

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



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
CORRECTED NOTICE OF FINAL RULEMAKING  
AND**

**Z.C. ORDER NO. 909-B**

**Supersedes Notice of Final Rulemaking Published on February 25, 2000 at 47 DCR 1232**

**Z.C. Case No. 96-12Z**

**(Miscellaneous Citywide Map Amendments)**

**March 14, 2005**

The Zoning Commission for the District of Columbia (the “Commission”), pursuant to its authority under § 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01); having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03); and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the District of Columbia Home Rule Act, hereby gives notice of the adoption of the following amendments to the Zoning Map.

A notice of proposed rulemaking was published in the *D.C. Register* on January 17, 1997 at 44 DCR 314 and March 7, 1997 at 44 DCR 1339. No comments were received. The Commission took final action to adopt the amendments at a public meeting held on September 30, 1999. The final rulemaking was published on February 25, 2000 (47 DCR 1232).

After the rule took effect, it was discovered that the Notice of Final Rulemaking incorrectly stated certain zoning designations and property descriptions for a portion of the rulemaking described as the Benning Road 18<sup>th</sup> Street, Oates Street, and Bladensburg Road, NE map amendment (“Benning Road Map Amendment”). In order to correct these errors, the Zoning Commission hereby issues this Corrected Notice of Final Rulemaking.

**Set Down Proceeding and Notice of Public Hearing**

The Commission initiated this rulemaking in response to a petition from the District of Columbia Office of Planning, filed on October 9, 1996. The petition requested consideration of eleven (11) separate map amendments, including the Benning Road Map Amendment. The Office of Planning proposed the amendments to make the zoning in the respective areas consistent with the Comprehensive Plan.

At its October 21, 1996 regular meeting, the Commission agreed to set down the proposed rulemaking for a public hearing. A Notice of Public Hearing was published on January 17, 1997 at 44 DCR 314, for a Public Hearing to be held on February 24, 1997 and if necessary on March

6, 1997. Attached to the Notice of Public Hearing were maps showing the areas proposed to be rezoned, the existing zoning, and the proposed new zoning classifications. The affected areas and zoning classifications shown on the attached map for the Benning Road Map Amendment differed slightly from what was listed in the text of the Public Hearing Notice.

The Zoning Commission published an additional Notice of Public Hearing on March 7, 1997 at 44 DCR 1339 for a Public Hearing to be held on April 17, 1997. The notice advertised supplemental rezonings proposed by the Office of Planning, and refined the descriptions of four (4) of the proposed rezonings.

### **Public Hearings**

The Commission held public hearings on February 24, 1997 and April 17, 1997.

The Office of Planning testified the map amendments were necessary to make the zoning consistent with the Comprehensive Plan. During the hearing the Office of Planning referred to the map showing the proposed rezoning, including the map showing the proposed Benning Road Map Amendment.

Testimony in opposition to the specific zoning proposal involving Eight Street, SE was given by Mr. William Frank Reed of the Capitol Hill Association of Merchants and Professionals, Ms. Margot Kelly of Baxlo Business Alliance, and Mr. Yves Fedrigault.

The public hearing record was left open for an additional 39 days after the hearing (until May 26, 1997) for the submission of additional information.

### **Proposed Rulemaking**

Following the public hearing, the Commission took proposed action pursuant to 11 DCMR § 3027.2 at a meeting on June 9, 1997. The Commission intended to approve the map amendment shown for the Benning Road Map Amendment on the maps attached to the Public Hearing Notice, not as it was described in the text of the original hearing notice.

A Notice of Proposed Rulemaking was published in the *D.C. Register* on August 6, 1999, at 46 DCR 6465, for a 30-day notice and comment period, and referred to the Office of the Attorney General (then known as the Office of the Corporation Counsel), and the Office of Planning. The Notice of Proposed Rulemaking contained the same errors as the text of the Public Hearing Notice.

The proposed decision to approve the map amendments was referred to NCPC under the terms of the District of Columbia Self-Government and Government Reorganization Act. In a letter dated September 10, 1999, NCPC indicated the proposed map amendments would not adversely affect

the federal establishment or other federal interests in the National Capital and would not be inconsistent with the Comprehensive Plan for the National Capital.

No comments were received from the public as a result of the publication of the Notice of Proposed Rulemaking.

### **Final Action**

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on September 30, 1999. The final rulemaking was published on February 25, 2000 (47 DCR 1232).

### **Second Final Action**

After comparing the original map attached to the first hearing notice against the several iterations of the text discussed above, the Commission concluded that the areas depicted on the map accurately described the rezoning intended, not the text. The Commission therefore voted on March 14, 2005 to issue this Corrected Notice of Final Rulemaking to correct the errors in the text. The corrections are underlined.

The Office of the Attorney General has determined that this rulemaking meets its standards of legal sufficiency and that no re-advertisement or re-publication of the proposed rule is required by virtue of the changes made.

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to the Zoning Map.

Amend the Zoning Map as follows:

**1. H Street, between North Capitol Street and New Jersey Avenue, NW**

\* Rezone from C-2-A and R-4 to C-3-C:

Square 623, Lot 188; and Square 622, part of Lot 839, to a depth of 127 feet from H Street, NW.

**2. Railroad Avenue, V Street, Shannon Place, and Chicago Street, SE**

\* Rezone from C-M-1 to C-2-A:

Square 5784, Lots 898, 899, and 900;

Square 5783, Lots 1018 and 829; and  
Square 5785, Lots 800 through 809, 836, 837, and 838.

**3. Hanover Place, NW**

\* Rezone from C-M-1 to C-2-A:  
Square 617, Lots 17, 52, 212, 214, 215, 222, 223, and 800.

**4. Bladensburg Road, NE - Commercial Corridor**

\* Rezone from C-3-A to C-2-A:  
Square 4072, Lots 57 through 60, and 97 through 99; and  
Square 4073, Lots 67 through 70, 91, and 92.

**5. Benning Road, 18th Street, Oates Street, and Bladensburg Road, NE**

\* Rezone from C-M-1 to C-3-A, C-2-A, and R-5-B:  
Square 4491, all C-M-1 zoned properties to C-3-A;  
Square 4493, all C-M-1 zoned properties to C-3-A;  
Square 4494, all C-M-1 zoned properties to C-3-A;  
Square 4488, all C-M-1 zoned properties to C-3-A;  
Square 4510, all C-M-1 zoned properties to C-2-A;and  
Square 4507, Lots 936 and 939 from C-M-1 to C-3-A; and  
Square 4507, Lots 127 through 132, 138 through 142, and 166 through 170 from C-M-1 to R-5-B.

**6. Rhode Island Avenue Metrorail Station Area - Northwest Quadrant**

\* Rezone from C-2-A and C-M-2 to C-3-A:  
Square 3629, Lots 6, 9, and 800 from C-2-A to C-3-A; and  
Square 3629, Lots 2, 3, 5, 7, 808, 811 through 814, and parcel 131/140 from C-M-2 to C-3-A.

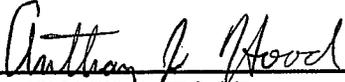
**7. Rhode Island Avenue, 9th, 10th, and Evarts Streets, NE**

\* Rezone from C-M-2 to C-2-C and R-2, and from R-2 to R-5-D:  
Square 3841, Lots 65 through 70, 76, and 77 from C-M-2 to R-2;  
Square 3843, Lots 12 through 17, 805, 806, 817, and parcels 132/80, 132/81, 131/210, 131/185, and 131/230 from C-M-2 to C-2-C;  
Square 3844, Lots 816 and 820 from R-2 to R-5-D; and  
Square 3844, Lots 70, 71, 800, 815, 821, and 823 from C-M-2 to C-2-C.

On March 14, 2005, upon the motion made by Chairman Mitten, as seconded by Vice Chairman Hood, the Commission **ADOPTED** this order at its public meeting by a vote of 5-0-0 (Carol J. Mitten, Anthony J. Hood, Kevin L. Hildebrand, Gregory N. Jeffries, and John G. Parsons to approve).

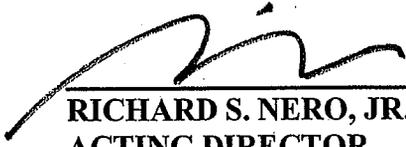
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In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*; that is, on July 3, 2009.



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**ANTHONY J. HOOD**  
CHAIRMAN  
ZONING COMMISSION



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**RICHARD S. NERO, JR.**  
ACTING DIRECTOR  
OFFICE OF ZONING

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



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The full text of this Zoning Commission Order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



Z.C. CASE NO.: 96-12Z (Miscellaneous Citywide Map Amendments)

JUL 1 2009

As Secretary to the Commission, I hereby certify that on \_\_\_\_\_ copies of this Z.C. Correction Order No. 909B were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*
2. All ANC Chairs (see attached)
3. Gottlieb Simon  
ANC Central Office  
1350 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004
4. All Councilmembers (see attached)
5. DDOT (Karina Ricks)
6. General Counsel – DCRA  
941 N. Capitol Street, N.E.  
Washington, D.C. 20002
7. Office of the Attorney General (Alan Bergstein)
8. Phillip Appelbuam, Chief Assessor  
D.C. Assessor's Office  
941 N. Capitol Street, N.E. - 4<sup>th</sup> Floor  
Washington, D.C. 20002

ATTESTED BY:

A handwritten signature in black ink, appearing to read "S. S. Schellin", is written over a horizontal line.

**Sharon S. Schellin**  
Secretary to the Zoning Commission  
Office of Zoning