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: May 17, 2005

SUBJECT: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on May 27, 2005·

1 Z C Order No 04-19 (Case No 04-19),
2 Z.C Notice of Public Hearing (Case No 01-28TE),
3 Z.C Notice of Public Hearing (Case No. 02-06);
4 Z.C. Notice of Public Hearing (Case No. 04-35), and
5 Z C Notice of Proposed Rulemaking (Case No. 04-31).

Attachments

ZONING COMMISSION
District of Columbia
CASE NO. 04-31
EXHIBIT NO. 10

2005 MAY 17 PM 12:02
Office Of Documents And Executive Issuances

ZONING COMMISSION
District of Columbia
CASE NO.04-31
EXHIBIT NO.10

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: [ ] EMERGENCY RULES [ ] FINAL RULES [x] PROPOSED RULES [ ] COMBINED

DATE AND TIME RECEIVED
Office of Documents use only

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: MS JERRILY R. KRESS

ADDRESS 441 4th Street, N.W , Suite 210 South TELEPHONE. (202) 727-6311

TITLE AND DESCRIPTION OF RULES: Text amendment to Definitions section of Zoning Regulations – Title 11, DCMR, § 199.1, to add two new definitions – one for "clear height, floor to ceiling," and one for "glass, clear and/or low-emissivity "

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning), Section 199 1.

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. MAY 12, 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 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. 3-31-05

APPROVAL OF ATTEST _____

TITLE. Director, Office of Zoning 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 PROPOSED RULEMAKING

Zoning Commission Case No. 04-31
(Text Amendment to Definitions Section, 11 DCMR § 199)

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. Code § 6-641.01 (2001)), hereby gives notice of its intent to amend section 199.1 of the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (DCMR)) The proposed amendment would add two new definitions to the Zoning Regulations. The definitions to be added are for the terms "clear height, floor to ceiling," and "glass, clear and/or low-emissivity," both of which currently appear in certain neighborhood commercial overlays being considered by the Commission.

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·

A Amend Title 11, DCMR, by adding the following new definitions to § 199.1, in proper alphabetical order. The new definition language is shown bolded and underlined:

1 **Clear Height, Floor to Ceiling – floor to ceiling height is 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, plumbing, or fire suppression 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 of systems referenced in (a), (b), or (c), above.

2. **Glass, Clear and/or Low-Emissivity – glass with a visible light transmission rating of at least seventy percent (70%) and an outdoor visible light reflectance rating of no greater than seventeen percent (17%).**

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 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.