

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 *SS*
Secretary to the Zoning Commission

Date: June 28, 2006

Re: Publication for the Office of Zoning

Please publish the following in the *D.C. Register* on July 7, 2006:

1. Z.C. Notice of Special Public Meeting;
2. Z.C. Notice of Public Hearing (Case No. 05-05); and
3. Z.C. Notice of Proposed Rulemaking (Case No. 05-43).

Attachments

**ZONING COMMISSION
District of Columbia**

CASE NO. 05-43

EXHIBIT NO. 10

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ZONING COMMISSION
District of Columbia
CASE NO. 05-43
EXHIBIT NO. 10

RULEMAKING TRANSMITTAL FORM

TYPE OF RULEMAKING ACTION: ☐ EMERGENCY RULES
☐ FINAL RULES ☒ PROPOSED RULES ☐ COMBINED

AGENCY: OFFICE OF ZONING

AGENCY REPRESENTATIVE: SHARON SCHELLIN

DATE AND TIME RECEIVED

Office of Documents use only

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

TELEPHONE:

TITLE AND DESCRIPTION OF RULES: Text Amendment to include Squares 344, 373, 374, and Reservation 174 in the Housing Priority Area of the Downtown Development 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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) Sections 1706.2 and 1706.8

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: 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 22, 2006

SIGNED: *Alan Beyette*

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:

6-8-06

APPROVAL OF ATTEST:

Sharon J. Schellin
Secretary to the Zoning

TITLE: Commission

PHONE: (202) 727-0340

Office of Documents use only:

THIS NOTICE PUBLISHED AT:

VOL:

DCR:

DATE:

**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. ~~99-3Z05-43~~, 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:

(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 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.