

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
ZONING COMMISSION ORDER NO. 19-08  
Z.C. Case No. 19-08  
Georgetown 29K Acquisition, LLC  
(Map Amendment @ Square 1193, Lots 45, 46, & 800-804)  
October 21, 2019**

Pursuant to notice, the Zoning Commission for the District of Columbia (“Commission”) held a public hearing on September 12, 2019 to consider an application by Georgetown 29K Acquisition, LLC (“Applicant”) for approval of a Zoning Map Amendment pursuant to Subtitle X, Section 500.1 of the District of Columbia Zoning Regulations (“Zoning Regulations”), Title 11 of the District of Columbia Municipal Regulations. The application is to amend the Zoning Map from unzoned to the MU-13 Zone District for 1051-1055 29<sup>th</sup> Street NW (Lots 45, 46, & 800-804 in Square 1193) (“Property”).

The Commission considered the application for the Zoning Map Amendment pursuant to Subtitles X and Z of the Zoning Regulations. The public hearing was conducted in accordance with the provisions of 11-Z DCMR Chapter 4. As discussed below, no party, person, or entity appeared in opposition to the application at the public hearing. Accordingly, a decision by the Commission to grant this application would not be adverse to any party, so pursuant to 11-Z DCMR § 604.7, the Commission waives the requirements for findings of facts and conclusions of law. As set forth below, the Commission hereby approves the application.

**Application, Parties, and Hearing**

1. On March 19, 2019, the Applicant filed an application for approval of a Zoning Map Amendment requesting that the Property be zoned MU-13 from unzoned. (Exhibits (“Ex.”) 1, 1A-1G.)
2. The Property is currently unzoned. The Property contains the former West Heating Plant, which is an individual historic landmark and a contributing building in the Georgetown Historic District.
3. On the Future Land Use Map (“FLUM”) of the Comprehensive Plan, the northern part of the Property is in the Mixed-Use Medium Density Residential / Moderate Density Commercial category, and the southern part of the Property is in the Parks, Recreation, and Open Space category.
4. Prior to filing the application, on January 30, 2019, the Applicant mailed a notice of intent to file the Zoning Map Amendment application to all property owners within 200 feet of

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the Property as well as Advisory Neighborhood Commission ("ANC") 2E. Accordingly, the Applicant satisfied the notice requirements of 11-Z DCMR §§ 304.5 & 304.6. (Ex. 1F.)

5. The application satisfied the filing requirements of 11-Z DCMR § 300 *et seq.* The application included extensive explanation of the individual policies of the Comprehensive Plan with which the application is consistent. There is no evidence in the record that the application is inconsistent with the Comprehensive Plan. (Ex. 1, 6.)
6. On June 10, 2019, at a public meeting, the Commission set the application down for a public hearing based on the recommendation of the Office of Planning ("OP"). (Ex. 5.)
7. On June 13, 2019, the Applicant filed a pre-hearing statement that requested a public hearing and listed the Applicant's anticipated witnesses. (Ex. 11.)
8. Notice of the public hearing was provided in accordance with the requirements of 11-Z DCMR § 402. (Ex. 13, 14, 16.)
9. The Property is located entirely within ANC 2E.<sup>1</sup> At a duly noticed public meeting with a quorum present, the ANC voted unanimously in support of the application and submitted a report in support. (Ex. 3.)
10. On September 12, 2019, the Commission held a public hearing in accordance with 11-Z DCMR § 408.
11. No person, party, or entity appeared in opposition to the application or submitted anything into the record in opposition. The James Place Condominium submitted a letter in support of the application. (Ex. 21). No other person, party, or entity appeared in support of the application.
12. OP and the District Department of Transportation each submitted reports in support of the application, and OP testified in support. (Ex. 18, 19.)
13. Pursuant to 11-Z DCMR § 408.11, at the close of the public hearing, the Commission took proposed action to approve the application.
14. On September 13, 2019, the Commission referred the proposed Zoning Map Amendment to the National Capital Planning Commission ("NCPC") for review and comment pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code § 1-201 *et seq.* (Ex. 22.)
15. By report dated \_\_\_\_\_, 2019, NCPC determined that the proposed Zoning Map Amendment is not inconsistent with the Comprehensive Plan for the National Capital and other federal interests. (Ex. \_\_\_\_.)

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<sup>1</sup> The Office of Zoning determined that ANC 2A, which is separated from the Property by Rock Creek, is an affected ANC. The Applicant contacted ANC 2A regarding the application, but that ANC declined to take a position.

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16. At a public meeting on October 21, 2019, the Commission voted in final action to approve the application.

Pursuant to 11-Z DCMR § 408.8, the Commission has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case for approval of a Zoning Map amendment pursuant to 11-X DCMR § 500. The Commission finds that, based on the record before it, the Applicant has satisfied this burden.

As required by law, the Commission must give “great weight” to the recommendations of OP and ANC 2E, as the affected ANC. The Commission acknowledged the written reports of OP and ANC 2E in support of the application. The Commission finds these reports to be persuasive.

In accordance with to 11-X DCMR § 500.3, based upon the record before it, the Commission concludes that the proposed Zoning Map Amendment from unzoned to the MU-13 Zone District is not inconsistent with the Comprehensive Plan. As described by in both the Applicant’s filings and the OP report, the proposed Zoning Map Amendment to the MU-13 zone is necessary to allow redevelopment of the Property and the existing building, and it will advance multiple written policies of the Comprehensive Plan. Notwithstanding the Property’s split designation on the FLUM, the MU-13 zone for the entire Property is appropriate because it is consistent with the surrounding zone, split zoning is disfavored, the proposed project on the Property will preserve open space, and the totality of the Comprehensive Plan should be considered when interpreting the FLUM, as described in greater detail by the Applicant and OP.

**DECISION**

On September 12, 2019, upon the motion of Commissioner \_\_\_\_\_, as seconded by Commissioner \_\_\_\_\_, the Zoning Commission took **PROPOSED ACTION** and **APPROVED** the application at the close of the public hearing by a vote of 4-0-1 (Anthony J. Hood, Robert E. Miller, Peter A. Shapiro, and Michael G. Turnbull to approve; Peter G. May not participating, not voting).

On October 21, 2019, upon the motion of \_\_\_\_\_, as seconded by \_\_\_\_\_, the Zoning Commission took **FINAL ACTION** and **APPROVED** the application at its public meeting by a vote of [ ]-[ ]-[ ] (\_\_\_\_\_).