

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission



November 25, 2008

Via E-Mail & U.S. Mail:

Marcel Acosta
Executive Director
National Capital Planning Commission
401 9th Street, N.W., Suite 500
Washington, D.C. 20004

Re: Notice of Proposed Rulemaking: Z.C. Case No. 06-32 (Washington Telecom – Text Amendment to Section 1709.18)

Dear Mr. Acosta:

Please find attached a copy of the proposed rulemaking for the above-referenced case.

The above proposed rulemaking will be published in the *D.C. Register* on November 28, 2008, for a 30-day comment period. The comment period will end on December 28, 2008. Accordingly, this case will be considered for final action at the Zoning Commission's public meeting scheduled for January 8, 2009.

The proposed decision of the Commission to approve the above-mentioned cases are referred to the National Capital Planning Commission (NCPD) 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 dark ink, appearing to read "S. S. Schellin", is written over a horizontal line.

Sharon S. Schellin
Secretary to the Zoning Commission

cc: David W. Levy (via e-mail)
Carlton Hart (via e-mail)

ZONING COMMISSION
District of Columbia

CASE NO.

06-32

EXHIBIT NO.

33

**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:**

- (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.