

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 632-C  
Case No. 87-7  
(Uptown Arts Overlay District V - Square 361/Lot 134)  
October 17, 1994

By Z.C. Order No. 632 dated November 13, 1989, the Zoning Commission for the District of Columbia created and mapped the "Uptown Arts Overlay District" (Arts). The purposes of the Arts Overlay were as follows:

- a. To encourage a scale of development, a mixture of building uses, and other attributes such as safe and efficient conditions for pedestrian and vehicular movement, all of which will be as generally required by the Comprehensive Plan for the National Capital;
- b. To require uses that encourage pedestrian activity, especially retail, entertainment, and residential uses;
- c. To provide for an increased presence and integration of the arts and related cultural and arts-related support uses;
- d. To expand the area's housing supply in a variety of rent and price ranges;
- e. To expand business and job opportunities, and encourage development of residential and commercial buildings;
- f. To strengthen the design character and identity of the area by means of physical design standards;
- g. To encourage adaptive reuse of older buildings in the area and an attractive combination of new and old buildings; and
- h. To foster 18-hour activity and increased public safety.

The Arts Overlay affected the previous industrial and commercial zone districts generally along the 14th Street Corridor between Thomas Circle and Chapin Street, along the Florida Avenue and U Street Corridors between 15th and 7th Streets, along the 9th Street Corridor between S and U Streets, and along the 7th Street Corridor between R Street and Florida Avenue, N.W.

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By Z.C. Order No. 632-A dated October 19, 1992, the Zoning Commission approved follow-up refinements, and text and map amendments to the Arts Overlay District.

By Z.C. Order No. 632-B dated January 11, 1993, the Zoning Commission corrected the rezoning of Square 234 (Manhattan Laundry site), and rezoned Squares 419 and 442, which were inadvertently omitted from Z.C. Order No. 632.

By memorandum dated July 28, 1994, the District of Columbia Office of Zoning (OZ) requested the Zoning Commission's authorization to correct an inadvertent omission of Lot 134 in Square 361 from Z.C. Order No. 632. OZ indicated the following:

- a. On July 14, 1994, while assisting the contractor who is responsible for updating the Zoning Map, it came to the attention of OZ that there was an inadvertent omission in Z.C. Order No. 632 regarding the list of properties to be rezoned. The property in question is Lot 134 in Square 361, located on the west side of the 1900 block of 9th Street between T and U Streets, N.W.;
- b. The notice of public hearing contained the Office of Planning proposal to rezone the previous C-M-1 zoned portion of Square 361 from C-M-1 to C-2-B and R-4;
- c. On May 18 and 25, 1989, the Zoning Commission took proposed action to rezone various properties in the subject area including Square 361. The Zoning Commission's notice of proposed rulemaking, as published in the D.C. Register on August 4, 1989, shows Square 361 as being rezoned from C-M-1 to C-2-B/Arts for various lots and from C-M-1 to R-4 for various other lots;
- d. By Z.C. Order No. 632, the Zoning Commission rezoned Square 361 in accordance with the language of the notice of proposed rulemaking;
- e. Because the Zoning Commission rezoned Lots 26, 116 and various other lots in Square 361 from C-M-1 to C-2-B/Arts; because Lot 134 is located between and contiguous to Lots 26 and 116; and because Z.C. Order No. 632 is silent about how Lot 134 in Square 361 should be rezoned; OZ has concluded that it was the intent of the Zoning Commission to rezone Lot 134 in Square 361 from C-M-1 to C-2-B/Arts; and
- f. OZ believes that this proposed correction is within the scope of the notice of public hearing and that the omission of Lot 134 in Square 361 from the notice of proposed rulemaking was inadvertent. Therefore, OZ recommends that the Commission

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authorizes OZ to publish a corrected notice of proposed rulemaking for public review and comment, and to prepare a draft order for final action consideration at a later time.

On August 1, 1994 at its regular monthly meeting, the Zoning Commission considered the OZ memorandum. After discussion, the Zoning Commission concurred with the OZ recommendation and authorized OZ to correct the inadvertent omission.

The Zoning Commission believes that a correction to the list of properties intended for rezoning in Z.C. Order No. 632 is appropriate.

The Zoning Commission further believes that its proposed decision to authorize OZ to correct the omission of Lot 134 in Square 361 from Z.C. Order No. 632 is in the best interest of the District of Columbia, is consistent with the intent of the purpose of the Zoning Regulations and the Zoning Act, and is not inconsistent with the Comprehensive Plan for the National Capital.

A notice of proposed rulemaking was published in the District of Columbia Register on September 9, 1994 (41 DCR 6260). As a result of the publication of that notice, the Zoning Commission received no comments from interested persons.

As a matter of courtesy and by memoranda dated August 23, 1994, OZ referred the proposed decision of the Zoning Commission to the Office of Planning and the Zoning Administrator for review and comment. No comments were received.

The proposed decision of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated October 6, 1994, found that the proposed amendment to correct the rezoning of Square 361 and the inadvertent omission of Lot 134 in the text of the notice of final rulemaking, is not inconsistent with the Comprehensive Plan for the National Capital and would not adversely affect the Federal Establishment or other Federal interests in the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** to amend the Zoning Map of the District of Columbia and to correct the inadvertent omission of Lot 134 in Square 361 from Z.C. Order No. 632. The specific amendment and correction are as follows:

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Amend the Zoning Map by correcting Paragraph No. 22 on page 1394 of the February 23, 1990 D.C. Register and substituting the following:

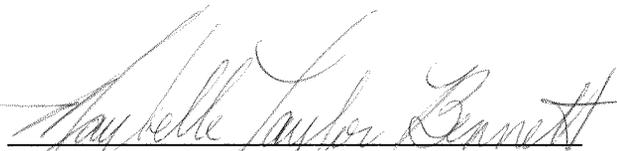
22. In Square 361, rezone from C-M-1 to C-2-B/ARTS Lots 15 through 26, 116 through 121, 134, 135, and 136; and rezone from C-M-1 to R-4 Lots 82 through 90, 104, 122 through 133, and 803 through 805.

Vote of the Zoning Commission taken at the public meeting on August 1, 1994: 5-0 (Jerrily R. Kress, William B. Johnson, William L. Ensign, John G. Parsons, and Maybelle Taylor Bennett, to approve)

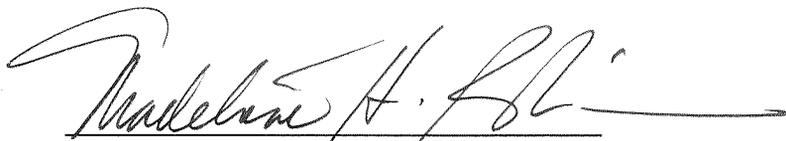
This order was adopted by the Zoning Commission at its public meeting on October 17, 1994 by a vote of 5-0 (William B. Johnson, Jerrily R. Kress, John G. Parsons, and Maybelle Taylor Bennett to adopt as corrected, and William L. Ensign, to adopt by absentee vote).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register; that is, on

MAY 12 1995



MAYBELLE TAYLOR BENNETT  
Chairperson  
Zoning Commission



MADELIENE H. ROBINSON  
Director  
Office of Zoning

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