

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

2008 JUN -4 AM 10:26

Office of
Documents and
Administrative
Issuances

To: Office of Documents and Administrative Issuance
From: Sharon S. Schellin ^{S3}
Secretary to the Zoning Commission
Date: May 27, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on June 13, 2008:

1. Z.C. Notice of Final Rulemaking & Order No. 07-25.

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 07-25
EXHIBIT NO. 32

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ZONING COMMISSION
District of Columbia
CASE NO.07-25
EXHIBIT NO.32

2008 JUN -4 AM 10: 26

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: Z.C. Case No. 07-25: (Map Amendment – 11 DCMR) (Amend Zoning Map from R-5-A to R-5-C in Square 2794, Lots 18, 19, 877, 879, 895, 899, 2001-2047)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Zoning Map

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 55 DCR 3501 DATE: APRIL 4, 2008

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: JUNE 3, 2008

SIGNED:

Alan Bergstein

PHONE: (202) 442-9777

☒ FINAL

☐ CONDITIONAL

NAME: ALAN BERGSTEIN

TITLE: SECTION CHIEF

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:

5/12/08

APPROVAL OF ATTEST:

Sharon J. Schellin

TITLE: Secretary to the Zoning 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
ZONING COMMISSION ORDER NO. 07-25
Z.C. Case No. 07-25
(Map Amendment – 11 DCMR)
(Square 2794, Lots 18, 19, 877, 879, 895, 899, and 2001-2047)
May 12, 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 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 included in the Zoning Regulations (Title 11 DCMR).

A Notice of Proposed Rulemaking was published in the *D.C. Register* (“*DCR*”) on April 4, 2008, at 55 *DCR* 3501. The Commission took final action to adopt the amendments at a public meeting on May 12, 2008. This final rulemaking is effective upon publication in the *D.C. Register*.

Application, Set Down, and Public Hearing

On September 13, 2007, Scott Whittier, George Maurikes, and Bryan Irving (“Petitioners”) filed a petition to rezone property located in Square 2794, Lots 18, 19, 877, 879, 895, 899, and 2001 through 2047 (“Subject Property”). The petition requested rezoning the Subject Property from R-5-A to the R-5-C Zone District.

The Commission set down the case for a public hearing as a rulemaking case at its November 19, 2007 public meeting.

The Commission held a public hearing on January 28, 2008. George Maurikes testified on behalf of the Petitioners in favor of the rezoning. He further testified the rezoning would not be inconsistent with the District Elements of the Comprehensive Plan for the National Capital (“Comprehensive Plan”). Karrye Braxton, a neighbor residing at 1320 Missouri Avenue, testified in opposition to the rezoning. The Office of Planning (“OP”) testified in support of the map amendments. At the conclusion of the hearing, the Commission ordered the record to remain open to receive a memorandum from the Petitioners explaining why R-5-C zoning was

preferable to R-5-B zoning; and a report from the Office of Planning addressing whether other properties in the immediate area should be rezoned.

Relationship to the Comprehensive Plan

The amendments would not be inconsistent with the Comprehensive Plan, and are consistent with the following elements of the Comprehensive Plan:

- **Land Use Element:** Policy LU-2.1.3: Conserving, Revitalizing and Enhancing Neighborhoods – Recognize the importance of balancing goals to increase the housing supply and expand neighborhood commerce with parallel goals to protect neighborhood character, preserve historic resources and restore the environment. The overarching goal to “create successful neighborhoods” in all parts of the city requires an emphasis on conservation in some neighborhoods and revitalization in others.

Policy LU-2.1.10: Multi-Family Neighborhoods – Maintain the multi-family residential character of the District’s medium- and high-density areas. Limit the encroachment of large scale, incompatible uses into these areas, and make these areas more attractive, pedestrian-friendly and transit accessible.

Rezoning the Subject Property will make the existing structures conforming and will preserve the apartment house character of the community.

- **Housing Element:** Policy H-1.1.1: Private Sector Support - Encourage the private sector to provide new housing to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.

Policy H-1.1.3: Balanced Growth - Strongly encourages the development of new housing on surplus, vacant and underutilized land in all parts of the city. Ensure that a sufficient supply of land is planned and zoned to enable the city to meet its long-term housing needs, including the need for low- and moderate-density single family homes as well as the need for higher-density housing.

Rezoning the Subject Property will increase the potential number of residential units in the city and enable limited residential growth on-site, helping the city meet its housing needs.

- **Generalized Land Use Map:** The Generalized Land Use Map includes the Subject Property in the Medium Density Residential Land Use Category. This land use category is compatible with development in the R-5-C Zone District.

Great Weight Given to ANC Issues and Concerns

The Commission is required under D.C. Official Code § 1-309.10(d)(3)(A) to give great weight to the affected ANC's written recommendation. ANC 4A submitted a statement in support of the petition. The Commission has carefully considered ANC 4A's recommendation for approval, concurs in its recommendation, and has given it the great weight it is entitled.

Proposed Action

The Commission took proposed action at a properly notice public meeting held on March 10, 2008.

Prior to taking Proposed Action, the Commission noted the receipt of three supplemental filings. First, a memorandum from the Petitioners explaining why they believed R-5-C zoning was appropriate. Second, a report from OP stating that it studied the area surrounding the Subject Property and did not recommend any further rezoning. Third, a letter from Karrie Braxton withdrawing her opposition to the petition, and stating that she was now in support.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on April 4, 2008 at 55 DCR 3501, for a 30-day notice and comment period.

The proposed rulemaking was referred to the National Capital Planning Commission ("NCPC") under the terms of § 492 of the District of Columbia Charter. NCPC, through a delegated action dated March 27, 2008, found that the proposed text amendments would not adversely affect the 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

At its properly noticed May 12, 2008 public meeting, the Commission took final action to approve the proposed text amendments.

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 and is consistent with the purpose of the Zoning Regulations and the Zoning Act.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to the Zoning Map:

Z.C. NOTICE OF FINAL RULEMAKING & ORDER NO. 07-25
Z.C. CASE NO. 07-25
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The Zoning Map of the District of Columbia is amended to zone the following lots from R-5-A to R-5-C:

Square	Lots
2974	18, 19, 877, 879, 895, 899, and 2001 through 2047

At its public meeting on March 10, 2008, the Zoning Commission **APPROVED** the petition by a vote of **5-0-0** (Anthony J. Hood, Gregory N. Jeffries, Curtis L. Etherly, Jr., Michael G. Turnbull [by absentee ballot], and Peter G. May to approve).

At its public meeting on May 12, 2008, the Zoning Commission **ADOPTED** this Order by a vote of **5-0-0** (Anthony J. Hood, Peter G. May, Gregory N. Jeffries, and Curtis L. Etherly, Jr. to adopt; Michael G. Turnbull, not present, 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 JUN 13 2008.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 07-25
Z.C. Case No. 07-25
(Map Amendment – 11 DCMR)
(Square 2794, Lots 18, 19, 877, 879, 895, 899, and 2001-2047)
May 12, 2008**

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

DISTRICT OF COLUMBIA GOVERNMENT
OFFICE OF THE SURVEYOR

Washington, D.C., September 11, 2007

Plot for Building Permit of SQUARE 2794 LOTS 18, 19, 877, 879, 895, 899, 21 & 22

Scale: 1 inch = 50 feet

Recorded in Book 108 Page 74 (LOTS 18 & 19)
Book AST Page 1588 (LOTS 877 & 879)
Book AST Page 2275 (LOT 895)
Book AST Page 3444-P (LOT 899)
Book 197 Page 68 (LOT 21)
Book 109 Page 104 (LOT 22)

Receipt No. 21698

Furnished to: PWSP

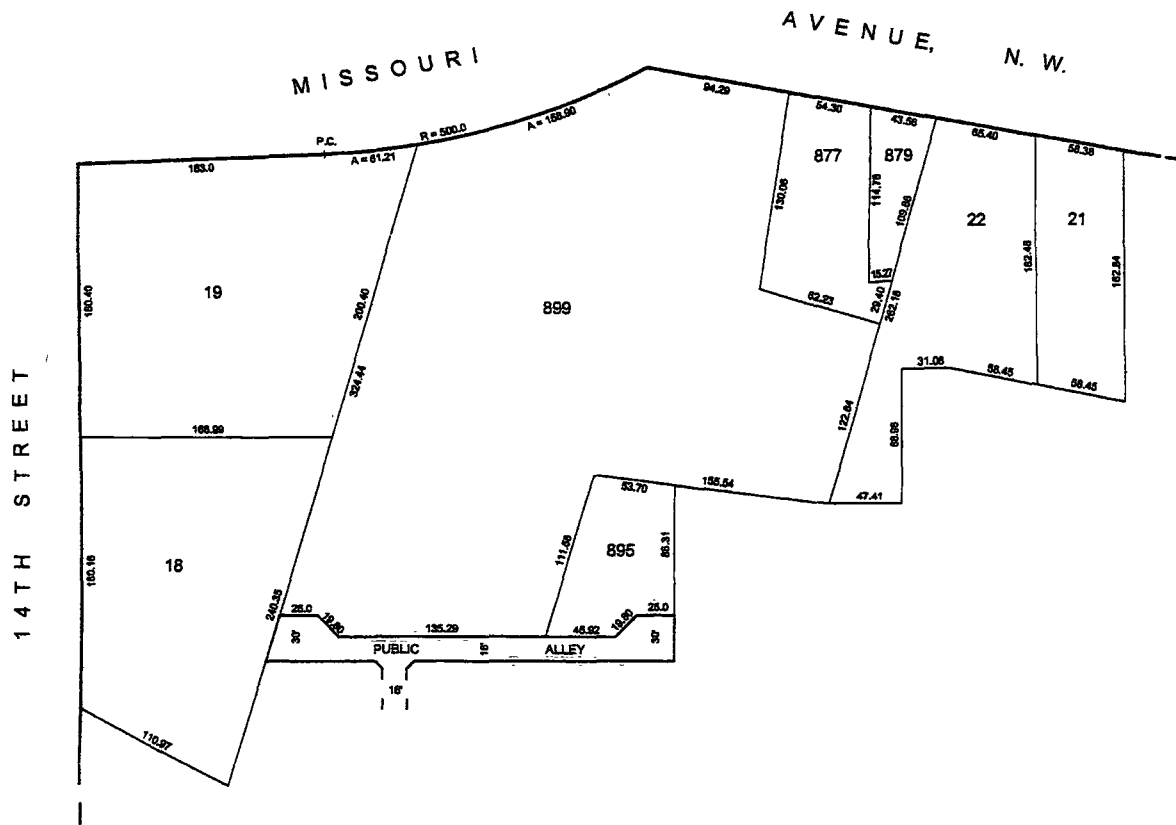
By: *[Signature]*
L.M.A. Surveyor, D.C.

I hereby certify that all existing improvements shown herein, are complete and are correctly plotted; that all proposed buildings or construction, or parts thereof, are correctly dimensioned and plotted; and agree with others on the proposed improvements to be erected as shown herein the site of any existing improvements is not decreased to an area less than is required by the Zoning Regulations for light and ventilation; and it is further certified and agreed that accessible parking area when required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations; and that this area has been correctly shown and dimensioned herein. It is further agreed that the alteration of the accessible parking area with respect to the Highway Department approved curb and alley grade will not result in a rate of grade along centerline of driveway at any point on private property in excess of 20% for single-family dwellings or lots, or in excess of 12% for other buildings. (The policy of the Highway Department permits a maximum driveway grade of 12% across the public parking and the private restricted property.)

Date: _____

(Signature of owner or his authorized agent)

NOTE: Data shown for Assessment and Taxation Lots or Parcels are in accordance with the records of the Department of Finance and Revenue, Assessment Administration, and do not necessarily agree with deed description.



Z.C. Case 07-25