

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin *SS*
Secretary to the Zoning Commission
Date: August 3, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on August 7, 2009:

1. Z.C. Notice of Final Rulemaking & Order No. 09-07 (Case No. 09-07).

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 09-07
EXHIBIT NO. 28

441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001

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ZONING COMMISSION
District of Columbia
CASE NO.09-07
EXHIBIT NO.28

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. ORDER NO. 09-07: Z.C. Case No. 09-07: Map amendment
- 2269 Cathedral Avenue, N.W.

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Zoning Map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: 56 DCR 5140 DATE: JUNE 26, 2009

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:

SIGNED:

☐	☒ FINAL	☐	☐ CONDITIONAL
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 NAME: ALAN BERGSTEIN

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:

7-27-09

APPROVAL
OF ATTEST:

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. 09-07
Z.C. Case No. 09-07
(Map Amendment - 11 DCMR)
(Map Amendment @ Square 2210, Lot 803 – 2269 Cathedral Avenue, N.W.)
July 27, 2009

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 incorporated into the Zoning Regulations (Title 11 DCMR).

The map amendment designates Lot 803 in Square 2210, known as 2269 Cathedral Avenue, N.W. in the R-4 Zone District.

The Commission takes this action because the subject property, though privately owned, is not now, and has not been since the inception of zoning in the District, included in any zone district. A one-family dwelling was constructed on the property in 1910 and the property has been in use as a one-family dwelling since that time.

A Notice of Proposed Rulemaking was published in the *D.C. Register* (“DCR”) on June 26, 2009, at 56 DCR 5140. The Commission took final action to adopt the amendments at a public meeting on July 27, 2009. This final rulemaking is effective upon publication in the *D.C. Register*.

Relationship to the Comprehensive Plan

The amendments would not be inconsistent with the District Elements of the Comprehensive Plan for the National Capital: (“Comprehensive Plan”), adopted through the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300).

While the Comprehensive Plan’s Future Land Use Map designates the subject property for Parks, Recreation and Open Space, this designation is clearly an oversight given that the property has been privately owned and in use as a private residence for approximately 100 years.

The District of Columbia Office of Planning (“OP”) stated in its report to the Commission that it will recommend updating the designation of the Future Land Use Map to correct the oversight, and that it would suggest a designation of Moderate-Density Residential. OP further stated that the R-4 Zone District is consistent with the Moderate-Density Residential designation, and with other principals and policies of the Comprehensive Plan.

Set Down Proceeding and Public Hearing

The Commission set down the case for a public hearing at its April 27, 2009 public meeting. The Commission held a public hearing on June 18, 2009.

Great Weight Given to ANC Issues and Concerns

The Commission is required under D.C. Official Code § 1-309.10(d) to give great weight to issues and concerns raised in the affected ANC's written recommendation. No written recommendation was submitted in this case.

Proposed Action

The Commission took proposed action at the conclusion of the hearing held on June 18, 2009. The Notice of Proposed Rulemaking was published in the *D.C. Register* on June 26, 2009, at 56 DCR 5140, for a 30-day notice and comment period. No comments were received.

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 July 2, 2009, found that the proposed text amendments would not adversely affect the identified federal interests, not 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 July 27, 2009 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 Regulations are in the best interests of the District of Columbia, 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 incorporated into the Zoning Regulations, Title 11 DCMR:

Lot 803 in Square 2210, known as 2269 Cathedral Avenue, N.W., is hereby amended from unzoned to the R-4 Zone District.

On March 30, 2009, upon motion of Commissioner May, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the petition at the end of the hearing on this case by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to approve; William W. Keating, III, not present, not voting).

On July 27, 2009, upon motion of Chairman Hood, as seconded by Commissioner May, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Konrad W. Schlater, Peter G. May, and Michael G. Turnbull to adopt; William W. Keating, III, not having participated, 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 August 7, 2009.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
Z.C. ORDER NO. 09-07
Z.C. Case No. 09-07
(Map Amendment - 11 DCMR)
(Map Amendment @ Square 2210, Lot 803 – 2269 Cathedral Avenue, N.W.)
July 27, 2009**

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., April 1, 2009

Plat for Building Permit of: SQUARE 2210 LOT 803

Scale: 1 inch = 20 feet

Recorded Per Deed

Receipt No. 01988

Furnished to: MARGARET G. UPTON

I hereby certify that all existing improvements shown hereon, are completely dimensioned, and are correctly platted; that all proposed buildings or construction, or parts thereof, including covered porches, are correctly dimensioned and platted and agree with plans accompanying the application; that the foundation plans as shown hereon is drawn, and dimensioned accurately to the same scale as the property lines shown on this plat and that by reason of the proposed improvements to be erected as shown hereon the size of any adjoining lot or premises 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 where required by the Zoning Regulations will be reserved in accordance with the Zoning Regulations, and that this area has been correctly drawn and dimensioned hereon. It is further agreed that the elevation 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 flats, or in excess of 12% at any point 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.)

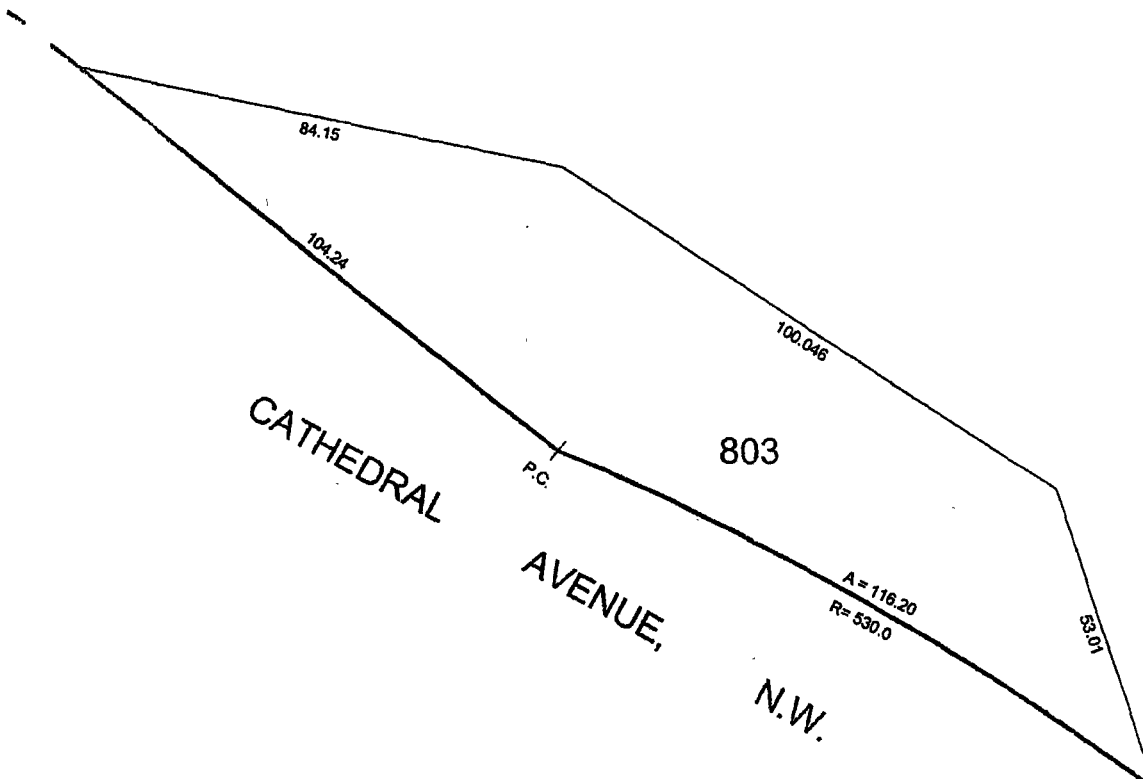

Surveyor, D.C.

Date: _____

By: A.S. 

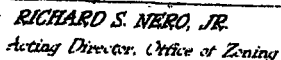
(Signature of owner or his authorized agent)

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.



April 3, 2009

I certify and attest that the official records of the Zoning Commission for the District of Columbia indicates that, Lot 803 in Square 2210 is "Un-zoned."


RICHARD S. NERO, JR.
Acting Director, Office of Zoning

2009 APR 10 PM 1:46

Z.C. Case 09-07