

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning



MEMORANDUM

OFFICE OF THE SECRETARY
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2008 NOV 19 A 8:51

To: Office of Documents and Administrative Issuance
From: Sharon S Schellin ⁸³
Secretary to the Zoning Commission
Date: November 18, 2008
Re: Publication for the Office of Zoning

Please publish the following in the *D C. Register* on November 28, 2008

1 Notice of Proposed Rulemaking (Case No 06-32)

Attachment

ZONING COMMISSION
District of Columbia

CASE NO. 06-32
EXHIBIT NO. 32

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ZONING COMMISSION
District of Columbia
CASE NO.06-32
EXHIBIT NO.32

OFFICE OF THE SECRETARY
DDAI

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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 4th Street, N.W., Suite 210 South

TELEPHONE: 727-0340

TITLE AND DESCRIPTION OF RULES: Z.C. Case No. 06-32 (Text Amendment – 11 DCMR) (Text amendments to include Square 766 in the Capitol South TDR receiving zone)

If this rulemaking action will amend or repeal existing rules, give a complete citation to the rules being amended or repealed: Title 11 (Zoning) §§ 1709.18, 1709.21, 3010.2, 3022.1, 3027.4

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: NOVEMBER 14, 2008

SIGNED:

Alan Bergstein

PHONE: (202) 442-9777

☒ FINAL ☐ CONDITIONAL

NAME: ALAN BERGSTEIN

TITLE: SECTION CHIEF,
LAND USE AND PUBLIC
WORKS

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:

11-10-08

APPROVAL
OF ATTEST:

Secretary to the Zoning
Commission

TITLE:

PHONE: (202) 727-0340

Office of Documents
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THIS NOTICE
PUBLISHED AT:

VOL.

DCR:

DATE:

ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA

NOTICE OF PROPOSED RULEMAKING

Z.C. Case No. 06-32

(Text Amendment – 11 DCMR)

(Text Amendments to Include Square 766 in the Capitol South TDR Receiving Zone)

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), hereby gives notice of its intent to amend §§ 1709.18 and 1709.21 of the Zoning Regulations (Title 11 DCMR)

The proposed text amendments add Square 766 to the Downtown Development Overlay District's Capitol South receiving zone, but require Zoning Commission review and approval of the portion of any building in Square 766 that exceeds 90 feet.

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 (new text is shown bolded and underlined):

The Zoning Regulations of the District of Columbia (Title 11 DCMR) is amended as follows:

A. Chapter 17, DOWNTOWN DEVELOPMENT OVERLAY DISTRICT, is amended by:

1 Amending § 1709 18 to read as follows

1709 18 The Capitol South receiving zone consists of those portions of Squares 695 through 697, N697, 698, 699, N699, 737 through 742, and N743 **and 766**, each zoned C-3-C.

2. Amending § 1709.21 to read as follows:

1709.21 **Except as provided in the second sentence**, in the New Downtown, North Capitol, Capitol South, and Southwest receiving zones, the maximum permitted building height shall be that permitted by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452, as amended; D.C. Official Code §§ 6-601.01 to 6-601.09 (formerly codified at D.C. Code §§ 5-401 to 5-409 (1994 Repl & 1999 Supp.))), and the maximum permitted FAR shall be 10.0 for buildings permitted a height of one hundred thirty feet (130 ft.), and 9.0 for buildings permitted a lesser height. **A building on Square 766 may exceed a height of ninety (90) feet if the Zoning Commission, after hearing, finds that the additional height:**

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- (a) Will be sufficiently setback from the eastern building face to avoid shadowing the lower buildings in Square 797 to the east; and
- (b) Will provide a suitable northern focal point for the Canal Blocks Park.

B Chapter 30, ZONING COMMISSION PROCEDURES, is amended as follows:

1. Subparagraph 3010.2 (d) is amended to read as follows.

- (d) Applications for Zoning Commission review and approval pursuant to Chapters 16-18, and 28¹ of this Title, as well as § 1709.21.

2. Subsection 3022 1 is amended to read as follows:

3022 1 The procedures set forth in D.C Official Code § 2-509 (2001), and this section shall apply to applications for a change in the Zoning Map pursuant to § 102 and to applications for planned unit developments, air space developments, and similar plan review activities of the Commission, including those required by Chapters 16-18, and 28² of this Title, as well as § 1709.21, except as otherwise provided in § 3010.7

3. Subsection 3027 4 is amended to read as follows:

3027 4 The Commission need not take proposed action with respect to an application for Zoning Commission review and approval pursuant to Chapters 16-18, and 28³ of this Title, as well as § 1709.21, but may take final action in accordance with § 3028, either at the close of the hearing or at a subsequent public meeting.

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 200/210-S, Washington, D.C 20001. Copies of this proposed rulemaking action may be obtained at cost by writing to the above address

¹ The highlighted text is being concurrently proposed in Z.C. Case No. 04-05 (Text and Map Amendments – 11 DCMR -- Hill East District (Reservation 13))

² See FN 1

³ See FN 1