

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 681-E
Case No. 91-16/89-25 III
(Correction of lots in Square 450 in the DD Overlay)
January 11, 1993

By Z.C. Order No. 681 dated December 17, 1990, the Zoning Commission for the District of Columbia adopted amendments to the text of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, and amendments to the Zoning Map of the District of Columbia. The amendments created and mapped a new zone district known as the Downtown Development (DD) Overlay District.

The purpose of the DD Overlay District is to help accomplish the land use and development policies of the Comprehensive Plan for the National Capital relating to the affected sectors of Downtown.

By Z.C. Order No. 681-A dated July 3, 1992, the Zoning Commission approved amendments to the Zoning Regulations and the Zoning Map to include six unintentionally omitted squares (squares 317, 343, 427, 428, 431 and 432) to the three housing priority subarea within the DD District, and to adopt a map that depicts those squares in the proper subareas.

By Z.C. Order No. 681-B dated September 14, 1992, the Zoning Commission adopted a correction to the inadvertent omission of Lot 852 of Square 514 in the DD Overlay District. The effect of Z.C. Order No. 681-B placed Lot 852 of Square 514 in the DD/C-2-C zone district.

By Z.C. Order No. 681-C dated September 14, 1992, the Zoning Commission adopted amendments to the transferrable development rights (TDR) provisions of the Zoning Regulations; that is, Chapter 17 (Downtown Development District).

On October 19, 1992 at the public meeting of the Zoning Commission, the Secretary to the Zoning Commission, by memorandum dated October 15, 1992, stated that:

On September 30, 1992, I responded to a telephone inquiry about the existing zoning of Lot 803 in Square 450. The square is bounded by New York Avenue, and 6th, 7th and L Streets, N.W. Based on my review of the matter, it appears that Lot 803 as well as several other lots were inadvertently omitted from the rezoning in the DD Overlay. Consequently, those lots remain zoned HR/R-5-D.

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The map portion of the notice of public hearing in this case shows that the 7th Street frontage of Square 450 was proposed for rezoning to DD/C-3-A, and that the remainder of the square was proposed for rezoning to DD/C-2-C. The text of the notice of public hearing as well as the adopted text of Z.C. Order No. 681 indicate that certain lots were omitted from the rezoning text and that two lots were incorrectly included.

The omitted lots that were intended for rezoning to DD/C-2-C are lots 800, 803 and 804 (former Lot 5), 828, and 829. The omitted lots that were intended for rezoning to DD/C-3-A are lots 18 and 19.

Lots 24 and 37 were incorrectly listed in the notice of public hearing and Z.C. Order No. 632 for rezoning to DD/C-2-C and DD/C-3-A, respectively. According to the publications of the Baist Real Estate Atlases since 1920, lots 24 and 37 have never existed in Square 450.

The Office of Zoning (OZ) believes that adequate notice of the Commission's intent to rezone the 7th Street frontage of Square 450 to DD/C-3-A and the balance of the square to DD/C-2-C was given by the map portion of the hearing notice. OZ could find no evidence that the Zoning Commission intended to omit the aforementioned lots in Square 450 in the Downtown Development District Overlay.

The Office of Zoning recommends that the Commission take proposed action as follows to correct the inadvertent omission and listing of lots in Square 450:

- a. Rezone to DD/C-2-C:
In Square 450, Lots 800, 803, 804, 828 and 829;
- b. Rezone to DD/C-3-A:
In Square 450, Lots 18 and 19; and
- c. Delete lots 24 and 37 in Square 450 from the list of lots that were rezoned to DD/C-2-C and DD/C-3-A, respectively.

At that same meeting and after discussion, the Zoning Commission concurred with the Office of Zoning and determined that the omission of lot 800, 803, 804, 828 and 829 in Square 450 from the DD Overlay District was an inadvertent omission.

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The Commission believes that a correction to the listing of lots 24 and 37 of Square 450 is appropriate.

The Commission further believes that its proposed decision to correct the omission and listing of several lots in Square 450 in the DD Overlay District is in the best interest of the District of Columbia, is consistent with the intent and 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 November 20, 1992 (39 DCR 8445). As a result of the publication of that notice, the Zoning Commission received no comment from interested persons.

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 January 8, 1993, found that the proposed amendments are 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.

On January 11, 1993 at its public meeting, the Zoning Commission determined that final action at this time is appropriate.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders **APPROVAL** to amend the Zoning Map and correct the Downtown Development District mapping as contained in Z.C. Order No. 681. The specific amendments and corrections are as follows:

- a. Rezone to DD/C-2-C:
In Square 450, lots 800, 803, 804, 828 and 829;
- b. Rezone to DD/C-3-A:
In Square 450, lots 18 and 19; and
- c. Delete lots 24 and 37 in Square 450 from the list of lots that were rezoned to DD/C-2-C and DD/C-3-A, respectively.

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Vote of the Zoning Commission taken at the public meeting on October 19, 1992: 5-0 (Maybelle Taylor Bennett, William L. Ensign, John G. Parsons and Tersh Boasberg, to approve corrections and Lloyd D. Smith, to approve by absentee vote).

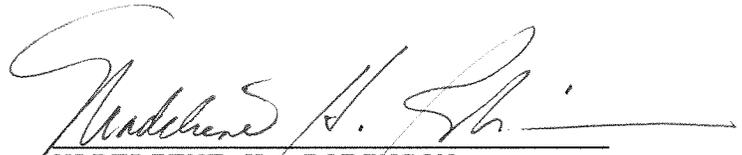
This order was adopted by the Zoning Commission at its public meeting on January 11, 1993 by a vote of 5-0 (Maybelle Taylor Bennett, Lloyd D. Smith, John G. Parsons, William L. Ensign and Tersh Boasberg, to adopt).

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

January 11, 1993



TERSHER BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

681-DZC/bhs