

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
ZONING COMMISSION**



**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF FINAL RULEMAKING**

**and**

**Z.C. ORDER NO. 05-09**

**Z.C. Case No. 05-09**

**(Map Amendment – Parcel 239, Lot 2 and Parcel 234, Lot 2)**

**January 9, 2006**

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 for a 30-day period of review pursuant to § 492 of the District Charter, hereby gives notice of the adoption of the following amendment to the Zoning Map of the District of Columbia.

The map amendment applies to property at the intersection of South Capitol Street and Firth Sterling Street, S.E. (Parcel 239, Lot 2 and Parcel 234, Lot 2). The specific amendment to the Zoning Map of the District of Columbia is: Parcel 239, Lot 2 and Parcel 234, Lot 2 – rezone from unzoned to C-M-1. The purpose of this rezoning is to allow the Washington Metropolitan Area Transportation Authority (“WMATA”) to construct a facility for the maintenance of rail cars, in connection with a proposed light rail system.

At a properly noticed public hearing held on June 16, 2005, the Office of Planning testified as the Petitioner in support of the proposed map amendment. The Office of Planning testified that the change in zoning was necessary to permit WMATA to construct a maintenance facility for a planned light rail line at this location.

The Generalized Land Use Map of the Comprehensive Plan recommends “production and technical employment” for the area. The Comprehensive Plan states that areas labeled “production and technical employment” on the Land Use Map are “intended to encourage growth industries and industries with a high ratio of employees to land area occupied, such as ... transportation services.” 10 DCMR § 1110.1. The Transportation Element of the Comprehensive Plan specifically discusses mass transit as a priority for the District, and the extension of mass transit service is articulated as a policy for increasing the use of mass transit in the city and improving the overall transportation system. 10 DCMR § 503.2. The proposed map amendment is therefore not inconsistent with the Comprehensive Plan.

At the conclusion of the public hearing, 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 September 9, 2005 at 52 D.C.R. 8403 for a 30-day notice and comment period. No comments were received. By report dated July 14, 2005, the National Capital Planning Commission found that the proposed map amendment would neither adversely affect federal interests, nor be inconsistent with the Federal Elements of the Comprehensive Plan for the National Capital. ANC 8C, the Advisory Neighborhood Commission within which the subject property is located, did not comment on the proposal or testify at the hearing.

At its regularly scheduled public meeting of January 9, 2006, the Zoning Commission took final action to approve this amendment.

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 Zoning Regulations, and not inconsistent with the Comprehensive Plan for the Nation's Capital.

In consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby **APPROVES** a change of zoning from unzoned to C-M-1 for Parcel 239, Lot 2 and Parcel 234, Lot 2.

Vote of the Zoning Commission taken at its public meeting on June 16, 2005 to **APPROVE** the proposed rulemaking: **5-0-0** (Carol J. Mitten, Kevin Hildebrand, Anthony J. Hood, Gregory Jeffries, and John G. Parsons to approve).

This Order and Final Rulemaking was **ADOPTED** by the Zoning Commission at its public meeting on January 9, 2006, by a vote of **5-0-0** (Anthony J. Hood, John G. Parsons, Carol J. Mitten, Gregory N. Jeffries, and Kevin L. Hildebrand (by absentee ballot) to adopt).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in the *D.C. Register*, on APR 28 2006.

  
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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. 05-09**

**Z.C. Case No. 05-09**

**(Map Amendment – Parcel 239, Lot 2 and Parcel 234, Lot 2)**

**January 9, 2006**

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





APRIL 5, 2005  
DESCRIPTION OF A PORTION OF  
THE PROPERTY DEDICATED TO  
THE DISTRICT OF COLUMBIA  
SUBDIVISION BOOK 113 PAGE 47  
DISTRICT OF COLUMBIA

Being part of a parcel of land shown on a Plat of Dedication, recorded in Subdivision Book 113 at Page 47, among the records of The Office of the Surveyor of the District of Columbia and being more particularly described as follows:

Beginning for the same at a point marking the common corner between the aforesaid Plat of Dedication, Parcel 240/5, recorded in Assessment and Taxation Book 2563-E and a Plat of Dedication, recorded in Subdivision Book 119 at Page 131, all among the aforesaid records of The Office of the Surveyor of the District of Columbia, said point also being on the easterly line of South Capitol Street, 130 feet wide; thence running with the northwesterly outline of said Plat of Dedication, recorded in Subdivision Book 113 at Page 47 and a portion of the easterly line of South Capitol Street the following two (2) courses and distances

- 1.) 45.39 feet along the arc of a non-tangent curve to the right having a radius of 3,000.00 feet and a chord bearing and distance of North 26° 32' 10" East, 45.39 feet to a point; thence
- 2.) North 26° 58' 11" East, 283.41 feet to a point marking the northwesterly corner of the aforesaid Plat of Dedication, recorded in Subdivision Book 113 at Page 47, said point also marking the intersection of the aforesaid easterly line of South Capitol Street and the southerly line of Firth Sterling Avenue, 50 feet wide; thence leaving the aforesaid easterly line of South Capitol Street and running with the northeasterly line of said Plat of Dedication, recorded in Subdivision Book 113 at Page 47 and a portion of the southerly line of Firth Sterling Avenue
- 3.) 267.67 feet along the arc of a non-tangent curve to the left having a radius of 286.60 feet and a chord bearing and distance of South 89° 25' 09" East, 258.04 feet to a point marking northeasterly corner of the aforesaid Plat of Dedication, recorded in Subdivision Book 113 at Page 47, said point also being on the northerly line of Parcel 240/6, recorded in the aforesaid Assessment and Taxation Book 3563-E; thence leaving the aforesaid southerly line of Firth Sterling Avenue and running with the common line between the aforesaid Plat of Dedication, recorded in Subdivision Book 113 at Page 47, Parcel 240/6, a Plat of Dedication, recorded in Subdivision Book 152 at Page 151, among the aforesaid records of The Office of the Surveyor of the District of Columbia and the aforesaid Parcel 240/5 the following two (2) courses and distances

- 4.) 339.85 feet along the arc of a non-tangent curve to the left having a radius of 1,515.79 feet and a chord bearing and distance of South 57° 23' 32" West, 339.14 feet to a point; thence
- 5.) 162.24 feet along the arc of a non-tangent curve to the left having a radius of 1,752.40 feet and a chord bearing and distance of South 48° 20' 00" West, 162.18 feet to the point of beginning containing 26,049 square feet or 0.5980 acres of land.



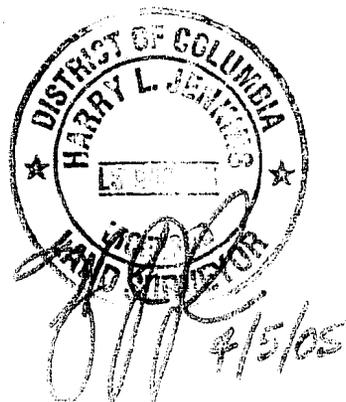
APRIL 5, 2005  
DESCRIPTION OF A PORTION OF  
ANACOSTIA FREEWAY  
DISTRICT OF COLUMBIA

Being all of Parcel 234/39, recorded in Assessment and Taxation Book 3485-W and all of a parcel of land as shown on a Transfer of Jurisdiction Plat, recorded in Subdivision Book 141 at Page 102, all among the records of The Office of the Surveyor of the District of Columbia and being more particularly described as follows:

Beginning for the same at a point marking the northerly corner of the aforesaid Parcel 234/39, said point also marking the northwesterly corner of Assessment and Taxation Lot 827 in Square 5866, recorded in Assessment and Taxation Book 3163-X, said point also being on the southerly line of Parcel 240/6, recorded in Assessment and Taxation Book 3563-F, all among the aforesaid records of The Office of the Surveyor of the District of Columbia; thence running with the common line between said Parcel 234/39 and Assessment and Taxation Lot 827 in Square 5866

- 1.) South 03° 34' 23" West, 112.32 feet to a concrete monument found marking the common corner between the aforesaid Transfer of Jurisdiction Plat, Parcel 234/39, Assessment and Taxation Lot 827 in Square 5866 and Parcel 234/41, recorded in Assessment and Taxation Book 3485-X among the aforesaid records of The Office of the Surveyor of the District of Columbia; thence running with the common line between said Transfer of Jurisdiction Plat and Parcel 234/41 the following four (4) courses and distances
- 2.) North 73° 41' 54" West, 30.15 feet to a point; thence
- 3.) South 16° 18' 06" West, 1,521.96 feet to a point; thence
- 4.) South 18° 12' 20" West, 722.25 feet to a point; thence
- 5.) South 24° 02' 32" West, 656.39 feet to a point marking the common corner between the aforesaid Transfer of Jurisdiction Plat, recorded in Subdivision Book 141 at Page 102, Parcel 234/41 and a Transfer of Jurisdiction Plat, recorded in Subdivision Book 139 at Page 31 among the aforesaid records of The Office of the Surveyor of the District of Columbia; thence running with the common line between said Transfer of Jurisdiction Plat, recorded in Subdivision Book 139 at Page 31 and the aforesaid Transfer of Jurisdiction Plat, recorded in Subdivision Book 141 at Page 102

- 6.) North  $52^{\circ} 18' 21''$  West, 52.86 feet to a point marking the southwesterly corner of the aforesaid Transfer of Jurisdiction Plat, recorded in Subdivision Book 141 at Page 102, said point also marking the northwesterly corner of the aforesaid Transfer of Jurisdiction Plat, recorded in Subdivision Book 139 at Page 31; thence running with the westerly outline of said Transfer of Jurisdiction Plat, recorded in Subdivision Book 141 at Page 102 the following two (2) courses and distances
- 7.) North  $11^{\circ} 58' 18''$  East, 1,979.54 feet to a point; thence
- 8.) 529.55 feet along the arc of a tangent curve to the right having a radius of 3,000.00 feet and a chord bearing and distance of North  $17^{\circ} 01' 42''$  East, 528.86 feet to a point marking the common corner between the aforesaid Transfer of Jurisdiction Plat, recorded in Subdivision Book 141 at Page 102, Parcel 240/5, recorded in the aforesaid Assessment and Taxation Book 3563-E and a Plat of Dedication, recorded in Subdivision Book 119 at Page 131 among the aforesaid records of The Office of the Surveyor of the District of Columbia; thence running with the northwesterly outline of said Transfer of Jurisdiction Plat, recorded in Subdivision Book 141 at Page 102, the southeasterly line of Parcel 240/5, the southeasterly line of a Plat of Dedication recorded in Subdivision Book 152 at Page 151 among the aforesaid records of The Office of the Surveyor of the District of Columbia and the northwesterly line of the aforesaid Parcel 234/39 the following two (2) courses and distances
- 9.) 352.13 feet along the arc of a non-tangent curve to the right having a radius of 1,686.40 feet and a chord bearing and distance of North  $45^{\circ} 00' 14''$  East, 351.49 feet to a point; thence
- 10.) 223.75 feet along the arc of a non-tangent curve to the right having a radius of 1,449.79 feet and a chord bearing and distance of North  $55^{\circ} 23' 54''$  East, 223.53 feet to the point of beginning containing 666,857 square feet or 15.3089 acres of land.



Anacostia Demonstration Line

Project: 1245

Tue March 29 11:11:10 2005

Parcel Inverse

Parcel name: P/O ANACOSTIA FREEWAY

North: 373939.1362	East : 799224.0462
Line Course: S 03-34-23 W	Length: 112.321
North: 373827.0339	East : 799217.0462
Line Course: N 73-41-54 W	Length: 30.150
North: 373835.4968	East : 799188.1083
Line Course: S 16-18-06 W	Length: 1521.960
North: 372374.7234	East : 798760.9044
Line Course: S 18-12-20 W	Length: 722.250
North: 371688.6276	East : 798535.2550
Line Course: S 24-02-32 W	Length: 656.385
North: 371089.1864	East : 798267.8382
Line Course: N 52-18-21 W	Length: 52.863
North: 371121.5092	East : 798226.0085
Line Course: N 11-58-18 E	Length: 1979.540
North: 373057.9953	East : 798636.6181
Curve Length: 529.551	Radius: 3000.000
Delta: 10-06-49	Tangent: 265.465
Chord: 528.864	Course: N 17-01-42 E
Course In: S 78-01-42 E	Course Out: N 67-54-53 W
RP North: 372435.7151	East : 801571.3698
End North: 373563.6738	East : 798791.4940
Curve Length: 352.134	Radius: 1686.400
Delta: 11-57-50	Tangent: 176.709
Chord: 351.494	Course: N 45-00-14 E
Course In: S 50-58-41 E	Course Out: N 39-00-51 W
RP North: 372501.8867	East : 800101.6669
End North: 373812.2013	East : 799040.0547
Curve Length: 223.751	Radius: 1449.790
Delta: 8-50-34	Tangent: 112.098
Chord: 223.529	Course: N 55-23-54 E
Course In: S 39-01-23 E	Course Out: N 30-10-49 W
RP North: 372685.8682	East : 799952.8881
End North: 373939.1362	East : 799224.0462

Perimeter: 6180.905 Area: 666,856.52 sq.ft. 15.30892 acres

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# Government of the District of Columbia

## OFFICE OF ZONING



Z.C. CASE NO.: 05-09

MAY 01 2006

As Secretary to the Commission, I hereby certify that on MAY 01 2006 copies of this Z.C. Notice of Final Rulemaking & Order No. 05-09 were mailed first class, postage prepaid or sent by inter-office government mail to the following:

- |   |   |
|---|---|
| 1. D.C. Register  | General Counsel<br>941 North Capitol Street, N.E.<br>Suite 9400<br>Washington, D.C. 20002               |
| 2. Mary Cuthbert, Chair<br>ANC 8C<br>3325 MLK Jr. Avenue, SE<br>Washington, DC 20032      | 8. Ken Laden, DDOT  |
| 3. Dorothea M. Ferrell<br>ANC/SMD 8C01<br>1159 Stevens Road, SE<br>Washington, D.C. 20020 | 9. Zoning Administrator (Bill crews)  |
| 4. Councilmember Marion Barry<br>(Ward 8)   | 10. Office of Attorney General (Alan Bergstein)   |
| 5. Gottlieb Simon<br>ANC<br>1350 Pennsylvania Avenue, N.W.<br>Washington, D.C. 20004      | 11. B & O Railroad Company<br>C/O CSX Tax Dept. J910<br>500 Water Street<br>Jacksonville, FL 32202-4423 |
| 6. Office of Planning (Ellen McCarthy)  | 12. Mable Chu, Esq.<br>WMATA<br>600 Fifth Street, N.W.<br>Washington, D.C. 20001                        |
| 7. David Rubenstein, Esq.   |   |

ATTESTED BY:

A handwritten signature in cursive script, appearing to read "Sharon S. Schellin", is written over a horizontal line.

**Sharon S. Schellin**  
Acting Secretary to the Zoning Commission  
Office of Zoning