*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:** May 23, 2003

**SUBJECT:** Publication for the Office of Zoning

Please publish the following in the D.C. Register on May 30, 2003:

1. Z.C. Notice of Proposed Rulemaking Case No. 02-33

Received By

5/23/03
Date

Attachments

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
Tel: (202) 727-6311 ◦ Fax: (202) 727-6072
E-Mail: zoning info@dcoz.dcgov.org ◦ Web Site: http://dcoz.dcgov.org/

ZONING COMMISSION
District of Columbia
Case 02-33
Entered 3
ZONING COMMISSION
District of Columbia
CASE NO. 02-33
EXHIBIT NO. 23

# RULEMAKING TRANSMITTAL FORM

**TYPE OF RULEMAKING ACTION:** [ ] EMERGENCY RULES [ ] FINAL RULES [x] PROPOSED RULES [ ] COMBINED

**DATE AND TIME RECEIVED**
Office of Documents use only

**AGENCY:** OFFICE OF ZONING

**AGENCY REPRESENTATIVE:** MR. ALBERTO BASTIDA

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: (202) 727-0330

**TITLE AND DESCRIPTION OF RULES:**
ZONING MAP AMENDMENT – SQ. 4327, FT. LINCOLN URBAN RENEWAL AREA

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR _____ DATE: _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

**LEGAL CERTIFICATION:** I certify that I have reviewed the attached rulemaking and, in my opinion, the substance of the text of the rules is legally sufficient.
DATE: MAY 8, 2003 SIGNED: /s/ by fax PHONE: (202) 442-9777

| | | | | | | |
|---|---|---|---|---|---|---|
| / | FINAL | | CONDITIONAL | NAME: | ARABELLA W. TEAL | TITLE: INTERIM CORPORATION COUNSEL |

**PROMULGATOR:** Name and title of the person legally authorized to adopt and promulgate these rules (or the name of the board or other body authorized to adopt rules by vote)
Zoning Commission For The District Of Columbia Title:

COMPLETE CITATION to the statute, regulation, order, or other legal authority that specifically authorizes this person or agency to adopt and promulgate these rules.

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE: 2/24/03

APPROVAL OF ATTEST: /s/ Alberto P. Bastida

TITLE: Secretary to the Zoning Commission PHONE: (202) 727-0330

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL: DCR: DATE:

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**NOTICE OF PROPOSED RULEMAKING**
**Z.C. Case No. 02-33**
**(Map Amendment – Square 4327)**
**(Fort Lincoln Urban Renewal Area)**

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)), hereby gives notice of its intent to amend the Zoning Map of the District of Columbia in the manner described below. The purpose of this rezoning initiative is to adopt a zoning designation in conformity with the Fort Lincoln Urban Renewal Area Plan and the Comprehensive Plan Generalized Land Use Map. As depicted on maps in the official file of Case No. 02-33, the proposed map amendment applies to a portion of Square 4327 bounded by the east side of South Dakota Avenue, N.E., the south side of 33rd Place, N.E. and Fort Lincoln Drive, N.E., the west side of the exit ramp between New York Avenue, N.E. and Fort Lincoln Drive N.E., and the north side of New York Avenue N.E

Final rulemaking action shall be taken in not less than thirty (30) days from the date this notice is published in the D.C. Register.

The specific proposed amendment to the Zoning Map of the District of Columbia is as follows:

A portion of Square 4327 bounded by the east side of South Dakota Avenue, N.E., the south side of 33rd Place, N.E. and Fort Lincoln Drive, N.E., the west side of the exit ramp between New York Avenue, N.E. and Fort Lincoln Drive N.E., and the north side of New York Avenue N.E– rezone from C-3-C, R-5-D and SP-2 to C-2-B.

The proposed amendment is consistent with the Comprehensive Plan Generalized Land Use Map designation of the subject site as moderate density commercial. The C-2-B district is designated to serve commercial and residential functions. The C-2-B district permits matter-of-right development standards of 3.5 maximum Floor-Area-Ratio (FAR), of which no more than 1.5 FAR may be devoted to non-residential uses; 65 feet maximum building height; 80% maximum lot occupancy for residential development; and 100% lot occupancy for non-residential development. The C-2-B also requires a minimum rear yard setback of 15 feet. If a side yard is provided, a minimum width of six feet is required, except for a hotel which requires a minimum width of eight feet.

All persons wishing to comment on the subject matter of this proposed rulemaking should file comments in writing to the Zoning Commission for the District of Columbia,

c/o Alberto P. Bastida, AICP, Secretary to the Zoning Commission, 441 Fourth Street, N.W., Suite 210S, Washington, DC 20001. Comments must be received no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Copies of this notice of proposed map amendment may be purchased at cost by writing to the above address.