GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z. C. ORDER No. 08-03/8-03-1
(Map Amendment – 11 DCMR)
(Portions of Squares 5228, 5253, 5254, 5262, 5263, 5264, and 5265)
December 22, 2008

The Zoning Commission for the District of Columbia (the "Commission") 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 ("NCPC") for a 30-day period of review pursuant to § 492 of the District Charter, hereby gives notice of the adoption of the following amendments to the Zoning Map of the District of Columbia:

Amend the Zoning Map of the District of Columbia to rezone the following lots from C-1 and R-2 Zone Districts to the C-2-A Zone District.

Square	**Lots**	**Zone District**
5228	44	R-2 to C-2-A
5253	23, 811, 813, 814 and 821	C-1 to C-2-A
5254	813	R-2 to C-2-A
5262	14, 802 - 804, 821, 822 and 824	R-2 to C-2-A
5263	5 –10, 39, 41, 809, 817	R-2 to C-2-A
5264	31 - 34, 45- 53 and 807	R-2 to C-2-A
5265	28, 31 – 34, 45, 46, 805 and 806	R-2 to C-2-A

Hereafter, these properties shall be referred to as the "Subject Properties." They are located on the north and south sides of Dix Street, N.E., between 57th and 60th Streets.

The purpose of this rezoning is to adopt a zoning designation for the Subject Properties that is not inconsistent with the District Elements of the Comprehensive Plan for the National Capital: ("Comprehensive Plan"), adopted through the Comprehensive Plan Amendment Act of 2006, effective March 8, 2007 (D.C. Law 16-300).

ZONING COMMISSION
District of Columbia
CASE NO.08-03
EXHIBIT NO.41

Setdown Proceeding

Zoning Commission Case No. 08-03 was initiated by a petition filed by Beulah Baptist Church of Deanwood Heights, Inc. ("Beulah"). The District of Columbia Office of Planning ("OP") recommended that the Commission schedule a public hearing to decide the case through reports dated April 29, 2008 and May 12, 2008. The Commission set the case down for a public hearing at its May 12, 2008, public meeting as a rulemaking case.

OP's May 12, 2008 report also recommended that the Commission rezone additional properties in Squares 5253, 5254, 5262, 5264, and 5265 that were not included in Beulah's petition. The Commission set those additional properties down for a public hearing at the May 12, 2008 public meeting as rulemaking case, assigned the case number Zoning Commission Case No. 08-03-1, and designated OP as the petitioner.

The Commission also indicated that it would schedule the hearings for both cases on the same night.

Public Hearing, Proposed Action, and NCPC Report

The Commission held properly noticed public hearings on October 6, 2008 to consider both cases.

In advance of the hearings, OP submitted reports stating that the map amendments were not inconsistent with the Comprehensive Plan, citing several provisions of the Comprehensive Plan that supported the map amendments, and recommending that the Commission approve the cases. The report OP submitted in support of Case No. 08-03 also stated that the map amendments were consistent with the Deanwood/Great Streets Strategic Development Plan, a small area plan adopted in June 2008, that recommended zoning changes along the Dix Street corridor to support moderate density mixed uses.

OP testified in support of the cases, noting that the C-2-A Zone District is more consistent with the Comprehensive Plan's Future Land Use Map than the Subject Properties' current zoning.

At the conclusion of the public hearings, the Commission took proposed action to approve both cases by a vote of 3-0-2.

Notices of Proposed Rulemaking were published in the *D.C. Register* for a 30-day notice and comment period on October 31, 2008 at 55 *DCR* 11361 (Case No. 08-03) and 55 *DCR* 11362 (Case No. 08-03-1). No comments were received.

By report dated October 31, 2008, NCPC found that the proposed map amendments would not would not adversely impact federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital.

Relationship to the Comprehensive Plan

The C-2-A Zone District is designed to provide facilities for shopping and business needs, housing, and mixed uses for large segments of the District of Columbia outside the central core. It allows a mixture of low density development, including office, retail and residential uses, at a maximum lot occupancy of 60%, and with a maximum density of 2.5 FAR for residential uses and 1.5 FAR for other permitted uses. The maximum height permitted in the C-2-A Zone District is 50 feet.

The Comprehensive Plan's Future Land Use Map calls for the Subject Properties to be a mixed-use area with low density commercial and moderate density residential uses. The range of land uses allowed under the C-2-A Zone District would not be inconsistent with the Future Land Use Map, and it would support a number of other policies in the Comprehensive Plan.

Great Weight to Advisory Neighborhood Commission ("ANC")

The Commission is required under D.C. Official Code § 1-309.10(d) to give great weight to issues and concerns expressed in the affected ANC's written recommendation. The affected ANC, ANC 7C, submitted a letter to the Commission dated May 10, 2008 in support of the application. The Commission concurs in this recommendation and has given the ANC the great to which it is entitled.

Final Action

The Office of the Attorney General reviewed this Order and found it met its standards of legal sufficiency.

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

On October 6, 2008, upon the motion of Vice Chairman Jeffries, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the application at the close of its public hearing by a vote of 3-0-2 (Gregory N. Jeffries, Peter G. May, and Michael G. Turnbull to approve; Anthony J. Hood and Curtis J. Etherly, Jr., not present, not voting).

On December 22, 2008, upon a motion of Vice Chairman Jeffries, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of 3-0-2 (Gregory N. Jeffries and Michael G. Turnbull to approve; Peter May to approve by absentee ballot; Anthony J. Hood, not having participated, not voting; the third Mayoral appointee position vacant, 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 APR 3 2009.

ANTHONY J. HOOD
CHAIRMAN
ZONING COMMISSION

RICHARD S. NERO, JR.
ACTING DIRECTOR
OFFICE OF ZONING

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

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning

Z.C. CASE NO.: 08-03/08-03-1

As Secretary to the Commission, I hereby certify that on APR - 6 2009 copies of this Z.C. Order No. 08-03/08-03-1 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

1. *D.C. Register*

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ATTESTED BY: S. S. Schellin
Sharon S. Schellin
Secretary to the Zoning Commission
Office of Zoning