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: October 6, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on October 17, 2003:

1. Z.C. Notice of Final Rulemaking & Order No. 02-33 (Case No. 02-33);
2. Z.C. Notice of Final Rulemaking & Order No. 02-34 (Case No. 02-34);
3. Z.C. Notice of Final Rulemaking & Order No. 03-01 (Case No. 03-01); and
4. Z.C. Notice of Final Rulemaking & Order No. 03-14 (Case No. 03-14).

I am also providing the above rulemakings on a 3.5" diskette.

Received By

10/8/03
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
Exhibit 24

ZONING COMMISSION
District of Columbia
CASE NO.02-33
EXHIBIT NO.24

OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

03 OCT -8 AM 10:

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

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

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: (Map Amendment – Square 4327 ZC Case No. 02-33))

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Zoning Map of the District of Columbia (not codified)

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 50 DCR 4279 DATE: May 30, 2003

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: AUGUST 13, 2003 SIGNED: for PHONE: (202) 442-9777

X	FINAL		CONDITIONAL	NAME:	ROBERT J. SPAGNOLETTI	TITLE: 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: 7/31/03

APPROVAL OF ATTEST: for

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 FINAL RULEMAKING
and
Z.C. ORDER NO. 02-33
Z.C. Case No. 02-33
(Map Amendment – Square 4327)
(Fort Lincoln Urban Renewal Area)
July 31, 2003

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)), having held a public hearing as required by § 5 of the Act (D.C. Official Code § 6-641.05 (2001)), and having referred the proposed amendment to the National Capital Planning Commission for a 30-day period of review pursuant to that same section, 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 May 30, 2003 (50 D.C. Reg. 4279) for a 30-day notice and comment period. No comments were received. At its meeting on March 12, 2003, the National Capital Planning Commission found that the proposed map amendment to rezone a certain parcel of undeveloped land from C-3-C, SP-2, and R-5-D to C-2-B in Square 4327, bounded by New York Avenue, N.E., South Dakota Avenue, N.E., and Fort Lincoln Drive, N.E., would not negatively impact the federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital or the Fort Lincoln Urban Renewal Plan.

Prior to this amendment, the subject property – 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. – was zoned C-3-C, SP-2, and R-5-D. By report dated August 29, 2002, the Office of Planning ("OP") on behalf of the National Capital Revitalization Corporation Redevelopment Land Agency Revitalization Corporation petitioned the Commission to rezone the subject property to a new zoning designation, C-2-B. OP asserted that the rezoning is needed to satisfy the District's obligation to ensure conformity with the Fort Lincoln Urban Renewal Plan designation for the subject property as the site for retail – shopping development within the Fort Lincoln Urban Renewal Area. By report dated November 15, 2002, OP recommended the map amendment, citing the conformity of the amendment to the Fort Lincoln Urban Renewal Plan and the Comprehensive Plan.

The Commission, at the February 24, 2003, public meeting, took proposed action to approve the rezoning of 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. to C-2-B. The Commission noted that the record was left open to receive additional information following the hearing. Advisory Neighborhood Commission 5A voted to support the amendment. The Fort Lincoln Civic Association opposed the amendment. OP filed a supplemental report dated February 7, 2003, in support of the rulemaking.

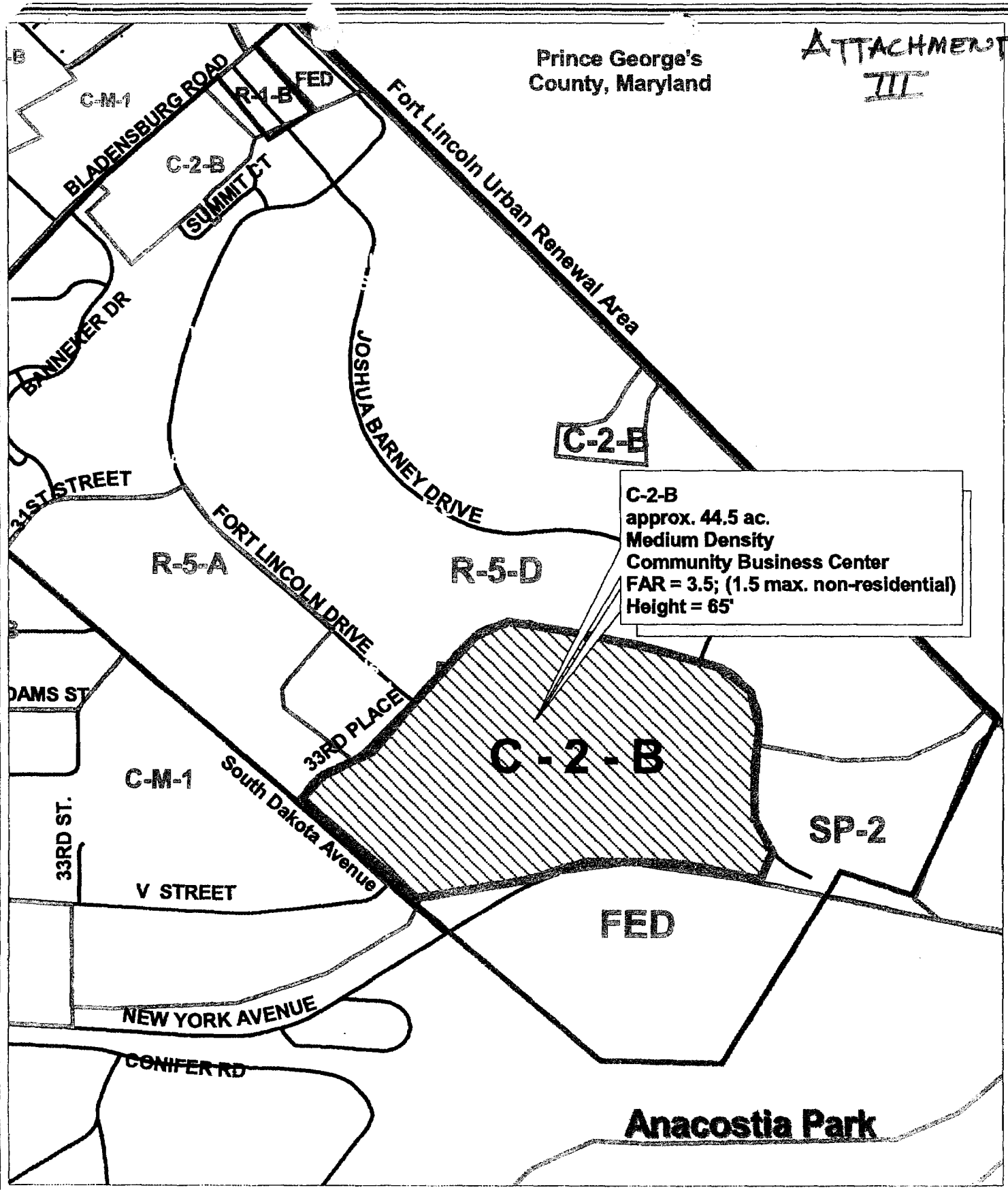
Based on the above, the Commission finds that the proposed amendment to the Zoning Map is in the best interests of the District of Columbia, consistent with the intent and purpose of the Zoning Act and the Zoning Regulations, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **APPROVES** a change in zoning from C-3-C, SP-2, and R-5-D to C-2-B for 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.

Vote of the Zoning Commission taken at its public meeting on February 24, 2003, to **APPROVE** the proposed rulemaking: **3-2-0** (Carol J. Mitten, Anthony J. Hood, and James H. Hannaham to approve; John G. Parsons and Peter G. May against).

This Order and Final Rulemaking were **ADOPTED** by the Zoning Commission at its public meeting on July 31, 2003, by a vote of **3-2-0** (Carol J. Mitten, Anthony J. Hood, and James H. Hannaham to adopt; Peter G. May and John G. Parsons against).

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 _____.



Feature Key

Zoning Boundaries

Site

Zoning Commission Case # 02-33, Fort Lincoln
PROPOSED ZONING

DC Office of Planning
January 8, 2003

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

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