

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 681-G
Case No. 91-16/89-25 IV
(Omission of Lots 73 and 74 in Square 514 in the Downtown
Development District Overlay)
September 15, 1997

By Z.C. Order No. 681 dated December 17, 1990, the Zoning Commission for the District of Columbia adopted amendments to the District of Columbia Zoning Regulations and Map. The amendments created and mapped the Downtown Development District Overlay (DD).

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 Nos. 681-A, 681-B and 681-E, the Commission corrected its inadvertent omission of various lots from the DD Overlay District; by Z.C. Order No. 681-C, the Commission adopted amendments to the transferrable development rights (TDR) provisions of the DD Overlay District; by Z.C. Order No. 681-D, the Commission adopted affordable housing provisions for the Downtown; and by Z.C. Order No. 681-F, the Commission amended the TDR provisions.

At its public meeting on January 13, 1997, the Commission considered a request dated November 27, 1996, from the law firm of Manatt, Phelps, and Phillips to clarify whether Lots 73 and 74 in Square 514 are zoned DD/C-2-C.

By memorandum dated January 10, 1997, the Director of the Office of Zoning recommended that the Commission take proposed action to rezone Lots 73 and 74 in Square 514 to DD/C-2-C. The Director's memorandum noted that the public hearing notice in Z.C. Case No. 89-25 proposed DD/C-2-C for the two lots, as well as the maps showing the proposed rezoning for the DD Overlay District. Additionally, the Director indicated that the Commission's current Zoning Map shows the properties as being zoned DD/C-2-C. She noted that the omission was in the Commission's proposed rulemaking which was carried over to Order No. 681.

The Office of Zoning (OZ) believes that adequate notice of the Commission's intent to rezone Lots 73 and 74 in Square 514 to DD/C-2-C was given by the public hearing notice,

including the maps attached to it. OZ could find no evidence that the Commission intended to omit the two lots from its decision in the DD Overlay District.

After discussion, the Commission agreed with the Office of Zoning and determined that the omission of Lots 73 and 74 in Square 514 from the DD Overlay District was an inadvertent error and took proposed action to correct that error. The Commission believes that a correction to the DD Overlay District is appropriate.

The Commission further believes that its proposed decision to correct the omission 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 April 25, 1997 (44 DCR 2476). As a result of the publication of the notice, the Commission received no comments.

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 Delegated Action of the Executive Director dated May 22, 1997, found that the proposed amendment was 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.

At its public meeting of September 15, 1997, Commissioner Herbert M. Franklin noted for the record that he had received and the record applicable to this case and was prepared to participate in the final action.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS APPROVAL** of the amendment to the Zoning Map to correct the Downtown Development District mapping as contained in Z.C. Order No. 681. The specific amendment is as follows:

Rezone to DD/C-2-C

In Square 514, lots 73 and 74.

Vote of the Zoning Commission taken at the public meeting on January 13, 1997: 3-0 (Maybelle Taylor Bennett and John G. Parsons to approve corrections; William L. Ensign to approve by absentee vote).

This order was adopted by the Zoning Commission at its public meeting on September 15, 1997 by a vote of 3-0: (Herbert M. Franklin, John G. Parsons and Maybelle Taylor Bennett, to adopt; Jerrily R. Kress, not present not voting).

In accordance with 11 DCMR 3028.8, this order is final and effective upon publication in the D.C. Register, that is, on OCT 3 1997.


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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