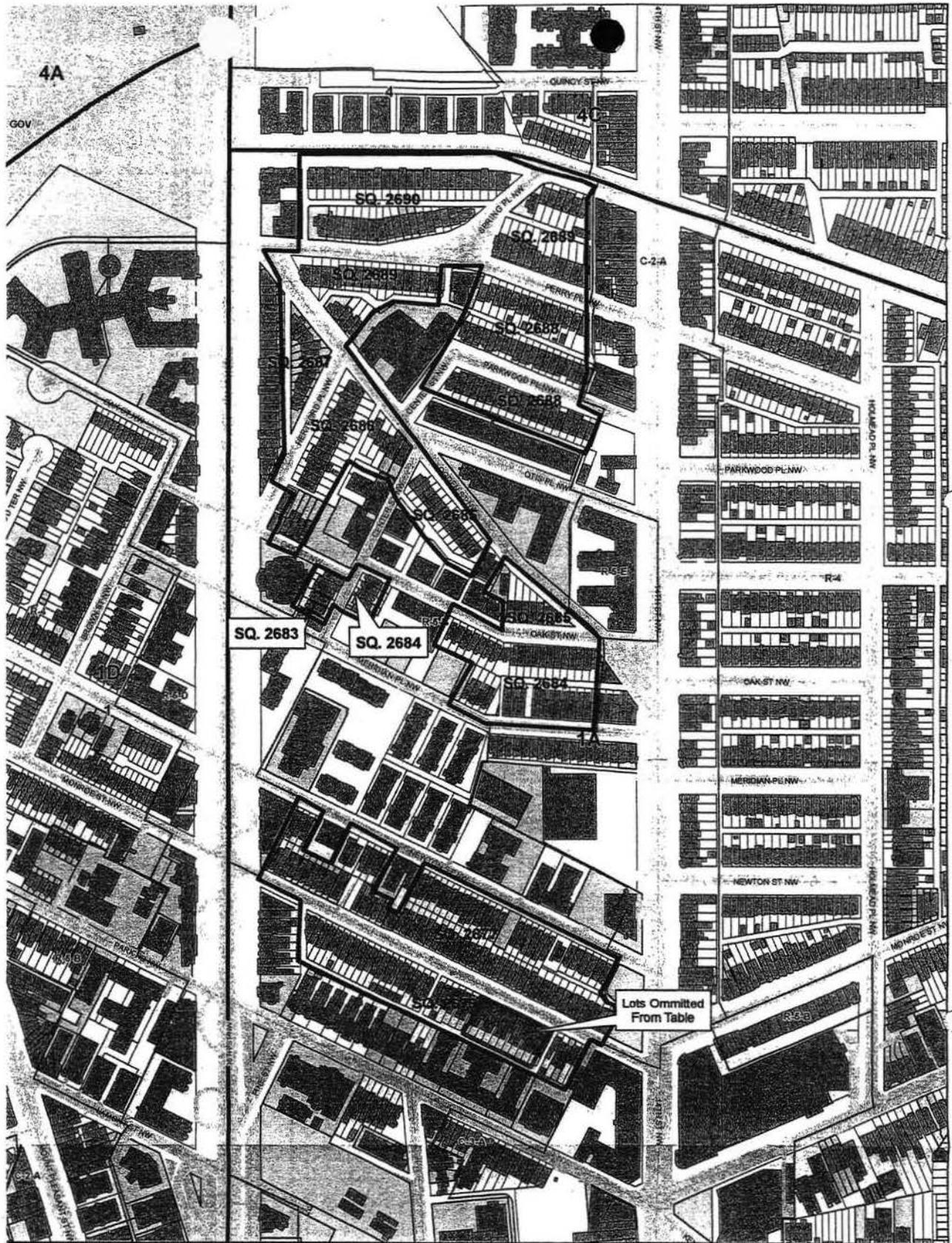
**Z.C. Case No. 06-36A**

**(Map Amendment 11 DCMR)**

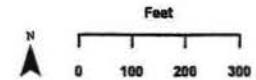
**(Portions of Squares 2676, Square 2677, and Square 2684 from R-5-B to R-4)**

**July 30, 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  
 Lots Omitted From Table



★★★ 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.

<input type="checkbox"/>	Zoning Districts
<input type="checkbox"/>	2002 Wards
<input checked="" type="checkbox"/>	Buildings
<input type="checkbox"/>	Major Roads
<input type="checkbox"/>	Roads
<input type="checkbox"/>	Street Centerlines
<input type="checkbox"/>	2002 ANCs

M. C. Case 06-36A