

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Zoning



MEMORANDUM

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**To:** Office of Documents and Administrative Issuance

**From:** Sharon S. Schellin <sup>53</sup>  
Secretary to the Zoning Commission

**Date:** February 12, 2007

**Re:** Publication for the Office of Zoning

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Please publish the following in the *D C Register* on February 23, 2007

- 1 Z C Notice of Proposed Rulemaking (Case No 06-25), and
- 2 Z C Order No 06-17 (Case No 06-17)

Attachment

ZONING COMMISSION  
District of Columbia

CASE NO. 06-25

EXHIBIT NO. 12

Office of  
Documents and  
Administrative  
Issuances

2007 FEB 12 PM 4:04 PM

TC

# RULEMAKING TRANSMITTAL FORM

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: SHARON SCHELLIN

ADDRESS 441 4<sup>th</sup> Street, N W , Suite 210 South

TELEPHONE (202) 727-0340

TITLE AND DESCRIPTION OF RULES ZC CASE NO 06-25 Text and Map Amendment - Capitol Gateway 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If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed Title 11 (Zoning) Sections §§ 1601, 1602, 1605, and 1610

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 FEBRUARY 9, 2007

SIGNED

*Ala. B. F. for*

PHONE (202) 442-9777

X FINAL

CONDITIONAL

NAME: LINDA SINGER

TITLE. ACTING 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

SIGNATURE OF THE PERSON AUTHORIZED TO ADOPT RULES OR ATTEST TO THE ADOPTION OF RULES

DATE OF APPROVAL OF VOTE

1-8-07

APPROVAL OF ATTEST

*Sharon Schellin*  
Secretary to the Zoning

TITLE

Commission

PHONE

(202) 727-0330

Office of Documents use only

THIS NOTICE

VOL

DCR

DATE

PUBLISHED AT

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA**  
**NOTICE OF PROPOSED RULEMAKING**  
**Z.C. CASE NO. 06-25**  
**(Text and Map Amendment - Capitol Gateway Overlay District)**

The Zoning Commission for the District of Columbia, pursuant to its authority under §§ 1 and 8 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 07 (2001)), hereby gives notice of its intent to amend Chapters 16 of the Zoning Regulations (Title 11 DCMR) The proposed amendment to the Zoning Map would extend the boundaries of the Capitol Gateway ("CG") Overlay District to include Lot 48 within Square 649, those portions of Squares 651 and 653 zoned C-2-C, and Lots 124-140 within Square 655, adjacent to South Capitol Street S.W Other than mapping the area within the CG Overlay, no changes to the base zones are recommended The text amendments to §§ 1601, 1602, 1605, and 1610 would also

- Require a setback 15-foot setback from South Capitol Street for any new development within Squares 653 and 655,
- Require that a minimum of 60% of the façade be constructed to the 15-foot setback line or to the property line where the setback is not required,
- Restrict driveway access from South Capitol Street,
- Establish a Zoning Commission review and approval process and design guidelines for any new development on property which abuts South Capitol Street, and
- Restrict the use of Combined Lot transfer of density to or from property within these squares

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 (Zoning), Chapter 16, CAPITOL GATEWAY OVERLAY DISTRICT, is amended as follows (new language is shown in bold and underlined text, deleted language in strikethrough).

A Section 1600, PREAMBLE, subsection 1600.1, is amended to read as follows

- 1600 1 The Capitol Gateway (CG) Overlay District is applied to the Buzzard Point and Capitol Gateway areas, which are designated for mixed use development in the Comprehensive Plan for the National Capital The following Squares and portions of Squares in the Southwest and Southeast quadrants of the District of Columbia are included in the CG Overlay District 601, 602, 603, 605, 607, 609, 611, 612, 613, 656, 657, 658, 660, 661, 662, E662, 664, E664, 665, 666, E667, S667, ES667, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, E708, S708, 742, N743, S744, 769, 771, and 800, **as well as Square**

649, Lot 48; Square 651, Lots 147 and 148; Square 653 Lots 14, 15, 52-54, 60-66, 68-72, 74, 75, 810, 811, 823, 824, 827 and 828; and Square 655 Lots 124-140.

B. Subsection 1602 1 (d) is amended to read as follows

1602 1 Two (2) or more lots within the Overlay District may be combined for the purpose of allocating residential and nonresidential uses regardless of the normal limitation on floor area by uses on each lot; provided, that the aggregate residential and nonresidential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone district(s), except when bonus density is being constructed, subject to the following

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(d) The combined lot provisions may not be used to transfer density to or from any property within the CG/R-5-E, CG/C-2-C, CG/C-3-C, CG/W-1, CG/W-2, or CG/W-3 Districts, and

C Section 1605, BUILDINGS, STRUCTURES, AND USES ON SOUTH CAPITOL STREET is amended to read as follows

**1605 BUILDINGS, STRUCTURES, AND USES ON SOUTH CAPITOL STREET**

1605 1 The following provisions apply to new buildings, structures, or uses with frontage on South Capitol Street within the CG Overlay

1605 2 Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, ~~provided that a minimum of 60% of the street wall shall be constructed on the setback line with the exception of:~~

- (a) A building within Squares 649 and 651; and
- (b) Replacement of an existing row dwelling building within Squares 653 or 655; or
- (c) A vertical addition to an existing row dwelling building within Squares 653 or 655, not extending out into the South Capitol Street right-of-way and not exceeding 50% of the gross floor area of the original row dwelling.

1605 3 Any portion of a building or structure that exceeds 110 feet in height shall provide an additional one-to-one (1 1) step back from the building line along South Capitol Street

1605 4 No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after February 16, 2007

1605 5 For each new building or structure located on South Capitol Street, a minimum of 60% of the street-wall shall be constructed on the setback line, with the exception of:

(a) Buildings within Squares 649 and 651 where a minimum of 60% of the street-wall shall be constructed to the South Capitol Street property line; and

(b) Replacement of or an addition to an existing row dwelling within Squares 653 or 655 in accordance with §1605.2.

D Section 1610, BUILDINGS, STRUCTURES, AND USES ON SOUTH CAPITOL STREET, is amended to read as follows

1610 1 The following provisions apply to properties located

- (a) Within the CG/W-2 District;
- (b) On a lot that abuts M Street SE;
- (c) On a lot located within Squares 700 or 701, north of the Ballpark site,
- (d) On a lot that abuts South Capitol Street, other than renovation or replacement of an existing row dwelling within Squares 653 or 655; or for a minor addition not exceeding 50% of the gross floor area of the original row dwelling structure;
- (e) On a lot within Square 601, 656, or 657, or
- (f) Any lot which is the recipient of density through the combined lot provisions of §1602.

All persons desiring to comment on the subject matter of this proposed rulemaking should file comments, in writing, to Sharon Schellin, Secretary to the Zoning Commission, Office of Zoning, 441 4<sup>th</sup> Street, N.W., Washington D C 20001. Comments must be received not later than thirty (30) days after the publication of this notice in the *D C Register*. A copy of this proposal may be obtained, at cost, by writing to the above address.