

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

To: Office of Documents and Administrative Issuance

From: Sharon S. Schellin ^{SS}
Secretary to the Zoning Commission

Date: November 13, 2006

Re: Publication for the Office of Zoning

Please publish the following in the *D C Register* on November 17, 2006.

- 1 Z.C. Notice of Proposed Rulemaking (Case No. 05-02);
2. Z C. Notice of Proposed Rulemaking (Case No. 05-21A); and
- 3 Z.C. Notice of Proposed Rulemaking (Case No. 06-20).

Attachment

2006-11-13 PM 4:40
D.C. Zoning Commission
for the record

ZONING COMMISSION
District of Columbia

CASE NO. 05-02

EXHIBIT NO. 49

ZONING COMMISSION
District of Columbia
CASE NO. 05-02
EXHIBIT NO. 47

RULEMAKING TRANSMITTAL FORM

2006 NOV 13
4/8

PA 1: 27

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: JERRILY KRESS

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

TELEPHONE (202) 727-6311

TITLE AND DESCRIPTION OF RULES: Amendment to § 411 of Title 11, DCMR, concerning roof structures associated with rooftop recreation space, and repeal of all provisions in Title 11, DCMR, requiring residential recreation space

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning), repeal that part of § 199 1 containing the definition of "Residential recreation space," and, repeal, in their entirety, §§ 533,635, 773, 1706 4(f), 1706 5(f), and 1803 12

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, et seq), 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 NOVEMBER 8, 2006

SIGNED

Mon Bayle

PHONE (202) 442-9777

☒ FINAL ☐ CONDITIONAL

NAME: EUGENE A ADAMS

TITLE INTERIM 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 et seq), 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

APPROVAL Sharon Schellin

OF ATTEST

Secretary to the Zoning

TITLE Commission

PHONE (202) 727-0340

DATE OF APPROVAL OF VOTE

11/6/06

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THIS NOTICE PUBLISHED AT

VOL.

DCR

DATE

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PROPOSED RULEMAKING
ZC Case No. 05-02
(Text Amendment – 11 DCMR)
(Residential Recreation Space)

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 3 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat 797, as amended, D C Official Code §§ 6-641 01 and 6-641 03 (2001)), hereby gives notice of its intent to amend § 411 of Chapter 4 of the Zoning Regulations (Title 11 DCMR) and to repeal those sections of the Zoning Regulations requiring the provision of residential recreation space in certain zone districts

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*

Title 11 DCMR is proposed to be amended as follows Deleted wording is shown in strike-through lettering and added wording is shown bolded and underlined

- A. **CHAPTER 1, THE ZONING REGULATIONS** – Delete the definition of “Residential recreation space ” from § 199 1, DEFINITIONS
- B. **CHAPTER 4, RESIDENCE DISTRICTS HEIGHT, AREA, AND DENSITY REGULATIONS**
 - 411 ROOF STRUCTURES (R)
 - 411.1 To exercise a reasonable degree of architectural control upon roof structures in all districts, housing for mechanical equipment, stairway and elevator penthouses, and, when not in conflict with An Act To Regulate the Height of Buildings in the District of Columbia, approved June 10, 1920 (36 Stat 452, D C Official Code, §§ 6-601 01 to 6-601 09, on apartment building roofs, penthouses for (a) storage, and toilets showers, and lavatories incidental and accessory to roof swimming pools or communal recreation space located on that roof; and (b) other enclosed areas, within the area permitted as a roof structure, used for recreational uses accessory to communal rooftop recreation space, shall be subject to conditions and variable floor area ratio credit specified in this section.
- C. **CHAPTER 5, SPECIAL PURPOSE DISTRICTS (SP)** – Delete section 533, Residential Recreation Space (SP), including all subsections 533 1 through 533.11
- D. **CHAPTER 6, MIXED USE COMMERCIAL RESIDENTIAL DISTRICTS (CR)** – Delete § 635, Residential Recreation Space (CR), including all subsections 635 1 through 635 4
- E. **CHAPTER 7, COMMERCIAL DISTRICTS (C)** – Delete § 773, Residential Recreation Space (C), including all subsections 773 1 through 773 10

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F CHAPTER 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT (DD)

a Delete § 1706 4(f)

b Delete § 1706 5(f)

**G. CHAPTER 18, SOUTHEAST FEDERAL CENTER OVERLAY DISTRICT
(SEFC) – Delete § 1803 12**

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-S, Washington, D.C 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address.