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Government of the District of Columbia
OFFICE OF ZONING

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MEMORANDUM

TO: Arnold R. Finlayson, Administrator
Office of Documents and Administrative Issuance

FROM: Alberto P. Bastida, AICP
Secretary to the Zoning Commission

DATE: June 13, 2002

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on June 21, 2002:

1. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 01-35P).

Jeannet Thomas
Received By

6-14-02
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 01-35
Exhibit 31
ZONING COMMISSION
District of Columbia
CASE NO.01-35
EXHIBIT NO.31

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
Case No. 01-35P
(Text Amendment – Redevelopment of Waterside Mall - 11 DCMR § 2521.1)

June 10, 2002

The Zoning Commission for the District of Columbia, pursuant to the authority set forth in §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code 2001 Ed. §§ 6-641.01 and 6-641.03 (formerly codified at D.C. Code §§ 5-413 and 5-415 (1994 Repl.), hereby gives notice of its intent to amend Chapter 25 of the Zoning Regulations (11 DCMR), § 2521, SOUTHWEST URBAN RENEWAL AREA. Final rulemaking action to adopt this amendment shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

This proposed action is the result of an application by Kaempfer Company Inc. and Forest City Enterprises, Inc., developers of the affected property. Under guidance from the Office of Planning, the applicants plan to demolish a portion of the Waterside Mall, which was constructed over the former portion of 4th Street, S.W. right-of-way between M and Eye Streets, S.W. The demolition will create two buildings.

The existing building on the subject property is considered to conform to the Zoning Regulations by virtue of a 1998 amendment to the Zoning Regulations, which added § 2521.1(e)[1]. Because the demolition will create two buildings, the applicants suggested the proposed amendment to ensure that both buildings would be treated as conforming in the same manner that the single building from which the buildings will be created is considered conforming. This will ensure that the existing development flexibility on the site is preserved. As stated by the Office of Planning, the developers feel that the flexibility to reallocate the floor area ratio (FAR) and parking and loading spaces, as if the complex were still one building, is essential to long-term development planning for the site.

The following rulemaking action is proposed:

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[1] 11 DCMR 2521.1(e) provides:

> A building or structure that was built prior to November 20, 1998, that conformed to the height, area and bulk provisions of the Urban Renewal Plan shall be considered a conforming structure under this title and in the event of fire, collapse, explosion, or act of God, may be built to its size as of November 20, 1998.

Title 11, Chapter 25, MISCELLANEOUS ZONING REQUIREMENTS, § 2521, SOUTHWEST URBAN RENEWAL AREA, § 2521.1 is amended by adding a new paragraph (h) to read as follows:

(h) If part of the Waterside Mall property, comprising Lot 88 in Square 542 and Lot 60 in Square 499, is demolished so as to create a public right-of-way generally along the former right-of-way of 4th Street, S.W., so that the parts of the building to the east and west of the right-of-way are no longer physically connected above grade, for zoning purposes all such improvements shall be deemed to be a single building.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Alberto Bastida, Office of Zoning, 441 4th Street, N.W., Washington D.C. 20001. Comments must be received no later than thirty (30) days after the publication of this notice in the *D.C. Register*. A copy of this proposal may be obtained, at cost, by writing to the above address.

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [ ] FINAL RULES [X] 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 chapter 25 to provide that the Waterside Mall building is to be treated as conforming if it is reconfigured into two buildings.

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning), Section 2521

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: DCR _____ DATE: _____

COMPLETE CITATION to the statute, regulation, or other legal authority which specifically authorizes the issuance of the substance of these rules: sections 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code 2001 Ed. §§ 6-641.01 and 6-641.03 (formerly codified at D.C. Code §§ 5-413 and 5-415 (1994 Repl.)

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: «JUNE 12, 2002» SIGNED: Also Dept for PHONE: (202) 442-9777

	FINAL	✓	CONDITIONAL	NAME: ROBERT R. RIGSBY	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: sections 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799; D.C. Code 2001 Ed. §§ 6-641.01 and 6-641.03 (formerly codified at D.C. Code §§ 5-413 and 5-415 (1994 Repl.)

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

DATE OF APPROVAL OF VOTE:

APPROVAL OF ATTEST: Alberto T. Bastida

TITLE: Secretary to the Zoning Commission PHONE: (202) 727-0330

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL: DCR: DATE: