Government of the District of Columbia
OFFICE OF ZONING

2005 NOV 17 PM 1:49

MEMORANDUM

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

FROM: Sharon S. Schellin
Acting Secretary to the Zoning Commission

DATE: November 17, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on November 25, 2005:

1. Z.C. Notice of Proposed Rulemaking (Case No. 03-09).

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 03-09
EXHIBIT NO. 20

441 4th St., N.W., Suite 210-S, Washington, D.C. 20001
Telephone: (202) 727-6311 E-Mail Address: zoning_info@dcoz.dc.gov Web Site: www.dcoz.dc.gov

ZONING COMMISSION
District of Columbia
CASE NO.03-09
EXHIBIT NO.20

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: MS. SHARON SCHELLIN

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: (202) 727-0340

TITLE AND DESCRIPTION OF RULES: Case No. ZC 03-09 (Text Amendment – District Government Agency Uses in Public School Buildings - 11 DCMR)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections

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: Section 1 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799 D.C. Official Code § 6-641.01).

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: NOVEMBER 17, 2005 SIGNED: Alan Bryden for PHONE: (202) 442-9777

✓	FINAL		CONDITIONAL	NAME: ROBERT J. SPAGNOLETTI	TITLE: ATTORNEY GENERAL

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 this person or agency to adopt and promulgate these rules.

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

DATE OF APPROVAL OF VOTE: 9/15/05

APPROVAL OF ATTEST: Sharon S. Schellin
TITLE: Acting Secretary to the Zoning Commission PHONE: (202) 727-0340

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. ZC 03-09
(Text Amendment – District Government Agency Uses in Public School Buildings - 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; D.C. Official Code § 6-641.01), hereby gives notice of the intent to adopt an amendment to Chapter 2 of the Zoning Regulations (11 DCMR). The proposed rule would add a new § 222 to authorize the Board of Zoning Adjustment to permit the use of an existing or former public school building, and the land on which it is located, by a District government agency as a special exception. 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), Chapter 2, R-1 RESIDENCE DISTRICT USE REGULATIONS, is amended by adding a new § 222 to read as follows

222 DISTRICT GOVERNMENT AGENCY (R-1)

222.1 The use of an existing or former public school building, and the land on which it is located, by a District government agency shall be permitted as a special exception in an R-1 District in the following instances if approved by the Board of Zoning Adjustment under § 3104, subject to the provisions of this section.

222.2 The school building must either be:

(a) Listed in the District of Columbia's Inventory of Historic Sites contained in the comprehensive statewide historic preservation survey and plan prepared pursuant to § 101 of the National Historic Preservation Act, approved October 15, 1966 (80 Stat. 915, as amended; 16 U.S.C. § 470a, or

(b) Located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites

222.3 The use of the property shall not tend to adversely affect the character or use of the neighboring properties as a result of noise, traffic, or other objectionable conditions.

222.4 The use of the property shall not intrude upon the privacy of the residents of the neighborhood.

222.5 The Board may limit the hours of operation of the use so as to assure compliance with §§ 222.3 and 222.4.

222.6 The property may house more than one District agency and more than one principal use, provided each principal use shall be found consistent with the provisions of this section.

222.7 The principal use of the property shall not be interior or exterior storage or vehicle parking;

222.8 The use shall not extend outside the building unless accessory and incidental to the principal interior uses.

222.9 Any storage shall be fully enclosed.

222.10 The following uses shall not be permitted:

(a) Vehicle storage, vehicle maintenance, storage of impounded vehicles, or storage of seasonal vehicles or equipment; or

(b) Any use first permitted in the CM zone district

222.11 The amount and arrangement of parking spaces and loading spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood.

222.12 Any additions to the building or any major modifications to the exterior of the building or to the site shall require the approval of the Board. The Board shall refer any proposed addition or modification to the Historic Preservation Office, for a report identifying possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located.

222.13 Any special exception application made pursuant to this section may be heard and decided together with any other special exception or variance relief required. The Applicant shall have the burden of proving compliance with all applicable special exception requirements, whether stated in this section or elsewhere in this title. In the event of any inconsistency between the requirements, the most restrictive criteria shall apply.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Sharon Schellin, Acting Secretary to the Zoning Commission, 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.