Government of the District of Columbia
OFFICE OF ZONING

MEMORANDUM

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

FROM: Sharon S Schellin
Acting Secretary to the Zoning Commission

DATE: July 28, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D C Register* on August 5, 2005

1. Z C Notice of Final Rulemaking & Z C Order No. 04-28 (Case No. 04-28),
2. Z C Order No 04-25 (Case No 04-25), and
3. Z C Order No 04-25A (Case No. 04-25).

I am also providing the Final Rulemaking on diskette

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 04-28
EXHIBIT NO. 10

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.04-28
EXHIBIT NO.10

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [X] 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) 727-6311

TITLE AND DESCRIPTION OF RULES

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning) Chapters 1, 5, 6, 7, 8, 9, and 21

FINAL RULES ONLY: Give the D C REGISTER citation and date of publication of the Notice of Proposed Rulemaking for these rules 52 DCR 3649 DATE APRIL 8, 2005

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. JUNE 14, 2005 SIGNED _____ 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
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 6-13-05

APPROVAL OF ATTEST _____

TITLE Acting Secretary, ZC PHONE (202) 727-6311

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. 04-28
Z.C. Case No. 04-28
(Text Amendments – 11 DCMR)
(Department of Motor Vehicles – Driver's License Road Test Facilities)
June 13, 2005

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); having held a public hearing as required by § 3 of the Act (D C Official Code § 6-641.03), and having referred the proposed amendments to the National Capital Planning Commission for a 30-day period of review pursuant to § 492 of the District of Columbia Charter, hereby gives notice of the adoption of amendments to § 199 (Definitions), § 501 (Uses as a Matter of Right (SP)), § 601 (Uses as a Matter of Right (CR)), § 721 (Uses as a Matter of Right (C-2)), § 801 (Uses as a Matter of Right (C-M)), § 901 (Uses as a Matter of Right (W)), and Chapter 21 (Off-Street Parking Requirements) of the Zoning Regulations (Title 11 DCMR) The amendments will permit Driver's License Road Test Facilities as a matter of right within the Special Purpose, Mixed Use, Commercial (except C-1), Industrial (C-M and M) and Waterfront District (except in W-0 and W-1) zone districts. The Commission took final action to adopt the amendments at a public meeting held on June 13, 2005

This final rulemaking is effective upon publication in the *D C Register*

Existing Regulations

The existing regulations do not provide a use that adequately meets the needs of the District of Columbia Department of Motor Vehicles ("DMV") for its road testing facilities Without these amendments, DMV would need to obtain variance relief to expand or establish new road testing facilities, except within the Central Area where District government uses are not subject to Zoning This would inhibit DMV's plans to locate its facilities in appropriate and convenient locations the District

Description of Text Amendment

The Commission initiated this rulemaking in response to a petition filed by the Office of Planning on behalf of DMV The text amendment accommodates DMV Driver's License Road Test Facilities by defining a DMV Driver's License Road Test Facility as a "building and associated paved area used by the District of Columbia Department of Motor Vehicles in connection with road tests or other tests of driving ability given to applicants for drivers' licenses or endorsements," permitting such facilities as a distinct use in the zone districts described above, and establishing off-street parking requirements for the facilities

Relationship to the Comprehensive Plan

The amendment is not inconsistent with the goals of the Comprehensive Plan and is consistent with the following sections of the Comprehensive Plan § 102.3, which advocates improving public facilities in order to stabilize the District's neighborhoods, § 601 which recommends the District provide adequate and energy-efficient public facilities in good condition to support the cost-effective delivery of municipal programs and services, and § 606 1 which expresses the objective to locate public facilities to provide optimum service and to support the land use, transportation, economic and social development, and neighborhood improvement objectives.

Public Hearing and Proposed Action

The Commission held a public hearing on March 17, 2005, and took proposed action immediately thereafter to approve the advertised text, except the provision that would have permitted DMV Drivers' License Road Test Facilities in W-1 Zone Districts The Commission felt that such facilities would not be compatible with that Zone District or with the goals of the Anacostia Waterfront Imitative. A Notice of Proposed Rulemaking was published in the *D C Register* on April 8, 2005 at 52 DCR 3649, for a 30-day notice and comment period No comments were received.

The proposed rulemaking was also referred to the National Capital Planning Commission ("NCPC") pursuant to § 492 of the District of Columbia Charter NCPC, by report dated April 28, 2005, found that the proposed text amendment would not adversely affect the federal interests nor be inconsistent with the Federal Elements of the Comprehensive Plan

The Office of the Attorney General determined that this rulemaking meets its standards of legal sufficiency

Final Action

The Commission took final action to adopt the rulemaking at its regularly scheduled public meeting on June 13, 2005 No substantive changes were made to the advertised prepared text

Based on the above, the Commission finds that the proposed amendments to the Zoning Regulations are in the best interests of the District of Columbia, consistent with the purpose of

the Zoning Regulations and Zoning Act, and not inconsistent with the Comprehensive Plan for the National Capital.

In consideration of the reasons set forth herein, the Zoning Commission hereby **APPROVES** the following amendments to chapters 1, 5, 6, 7, 8, 9 and 21 of the Zoning Regulations, Title 11 DCMR. Added wording is in **bold** and underlined, and deleted wording is shown in ~~strike-through~~ lettering.

A Section 199, DEFINITIONS, § 199 1, is amended to add the following new definition

Driver's License Road Test Facility - a building and associated paved area used by the District of Columbia Department of Motor Vehicles in connection with road tests or other tests of driving ability given to applicants for drivers' licenses or endorsements.

B. Section 501 USES AS A MATTER OF RIGHT (SP), § 501 1, is amended by adding a new subparagraph to read as follows

(j) **Driver's License Road Test Facility.**

C Section 601 USES AS A MATTER OF RIGHT (CR), § 601 1, is amended by adding a new subparagraph to read as follows

(y) **Driver's License Road Test Facility.**

D. Section 721 USES AS A MATTER OF RIGHT (C-2), § 721.2, is amended by adding a new subparagraph to read as follows

(y) **Driver's License Road Test Facility.**

E Section 801, USES AS A MATTER OF RIGHT (C-M), § 801 7, is amended by adding a new subparagraph to read as follows

(m) **Driver's License Road Test Facility.**

F Section 901, USES AS A MATTER OF RIGHT (W), § 901 1, is amended by adding a new § 901 6 to read as follows:

901.6 **A Driver's License Road Test Facility, shall be permitted within the W-2 and W-3 Districts.**

G Chapter 21, OFF-STREET PARKING REQUIREMENTS, is amended by inserting the following use in the table included in § 2101 1, SCHEDULE OF REQUIREMENTS FOR PARKING SPACES under "INSTITUTIONAL USES"

USES	NUMBER OF PARKING SPACES REQUIRED
Driver's License Road Test Facility	
C-2-A, C-3-A	**4 spaces for each employee.**
C-2-B, C-2-C, C-3-B, C-3-C, C-4 C-5, SP, CR, W-2, W-3	**4 spaces for each employee.**
C-M, M	**4 spaces for each employee.**

Vote of the Zoning Commission taken at its public meeting on March 17, 2005, to **APPROVE** the proposed rulemaking:**4-0-1** (Anthony J Hood, John G Parsons, Kevin Hildebrand, Gregory Jefferies in favor, Carol Mitten, not present, not voting)

This order was **ADOPTED** by the Zoning Commission at its public meeting on June 13, 2005, by a vote of **3-0-2** (John G Parsons, Kevin L Hildebrand, and Anthony J Hood to approve; Carol J Mitten, having not participated, not voting; and Gregory N. Jeffries, not present, 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 _____.

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF FINAL RULEMAKING
and
Z.C. ORDER NO. 04-28
Z.C. Case No. 04-28
(Text Amendment – 11 DCMR)
(Driver's License Test Facilities)

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