*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: zoninginfo@dcoz.dcgov.org • Web Site: http://dcoz.dcgov.org/

ZONING COMMISSION
District of Columbia
CASE NO. 03-01
EXHIBIT NO. 22

# RULEMAKING TRANSMITTAL FORM

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

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

**AGENCY:** OFFICE OF ZONING

**AGENCY REPRESENTATIVE:** ALBERTO BASTIDA

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: 727-0330

**TITLE AND DESCRIPTION OF RULES:** Amendment to the Zoning Map of the District of Columbia

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Map Amendment – Rezones square 3187, Lots 50, 823, 826, and 834 from C-M-1 to C-2-A

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 50 *DC Reg. 4989,* DATE: June 20, 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; D.C. Official Code § 6-641.01 (2001 Ed.)).

**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: September 9, 2003 SIGNED: for PHONE: (202) 442-9777

| | | | | | | |
|---|---|---|---|---|---|---|
| X | FINAL | | CONDITIONAL | NAME: | ROBERT 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 the issuance of the substance of these rules: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 (2001 Ed.)).

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

DATE OF APPROVAL OF VOTE: 9/8/03

APPROVAL OF ATTEST: 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 FINAL RULEMAKING**
**and**
**Z.C. ORDER NO. 03-01**
**Z.C. Case No. 03-01**
**(Map Amendment – Square 3187, Lots 50, 823, 826, and 834)**
**(Chestnut Street, N.W. to Spring Place, N.W., on the east side of Blair Road, N.W., including the north side of Spring Place, N.W.)**
**September 8, 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), having held a public hearing as required by § 3 of the Act (D.C. Official Code § 6-641.03), and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to 11 DCMR §§ 3025.3 and 3028.1, hereby gives notice of its adoption of an amendment to the Zoning Map of the District of Columbia that rezones Square 3187, Lots 50, 823, 826, and 834 from C-M-1 to C-2-A.

The Commission took final action to adopt the amendments at a public meeting held on September 8, 2003.

This final rulemaking is effective upon publication in the *D.C. Register*.

The purpose of this rezoning initiative is to adopt a zoning designation for the subject property that is not inconsistent with the Comprehensive Plan Amendments Act of 1994 and that implements the Takoma Plan adopted by the Council of the District of Columbia on June 4, 2002. The map amendment applies to property between Chestnut Street, N.W. and Spring Place, N.W., located on the east side of Blair Road, N.W. and including the north side of Spring Place, N.W. (Square 3187, Lots 50, 823, 826, and 834).

Prior to this amendment, the subject property was within the C-M-1, Commercial-Light Manufacturing, Zone District. The subject property is bordered by an R-1-B Zone District to the north and west and C-2-A Zone Districts to the south and east. On the west side of Blair Road, N.W. and both sides of Chestnut Street, N.W. are predominantly single-family detached houses. The subject property is located within close proximity to the Takoma Park Metrorail station and just beyond the boundary of the Takoma Park historic district. The subject property was the only industrially-zoned area in the neighborhood.

The case was initiated January 13, 2003 by the Office of Planning, which proposed to rezone the subject property from C-M-1 to C-2-A as the first step in the implementation of the Takoma

Central District Plan (Takoma Plan), approved by Council Resolution 14-460 on June 4, 2002, pursuant to Section 4(c)(4) of the District of Columbia Comprehensive Plan Act of 1984 Land Use Element Amendment Act of 1984, effective March 16, 1985 (D.C. Law 5-187; D.C. Official Code § 1-301.64(c)(4)). The Takoma Plan, which serves as supplemental guidance to the Zoning Commission in regards to the Comprehensive Plan, establishes a vision for future development, preservation, and revitalization of the Takoma commercial district.

The Zoning Map amendment designates the subject property within the C-2-A Zone District. The C-2-A Zone District is designed to provide facilities for shopping and business needs, housing, and mixed uses outside of the central core, and is located in low- and medium-density residential areas with access to main highways that include offices, shopping centers, and medium-bulk mixed-use centers. The C-2-A Zone District permits matter-of-right development standards of maximum density of 2.5 FAR (floor area ratio), of which no more than 1.5 FAR may be devoted to non-residential uses; 50-foot maximum building height; and maximum lot occupancy of 60 percent for residential development and 100 percent for non-residential development.

The Office of Planning (OP) submitted a report recommending approval of the proposed map amendment, because the requested rezoning would be consistent with the economic development, land use, housing, and zoning elements of Chapter 15, Ward 4 Plan, of the Comprehensive Plan. In particular, OP stated that the proposed map amendment would further Plan goals regarding the expansion and enhancement of retail activity near the Metrorail station (§§1505, 1506, 1529, and 1530), encouraging the multi-use character and vitality of residential and commercial uses in Takoma (§§1506 and 1530), and eliminating negative impacts from existing industrial development on nearby residential areas (§§ 1506 and 1530). OP also stated that the map amendment would support the housing objectives (§1508) by virtue of the fact that the C-M-1 Zone District prohibits residential uses, and the C-2-A Zone District permits residential uses as a matter of right with a maximum density of 2.5 FAR whereas non-residential uses are limited to a maximum density of 1.5 FAR. The Office of Planning also testified that the proposed map amendment is not inconsistent with the Comprehensive Plan Generalized Land Use Map designation of the subject lots as moderate-density commercial.

At the public hearing held March 17, 2003, Ms. Bonnie Moss, Chair of the DC Preservation Committee of Historic Takoma, entered written and oral support for the map amendment on behalf of Historic Takoma; and Ms. Faith Wheeler entered written and oral support as a citizen in favor of the map amendment. Ms. Dodie Butler, President of Plan Takoma, submitted a letter into the record in support. Advisory Neighborhood Commission (ANC) 4B recommended approval of the map amendment by resolution dated March 27, 2003. There was no opposition to the proposal. The Commission left the record open until April 4, 2003 for additional written comment pursuant to § 3024.4. No additional comments were received.

At its regularly scheduled monthly meeting on April 14, 2003, the Commission took proposed action pursuant to 11 DCMR § 3027 to approve the proposed map amendment. A Notice of Proposed Rulemaking was published in the *D.C. Register* on June 20, 2003 at 50 DCR 4989, for a 30-day notice and comment period. No comments were received. By report dated July 1, 2003, the National Capital Planning Commission found that the proposed map amendment

would neither adversely affect the federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

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 of zoning from C-M-1 to C-2-A for Chestnut Street, N.W. to Spring Place, N.W., on the east side of Blair Road, N.W., including the north side of Spring Place, N.W. (Square 3187, Lots 50, 823, 826, and 834).

Vote of the Zoning Commission taken at its public meeting on April 14, 2003 to **APPROVE** the proposed rulemaking: **5-0-0** (Carol J. Mitten, Anthony J. Hood, James Hannaham, John G. Parsons, and Peter G. May (by absentee vote) to approve).

This Order and Final Rulemaking were **ADOPTED** by the Zoning Commission at its public meeting on September 8, 2003 by a vote of **5-0-0** (Anthony J. Hood, John G. Parsons, Carol J. Mitten, James Hannaham, and Peter G. May).

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 _____.


Rezone from C-M-1 to C-2-A
(ZC Order # 03-01)
3187
3186
3187

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**
**NOTICE OF FINAL RULEMAKING**
**and**
**Z.C. ORDER NO. 03-01**
**Z.C. Case No. 03-01**
**(Map Amendment – Square 3187, Lots 50, 823, 826, and 834)**
**(Chestnut Street, N.W. to Spring Place, N.W., on the east side of Blair Road, N.W., including the north side of Spring Place, N.W.)**

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