

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Zoning Commission



June 28, 2006

**Via E-Mail & U.S. Mail:**

Patricia E. Gallagher, AICP  
Executive Director  
National Capital Planning Commission  
401 9th Street, N W, Suite 500  
Washington, D C 20004

**Re: Notice of Proposed Action**

Dear Ms. Gallagher

Please find attached copies of the proposed rulemaking(s) for the following case(s)

- Z.C. Case No 05-43 (Text Amendment to include Squares 344, 373, 374 & Reservation 174 in the Housing Priority Area of the DD Overlay District)

The above proposed rulemakings will be published in the *D C Register* on July 7, 2006, for a 30-day comment period. The comment period will end on August 6, 2006. Accordingly, these cases will be considered for final action at the Zoning Commission's September 11, 2006 public meeting.

The proposed decision of the Commission to approve the above-mentioned cases are referred to the National Capital Planning Commission (NCPC) for review and comment, pursuant to the District of Columbia Home Rule Act of 1973, as amended, 87 Stat 790, Pub L No 93-198, D C Code Section 1-201 et seq.

If you have any questions, contact me at the Office of Zoning on (202) 727-0340.

Sincerely,

A handwritten signature in cursive script, reading "Sharon S. Schellin".

Sharon S. Schellin  
Secretary to the Zoning Commission

cc. David W. Levy (via e-mail)  
Christine Saum (via e-mail)  
Marjorie Marcus (via e-mail)

ZONING COMMISSION  
District of Columbia

CASE NO. 05-43  
EXHIBIT NO. 9

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA  
NOTICE OF PROPOSED RULEMAKING**

**Z.C. Case No. 05-43**

**(Text Amendment – 11 DCMR)**

**(Text Amendment to include Squares 344, 373, 374, and Reservation 174 in the Housing  
Priority Area of the Downtown Development Overlay District)**

**June 8, 2006**

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 (2001 ed.)), hereby gives notice of its intent to amend Section 1706 of the Zoning Regulations (Title 11 DCMR). The proposed amendments would include the property formerly occupied by the old Convention Center within the Housing Priority Area of the Downtown Development Overlay District. For the purposes of the combined lot development provisions of 11 DCMR § 1708, the site will be designated as being within Housing Priority Area B. Although zoned DD/C-3-C, the old Convention Center site is limited to a FAR of 6.5. Only DD/C-3-C properties included within the Housing Priority Area may achieve the additional FAR allowed by §§ 1706.5 and 1706.7, provided that no less than 3.5 FAR is devoted to residential use (either on site or on a combined lot). The proposed amendments would apply these incentives and requirements to the Old Convention Center site.

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 is amended as follows. Deleted wording is shown in strike-through lettering and added wording is shown **bolded** and underlined.

1. Section 1706.2 is amended to read as follows:

1706.2 The housing requirements and incentives of this section shall be applicable only in the Housing Priority Area that is depicted in Map B **attached to the Office of Planning memorandum dated June 7, 2006** filed in Zoning Commission Case No. ~~99-3205-43~~, which may be viewed in the Office of Zoning, and that is described by squares in § 1706.8, provided that the transferable development rights provisions of § 1706.3 shall be applicable throughout the DD Overlay District. Map B is incorporated by reference.

2. Section 1706.8(b) is amended to read as follows:

1706.8 For the purposes of permitting and governing combined lot developments as provided by § 1708, the Housing Priority Area is divided into three (3) subareas as follows:

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(b) Housing Priority Area B, the Mount Vernon Square South area, comprises the DD/C-2-C and DD/C-3-C zoned properties that are located south of Massachusetts Avenue, including squares and parts of squares numbered 247, 283, 284, 316, 317, 342, 343, 344, 371, 372, 373, 374, 427, 428, 452, 453, 485, 486, 517, and 529, National Park Service Reservation 174 (if jurisdiction is transferred to the District of Columbia), and the commercial and underdeveloped properties in square 247 with an approved plan unit development on or before January 18, 1991, for so long as the planned unit development approval remains valid, and

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 4<sup>th</sup> 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.