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: May 28, 2003

SUBJECT: Publication for the Office of Zoning

Please publish the following in the D.C. Register on June 6, 2003:

1. Z.C. Notice of Proposed Rulemaking (Case No. 02-44TA).

Received By

5/27/03
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 02-44
Exhibit 25

ZONING COMMISSION
District of Columbia
CASE NO.02-44
EXHIBIT NO.25

RULEMAKING TRANSMITTAL FORM

DATE AND TIME RECEIVED
Office of Documents use only

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

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 of the Zoning Regulations, allowing enclosure of open arcades.

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning), Chapter 25, Section 2515

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: 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: 5-23-03 SIGNED: [signature] PHONE: (202) 442-9777

✓	FINAL		CONDITIONAL	NAME: ARABELLA W. TEAL	TITLE: INTERIM 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: 3/24/03

APPROVAL OF ATTEST: [signature]

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. 02-44(TA)
(Text Amendment – Enclosure of Open Arcades -- 11 DCMR)

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, 799; D.C. Official Code § 6-641.01), hereby gives notice of the intent to adopt an amendment to Chapters 25 of the Zoning Regulations (11 DCMR). The rule allows the enclosure of open arcades in the Central Employment Area if devoted to retail, entertainment, arts, or service uses. Final rulemaking action shall be taken in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

Title 11 DCMR (Zoning), Section 2515, EXCEPTIONS TO DENSITY REGULATIONS FOR OPEN ARCADES, is amended by:

1. Amending subsection 2515.3 to read as follows (additions shown in bold and underline):

2515.3 An open arcade, **constructed prior to [the date on which the Commission's final rule is published in the *D.C. Register*]**, shall be allowed a floor area ratio credit not to exceed twenty-five percent (25%) of the gross floor area of the floor that is adjacent to the arcade; and

2. Adding a new subsection 2515.13 to read as follows:

2515.13 Notwithstanding the limitations of § 771.2 of this title, an open arcade existing in a building in a commercial district (C) in the Central Employment Area on [the date on which the Commission's final rule is published in the *D.C. Register*], may be enclosed if solely devoted to retail, arts, or service uses permitted as a matter of right, except in the case of buildings designated as historic landmarks or contributing to a historic district where the Historic Preservation Review Board has determined that the arcade constitutes a feature contributing to the building's historic or architectural significance.

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 not 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.