

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin 
Secretary to the Zoning Commission

Date: December 17, 2008

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on December 26, 2008:

1. Z.C. Notice of Proposed Rulemaking (Case No. 03-10A).

Attachment
OFFICE OF THE SECRETARY
OOAI
2008 DEC 17 A 11:55

ZONING COMMISSION
District of Columbia

CASE NO. 03-10A
EXHIBIT NO. 13

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ZONING COMMISSION
District of Columbia
CASE NO. 03-10A
EXHIBIT NO. 13

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

DATE AND TIME RECEIVED

Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

ADDRESS: 441 4th Street, N.W., Suite 210 South

TELEPHONE: (202) 727-0340

TITLE AND DESCRIPTION OF RULES: Z.C. Case No. 03-10A (Text Amendment – 11 DCMR)
(Technical correction to Z.C. Order 03-10A)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 2104

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: DECEMBER 17, 2008 SIGNED: Alan Bergstein PHONE: (202) 442-9777

☒ FINAL ☐ CONDITIONAL NAME: ALAN BERGSTEIN TITLE: SECTION CHIEF

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: 11-20-08

APPROVAL
OF ATTEST:

Secretary to the Zoning

TITLE: Commission

PHONE: (202) 727-0330

Office of Documents
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THIS NOTICE
PUBLISHED AT:

VOL:

DCR:

DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 03-10A
(Text Amendment – 11 DCMR)
(Technical correction to Z.C. Order 03-10A)

ZONING COMMISSION
District of Columbia
CASE NO. 03-10A
EXHIBIT NO. 13

The Zoning Commission for the District of Columbia, 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), hereby gives notice of its intent to amend the § 2104.1 of the Zoning Regulations (Title 11 DCMR).

The proposed text amendment clarifies that the parking space reduction authorized by § 2104.1 is available as a matter of right, and does not require approval by the Board of Zoning Adjustment. Since the amendment is technical in nature, no hearing was held, nor will the amendment be referred to the National Capital Planning Commission for its review.

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*.

The following rulemaking action is proposed (new text is shown **bolded** and underlined, deleted text is shown in ~~strike through~~ text):

Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2104.1 is amended to read as follows:

2104.1 Except as ~~otherwise~~ provided in § 2104.2, ~~the Board of Zoning Adjustment is authorized to reduce~~ the number of parking spaces required ~~under § 2101.1 for a nonresidential building or structure located within a radius of eight hundred feet (800 ft.) of a Metrorail station entrance may be reduced by up to twenty five percent (25%)~~ **shall be seventy-five percent (75%) of the amount otherwise ordinarily required under § 2101.1 if the building is located within a radius of eight hundred feet (800 ft.) of a Metrorail station entrance and** provided:

- (a) The building or structure is located in a nonresidential district and is at least eight hundred feet (800 ft.) from any R-1, R-2, R-3, or R-4 District; and
- (b) The Metrorail station is currently in operation or is one for which a construction contract has been awarded.

All persons desiring to comment on the subject matter of this proposed rulemaking action should file comments in writing no later than thirty (30) days after the date of publication of this notice in the D.C. Register. Comments should be filed with Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 200/210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.