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Government of the District of Columbia
Office of Zoning

MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: September 28, 2004

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on October 8, 2004:

1. Z.C. Order No. 03-12/03-13;
2. Z.C. Order No. 02-22;
3. Z.C. Order No. 04-17;
4. Z.C. Order No. 04-20; and
5. Z.C. Order No. 04-12.

The Final Rulemaking is also provided on the attached 3.5" disk.

ZONING COMMISSION
District of Columbia
CASE NO. 02-22
EXHIBIT NO. 54

Received By

9-29-04
Date

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ZONING COMMISSION
District of Columbia
CASE NO.02-22
EXHIBIT NO.54

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
AND
ZONING COMMISSION ORDER NO. 02-22
Z.C. Case No. 02-22
(Map Amendment – Square 754, Lots 103 to 106 and 109)

The Zoning Commission for the District of Columbia, 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 (2001 ed.)), having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03, and having received approval of the proposed amendments from the National Capital Planning Commission pursuant to 11 DCMR § 3025.3, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia.

~~A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 16, 2004, at 51~~ D.C.R. 3914, for a 30-day notice and comment period. No comments were received. By report dated January 30, 2003, the National Capital Planning Commission found that the proposed map amendment would neither adversely affect federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

The map amendment applies to property on the east side of 2nd Street, N.E. between F and E Streets (Square 754, Lots 103 to 106 and 109). The specific amendment to the Zoning Map of the District of Columbia is: Square 754, Lots 103 through 106 and 109 – rezone from CAP/R-4 to CAP/C-2-A. The purpose of this rezoning is to adopt a zoning designation for the subject property that is more consistent with the Comprehensive Plan Amendments Act of 1994 and with the Capitol Interest Overlay District. The Comprehensive Plan identifies 2nd Street as a mixed-use commercial area, and the subject lots are the only lots along the 2nd Street, N.E. corridor that are not commercially-zoned between Massachusetts Avenue and K Street.

At its regularly scheduled meeting on January 13, 2003, the Commission took proposed action pursuant to 11 DCMR § 3027, to approve the proposed map amendment. The Applicant testified that the amendment was offered to "zip up a hole" in the commercial fabric of Second Street, and that the Applicant believed rezoning would create a defining edge between the commercial and residential characters of the neighborhood. The Office of Planning offered testimony in support of the application. ANC 6A presented testimony in support of rezoning Lot 109, but did not support rezoning Lots 103 through 106. The Commission left the record open for a 30-day period in order to receive additional evidence into the record.

Based on the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and Zoning Regulations, and not inconsistent with the Comprehensive Plan for the Nation's Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **APPROVES** a change of zoning from CAP/R-4 to CAP/C-2-A for the east side of 2nd Street, N.E. between F and E Streets (Square 754, Lots 103 through 106 and 109).

Vote of the Zoning Commission taken at its public meeting on January 13, 2003 to **APPROVE** the proposed rulemaking: **4-0-1** (Carol J. Mitten, Anthony J. Hood, Peter G. May, and John G. Parsons to approve, James Hannaham not present, not voting).

This order and final rulemaking was **ADOPTED** by the Zoning Commission at its public meeting on September 13, 2004, by a vote of 4-0-1 (Carol J. Mitten, Kevin L. Hildebrand, Anthony J. Hood, and John G. Parsons to approve; Gregory N. Jeffries, having not participated in the case, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the D.C. Register on _____.

MAY 24, 2002
PLAT FOR SQ. 754 LOTS 103-106 & 109
SCALE: 1 INCH = 20 FEET

NOTE: THIS PLAT IS NOT CERTIFIED AND HAS BEEN PROVIDED AS A COURTESY AS NO PLAT IS NO REQUIRED AT THE FILING OF A PETITION.

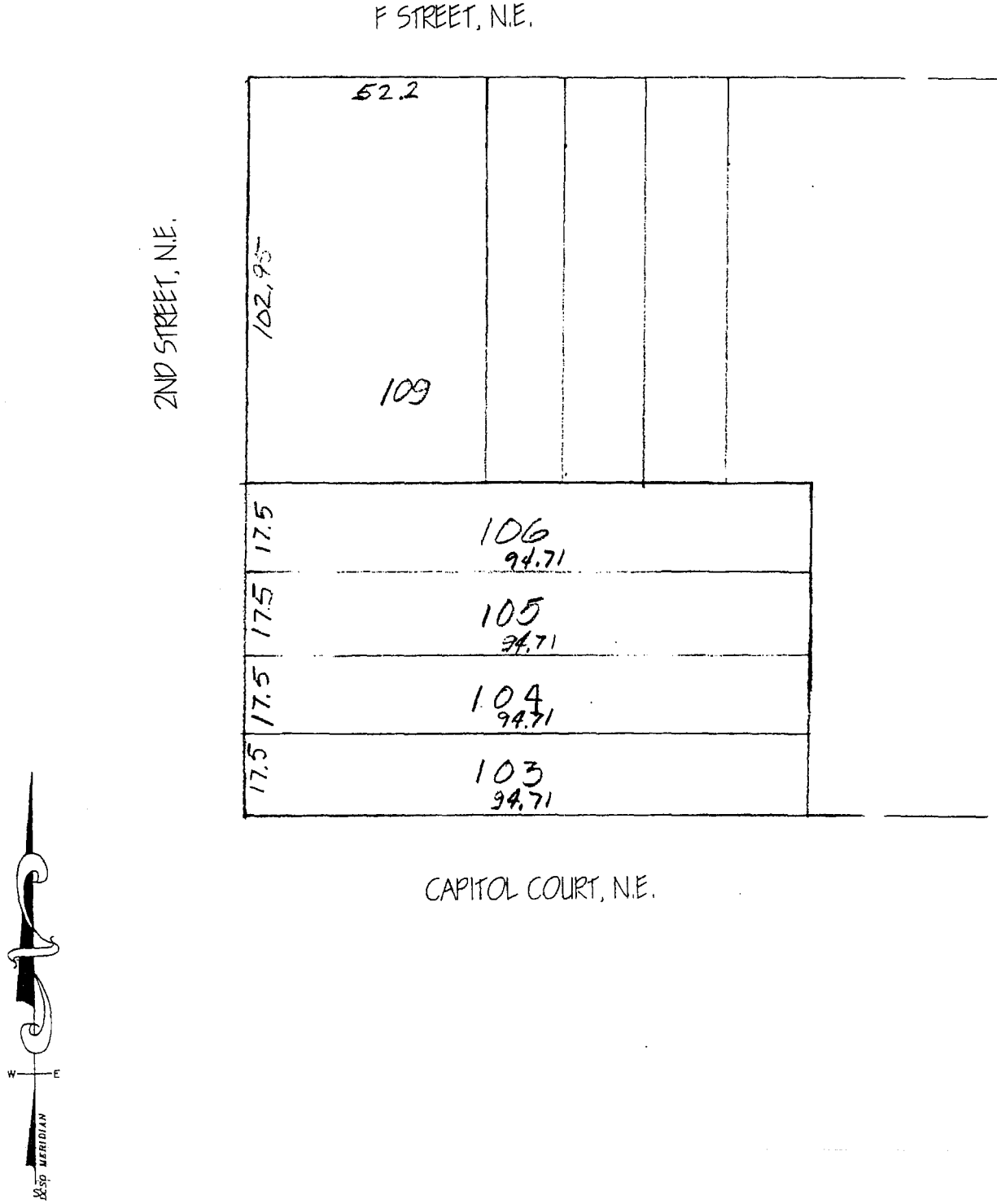


Exhibit A