

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



Z.C. CASE NO.: 08-12

As Secretary to the Commission, I hereby certify that on **NOV 13 2008** copies of this Z.C. Notice of Final Rulemaking & Order No. 08-12 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

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ZONING COMMISSION
District of Columbia

CASE NO.

08-12

EXHIBIT NO.

11

ATTESTED BY:

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ZONING COMMISSION
District of Columbia
CASE NO. 08-12
EXHIBIT NO. 11

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING

and

ZONING COMMISSION ORDER NO. 08-12

Z.C. Case No. 08-12

(Map Amendment – 11 DCMR)

(Ward 8 Rezoning from R-5-A to the R-2, R-3, and R-4 Zone Districts)

October 20, 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 and 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 incorporated in the Zoning Regulations (11 DCMR).

The Zoning Map of the District of Columbia is amended to rezone the following lots presently zoned R-5-A to the following Zone Districts:

Square	Lots	New Zone
5724 (all)	801	R-2
5761 (part)	15, 16, 40, 41, 800-803	R-2
5763 (part)	806-840, and parcel 219/0142	R-2
5898 (part)	33-42, 45-48, and 55-95	R-2
5899 (all)	16-20, and 24-87	R-2
5900 (part)	30-61, 64-120, and 807	R-2
5920 (part)	70-92, 106-144, and 146-195	R-2
5928 (part)	43-63, 65-90, and 92-119	R-2
5935 (all)	10-21	R-2
5936 (part)	26-48	R-2
5937 (part)	27, 29-34, 38-49, 53-58, 800, 805-808, 810, 811, 822, and 825-826	R-2
5938 (all)	66-78, 86-96, 804, 814, 831-833, 836-838, 840, 842-846, and 848-860	R-2
5939 (all)	13, 14, 75, and 801-804	R-2
5941 (all)	10, and 801-805	R-2

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Square		Lots	New Zone
5942	(all)	31, 33, 36, 816-822, and 824-826	R-2
5943	(all)	11, 31-35, 812, 814, 816, 819-821, and 823-828	R-2
5944	(all)	7, 30-37, and 810-813	R-2
5945	(all)	4-7, 25-31, 804, 806, 808, 810, 812, and 813	R-2
5946	(all)	2-9, 16-43, 48-77, 803, 805, 826, 827, and 832	R-2
5957	(part)	16-26, 40-42, 45-63, 67, and 70-98	R-2
5973	(part)	17, and RSA portions of lots 18-20 (these properties are split zoned)	R-2
6093	(part)	1-3, 57-59, 61, 62, 803, 808, and 812	R-2
6094	(part)	3, 4, 31-33, 37-42, 44, and 803	R-2
6118	(part)	5-7, 44, and 9-21	R-2
6119	(part)	2, and 17-20	R-2
6149	(part)	18-27, 40-45, 49, 50, 801, and 802	R-2
6162	(all)	810 and 811	R-2
6163	(all)	32-41, 45, 46, 54-90, 126, 127, 802, 806, 808-817, 828, and 829	R-2
6164	(all)	42-78, 88-97, 124, 823, and 824	R-2
6165	(all)	21-30, 37-40, 43-51, 57, 59, 804-809, and 2001-2008	R-2
6166	(all)	1-4, 11-20, 39, 40, 42-46, 800, and 802-806	R-2
6167	(part)	12-21, 34-42, 52, 53, 800, 801, and 804-806	R-2
6168	(part)	3, 34-36, 41-44, 821, 825-830, 833, 834, 840, and 842-844	R-2
6239	(part)	57-68, 70-72, 74-76, 78-94, 803, 804, 2005-2014	R-2
6239S	(part)	1-4, 6, 9-13, 15, 16, 19-24, 27-29, 34-36, 2001-2008, and 2019-2028	R-2
6240	(part)	65-69, 54-63, and 815	R-2
5726	(part)	27-42	R-3
5727	(all)	4, 5, 43-49, 64-70, 73, 74, 78-83, 92-97, 136, 149-198, 806, 811, 813, 814, and 816	R-3
5728	(part)	17-46, and 50-57	R-3
5729	(all)	39-43, 47, 48, 50-59, and 2001-2004	R-3
5729W	(all)	1-8, 12, and 800-805	R-3
5730	(part)	47, 48, 150, 175-185, 196-199, 200, 201, and 920	R-3
5734	(part)	4-8, 33-36, 803, 811-813, 815, 819, and 820	R-3
5740	(part)	193-197, 201-207, 215-218, 224-231, 235-244, 247-248, 250-253, 256-269, 272, 277-294, 298-304, 309-333, 335-348, 829, 833, 842, and 852	R-3
5755	(part)	26, 27, 38-43, 46-57, 121, 128-137, 140-151, 817, 826, and 835	R-3
5777	(part)	533, 534, 628-630, 711, 805, 806, 809, 810, 824, and 1024	R-3
5778	(part)	82-86, 160, 816, 819, 820, 822, 824, 825, 831-834, 836, 838, and 842	R-3

Square	Lots	New Zone
5824 (all)	51-60, 803, and 804	R-3
5842 (part)	15-21	R-3
5844 (part)	6, 7, 20, and 24-35	R-3
5892 (all)	2-21, 42-114, 120, and 125	R-3
5895 (part)	1-20, 35-46, and 49-56	R-3
5901 (part)	26-29	R-3
5920 (part)	70-92	R-3
5921 (part)	802-833, 835-906, and 919-936	R-3
5922 (all)	92-154	R-3
5923 (all)	12-58	R-3
5981 (all)	1-8	R-3
5982 (all)	1-9, 20, and 22-38	R-3
5983 (part)	12, 22-31, 40, 41, 43-50, 808, 811, 815, 816, and 2001-2004	R-3
5984 (part)	11-19, 23, 31-38, 41-50, and 800-804	R-3
5985 (all)	15-26, 35-50, 812, 813, 815, 817, 818, 820, 821, 823, and 824	R-3
5994 (all)	4-48, and 801	R-3
5995 (all)	1, 4, 5, 23-27, 32, 33, 37-70, and 802-805	R-3
5996 (all)	1, 2, 5-12, 23-26, 34-48, 50-54 802, 805, and 806	R-3
5997 (all)	2, 9, 23-36, 39-50 and 801-803, and 805-811	R-3
5998 (all)	801-850	R-3
5999 (all)	2-5, 14, 15, 19-26, 28, 30-41, 805, and 806	R-3
6000 (all)	5-8, 10-24, and 810	R-3
6001 (part)	2-32, 36-45, 50-57, 59, 803, 806, 808-810, 819, and 820	R-3
6116 (all)	1-3, 8, 26-29, 37, 38, 44-52, 55-65, 806, 809, 801, 811, and 813-820	R-3
6117 (part)	1-10, 40-50, 53-57, 809, 812, and 813	R-3
6125 (part)	1-18, and 2001-2005	R-3
6126 (part)	1-29, 31-62, 65, 803, and 2001-2005	R-3
6128 (part)	25, 26, 53-55, 63, 64, 70-73, 77, 808, 813, 815, 816, 818, 822-824, 825-829, and 832-834	R-3
6128N (part)	36, 37, 42-52, 54, 55, 803, 804, and 807	R-3
6129 (part)	60-63, 71, 83, 84, 800-802, 814-818, 821, 823, 824, and 2001-2005	R-3
6151 (part)	10, 11, 23, 36-41, 803-806, 809, and 811-814	R-3
6153 (all)	3-6, 19, 22-25, 34-40, 60, 63, 64, 70, 72, 73, 78, 79, 802, 804-809, 815, and 2001-2005	R-3
6154 (all)	27, 38-43, 46-49, 64, 69, 803, 805, 809, 811-817, 2001-2028	R-3

Square	Lots	New Zone
6208 (part)	36-44, 47-58, 806, 830, and 831	R-3
6209 (all)	1-18, and 28-31	R-3
6210 (part)	824, 825, 837, and 838	R-3
6211 (all)	1-49	R-3
6212 (all)	1-61	R-3
6213 (all)	1-20	R-3
6249 (part)	801-815, and 887	R-3
6250 (all)	1-16, 19-41, and 803	R-3
6254 (part)	4-27	R-3
6271 (part)	17-26	R-3
6277 (all)	1-36	R-3
5786 (all)	21-24, 28-36, 800, and 801	R-4
5787 (all)	30-41, 808, 812, and parcel 231/0019	R-4
5788 (part)	8-15, 69, and 817	R-4
5790 (part)	15, 16, 21-24, 29-31, 36-38, 801, 802, 821, and 822	R-4
5812 (part)	9, 10, 13-22, 105-116, 800, 805-807, and 2001-2024	R-4
5905 (all)	1-99	R-4
5924 (part)	2-10, 106-112, 125-128, and 133-140	R-4
6123 (part)	1, 2, 13-19, 59-66, 68-73, and 801	R-4
6157 (part)	52, 74, 806, 821, 834-836, and 838-844	R-4
6158 (part)	2-9, 64-79, 81-92, 805, 808, 809, and 810	R-4
6159 (all)	99, 112-122, 128, 129, 805-808, 810-813, 815-899, 932-991, and 993	R-4
6160 (all)	72-83, 86, 87, 89, 872, and 873	R-4

Hereafter, these properties shall be referred to as the "Subject Properties." They are located in Ward 8, south of the Anacostia River, east of the Potomac River, north of Southern Avenue, and generally west of Good Hope Road / 25th Street, S.E.

The purpose of this rezoning is to adopt zoning designations for the Subject Properties that are not inconsistent with the Comprehensive Plan for the National Capital: District Elements ("Comprehensive Plan"), adopted through the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300), and more consistent with prevailing neighborhood character.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on September 19, 2008, at 55 DCR 9873. The Commission took final action to adopt the amendments at a public meeting on October 20, 2008. This final rulemaking is effective upon publication in the *D.C. Register*.

Setdown Proceeding

The Office of Planning ("OP") initiated this rulemaking by filing a report dated May 2, 2008 with the Commission. The OP report recommended rezoning certain properties in Ward 8 from R-5-A to the R-2, R-3, and R-4 Zone Districts to better ensure that new development is more consistent with the prevailing character of surrounding neighborhoods.

At its regularly scheduled public meeting on May 12, 2008, the Commission considered the petition, and set the case down for a public hearing as a rulemaking case. The Zoning Commission published a notice of public hearing in the *D.C. Register* on June 13, 2008 at 55 DCR 6445.

Public Hearing

The Commission held a properly noticed public hearing on July 28, 2008 to consider the case.

OP, through a written report submitted into the record and verbal testimony at the hearing, testified in support of the map amendments. OP stated that it studied the areas in Ward 8 currently zoned R-5-A, and found areas where the existing housing types were not consistent with the zoning. OP noted that the R-5-A zoning in these areas could result in development that is inconsistent with Comprehensive Plan policies, and different from the prevailing character and development patterns of the neighborhood. OP stated that it recommended rezoning the Subject Properties to the R-2, R-3, or R-4 Zone District, depending on the prevailing character of the neighborhood and to be consistent with the Comprehensive Plan.

Relationship to the Comprehensive Plan

The map amendments are not inconsistent with the Comprehensive Plan. The Comprehensive Plan includes specific references to changing the R-5-A zoning in Wards 7 and 8 where that would permit new development that is inconsistent with prevailing development patterns. The Future Land-Use Map of the Comprehensive Plan designates the Subject Properties for low to moderate density residential development, and the proposed map amendments from R-5-A zoning to the R-2, R-3, or R-4 Zone Districts conform with those designations.

Great Weight to the Advisory Neighborhood Commission ("ANC")

The Commission is required under D.C. Official Code § 1-309.10(d) to give great weight to the affected ANC's written recommendation. None of the affected ANCs were represented at the public hearing, and none provided a written recommendation.

Proposed Action

Immediately following the public hearing on July 28, 2008, the Commission unanimously took proposed action to approve the map amendment.

The Notice of Proposed Rulemaking was published in the *D.C. Register* on September 19, 2008 at 55 DCR 9873 for a 30-day notice and comment period. No comments were received.

The proposed rulemaking also was referred to NCPC under the terms of § 492 of the District of Columbia Charter. NCPC by report dated August 29, 2008, commented that the proposed text amendment would not adversely affect the identified federal interests.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency.

Final Action

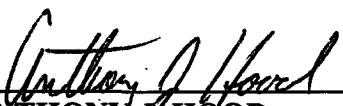
At its regularly scheduled public meeting of October 20, 2008, the Commission took final action to approve this amendment to the Zoning Map.

Based on the above, the Commission finds that the proposed amendment to the Zoning Map is 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.

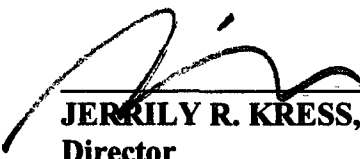
Vote of the Zoning Commission taken at the conclusion of the public hearing on July 28, 2008 to **APPROVE** the proposed rulemaking: **5-0-0** (Anthony J. Hood, Michael G. Turnbull, Gregory N. Jeffries, Curtis L. Etherly, Jr., and Peter G. May to approve).

Vote of the Zoning Commission taken at a regularly scheduled public meeting on October 20, 2008 to **ADOPT** the final rulemaking: **4-0-0** (Anthony J. Hood, Michael G. Turnbull, Gregory N. Jeffries, and Peter G. May to adopt; Curtis L. Etherly, Jr., 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*, on NOV 14 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
ZONING COMMISSION ORDER NO. 08-12
Z.C. Case No. 08-12
(Map Amendment – 11 DCMR)
(Ward 8 Rezoning from R-5-A to R2, R3, or R4)**

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