Stanton Park Neighborhood Association
P.O. Box 75085, National Capitol Station, Washington, D.C. 20013-5085

November 19, 2002

Ms. Jerrily Kress
DC Office of Zoning
441 Fourth St., NW, Suite 210S
Washington, DC, 20001

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D.C. OFFICE OF ZONING
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Re: Re-zoning of 2nd St., NE

Dear Ms. Kress,

The Land Use Committee of the Stanton Park Neighborhood Association has considered the proposed re-zoning of the four remaining residential properties on 2nd Street, and the long-vacant property at the corner of 2nd and F Streets, NE.

The community has long desired remediation of the blighted corner property. A very large number of area residents and visitors walk down F Street each day to reach Union Station. We are reminded on a twice-daily basis that this dilapidated structure is one of the first things people see when entering the Stanton Park neighborhood. Previous owners have allowed this highly visible corner property to deteriorate and languish quite literally for decades. As a result, there is very strong support for something that will remove this blight and lead to the creation of an appropriate gateway to our neighborhood. SPNA is cognizant that whatever project is ultimately proposed for this site will require review (at a minimum) by the Historic Preservation Review Board and the Fine Arts Commission. SPNA supports the rezoning of the corner property to C2A.

We are also aware that there is considerable controversy regarding the other R-4 properties included in this rezoning. SPNA takes no position on the merits of converting the remaining R-4 properties on 2nd St., NE to C2A zoning.

Statements have been circulating in the community that the corner property alone cannot be rezoned because this amounts to "spot zoning". Regardless of the accuracy of those statements, it should be pointed out that this contributing structure was in commercial use for the entirety of its existence, and that there are numerous examples of individual corner commercial properties surrounded by residential structures throughout the Capitol Hill Historic District. Further, we believe that rezoning the

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Exhibit 32

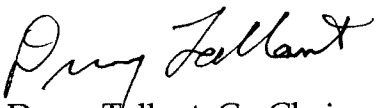
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CASE NO.02-22
EXHIBIT NO.32

corner property alone would not amount to impermissible "spot zoning." Under the test set forth by DC's courts, unlawful "spot zoning" has two essential attributes: the rezoning must "pertain to a single parcel or a limited area" and "must be inconsistent with the city's comprehensive plan." [Daro Realty, Inc. v. DC Zoning Comm'n, 581 A.2d 295, 299 (1990).] To establish a case of "spot zoning," both prongs of the test must be met.

In this case, rezoning the corner property is not inconsistent with the Comprehensive Plan. On the contrary, the Plan specifically singles out "2nd Street, N.E., from Massachusetts Avenue to F Street" as one of the "important commercial areas" in Ward 6. Comprehensive Plan sec. 1700.3. Far from conflicting with the Plan, rezoning of the corner property would confirm 2nd Street's commercial status and acknowledge the character of the corner property - - a structure built for commercial purposes. Rezoning the corner property to C2A would not constitute "spot zoning, and we see no reason why the corner property should not be zoned to reflect its historic commercial use.

Finally, if the rezoning is denied, SPNA points out that other mechanisms are available that would allow commercial use of this property. We encourage the owner of the corner property to pursue the contemplated renovation and new construction by securing whatever use variances and special exceptions might be required.

Sincerely,



Drury Tallant, Co-Chair
SPNA Land Use Committee

cc: Council Member Sharon Ambrose
Karina Ricks, Ward 6 Neighborhood Planning Coordinator