Government of the District of Columbia
OFFICE OF ZONING

Z.C. CASE NO.: 02-41

As Secretary to the Zoning Commission, I herby certify that on SEP 11 2003 copies of this Z.C. Order No. 02-41 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

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6. Office of Planning (Ellen McCarthy)

7. Zoning Administrator

ATTESTED BY: Alberto P. Bastida

Alberto P. Bastida, AICP
Director, Office of Zoning

ZONING COMMISSION
District of Columbia
Case 02-41
ZONING COMMISSION
District of Columbia
CASE NO.02-41
EXHIBIT NO.36

Government of the District of Columbia
ZONING COMMISSION

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z. C. ORDER NO. 02-41
Z.C. Case No. 02-41
July 31, 2003

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in § 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 (2001 Ed.)); and having referred the proposed amendment to the National Capital Planning Commission for a 30-day period of review pursuant to § 492(b)(2) of the District of Columbia Home Rule Act; hereby gives notice of its adoption of an amendment to the Zoning Map of the District of Columbia. The purpose of this Zoning Map amendment is to establish the SP-1 Zone District for property that is owned by the United States Government (the National Park Service) with jurisdictional authority transferred to the District of Columbia (Department of Parks and Recreation) and which has been leased to a non-profit organization (Building Bridges Across the River, Inc.) that will operate a community center and related facilities to be known as the Town Hall Education Arts Recreation Center ("THE ARC").

No changes have been made to the text of the proposed rule, as published with the notice of proposed rulemaking in the *D.C. Register* on May 30, 2003, at 50 DCR 4278. The Commission took action to adopt the amendment at a public meeting held on July 31, 2003. This final rulemaking is effective upon publication in the *D.C. Register*.

Existing Zoning and Proposed Zoning Map Amendment

The property is located on a portion of the existing Oxon Run Reservation, a portion of U.S. Reservation 501. The property includes frontage along Mississippi Avenue, S.E. between Stanton Road, S.E. and Southern Avenue, S.E. The property consists of approximately 16.403 acres and is currently unzoned. Surrounding properties are either unzoned or are included in R-5-A, R-3, or C-2-B Districts. The proposed zoning map amendment would zone the property to the SP-1 (medium-density) Zone District. The SP-1 Zone District is designed to act as a buffer between adjoining commercial and residential areas to ensure that new development is compatible in use, scale, and design with the transitional function of this zone district.

Public Hearing

The National Park Service ("NPS"), the owner of the subject property, and Building Bridges Across the River, Inc. ("BBAR") requested the Zoning Commission to undertake this rulemaking by application filed on October 28, 2002. NPS and BBAR also requested that the matter be treated as a rulemaking. On December 9, 2002, the Commission agreed and set down the matter

for a public hearing as a rulemaking. Since rulemakings are commenced by the filing of a petition (11 DCMR § 3010.6), BBAR and NPS will hereinafter be referred to collectively as the petitioner.

The public was informed through the notice procedures set forth in the Zoning Act and Zoning Regulations that a public hearing would be held on March 31, 2003. On that date, representatives of BBAR testified in support of the petition. Testimony was also received by the petitioner's architects.

The Office of Planning ("OP") filed a report in support of the petition and presented testimony recommending its approval. OP noted that the proposed uses are complimentary to nearby existing residential uses and are located on the edge of the residential community, and thus do not disrupt the residential character or alter the nature of the surrounding community. Further, OP determined that the proposed centralized mix of uses will enhance and strengthen the surrounding neighborhood and will further the health, safety, and welfare of the District as it will permit facilities that are currently not provided for in this community and in this particular portion of the District.

Jacque Patterson, the single member ANC Commissioner for the area in which the subject property is located, expressed support for the Zoning Map Amendment. There were no letters or testimony in opposition to the application filed in this case.

Relationship to Comprehensive Plan

As noted by the OP, the Zoning Map amendment is not inconsistent with the Generalized Land Use Map of the Comprehensive Plan that recommends parks, recreation, and open space for the property. OP concluded that the SP-1 District, which allows schools, parks, playgrounds, and child development centers as a matter-of-right, is consistent with the parks, recreation, and open space designation.

The Zoning Map amendment is in congruence with the following sections of the Land Use Element of the Comprehensive Plan: 10 DCMR § 1115.1(h) – to facilitate the joint public and private development, where feasible, of surplus government property, particularly in the vicinity of Metrorail stations; to supply needed community services and facilities that support local employment opportunities and neighborhood improvement and stability; and 10 DCMR § 1115.1(i) – to identify unneeded public buildings and lands that could be used to supply additional housing, commercial services, and to accommodate private community service organizations and other physical and social needs.

The Zoning Map Amendment is also in congruence with the following sections of the Ward 8 Element of the Comprehensive Plan: 10 DCMR § 1917.1(a) – to ensure that adequate and high quality neighborhood-based public services and facilities are available and accessible to the Ward 8 community at a minimal cost; 10 DCMR § 1918.1(b) – to establish a multi-service recreational center that will address both recreational and community cultural needs in Ward 8; and 10 DCMR § 1918.1(b)(1) – to achieve the goals of community leaders to develop a facility that would address recreational as well as cultural needs, as one of the ways to expose the ward's youth to attractive, lifestyle alternatives to involvement in illegal drug trafficking.

Proposed Rulemaking

Following the conclusion of the public hearing on March 31, 2003, the Commission took proposed action pursuant to 11 DCMR § 3027.1 to approve the proposed Zoning Map amendment. A Notice of Proposed Rulemaking was published in the *D.C. Register* on April 18, 2003, for a 30-day notice and comment period. The Commission did not receive any comments in response to the Notice of Proposed Rulemaking.

The proposed rulemaking was forwarded to the National Capital Planning Commission ("NCPC") on June 12, 2003, for review and comment pursuant to § 492(b)(2) of the District of Columbia Home Rule Act. NCPC, by report dated July 17, 2003, found that the proposed map amendment would not adversely affect the federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. The Office of Corporation Counsel has determined that this rulemaking meets its standards of legal sufficiency.

Final Rulemaking

The Commission finds that the proposed amendment to the Zoning Map is in the best interest of the District of Columbia, is consistent with the purpose of the Zoning Regulations and Zoning Act, and is 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 amendment to the Zoning Map of the District of Columbia:

> The property located on the southern side of Mississippi Avenue, S.E. between Stanton Road, S.E. and Southern Avenue, S.E., which is a portion of US Reservation 501 (Parcel 236, Lot 114), from **unzoned** to the **SP-1** District.

Vote of the Zoning Commission taken at its public hearing on March 31, 2003, to approve the proposed rulemaking 4-0-1 (Anthony J. Hood, James H. Hannaham, Carol J. Mitten, and Peter G. May to approve; John G. Parsons, not present, not voting).

The Order was adopted by the Zoning Commission at its public meeting of July 31, 2003, by a vote of 4-0-1 (Anthony J. Hood, Peter G. May, Carol J. Mitten, and James H. Hannaham to approve; John G. Parsons, having recused himself, not voting).

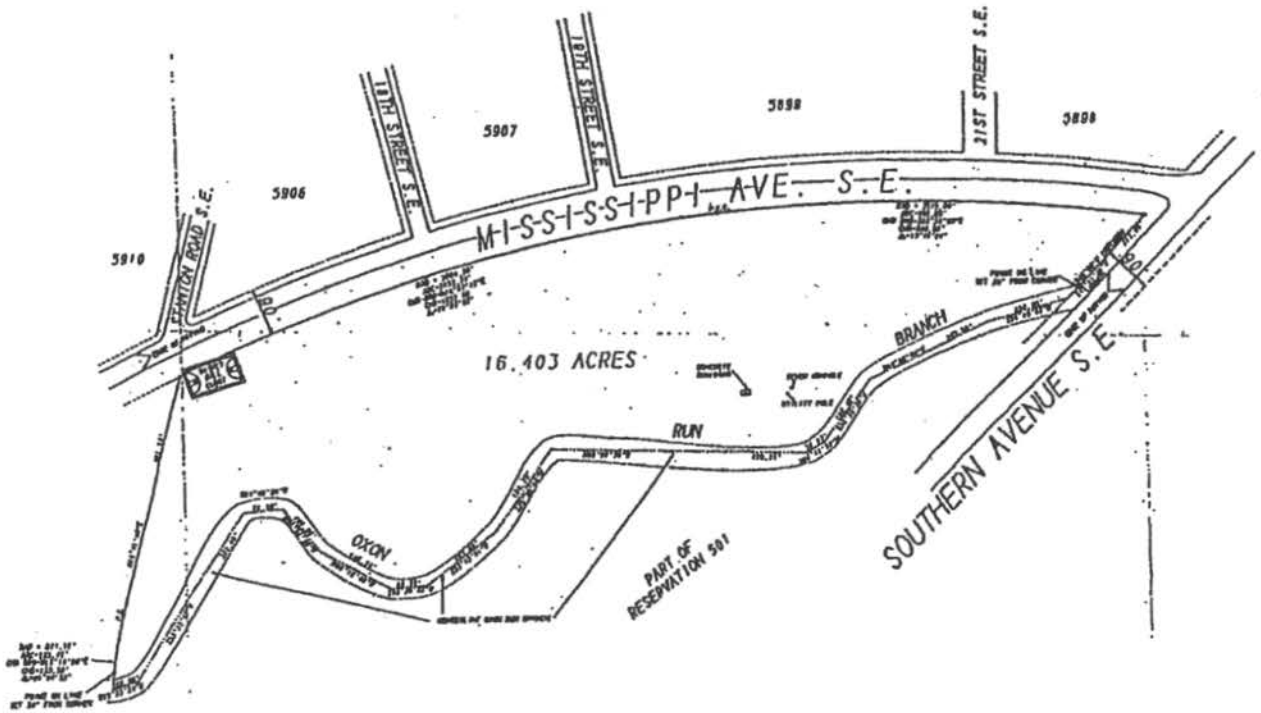
In accordance with the provisions of 11 DCMR § 3028.9, this order shall become effective upon publication in the *D.C. Register*; that is on SEP 05 2003.

CAROL J. MITTEN
Chairman
Zoning Commission

JERRILY R. KRESS, FAIA
Director
Office of Zoning

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 02-41
Z. C. Case No. 02-41
July 31, 2003

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



SURVEYOR'S CERTIFICATION

PLAT OF SURVEY
PART OF U.S. RESERVATION 501
WASHINGTON
DISTRICT OF COLUMBIA
SCALE: 1" = 100' JANUARY 1998

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