

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 06-36A

As Secretary to the Commission, I hereby certify that on JAN 14 2008 copies of this Z.C. Notice of Final Rulemaking & Order No. 06-36A were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1	<i>D C Register</i>	6.	Gottlieb Simon ANC 1350 Pennsylvania Avenue, N.W. Washington, D C 20004
2.	Dotti Love Wade, Chair ANC 1A 2905 11 th Street, N.W. Washington, DC 20001	7.	Councilmember Jim Graham
3.	Commissioner Jacqueline Arguelles ANC/SMD 1A01 1424 Perry Place, NW Washington, DC 20009	8.	Office of Planning (Harriet Tregoning)
4	Commissioner Calvin Woodland ANC/SMD 1A02 1477 Newton Street NW #207 Washington, DC 20010	9.	DDOT (Ken Laden)
5	Anne Theisen ANC/SMD 1A05 1514 Monroe Street, N.W. Washington, D C 20010	10.	Zoning Administrator (Matt LeGrant)
		11	Jill Stern, Esq. General Counsel - DCRA 941 North Capitol Street, N.E. Suite 9400 Washington, D C 20002
		12.	Office of the Attorney General (Alan Bergstein)

ATTESTED BY:


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

ZONING COMMISSION
District of Columbia

CASE NO. 06-36A

EXHIBIT NO. 18

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



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

Square	Lots
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 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.

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.

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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.



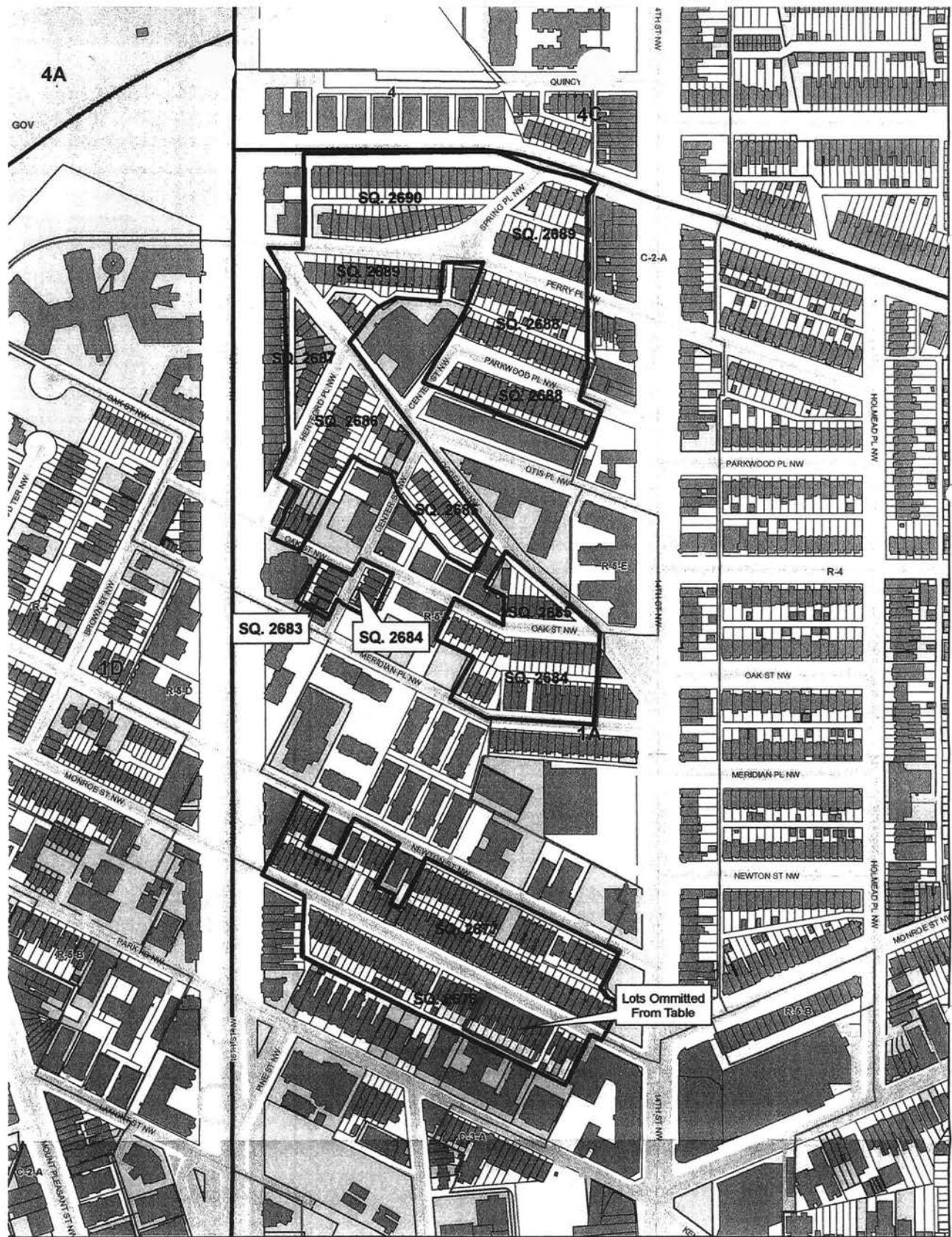
ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION



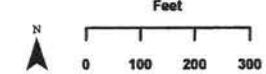
JERRILY R. KRESS, FAIA
DIRECTOR
OFFICE OF ZONING

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 06-36A
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(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*.



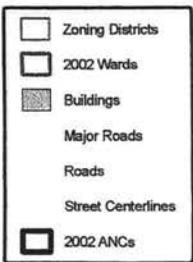
Part of ANC-1A
Proposed Areas to be Rezoned from R-5-B to R-4
Lots Omitted From Table



★ ★ ★ 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.



M. C. Case 06-34A