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Government of the District of Columbia
Office of Zoning

MEMORANDUM

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

FROM: Jerrily R. Kress, FAIA
Director

DATE: March 24, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on April 1, 2005:

1. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 04-16);
2. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 04-28); and
3. Z.C. Notice of Proposed Rulemaking (Z.C. Case No. 04-29).

Received By

Date

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 04-16
EXHIBIT NO. 45

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

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: MR. CLIFFORD MOY

ADDRESS: 441 4th Street, N.W., Suite 210 South TELEPHONE: (202) 727-0348

TITLE AND DESCRIPTION OF RULES: Text and map amendment to establish a new overlay district, called the Takoma Neighborhood Commercial Overlay District

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections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: Sections 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798; D.C. Official Code §§ 6-641.01 and 6-641.03).

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: MARCH 22, 2005 SIGNED: Alo Bryte Pca PHONE: (202) 442-9777

V	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. Sections 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 798; D.C. Official Code §§ 6-641.01 and 6-641.03).

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

DATE OF APPROVAL OF VOTE: 3-14-05

APPROVAL OF ATTEST: _____
TITLE: Secretary to the Zoning Commission PHONE: (202) 727-0348

Office of Documents use only: THIS NOTICE PUBLISHED AT: VOL: DCR: DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
ZC Case No. 04-16
(Text Amendment – 11 DCMR)
(Takoma Neighborhood Commercial Overlay)

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, as amended; D.C. Official Code § 6-641.01 (2001)), hereby gives notice of its intent to amend chapter 13, Neighborhood Commercial Overlay District, of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)). The proposed amendment would create a new overlay, the "Takoma Neighborhood Commercial Overlay District," and apply this overlay district to specific lots zoned C-2-A on Squares 3187, 3188, 3275, 3276, 3278, 3280, 3352, 3353, 3354, 3356 and 3357. 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

Title 11 DCMR, Chapter 13, NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT, is amended by adding a new § 1310 to read as follows:

1310 TAKOMA NEIGHBORHOOD COMMERCIAL OVERLAY DISTRICT

1310.1 The Takoma Neighborhood Commercial Overlay District (TK) applies to Squares 3188 and 3278 in their entirety, and certain lots and portions of lots zoned C-2-A on:

(a) Square 3187 along the frontages of Blair Road and Cedar Street, N.W.;
(b) Squares 3275 and 3276 along the frontage of 4th Street, N.W.;
(c) Squares 3352, 3353, 3354, 3356, and 3357 along the frontages of Cedar Street and Carroll Street, N.W.; and
(d) Square 3280 along the frontages of Blair Road, Butternut Street, and 4th Street, N.W.

1310.2 The Overlay begins at the street right-of-way lines abutting the Squares named in § 1310.1, and extends to a depth of one hundred feet (100 ft).

1310.3 In addition to the purposes in § 1300, the purposes of the Takoma Overlay District are to:

(a) Reserve sufficient open space to provide adequate light and air to encourage retail and service uses, and pedestrian circulation in the vicinity of the Takoma Metro station;

(b) Require a minimum clear floor-to-ceiling height on the ground floor sufficient to accommodate the needs of neighborhood-serving retail, service and office uses; and

(c) Allow and encourage residential development to help meet the need for housing, enhance safety, and provide sufficient resident population to support neighborhood-serving retail, service, and office uses.

1310.4 For the purposes of § 1302, the designated use area within the Takoma Overlay District shall coincide with the boundaries of this District, as set forth in §§ 1310.1 and 1310.2.

1310.5 For the purposes of §§ 1302.5 and 1303.2, the designated roadways within the Takoma Overlay District shall be portions of 4th Street, N.W., Blair Road, N.W., Cedar Street, N.W. to the intersection with Carroll Street, N.W., and Carroll Street, N.W., that abut any property zoned C-2-A on the Squares named in § 1310.1.

1310.6 The street wall of each new building fronting on Blair Road, N.W., Cedar Street, N.W., and Carroll Street, N.W.; or any addition to an existing building frontage on any of these streets shall set back for its entire height and frontage not less than thirteen feet (13 ft.), measured from the adjacent curbline.

1310.7 Except as provided in § 1310.10, the ground floor level of each new building or building addition shall have a minimum clear floor-to-ceiling height of fourteen feet (14 ft.).

1310.8 Those portions of buildings with a minimum clear floor-to-ceiling height of fourteen feet (14 ft.) on the ground floor level shall be permitted a total building height of fifty-five feet (55 ft.).

1310.9 For the purposes of this section, clear floor-to-ceiling height means a vertical distance measured from the finished floor to the finished ceiling that is unobstructed by any of the following:

a) Elements of the building structure other than columns and walls;
b) Components of mechanical or plumbing systems; or
c) Components of electrical systems, except lighting fixtures.

If the ceiling is not finished, the distance shall be measured to the lowest point of any of the structural elements or systems referenced in a), b), or c) above.

1310.10 Buildings occupying or constructed on lots along the Blair Road frontage of Square 3187 and Cedar Street frontage of Squares 3352 and 3353 within the Takoma Overlay District, do not have to provide the designated retail and service establishments on the ground floor level required by § 1302.1, nor comply with the ground floor level floor-to-ceiling height requirement of § 1310.7, if the ground floor level is devoted exclusively to residential uses.

1310.11 If ground floor residential uses are established pursuant to § 1310.10, no certificate of occupancy for a permitted non-residential use on the ground floor level may be issued, unless the ground floor level of the subject building complies with the floor-to-ceiling height requirement of § 1310.7

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 Clifford Moy, Acting Secretary to the Zoning Commission, Office of Zoning, 441 4th Street, N.W., Suite 210-S, Washington, D.C. 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.