

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 216

Case No. 77-34

June 8, 1978

Pursuant to notice, public hearings of the District of Columbia Zoning Commission were held on January 17, 1978, January 30, 1978 and February 13, 1978, to consider an amendment to the District of Columbia Zoning Map. This amendment was initiated by the Zoning Commission to consider a change of zoning from SP to C-3-B for that area known as Judiciary Square, bounded generally by 2nd, 6th "D" and "K" Streets, N. W. In determining to hold a hearing on this proposal, the Commission found that there had been very little private development in the area since the SP zone was designated for the area in 1958. The Commission found that lack of development to be inappropriate in that location of the District of Columbia, immediately adjacent to the downtown area and directly served by Metrorail lines.

As a result of the hearing and the testimony and record contained therein, it is not appropriate to rezone the entire Judiciary Square area to C-3-B for several reasons. First, the Municipal Planning Office recommended that the area north of "G" Street not be rezoned to C-3-B, but rather that it be rezoned to C-2-B to encourage residential development in that area to complement housing proposed nearby in the Pennsylvania Avenue area, the Mount Vernon East Section of Downtown Urban Renewal area and housing proposed in and around the area of the Civic Center and Chinatown. Second, there is only a limited potential for new development south of "G" Street, with the center portion of the area occupied by the courts complex, other squares occupied by the Center Leg Freeway and other areas occupied by other new construction, including the WMATA Building and a new fire station. Third, the D. C. Department of General Services recommended that the Commission not rezone the square bounded by 3rd, 4th, "D" and "E" Streets, N. W., since it would adversely effect the position of the District Government in acquiring the site for a new District office building. Fourth, the Judiciary Square area is one which has great architectural and historical significance for the entire District of Columbia, and it would not be appropriate to allow commercial

uses, specifically including retail uses, to be scattered throughout the area, which would adversely impact the character of the area.

The Commission determines that the proposal, as presently before the Commission, would not benefit the Judiciary Square area or the city as a whole, and would not be consistent with the preservation of the general welfare. It is however reasonable that development occur in this area, and general office development with controlled retail facilities would be appropriate. It is therefore appropriate for the Commission to entertain individual requests for rezoning of this area under the planned unit development process on a case-by-case basis, where the individual development proposal could be reviewed, and where the Commission could impose requirements for the protection of the area.

There is a portion of the area which was proposed to be rezoned which does not front on Judiciary Square itself, and to which the foregoing reasons for not adopting the proposed amendment do not apply. Those squares bounded by 2nd, 3rd and "D" Streets and Massachusetts Avenue, N. W., large parts of which are occupied by the Center Leg Freeway, are one full block to the east of Judiciary Square. The areas left for development in such squares are also relatively small, making it unlikely that the planned unit development process would be a reasonable method for developing those sites. These squares abut an area already zoned C-3-B to the east of 2nd Street, and the rezoning would thus represent an extension of the C-3-B District one block to the west. Rezoning to C-3-B would allow essentially the same height and bulk as is presently permitted under SP, and would allow general office and retail uses as well. The Commission determines that such development would be appropriate on the relatively small amount of property which is involved.

The proposal to rezone from SP to C-3-B the squares bounded by 2nd, 3rd and "D" Streets and Massachusetts Avenue, N. W. was referred to the National Capital Planning Commission under the terms of the District of Columbia Self-Government and Governmental Reorganization Act and the NCPC reported that the proposed amendment would not have a negative impact on the Federal establishment or other Federal interests in the National Capital, is not inconsistent with the Comprehensive Plan for the National Capital and would permit uses which may be inconsistent with the urban renewal plan for the Downtown Urban Renewal Area.

It is hereby ordered that those squares bounded by 2nd, 3rd and "D" Streets and Massachusetts Avenue, N. W. (Squares 564, 566, 568 and 570) are rezoned from SP to C-3-B, and that the rezoning for the remainder of those properties covered in this application is denied without prejudice to the refileing of individual applications for planned unit developments.

Vote of the Commission taken at the public meeting held on March 9, 1978: 3-0 (Theodore F. Mariani, George M. White and Walter B. Lewis to deny the entire application without prejudice, John G. Parsons not voting, Ruby B. McZier, not present, not voting).

Vote of the Commission taken at the public meeting held on April 13, 1978 to reconsider the previous decision as it applies to the squares bounded by 2nd, 3rd and "D" Streets and Massachusetts Avenue, N. W.: 3-0 (George M. White, Theodore F. Mariani and Walter B. Lewis to reconsider, John G. Parsons not voting, Ruby B. McZier not present, not voting).

Vote of the Commission taken at the public meeting held on April 13, 1978 to rezone from SP to C-3-B the squares bounded by 2nd, 3rd and "D" Streets and Massachusetts Avenue, N. W.: 3-0 (George M. White, Walter B. Lewis and Theodore F. Mariani to rezone, John G. Parsons not voting, Ruby B. McZier, not present, not voting).



WALTER B. LEWIS
Chairman



STEVEN E. SHER
Executive Director

This order was adopted by the Zoning Commission at its public meeting held on June 8, 1978 by a vote of 3-0 (George M. White and Walter B. Lewis to adopt, Theodore F. Mariani to adopt by proxy, Ruby B. McZier and John G. Parsons not voting, not having participated in the case).

In accordance with Section 3.62 of the Rules of Practice and Procedure before the Zoning Commission of the District of Columbia, this order is effective on 16 JUN 1978.