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: June 26, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on July 4, 2003:

1. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 02-35).

Received By

6/26/03
Date

Attachments

441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001
Tel: (202) 727-6311 • Fax: (202) 727-6072
E-Mail: zoning info@dcoz.dcgov.org • Web Site: http://dcoz.dcgov.org/

ZONING COMMISSION
District of Columbia
Case 02-35
Exhibit 32
ZONING COMMISSION
District of Columbia
CASE NO.02-35
EXHIBIT NO.32

RULEMAKING TRANSMITTAL FORM

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

AGENCY: OFFICE OF ZONING

DATE AND TIME RECEIVED
Office of Documents use only

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 Regulations of the District of Columbia, ZC Case No. 02-35 (Building Height).

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: definitions, subsection 199.1

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

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, 799; D.C. Code 2001 Ed. § 6-641.01 (formerly codified at D.C. Code § 5-413 (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: 6-24-03 SIGNED: PHONE: (202) 442-9777

V	FINAL		CONDITIONAL	NAME: ROBERT SPAGNOLETTI	TITLE: ACTING 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, 799; D.C. Code 2001 Ed. § 6-641.01 (formerly codified at D.C. Code § 5-413 (1994 Repl.)

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

DATE OF APPROVAL OF VOTE: 4/14/03

APPROVAL OF ATTEST:

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 PROPOSED RULEMAKING
Case No. 02-35
(Text Amendment –Definition of Building Height)

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. Code, 2001 Ed. §6-641.01), hereby gives notice of its intent to amend the Zoning Regulations of the District of Columbia. The proposed revision would revise the definition of building height in the Zoning Regulations (Title 11) to clarify the definition's use of the term "curb". The amendment would also add a definition for the term "natural grade". Final rulemaking action shall be taken in not less than thirty (30) days from the date this notice is published in the *D.C. Register*.

Title 11, Zoning Regulations, § 199, DEFINITIONS, § 199.1, is amended as follows:

1) The definition "Height of building" is amended by inserting the following text after the first sentence:

> The term curb shall refer to a curb at grade. In the case of a property fronting a bridge or a viaduct, the height of the building shall be measured from the lower of the natural grade or the finished grade at the middle of the front of the building to the highest point of the roof or parapet.

2) A new definition, "Natural grade", is added to read as follows:

> **Natural grade** – the undisturbed level formed without human intervention or, where the undisturbed ground level cannot be determined because of an existing building or structure, the undisturbed existing grade.

All persons wishing to comment on the subject matter of this proposed rulemaking should file comments in writing to Alberto Bastida, Secretary to the Zoning Commission for the District of Columbia, Office of Zoning, 441 Fourth Street, N.W., Suite 210S, Washington, D.C. 20001. Comments must be received no later than thirty (30) days after the date of publication on this notice in the *D.C. Register*. Copies of this proposal may be obtained at cost by writing to the above address.