

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance (via-email)
From: Sharon S. Schellin *SS*
Secretary to the Zoning Commission
Date: May 9, 2009
Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on May 15, 2009:

1. Z.C. Notice of Final Rulemaking & Order No. 03-10A (Case No. 03-10A); and
2. Z.C. Notice of Final Rulemaking & Order No. 08-09 (Case No. 08-09).

Attachment

ZONING COMMISSION
District of Columbia
CASE NO. *03-10A*
EXHIBIT NO. *15*

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: Zoning Commission Case No. 03-10A: Technical correction to Zoning Commission Order 03-10

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 2104.1

FINAL RULES ONLY: Give the D.C. REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules: 55 DCR 12964 DATE: DECEMBER 26, 2008

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.

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

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

DATE OF
APPROVAL
OF VOTE:

1-26-09

APPROVAL
OF ATTEST:

Sharon J. Schellin

Secretary to the Zoning
Commission

TITLE:

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 FINAL RULEMAKING**

and

Z.C. ORDER NO. 03-10A

Z.C. Case No. 03-10A

(Text Amendment – 11 DCMR)

(Technical Correction to Zoning Commission Order No. 03-10)

January 26, 2009

The Zoning Commission for the District of Columbia (the "Commission"), 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 (2001 ed.)), and 11 DCMR § 3030 (Consent Calendar), hereby gives notice of the adoption of the following text amendments to Chapter 21 (Off-Street Parking Requirements), § 2104.1 (Exceptions to the Schedule of Requirements: Nonresidential Structures near Metrorail Stations).

Because this action is technical in nature, no public hearing is required, pursuant to the Consent Calendar provisions set forth in 11 DCMR § 3030 and, for that same reason no referral to was required. No changes were made to the text amendments as published in a notice of proposed rulemaking in the *D.C. Register* ("DCR") on December 26, 2008, at 55 DCR 12964. No comments were received in response to the notice of proposed rulemaking. The Commission took final action to adopt the amendments at a public meeting on January 26, 2009. The final rulemaking is effective upon publication of this notice in the *D.C. Register*.

Title 11 DCMR (Zoning), Chapter 21, OFF-STREET PARKING REQUIREMENTS, § 2104, EXCEPTIONS TO THE SCHEDULE OF REQUIREMENTS: NONRESIDENTIAL STRUCTURES NEAR METRORAIL STATIONS, § 2104.1, is hereby amended to read as follows (new language shown in **bold underlined** text and deleted wording is shown in ~~strikethrough~~ lettering):

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.

On November 20, 2008, upon motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **APPROVED** the petition at its public by a vote of **4-0-1**

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(Anthony J. Hood, Gregory N. Jeffries, Peter G. May, and Michael G. Turnbull to approve; third Mayoral appointee position vacant, not voting).

On January 26, 2009, upon motion of Chairman Hood, as seconded by Commissioner Turnbull, the Zoning Commission **ADOPTED** the Order at its public meeting by a vote of **4-0-1** (Anthony J. Hood, Gregory N. Jeffries, Peter G. May, and Michael G. Turnbull to adopt; third Mayoral appointee position vacant at the time of the initiation of the case, not voting).

In accordance with the provisions of 11 DCMR § 3028.9, this Order shall become effective upon publication in *the D.C. Register*; that is, on May 15, 2009.

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 03-10A
Z.C. Case No. 03-10A
(Text Amendment – 11 DCMR)
(Technical Correction to Zoning Commission Order No. 03-10)
January 26, 2009**

The full text of this Zoning Commission Order is published in the "Final Rulemaking" section of this edition of the *D.C. Register*.